

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

Exemptions and special trade provisions

Definition of the term 'artificially propagated'

GUIDANCE ON THE TERM 'ARTIFICIALLY PROPAGATED'

1. This document has been submitted by the Plants Committee.*
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 16.156 (Rev. CoP17) and 17.175 to 17.176 on *Definition of the term 'artificially propagated'*, as follows:

Decision 16.156 (Rev. CoP17) Directed to the Plants Committee

The Plants Committee shall consider the current production systems of tree species, including mixed and monospecific plantations, and assess the applicability of the current definitions of artificial propagation in Resolution Conf. 10.13 (Rev. CoP15) on Implementation of the Convention for timber species and Resolution Conf. 11.11 (Rev. CoP17) on Regulation of trade in plants respectively, and report back at the 18th meeting of the Conference of the Parties

Decision 17.175. Directed to the Plants Committee

The Plants Committee shall review current production systems for artificial propagation and cultivation of non-tree-plant taxa listed in the Appendices and assess the applicability and utility of the current definitions of 'artificial propagation' and 'under controlled conditions' in Resolution Conf. 11.11 (Rev. CoP17).

Decision 17.176. Directed to the Plants Committee

The Plants Committee, following the review under Decision 17.175, shall consider if Resolution Conf. 11.11 (Rev. CoP17) and other relevant Resolutions need to be revised, and as appropriate, propose such amendments for consideration to the 70th meeting of the Standing Committee.

3. At its 23rd meeting (Geneva, July 2017), the Plants Committee established an intersessional working group with a mandate to develop and implement a realistic workplan to:
 - a) give an overview of the evolution of Resolution Conf. 11.11 (Rev. CoP17) and perspective on the original intent of the Resolution guiding the definition of artificial propagation in order to inform debate regarding possible amendment of Resolution Conf. 11.11 (Rev. CoP17);
 - b) provide an overview of the relevant work completed and conclusions thus far in the Plants Committee and the Conference of Parties regarding production systems;

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- c) enable consideration of the current production systems of tree species, including mixed and monospecific plantations; and assess the applicability of the definition of 'artificial propagation' in Resolution Conf. 10.13 (Rev. CoP15) and Resolution Conf. 11.11 (Rev. CoP17);
 - d) review current production systems for artificial propagation and cultivation of non-tree plant taxa listed in the Appendices and assess the applicability and utility of the definitions of 'artificial propagation' and 'under controlled conditions' in Resolution Conf. 11.11 (Rev. CoP17); and
 - e) report back to the 24th meeting of the Plants Committee (PC24, July 2018), including recommendations as appropriate.
4. The present document concerns the definitions relating to artificial propagation in Resolution Conf. 10.13 (Rev. CoP15) on *Implementation of the Convention for timber species* and Resolution Conf. 16.10 on *Implementation of the Convention for agarwood-producing taxa*; and the term 'plantation' relative to monospecific and mixed species plantations. Outcomes of the work on development of an intermediate source code and implications for Resolution Conf. 11.11 (Rev. CoP17) are presented separately in document CoP18 Doc. 59.2.
 5. The intersessional working group examined case studies on production systems from Parties. Each case study provided a summary of the current production system, the source of material, any observed impact on wild populations, how the system is currently managed, which source code is used now and any concerns that Parties may have about the way that trade in specimens from such production systems are currently regulated under the Convention. Examples provided covered trees, parasitic plants, cacti, orchids, cycads and perennial herbs. The working group also had information from Parties from document [PC23 Doc. 19.2](#) on *Report on production systems for CITES-listed tree species, plantations, and definition of 'artificially propagated'*.
 6. With regard to paragraph 1 g) of Resolution Conf. 10.13 (Rev. CoP15) on *Implementation of the Convention for timber species*, the working group saw value in maintaining the definition of 'artificially propagated' as it applies to trees grown in monospecific plantations, in particular for its clarity and that specimens intended for export are traded using source code A. It was determined that the various provisions for artificial propagation found in Resolution Conf. 10.13 (Rev. CoP15) on *Implementation of the Convention for timber species* and Resolution Conf. 16.10 *Implementation of the Convention for agarwood-producing taxa* provided clarity.
 7. With respect to the issue of various provisions for artificial propagation in different Resolutions, rather than propose consolidation into a single Resolution, the working group advised in its report to the 24th meeting of the Plants Committee that the issue could be addressed with better cross-referencing in Resolution Conf. 11.11 (Rev. CoP17) and information included in a guidance document. It was recognized that there is a lack of guidance to clearly understand and apply some of the requirements around artificial propagation. The working group suggested that guidance should be prepared to facilitate a better understanding, in particular, of 'cultivated parental stock', 'under controlled conditions' and the new intermediate source code, should it be adopted. Therefore, the intersessional working group proposed a draft decision, as follows:

Directed to the Secretariat

Decision 18.XX

- a) The Secretariat shall, subject to available resources, organise a consultancy to prepare guidance materials for the Parties on aspects of artificial propagation including the terms 'under controlled conditions', 'cultivated parental stock' and the new source code or such terms as may be adopted at CoP18.
 - b) report to the Plants Committee at its 25th meeting on progress with the consultancy
8. At PC24, the Plants Committee agreed to submit the draft decision to the Conference of the Parties.

Recommendation

9. The Conference of the Parties is invited to adopt the draft decision in paragraph 7 of the present document.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat notes that, under instruction from the Conference of the Parties, it has already produced [A Guide to the application of CITES source codes](#), which includes reference to the use of the terms 'under controlled conditions' and 'cultivated parental stock'. The Plants Committee reviewed a draft version of this guide at its 22nd meeting (Tbilisi, October 2015).
- B. This guide could benefit from being updated to include reference to the new source code "Y", if it is adopted by the Conference of the Parties (see document CoP18 Doc. 59.2) and to address the concerns of the Plants Committee outlined in the present document.
- C. Whilst the Secretariat could commission consultants to provide guidance on the use of the terms 'under controlled conditions' and 'cultivated parental stock' used in the definition of the term 'artificially propagated' in Resolution Conf. 11.11 (Rev. CoP17), it advises that this should not include any legal interpretation of these terms, as such issues should be determined by the Conference of the Parties.
- D. Consequently, the Secretariat suggests the following changes to the proposal made by the Plants Committee which also provide a more realistic timeframe for the work:

Directed to the Secretariat

Decision 18.XX

The Secretariat shall, subject to external funding; ~~available resources~~,

- a) organise a consultancy to prepare guidance materials for the Parties on aspects of artificial propagation including the terms 'under controlled conditions', 'cultivated parental stock' and the new source code or such terms as may be adopted at CoP18, to supplement the publication *A Guide to the application of CITES source codes*;
- b) report to the Plants Committee ~~at its 25th meeting~~ on progress with the consultancy; and
- c) publish the final guidance on the CITES website.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The Secretariat estimates the extrabudgetary costs of the work proposed in the present document at USD 20,000-40,000. At the time of writing, the Secretariat is not aware of a source for this funding.

The work proposed will also have workload implications for the Secretariat and the Plants Committee.