

How to know which stony/hard corals are legal to import into the UK

This guide provides the information and resources you'll need to identify which stony/hard corals can be imported legally and responsibly. Not all corals are listed under CITES. All *Scleractinia* (stony/hard corals) are listed in Appendix II, alongside certain other coral groups such as *Tubipora* and *Heliopora*. Soft corals are not generally CITES-listed, so this guide focuses on stony/hard corals, where CITES controls are most relevant.

All OATA member businesses sign our [Code of Conduct](#) which details a range of standards we expect them to meet. This includes ensuring that *"Aquatic organisms from the wild should have been collected using legal, ethical techniques which do not damage the ecosystem"*. We believe that acting responsibly goes beyond simply following the law to avoid prosecution – it's about preserving the ecosystems our industry depends on, maintaining our reputation and ensuring the long-term viability of our trade.

We want to promote and support responsible business practices across the industry, and it is important to understand the consequences of illegal activity. The Government states *"If you do not have a valid permit or certificate for moving or trading CITES listed species you could be liable to a prison sentence of up to 7 years, an unlimited fine, or both."* [GOV.UK](#).



A background to CITES implementation

- ❖ **CITES** (the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#)) regulates international trade in endangered species. Species covered by CITES are listed in three CITES Appendices, according to the degree of protection they need.

Appendix I: lists species threatened with extinction and trade is only permitted in exceptional circumstances – such as for scientific research.

Appendix II: lists species not necessarily currently threatened with extinction, but in which control of trade is necessary to avoid threatening their survival.

Appendix III: lists species at the request of a Party which requires assistance to regulate trade to prevent unsustainable and/or illegal exploitation.

You can find a full list of species listed under each of the Appendices [here](#).

- ❖ All import, (re-)export and introduction from the sea of CITES listed species must be authorised through a licensing system. Each member country (known as Parties) to the Convention designates one or more **Management and Scientific Authorities** to administer the licensing system and to make sure trade is compliant with CITES requirements.
- ❖ All *Scleractinian* (**stony/hard**) corals have been included in CITES **Appendix II** since 1990.

Please be aware that CITES coral taxonomy is based on a [2012 UNEP-WCMC checklist](#), some names may be outdated and differ from current accepted nomenclature. For example the coral *Scolymia* will still appear on import permits even though it is now recognised as *Homophyllia*.

What does an Appendix II listing mean for trade?

- ❖ For international trade to occur, the exporting country must issue an **export** or **re-export permit**.
- ❖ The Scientific Authority of the exporting country must conduct a **Non-Detriment Finding** (NDF) to demonstrate the export will not be detrimental to the survival of the species in the wild. An NDF is a scientific assessment which takes into account factors such as population status and trends, species distribution and levels of trade.
- ❖ The **Management Authority** is responsible for ensuring that the specimen was acquired **legally** and (if a living specimen) that it will be transported in such a way to **minimise welfare risks**.
 - Therefore, the presence of an NDF **does not necessarily guarantee** an export permit will be issued.



How are imports of Appendix II species regulated in the UK?

- ❖ Each Party to CITES must put in place its own regulation to implement CITES at the national level. After Brexit, the **EU Wildlife Trade Regulations** were transposed into UK law.

The UK Wildlife Trade Regulations (“WTRs”) consist of four separate but related regulations.

1. **Regulation 338/97**: referred to as the ‘*Primary Regulation*’, establishes the general CITES framework and contains legal powers to create implementing legislation.
2. **Regulation 865/2006**: referred to as the ‘*Implementing Regulation*’, provides the detailed rules for implementing the *Primary Regulation*, including permit requirements.
3. **Regulation 792/2012**: referred to as the ‘*Permits Regulation*’, sets out the technical specifications and templates for CITES permits, certificates and application forms.
4. **Regulation 1587/2019**: referred to as the ‘*Suspensions Regulation*’, sets out species or species-country combinations where import suspensions have been established, meaning it is prohibited to issue an import permit.

- ❖ In the UK **DEFRA** (Department for Environment, Food, and Rural Affairs) and **APHA** (Animal and Plant Health Agency) jointly act as the CITES **Management Authority**.
 - DEFRA is responsible for CITES policy and APHA is responsible for issuing CITES permits.
- ❖ The Scientific Authority for animals is **JNCC** (Joint Nature Conservation Committee) and for plants is the **Royal Botanical Gardens, Kew**.
- ❖ The UK applies an **Annex system** to categorise species, which typically follows the CITES Appendix system (see below table).
 - You can check on **Species+** which Annex any CITES listed species falls under as the UK’s Annex listings mirror those of the EU – although they may diverge over time as the UK now has the ability to amend its own listings.

CITES Appendix	UK Annex
Appendix I	Annex A
Appendix II	Annex B (all stony/hard corals)
Appendix III	Annex C
No corresponding appendix	Annex D

Please note: UK Annexes generally follow the CITES Appendices, but may differ in some cases. For example, a species listed in CITES Appendix II may be listed as UK Annex A.



- ❖ Under [Article XIV of the CITES Convention text](#), Parties have the right to adopt stricter **Domestic measures** for trade in CITES-listed species in their country. These may reflect other domestic legislation or conservation measures and can result in species being subject to controls that are stricter than those required by CITES.
 - For example, to import an **Annex B** listed species, you will require both an **export permit**, issued by the exporting country, and an **import permit** issued by the UK Management Authority.
 - The UK Authorities will conduct their own checks, including a **NDF** before an import permit is issued. This can occasionally lead to the UK refusing an application or imposing species-specific import restrictions, even where an export permit has been issued by the country-of-origin. UK NDFs are kept under constant review.
 - Refusal of a single application does not necessarily lead to a UK import suspension.
- ❖ It is worth remembering that having a permit issued by APHA **does not** guarantee that the source country will issue an export permit.
- ❖ The UK's current opinions on species-country combinations are a mix of **historic EU decisions** which were retained after Brexit, and **newer opinions** made independently by UK authorities.

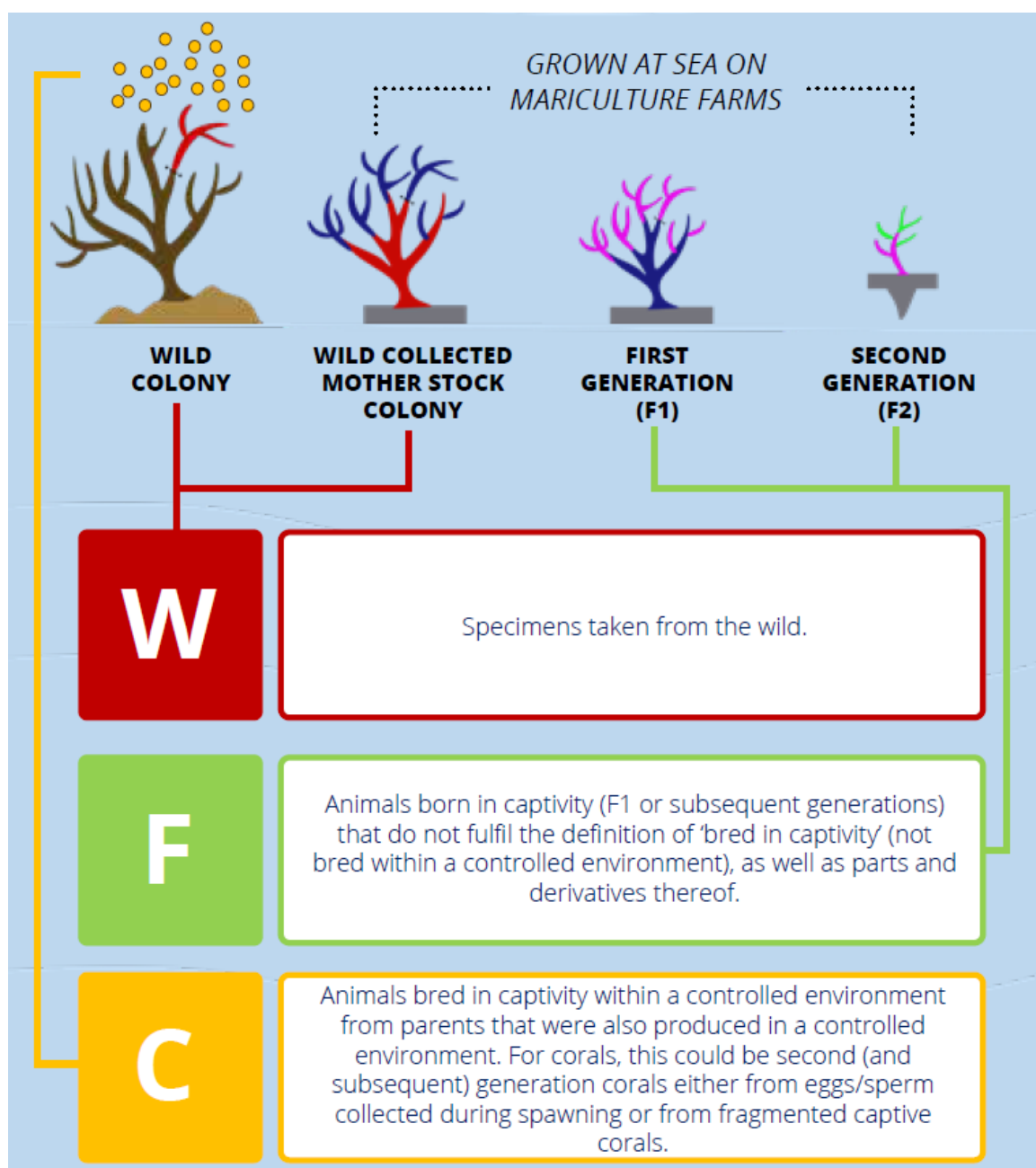
How to check if a stony/hard coral is likely to be issued with an import/export permit

- ❖ The exporting country's CITES Management Authority must first issue an **export permit**.
 - If the exporting country does not have a **valid NDF** in place, has reached its **allowed quota**, or there is a **CITES trade suspension** in place, an export permit would not be issued.
 - Such decisions will be communicated to the CITES Parties and recorded on [Species+](#).
- ❖ The UK publishes a list of **species-country combinations** subject to UK import restrictions on the GOV.UK website, which can be found [here](#).
 - Import restrictions may be **lifted or added** to – for example, if conditions change or there is new information.
- ❖ CITES recognises a variety of **sources** from which stony/hard corals may originate – please see the table below. Different source codes may be subject to different trade restrictions, either in the exporting country or in the UK.
 - For example, the current UK **import restriction** on the Australian coral genera *Acanthastrea*, *Acanthophyllia*, *Alveopora*, *Euphyllia* and *Scolymia* only applies to source code W (wild).

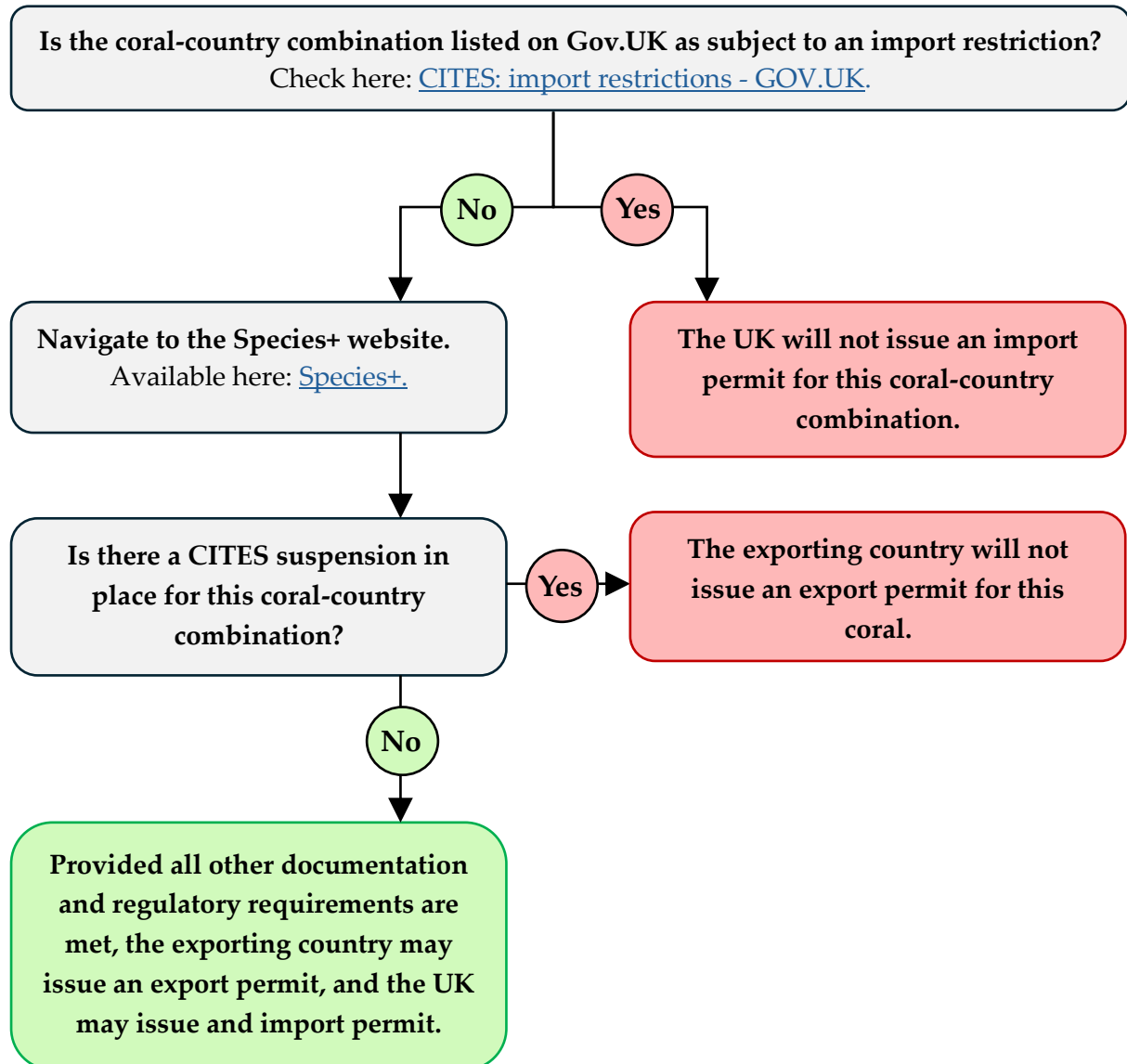


CITES Source code	CITES definition
W	Specimens taken from the wild.
F	Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.) .
C	Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.) , exported under the provisions of Article VII, paragraph 5 .

- ❖ The graphic below demonstrates how stony/hard corals are likely to be categorised into different CITES source codes. Image taken from the [Identification of CITES-listed live stony corals in the aquarium trade](#).



Stony/hard Coral checklist



Please note this flowchart provides a simplified overview and does not guarantee that a permit will be issued by either the exporting country or the UK.

Exporting countries may refuse to issue an export permit for many reasons, including, but not limited to, the following:

- **Legal acquisition** cannot be verified.
- Incorrect **source code** used.
- **National quotas** have already been reached.

The UK may refuse to issue an import permit for many reasons, including, but not limited to the following:

- The **source, species, quantity** or **origin** cannot be adequately verified.
- The application **does not contain enough information** for APHA to reach a decision.
- **Legal acquisition** cannot be verified.

