

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



Twenty-fifth meeting of the Plants Committee
Online, 2-4, 21 and 23 June 2021

Species specific matters

Maintenance of the Appendices

ADDENDUM TO PRODUCTS CONTAINING SPECIMENS
OF APPENDIX-II ORCHIDS

1. This document has been prepared by the Secretariat in collaboration with the regional representative of Europe (Ursula Moser), as the Plants Committee's co-lead for the implementation of Decision 18.329 on *Products containing specimens of Appendix-II orchids*.

Progress since May 2020

2. Following the postponement due to the COVID-19 pandemic of the 25th meeting of the Plants Committee (PC25), scheduled to take place from 17 to 23 July 2020, the Committee took a number of intersessional decisions (see Notification No. 2020/056 of 21 September 2020), including the approval of its workplan for 2020-2022 as outlined in document PC25 Doc. 7.2. Through its workplan, the Plants Committee agreed on the leads for the implementation of Decision 18.329 as follows: Ms. Ursula Moser, representative of Europe; Mr. Byoung Yoon Lee, representative of Asia; and Ms. Yan Zeng, representative of Asia.
3. Following an online briefing of the Plants Committee held on 23 November 2020, it was agreed for the Secretariat to collaborate with Ms. Moser to further consider with the Plants Committee the implementation of Decision 18.329 in preparation of PC25. This included undertaking informal consultations with Plants Committee members, Party-experts and non-Party stakeholders, focusing on documents PC25 Doc. 37 and PC25 Doc. 38.
4. The Plants Committee reached out to 13 Parties (Canada, China, Cuba, European Union, Mexico, Netherlands, Peru, Republic of Korea, Thailand, United Kingdom of Great Britain and Northern Ireland and United States of America) and two observers [American Herbal Products Association (AHPA) and the IUCN Orchid Specialist Group of the International Union for Conservation of Nature (IUCN)] to
 - a) review the synthesis and assessment in document PC25 Doc. 37, paragraph 7 and 8;
 - b) discuss the proposals outlined in document PC25 Doc. 38; and to
 - c) discuss suggestions and recommendations that could be brought to the attention of the Plants and Standing Committees.
5. Feedback was received from Mexico, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which is summarized below:

5.1. *Regarding the synthesis and assessment in document PC25 Doc. 37, paragraph 7 and 8:*

Mexico and the United Kingdom agreed with all gaps identified in document PC25 Doc. 37, in particular the need for a potential study of the conservation status of orchid species found to be most affected by international trade, and potential identification problems between natural specimens and hybrids. The United States of America believed that it may be appropriate to focus additional work on wild harvested orchid specimens used in the production of salep and chikanda.

5.2. *Regarding the proposed amendment to annotation #4 outlined in document PC25 Doc. 38:*

- a) Mexico would consider specific exemptions for the specimens mentioned in document PC25 Doc. 38 if a potential annotation covered all specimens at the first point of export and if an analysis of the conservation impacts showed that such an exemption would have no impact on wild populations. Derivatives and finished products exported from range States should not be exempted, as this could encourage the illegal taking of specimens from the wild. Mexico considered it necessary to wait for the research proposed by the Secretariat (see document PC25 Doc. 37, paragraph 8) before deciding on the amendment proposed in document PC25 Doc. 38.
- b) The United Kingdom suggested removing the words ‘artificially propagated’ from the amendment proposed in document PC25 Doc. 38, since it was uncertain how to determine whether derivatives and finished products are produced from artificial propagation methods. The United Kingdom suggested certification or registration schemes for producers, and DNA barcoding techniques, as potential approaches for consideration and also referred to overlaps with the agenda item on trade in medicinal and aromatic plant species (document [PC25 Doc. 30](#)). The United Kingdom requested some additional clarifications on the potential amendment proposal: Firstly, whether finished products containing extracts derived from tissue cultures of orchids obtained *in vitro* and excluded from the provisions of the Convention would also be excluded with the proposed amendment. Secondly, whether finished products not transported in sterile containers [which is a condition of the exemption in Annotation #4, paragraph b)] would therefore be subject to the provisions of the Convention. The United Kingdom further emphasized that it may not be clear to industry that products must contain the scientific name of the orchid species to qualify for the proposed exemption and that this aspect along with the definition of cosmetics will require outreach efforts to ease with implementation. The United Kingdom suggested that it would be useful to have examples of accepted products in guidance documents for enforcement and implementation.
- c) The United States of America believed that it is unlikely that any wild-harvested specimens of the five orchid species affected by the exception are found in internationally traded finished cosmetic products, and that the harvest of wild specimens of *Bletilla striata* and *Gastrodia elata* was more likely to be for the medicinal plant markets rather than for cosmetic products destined for international trade. If an amendment along the lines contemplated in document PC25 Doc. 38 was adopted at CoP19, the United States of America recommended a draft decision to monitor the implementation of the exemptions. The United States thought it was premature to include other species in the proposed exemption until there was more information on other Appendix-II orchids species (see document PC25 Doc. 37). The United States had additional suggestions on some aspects presented by Switzerland in document PC25 Doc. 38:
 - i) the USA noted that the definition of the term “cosmetics” agreed by the Standing Committee includes the phrase, “Any product or mixture of products...”. Therefore, the USA considered that it would be redundant to refer to “finished cosmetic products” in any proposed amendment.
 - ii) the USA disagreed with the suggestion that the proposed exemption would also cover specimens derived from “assisted production” (source code Y), since the proposed amendment specifically references “artificially propagated specimens”.
 - iii) With regard to any labeling requirement on the cosmetics themselves, the USA would need to have additional consultations regarding any additional labeling requirements, including with legal experts, to determine if such a requirement would be necessary and appropriate.
- d) In parallel, the Standing Committee’s working group on annotations has also discussed a potential amendment to annotation #4, as reflected in document SC73 Doc. 25, paragraph 6 i).

6. Based on the progress thus far achieved, the Plants Committee may wish to continue working on products containing specimens of Appendix-II orchids beyond CoP19. Draft decisions to that effect are contained in the Annex to this Addendum.

Revised recommendations

7. The Plants Committee is invited to:
 - a) take note of documents PC25 Doc. 37, PC25 Doc. 38 and the present addendum;
 - b) consider priorities for additional research, as proposed in paragraph 8 of document PC25 Doc. 37;
 - c) consider the amendment to annotation #4, as proposed by Switzerland in paragraph 11 of document PC25 Doc. 38, and the best way of contributing findings in this regard to the ongoing discussions in the Standing Committee's intersessional working group on annotations;
 - d) consider the adoption of the draft decisions contained in the Annex to the present addendum; and
 - e) as per Decisions 18.239, paragraph c), make recommendations to the Standing Committee.

Draft decisions on *Trade in Appendix-II orchids*

19.AA *Directed to the Secretariat*

Subject to availability of external resources, the Secretariat shall:

- a) consult with Parties and undertake a study to compile:
 - i) an overview of Appendix-II orchid taxa that are particularly affected by wild harvest for international trade;
 - ii) an assessment of the conservation impacts of exempting artificially propagated hybrids of certain Appendix-II listed orchid taxa from CITES regulations, as articulated in footnote 10 of the CITES Appendices, including identification challenges and look-alike issues; and
 - iii) an assessment of the conservation impacts of exempting derivatives and/or finished products of certain Appendix-II listed orchid taxa from CITES regulations through annotation #4; and
- b) report to the Plants Committee.

19.BB *Directed to the Plants Committee*

The Plants Committee shall consider the study as per Decision 19.AA, and make recommendations on how to improve CITES implementation for Appendix-II listed orchids to the Standing Committee or the Conference of the Parties, as appropriate.

19.CC *Directed to the Standing Committee*

The Standing Committee shall review any recommendations of the Plants Committee, and make recommendations to the Conference of the Parties, as appropriate.