

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Interpretation and implementation of the Convention

Species trade and conservation

TAXUS CUSPIDATA

1. This document has been prepared by the Chair of the Plants Committee on behalf of the Committee, and with the support of the Committee's specialist on nomenclature*.
2. At its 14th meeting (CoP14, The Hague, 2007), the Conference of the Parties adopted Decision 14.147 on *Taxus cuspidata*, as follows:

The Plants Committee shall discuss hybrids and cultivars, and other entities recognized in horticulture (e.g. forms and varieties), and provide recommendations to the Conference of the Parties at its 15th meeting regarding their treatment under the Convention, particularly with regard to Article I, paragraph (b).
3. At its 17th meeting (PC17, Geneva, April 2008), the Plants Committee considered documents PC17 Doc. 19.1 and PC17 Doc. 19.2, submitted by the Secretariat and the representative of North America respectively as a help in implementing Decision 14.147. At that meeting, the Committee agreed to make the following recommendations:
 - a) Regarding hybrids: the Parties should continue to follow the guidance of Resolution Conf. 11.11 (Rev. CoP14);
 - b) Regarding cultivars: the adoption of the definition of the 7th edition of the International Code of Nomenclature for Cultivated Plants: "an assemblage of plants that has been selected for a particular attribute or combination of attributes and that is clearly distinct, uniform, and stable in these characteristics and that when propagated by appropriate means retains those characteristics";
 - c) Cultivars shall be subject to the provisions of the Convention even though not specifically included in the Appendices, but may be excluded from CITES controls by a specific annotation in Appendix I, II or III, if meeting the definition of the International Code of Nomenclature for Cultivated Plants;
 - d) The PC requests that the Secretariat submit a proposal for CoP15 on the Committee's behalf to amend Resolution Conf. 11.11 (Rev. CoP14) accordingly; and
 - e) There is no need for further actions regarding other entities recognized in horticulture (e.g. forms and varieties), because they all can be subsumed under other valid definitions.
4. At the Committee's 18th meeting (Buenos Aires, March 2009), the Secretariat proposed that a draft revised Resolution be included in the *Report of the Chair* for CoP15, taking into account that Decision 14.147

* *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.*

directs the Committee to provide recommendations on this subject to the Conference of the Parties. It was also considered that the specialist on botanical nomenclature should revise the definition in accordance with the most recent version of the Code, which was about to be published, before proposing changes.

5. At the time of writing, specialist on botanical nomenclature had advised of the following: "The eighth edition of the International Code of Nomenclature for Cultivated Plants is in press at the moment and it is expected to be published by the end of October 2009 (Brickell, C.D., Alexander, C., David, J.C., Hetterscheid, W.L.A., Leslie, A.C., Malecot, V. & Xiaobai Jin (eds) (2009). International Code of Nomenclature for Cultivated Plants, Eighth Edition. *Scripta Horticulturae* 10)."

The definition of the cultivar in the 8th edition, now given in Article 2.3, is as follows:

A cultivar is 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 Art. 9.1 Note 1).

Art. 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 has been formally published.

6. The definition of the cultivar in the 8th edition has not been changed, but the text has been made less ambiguous.
7. The Committee agreed to propose the changes to Resolution Conf. 11.11 (Rev. CoP14), contained in the Annex to document PC18 Doc. 10, subject to replacing the word "cultivars" with "cultivar" in the section on 'cultivars' under ADOPTS, and to taking into account the report of the specialist on botanical nomenclature on the definition provided in the latest edition of the International Code of Nomenclature for Cultivated Plants.
8. The Plants Committee therefore submits for consideration at the present meeting the amendments to Resolution Conf. 11.11 (Rev. CoP14) contained in the Annex to the present document.

COMMENTS FROM THE SECRETARIAT

In its document PC17 Doc. 19.1, the Secretariat put forward two arguments in favour of choosing a definition of 'cultivar' that already existed. First, it would be more practical from an implementation point of view, and second, the Conference of the Parties has expressed its encouragement for harmonization of practice between Multilateral Environmental Agreements, such as in Decision 14.18 which addresses the taxonomy and nomenclature of species covered by various agreements. That Decision is relevant not only to the harmonization of the taxonomy and nomenclature of the species included in CITES, but also to the treatment of hybrids thereof, cultivars and other entities recognized in horticulture (e.g. forms and varieties). Cultivars have been systematically treated in CITES in the same way as hybrids, and therefore the Secretariat supports the amendments proposed to Resolution Conf. 11.11 (Rev. CoP14) presented in the Annex to this document.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

NB: Text to be deleted is ~~crossed out~~. Proposed new text is underlined.

Proposed amendments to Resolution Conf. 11.11 (Rev. CoP14)

Regulation of trade in plants

Regarding the definition of 'artificially propagated'

ADOPTS the following definitions for terms used in this Resolution:

- a)
- b)

- 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 Art. 9.1 Note 1).

Art. 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 has been formally published.

Regarding cultivars

DETERMINES that:

Cultivars shall be subject to the provisions of the Convention even though not specifically included in the Appendices, unless the cultivars are excluded from CITES controls by a specific annotation in Appendix I, II or III;