

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



Seventy-eighth meeting of the Standing Committee
Geneva (Switzerland), 3-8 February 2025

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, Cycnoches 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, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis and Phalaenopsis lobbii, as appropriate.*

3. 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. 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.
4. As a reminder, annotation #4 g) reads as follows:

#4 *All parts and derivatives, except”*

.....

- g) *finished products derived from artificial propagation, packaged and ready for retail trade of cosmetics containing parts and derivatives of Bletilla striata, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis or Phalaenopsis lobbii.*

5. 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 contained in Annex 2 to the present 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 as the species protection control of these products no longer applies, the burden for the customs officers is less significant and they can focus on the commodities that are more relevant for their 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. The United States of America furthermore indicated that because these specimens are no longer subject to CITES controls, and therefore, do not require CITES documents for international trade, trade data for import, export and re-export of the commodities are not available.
6. The Secretariat has reviewed the CITES illegal trade database entries for the five concerned species for the period 2016 to present (as of 29 November 2024):

Species	# Seizures	Years	Weight	Volume	#Items	Specimen (by #Seizures)	Reporting Parties
<i>Cycnoches cooperi</i>	0						
<i>Phalaenopsis lobbii</i>	0						
<i>Phalaenopsis amabilis</i>	4	2019 and 2022		252 litres	78,332 NUM	extract (2) cosmetics (2)	Italy, New Zealand
<i>Bletilla striata</i>	27	2016 - 2021	97 kg	510 litres	947 NUM 3 BOX 395 PKG ¹	cosmetics (2) extract (2) live (10) medicine (11) oil (1) root (1)	Canada, Czech Republic, Estonia, Germany, Hungary, Italy, Netherlands, New Zealand, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America
<i>Gastrodia elata</i>	908	2016 - 2021	336.83 kg	2,4 litres	171,549 NUM, 107 BAG, 44 BOT, 25 BOX, 4 PKG, 3 PKT ¹	cosmetics (24) derivatives (7) dried plant (4) extracts (7) medicine (554) powder (11) root (299) 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

Conservation impacts of the exemption [Decision 19.268 paragraph c)]

7. At 27th meeting of the Plants Committee (PC27; Geneva, July 2024), the Secretariat was unable to report on the conservation impacts of the exemption due to the limited amount of information 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.
8. The representative for Europe on the Plants Committee (Ms. Smyth), echoed by the United Kingdom of Great Britain and Northern Ireland, indicated that some countries like Sweden and the United Kingdom, had expressed concerns about implementation challenges for the annotation #4 exemption since they cannot verify whether the specimens had been artificially propagated or not (see summary record [PC27 SR, agenda item 38](#)). The representative for Europe (Ms. Smyth) suggested that, due to the lack of information of the conservation status of these orchids, the Decisions should be renewed.

¹ The Secretariat notes that the units BAG, BOT, BOX, PKT, PKG are unclear – these codes are not provided for in the Guidelines as trade term codes. 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”.

9. The representative for Central and South America and the Caribbean (Ms. Núñez Neyra), on behalf of Peru, a range State for *Cycnoches cooperi*, informed the Committee that the exemption had no impact on the conservation status of the species because all trade came from registered nurseries. China, as a range State for *Gastrodia elata*, indicated that its wild populations of *Gastrodia elata* are considered as vulnerable according to the IUCN Red List but confirmed that it had no specific concerns related to the trade in that species since specimens in international trade came from artificial propagation. India, as a range State for *Gastrodia elata*, also indicated that the species was considered as vulnerable with a high demand for cosmetics. Identification of *Gastrodia elata* was often difficult and it was often mis-identified.
10. The Plants Committee noted that the Secretariat was not at this stage 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*; and noted the information provided by two range States of *Gastrodia elata* (China and India) present at PC27. The Plants Committee encouraged 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 Plants Committee furthermore agreed to propose the renewal of the Decisions 19.268 and 19.269 and to report its conclusions to the Standing Committee.

Implementation challenges of the exemption [Decision 19.268 paragraph c)]

11. Decision 19.269, paragraph c), directs the Secretariat to report on the implementation challenges of the exemption in annotation #4 g). Based on the responses to the Notification to the Parties No. 2024/009 summarized in paragraph 5 of the present document and the discussions at PC27 reflected in paragraphs 8 and 9, the main implementation challenge for the exemption in annotation #4 g) is verifying whether the specimens used in the finished cosmetics products have been artificially propagated or not (see summary record, [PC27 SR agenda item 38](#)). The challenges to identify *Gastrodia elata* is not relevant to the consideration of the exemption in annotation #4 g), but should be addressed through the implementation of Resolution Conf. 19.4 on *Materials for the identification of specimens of CITES-listed species* and any associated decisions.
12. Taking into consideration the recommendations of the Plants Committee to renew the Decisions; 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 that additional time for implementation may assist in identifying any other potential implementation challenges, the Standing Committee is invited to consider proposing the renewal of the Decisions to the 20th meeting of the Conference of the Parties. To ensure alignment with the wording in the annotation, the Secretariat proposes revisions to the text of the Decisions (see Annex 1 to the present document).
13. The Secretariat also proposes that the Standing Committee could encourage Parties that use the exemption to consider the example in annotation P3 paragraph b) ii)² relating to the use of clearly visible printed labels or printed packages to allow for verification that final cosmetic products are derived from artificially propagated specimens.
14. The Secretariat furthermore notes that in the Interpretation section of the Appendices the expression “finished products packaged and ready for retail trade” is defined as: *Products, shipped singly or in bulk, requiring no further processing, packaged, labelled for final use or the retail trade in a state fit for being sold to or used by the general public.* Although annotation #4 g) includes elements not referred to in the definition, the Secretariat is of the view that the definition applies to the finished products referred to in the annotation and does not require amendment.

Recommendations:

15. The Standing Committee is invited to:

²P3 - Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*:

.....
 b) 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 CITES documents.

- a) note that the main implementation challenge for the exemption in annotation #4 g) is verifying whether the specimens used in the finished cosmetics products had been artificially propagated or not;
- b) encourage Parties that use the exemption to consider using clearly visible printed labels or printed packages to allow for verification that final cosmetic products are derived from artificially propagated specimens; and
- c) agree to propose the revised draft decisions on *Orchid specimens exempted through annotation #4 g)* in Annex 1 to the present document for consideration by the 20th meeting of the Conference of the Parties.

DRAFT REVISED DECISIONS ON
ORCHID SPECIMENS EXEMPTED THROUGH ANNOTATION #4 G)

New text is underlined and deleted text is in ~~strike~~through.

Directed to the Secretariat

19.268 (Rev. CoP20) No less than one (1) year after ~~entry into force of the Decisions adopted at the 1920th~~ 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 g) exemption for finished products derived from artificial propagation, 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 g) 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 (Rev. CoP20) Parties are encouraged to submit pertinent information concerning the annotation #4 g) exemption for finished products packaged derived from artificial propagation, 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 (Rev. CoP20).

Directed to the Plants Committee

19.270 (Rev. CoP20) The Plants Committee shall:

- a) review the information received as requested under Decision 19.268 (Rev. CoP20) with a view to assessing whether the exemption provided under annotation #4 g) 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 g) for *Bletilla striata*, *Cycnoches cooperi*, *Gastrodia elata*, *Phalaenopsis amabilis* and *Phalaenopsis lobbii*.

Directed to the Standing Committee

19.271 (Rev. CoP20) The Standing Committee shall:

- a) consider the report of the Secretariat in accordance with Decision 19.268 (Rev. CoP20) and any recommendations of the Plants Committee under Decision 19.270 (Rev. CoP20); and
- b) formulate recommendations to the ~~20th~~21st meeting of the Conference of the Parties concerning the application and conservation impacts of the exemption provided

under annotation #4_g) to Bletilla striata, Cycnoches cooperi, Gastrodia elata, Phalaenopsis amabilis and Phalaenopsis lobbii, as appropriate.

Martin Otto Hitziger

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

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



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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.

Sincerely,

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

cc: info@cites.org