

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



Eighteenth meeting of the Plants Committee
Buenos Aires (Argentina), 17-21 March 2009

Annotations

REVIEW OF TRADE IN FINISHED PRODUCTS FOR CERTAIN TAXA

1. This document has been submitted by the United States of America as chair of the intersessional working group examining the application to certain taxa of annotations excluding finished products (PC17 WG13)*.

Background

2. At the 17th meeting of the Plants Committee (PC17, Geneva, 2008), Switzerland submitted document PC17 Doc. 13.1 on the review of annotations for Cactaceae and Orchidaceae. Following discussion of this document in a working group at the meeting (WG1), the Plants Committee agreed to establish an intersessional working group (WG13) as recommended in paragraph 3 of the working group report [PC17 WG1 (Rev. 1)] as follows:

Regarding element f) of the proposed annotation in PC17 Doc. 13.1 (Annex 1), the WG considered that this element deserves more attention and proposes that an intersessional WG is formed to investigate the issue of finished products and related annotations. Also, this new WG would prioritize the species suggested in [element f) of] PC17 Doc. 13.1 (Annex 1) and begin work on specific cases to be considered under the finished product exemption. It should be noted that the WG did not agree to consider exemption of finished products at the family and genus level at this time.

3. The intersessional working group was tasked with determining whether it would be appropriate to annotate any of the taxa from the list in element f) of document PC17 Doc. 13.1 (Annex 1) with an annotation that excludes 'finished products packaged and ready for retail trade.' The working group decided to review three species, *Cibotium barometz*, *Cistanche deserticola*, and *Dionaea muscipula*, as its first priority.
4. After reviewing CITES trade data obtained from UNEP-WCMC, the working group identified approximately 24 countries involved in international trade in these three species. With the assistance of the CITES Secretariat, the working group prepared and distributed a questionnaire to those countries to obtain information on the most common specimens in trade, the source of raw material for manufactured products, and the Customs codes used in identifying these species in trade.
5. Subsequent to identifying the three priority species for its review, the working group determined that another high priority taxon, *Euphorbia* spp. and specifically trade in cosmetic products containing candelilla wax (*Euphorbia antisyphilitica*), warranted consideration under its mandate. Following discussions within the working group, Germany offered to commission a small market review of the trade in *Euphorbia* spp. for medicinal, aromatic, and cosmetic use and present the findings in an information document for PC18.

* *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.*

Germany will give a brief presentation of these findings at PC18 to help inform the discussion of the Committee on this issue.

Results

6. The working group received responses from 13 countries (Australia, Belgium, Canada, China, including Hong Kong, Czech Republic, France, Germany, Hungary, New Zealand, Republic of Korea, Switzerland, the United Kingdom, and the United States), which included the largest exporters of the three species. See the Annex to the present document for a summary of the responses received.
7. Most countries that responded to the questionnaire indicated that they recorded little trade in specimens deemed as “finished products packaged and ready for retail trade” and that they did not manufacture such products in their countries.
8. China, a range State for *Cibotium barometz* and *Cistanche deserticola*, reported that they are an exporter of these species and that most exported specimens can be considered “finished products packaged and ready for retail trade.” They indicated that these products are manufactured in their country and that most *Cistanche deserticola* products are manufactured from artificially-propagated plants. Conversely, China reported that the manufacture of *Cibotium barometz* products uses wild-harvested material due to a lack of any artificial propagation of this species.
9. The United States reported a relatively small number of exports of *Dionaea muscipula* juice in bottles. All reported CITES trade in *Dionaea muscipula*, both living and non-living, since 1995 involved artificially propagated specimens.
10. A number of respondents provided information on the Customs Tariff Codes assigned to non-living specimens of these three species. The information is summarized in Annex 1.

Recommendations

11. Based on the CITES trade data obtained from UNEP-WCMC and the responses to the working group’s questionnaire, the working group does not recommend revising the annotation for *Cibotium barometz* or *Cistanche deserticola* at this time. Decision 13.51 directed the Plants Committee, in its earlier review of annotations for medicinal plants, to “focus on “those commodities that first appear in international trade as exports from range States and on those that dominate the trade and the demand for the wild resource.” The working group views this direction to have relevance to its mandate. Since China reported that most exported specimens of these species are finished products, the first commodity in trade from this range State is primarily in the form of finished products, and so finished products of these species should not be exempted from CITES controls.
12. Based on the CITES trade data obtained from UNEP-WCMC and the responses to the working group’s questionnaire, the working group believes that it would be appropriate to revise the annotation for *Dionaea muscipula* to exclude ‘finished products packaged and ready for retail trade.’ However, this species currently carries Annotation #1, and the working group is concerned that merely changing the annotation for *D. muscipula* from #1 to #2 (the only current annotation that excepts finished products) would lose the exclusion of certain specimens, currently included in Annotation #1, which that the CITES Parties had intentionally excluded from the listing for this species. The working group is also reluctant to recommend the creation of a new annotation, and so recommends that the Plants Committee review Annotation #2 and the taxa currently annotated in this way to determine if it would be appropriate to revise the annotation to incorporate certain elements from annotation #1. The texts of Annotations #1 and #2 are provided below for reference:

Annotation #1: All parts and derivatives, 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) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*.

Annotation #2: All parts and derivatives except:

- a) seeds and pollen; and
- b) finished products packaged and ready for retail trade.

13. Parties are encouraged to take note of the Customs Tariff codes included in Annex 1 for non-living specimens of these three species. Parties using other codes for such commodities are urged to participate in the future work on this issue in an effort to ensure consistent use of the codes.
14. The working group recommends that the Plants Committee consider the results of the market survey commissioned by Germany and consider whether it would be appropriate to exclude 'finished products packaged and ready for retail trade' for *Euphorbia* spp. It should also be noted that the Plants Committee will address the listing of succulent *Euphorbia* spp. in Appendix II (including annotations) under agenda item 16.2.
15. The working group recommends that the Plants Committee continue its review of annotations, using the list in element f) of document PC17 Doc. 13.1 (Annex 1), to determine if it would be appropriate to revise the annotations of other taxa to exclude 'finished products packaged and ready for retail trade.'
16. Finally, the working group recommends that further revisions of annotations to exclude finished products only be undertaken at the level at which the taxa are listed in the Appendices (e.g., family, genus, or species). The working groups also recommends consulting with appropriate national authorities to ensure that such exclusions at higher taxonomic levels will not cause enforcement problems.
17. The working group asks the Plants Committee to endorse these recommendations at its 18th meeting and direct a working group to prepare documents as appropriate for consideration at the 15th meeting of the Conference of the Parties. Any proposals to amend the appendices will be submitted by Switzerland as the Depository Government.

SUMMARY OF RESPONSES TO LETTER DATED 14 NOVEMBER 2008 ON EXPORTS AND RE-EXPORTS OF SPECIMENS OF THE SPECIES THREE SPECIES: *CIBOTIUM BAROMETZ*, *CISTANCHE DESERTICOLA*, OR *DIONAEA MUSCIPULA*

Respondent	Exporter or Re-exporter, and what proportion finished products?	Manufactured in country, and source of material for manufacturing?	Harmonized Tariff Codes used for non-living specimens?
Australia	No	N/A	N/A
Belgium	No	N/A	N/A
Canada	No	N/A	For exports: 1211.90 For imports, using Tariff Classifications in the Canadian Customs Tariff to the 10-digit level: 1211.90.90.20 - Roots of a kind used primarily in pharmacy; 1211.90.90.30 – Herbs; 1211.90.90.40 – Seeds; 1211.90.90.90 - Other (than above)
China	<i>Cibotium barometz</i> and <i>Cistanche deserticola</i> exporter, and almost all of specimens can be considered to be “finished products packaged and ready for retail trade.”	Products manufactured in country. No artificial propagation of <i>Cibotium barometz</i> so all source material is wild collected; most <i>Cistanche deserticola</i> products produced from artificially propagated plants.	Different codes used for different types of products of non-living specimens of these species. For example, 3004.90.59.10 for Chinese traditional medicine, 3004.90.51.10 for medicinal liquor, 1302.19.90.97 for liquid extract, and 1211.90.39.70 specifically for fresh and dry <i>Cistanche deserticola</i> (including powder).
Czech Republic	No	N/A	N/A
France	No	N/A	N/A
Germany	No	N/A	N/A
Hong Kong Special Administrative Region, China	<i>Cibotium barometz</i> and <i>Cistanche deserticola</i> re-exported in raw, dried forms of herb ready for retail trade.	Not manufactured in country.	1211.90.90

Respondent	Exporter or Re-exporter, and what proportion finished products?	Manufactured in country, and source of material for manufacturing?	Harmonized Tariff Codes used for non-living specimens?
Hungary	No	N/A	N/A
New Zealand	Some exports of <i>Dionaea muscipula</i> extract.	Produced from artificially propagated plants previously imported.	1302 (Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products)
Republic of Korea	No	N/A	1211.90.90.99
Switzerland	No	N/A	N/A
United Kingdom	No	N/A	2106.90.92.60
United States	Exporter of <i>Dionaea muscipula</i> as extracted juice in bottles; six shipments totaling 16.5 liters (1998-2007).	Manufactured from material produced in country.	1211.90