

Draft Revision of Resolution Conf. 11.11

Regulation of trade in plants

RECALLING Resolution Conf. 9.18 (Rev.), adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) and amended at its 10th meeting (Harare, 1997), relating to the implementation of CITES for plants;

AWARE that the Convention provides measures for international cooperation for the protection of certain species of wild plants against over-exploitation through international trade;

AWARE that the text of the Convention and several of the Resolutions of the Conference of the Parties on plants may not or could not have been drafted in the light of modern developments in plant propagation and of the trade in artificially propagated plants;

RECALLING the many specific problems the Parties to the Convention have faced and still face in implementing the Convention for plants;

RECOGNIZING that there are unique aspects of the plant trade and plant biology, such as those related to flaked orchid seedlings, that are not considered analogous to those for animals and that a different approach for plants is sometimes necessary;

RECOGNIZING that the control of the trade in flaked seedlings of orchids from closed nursery systems generally is not considered to be relevant to the protection of the natural populations of orchid species;

RECOGNIZING that many of the problems associated with regulating international trade in plants under the Convention involve artificially propagated specimens;

RECOGNIZING ALSO that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of plants that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII;

NOTING that import of wild-collected specimens of Appendix-I plant species for purposes of establishing a commercial operation for artificial propagation is precluded by Article III, paragraph 3 (c), of the Convention, as explained further in Resolution Conf. 5.10, adopted by the Conference of the Parties at its fifth meeting (Buenos Aires, 1985);

OBSERVING that certain Parties that export large quantities of artificially propagated plants need to find ways of reducing paperwork while maintaining protection for wild plants, and helping exporters of artificially propagated plants to understand and to comply with the requirements of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding the definition of “artificially propagated”

ADOPTS the following definitions for 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 plant production. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed and pest 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 reproduction;

DETERMINES that the term 'artificially propagated':

- a) shall be interpreted to refer only to plant specimens grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions;
- b) in general applies to seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that have been derived from cultivated parental stock that must be, to the satisfaction of the competent government authorities of the exporting country:
 - i) 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) maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigor and productivity of the cultivated parental stock;
- c) alternatively applies to specimens of Appendix-I species and Appendix-II species whose seeds are regulated by CITES grown from wild-collected seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules if the Scientific Authority of the range State concerned has determined that the collection is not detrimental to the survival of the species in the wild; and
- d) applies to specimens grown from cuttings or divisions only if the traded specimens do not contain any material collected from the wild.

Regarding artificially propagated grafted plants

RECOMMENDS that:

- a) grafted plants shall be recognized as artificially propagated only when both the root-stock and the graft have been taken from specimens that have been artificially propagated in accordance with the definition above; and
- b) grafted specimens consisting of taxa from different Appendices shall be treated as specimens of the taxon included in the more restrictive Appendix;

Regarding higher-taxon listings of plants

RECOMMENDS that:

- a) current higher-taxon listings of plants in the Appendices, including the families of Orchidaceae and Cactaceae, be maintained as long as they are essential for effective control of trade in the many species within those taxa that are threatened or potentially at risk;

Regarding rainsticks

RECOMMENDS that Parties consider the harmonization of their national legislation related to personal exemptions for rainsticks of Cactaceae spp. granted under the personal effects exemption under Article VII, paragraph 3, and consider limiting this exemption to no more than three rain sticks of the species concerned per person;

Regarding hybrids

DETERMINES that:

- a) hybrids shall be subject to the provisions of the Convention even though not specifically included in the Appendices if one or both of their parents are of taxa included in the Appendices, unless the hybrids are excluded from CITES controls by a specific annotation in Appendix II or III; and
- b) if the parents of a hybrid are of taxa included in different Appendices, the provisions of the less restrictive Appendix shall apply, unless otherwise annotated;

Regarding flaked seedlings of Appendix-I orchids

RECOMMENDS that flaked seedlings of orchid species listed in Appendix I be interpreted as being exempt from CITES control only if they have been artificially propagated in accordance with the definition provided

above. [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;"]

Regarding enforcement for plants

RECOMMENDS that Parties ensure that:

- a) enforcement officers are adequately informed of CITES requirements, procedures governing inspection and clearance of CITES plant specimens, and procedures necessary for the detection of illegal trade;
- b) enforcing agencies obtain access to materials and expertise enabling identification of plant specimens in trade, including whether the specimen is of wild or artificially propagated origin;
- c) enforcing agencies utilize annual reports, plant health documents, nursery catalogues and other sources of information to detect possible illegal trade; and
- d) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities;

Regarding trade in salvaged plant specimens

RECOMMENDS that:

- a) whenever possible, Parties ensure programmes of environment modification do not threaten the survival of plant species included in the CITES Appendices, and that protection of Appendix-I species *in situ* be considered as a national and international obligation;
- b) Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such programmes do not put at risk wild populations of species included in the CITES Appendices; and
- c) international trade in salvaged specimens of Appendix-I plants, and of Appendix-II plants whose entry into trade might otherwise have been considered detrimental to the survival of the species in the wild, be permitted where all of the following conditions are met:
 - i) such trade would clearly enhance the survival of the species, albeit not in the wild;
 - ii) import is for the purposes of care and propagation of the species; and
 - iii) import is by bona fide botanic garden or scientific institution;

Regarding education about plant conservation through CITES

RECOMMENDS that:

- a) Parties routinely provide updates of information on all aspects of CITES implementation for plants for publication in scientific, horticultural or plant trade journals and in the publications of plant associations;
- b) Parties regularly provide updates of information on all aspects of CITES implementation to botanic gardens, tourist organizations and relevant non-governmental organizations for further dissemination to the general public;
- c) Parties develop and maintain a good liaison with national plant-trade organizations, to inform them about all aspects of the implementation of CITES for plants, and to communicate to the Secretariat specific implementation problems presented by these national organizations, for consideration by the Plants Committee;
- d) the Secretariat develop and maintain a good liaison with international plant-trade organizations and botanic garden associations (in particular with the International Association of Botanic Gardens and Botanic Gardens Conservation International); and
- e) the Secretariat distribute information on the potential conservation benefits that may be derived from artificial propagation and, where appropriate, encourage artificial propagation as an alternative to the removal of specimens from the wild; and

AMENDS Resolution Conf. 11.11 (Nairobi, 2000), Regulation of trade in plants.