

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



Fourteenth meeting of the Plants Committee
Windhoek (Namibia), 16-20 February 2004

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

REVIEW OF RESOLUTIONS ON PLANTS AND PLANT TRADE
(RESOLUTIONS CONF. 9.19 AND CONF. 11.11) AND DEFINITION OF
'ARTIFICIALLY PROPAGATED' [DECISION 12.11 E]

1. This document has been prepared by the United States of America as chairman of the working group on resolutions pertaining to plants.

Introduction

2. In discussions at previous meetings of the Plants Committee, various problems were identified with regard to the interpretation and implementation of the resolutions pertaining to trade in plants, especially Resolutions Conf. 9.19 on Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species and Conf. 11.11 on Regulation of trade in plants. At the 12th meeting of the Plants Committee (PC12, Leiden, May 2002), the Committee agreed that, following the 12th meeting of the Conference of the Parties (CoP12, Santiago 2002), it should devote attention to a review of these resolutions to clarify and simplify them. This idea was included as a recommendation in the Chairman's report for CoP12 and subsequently adopted as Decision 12.11, paragraph e):

the Plants Committee shall:

review the Resolutions concerning plants and the plant trade to improve their clarity and to facilitate their understanding through guides or other materials;

3. At the 13th meeting of the Plants Committee (PC13, Geneva, August 2003), a working group was established to conduct a review of Resolutions Conf. 9.19 and Conf. 11.11. The primary difficulties with Resolution Conf. 9.19 appear to have been related to the wording used in the French and Spanish translations and not to a matter of overall substance. Therefore, the Chairman selected working group members to include native speakers of all three working languages of the Convention. She also included representatives of both Management and Scientific Authorities, to ensure that scientific as well as technical aspects of the Resolutions, and implementation issues would be addressed. The working group comprised representatives from the Scientific Authority of Chile, the Management and Scientific Authorities of France, the Scientific Authority of Mexico, the Management Authority and Scientific Authority of the United States of America (Chairman), and the Secretariat. The members of the working group have conducted the review of the resolutions inter-sessionally since PC13, and communicated with each other by e-mail. All members of the working group contributed comments and assisted in the drafting of revised text for the resolutions.

Resolution Conf. 9.19

4. Modifications to the French and Spanish versions of Resolution Conf. 9.19 were suggested by working group members. These are reflected in Annexes 1 and 2 of this document. The proposed

revisions entail primarily refinements to the wording of certain text and do not otherwise purport to modify the substance of the Resolution.

Resolution Conf. 11.11

5. The review of Resolution Conf. 11.11 involved a review of its substance, including terminology used therein; the definition of 'artificially propagated'; and the issues of grafted plants; higher-taxon listings; hybrids; and the exemption for flaked seedlings of Appendix-I orchids. An overview of the proposed revisions follows. The revised document is contained in Annex 3.
6. *Artificially propagated specimens:* Previous discussions in meetings of the Plants Committee had focussed largely on the definition of 'artificially propagated', which is somewhat convoluted and unclear. The working group attempted to clarify the definition while retaining its basic elements. Based on a recommendation of both the Management Authority of Chile and the Secretariat, the working group proposes to amend the definition of "artificially propagated" to allow, in exceptional circumstances, for some Appendix-I plants grown from wild-collected seed to be treated as artificially propagated specimens if they meet certain conditions.
7. *Grafted plants:* The treatment of grafted plants has been separated into its own section, with additional draft language to cover the case of a grafted plant consisting of a graft and rootstock of species listed in different Appendices.
8. *Higher-taxon listings:* The section on higher-taxon listings has been substantially reduced and may be removed altogether, because some working group members believed that this section does not belong in a Resolution on plant trade, but instead should be considered for inclusion in the Resolution on listing criteria [currently Resolution Conf. 9.24 (Rev. CoP12), also under revision].
9. *Hybrids:* The section on hybrids was revised in an attempt to make it more simple and understandable.
10. *Flaked seedlings of Appendix-I orchids:* The exemption for flaked seedlings of Appendix-I orchids has been revised to make it clear that the exemption only applies if the specimens meet the definition of 'artificially propagated'.
11. No changes are being suggested for the sections on rainsticks and enforcement for plants. Minor edits are proposed in the preamble and the sections on salvaged plants and education about plant conservation. It should be noted that the Scientific Authority of France has suggested that the word 'sauvegardé' should be used in place of 'sauvé' when referring to 'salvaged'.

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. On review of the present document, the Secretariat notes various points that 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. 9.19, in addition to the new wording suggested in the French and Spanish translations, a point of substance has arisen in relation to the application of the Resolution. The need to amend this Resolution emerged when Chile requested the registration of nurseries, artificially propagating specimens of *Araucaria araucana* (Appendix I) from wild-collected seeds (see document PC14 Doc. 22). Resolution Conf. 9.19 does not provide for the registration of such nurseries, because it only refers to parental stock present in the nursery.
15. As the Parties and the Secretariat agree that propagation from seed can be beneficial to the conservation of wild plants, subject to appropriate safeguards for Appendix-I species, the Secretariat recommends amending Resolution Conf. 9.19, Annex 2, paragraphs a) and a) iii) and inserting a new paragraph a) iv) to read (new text underlined and deleted text struck through):

RESOLVES that each Management Authority shall perform the following functions:

- a) ~~notify~~ request the Secretariat to register a nursery 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) except in the case referred to in paragraph iv), a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock; and
 - iv) if the nursery uses wild-collected seeds from the national population, a certification by the Scientific Authority that the harvesting of these seeds is not detrimental to the survival of the species concerned, an indication of the quantities of seeds that can be harvested annually and a description of the harvesting techniques used; and
 - v) ~~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;

16. Current paragraph iv) then becomes paragraph v).

17. This newly proposed text is consistent with the proposed amendments to the definition of 'artificially propagated' outlined in paragraph 18 below.

18. 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'***:

DETERMINES that:

- a) the term 'artificially propagated' as applied to live plants shall be interpreted to refer only to ~~live plants~~ those grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions; and
 - i) applies to specimens of Appendix-I species grown from wild-collected seeds only if the Scientific Authority of the range State concerned has determined that the collecting of such seeds is not detrimental to the survival of the species in the wild;
 - ii) applies to specimens grown from cuttings or divisions only if the specimens traded do not contain any part of the original wild-collected propagation material; 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;

19. The wording on seeds in paragraph 18 i) above follows a suggestion by Chile, resulting from discussions with the Secretariat. However the Secretariat believes that Chile's further suggestion to change the definition of 'artificially propagated' as applies to seeds is not appropriate, since the seeds used in this context are (and will always be) wild-collected. Adding the text as a conditional phrase to paragraph a) is in line with the intention of the definition that wild-collected seeds grown under controlled conditions will produce artificially propagated specimens (see also below).

20. The original text of the definition of 'artificially propagated' could be interpreted to mean that any wild-collected cuttings or divisions brought into 'controlled conditions' would become artificially

propagated specimens. This, however, is not the interpretation of the Parties and by the Secretariat. The proposed condition in paragraph ii) intends to rectify this.

21. Furthermore, with regard to the section on flaked seedlings in Resolution Conf. 11.11, the Secretariat considers that it is important to retain the original wording as this is a formulation which 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 the sentence concerned so that it reads as follows:

RECOMMENDS that flaked seedlings of orchid species listed in Appendix I, grown from legally acquired parental stock [as defined in paragraph b) of the first section of this Resolution], 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;

22. The Secretariat considers that this wording offers a more effective solution to the problem of flaked seedlings produced from illegally traded parental stock of Appendix-I orchids and offered in trade.

Resolution Conf. 9.19–Draft revisions to French version

Lignes directrices pour l'enregistrement des pépinières exportant des spécimens reproduits artificiellement d'espèces inscrites à l'Annexe I

RECONNAISSANT que l'Article VII, paragraphe 4, de la Convention stipule que les spécimens d'une espèce inscrite à l'Annexe I reproduits artificiellement à des fins commerciales ~~seront~~ doivent être considérés comme des spécimens d'espèces inscrites à l'Annexe II;

RECONNAISSANT que la reproduction artificielle des plantes est fondamentalement différente de l'élevage en captivité des animaux, notamment en ce qui concerne le nombre de spécimens produits et ainsi que, dans la plupart des cas, au niveau de la durée de l'intervalle entre les générations, et ~~qu'en~~ qu'elle requiert, en conséquence, ~~elle requiert~~ une démarche différente de celle retenue pour l'élevage en captivité des animaux;

RECONNAISSANT les droits que chaque Partie détient sur ses propres ressources naturelles phytogénétiques;

RECONNAISSANT que le transfert du germoplasme est réglementé dans le cadre du Système mondial de conservation et d'utilisation des ressources phytogénétiques (FAO);

RECONNAISSANT que la reproduction artificielle de spécimens d'espèces inscrites à l'Annexe I pourrait constituer une ~~solution~~ alternative économique ~~autre que~~ à l'agriculture traditionnelle dans les pays d'origine et pourrait également renforcer l'intérêt ~~vis-à-vis de~~ pour la conservation dans les aires de répartition naturelles;

RECONNAISSANT que la reproduction artificielle de spécimens d'espèces inscrites à l'Annexe I, en mettant facilement des spécimens à la disposition de ~~tous les intéressés~~ chacun, a un effet favorable sur l'état de conservation des populations sauvages car elle réduit la pression de collecte;

CONSTATANT que la résolution Conf. 5.15¹, adoptée à la cinquième session de la Conférence des Parties (Buenos Aires, 1985), ~~avançait une initiative en vue de l'enregistrement~~ prévoyait un système d'enregistrement des pépinières mais qu'aucune Partie n'a jamais informé le Secrétariat CITES qu'elle ~~mettait en place un tel enregistrement~~ avait procédé à l'enregistrement d'un tel établissement;

RAPPELANT que plusieurs résolutions ont été adoptées dans le but de faciliter le commerce des spécimens d'espèces inscrites à l'Annexe II reproduits artificiellement et des hybrides des espèces inscrites à l'Annexe I;

OBSERVANT que la simplification du commerce peut aussi être nécessaire pour ~~que~~ initier ou développer la reproduction artificielle ~~des espèces~~ d'espèces inscrites à l'Annexe I ~~se poursuive ou débute;~~

RECONNAISSANT que les pépinières qui ne sont pas enregistrées peuvent continuer d'exporter des spécimens d'espèces inscrites à l'Annexe I reproduits artificiellement en suivant les procédures habituelles d'obtention des permis d'exportation;

LA CONFERENCE DES PARTIES A LA CONVENTION

DECIDE que:

- a) la responsabilité de faire d'enregistrer les pépinières reproduisant artificiellement des spécimens d'espèces végétales inscrites à l'Annexe I destinées à l'exportation incombe à l'organe de gestion de chaque Partie, ~~qui~~ lequel consulte l'autorité scientifique ~~de cette Partie;~~
- b) tout organe de gestion qui souhaite faire enregistrer une pépinière commerciale reproduisant artificiellement, dans le but de les exporter, des spécimens d'espèces végétales inscrites à l'Annexe I ~~dans le but de les exporter~~ doit fournir au Secrétariat, ~~à des fins d'inscription au registre,~~ ~~toutes les informations appropriées permettant d'obtenir et de maintenir l'enregistrement de chaque pépinière~~ toute information utile pour obtenir cet enregistrement dans le register du Secrétariat et l'y maintenir;

- c) les spécimens d'espèces inscrites à l'Annexe I reproduits artificiellement dans les pépinières enregistrées ne peuvent être exportés qu'à condition:
- i) qu'ils soient ~~empaquetés~~ conditionnés et étiquetés de telle manière que, dans une même expédition, l'on puisse clairement les distinguer ~~clairement, dans le même envoi,~~ des plantes de l'Annexe II et/ou de l'Annexe III reproduites artificiellement ou prélevées dans la nature; et
 - ii) que le permis CITES d'exportation ~~CITES~~ mentionne clairement le numéro d'enregistrement attribué par le Secrétariat ~~et le nom~~ ainsi que les coordonnées de la pépinière d'origine si elle ~~n'est pas l'exportateur~~ celle-ci n'exporte pas directement; et
- d) nonobstant le droit de chaque Partie de supprimer du registre une pépinière située sur son territoire, toute Partie qui apprend, et qui peut prouver, qu'une pépinière exportatrice enregistrée ~~ne se conforme pas de façon satisfaisante aux conditions d'enregistrement~~ ne remplit pas les critères d'enregistrement de façon satisfaisante peut proposer au Secrétariat ~~sa~~ la suppression de ladite pépinière du registre; ~~toutefois,~~ néanmoins, le Secrétariat ne procédera à ~~la~~ cette suppression qu'après ~~consultation de~~ avoir consulté l'organe de gestion de la Partie où ~~est implantée~~ se situe la pépinière; et

CHARGE le Secrétariat ~~de procéder à un examen des~~ d'examiner les demandes d'enregistrement ~~et~~ ainsi que de compiler et de tenir à jour, sur la base des informations données par les Parties, un registre des pépinières commerciales reproduisant artificiellement des spécimens d'espèces végétales inscrites à l'Annexe I, en vue de leur exportation, et de communiquer ce registre aux Parties.

Annexe 1

Rôle de la pépinière commerciale

LA CONFERENCE DES PARTIES A LA CONVENTION

DECIDE que le propriétaire ou le gérant de toute pépinière commerciale qui ~~en~~ demande l'inscription de son établissement au registre du Secrétariat devra fournir les informations suivantes à l'organe de gestion du pays dans lequel la pépinière est implantée:

1. le nom et l'adresse du propriétaire, du gérant ou du directeur technique de la pépinière;
2. la date de création de la pépinière;
3. la description des installations et des techniques de reproduction;
4. la description des ~~antécédents~~ activités de la pépinière, ~~en indiquant en particulier~~ notamment les espèces ou les groupes végétaux qu'elle a déjà reproduits;
5. les taxons actuellement reproduits (ceux inscrits à l'Annexe I seulement);
6. la description du stock parental, ~~des taxons inscrits à l'Annexe I, d'origine sauvage,~~ en indiquant prélevés dans la nature, notamment les quantités et ~~en apportant la preuve de leur obtention~~ origine licite; et
7. les quantités de spécimens ~~devant être exportés~~ dont l'exportation est prévue dans un avenir proche.

Annexe 2

Rôle de l'organe de gestion

LA CONFERENCE DES PARTIES A LA CONVENTION

DECIDE que chaque organe de gestion ~~assume les fonctions suivantes~~ doit:

- a) ~~prier le~~ demandeur au Secrétariat d'enregistrer les pépinières qui reproduisent artificiellement et exportent des spécimens d'espèces végétales inscrites à l'Annexe I et fournir les informations suivantes:
- i) les noms scientifiques (et tous les synonymes) des taxons concernés;
 - ii) la description des installations et des techniques de ~~reproduction des~~ production communiqués par la pépinières, ~~fournies conformément aux~~ selon les dispositions de l'Annexe 1 ci-dessus;
 - iii) la description des procédures d'inspection ~~de~~ suivies par l'organe de gestion ~~suivies~~ pour confirmer l'identité et l'origine licite du stock parental; et
 - iv) la preuve de l'origine légale ~~d'autres~~ de tous les autres spécimens ~~d'origine sauvage~~ d'espèces inscrites à l'Annexe I ~~présents~~ prélevés dans la nature qui sont présents dans la pépinière concernée, ou l'assurance que ces spécimens sont contrôlés dans le cadre de la législation nationale en vigueur;
- b) garantir que le nombre de spécimens d'origine sauvage ~~présents~~ relevant de l'Annexe I qui, dans une pépinière enregistrée, ~~constituant~~ constituent le stock parental, ~~d'une espèce inscrite à l'Annexe I,~~ ne soit pas appauvri par le retrait de spécimens autres que ceux perdus par diminué au-delà des pertes dues à des causes naturelles, à moins que l'organe de gestion ne consente, à la demande de ~~la pépinière enregistrée~~ l'établissement concerné, au transfert du stock parental (ou d'une partie de ce stock) vers une autre pépinière exportatrice enregistrée;
- c) garantir que les pépinières exportatrices enregistrées ~~sont~~ solent régulièrement inspectées par un spécialiste de l'organe de gestion, ~~ou~~ ou de l'autorité scientifique ou de tout autre ~~organe nommé~~ organisme accrédité par l'organe de gestion, afin de certifier ~~la taille du stock parental~~ le nombre de spécimens d'origine sauvage constituent le stock parental et d'attester que la pépinière ne détient pas d'autres spécimens d'origine sauvage ~~d'espèces inscrites à~~ relevant de l'Annexe I, et puis communiquer au Secrétariat les conclusions de ces inspections; et
- d) concevoir une procédure simple permettant de ~~délivrance~~ délivrer des permis d'exportation ~~pour chaque pépinière enregistrée~~ aux pépinières enregistrées, conformément à l'Article VII, paragraphe 4, de la Convention, et à la résolution Conf. 12.3². Cette procédure pourrait ~~comporter l'émission préalable~~ prévoir la délivrance anticipée de permis d'exportation CITES ~~sur lesquels figureraient~~ mentionnant:
- i) dans la case 12b, le numéro d'enregistrement de la pépinière; et
 - ii) dans la case 5, au moins l'information suivante:

PERMIS VALIDE UNIQUEMENT POUR DES PLANTES
REPRODUITES ARTIFICIELLEMENT SELON LA DEFINITION
DE LA RESOLUTION CITES CONF. 11.11³.
VALIDE UNIQUEMENT POUR LES TAXONS SUIVANTS.

Annexe 3

Rôle du Secrétariat

LA CONFERENCE DES PARTIES A LA CONVENTION

DECIDE que le Secrétariat ~~remplit les fonctions suivantes~~ doit:

- a) recevoir des organes de gestion les demandes d'enregistrement de pépinières reproduisant artificiellement, en vue de leur exportation, des spécimens d'espèces inscrites à l'Annexe I, ~~en vue de leur exportation~~, et examiner ces demandes;
- b) ~~quand une~~ si la pépinière remplit ~~toutes~~ tous les conditions critères d'enregistrement, publier dans son registre, dans les 30 jours suivant la réception du rapport, le nom, le numéro d'enregistrement et les autres caractéristiques de la pépinière, ~~dans les 30 jours à compter de la réception du rapport~~;

- c) ~~quand une~~ si la pépinière ne remplit pas ~~toutes~~ tous les ~~conditions~~ critères d'enregistrement, fournir à l'organe de gestion concerné une explication complète et indiquer les conditions spécifiques à remplir;
- d) recevoir et examiner les rapports ~~sur~~ des Parties concernant les pépinières enregistrées ~~fournis par les Parties~~ et présenter un ~~résumé de ses~~ relevé de conclusions au Comité pour les plantes;
- e) ~~supprimer du registre le nom d'une pépinière,~~ sur demande écrite de l'organe de gestion compétent, supprimer une pépinière du registre; et
- f) recevoir et examiner les informations émanant des Parties et d'autres sources concernant les manquements d'une pépinière à remplir de façon satisfaisante les ~~conditions~~ critères d'enregistrement et, après consultation de l'organe de gestion de la Partie dans laquelle ~~est implantée~~ la pépinière est située, ~~la~~ celle-ci du registre si cela s'avère pertinent.

1 Remplacée par la résolution Conf. 9.18 (Rev.), adoptée à la neuvième session de la Conférence des Parties et amendée à la 10e session, puis remplacée par la résolution Conf. 11.11.

2 Correction du Secrétariat: ancienne résolution Conf. 9.3.

3 Correction du Secrétariat: ancienne résolution Conf. 9.18 (Rev.).

Resolution Conf. 9.19–Draft revisions to Spanish version

Directrices para el registro de viveros que exportan especímenes de especies incluidas en el Apéndice I reproducidos artificialmente

RECONOCIENDO que en el párrafo 4 del Artículo VII de la Convención se establece que los especímenes de una especie incluida en el Apéndice I reproducidos artificialmente con fines comerciales serán considerados especímenes de especies incluidas en el Apéndice II;

RECONOCIENDO que la reproducción artificial de una especie vegetal es fundamentalmente distinta de la cría en cautividad de una especie animal, en particular en lo que respecta al número de especímenes obtenidos, así como, en la mayoría de los casos, al intervalo temporal entre las generaciones, y, por consiguiente, requiere un enfoque diferente;

RECONOCIENDO los derechos que corresponden a cada Parte sobre sus recursos naturales fitogenéticos;

RECONOCIENDO que la transferencia de germoplasma está regulada en el marco del Sistema Mundial para la Conservación y Utilización de Recursos Fitogenéticos (FAO);

RECONOCIENDO que la reproducción artificial de especímenes de especies incluidas en el Apéndice I puede constituir una alternativa económica para la agricultura tradicional en los países de origen y puede también hacer que aumente el interés por su conservación en las áreas de distribución natural;

RECONOCIENDO que la reproducción artificial de especímenes de especies incluidas en el Apéndice I, al poner especímenes fácilmente a disposición de todas las personas interesadas, tiene un efecto positivo sobre el estado de conservación de las poblaciones silvestres ya que reduce la presión que supone la recolección en el medio silvestre;

TOMANDO NOTA de que la Resolución Conf. 5.15¹, aprobada durante la quinta reunión de la Conferencia de las Partes (Buenos Aires, 1985), constituía una iniciativa para registrar los viveros pero que ninguna Parte ha informado jamás a la Secretaría CITES de que hubiese puesto en marcha tal registro;

RECORDANDO que se han aprobado varias resoluciones para facilitar el comercio de especímenes reproducidos artificialmente de especies incluidas en el Apéndice II y de híbridos de especies incluidas en el Apéndice I;

OBSERVANDO que tales facilidades pueden ser necesarias también para conseguir que se mantenga o inicie la reproducción artificial de especies incluidas en el Apéndice I;

RECONOCIENDO que los viveros no registrados podrán seguir exportando especímenes de especies del Apéndice I reproducidos artificialmente utilizando los procedimientos normales para obtener permisos de exportación;

LA CONFERENCIA DE LAS PARTES EN LA CONVENCION

RESUELVE:

- a) que la Autoridad Administrativa de cada Parte, en consulta con su respectiva Autoridad Científica, tiene la obligación de encargarse del registro de viveros que reproducen artificialmente especímenes de especies de flora incluidas en el Apéndice I con fines de exportación;
- b) que las Autoridades Administrativas que deseen registrar viveros comerciales que reproduzcan artificialmente especímenes de especies incluidas en el Apéndice I con fines de exportación, comunicarán a la Secretaría, para que incluya en su registro, toda la información que resulte necesaria para obtener y mantener el registro de un vivero;
- c) que sólo podrán exportarse especímenes de especies incluidas en el Apéndice I reproducidos artificialmente en viveros registrados cuando:

- i) estén empaquetados y etiquetados de forma tal que puedan identificarse claramente de especímenes vegetales de especies incluidas en el Apéndice II y/o del Apéndice III reproducidos artificialmente o recolectados en el medio silvestre y que figuren en el mismo envío; y
 - ii) conste claramente en el permiso de exportación CITES el número de registro atribuido por la Secretaría y el nombre del vivero de origen, en caso de que no sea éste el exportador; y
- d) que a pesar del derecho de cada una de las Partes a suprimir del Registro a un vivero situado en su jurisdicción, las Partes que tengan conocimiento de que un vivero exportador registrado no ha cumplido satisfactoriamente los requisitos establecidos para el Registro, y puedan demostrarlo, podrán proponer a la Secretaría que se suprima a ese vivero del Registro, pero la Secretaría sólo procederá a esa supresión tras haber mantenido consultas con la Autoridad Administrativa de la Parte en que esté localizado el vivero; y

ENCARGA a la Secretaría que examine las solicitudes de inscripción y mantenga y actualice un Registro de viveros comerciales que reproducen artificialmente especímenes vegetales de especies incluidas en el Apéndice I con fines de exportación, sobre la base de la información que reciba de las Partes e informe a las Partes sobre el Registro.

Anexo 1

Función de los viveros comerciales

LA CONFERENCIA DE LAS PARTES EN LA CONVENCIÓN

RESUELVE que el propietario/administrador de un vivero comercial que desee inscribirse en el Registro de la Secretaría ~~estará obligado~~ será responsable de proporcionar a la Autoridad Administrativa del país en el que se encuentra la siguiente información:

1. nombre y dirección del propietario, administrador o supervisor responsable del vivero;
2. fecha de ~~inauguración~~ establecimiento;
3. descripción de las instalaciones y técnicas de reproducción;
4. descripción de los antecedentes del vivero, en particular información sobre las especies o grupos de plantas que se han reproducido ~~en sus instalaciones~~ en el pasado;
5. taxa que se reproducen en la actualidad (únicamente para especies incluidas en el Apéndice I);
6. descripción del plantel reproductor de origen silvestre incluido en el Apéndice I, indicando cantidades y prueba de su adquisición legítima; y
7. cantidades de especímenes que se espera exportar en el ~~próximo~~ futuro próximo.

Anexo 2

Función de la Autoridad Administrativa

LA CONFERENCIA DE LAS PARTES EN LA CONVENCIÓN

RESUELVE que cada Autoridad Administrativa ~~asumirá~~ deberá llevar a cabo las siguientes funciones:

- a) notificar a la Secretaría la inscripción en el registro de los que registre un viveros que se dediques a reproducir artificialmente y exportar especímenes de especies incluidas en el Apéndice I, y proporcionar los siguientes datos:
 - i) información sobre los nombres científicos (y todos sus sinónimos) de los taxa en cuestión;

- ii) descripción de las instalaciones y técnicas de reproducción del vivero, según lo previsto para los viveros en el Anexo 1;
 - iii) descripción de los procedimientos de inspección utilizados por la Autoridad Administrativa para confirmar la identidad y el origen legítimo del plantel reproductor; y
 - iv) pruebas del origen legal de cualquier otro espécimen de una especie incluida en el Apéndice I de origen silvestre, que se encuentre en el vivero en cuestión, o la constancia de que dicho espécimen ~~es objeto de control~~ **se encuentra controlado bajo** ~~con arreglo a~~ la legislación nacional vigente;
- b) velar por que el número de especímenes de origen silvestre de que dispone un vivero registrado, y considerado plantel reproductor de especies incluidas en el Apéndice I, no se agote por la enajenación de especímenes o por otros motivos distintos de causas naturales, a no ser que la Autoridad Administrativa consienta, a petición del vivero registrado, la transferencia del plantel reproductor (o de parte del mismo) a otro vivero exportador registrado;
 - c) velar por que los viveros exportadores registrados sean inspeccionados regularmente por un especialista de la Autoridad Administrativa o Científica u otra entidad calificada designada por la Autoridad Administrativa, que certificará el tamaño del plantel reproductor de origen silvestre y que el vivero no posee ningún otro espécimen de origen silvestre de especies incluidas en el Apéndice I, y comunicar los resultados de estas inspecciones a la Secretaría; y
 - d) ~~establecer~~ **diseñar** un procedimiento simple para la expedición de permisos de exportación a cada vivero registrado, de conformidad con el párrafo 4 del Artículo VII de la Convención y con la Resolución Conf. 12.3². Ese procedimiento podrá incluir la expedición previa de permisos CITES en los que:
 - i) en la casilla 12 b), se incluya el número de registro del vivero; y
 - ii) en la casilla 5, se incluya al menos la siguiente información:

PERMISO VÁLIDO ÚNICAMENTE PARA PLANTAS REPRODUCIDAS ARTIFICIALMENTE SEGÚN LA DEFINICIÓN DE LA RESOLUCIÓN CITES CONF. 11.11³. VÁLIDO ÚNICAMENTE PARA LOS SIGUIENTES TAXA.

Anexo 3

Función de la Secretaría

LA CONFERENCIA DE LAS PARTES EN LA CONVENCION

RESUELVE que la Secretaría **deberá** desempeñara las **siguientes** funciones ~~siguientes~~:

- a) recibir de las Autoridades Administrativas **y examinar** las solicitudes de registro de viveros que reproducen artificialmente especímenes de especies de flora incluidas en el Apéndice I para su exportación ~~y examinarlas debidamente~~;
- b) una vez comprobado que un vivero cumple todos los requisitos, publicar el nombre, el número de registro y otros detalles que figuran en su Registro, dentro de los 30 días después de recepción del informe;
- c) cuando no esté satisfecha de que un vivero cumple todos los requisitos, facilitar a la Autoridad Administrativa pertinente una explicación completa e indicar las condiciones específicas que se deberán cumplir;
- d) recibir y examinar los informes de los viveros registrados, suministrados por las Partes, y presentar al Comité de Flora conclusiones resumidas;
- e) suprimir de su Registro el nombre de un vivero cuando así se lo solicite, por escrito, la Autoridad Administrativa responsable; y

- f) recibir y revisar la información de las Partes o de otras fuentes sobre la falta de cumplimiento satisfactorio de los requisitos de registro por parte de un vivero registrado ~~de los requisitos de registro~~ y, tras consultar con la Autoridad Administrativa de la Parte donde éste se encuentre, suprimir el vivero del Registro⁷ cuando así convenga.

¹ Reemplazada por la Resolución Conf. 9.18 (Rev.), aprobada en la novena reunión de la Conferencia de las Partes y enmendada en la 10a. reunión y a su vez reemplazada por la Resolución Conf. 11.11.

² Corrección efectuada por la Secretaría: anteriormente se refería a la Resolución Conf. 9.3.

³ Corrección efectuada por la Secretaría: anteriormente se refería a la Resolución Conf. 9.18 (Rev.).

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;

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 terminology

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;

Regarding the definition of “artificially propagated”

DETERMINES that, in general, the term “artificially propagated” shall be interpreted to refer only to whole live plants (live and dead), seeds, parts and derivatives:

- a) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions;
- b) when grown from cuttings or divisions, only if the specimens traded do not contain any part of material collected from the wild;
- c) from cultivated parental stock; and
- d) shall apply only if the cultivated parental stock used for artificial propagation was ~~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) sufficient stock is retained for propagation 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;

RECOMMENDS that an exception may be granted and specimens deemed to be artificially propagated if grown from wild-collected seeds or other propagules only if, for the taxon involved:

- a) establishment of a cultivated parental stock presents significant difficulties in practice because specimens take a long time to reach reproductive age, as for many tree species;
- b) the propagules are collected from the wild and grown under controlled conditions within a range country;
- c) the relevant Scientific Authority of that range country has determined that:
 - i) collection of the seeds or other propagules was not detrimental to the survival of the species in the wild; and
 - ii) allowing trade in such specimens has a positive effect on the conservation of wild populations;
- ii) ~~managed in such a way that long term maintenance of this cultivated stock is guaranteed;~~
- e) ~~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) ~~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) ~~grafted plants shall be recognized as artificially propagated only when both the root stock and the graft have been artificially propagated;~~

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; ~~and~~
- b) ~~Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I consider:~~
 - i) ~~whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk created by attracting the attention of traders to the species;~~
 - ii) ~~the case with which it can be propagated artificially;~~

- ~~iii) the extent to which it is currently available in cultivation from artificially propagated specimens; and~~
- ~~iv) any practical problems in identifying the species, particularly in the form in which it may be traded;~~

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 (see annotation 608 in the Interpretation of Appendices I and II); and~~
- b) if the parents of a hybrid are of taxa included in different Appendices, the provisions of the more restrictive Appendix shall apply, except that artificially propagated hybrids derived from one or more Appendix-I species or other taxa shall be deemed to be specimens of species included in Appendix II;**
- ~~b) regarding artificially propagated hybrids:~~
 - ~~i) plant species or other taxa listed in Appendix I shall be annotated (in accordance with Article XV) if the provisions relevant to the most restrictive Appendix are to apply;~~
 - ~~ii) if a plant species or other taxon listed in Appendix I is annotated, an export permit or re-export certificate shall be required for trade in specimens of all artificially propagated hybrids derived from it; but~~
 - ~~iii) artificially propagated hybrids derived from one or more unannotated Appendix I species or other taxa shall be regarded as being included in Appendix II and entitled therefore to all exemptions applicable to artificially propagated specimens of species listed in Appendix II;~~

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 it can be demonstrated that 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 be 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 ~~or registered nursery;~~

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 beneficial aspects of artificial propagation for the survival of natural populations and, where appropriate possible, encourage promote such artificial propagation as an alternative to the removal of specimens from the wild; and

REPEALS Resolution Conf. 11.11 (Nairobi, 2000) ~~9.18 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997)~~ - Regulation of trade in plants.