

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

SOURCE CODES FOR PLANT SPECIMENS IN TRADE

1. This document has been submitted by the Standing Committee, in collaboration with the Chair of 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 17.177 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.*

**Decision 17.177. Directed to the Standing Committee**

*The Standing Committee should consider the recommendations of the Plants Committee made in accordance with Decisions 17.175 and 17.176, and make recommendations, as appropriate, for consideration at the 18th meeting of the Conference of the Parties.*

3. The Plants Committee discharged its duties under Decisions 16.156 (Rev. CoP17) and 17.175 to 17.177 through the establishment of an intersessional working group which reported to the Plants Committee in documents [PC24 Doc. 16.1](#) and [PC24 Doc. 16.2](#). The intersessional working group examined a number of case studies of different types of production systems: wild, cultivated and artificially propagated.

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\* *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.*

4. The Plants Committee's intersessional working group on this matter advised that an intermediate source code covering production systems that fell between strict sources "A" and "W" would be desirable and would address issues such as:
  - a) Where Parties have developed production systems that clearly reduce pressure on wild sourced plant material but this is not reflected if the Source Code W is used;
  - b) Where Parties in using the Source Code W for material from managed production systems are not properly recognised for their efforts in developing alternative sustainable production systems;
  - c) Where the use of Source Code W for plant material that comes from managed production systems reduces scientific accuracy and misrepresents the trade data;
  - d) Where the declaration that plant material is from the wild can cause consumer and marketing issues which are really irrelevant to material from a managed production system;
  - e) Situations where propagation should be encouraged but if the resultant material falls under Source Code W because of definitional problems then this creates disincentives;
  - f) Where exports of species harvested outside their natural range which does not fit logically under W or A;
  - g) Plant material that is artificially propagated, then plants are grown under natural conditions, thus they are neither A nor W; and
  - h) Would require an NDF and legal acquisition finding, therefore assurance that impact on the wild population and possible conservation concerns are addressed.
5. Regarding Decision 16.156 (Rev. CoP17), the Plants Committee agreed that in the context of the current definitions of artificial propagation in Resolution Conf. 10.13 (Rev. CoP15) and Resolution Conf. 11.11 (Rev. CoP17), a definition of the word 'plantation' was not needed.
6. The Plants Committee considered the report of its intersessional working group and presented its own report under Decision 17.175 to the Standing Committee at its 70th meeting (SC70, Sochi, October 2018) in document [SC70 Doc. 31.2](#).
7. In its report to the Standing Committee, the Plants Committee also noted that paragraph 4 b) iii) in Resolution Conf. 11.11 requires a portion of collected seeds to be replanted in the wild. There are situations where this may not be appropriate, hence this paragraph requires further review.
8. On the basis of the report from the Plants Committee, the Standing Committee agreed to submit to the Conference of the Parties the amendments to Resolution Conf. 11.11 (Rev. CoP17) contained in Annex 1 to the present document, and the inclusion of the new source code "Y" in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* as contained in Annex 2 to the present document.
9. The Plants Committee noted that Resolutions Conf. 12.3 (Rev. CoP17), Conf. 12.8 (Rev. CoP13) on *Review of Significant Trade in specimens of Appendix-II species*, Conf. 16.10 on *Implementation of the Convention for agarwood-producing taxa* and possibly others, including the CITES glossary, may need revisions in case the new source code was adopted, and the Standing Committee therefore requested the Secretariat to propose consequential changes to other Resolutions for consideration by the Conference of the Parties at the present meeting. The response of the Secretariat to this request is found in paragraph C of its comments on the present document.
10. Aside from the recommendations of the Plants Committee, the Standing Committee also agreed to submit the draft decisions on specimens grown from wild-collected seeds or spores that are deemed to be artificially propagated, found in Annex 3 of the present document, to the Conference of the Parties for adoption.

#### Recommendations

11. The Standing Committee recommends that the Conference of the Parties adopts:
  - a) the amendments to Resolution Conf. 11.11 (Rev. CoP17) on *Regulation of trade in plants* found in Annex 1;

- b) the amendment to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* found in Annex 2; and
- c) the draft decisions found in Annex 3 to the present document.

#### COMMENTS OF THE SECRETARIAT

- A. The Secretariat shares the view expressed by the Plants Committee's intersessional working group that using management or harvesting techniques for species that reduce the impact of international trade on their status should be welcomed. The Secretariat also recognizes that plant species that are propagated and grown in diverse production systems with various degrees of human intervention could have an impact on wild populations. The same can be said for animal production systems. Non-detriment findings need to take account of the potential impact of such different harvesting and production techniques and regimes on wild populations.
- B. The proposal to create a further source code, between "W" (wild) and "A" (artificially propagated) has advantages and disadvantages. At past meetings of the Conference of the Parties, there has been agreement to broaden the definition of artificial propagation to encompass specimens which originate in conditions more akin to those in the wild. If traded under Article VII 5. as artificially propagated, such specimens do not need a non-detriment or legal acquisition finding, which may be a conservation concern. On the other hand, the creation of another source code – the tenth in existence – further complicates the process of issuing permits and certificates, even though specimens exported with the new source code "Y" would be subject to exactly the same permitting requirements as specimens taken from the wild. The Secretariat is also aware of concerns from some Parties that amending their national legislation to accommodate the new source code and the printing of new permit and certificate forms to include the new instructions and explanations may be burdensome, particularly if further changes to the source codes are made at CoP19 as a consequence of the Standing Committee's proposals in document CoP18 Doc. 59.1 – if adopted.
- C. Concerning the request of the Standing Committee for the Secretariat to propose **CONSEQUENTIAL CHANGES** to other Resolutions arising from the creation of the source code "Y", the Secretariat offers the following:

**Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates***

In paragraph 10 of the Instructions and explanations in Annex 2 and in paragraph 12 of the Instructions and explanations in Annex 3, after the paragraph:

*F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof;*

Insert the paragraph:

"Y Specimens of plants that fulfil the definition for 'assisted production' in Resolution Conf. 11.11 (Rev. CoP18) as well as parts and derivatives thereof"

Concerning the proposal in new paragraph X2 in Annex 1 of the present document, the Secretariat believes that this is an important point, but as it also applies to other source codes than "Y", a more holistic solution in Resolution Conf. 12.3 (Rev. CoP17) would be desirable. The Secretariat therefore recommends that the Conference of the Parties adopts the following additional changes to paragraph 2 i) of Resolution Conf. 12.3 (Rev. CoP17) instead of proposed new paragraph X2 (**see deleted paragraph 10 in Annex 5**):

[Additions to the existing text shown underlined].

***1. Regarding standardization of CITES permits and certificates***

2. AGREES that:

.....  
i) the following codes be used to indicate the source of the specimens:

**W\*** Specimens taken from the wild;

**X\*** Specimens taken in “the marine environment not under the jurisdiction of any State”;

**R\*** Ranched specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood;

**D\*** Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention;

**A** Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP17), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III);

**C** Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5;

**F\*** Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of ‘bred in captivity’ in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof;

**Y\*** Specimens of plants that fulfil the definition for ‘assisted production’ in Resolution Conf. 11.11 (Rev. CoP18) as well as parts and derivatives thereof

**U\*** Source unknown (**must be justified**);

**I\*** Confiscated or seized specimens;

**O** Pre-Convention specimens;

Except in relation to trade under Article VII paragraphs 1, 6 and 7, specimens exported with source codes indicated with an asterisk (\*) require a non-detriment finding under Article III 2 (a), Article III 5 (a), Article IV 2 (a), Article IV 6 (a) or Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species*

In Annex 2, in the second line of both section I. Summary and section II. Extended Analysis, add “Y” in the list of examples in parentheses.

Resolution Conf. 16.10 on *Implementation of the Convention for agarwood-producing taxa*.

The specimens covered by the section **Regarding artificially propagated specimens** in Resolution Conf. 16.10 would appear to qualify as specimens falling under the proposed new source code “Y”. In order to avoid duplication and promote simplicity, the Secretariat therefore recommends that this section, including paragraphs 1 to 4 of the Resolution, be deleted.

D. The Secretariat has the following general observations and recommendations to make concerning the changes Resolution Conf. 11.11 (Rev. CoP17) detailed in Annex 1 to the present document:

i) The chapeau of paragraph 4 does not explain what the subsequent text is an exception to. The Secretariat’s understanding is that it is an exception “to paragraphs 2 and 3” – which define the term

'artificially propagated' and consequently recommends that these words be added after the word "exception".

- ii) In paragraph 4 a) iv) A, the words " , based on a non-detriment finding, in accordance with Article III of the Convention" should be replaced by "in a manner not detrimental to the survival of the species in the wild", thus aligning with the language with that in used paragraph 1 b) i) of the Resolution and in paragraph 2 b) ii) A of Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*. Reference to the obligations of Parties in Article III is not appropriate in these circumstances
- iii) In paragraph 4 b) iii), the Secretariat recommends that the sentence begins "-ilf appropriate, ". Any translocation or replanting should take account of the risks that might be involved as explained, for instance, in IUCN's [Guidelines for Reintroductions and Other Conservation Translocations](#)
- iv) In the first sentence of new paragraph 9 a), the Secretariat suggests that the word "plants" should be changed to the words "plant specimens" as it is the specimens in trade that are given the source code, not the plants themselves.
- v) In proposed new paragraph 9 a) i), for clarity, the Secretariat suggests replacing the words "do not comply with" with the words "do not fall within the definition of"
- vi) At the start of new paragraph 9. b), it appears that some words are missing. The Secretariat recommends that the words "propagation material for 'assisted production' plant", be replaced with "material used to produce plant specimens from 'assisted production' systems".

**To simplify the reading of these proposed changes, the Secretariat has produced a clean copy of Resolution Conf. 11.11 (Rev. CoP18) with only its changes indicated as underlined and ~~strikethrough~~. This can be found as Annex 5.**

- E. The Secretariat recommends that the Conference of the Parties adopts the replacement of the term "seeds or spores" with "propagules" as proposed in Annex 1 of the present document.
- F. The Secretariat recommends that the Conference of the Parties adopt the draft Decisions shown in Annex 3 of the present document, noting that they would need to be closely coordinated with the work foreseen to be undertaken by the Plants and Standing Committees in the Decisions proposed by the Standing Committee in document CoP18 Doc. 57.
- G. Finally, the Secretariat recommends the Decisions 16.156 (Rev. CoP17) and 17.175 to 17.177 be deleted as they have been completed.
- H. The Secretariat draws the attention of Parties to the need to provide guidance to Parties on the implementation of the changes proposed in the present document – if adopted, *inter alia* through an updating of the [Guide to the application of CITES source codes](#), as addressed in document CoP18 Doc. 59.1. If adopted, further attention is also needed to the determination of non-detriment findings for specimens traded using the proposed new source code "Y" – see document CoP18 Doc. 45.

Conf. 11.11  
(Rev. CoP1X)<sup>1\*</sup>

Regulation of trade in plants

***Proposed revised Resolution Conf. 11.11 (Rev. CoP17) on Regulation of trade in plants. Proposed new language is underlined and deleted text is indicated with ~~strikethrough~~.***

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;

RECOGNIZING that there are plant species that are propagated and grown in diverse production systems with various degrees of human intervention, that may have different levels of impact on wild populations;

RECOGNIZING also that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of plants that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII;

NOTING that import of wild-collected specimens of Appendix-I plant species for purposes of establishing a commercial operation for artificial propagation is precluded by Article III, paragraph 3 (c), of the Convention, as explained further in Resolution Conf. 5.10 (Rev. CoP15), adopted by the Conference of the Parties at its fifth meeting (Buenos Aires, 1985) and amended at its 15th meeting (Doha, 2010);

OBSERVING that certain Parties that authorize export of 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;

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

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

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<sup>1</sup> Amended at the 13th, 14th, 15th and 17th meetings of the Conference of the Parties, and corrected by the Secretariat following the 16th meeting.

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

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

**Regarding the definition of 'artificially propagated'**

1. 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, and which must have been, to the satisfaction of the designated CITES 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) maintained in sufficient quantities for propagation so as 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 vigour and productivity of the cultivated parental stock; and
  - c) 'cultivar' means, following the definition of the 8th edition of the *International Code of Nomenclature for Cultivated Plants*, an assemblage of plants that (a) has been selected for a particular character or combination of characters, (b) is distinct, uniform, and stable in these characters, and (c) when propagated by appropriate means, retains those characters (but see Article 9.1 Note 1)<sup>2</sup>
2. DETERMINES that the term 'artificially propagated' shall be interpreted to refer to plant specimens:
  - a) grown under controlled conditions; and
  - b) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt from the provisions of the Convention or have been derived from cultivated parental stock;
3. DETERMINES that plants grown from cuttings or divisions are considered to be artificially propagated only if the traded specimens do not contain any material collected from the wild; and
4. RECOMMENDS that, for populations of Appendix-I listed species, an exception may be granted and specimens deemed to be artificially propagated ~~if grown from wild collected seeds or spores only~~ if, for the taxon involved:
  - a) i) the 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;
  - ii) the ~~seeds or spores propagules~~ are collected from the wild and grown under controlled conditions within a range State, which must also be the country of origin of the ~~seeds or spores propagules~~;
  - iii) the relevant Management Authority of that range State has determined that the collection of ~~seeds or spores propagules~~ was legal and consistent with relevant national laws for the protection and conservation of the species; and
  - iv) the relevant Scientific Authority of that range State has determined that:

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<sup>2</sup> Article 9.1 Note 1 states that no new taxon of cultivated plants (including a cultivar) can be regarded as such until its category name and circumscription have been formally published.

- A. collection of ~~seeds or spores~~ propagules was not detrimental to the survival of the species in the wild, based on a non-detriment finding, in accordance with Article III of the Convention; and
  - B. allowing trade in such specimens has a positive effect on the conservation of wild populations;
- b) at a minimum, to comply with subparagraphs 4 a) iv) A. and B. above:
- i) collection ~~seeds or spores~~ of propagules for this purpose is limited in such a manner such as to allow regeneration of the wild population;
  - ii) a portion of the plants produced under such circumstances is used to establish plantations to serve as cultivated parental stock in the future and become an additional source of ~~seeds or spores~~ propagules and thus reduce or eliminate the need to collect ~~seeds or spores~~ propagules from the wild; and
  - iii) a portion of the plants produced under such circumstances is used for replanting in the wild, to enhance recovery of existing populations or to re-establish populations that have been extirpated; and
- c) in the case of operations propagating Appendix-I species for commercial purposes under such conditions they are registered with the CITES Secretariat in accordance with Resolution Conf. 9.19 (Rev. CoP15) on *Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species*;

**Regarding grafted plants**

5. RECOMMENDS that:

- a) grafted plants 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 be treated as specimens of the taxon included in the more restrictive Appendix;

**Regarding hybrids**

6. 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; and
- b) regarding artificially propagated hybrids:
  - i) plant species or other taxa included 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 included 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 included in Appendix II;

**Regarding cultivars**

7. DETERMINES that cultivars shall be subject to the provisions of the Convention unless excluded by a specific annotation in Appendix I, II or III;



### ***Regarding flaked seedlings of Appendix-I orchids***

8. RECOMMENDS that flaked seedlings of orchid species included in Appendix I obtained *in vitro*, in solid or liquid media, and transported in sterile containers, be interpreted as being exempt from CITES control only if 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. CoP16)<sup>2</sup> for this exemption;

### ***Regarding the definition of 'plant obtained through assisted production' ('assisted production')***

X1. ADOPTS the following definition for the terms used in this Resolution:

- a) 'assisted production' shall be used to refer to plants that:
- i) do not comply with the definition of 'artificially propagated', and
  - ii) are considered not to be 'wild' because they are propagated or planted in an environment with some level of human intervention for the purpose of plant production;
- b) propagation material for 'assisted production' plant can be derived from plant material that is exempt from the provisions of the Convention, or derived from artificially propagated plants, or derived from plants grown in an environment with some level of human intervention or derived from plant materials collected sustainably from wild populations 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.

X2. AGREES that, for trade in specimens from 'assisted production' plants of species included in the Appendices, the provisions of Articles III, IV and V of the Convention shall continue to apply, in particular including:

- a) A Management Authority of the State of export is satisfied that the specimen to be exported was not obtained in contravention of the laws of the State for the protection of the species; and
- b) A Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species.<sup>3</sup>

### ***Regarding plant specimens in international trade under exemptions***

9. DETERMINES that specimens that cease to qualify for an exemption from the provisions of CITES, under which they were legally exported and imported, are deemed to originate in the country in which they cease to qualify for the exemption;

### ***Regarding enforcement for plants***

10. 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 specimens are 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;
  - d) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities; and

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<sup>2</sup> Corrected by the Secretariat following the 16th meeting of the Conference of the Parties: originally referred to Resolution Conf. 9.6 (Rev.).

<sup>3</sup> This does not apply for Appendix III species.

- e) material in trade is carefully checked in order to improve enforcement and in particular that plants declared to have been artificially propagated are checked both on import and on export;

**Regarding trade in salvaged plant specimens**

11. 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 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; and

**Regarding education about plant conservation through CITES**

12. 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;
- 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 artificial propagation and, where appropriate, encourage artificial propagation as an alternative to the removal of specimens from the wild; and

13. REPEALS Resolution Conf. 9.18 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997) – *Regulation of trade in plants*.

**Proposed amendments to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates***

Insertion of the following text in paragraph 3 i):

After the paragraph:

*F* *Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof;*

Insert the paragraph:

“Y Specimens of plants that fulfil the definition for ‘assisted production’ in Resolution Conf. 11.11 (Rev. CoP18) as well as parts and derivatives thereof.”

**Draft decisions on specimens grown from wild-collected seeds  
or spores that are deemed to be artificially propagated**

Directed to the Plants Committee

**18.AA**

The Plants Committee shall review the implementation of paragraph 4 of Resolution Conf. 11.11 (Rev. CoP17) and the trade in specimens of artificially propagated Appendix-I species. The report shall include consideration of conservation benefits to wild populations and any adverse effects on the conservation of Appendix-I species that have been subject to the implementation of paragraph 4.

**18.BB**

The Plants Committee, following the review under Decision 18.AA, shall consider any changes to paragraph 4 of Resolution Conf. 11.11 (Rev. CoP1X), and as appropriate, propose such amendments for consideration of the Standing Committee.

Directed to the Standing Committee

**18.CC**

The Standing Committee shall consider the recommendations of the Plants Committee made in accordance with Decisions 18.AA and 18.BB, and make recommendations, as appropriate, for consideration at the 19th meeting of the Conference of the Parties.

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.

No direct budgetary implications from the proposed work are envisaged.

The additional source code proposed will necessitate the updating of the publication - Guide to the application of CITES source codes. This matter is addressed in document CoP18 Doc. 59.1.

The draft Decisions proposed in Annex 3 of the present document will have workload implications for the Plants Committee and to a lesser extent, the Standing Committee.

Conf. 11.11  
(Rev. CoP1X)<sup>4\*</sup>

## Regulation of trade in plants

**Clean version: New language proposed by the Secretariat is underlined and deleted text is indicated with ~~strikethrough~~.**

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;

RECOGNIZING that there are plant species that are propagated and grown in diverse production systems with various degrees of human intervention, that may have different levels of impact on wild populations;

RECOGNIZING also that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of plants that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII;

NOTING that import of wild-collected specimens of Appendix-I plant species for purposes of establishing a commercial operation for artificial propagation is precluded by Article III, paragraph 3 (c), of the Convention, as explained further in Resolution Conf. 5.10 (Rev. CoP15), adopted by the Conference of the Parties at its fifth meeting (Buenos Aires, 1985) and amended at its 15th meeting (Doha, 2010);

OBSERVING that certain Parties that authorize export of 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;

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

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

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<sup>4</sup> Amended at the 13th, 14th, 15th and 17th meetings of the Conference of the Parties, and corrected by the Secretariat following the 16th meeting.

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

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

**Regarding the definition of 'artificially propagated'**

1. 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, and which must have been, to the satisfaction of the designated CITES 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) maintained in sufficient quantities for propagation so as 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 vigour and productivity of the cultivated parental stock; and
  - c) 'cultivar' means, following the definition of the 8th edition of the *International Code of Nomenclature for Cultivated Plants*, an assemblage of plants that (a) has been selected for a particular character or combination of characters, (b) is distinct, uniform, and stable in these characters, and (c) when propagated by appropriate means, retains those characters (but see Article 9.1 Note 1)<sup>5</sup>
2. DETERMINES that the term 'artificially propagated' shall be interpreted to refer to plant specimens:
  - a) grown under controlled conditions; and
  - b) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt from the provisions of the Convention or have been derived from cultivated parental stock;
3. DETERMINES that plants grown from cuttings or divisions are considered to be artificially propagated only if the traded specimens do not contain any material collected from the wild; and
4. RECOMMENDS that, for populations of Appendix-I listed species, an exception to paragraphs 2 and 3 may be granted and specimens deemed to be artificially propagated if, for the taxon involved:
  - a)
    - i) the 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;
    - ii) the propagules are collected from the wild and grown under controlled conditions within a range State, which must also be the country of origin of the propagules;
    - iii) the relevant Management Authority of that range State has determined that the collection of propagules was legal and consistent with relevant national laws for the protection and conservation of the species; and
  - iv) the relevant Scientific Authority of that range State has determined that:

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<sup>5</sup> Article 9.1 Note 1 states that no new taxon of cultivated plants (including a cultivar) can be regarded as such until its category name and circumscription have been formally published.

- A. collection of propagules was ~~not detrimental to the survival of the species in the wild, based on a non-detriment finding, in accordance with Article III of the Convention in a manner not detrimental to the survival of the species in the wild;~~ and
  - B. allowing trade in such specimens has a positive effect on the conservation of wild populations;
- b) at a minimum, to comply with subparagraphs 4 a) iv) A. and B. above:
- i) collection of propagules for this purpose is limited in such a manner such as to allow regeneration of the wild population;
  - ii) a portion of the plants produced under such circumstances is used to establish plantations to serve as cultivated parental stock in the future and become an additional source of propagules and thus reduce or eliminate the need to collect propagules from the wild; and
  - iii) if appropriate, a portion of the plants produced under such circumstances is used for replanting in the wild, to enhance recovery of existing populations or to re-establish populations that have been extirpated; and
- c) in the case of operations propagating Appendix-I species for commercial purposes under such conditions they are registered with the CITES Secretariat in accordance with Resolution Conf. 9.19 (Rev. CoP15) on *Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species*;

**Regarding grafted plants**

5. RECOMMENDS that:

- a) grafted plants 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 be treated as specimens of the taxon included in the more restrictive Appendix;

**Regarding hybrids**

6. 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; and
- b) regarding artificially propagated hybrids:
  - i) plant species or other taxa included 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 included 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 included in Appendix II;

**Regarding cultivars**

7. DETERMINES that cultivars shall be subject to the provisions of the Convention unless excluded by a specific annotation in Appendix I, II or III;



### **Regarding flaked seedlings of Appendix-I orchids**

8. RECOMMENDS that flaked seedlings of orchid species included in Appendix I obtained *in vitro*, in solid or liquid media, and transported in sterile containers, be interpreted as being exempt from CITES control only if 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. CoP16)<sup>2</sup> for this exemption;

### **Regarding the definition of 'plant obtained through assisted production' ('assisted production')**

9. ADOPTS the following definition for the terms used in this Resolution:

- a) 'assisted production' shall be used to refer to ~~plants~~ plant specimens that:
- i) ~~do not comply with~~ do not fall within the definition of 'artificially propagated', and
  - ii) are considered not to be 'wild' because they are propagated or planted in an environment with some level of human intervention for the purpose of plant production;
- b) ~~propagation material for 'assisted production' plant~~ material used to produce plant specimens from 'assisted production' systems can be derived from plant material that is exempt from the provisions of the Convention, or derived from artificially propagated plants, or derived from plants grown in an environment with some level of human intervention or derived from plant materials collected sustainably from wild populations 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.

- ~~10. AGREES that, for trade in specimens from 'assisted production' plants of species included in the Appendices, the provisions of Articles III, IV and V of the Convention shall continue to apply, in particular including:~~

- ~~a) A Management Authority of the State of export is satisfied that the specimen to be exported was not obtained in contravention of the laws of the State for the protection of the species; and~~
- ~~b) A Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species.<sup>6</sup>~~

### **Regarding plant specimens in international trade under exemptions**

- ~~104.~~ DETERMINES that specimens that cease to qualify for an exemption from the provisions of CITES, under which they were legally exported and imported, are deemed to originate in the country in which they cease to qualify for the exemption;

### **Regarding enforcement for plants**

- ~~112.~~ 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 specimens are 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;
- d) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities; and

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<sup>2</sup> Corrected by the Secretariat following the 16th meeting of the Conference of the Parties: originally referred to Resolution Conf. 9.6 (Rev.).

<sup>6</sup> This does not apply for Appendix III species.

- e) material in trade is carefully checked in order to improve enforcement and in particular that plants declared to have been artificially propagated are checked both on import and on export;

**Regarding trade in salvaged plant specimens**

123. 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 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; and

**Regarding education about plant conservation through CITES**

134. 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;
- 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 artificial propagation and, where appropriate, encourage artificial propagation as an alternative to the removal of specimens from the wild; and

145. REPEALS Resolution Conf. 9.18 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997) – *Regulation of trade in plants*.