

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



Sixteenth meeting of the Plants Committee
Lima (Peru), 3-8 July 2006

Annotations for species in Appendices II and III

IMPLEMENTATION OF THE ANNOTATION FOR ORCHIDACEAE SPP. INCLUDED IN APPENDIX II

1. This document has been submitted by the Management Authorities of Thailand and Switzerland.
2. Eight Parties submitted responses to Notification to the Parties No. 2005/047 of 11 August 2005: Canada, the Republic of Korea, Singapore, Spain, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America. They all indicated that they implemented the annotation. However, the annotation is implemented by 25 Member States of the European Union.
3. The common aspect of all comments received seems to be that the effort to exclude mass-produced orchid hybrids is a step in the right direction, but still could be improved in certain respects. No increase of illegal trade has been reported and it seems that the exemption has not led to any conservation problems. In particular, Thailand, as an important range State of orchids, reports that no detrimental effect has been observed.
4. The proposed, modified wording [see Annex to Notification to the Parties No. 2005/047, (Annex 1 to this document)] is generally preferred by most of the Parties that responded and it is suggested that options for further simplification should be investigated, i.e. less conditions. Some conditions, as they stand, don't match the practices of local/national orchid trade. There is also a suggestion to widen the list of exempted hybrid taxa by covering e.g. hybrids of *Cambria*, *Miltonia*, *Odontoglossum* and *Oncidium*. Further, it is suggested to improve the suggested new annotation (Notification to the Parties. 2005/047 Annex) by defining 'hybrid' (interspecific/intergeneric), re-wording paragraph b) ii) "and allow easy verification of appropriate use of these labels and packages" and inserting numbers to list the required conditions of paragraph b) i) and ii), as utilized in the current annotation.
5. More detailed information is contained in the annex to this document.

No. 2005/047

Geneva, 11 August 2005

CONCERNING:

Implementation of the annotation for Orchidaceae spp. included in Appendix II

1. Decision 13.98 directs Parties to:

monitor the implementation of the annotation to Orchidaceae spp. included in Appendix II and report to the Plants Committee.

2. Decision 13.99, directs the Plants Committee to:

report at the 14th meeting of the Conference of the Parties on the implementation of the annotation to Orchidaceae spp. included in Appendix II.

3. At the request of the Plants Committee, the Secretariat hereby requests Parties to provide their answers to the following questions:

- a) Is the annotation implemented in your country?
If yes, when and how (by what legislation)?
- b) Do you consider that the application of the annotation is effective?
- c) Do you consider that the annotation is useful? (Please explain why)
- d) Have you observed any increase in illegal activities resulting from the implementation of the annotation and if so, in what manner?
- e) Do you find the current annotation easily applicable? If not, would you prefer the version in the Annex to this Notification?

4. Parties are requested to send their answers to the Secretariat before 31 December 2005 for transmission to the Plants Committee.

Annex

Draft annotation to Orchidaceae spp. included in Appendix II to replace the existing annotation
Suggested by a working group of the Plants Committee
[Extract from document PC15 WG7 Doc. 1 (Rev. 1)]

Artificially propagated hybrids of the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* are not subject to the provisions of the Convention if:

- a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest; and
- b)
 - i) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or
 - ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels and packaged with printed packages; and labels or packages indicate the name of the hybrid and the country of final processing, and allow easy verification of appropriate use of these labels or packages.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

RESPONSES FROM PARTIES NOTIFICATION TO THE PARTIES NO. 2005/047

	a) is the annotation implemented in your country? If yes, when and how (by what legislation)?	b) Do you consider that the application of the annotation is effective?	c) Do you consider that the annotation is useful? (Please explain why)	d) Have you observed any increase in illegal activities resulting from the implementation of the annotation and if so, in what manner?	e) Do you find the current annotation easily applicable? If not, would you prefer the version in the Annex to this Notification (No. 2005/047)?
Canada	yes, through WAPPRIITA and WAPTR		conditions do not always reflect actual shipment characteristics; impracticable for most suppliers to package plants according to requirements for exemption of flowering hybrids; superfluous permit applications for concerns of exporters regarding international implementation; better information of border personnel is needed	no; resources can be focused on trade associated with a higher risk for conservation	merged annotation is preferable; description of wild collected plants under a) is useful; "AND" / "OR" at the end of each condition must be specified
Republic of Korea	yes, "wildlife protection act"	many importing countries still require CITES permits, in addition to phytosanitary certificates with the declaration of artificial propagation (as applied by KR); shipments covered by CITES phytosanitary certificates have been rejected by importing countries in some cases, i. e. CITES implementation in orchid trade has to be generally improved	yes, if implemented effectively; unnecessary permit issuance procedure could be simplified, especially in a country like KR, where large volumes of orchids are traded		flowering and non-flowering specimens should have the same conditions for exemption

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Spain	yes, through EU Commission Regulation (No. 1332/2005 from 9 August 2005)	no case of application so far	not possible to evaluate up to date	no	applicable, though not easily; also the proposed merged annotation is difficult to apply; difficulties to assess plants propagated in open air, to identify non-flowering specimens; it would be helpful to have the scientific names in the accompanying documents
Singapore	yes, through Endangered Species (Import and Export) Act	yes	yes, it ensures that the exemption is solely for artificially propagated orchid hybrids of the listed genera , and prevent the exploitation of this exemption of other genera which is not under the exemption	no	not easily applicable, suggested to simplify the text, and further suggested to be presented in the point form
Switzerland	yes, from 12 January 2005 through publication and instruction of inspectors at the border (and information distributed to the orchid trading community)	including data in annual reports is no longer needed, this helps to save and re-allocate CITES resources; exporters welcome easier trade conditions	yes; resources can be re-allocated to fields with greater relevance for conservation; less reporting and less objections at the border for purely formal reasons; all frequently traded hybrids should be exempted, e.g. hybrids of <i>Cambria</i> , <i>Miltonia</i> , <i>Odontoglossum</i> and <i>Oncidium</i>	no	applicable; however, would prefer wording as suggested or as simple as possible
Thailand	yes	partially effective	partially; may be confusing	no; no detrimental effect on wild populations	wording complicated; TH would strongly prefer to generally exempt all artificially propagated orchid hybrids

	a) is the annotation implemented in your country? If yes, when and how (by what legislation)?	b) Do you consider that the application of the annotation is effective?	c) Do you consider that the annotation is useful? (Please explain why)	d) Have you observed any increase in illegal activities resulting from the implementation of the annotation and if so, in what manner?	e) Do you find the current annotation easily applicable? If not, would you prefer the version in the Annex to this Notification (No. 2005/047)?
United Kingdom	yes, through EU Commission Regulation (No. 1332/2005 from 9 August 2005)	too early to judge; annotation is complex and difficult to implement on a day-to-day basis; enforcement and trade would prefer a simple annotation	yes; goes some way to removing from CITES control artificially propagated hybrids; would be much more useful if simplified	no; also true for previous exemption of <i>Phalaenopsis</i> hybrids; consignments are checked on a regular basis	not easily applicable, too complex; too many conditions; merged annotation is a significant improvement; PC urged to negotiate an annotation which has a minimum of conditions attached
United States	yes, APHIS directive of 12 January 2005 (and information distributed to the orchid trading community)	somewhat effective	the industry is very cautious in utilizing the annotation, some traders prefer to secure a CITES document rather than risking (unjustified) objections at borders	none of which APHIS is aware	applicable, but suggested format would be preferred, because it separates the parameters of artificial propagation in paragraph (a) and applies them to both flowering and non-flowering specimens