

Comments from the Secretariat regarding document PC14 Doc. 7.4

After considering document PC14 Doc. 7.4 the Secretariat has decided to replace its previous comments concerning this document as follows:

Comments from the Secretariat

12. The Secretariat commends the working group on plant Resolutions, and the United States of America as Chairman of this group, for their efficient and productive work.
13. The Secretariat believes that various points in the document may require further consideration by the Plants Committee and suggests amendments to the proposed wording of the two Resolutions which should aid clarification.
14. With regard to Resolution Conf. 11.11, as an alternative to the wording suggested in Annex 3 of the present document, the Secretariat suggests the following proposed amendment to paragraph a) of the section ***Regarding the definition of 'artificially propagated'***:

ADOPTS the following definitions of terms used in this Resolution:

- a) 'under controlled conditions' means in a non-natural environment that is intensively manipulated by human intervention for the purpose of producing selected species or hybrids. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding or protection from weather;
- b) 'cultivated parental stock' means the ensemble of plants grown under controlled conditions that are used for artificial propagation which:
 - i) has been established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild; and
 - ii) will be retained for propagation in sufficient quantities in order to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and being limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;

DETERMINES that

the term 'artificially propagated', as used in Article VII, paragraphs 4 and 5, of the Convention, shall be interpreted to refer only to specimens produced from cultivated parental stock, under controlled conditions and shall;

- a) for specimens derived from germinated wild-collected seeds or other propagules of species included in Appendix II, apply only if they are exempt from the provisions of the Convention;
 - b) for grafted plants, apply only when both the root-stock and the graft have been taken from specimens that have been artificially propagated;
15. The Secretariat believes that Chile's suggestion to change the definition of 'artificially propagated' as applied to seeds is not appropriate, since the seeds used in this context are (and will always be) wild-collected. Since Resolution Conf. 11.16 (on Ranching and trade in ranched specimens) already provides a solution to the problem that Chile has encountered with exporting the seedlings of *Araucaria araucana*, it is unnecessary to establish additional exemptions for Appendix-I specimens. Although this Resolution has to date been applied only to animals, the approach it provides is equally

applicable to plants. In fact the method of production for *Araucaria araucana* is an excellent example of the way in which plants can be “ranched”.

16. The text of Resolution Conf. 9.19, need to be clarified in order to specify that nurseries producing Appendix-I species may be registered only if they have established a legally acquired cultivated parental stock and that all production arises from this stock. The Secretariat therefore suggests a modifications to Annex 2, paragraphs a) and a) iii), so that it reads as follows (new text is underlined and deleted text is struck through):

RESOLVES that each Management Authority shall perform the following functions:

- a) ~~notify~~ request the Secretariat to register a nursery that is artificially propagating and exporting specimens of Appendix-I species and provide the following:
- i) information about the scientific names (and full synonymy) of the taxa concerned;
 - ii) a description of the facilities and propagation techniques of the nursery, as provided by the nursery in accordance with Annex 1;
 - iii) ~~a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock~~ information about the origin of the cultivated parental stock and confirmation that it has been legally acquired; and
 - iv) evidence of the legal origin of any other specimens of Appendix-I species of wild origin present in the nursery concerned, or adequate assurance that such specimens are controlled under existing national legislation;

17. The Secretariat considers that the original text pertaining to hybrids should not be modified. The changes proposed in Annex 3 of this document, will make the implementation of CITES for plants more complicated. The effect of the first part of the proposed new text is that if even one of the parents of a hybrid is in Appendix I, then the provisions relating to Appendix I apply to the trade in this hybrid. But the second part says that if the hybrid is artificially propagated then the provisions relating to Appendix II apply. Since the trade in hybrids must be almost entirely in artificially propagated specimens, the utility of the first part of the proposed text is not clear. Paragraph 5 of the Interpretation section of the Appendices was created to provide for certain types of hybrid specimens to be exempted from the provisions of the Convention. The effect of the proposed changes is to render this paragraph useless so that it would be necessary to apply controls to all the specimens of hybrids that are currently exempted through this paragraph.

18. With regard to the section on flaked seedlings in Resolution Conf. 11.11, the Secretariat notes that the original wording represents an approach that has been accepted by all the Parties and does not present difficulties in interpretation. It therefore does not support the removal as proposed in Annex 3 to this document. The Secretariat recommends however the insertion of additional text to deal with the problem of flaked seedlings produced from illegally acquired parental stock, so that it reads as follows:

RECOMMENDS that flaked seedlings of orchid species listed in Appendix I, grown from legally acquired cultivated parental stock be interpreted as exempt from CITES control taking into account the provisions of Article VII, paragraph 4, and Article I, paragraph (b) (iii), and agreeing to a derogation from Resolution Conf. 9.6 (Rev.) for this exemption;