

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



Nineteenth meeting of the Plants Committee
Geneva (Switzerland), 18-21 April 2011

Annotations

ORCHIDS: ANNOTATIONS FOR SPECIES INCLUDED IN APPENDIX II
[DECISIONS 14.133 AND 14.134 (REV. COP15)]

1. This document has been submitted by the regional representative for Europe (Mr Maurizio Sajeve).*
2. Decisions 14.133 and 14.134 (Rev. COP15) establish the following:

Directed to Parties and the Plants Committee

14.133 *Countries of export and import should make recommendations and prepare identification material on further exemptions for artificially propagated hybrids of Orchidaceae spp. included in Appendix II, taking into consideration the capacities of countries to implement and control such exemptions effectively. The results shall be sent to the Plants Committee, which shall evaluate them and adopt the appropriate measures.*

Directed to the Plants Committee

14.134 The Plants Committee shall monitor and assess possible conservation problems arising from the (Rev. implementation of the annotation to Orchidaceae spp. included in Appendix II and shall report on CoP15) the issue at the 16th meeting of the Conference of the Parties.

3. With respect to Dec. 14.134 (Rev. CoP15) the Plants Committee should monitor and verify possible conservation problems arising from the exemption of artificially propagated hybrids of genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* e *Vanda*.
4. These exemptions are applicable only when:
 - 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 pests; 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

* *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.*

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 or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.

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

5. The following questionnaire has been circulated to the Regions representative to gather information on the present situation:
 - a) Has some Party in your region encountered any problems concerning the exemption annotation of Orchidaceae spp. included in Appendix II as exporting or importing country or for both?
 - b) Please to mention the Parties
 - c) Please describe the problems that have been arising.
 - d) What are the Parties recommendations to resolve the problems?
 - e) Do the Parties observe positive effects or the Parties have any other comments?
6. Unfortunately only a few Parties responded. The obtained data is not provided sufficient information to complete overview on the impact of the exemption, particularly without information of some major exporting countries such as The People's Republic of China, and The Republic of Korea (CITES Trade Database). The most important information was provided from the North American Region and Thailand which is the biggest exporter (CITES Trade Database). The only other Party was Australia answering without details. The information given by Thailand, Australia, Canada, Mexico and United States of America is included in the Annex of this document.
7. Results of the questionnaires were not sufficient to obtain a real monitoring of the annotation. However it is possible to draw some considerations.
8. The use of the exemption is limited or non-utilized. In reality, the obtained information given by different countries is contradicting. For instance, the representatives from Thailand and USA informed that they do not find any problems in respect to the condition required in their countries, but the representative from Australia notes that the identification is too much complicated according to the knowledge of inspection officers (the same is reported in the Equator report presented during 17th meeting of the Plants Committee, (PC17 Doc. 13.2).
9. According to the representative from Mexico there is not so many problems for the inspection officers' perspective but in some occasions, the exporters could not meet the required shipping conditions.
10. An in-depth analysis is provided by the representative from Canada, who identifies the biological and social-economic concerns of implementing the exemption. The biological concern is related to the fact that the adult plants in genus of *Phalaenopsis* and *Cymbidium* are too large to be packaged and shipped as the exemption requires. From the social-economic perspective, the shipping requirements are considered the most difficult duty for a relatively small enterprise (which could have some difficulties to find the quantity and quality of plants as stated in the annotation). For instance, the cost of examination causes a disadvantage (with competition problem) for small ones if they compete with big enterprises. Therefore, it observed that there is a challenge to meet the requirements of packaging and labelling.
11. Based on above considerations, there is confusion about the applicability of exemptions beyond the expected use. In fact Canada mention that some exporters prefer to attach CITES certificate to save the costs and the time of labelling necessary to use the exemption. Furthermore with a CITES certificate the exporters could be sure that they will not face any problems with the customs of the importing countries. The US highlighted that the demand of CITES certificates has not decreased and Thailand also found same conclusion.

12. In conclusion, there is evidence that the exemptions had not any impact, in accordance to the Conf. 11.21 (Rev. CoP13), for the use of annotations in Appendices I and II, which under paragraph e) recommends:

*“Annotations that specify the types of specimens included in the Appendices **should be used sparingly, as their implementation is particularly challenging, especially where there are identification problems or where the purpose of trade has been specified**”.*

13. In order to increase the impact of the exemptions as suggested by the representatives (see Annex) of the North American Region and Australia the note should be simplified so to minimised the errors of the interpretation. Canada suggests the exemption of all orchids hybrid but only if they are in a state of flowering. This suggestion is in accordance with the provisions of paragraph f) under the second RESOLVES in Resolution Conf. 9.24 (Rev. CoP12):

“species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the Appendices if there is no probability of trade taking place in specimens of wild origin”.

14. The Plants Committee is invited:

- a) To monitor the commercial hybrid orchid trend (for genus) and to suggest the guidelines for the simplification of the annotations including the necessary requirements (for example, only specimens with flowers, etc.).
- b) To improve the identification capacity of inspection officers, to encourage the exporters for using the exemption, and to produce an identification manual to this purpose.
- c) To verify which Parties are still requiring CITES permit for taxa which could benefit of the annotation.

The following table resumes the information given by Thailand, Australia, Canada, Mexico and United States of America.

Party	Use of the exemption	Problems that have been arising.	Comments on the efficiency	Recommendations
Canada	Limited	<p>Although the exemption is being implemented in Canada, use of the exemption is limited. This is likely because the shipping conditions required in the exemption do not necessarily reflect actual shipment characteristics. Specifically:</p> <p>*Orchids are rarely shipped "labeled with printed labels and packaged with printed packages; and labels or packages indicate the name of the hybrid and the country of final processing".</p> <p>*<i>Phalaenopsis</i> and <i>Cymbidium</i> are often too large as mature plants to be packaged and shipped in the manner the exemption requires.</p> <p>*The minimum number of plants results in an unfair advantage to companies which deal in large shipments compared to small companies that ship in lesser quantities, and their specimens are often not in flower.</p>	<p>The added cost and time involved to label and prepare specimens as required under the exemption is too great; it is easier to apply for a CITES permit.</p>	<p>Trade in hybrids probably does not negatively impact wild plants. However, given the difficulty in distinguishing between hybrids and species, perhaps a practical alternative would be to exempt all orchid hybrids but only if they are in a flowering state. Perhaps the current annotation could be extended to include more genera (e.g. <i>Miltonia</i>, <i>Odontoglossum</i>, <i>Oncidium</i>) while the possibility of exempting all orchid hybrids is considered.</p> <p>Another suggestion is to have artificial human-made genera such as <i>Colmonara</i>, <i>Brassocattleya</i>, <i>Odontocidium</i>, etc., be exempted</p>
USA	Under utilized	<p>The current exemption annotation of <i>Orchidaceae</i> spp. included in Appendix II has not caused implementation problems for the United States as either an exporting country or importing country.</p>	<p>Other Parties' Management Authorities continue to issue CITES permits for shipments of orchids that would be covered under the exemption.</p>	<p>Increase the awareness of the exemption.</p>

Party	Use of the exemption	Problems that have been arising.	Comments on the efficiency	Recommendations
Mexico	-	Although Mexico has low import levels of orchids, there have been no problems regarding the exemption annotation. Similarly, countries that import orchids traded as covered by the exemption annotation haven't had problems accepting them as such.	-	México makes recommendations at two different levels: (1) Parties must improve the identification capacities of their customs officers; and (2) Parties should promote the use of the exemption among orchid producers (e.g. at nurseries and botanical gardens).
Thailand	Under utilized	Although Thai exporters do not any trouble to use the exemption, but they found many difficulties with importing countries. In fact, the inspection officers of the importing countries' demand a CITES certificate even it would not be necessary, for instance the shipment is under exemption.	Unfortunately, the implementation of the exemption has not considerable impact at the moment. First, the failure of implementing exemption is due to lack of knowledge about the note. Second, the implementation of exemption has faced many challenges of the identification in hybrid orchids.	Thailand makes recommendation for all importing countries need to improve the capacity building in their competent authorities for CITES activities. It is also important to survey the Parties that require a CITES permit regarding the annotation.
Australia	-	Inspecting each and every shipment to the level of detail outline in the annotation would also require knowledge of plants and plant condition to a degree not likely for individual inspection officers at the border.	Effects are likely limited from described problem about the note implementation	We are generally concerned at the number of annotations that are open to interpretation, and suggest that the Plants Committee should review all annotations for plants with a view to simplifying them and ensuring consistent wording and lack of ambiguity.
Other Parties	-	-	-	-