

CITES Permit requirements:

- Appendix I species may not be imported and exported for commercial purposes unless they are artificially propagated and authorized by both CITES export and import permits, and with the exception of seedlings or tissue cultures obtained in vitro, in solid or liquid media, when transported in sterile containers.
- Artificially propagated hybrids derived from one or more Appendix I species shall be regarded as being included in Appendix II, and entitled to all exemptions applicable to artificially propagated Appendix II species.

You can also refer to the control list we have online in order to find out what the listing is for a given species. The Control List is available on the Environment Canada CITES website www.ec.gc.ca/cites .

The shipment must correspond with the permit. The numbers and type of species (or hybrid) in the shipment must match or be less than the numbers on the permit. Also, you cannot substitute; for example, if a permit is made out for 3 *Laelia jongheana* and 3 *Laelia lobata*, and the exporter only has 2 *L. jongheana* ready to ship, they cannot add a 4th *L. lobata* or any other CITES listed specimen to the shipment to make up for it. It is also important to note that in the event of a last minute “addition” to a shipment that does not appear on the CITES permit, the importer risks losing not just the unpermitted specimens, but perhaps the entire shipment. This is because the permitted specimens were used to conceal the smuggled specimens.

All other aspects of the permit, such as importer or consignee name and address, for example, must all be in order for the permit to be accepted.

Use of phytosanitary certificates:

Only certain countries allow phytosanitary certificates to be used in the place of CITES export documents for artificially propagated orchids.

This can only apply to:

- species listed in Appendix II
- Hybrids derived from species listed in any of the Appendices.

Those countries include:

- Austria,
- Belgium,
- Canada,
- Denmark,
- Germany,
- Italy,
- Luxembourg,
- Netherlands,
- Republic of Korea,

- Singapore,
- Sweden and
- Switzerland.

Although Canada does allow the use of phytosanitary certificates for export, it can only accept them for importation of orchids from the countries on the list above.

Foreign requirements:

Other countries may have requirements for the import and export of orchids that are more stringent than the requirements of CITES or Canada's laws. Canadian law stipulates that any flora or fauna imported into Canada must conform to the laws of the country of export or re-export. If the shipment contravenes foreign law, then it is illegal here. If the shipment does not meet the other country's requirements, it is considered illegal, even if Canadian requirements are met.

CITES Exemptions for orchids:

All species of orchids are listed in the Appendices to the CITES Convention. However, there are some exemptions that allow certain specimens to be imported or exported without CITES permits under certain conditions. For orchids, the following exemptions apply.

For species listed in Appendix I, including their hybrids:

All parts and derivatives of orchids are subject to the Convention and therefore require permits, except:

- a) 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 only if the specimens meet the definition of "artificially propagated" agreed by the Conference of the Parties

For species listed in Appendix II, and artificially propagated hybrids:

Note, since CITES CoP15, the Orchidaceae are annotated with #4 which applies to Cactaceae as well. Only the text relevant to orchids is copied below and changes since the last CoP are highlighted.

All parts and derivatives of orchids are subject to the Convention and therefore require permits, except:

- a) seeds (including seedpods), spores and pollen (including pollinia);
- b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants; and
- d) the fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genus *Vanilla*.

As most Canadian imports of orchids are in flasks, many importers will qualify for this exemption.

In addition, there are additional exemptions that apply only to certain types of hybrids. Artificially propagated hybrids of the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* are not subject to the provisions of the Convention 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 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 Convention documents.

It may be useful to remind your readers that many of these exemptions encourage artificial propagation, in order to take the pressure off wild orchid populations. From a practical standpoint when dealing with these exemptions, importers should take note that the artificially propagated origin of the plants must not be in any doubt. If the condition of the plants suggests that they may be wild in origin, they may be detained until this can be determined.

Your readers should also note that Appendix I specimens imported into Canada under one of the exemptions may be sold in Canada in the same form in which they were imported or in any other more mature forms. However, when re-exported from Canada in a form no longer meeting any of the exemptions, CITES permits must be obtained.

Personal Effects exemption:

If the orchid does not qualify for any of the exemptions described above, there is one final option for those who wish to travel with their orchids. Canada implements a CITES exemption for Personal effects that applies not just to orchids but to all CITES species, and this is particularly relevant to attendees of events such as the World Orchid Conference. This exemption applies to live and dead plants and dead animals, including their parts and derivatives. It applies to species listed in CITES Appendices I, II and III. It does not apply to any specimen imported or exported for commercial purposes. In order to qualify for an exemption, the specimens must:

- Be owned by the individual in their ordinary country of residence. This also means that the exemption cannot apply to plants purchased at the World Orchid Conference),
- Be part of the individual's clothing, accessories, or personal accompanied baggage. (Therefore, this exemption does not apply if the plant is sent by mail or courier, or sent home with a friend). And,
- The person must not sell or dispose of the specimen within 90 days after the date of the import or export, as the case may be.

Participants at the World Orchid Conference who wish to bring their plants for appraisal or competition and who intend to return home with them qualify for this exemption. However, they must return to Canada with their specimen, and may not sell it or give it away.

A final word of caution: all of the above-mentioned exemptions are Canadian CITES exemptions only. They do not in any way exempt the importer or exporter from the requirements of other government departments such as the Canadian Food Inspection Agency, nor do they exempt the importer or exporter from foreign legislation. For example, if country X does not recognise Canada's CITES exemptions, or if they have legislation that is stricter than the requirements of the CITES Convention, then the importer or exporter must abide by the laws of country X.

Furthermore, if using this exemption, your readers should be aware that our legislation stipulates that **commercial purposes means:**

any activity related to the sale, offering for sale, purchase, trade or barter of any animal or plant, or any part or derivative of one, without regard to its quantity or weight, including any display, performance or exhibit of such a thing for gain or profit; and the use of any such thing for the purpose of soliciting sales.

Common mistakes:

The most common mistakes we encounter are the following:

- mislabelled/misdeclared plants,
- more in the shipment than what's on permits
- there are issues with seedlings of artificially propagated plants shipped in vitro in sterile medium - We have seen legitimate seedlings which meet the exemption but have also seen plants (larger than seedlings) shipped this way - likely an attempt to fall within the exemption.