

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

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Delete annotations #1 and #4 and replace them both with the following new annotation for plant taxa listed in Appendix II:

"All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico;
- b) seedlings or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Vanilla* (Orchidaceae), *Opuntia* subgenus *Opuntia* (Cactaceae), *Hylocereus* and *Selenicereus* (Cactaceae);
- e) stems, flowers, and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Euphorbia antisiphilitica* packaged and ready for retail trade."

Amend footnote 6 as follows (delete struck-through text):

Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of the Convention:

- *Hatiora x graeseri*
- *Schlumbergera x buckleyi*
- *Schlumbergera russelliana x Schlumbergera truncata*
- *Schlumbergera orssichiana x Schlumbergera truncata*
- *Schlumbergera opuntioides x Schlumbergera truncata*
- *Schlumbergera truncata* (cultivars)
- Cactaceae spp. colour mutants ~~lacking chlorophyll~~, grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus*
- *Opuntia microdasys* (cultivars).

B. Proponent

Mexico and the United States of America, on behalf of the Plants Committee*

* *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.*

C. Supporting statement

This proposal is primarily the result of deliberations by the Plants Committee in response to Decision 14.130, which states:

Directed to the Plants Committee

The Plants Committee shall:

- a) analyse the amendments of annotations #1, #4 and #8 of proposal CoP14 Prop. 26 in order to decide whether there is merit in further developing and refining them; and
- b) if appropriate, prepare a proposal on annotations for consideration at the 15th meeting of the Conference of the Parties.

The Plants Committee conducted this work at its meetings since CoP14 as well as through intersessional working groups. This proposal is the outcome of these deliberations by the Plants Committee.

At the 17th meeting of the Plants Committee (PC17; Geneva, April 2008), a working group was established to analyse the amendments to annotations #1, #4 and #8, as proposed by Switzerland in CoP14 Prop. 26. Because annotation #8 for Orchidaceae was abandoned at CoP14, the PC17 working group focused on amendments to and merging of annotations #1 and #4. The issue of exempting finished products was deferred and assigned to a separate intersessional working group. In addition to the work in response to Decision 14.30, the Plants Committee also asked the working group to clarify the translation of "cactus without chlorophyll" from footnote 6, since this phrase is not technically accurate and results in enforcement problems.

The working group established at PC17 recommended that no further action be taken with regard to creating an exemption by annotation for herbarium specimens. It was concluded that the Convention already contains an exemption for such specimens in Article VII and that the Conference of the Parties had agreed on the implementation of this exemption through Resolution Conf. 11.15 (Rev. CoP12). Rather, an intersessional working group was established to consider other ways in which to address difficulties encountered with the exchange of herbarium specimens of species listed in the CITES Appendices. With regard to other specimens (other than finished products), the working group agreed on a new draft annotation to replace annotations #1 and #4, as well as a revision to footnote 6.

At PC18 (Buenos Aires, March 2009), a new working group was established to further consider the draft annotation (i.e., amending and merging annotations #1 and #4) developed at PC17 and to also consider whether any further elements should be added with regard to finished products based on the deliberations of the intersessional working group on this issue. The intersessional working group on finished products limited its review to *Cibotium barometz*, *Cistanche deserticola*, *Dionaea muscipula*, and *Euphorbia* spp., particularly *Euphorbia antisyphilitica* to address the trade in candelilla wax used in cosmetic products. The intersessional working group determined that the finished products of *Dionaea muscipula* could be excluded from CITES controls and further recommended that the Plants Committee review the market survey commissioned by Germany on *Euphorbia* spp. to assess the need for controlling finished products of this genus. During discussions at PC18, it was determined that the permitting burden was not sufficient to overcome the difficulties of revising the current annotation for *D. muscipula*. It was further concluded that it would be appropriate to exclude finished products of *E. antisyphilitica* packaged and ready for retail trade, as recommended in the new annotation contained in this document.

Also at PC18, the United States of America had submitted a document (PC18 Doc. 11.4) suggesting that the exemption for seeds included in the current annotation #1 for Appendix-II Orchidaceae should be clarified as to whether it included seedpods (fruits). The United States explained in its document that trade in orchid seeds is most practical if the trade actually occurs as intact seedpods, to maintain the sterile conditions required for culturing the seeds in flasks. Furthermore, it seems inconsistent to require orchid seeds to be removed from seedpods to be exempt and to consider them not exempt when they remain in the seedpods. Some observer Parties at the meeting indicated that they already consider orchid seedpods to be exempt as a practical way of applying the exemption for orchid seeds. The Plants Committee asked the working group on annotations to consider the matter of orchid seedpods in its deliberations, and the working group ultimately decided on the insertion of "(including seedpods of Orchidaceae)" after "seeds" in the new annotation.

For further information, please refer to documents PC17 Doc. 13.1, PC17 WG1 (Rev. 1), PC18 Doc. 11.1, PC18 Doc. 11.3, PC18 Doc. 11.4, PC18 WG4 Doc. 1, and PC18 Inf. 6.