

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Amendment of the annotation to Orchidaceae in Appendix II regarding *Phalaenopsis* hybrids to read:

Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provisions of the Convention when:

- a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) containing 20 or more plants each;
- b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container;
- c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild;
- d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves or other parts resulting from collection; and
- e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper.

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

B. Proponent

Switzerland as Depositary Government, at the request of the Plants Committee.

C. Supporting statement

At the 12th meeting of the Conference of the Parties, the United States of America proposed to annotate Orchidaceae in Appendix II to exclude artificially propagated specimens of interspecific and intergeneric hybrids of six genera (*Cattleya*, *Cymbidium*, *nobile*-type and *phalaenopsis*-type *Dendrobium*, *Oncidium*, *Phalaenopsis*, and *Vanda*). Based on consultations with range countries, the United States amended the proposal to include only hybrids within the genus *Phalaenopsis* as a "test case" and also proposed that the Conference of the Parties adopt a Decision urging the Plants Committee to monitor the impact of the exclusion, particularly with regard to any increase in illegal trade, and report at CoP13. No Decision was actually adopted, but the Plants Committee included an agenda item for its 14th meeting (PC14) (Windhoek, 16-20 February 2004) to discuss implementation of the annotation for artificially propagated hybrids within the genus *Phalaenopsis*.

At PC14, the observer from the United States of America reported on the results of an informal survey of selected orchid-exporting and -importing countries, as well as results of consultations with U.S. CITES plant enforcement officials, on the effectiveness of the annotation and whether it was causing any enforcement difficulties. None of the countries contacted had observed any shipments of *Phalaenopsis* hybrids without CITES export permits. Three common reasons were given for orchid exporters not taking advantage of the exemption provided by this annotation:

1. Orchid exporters had not been made aware that such an exemption existed.
2. Orchid exporters were aware of the exemption, but feared that importing countries would not recognize the exemption and would detain shipments that lacked CITES documents.

3. The current minimum number of plants per container (100) was too high because most shipments involved containers with far fewer plants.

One country (Singapore) reported that they use phytosanitary certificates as CITES documents as certificates of artificial propagation, as provided for in Resolution Conf. 12.3, and therefore, they were not experiencing any problems with shipments of *Phalaenopsis* hybrids. However, this response indicated that the exemption provided by the annotation would not result in a significant change in procedures for them.

A working group at PC14 was asked to evaluate the information provided by the United States of America and make a recommendation regarding whether the annotation should be retained, modified, or repealed. The working group recommended that a proposal should be submitted to CoP13 to amend the annotation to reduce the minimum number of plants per container from 100 to 20, but to otherwise retain the current wording of the annotation.