

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



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

Species proposals for the 13th meeting of the Conference of the Parties

SPECIMENS IN INTERNATIONAL TRADE UNDER EXEMPTION

1. This document has been prepared by the Management Authority of Switzerland.

Background

2. Several exemptions allow international trade without permits in live plant specimens of CITES-listed species that would otherwise have to be traded under the provisions of the Convention. Such specimens may be re-exported, but in certain cases they, at a certain point, may no longer qualify for the exemption under which they had been traded so far. After specimens no longer qualify for an exemption, it may be impossible to issue a permit in a proper way as there is no previous permit on which it could be based, even if there is evidence of legal acquisition, because an export permit of the country of origin is lacking. Examples of such cases are given below.
 - a) *In vitro* specimens in sterile containers [annotations #1 b), 2 b), 4 b) and 8 b) of the Appendices]: as soon as specimens are taken from the sterile containers for further cultivation, the qualification for the exemption, under which they had so far been in international trade, no longer applies.
 - b) Orchidaceae spp. included in Appendix II are annotated with a footnote that allows for an exemption of artificially propagated *Phalaenopsis* hybrids under certain conditions. *Inter alia* a minimum quantity of 100 specimens of each hybrid is required. If such a shipment is divided up into smaller lots outside the country of origin, the specimens no longer qualify for the exemption in case of re-export.
 - c) Cultivars of *Cyclamen persicum* [annotation 9] are exempted from the provisions of CITES if tubers are not in dormant state, but specimens may eventually become dormant after export.
3. Evidence for the legal origin of specimens has in any case to be provided by applicants for permits. This situation is comparable with issuing certificates for pre-Convention specimens, hence the same principles can be applied.

Draft proposal

4. To avoid complications with the export of specimens that have legally entered international trade under exemptions from the provisions of the Convention, the following text is proposed to be included in Resolution Conf. 11.11 on the Regulation of trade in plants:

AWARE that certain plant specimens may legally enter international trade under exemptions from the provisions of CITES, provided by an annotation, and that they may cease to qualify for such an exemption outside the country of export;

AWARE that such specimens need CITES permits or certificates for subsequent international trade;

RECOGNIZING that, in the absence of an export permit issued in the country of origin, it may be difficult to issue the necessary CITES permits or certificates;"

THE CONFERENCE OF THE PARTIES

DETERMINES that:

Regarding plant specimens in international trade under exemptions

Specimens that cease to qualify for an exemption from the provisions of CITES are deemed to originate in the country in which they cease to qualify for that exemption.

5. Furthermore, it is proposed to revise the definition of 'country of origin' in Resolution Conf. 12.3 on Permits and certificates, Annex 2 Standard CITES form, instructions and explanations of block 12, and to add to the end of the first sentence:

, except in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES. In such instances, the country of origin is deemed to be the country in which the specimens cease to qualify for the exemption.

6. Finally, it is proposed to add a corresponding text in section II of Resolution Conf. 12.3:

FURTHER AGREES that in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES under which they were exported from their country of origin the country of origin is deemed to be the first country in which the specimens cease to qualify for the exemption; and

that Parties may in such instances, and if considered useful, add the following text in block 5 of permits: "Legally imported under an exemption from the provisions of CITES."