

RESOLUTION CONF. 9.19 (REV. COP13)

*GUIDELINES FOR THE REGISTRATION OF NURSERIES EXPORTING
ARTIFICIALLY PROPAGATED SPECIMENS OF APPENDIX-I SPECIES*

1. The table in Annex 6 b) of the present document contains a number of proposals for substantive and non-substantive amendments to Resolution Conf. 9.19 (Rev. CoP13), with an explanation for each proposal.
2. The Standing Committee's working group that is conducting an editorial review of Resolutions in the context of Decision 14.19 has already discussed this Resolution and has suggested a number of corrections. These are included in the table below, rather than being presented at the 59th meeting of the Standing Committee, because it is preferable to consider all of the amendments at a single meeting.

Recommendation

3. The Secretariat recommends that the Conference of the Parties adopt the amendments to Resolution Conf. 9.19 (Rev. CoP13) shown in Annex 6 b). Annex 6 c) contains the clean version, incorporating the amendments.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 9.19 (REV. COP13)

*GUIDELINES FOR THE REGISTRATION OF NURSERIES EXPORTING
ARTIFICIALLY PROPAGATED SPECIMENS OF APPENDIX-I SPECIES*

NB: Words proposed to be deleted are ~~crossed out~~. Words proposed to be inserted are underlined.

Proposed amendments	Explanation
<p><u>Guidelines for the registration of nurseries that artificially propagated specimens of Appendix-I plant species for export purposes</u></p>	<p>The expression indicating the types of nurseries that are covered by this Resolution is worded in various ways in the text. The current title indicates that the Resolution applies to nurseries that are exporting propagated specimens, even if they are not propagating those specimens. The key characteristic of the nurseries covered by this Resolution is that they are artificially propagating specimens that are to be exported. To reflect the expression "nurseries that artificially propagate specimens of Appendix-I plant species for export purposes" is proposed here and throughout the text below.</p> <p>Deletion of the words "Guidelines for the" would make this title consistent with that of Resolution Conf. 12.10 (Rev. CoP14), relating to captive-breeding operations.</p>
<p>RECOGNIZING that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I species artificially propagated for commercial purposes shall be deemed to be specimens of species included in Appendix II;</p>	
<p>RECOGNIZING that the artificial propagation of plants is essentially different from captive breeding of animals, in particular with regard to the number of specimens produced, as well as, in most cases, with regard to the time span between generations, and therefore requires a different approach;</p>	
<p>RECOGNIZING the rights that each Party holds over its own natural phylogenetic resources;</p>	
<p>RECOGNIZING that the transfer of germplasm is regulated under the Global System for the Conservation and Utilization of Plant Genetic Resources (FAO);</p>	<p>The Chair of the Plants Committee has advised the Secretariat that this paragraph is now obsolete.</p>
<p>RECOGNIZING that the artificial propagation of specimens of species included in Appendix I could form an economic alternative to traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural distribution;</p>	

Proposed amendments	Explanation
<p>RECOGNIZING that, <u>by making specimens readily available</u>, the artificial propagation of specimens of species included in Appendix I, by making specimens readily available to all those interested, has a positive effect on the conservation status of the wild populations because it reduces the collecting pressure on wild populations and, thus has a positive effect on their conservation status;</p>	<p>The different segments forming the sentence have been reordered in a more logical manner to improve clarity. The words "to all those interested" have also been deleted as superfluous.</p>
<p>NOTING that Resolution Conf. 5.15¹, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), provided an initiative for plant-nursery registration but that no Party has ever informed the CITES Secretariat that it has implemented such registration;</p>	
<p>RECALLING that a number of Resolutions have been adopted to facilitate the trade in artificially propagated specimens of species included in Appendix II and in hybrids of species included in Appendix I;</p>	
<p>OBSERVING that such facilitation may also be necessary to ensure that the artificial propagation of species included in Appendix I will continue or be initiated;</p>	
<p>RECOGNIZING that nurseries which <u>that</u> are not registered may still continue exporting artificially propagated specimens of Appendix-I species using the standard procedures for obtaining export permits;</p>	<p>Minor grammatical correction also consistent with general usage in CITES.</p>
<p>THE CONFERENCE OF THE PARTIES TO THE CONVENTION</p>	
<p>RESOLVES that:</p>	
<p>a) the responsibility for the registration of nurseries that, for export purposes, artificially propagate specimens of Appendix-I plant species <u>for export purposes</u> shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;</p>	<p>This key expression is standardized throughout the text.</p>
<p>b) any Management Authority that wishes to register any commercial nursery artificially propagating specimens of species included in Appendix I for export purposes shall provide to the Secretariat, for inclusion in its Register, all appropriate information to obtain and maintain the registration of each such nursery;</p>	
<p>c) artificially propagated specimens of Appendix-I species produced in registered nurseries may only be exported when:</p>	
<p>i) they are packed and labelled in such a way that they are clearly separated from artificially propagated or wild-collected Appendix-II and/or Appendix-III plants in the same consignment; and</p>	
<p>ii) the CITES export permit clearly states the registration number attributed by the Secretariat and the name of the nursery of origin if it is not the exporter; and</p>	

¹ Note from the Secretariat: replaced by Resolution Conf. 9.18, itself replaced by Resolution Conf. 9.18 (Rev.) at the 10th meeting, then by Resolutions Conf. 11.11, Conf. 11.11 (Rev. CoP13) and Conf. 11.11 (Rev. CoP14) at the 11th, 13th and 14th meetings respectively.

Proposed amendments	Explanation
d) notwithstanding the right of each Party to remove a nursery within its jurisdiction from the Register, any Party that becomes aware of, and can demonstrate, a failure of a registered exporting nursery to comply satisfactorily with the requirements for registration may propose to the Secretariat that this nursery be deleted from the Register, but the Secretariat will only make the deletion after consultation with the Management Authority of the Party in which the nursery is located; and	Deletion of 'satisfactorily' as unnecessary. Either there is compliance or there is not.
DIRECTS the Secretariat to review any application for registration, and to compile and update a Register of commercial nurseries that, for export purposes, artificially propagate specimens of <u>Appendix-I</u> plant species for export purposes, on the basis of information received from the Parties, and to communicate this Register to the Parties.	Standardization of the wording of this key expression.
Annex 1: Role of the commercial nursery	
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	
RESOLVES that the owner or manager of any commercial nursery seeking inclusion in the Secretariat's Register shall be responsible for providing <u>the following information</u> to the Management Authority of the country in which it is located the following information :	Replacement of the ambiguous slash with a coordinating conjunction. Rearrangement of words for clarity.
1. name and address of the owner, <u>and</u> manager or technical director of the nursery;	This change is proposed for consistency with Resolution Conf. 12.10 (Rev. CoP14) dealing with captive-breeding operations.
2. date of establishment;	
3. description of the facilities and the propagation techniques;	
4. description of the historical background of the nursery, in particular information on which species or plant groups have been propagated in the past;	
5. taxa currently in propagation (Appendix I only);	
6. description of the Appendix-I parental stock of wild origin, including quantities and evidence of legal acquisition, <u>unless the nursery is propagating specimens from wild-collected seeds or spores from the national population of the species, in accordance with the conditions specified in Resolution Conf. 11.11 (Rev. CoP13), regarding the definition of 'artificially propagated'</u> ; and	This addition is proposed because, at CoP13, the definition of 'artificially propagated' was amended to allow the specimens indicated in this text to be considered as artificially propagated. In this case, the nursery might have no "parental stock" and so could not provide a description.
7. quantities of specimens expected to be exported in the near future.	
Annex 2: Role of the Management Authority	
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	
RESOLVES that each Management Authority shall perform the following functions:	
a) notify <u>communicate</u> to the Secretariat <u>requests</u> to register a nursery artificially propagating and exporting specimens of Appendix-I species and provide the following:	The construction "to notify to someone to do something" is incorrect.
i) information about the scientific names (and full synonymy) of the taxa concerned;	

Proposed amendments	Explanation
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 subparagraph iv) below, a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock;	
iv) if the nursery uses wild-collected seeds <u>or spores</u> from the national population of the species, certification that the conditions specified in Resolution Conf. 11.11 (Rev. CoP14) ² , section “Regarding the definition of ‘artificially propagated’”, in paragraphs a) and b) under RECOMMENDS, have been met; and	A reference to spores has been added for consistency with Resolution Conf. 11.11 (Rev.CoP14).
v) 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;	
b) ensure that the number of specimens of wild origin in a registered nursery designated as parental stock of species in Appendix I is not depleted by the disposal of specimens other than through natural causes, unless the Management Authority consents, on the request of the registered nursery, to the transfer of the parental stock (or of part thereof) to another registered exporting nursery;	
c) ensure that the registered exporting nurseries are reviewed on a regular basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority, to certify the size of the parental stock of wild origin and that the nursery holds no other specimens of wild origin of Appendix-I species , and communicate the results of these reviews to the Secretariat; and	The words crossed are in contradiction with subparagraph a) v) of this Annex. Therefore either this paragraph or subparagraph a) v) should be corrected. The Secretariat proposes deletion of the text indicated.
d) design a simple procedure for the issuance of export permits to each registered nursery, in accordance with Article VII, paragraph 4, of the Convention, and with Resolution Conf. 12.3 (Rev. CoP14) ³ . Such a procedure could involve the pre-issuance of CITES export permits on which: i) in box 12b, the registration number of the nursery is included; and ii) in box 5, at least the following information is included: PERMIT VALID ONLY FOR ARTIFICIALLY PROPAGATED PLANTS AS DEFINED BY CITES RESOLUTION CONF. 11.11 (REV. COP14) ² VALID ONLY FOR THE FOLLOWING TAXA.	
Annex 3: Role of the Secretariat	
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	
RESOLVES that the Secretariat shall perform the following functions:	
a) receive from Management Authorities and review applications for registration of nurseries that artificially propagate specimens of Appendix-I plant species for <u>export purposes</u> ;	Standardization of the wording of this key expression.

² Corrected by the Secretariat following the 14th meeting of the Conference of the Parties: originally referred to Resolution Conf. 11.11 (Rev. CoP13).

³ Corrected by the Secretariat following the 14th meeting of the Conference of the Parties: originally referred to Resolution Conf. 12.3 (Rev. CoP13).

Proposed amendments	Explanation
b) when satisfied that a nursery meets all requirements, publish the name, the registration number and other particulars in its Register within 30 days after receipt of the report;	
c) when not satisfied that a nursery meets all the requirements, provide the relevant Management Authority with a full explanation and indicate the specific conditions that must be met;	
d) receive and review reports on registered nurseries, provided by the Parties, and present summary conclusions to the Plants Committee;	
e) delete the name of a nursery from its Register when requested to do so, in writing, by the responsible Management Authority; and	
f) receive and review information from Parties or other sources regarding failure of a registered nursery to comply satisfactorily with the requirements for registration and, after consultation with the Management Authority of the Party in which the nursery is located, delete the operation from the Register if appropriate.	Deletion of "satisfactorily" as unnecessary. Either there is compliance or there is not.

RESOLUTION CONF. 9.19 (REV. COP13)

[Clean version including amendments indicated in Annex 6 b)]

*REGISTRATION OF NURSERIES THAT ARTIFICIALLY PROPAGATE
SPECIMENS OF APPENDIX-I PLANT SPECIES FOR EXPORT PURPOSES*

RECOGNIZING that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I species artificially propagated for commercial purposes shall be deemed to be specimens of species included in Appendix II;

RECOGNIZING that the artificial propagation of plants is essentially different from captive breeding of animals, in particular with regard to the number of specimens produced, as well as, in most cases, with regard to the time span between generations, and therefore requires a different approach;

RECOGNIZING the rights that each Party holds over its own natural phylogenetic resources;

RECOGNIZING that the artificial propagation of specimens of species included in Appendix I could form an economic alternative to traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural distribution;

RECOGNIZING that, by making specimens readily available, the artificial propagation of specimens of species included in Appendix I, reduces the collecting pressure on wild populations and, thus has a positive effect on their conservation status;

NOTING that Resolution Conf. 5.15¹, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), provided an initiative for plant-nursery registration but that no Party has ever informed the CITES Secretariat that it has implemented such registration;

RECALLING that a number of Resolutions have been adopted to facilitate the trade in artificially propagated specimens of species included in Appendix II and in hybrids of species included in Appendix I;

OBSERVING that such facilitation may also be necessary to ensure that the artificial propagation of species included in Appendix I will continue or be initiated;

RECOGNIZING that nurseries that are not registered may still continue exporting artificially propagated specimens of Appendix-I species using the standard procedures for obtaining export permits;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that:

- a) the responsibility for the registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;
- b) any Management Authority that wishes to register any commercial nursery artificially propagating specimens of species included in Appendix I for export purposes shall provide to the Secretariat, for inclusion in its Register, all appropriate information to obtain and maintain the registration of each such nursery;
- c) artificially propagated specimens of Appendix-I species produced in registered nurseries may only be exported when:
 - i) they are packed and labelled in such a way that they are clearly separated from artificially propagated or wild-collected Appendix-II and/or Appendix-III plants in the same consignment; and

¹ *Note from the Secretariat: replaced by Resolution Conf. 9.18, itself replaced by Resolution Conf. 9.18 (Rev.) at the 10th meeting, then by Resolutions Conf. 11.11, Conf. 11.11 (Rev. CoP13) and Conf. 11.11 (Rev. CoP14) at the 11th, 13th and 14th meetings respectively.*

- ii) the CITES export permit clearly states the registration number attributed by the Secretariat and the name of the nursery of origin if it is not the exporter; and
- d) notwithstanding the right of each Party to remove a nursery within its jurisdiction from the Register, any Party that becomes aware of, and can demonstrate, a failure of a registered exporting nursery to comply with the requirements for registration may propose to the Secretariat that this nursery be deleted from the Register, but the Secretariat will only make the deletion after consultation with the Management Authority of the Party in which the nursery is located; and

DIRECTS the Secretariat to review any application for registration, and to compile and update a Register of commercial nurseries that artificially propagate specimens of Appendix-I plant species for export purposes, on the basis of information received from the Parties, and to communicate this Register to the Parties.

Annex 1: Role of the commercial nursery

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the owner or manager of any commercial nursery seeking inclusion in the Secretariat's Register shall be responsible for providing the following information to the Management Authority of the country in which it is located:

1. name and address of the owner and manager of the nursery;
2. date of establishment;
3. description of the facilities and the propagation techniques;
4. description of the historical background of the nursery, in particular information on which species or plant groups have been propagated in the past;
5. taxa currently in propagation (Appendix I only);
6. description of the Appendix-I parental stock of wild origin, including quantities and evidence of legal acquisition, unless the nursery is propagating specimens from wild-collected seeds or spores from the national population of the species, in accordance with the conditions specified in Resolution Conf. 11.11 (Rev. CoP13), regarding the definition of 'artificially propagated'; and
7. quantities of specimens expected to be exported in the near future.

Annex 2: Role of the Management Authority

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that each Management Authority shall perform the following functions:

- a) communicate to the Secretariat requests 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 subparagraph iv) below, a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock;

- iv) if the nursery uses wild-collected seeds or spores from the national population of the species, certification that the conditions specified in Resolution Conf. 11.11 (Rev. CoP14)², section “Regarding the definition of ‘artificially propagated’”, in paragraphs a) and b) under RECOMMENDS, have been met; and
 - v) 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;
- b) ensure that the number of specimens of wild origin in a registered nursery designated as parental stock of species in Appendix I is not depleted by the disposal of specimens other than through natural causes, unless the Management Authority consents, on the request of the registered nursery, to the transfer of the parental stock (or of part thereof) to another registered exporting nursery;
 - c) ensure that the registered exporting nurseries are reviewed on a regular basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority, to certify the size of the parental stock of wild origin, and communicate the results of these reviews to the Secretariat; and
 - d) design a simple procedure for the issuance of export permits to each registered nursery, in accordance with Article VII, paragraph 4, of the Convention, and with Resolution Conf. 12.3 (Rev. CoP14)³. Such a procedure could involve the pre-issuance of CITES export permits on which:
 - i) in box 12b, the registration number of the nursery is included; and
 - ii) in box 5, at least the following information is included:

PERMIT VALID ONLY FOR ARTIFICIALLY PROPAGATED PLANTS
AS DEFINED BY CITES RESOLUTION CONF. 11.11 (REV. COP14)²
VALID ONLY FOR THE FOLLOWING TAXA.

Annex 3: Role of the Secretariat

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the Secretariat shall perform the following functions:

- a) receive from Management Authorities and review applications for registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes;
- b) when satisfied that a nursery meets all requirements, publish the name, the registration number and other particulars in its Register within 30 days after receipt of the report;
- c) when not satisfied that a nursery meets all the requirements, provide the relevant Management Authority with a full explanation and indicate the specific conditions that must be met;
- d) receive and review reports on registered nurseries, provided by the Parties, and present summary conclusions to the Plants Committee;
- e) delete the name of a nursery from its Register when requested to do so, in writing, by the responsible Management Authority; and
- f) receive and review information from Parties or other sources regarding failure of a registered nursery to comply with the requirements for registration and, after consultation with the Management Authority of the Party in which the nursery is located, delete the operation from the Register if appropriate.

² Corrected by the Secretariat following the 14th meeting of the Conference of the Parties: originally referred to Resolution Conf. 11.11 (Rev. CoP13).

³ Corrected by the Secretariat following the 14th meeting of the Conference of the Parties: originally referred to Resolution Conf. 12.3 (Rev. CoP13).