

04-JAN-2006 14:59 FROM CITES CHINA 8610 64297686 TO 00412279/3417 P.01



中华人民共和国濒危物种进出口管理办公室
**The Endangered Species Import and Export
Management Office of the People's Republic of China**

From: Meng Xianlin Vice Director General
The Endangered Species Import and Export Management Office of the
People's Republic of China (CITES Management Authority of China)
Fax: +86 10 84256388
To: CITES Secretariat
Fax: +41 22 7973417
Pages: 1

Subject: Definition of Fossil Coral

Dear Sir or Madam:

According to the Notification 065/2005 of the CITES Secretariat, and the Decision 13.95 of CoP13, parties are invited to give comments on the definition of 'Fossil coral'. China would like to propose following definition: "Fossil corals are remains of coral skeleton buried by natural process and subsequently permanently preserved, has or has not undergone changes in appearance, and does not fall under the definitions of coral sand, coral fragments, coral rock or dead coral."

We wish you found our suggestion helpful.
Thanks for your cooperation.

Best regards.

Sincerely yours,


Meng Xianlin

Jan. 4, 2006

Add: State Forestry Administration, 18 Hepingdi Dongjie, Beijing, 100714, P. R. China
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TOTAL P.01



SECRETARÍA DE MEDIO AMBIENTE
Y RECURSOS NATURALES

SUBSECRETARÍA DE GESTIÓN PARA
LA PROTECCIÓN AMBIENTAL
DIRECCIÓN GENERAL DE VIDA SILVESTRE

OFICIO NÚM. SGPA/DGVS/ 14351

WILLEM WIJNSTEKERS
SECRETARIO GENERAL
SECRETARÍA CITES
15 CHEMIN DES ANÉMONES
CH-1219 CHATELAINE-GENEVE
SUIZA

Me refiero a la Notificación a las Partes No. 2005/065, medio por el cual la Secretaría de la Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres (CITES) solicita a las Partes que presenten la información a que se hace alusión en la Decisión 13.97, específicamente, cómo interpretan la anotación sobre la exención de los corales fósiles de las disposiciones de la Convención.

Al respecto, le informo que esta Autoridad Administrativa CITES de México a la fecha no ha recibido solicitud alguna para este tipo específico de productos.

Sin otro particular aprovecho la ocasión para enviarle un cordial saludo.

SUFRAGIO EFECTIVO. NO REELECCIÓN
EL DIRECTOR DE APROVECHAMIENTO DE LA VIDA SILVESTRE


OSCAR MANUEL RAMÍREZ FLORES


OMRF-LP/G/MACG

C.c.p. Felipe Adrián Vázquez Gálvez.- Subsecretario de Gestión para la Protección Ambiental.- Presente.
José Manuel Bulas Montoro.- Titular de la Unidad Coordinadora de Asuntos Internacionales de la SEMARNAT.- Presente
Héctor González Reza.- Subprocurador de Recursos Naturales de la PROFEPA.- Presente
Ana Luisa Guzmán y López Figueroa.- Autoridad Científica CITES de México.- Presente
Oscar Manuel Ramírez Flores.- Director de Operaciones de Campo y Convenios de Conservación.- Presente
Leonel Francisco Urbano Gutiérrez.- Subdirector de Acuerdos y Convenios para la Vida Silvestre.- Presente
Archivo de la Dirección General (S/A)

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BVET
OV
UFV

Bundesamt für Veterinärwesen
Office vétérinaire fédéral
Ufficio federale di veterinaria
Uffizi federal veterinär

Your ref. 22 November 2005
Our ref.
Date 10 February 2006

CITES Secretariat
International Environment House
Chemin des Anémones
1219 Genève

Fossil corals (Notification No 2005/065)

Dear Sir, dear Madam,

With Notification No 2005/065, you encourage Parties to submit the information called for in Decision 13.95 (how they interpret the annotation exempting fossil corals from the provisions of the Convention) in a timely manner to allow the Animals Committee to proceed with an analysis of the replies in good time.

Switzerland considers as fossils all petrified corals that are as a rule enclosed or part of geological rock formations (as e.g. in the chalk of the Jura mountain range in Switzerland).

In this context, I would like to point your attention also to the Notification 360/1985.

Sincerely yours

PERMITS AND INSPECTIONS
Endangered Species
The Head

Dr T. Althaus



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



DEC 23 2005

IN REPLY REFER TO:
FWS/DMA/INV 4-02

Mr. Willem Wijnstekers, Secretary General
CITES Secretariat
International Environment House
Chemin des Anémones
CH-1219 Châtelaine-Geneva
Switzerland

VIA FACSMILIE: (4122) 797 3417

Dear Mr. Wijnstekers:

This letter is in response to Notification to the Parties No. 2005/065 regarding fossil corals. Decision 13.95 directs Parties involved in the trade of stony corals to determine how they will interpret the annotation exempting fossil corals from the provisions of the Convention and provide their interpretation to the Secretariat by the end of 2005.

U.S. regulations (50 CFR 10.12) define a fossil as, "the remains of an animal of past geological ages which has been preserved in the earth's crust through mineralization of the object." The U.S. Fish & Wildlife Service's Office of Law Enforcement has developed the following working definition of fossilized coral for use by Wildlife Inspectors at U.S. ports:

Fossil corals are part of limestone deposits with extinct species of corals and other marine invertebrates. These rock deposits are from several thousand to 500 million years old. Limestone can be cut and polished for jewelry and lapidary articles. Note:

- 1. Limestone (fossil coral) often lacks complete and recognizable coral skeletons and structures (i.e., corallites, septa), but consists of a matrix of lime cement and broken pieces of reef rock and mollusk shells;*
- 2. Cavities in limestone and the spaces between coral and mollusk-shell structures are filled with a lime cement and often are not porous.*

In the United States, the fossil coral exemption has been an issue for the "live rock" trade. There are aquaculturists who mine substrate (often fossilized coral) from upland sites and deposit it in the ocean. Once it has been colonized it is harvested and marketed in the aquarium trade. We have advised U.S. exporters that when live rock enters international trade, both the substrate and the organisms growing on the substrate must be considered



when determining whether a CITES permit is required. The coral listings include an annotation that exempts fossils from the provisions of the CITES treaty. Therefore, aquacultured live rock that consists of substrate mined from upland sites (either fossilized coral or non-coral material) and deposited in the ocean does not require a CITES permit for export PROVIDED it is not colonized with readily recognizable CITES-listed corals. A CITES-listed coral is "readily recognizable" if it can be visually identified as such or if accompanying paperwork and labels indicate that a shipment contains CITES-listed coral.

Thank you for the opportunity to provide this information. If you have questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Peter O. Thomas". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right across the top of the signature.

Peter O. Thomas, Ph.D., Chief
Division of Management Authority

cc: Division of Scientific Authority
Office of Law Enforcement



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate E - International affairs
ENV.E.2 - Environmental Agreements and Trade

Brussels, 22 FEB. 2006
D(2006) 3582

CITES Secretariat
Secretary General
Mr. Willem Wijnstekers
Chemin des Anémones
CH-1219 Châtelaine
Geneva
SWITZERLAND
<mailto:cites@unep.ch>

Subject: Notification 2005/065 on fossil corals

Dear Mr. Wijnstekers,

Following my letter D(2005)27249 of 22 December 2005, I would like to respond to your notification 2005/065 and Decision 13.95 on the annotation exempting fossil corals from the CITES provisions.

After discussion with EU Member States, the European Community interprets the annotation exempting fossil corals along the lines of the interpretation as contained in CITES Proposal CoP 13.36, which to our opinion would serve as an overall scientifically justified and practical approach for the implementation of the annotation exempting fossil corals.

The EU approach is therefore:

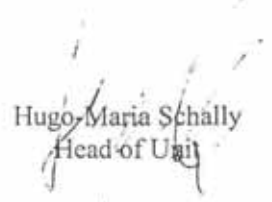
"Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water) are not subject to the provisions of the Convention."

Please note that the words "in crates" at the end of the wording in Proposal CoP13.36 has been deleted in our interpretation, since the containers in which live rock is transported is irrelevant to the definition and in fact most live rock is transported in cardboard boxes.

All together this approach has, to our understanding, the advantage of continuing to regulate the trade in live rock, which is the category whose removal is most likely to have an ecological impact on reefs (as to be assessed along CITES Res. 12.3 Part X). On the other hand, it excludes forms of coral rock which are fossilized, like coral rock which

could be derived from land (e.g. from quarries) and coral substrate whose removal is incidental to the collection of other non-CITES organisms and which has little or no impact on coral reefs.

Yours sincerely,


Hugo Maria Schally
Head of Unit

cc: EU CITES MA and SA