

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

Sixth Meeting of the Conference of the Parties

Ottawa (Canada), 12 to 24 July 1987

Interpretation and Implementation of the Convention

Trade in Plant Specimens

PARTS AND DERIVATIVES OF APPENDIX II OR III PLANTS

This document has been prepared and is submitted by the Plant Working Group.

1. At the third meeting of the Plant Working Group in conjunction with the second meeting of the Technical Committee (Lausanne, 23-27 June 1986), it was decided that certain minor technical revisions were needed to bring appropriate standardization to the regulation of plant parts and derivatives. The following draft resolution was presented to the plenary session of the Technical Committee on 27 June 1986 and readily accepted.
2. The definition of the term "specimen" in Article I of the Convention differs for Appendix II plants and animals with respect to the necessity to specify parts and derivatives to be controlled. This difference in part led to Resolutions Conf. 2.18 and Conf. 4.24, to bring greater protection to plants regulated by CITES.
3. Subsequent to the fourth meeting of the Conference of the Parties, Japan pointed out that the listing changes of Resolution Conf. 4.24 could not be implemented retroactively for plants then in Appendix II except by proposal, rather than the Resolution. Therefore, at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), a proposed listing was adopted that remedied this situation by including most parts and derivatives of most plants in Appendix II, with categorical exemptions for seeds, spores, pollen (including pollinia), tissue cultures, and flaked seedlings cultures. Background discussion and detail on the approach are given in documents Conf. 2.18, Conf. 4.24, Doc. TEC. 1.11, and Doc. 5.45 Annex 2, proposal 93.
4. There is at present clear guidance for future proposals or notices that list plants in Appendix II or III to include parts and derivatives of the taxa with certain standard exemptions.

In Resolution Conf. 2.18, recommendation a), the Parties agreed that "when proposing amendments to Appendix II or III for plant species, it be accepted that all readily recognizable parts and derivatives are to be regulated unless particular parts or derivatives are specified as being exempt".

The prospective agreement in that Resolution is considered by the CITES Secretariat as sufficient authority that future proposals for Appendix II species or notices for Appendix III species automatically include such parts and derivatives with specified exemptions unless the listing proposal or notice states otherwise. Since this is prospective, it is not analogous to Resolution Conf. 4.24 attempting to amend then-existing listings in Appendix II retroactively.

5. In Resolution Conf. 4.24, recommendation b), the Parties specified certain categories of plant parts and derivatives as exempt from listings of most plant species in Appendix II or III; these are seeds, spores, and tissue cultures. At the fifth meeting of the Conference of the Parties, two additional categories were specified as exempt for species then listed in Appendix II; these are pollen (including pollinia) and flasked seedlings cultures. A resolution is necessary to specify these new categories of parts and derivatives as automatically exempt in future listing proposals and notices, unless the proposal or notice states otherwise. Furthermore, it is requested that the Secretariat ask Nepal to consider modifying its listings of plants in Appendix III by exempting pollen and flasked seedling cultures, so that the listings conform with the standard exemptions.
6. Although the historical development of this subject has made it intricate, the result is now relatively simple and uniform: Appendix II or III plant listings currently, and automatically in the future, include most parts and derivatives with standard categorical exemptions. Only if appropriate conservation for the species requires a non-standard listing of parts and derivatives will the proposal or notice provide an alternative statement. The Secretariat should edit the standard statement in annotating the listing to delete parts not present in all specimens of the taxon listed, such as deleting seeds from the annotation for ferns.

If this approach were not followed, it would seem necessary to introduce an anticipatory proposal for each meeting of the Conference of the Parties to treat in standard fashion parts and derivatives for Appendix II species that may be proposed for that meeting. Article XV does not seem to allow a non-expiring standing proposal to modify future proposed listings in the standard fashion.

7. Resolution Conf. 4.24, paragraph d), recommends that the Secretariat maintain and provide to the Parties a list of the form in which plants and their parts and derivatives are commonly in trade. It seems appropriate that this list be developed to the extent it is useful and maintained by the Identification Manual Committee, and that it be provided to the Parties by the Secretariat as part of the CITES Identification Manual.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Additional Considerations for Plant Parts and Derivatives

RECOGNIZING that the Parties have adopted a general approach in listing parts and derivatives with standard exemptions for plants in Appendix II or III, as stated in Resolutions Conf. 2.18 and Conf. 4.24, adopted at the second and fourth meetings of the Conference of the Parties (San José, 1979 and Gaborone, 1983), and in current listings;

OBSERVING that Resolution Conf. 4.24 is in some respects in need of revision;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

SPECIFIES that pollen (including pollinia) and flasketed seedling cultures are standard exemptions for Appendix II and III plants, in addition to seeds, spores, and tissue cultures as specified in Resolution Conf. 4.24, recommendation b); and

RECOMMENDS that the list of the form in which plants and their parts and derivatives are commonly traded as recommended in Resolution Conf. 4.24, paragraph d), be prepared to the extent to which it is useful by the Identification Manual Committee, and be distributed as part of the CITES Identification Manual.