

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



Twelfth meeting of the Plants Committee
Leiden (The Netherlands), 13-17 May 2002

Technical proposals for the 12th meeting of the Conference of the Parties

Trade in seeds

COMMENTS OF THE SECRETARIAT WITH RESPECT TO DOCUMENT PC12 DOC. 9.2

1. The definition of 'artificially propagated', as contained in Resolution Conf. 11.11 refers amongst other things to "live plants grown from seeds under controlled conditions". The definition does not refer to the source of the seeds, and therefore these can be either wild or artificially propagated. This particular part of the text of the definition is similar to the first text on the subject, adopted at the second meeting of the Conference of the Parties.
2. There is logic in not referring to the source of seeds, because seeds of most of the Appendix-II species are exempted from CITES controls (only seeds of Mexican cacti species, originating in Mexico are subject to the provisions of the Convention). However, this has only been the case at the fourth meeting of the Conference of the Parties, and was not part of the considerations by the meeting of the Conference of the Parties at the time of adoption of this definition. At that time the Parties also chose not to include the requirement for the production of a second generation, as it had done for the definition of 'captive bred' for animals. The two definitions are clearly different. Therefore, plants grown under controlled conditions from seeds of wild origin are by definition artificially propagated.
3. The five paragraphs of the section on the definition of artificially propagated should be read separately, and not be combined.
4. Seeds of Appendix-I species are subject to the provisions of the Convention. Artificial propagation of such species for primarily commercial purposes from wild-collected seeds is therefore only possible in the range State concerned. Outside the range States such artificial propagation is only possible from artificially propagated seeds. To define when such seeds are indeed 'artificially propagated', the Plants Committee, at its 7th and 8th meetings, proposed the definition that was adopted at the 10th meeting of the Conference of the Parties (see Annex) and currently contained in paragraph c) of the relevant section in Resolution Conf. 11.11. Therefore there is no contradiction between the two definitions as suggested by the United States of America, because the two should be dealt with independently.

5. Understanding the concern of the United States of America, the Secretariat does not believe it necessary to introduce a new source code for Appendix-II specimens grown from wild-collected seeds. Also Parties may be very reluctant to accept new source codes, as is evident from other discussions on the subject. Any proposed change should result in simple procedures, because making artificial propagation more difficult would be counterproductive.
6. For reasons of clarity, it could be considered to amend the first line of paragraph a) of Resolution Conf. 11.11 to read: "For live plants the term 'artificially propagated' should be interpreted to refer to specimens grown from seeds etc....."(leaving the rest of the text unchanged).

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Interpretation and Implementation of the Convention

Trade in Plant Specimens

AMENDMENT TO THE DEFINITION OF 'ARTIFICIALLY PROPAGATED'

1. This document has been prepared by the Secretariat at the request of the Plants Committee.
2. At its sixth and seventh meetings the Plants Committee discussed the applicability to seeds of the current definition of 'artificially propagated'.
3. The current definition, included in Resolution Conf. 9.18, reads as follows:

Regarding the definition of 'artificially propagated'
DETERMINES

 - a) *that the term 'artificially propagated' shall be interpreted to refer only to plants grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions; and*
that '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) *that the cultivated parental stock used for artificial propagation must be:*
 - i) *established and maintained in a manner not detrimental to the survival of the species in the wild; and*
 - ii) *managed in such a way that long-term maintenance of this cultivated stock is guaranteed; and*
 - c) *that grafted plants shall be recognized as artificially propagated only when both the root-stock and the graft have been artificially propagated.*
4. The definition can be easily applied to live plants. No reference is made to parts and derivatives although it could be interpreted that the word 'plants' also refers to parts and derivatives.
5. For plant species included in Appendix II, all seeds are excluded from CITES controls, although several countries have national legislation prohibiting the export of wild-collected seeds.
6. In view of the illegal trade in wild-collected specimens of species included in Appendices I and II, in particular of Cactaceae, the Plants Committee felt that it was important to build in some safeguards to avoid illegally collected plants being used for the production of artificially propagated seeds. It therefore deemed it important to include a reference to the legal origin of the parental stock from which the seeds are taken, referred to in paragraph b) of the definition. Such a reference is also important in relation to the conditions under which seeds are produced, referred to in the second part of paragraph a) of the current definition.
7. It is therefore proposed to amend the current paragraph b) to include the requirement that the parental stock be acquired legally.
8. The Plants Committee concluded that, in order to make the definition of 'artificially propagated' easily applicable to seeds, it would be difficult to make a textual amendment to the first part of paragraph a) without weakening the current text. The current paragraph a) should refer to live plants, and a separate paragraph dealing with seeds should be added.
9. While preparing this document, the Secretariat concluded that it would be better to make the text agreed upon by the Plants Committee applicable to all parts and derivatives (including seeds) rather than to seeds alone.
10. A proposed revision of the definition of 'artificially propagated' is included in the Annex to this document.

PROPOSED AMENDMENT TO RESOLUTION CONF. 9.18

Regulation of Trade in Plants

The definition of 'artificially propagated' contained in Resolution Conf. 9.18 should read as follows:

Regarding the definition of 'artificially propagated'

DETERMINES:

- a) that the term 'artificially propagated' shall be interpreted to refer only to live plants grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions; and

that '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) that the cultivated parental stock used for artificial propagation 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) managed in such a way that long-term maintenance of this cultivated stock is guaranteed;
- c) that seeds shall be regarded as artificially propagated only if they are taken from specimens acquired in accordance with the provisions of paragraph b) above and grown under controlled conditions, or from parental stock artificially propagated in accordance with paragraph a) above;
- d) that all other parts and derivatives shall be regarded as being artificially propagated only if they are taken from specimens that have been artificially propagated in accordance with the provisions of paragraph a) above; and
- e) that grafted plants shall be recognized as artificially propagated only when both the root-stock and the graft have been artificially propagated.