

**Canadian CITES Import Requirements
For orchids entering Canada
(as of March, 2008)**

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.

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.

Aerangis ellisii, *Dendrobium cruentum*, *Laelia jongheana*, *Laelia lobata*, *Paphiopedilum spp.*, *Peristeria elata*, *Phragmipedium spp.* and *Renanthera imschootiana*.

Note: 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.

To find out what the listing is for a given species, please use the searchable Control List is available on the Environment Canada CITES website: www.cites.ec.gc.ca/ By searching on "orchid", the importer will be able to view the entire list.

Documentation:

Any shipment including importations in personal baggage must correspond with what appears on 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.

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.

Foreign requirements:

Countries other than Canada 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,

exception: – 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

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

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

except:

- a. seeds, 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 of artificially propagated plants of the genus *Vanilla* and parts and derivatives of those fruits.

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

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

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: (particularly relevant to exhibitors)

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 recent World Orchid Conference. This exemption applies to live and dead plants 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 exporter for commercial purposes. In order to qualify for an exemption, the specimens must:

- a) Be owned by the individual in their ordinary country of residence. (in general, this means it was acquired 90 days or more prior to export. This also means that the exemption cannot apply to plants purchased at an international show),
- b) 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,
- c) 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 of an international show 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 while outside Canada.

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, readers should be aware that Canadian 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.**

