

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties

Kyoto (Japan), 2 to 13 March 1992

Interpretation and Implementation of the Convention

Trade in Plant Specimens

NURSERY REGISTRATION

This document has been prepared by the CITES Secretariat at the request of the Plants Committee.

Article VII, paragraph 4, of the Convention states that, "Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II." Article VII, paragraph 5, without prejudice to Article VII, paragraph 4, allows the use of a certificate of artificial propagation for specimens of plant species included in Appendix I, II or III which are artificially propagated. Resolution Conf. 6.19 indicates that hybrids of one or more Appendix-I species could also be traded with certificates of artificial propagation, on the condition that these species are not annotated. See also document Doc. 8.27.

This facilitation of trade has been frequently abused by mixing wild-collected specimens with artificially propagated ones in consignments which are covered by documents stating that all specimens are artificially propagated. This is particularly the case where trade is from countries having bans or partial bans on the export of wild-collected plants. It is for this reason that several Parties do not wish to adopt the more lenient control methods. In 1985 the Conference of the Parties concluded that the only way of avoiding unnecessary control of truly artificially propagated shipments from reliable nurseries was to set up a system of national nursery registration (Resolution Conf. 5.15) for artificial propagation of plants listed in the appendices.

The increase in the number of species in Appendix I, with the listing of Paphiopedilum and Phragmipedium in October 1989, has had its effects on the legitimate trade in hybrids. Many even claim that the new listings have a disastrous effect on the trade in artificially propagated plants because of the reluctance in some countries to grant the exemption allowed by CITES. Because of the Appendix-I listing of the genus, it has been very difficult to import artificially propagated Paphiopedilum hybrids into certain countries. This is probably because not everyone is yet fully aware of the specific regulations for controlling the trade in CITES-listed plants.

Much of the decline in international trade may also be a result of the international market having been over-supplied by the large-scale production of Paphiopedilum hybrids. In particular, the output from the specialized high-volume producers in the United States of America and some European countries has been responsible for this over-supply.

However, plant trade frequently ends with the death of the product on the windowsill of the buyer. Therefore, the demand will certainly continue or even increase in the future. Demands from the specialized amateurs and collectors will also remain.

For that reason, and to ensure that legitimate trade in artificially propagated specimens is not hindered by too restrictive border inspection and to facilitate this control, a nursery registration for the artificially propagated plants of Appendix-I species and hybrids, similar to the registration of captive breeding operations for animals, would be useful.

A draft resolution to that effect is presented in Annex 1.

Registration of nurseries must be based on a specific set of requirements. It is currently not absolutely clear how these criteria should be defined. In order to allow some flexibility in the establishment of the registration system for nurseries which are artificially propagating Appendix-I specimens, it is not advisable to fix these criteria for the full period between

two meetings of the Conference of the Parties by having them adopted in a Resolution of the Conference of the Parties. In the draft resolution it is indicated that these criteria and eventual later amendments, will be communicated to the Parties by means of a Notification from the Secretariat. The criteria for registration of nurseries artificially propagating Appendix-I species may only be distributed after approval by the Standing Committee, following consultation with the Plants Committee and with other expert organizations if appropriate.

A draft of these criteria is presented in Annex 2.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Nursery Registration

NOTING that Resolution Conf. 5.15, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), provided an initiative for plant nursery registration, but that such a registration has never been communicated to the CITES Secretariat;

CONSIDERING that a uniform implementation of the provisions of the Convention is necessary for it to function well;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS with regard to plant nursery registration:

- a) that the Parties provide to the Secretariat, for registration, all appropriate information on the nurseries located in their territories which regularly produce artificially propagated specimens of Appendix-I plant species and hybrids thereof for commercial purposes to which Article VII, paragraph 4, of the Convention applies or, if appropriate, that they inform the Secretariat that such operations do not exist in their territories;
- b) that the criteria for such registration be prepared by the Secretariat in consultation with the Plants Committee, and other experts if appropriate, and be communicated to the Parties by means of a Secretariat Notification to the Parties following their approval by the Standing Committee;
- c) that each registered nursery be inspected on an annual basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority of the State in which it is located, and that the results of these inspections be communicated to the Secretariat;
- d) that in accordance with Article VII, paragraph 4, of the Convention, Parties strictly implement the provisions of Article IV with respect to specimens of species included in Appendix I originating from operations which artificially propagate such specimens for commercial purposes (taking into account Resolution Conf. 8.##; see Annex to document Doc. 8.27);
- e) that each registered nursery, within two months after the end of each calendar year, report to the Management Authority the size and origin of the parental stock and the number of plants produced from it, and the Management Authority, after approval of the report, communicate it to the CITES Secretariat before the 15th of May of the same year;
- f) that comparable documentation granted under Article X of the Convention for artificially propagated specimens of Appendix-I species by States which are not party to the Convention not be accepted by the Parties without consultation with the Secretariat; and
- g) that notwithstanding the right of each Party to remove a nursery in that country from the Register, any Party which becomes aware of a failure of a registered nursery to comply satisfactorily with the requirements for inclusion in the register may propose to the Secretariat that such a nursery be deleted from the Register, but that the Secretariat only make the deletion after consultation with the Party concerned;

DIRECTS the Secretariat to compile, critically evaluate and update a Register of the nurseries which artificially propagate specimens of plant species included in Appendix I and their hybrids for commercial purposes, on the basis of information received from the Parties and to communicate this Register to the Parties; and

DECIDES that Resolution Conf. 5.15 (Buenos Aires, 1985) be repealed.

DRAFT NOTIFICATION TO THE PARTIES
PURSUANT TO DRAFT RESOLUTION CONF. 8.28 ANNEX 1

Criteria for Registration of Nurseries
Artificially Propagating Appendix-I Species and/or Hybrids

1. A plant nursery may be registered in accordance with Resolution Conf. 8.## only if the following criteria are fulfilled:
 - a. The owner or manager has NOT been convicted of any infringement of CITES implementing legislation for a period of at least two years prior to the date of registration.
 - b. The nursery concerned may not have any specimens of Appendix I species of wild origin other than those registered as parental stock and which have been acquired:
 - i) in accordance with the Convention; and
 - ii) in the case of indigenous species, in accordance with the national legislation.
 - c. Taking into account paragraph ii), above the number of specimens of wild origin designated as parental stock of species included in Appendix I:
 - i) must be registered and annually checked by the Management Authority; and
 - ii) must not be depleted by the disposal of specimens, unless the Management Authority agrees on transfer of (or part of) the parental stock to another registered nursery, and must be replenished from the propagated offspring in case of death or other necessary legitimate removal (for example because of disease) from the parental stock.
 - d. For the purpose of seed production, the parental stock:
 - i) may not decrease below a designated number of specimens established by the Scientific Authority of the country in which the registered nursery is located; and
 - ii) may be replenished by import from wild populations only if the number of plants to be imported does not exceed five specimens per species or subspecies or natural variety, unless the Scientific Authorities of the exporting and importing countries mutually agree on a higher number and if, to the satisfaction of the Scientific Authority of the importing country, it has been demonstrated:
 - A) that suitable specimens are not available from other, already existing parental stock of artificially propagated specimens; and
 - B) that the remaining wild population would not be affected by such trade.
 - e. For the purpose of propagation by cuttings or divisions, the parental stock:
 - a) may not decrease below the quantity available and designated as such at the time of registration; and
 - b) may not be replenished from import of wild-collected plants, with the exception of plants acquired from salvage operations approved by the country of origin and the CITES Secretariat.
2. For the purpose of trade, a registered nursery must comply with the following criteria:
 - a. Artificially propagated Appendix-I plants from registered nurseries may only be exported as such when:
 - i) they are packed and labelled in such a way that they can not be mixed with artificially propagated or wild-collected Appendix-II and -III plants in the same consignment; and

- ii) the CITES export permit clearly states the name and address of the nursery as exporter.
- b. Artificially propagated plants from registered nurseries may not be exported through plant auction houses, wholesale agents, or shipping agents, unless the registered nursery is stated on the export permit as the actual exporter.