

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Twenty-seventh meeting of the Plants Committee  
Geneva (Switzerland), 8 – 13 July 2024

Appendices of the Convention

Annotations

ORCHID SPECIMENS EXEMPTED THROUGH ANNOTATION #4 g)

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.268 to 19.271 on *Orchid specimens exempted through annotation #4 g)* as follows:

***Directed to the Secretariat***

**19.268** *No less than one (1) year after entry into force of the Decisions adopted at the 19th meeting of the Conference of the Parties, the Secretariat shall issue a Notification to the Parties requesting the following information:*

- a) *whether there have been any implementation issues concerning the annotation #4 exemption for finished products packaged and ready for retail trade of cosmetics containing parts and derivatives of specimens of Bletilla striata, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis and Phalaenopsis lobbii, and if so describe the issues;*
- b) *whether Parties have identified any conservation impacts of the annotation #4 exemption on the status of Bletilla striata, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis and Phalaenopsis lobbii in the wild; and*
- c) *based on the responses received, prepare a report to the Standing Committee on implementation challenges and to the Plants Committee on conservation impacts of the exemption.*

***Directed to Parties***

**19.269** *Parties are encouraged to submit pertinent information concerning the annotation #4 exemption for finished products packaged and ready for retail trade of cosmetics containing parts and derivatives of specimens of Bletilla striata, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis and Phalaenopsis lobbii as requested in Decision 19.268.*

***Directed to the Plants Committee***

**19.270** *The Plants Committee shall:*

- a) *review the information received as requested under Decision 19.268 with a view to assessing whether the exemption provided under annotation #4 has had any impacts on the wild populations of these species; and*

- b) based on the outcome of this review, formulate recommendations to the Standing Committee concerning the exemption provided under annotation #4 for *Bletilla striata*, *Cynoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii*.

**Directed to the Standing Committee**

**19.271** The Standing Committee shall:

- a) consider the report of the Secretariat in accordance with Decision 19.268 and any recommendations of the Plants Committee under Decision 19.270; and
- b) formulate recommendations to the 20th meeting of the Conference of the Parties concerning the application and conservation impacts of the exemption provided under annotation #4 to *Bletilla striata*, *Cynoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii*, as appropriate.

3. In accordance with Decision 19.268, the Secretariat published [Notification to the Parties No. 2024/009](#) on 9 January 2024. The Secretariat received responses from Sweden, Switzerland, and the United States of America, which are annexed to this document and summarized below:

- a) Sweden seized some consignments of tablets containing *Gastrodia elata* and indicated in its response that although limited data is available, the seizures indicate that illicit trade in these species does occur. Sweden did not encounter any identification challenges related to this annotation, but also pointed out that cosmetics containing specimens of species referred to in annotation #4 g) can be identified only if the species content is clearly indicated on the list of ingredients.

Sweden noted that ensuring compliance with the exemption requires robust systems to verify that the parts and derivatives in cosmetics genuinely originate from artificially propagated specimens. The practicality of distinguishing finished products derived from artificially propagated sources from those sourced from the wild remains an enforcement hurdle. Sweden thus considered all specimens, including in cosmetic products, subject to permit requirements, unless there is clear evidence that annotation #4 g) applies.

Sweden finally noted that exemptions should ideally be clear and limited in number to simplify compliance and enforcement processes. It pointed out that annotation #4 g) differs from this approach. Sweden considers the application of such exemptions to be challenging, as they allow specimens of species to move in and out of the Convention's scope, based on what type of item is being traded. It therefore suggests a more proportionate approach.

- b) Switzerland emphasized that the species protection control of these products no longer applies. The burden for the customs officers being less significant, they can focus on the commodities that are more relevant in trade.
- c) The United States of America responded that relevant national government agencies and industry bodies are unaware of any conservation impacts related to the international trade in finished products containing parts and derivatives of 'artificial propagated' plants of these six orchid species.

4. In response to the remarks by Sweden, the Secretariat additionally reviewed the CITES illegal trade database entries for the five concerned species for the period 2016 to present (as of 11 April 2024):

| Species                      | #Seizures | Years       | Weight | Volume     | #Items    | Specimen (by #Seizures)   | Reporting Parties   |
|------------------------------|-----------|-------------|--------|------------|-----------|---|---|
| <i>Cynoches cooperi</i>      | 0         |             |        |            |           |   |   |
| <i>Phalaenopsis lobbii</i>   | 0         |             |        |            |           |   |   |
| <i>Phalaenopsis amabilis</i> | 1         | 2019        |        | 252 litres |           | Extract (1)   | Italy   |
| <i>Bletilla striata</i>      | 23        | 2016 - 2021 | 97 kg  | 510 litres | 1.211 NUM | medicine (8)<br>live (9)<br>cosmetics (2)<br>extract (2)<br>oil (1) | Canada, Czech Republic, Estonia, Germany, Italy, Netherlands, New Zealand, Switzerland, United Kingdom of Great |

|                        |     |                   |             |                 |   |   |   |
|------------------------|-----|-------------------|-------------|-----------------|---|---|---|
|                        |     |                   |             |                 |   | root (1)  | Britain and Northern Ireland, United States of America  |
| <i>Gastrodia elata</i> | 879 | 2016<br>-<br>2021 | 329,3<br>kg | 102,4<br>litres | 157.577<br>NUM,<br>BAG,<br>BOT,<br>BOX,<br>PKT <sup>1</sup> | medicine (537)<br>root (290)<br>cosmetics (22)<br>powder (10)<br>derivatives (7)<br>extracts (7)<br>dried plant (4)<br>stem (2) | Belgium, Canada, Czech Republic, France, Japan, Netherlands, New Zealand, Norway, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America |

#### Observations by the Secretariat

5. Decision 19.270 directs the Secretariat, based on responses to the Notification received, to prepare a report to the Plants Committee on conservation impacts of the exemption. Due to the limited number of responses received in response to [Notification to the Parties No. 2024/009](#), and the fact that none of the Parties that responded were range States of the species concerned, the Secretariat is not able to report on the conservation impacts of the exemption.
6. The Secretariat recalls the following discussions at CoP19 relating to the proposal submitted by Switzerland to amend the annotation to the listing of Orchidaceae included in Appendix II as reflected in summary record [CoP19 Com. I Rec. 14 \(Rev. 1\)](#): Switzerland highlighted that research on the five species (*Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii*) had indicated they were artificially propagated in large quantities to supply the cosmetic and personal care industry, with no evidence that wild-harvested plants would be detrimentally affected by the exemption of finished products. In an effort to address concerns that wild specimens could enter into trade as a result of acceptance of this proposal, Switzerland proposed draft decisions to CoP19 to establish a process to consider the implementation and possible conservation impacts of the annotation. The Decisions were adopted by CoP19, and the Secretariat notes that although the annotation specifically refer to finished products derived from artificial propagation, the reference to artificial propagation was not included in the Decisions adopted.
7. The Secretariat further recalls discussions at previous meetings of the Plants Committee on these matters: Trade reviews by Switzerland in preparation for the exemption of orchid specimens under an amended annotation #4 were submitted in documents [PC23 Doc. 32](#) and [PC24 Doc. 28](#), compiled in information document [PC25 Inf. 4](#) and summarized in paragraph 7 and the Annex to document [PC25 Doc. 37](#). Intersessional discussions on their findings and the wording of any exemption are reflected in document [PC25 Doc. 38](#) and [PC25 Doc. 38 Add.](#) These discussions found that the five species affected by the exemption through annotation #4g) are widely cultivated and that most of the assessed international trade in cosmetic and medicinal products of these species appeared to be from artificial propagation. However, for *Gastrodia elata*, some wild collection, and possibly dwindling wild populations, were reported, even though it remained unclear what share of this harvest was traded internationally. Available data was mostly insufficient to draw more detailed conclusions regarding the conservation impact of trade for these five species.
8. Taking into consideration the following:
  - a) the likelihood that most trade in these species is from artificial propagation;
  - b) the lack of available information on the conservation status of these species through either desk studies or information submitted by Parties in response to the Notification;
  - c) the challenges to verify that the parts and derivatives in cosmetics genuinely originate from artificially propagated specimens raised by Sweden and also brought up in consultations reflected in document [PC25 Doc. 38 Add.](#);

<sup>1</sup> The Secretariat notes that the units BAG, BOT, BOX, PKT are unclear. The [Guidelines for the preparation and submission of the CITES annual illegal trade reports](#) advise that "the quantity should always be recorded as number of specimens and never in non-standard units such as 'boxes', 'cartons', 'containers' or 'bales'. Where possible, all seizures reported should include both quantity and weight/volume for each specimen and species type seized during an incident".

- d) the substantial number of seizures reported in the CITES illegal trade database before the amended annotation #4 g) came into force, in particular for *Gastrodia elata*; and
- e) noting that the main aim of the Decisions was to determine conservation impact,

the Secretariat proposes that the Plants Committee invite range States of the species involved and especially range States of *Gastrodia elata* to bring any concerns relating to changes in the status of their wild populations associated with harvest for international trade to the attention of the Secretariat and the Plants Committee. The Secretariat will bring its observations on enforcement challenges related to the amended annotation #4 to the attention of the Standing Committee.

Recommendations:

- 9. The Plants Committee is invited to:
  - a) note that the Secretariat is not able to report on the conservation impacts of the exemption contained in annotation #4 g) on *Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii*;
  - b) encourage range States of the species involved and especially range States of *Gastrodia elata* to bring any concerns relating to changes in the status of their wild populations associated with harvest for international trade to the attention of the Secretariat and the Plants Committee;
  - c) agree that Decision 19.268 and 19.269 have been implemented; and
  - d) report its conclusions to the Standing Committee.

## Martin Otto Hitziger

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**From:** Erik.Dalarud@jordbruksverket.se  
**Sent:** 21 February 2024 11:42  
**To:** Martin Otto Hitziger  
**Cc:** UNOG-UNEP-CITES Info; Marie Dahlström; Siri.Ockerman@Naturvardsverket.se; Britt.Forsen@Naturvardsverket.se; Victoria.Gehrke@jordbruksverket.se; andrea.ljung@havochvatten.se; pia.norling@havochvatten.se  
**Subject:** Sweden's response to notification 2024/009

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Vissa som fått det här meddelandet får inte ofta e-post från erik.dalarud@jordbruksverket.se. [Se varför det är viktigt](#)

Dear Secretariat,

In response to Notification No. 2024/009 concerning the exemption of orchid specimens through annotation #4 g), Sweden submits the following information and insights in its implementation.

At the 19th meeting of the CITES Conference of the Parties (CoP19) in Panama City in 2022, an amendment to **annotation #4** was adopted. This amendment exempts **finished products derived from artificial propagation**, which are **packaged and ready for retail trade**, containing parts and derivatives of the following species: *Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis*, or *Phalaenopsis lobbii*.

We note that annotation #4 is designed in an **exclusive manner**, wherein all items are regulated unless specifically exempted. There is a general challenge with such annotations that allow specimens of species to move in and out of the Convention's scope, based on what type of item it constitutes. Consideration should be given to a more **proportionate approach**. Ideally, exemptions should be clear and limited in number to simplify compliance and enforcement processes. However, the current structure of annotation #4 diverges from this ideal by incorporating a broad range of exceptions that complicate its application.

Notably, ensuring compliance with the exemption criteria requires robust systems to verify that the parts and derivatives in cosmetics genuinely originate from **artificially propagated** specimens. The practicality of distinguishing finished products derived from artificially propagated sources from those sourced from the wild remains a considerable enforcement hurdle. Basically, we handle this by means that **the general rule** is that all specimens of the species utilized in products, including cosmetics, are subject to permit requirements, unless there is clear evidence indicating that the exemption would apply.

**Cosmetics** containing these species can be detected only if the species content is clearly indicated on the list of ingredients. So far, we have not encountered any identification challenges related to this specific annotation, other than what has been generally noted.

**From 2020 to date**, we have not found any cosmetics containing these species. However, we have seized a number of consignments of tablets containing *Gastrodia elata*. The statistics show a slight decreasing trend, but the data is too limited to draw definitive conclusions. However, this at least suggests that illicit trade is occurring with products amongst the named species. But not necessarily the kind that affects point g) in #4.

Sincerely,

Erik Dalarud  
CITES Management Authority of Sweden



## Martin Otto Hitziger

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**From:** Ursula.Moser@blv.admin.ch  
**Sent:** 07 February 2024 16:28  
**To:** Martin Otto Hitziger  
**Cc:** UNOG-UNEP-CITES Info  
**Subject:** Notification 2024/009 Orchids specimens exempted through annotation #4g)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Martin,

regarding the impact of the amended annotation #4g) the following:

Switzerland submitted this proposal to the CoP because we were able to show through the case studies that finished products of the five listed species can be excluded from the annotation, as only extracts of species from artificial propagation are used for production. Since a large part of the international cosmetics industry has its production facilities in Switzerland, the import and export of both raw materials and finished products is very extensive. As the species protection control of these products does no longer apply the burden for the customs officer is less significant and they can focus on the commodities that are more important for the trade. Therefore it is an improvement of the situation as well.

Kind regards  
Ursula

\*\*\*\*\*

**Ursula Moser**, Biologist  
Scientific Officer

### **CITES MA of Switzerland and Lichtenstein**

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# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
International Affairs  
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Falls Church, VA 22041-3803

March 20, 2024

In Reply Ref. to:  
DSA\CITES\Response to Notification 2024/009

Mr. Martin Otto Hitziger  
Associate Scientific Support Officer, Science Unit  
CITES Secretariat  
International Environment House  
11 Chemin des Anémones  
CH-1219 Châtelaine  
Geneva, Switzerland

VIA EMAIL: martin.hitziger@cites.org

Dear Martin:

This letter provides the United States response to Notification to the Parties No. 2024/009 – *Orchid specimens exempted through annotation #4 g*), which, in line Decision 19.268, requests information on the following:

- a) any implementation issues concerning the annotation #4 exemption for finished products packaged and ready for retail trade of cosmetics containing parts and derivatives of specimens of *Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii*; and
- b) any conservation impacts of the annotation #4 exemption on the status of *Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii* in the wild.

The Scientific Authority of the United States (i.e., U.S. Fish and Wildlife Service, Division of Scientific Authority) contacted representatives of the personal care industry in the United States to inquiry whether they are aware of any conservation impacts (negative or positive) related to the international trade in finished products packaged and ready for retail trade of cosmetics containing parts and derivatives of ‘artificial propagated’ plants of *Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis*, and *Phalaenopsis lobbii*.



Martin Otto Hitziger

We also contacted the United States plant import/export inspection agency (U.S. Department of Agriculture -Animal Plant Health Inspection Service-Plant Protection and Quarantine (USDA/APHIS/PPQ)), and the Management Authority of the United States (i.e., USFWS, Division of Management Authority) regarding this matter.

According to the entities contacted, they are unaware of any conservation impacts related to the international trade in finished products containing parts and derivatives of 'artificial propagated' plants of these six orchid species.

Because these specimens are no longer subject to CITES controls, and therefore, do not require CITES documents in international trade, the United States does not have trade data for import, export, or re-export of such commodities. Therefore, we are also unaware of any conservation impacts to plants of the six orchid species used in finished products in international trade.

If you have any questions concerning the information above, please feel free to contact me at [rosemarie\\_gnam@fws.gov](mailto:rosemarie_gnam@fws.gov).

Sincerely,

Rosemarie Gnam  
Head, Division of Scientific Authority  
U.S. Fish and Wildlife Service

cc: [info@cites.org](mailto:info@cites.org)