

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

Amend the annotation to the listing of Orchidaceae included in Appendix I, as follows:

Delete the current annotation, which states:

For all of the following Appendix-I species, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention.

Replace with the following new annotation:

For all of the following Appendix-I species, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties.

B. Proponent

The United States of America^{*}

C. Supporting Statement

1. Taxonomy

1.1 Class: Monocotyledonae

1.2 Order: Orchidales

1.3 Family: Orchidaceae

1.4 Common name: English: orchids
 French: orchidées
 Spanish: orquideas

* *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.*

2. Rationale

Currently, the annotation for Appendix-I orchids and the guidance provided in Resolution Conf. 11.11 (Rev. CoP14), *Regulation of trade in plants*, regarding flasks seedlings of Appendix-I orchids are inconsistent, and therefore allow for confusion and inconsistency in the implementation of the Convention for trade in flasks seedlings of these species. This undermines efforts to conserve these species in the wild. Clear language is needed in the annotation to indicate that the exemption applies only if the specimens contained in a flask meet the strict definition of 'artificially propagated' that has been agreed by the Conference of the Parties. In practice, this would not require that such flasks be accompanied by CITES documents to be traded, but enforcement officials would have a clearer basis for taking action when abuses of the exemption occur.

As discussed by the Plants Committee beginning at its 11th meeting (2001, Langkawi), the exemption of flasks seedlings of Appendix-I orchids from CITES provisions is based on an understanding that orchid seedlings in flasks typically would meet the definition agreed by the Parties for artificially propagated specimens. The wording of the current annotation fails to convey this understanding, which has led to newly discovered Appendix-I orchid species (and their hybrids) entering trade as flasks seedlings produced from parental stock that has been illegally acquired and exported from range countries (see PC11 Doc. 24.4, PC11 Inf. 8). Furthermore, for some species, it has been documented that this illegal collection and trade has had a detrimental impact on wild populations, including the near-extirpation of at least one species (*Paphiopedilum vietnamense*).

At the 18th meeting of the Plants Committee (Buenos Aires, March 2009), the United States had submitted a document (PC18 Doc. 11.5) in which it drew the attention of the Plants Committee to the inconsistency between the current annotation to the listing of Appendix-I orchids and the agreed exemption for flasks seedlings of Appendix-I orchids contained in Resolution Conf. 11.11 (Rev. CoP14). The United States recommended that a proposal be submitted for consideration by the Conference of the Parties at CoP15 to amend the annotation to be consistent with the wording used in Resolution Conf. 11.11 (Rev. CoP14). The Committee supported the submission of such an amendment proposal.