

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013.

Interpretation and implementation of the Convention

Amendment of the Appendices

ANNOTATIONS - REPORT OF THE PLANTS COMMITTEE

1. This document has been submitted by the Chair of the Plants Committee on behalf the Committee*.

BACKGROUND

2. At its 15th meeting (Doha, 2010), the Conference of the Parties adopted the Decisions 15.31, 15.34, 14.133, 14. 134 (Rev. CoP15), 15.35 and 14.148 (Rev. CoP15) directed to the Plants Committee as follows:
3. Orchids: annotation for species included in Appendix II [(Decision 14.133; Decision 14.134 (Rev. CoP15))]

Directed to Parties and the Plants Committee

14.133 *Countries of export and import should make recommendations and prepare identification material on further exemptions for artificially propagated hybrids of Orchidaceae spp. included in Appendix II, taking into consideration the capacities of countries to implement and control such exemptions effectively. The results shall be sent to the Plants Committee, which shall evaluate them and adopt the appropriate measures.*

Directed to the Plants Committee

14.134 (Rev. CoP15) *The Plants Committee shall monitor and assess possible conservation problems arising from the implementation of the annotation to Orchidaceae spp. included in Appendix II and shall report on the issue at the 16th meeting of the Conference of the Parties.*

4. Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products (Decision 15.34)

Directed to the Plants Committee

15.34. *The Plants Committee shall:*

* *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.*

- a) *continue to review the trade in Aloe spp., Cactaceae spp., Cyclamen spp., Galanthus spp., Gonystylus spp., Orchidaceae spp. and Prunus africana to determine whether additional finished products should be exempted by amending the relevant annotations for these species. This review should initially focus on trade in finished products of Orchidaceae spp. Recommendations on whether to exempt additional finished products from CITES controls should be based on the same considerations reflected in document PC18 Doc. 11.3 (e.g. whether finished products are exported from range States and are a significant portion of the trade). In conducting this work, the Plants Committee should consider whether a clear definition of 'finished products' should be developed; and*
 - b) *as appropriate, prepare proposals to amend Appendix II, based on the outcome of this review, and provide them to the Depositary Government for submission at the 16th meeting of the Conference of the Parties.*
5. Annotations to the Appendices for plants (Decision 15.31)
- 15.31. *The Plants Committee shall:*
- a) *prepare clarification (i.e. a glossary or an illustrated brochure to be made available to enforcement authorities) and guidance on the meaning of "packaged and ready for retail trade" and other terms used in the Annotations, and*
 - b) *report at the 16th meeting of the Conference of the Parties (CoP16) and, if necessary, prepare additional amendment proposals for CoP16.*
6. Tree species: annotations for species included in Appendices II and III [Decision 15.35; Decision 14.148 (Rev. CoP15)]

Directed to the Secretariat

15.35 *The Secretariat shall commission a trade study, subject to available funding, to be conducted by an external consultant in cooperation with the International Tropical Timber Organization, to review the trade in timber species listed in Appendices II and III to determine the types of specimens that initially appear in international trade or are exported from range States and regarding those which dominate the trade in and demand for the wild resource. Once the specimens that meet these criteria have been determined, the study should also determine which six-digit universal HS codes and associated definitions are applicable to these specimens. The Secretariat shall provide the results of this study to the Plants Committee.*

Directed to the Plants Committee

14.148 (Rev. CoP15)

- a) *Based on the results of the trade study, the Plants Committee shall review the annotations for tree species listed in Appendices II and III and, if appropriate, draft amendments to the annotations and prepare clear definitions for the terms used in those annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.*
- b) *The amended annotations shall focus on articles that initially appear in international trade as exports from range States and those which dominate the trade in and demand for the wild resource.*
- c) *The Plants Committee shall draft, if necessary, proposals to amend Resolution Conf. 10.13 (Rev. CoP15) and/or to amend the Appendices accordingly so that the Depositary Government may submit them on its behalf for consideration at the 16th meeting of the Conference of the Parties.*

PLANTS COMMITTEE DISCUSSIONS, RESULTS AND RECOMMENDATIONS AT THE PC19 AND PC20

Orchids: annotation for species included in Appendix II [(Decision 14.133; Decision 14.134 (Rev. CoP15)].

- 7. At PC19 was discussed the document PC19 Doc. 11.4 submitted by the European representative (Mr Sajeva). A questionnaire was circulated to the PC Regional representatives to gather information on the present situation. Unfortunately only a few Parties responded. The obtained data did not provide sufficient

information to complete overview on the impact of the exemption, particularly without information of some major exporting countries such as The People's Republic of China, and The Republic of Korea (CITES Trade Database). The most important information was provided from the North American Region and Thailand which is the biggest exporter (CITES Trade Database). The information given by Thailand, Australia, Canada, Mexico and the United States of America was included in the Annex of PC19 Doc. 11.4.

8. The results of the questionnaires were not sufficient to obtain a real monitoring of the annotation. However it was possible to draw some considerations:
 - The use of the exemption is limited or non-utilized. In reality, the obtained information given by different countries was contradicting. For instance, Thailand and the USA informed that they did not find any problems in respect to the condition required in their countries, however Australia pointed out that the identification was too much complicated according to the knowledge of inspection officers (the same is reported in an inform presented at PC17 (see PC17 Doc. 13.2).
 - According to Mexico there were not so many problems for the inspection officers' perspective but in some occasions, the exporters could not meet the required shipping conditions.
 - Canada identified the biological and social-economic concerns of implementing the exemption. The biological concern was related to the fact that the adult plants in genus of *Phalaenopsis* and *Cymbidium* are too large to be packaged and shipped as the exemption requires. From the social-economic perspective, the shipping requirements are considered the most difficult duty for a relatively small enterprise (which could have some difficulties to find the quantity and quality of plants as stated in the annotation). For instance, the cost of examination causes a disadvantage (with competition problem) for small ones if they compete with big enterprises. Therefore, it was observed that there is a challenge to meet the requirements of packaging and labelling.
9. Based on above considerations, there is confusion about the applicability of exemptions beyond the expected use. In fact Canada mentioned that some exporters prefer to attach CITES certificate to save the costs and the time of labeling necessary to use the exemption. Furthermore, with a CITES certificate the exporters could be sure that they will not face any problems with the customs of the importing countries. The USA highlighted that the demand of CITES certificates has not decreased and Thailand also found same conclusion.
10. In conclusion, there was evidence that the exemptions had not any impact, in accordance to the Conf. 11.21 (Rev. CoP13), for the use of annotations in Appendices I and II, which under paragraph e) recommends: *"Annotations that specify the types of specimens included in the Appendices should be used sparingly, as their implementation is particularly challenging, especially where there are identification problems or where the purpose of trade has been specified"*.
11. In order to increase the impact of the exemptions as suggested by the representatives (see Annex PC19 Doc. 11.4) of the North American Region and Australia the annotation should be simplified to reduce the errors of the interpretation. Canada suggested the exemption of all orchids hybrid but only if they are in a state of flowering. This suggestion is in accordance with the provisions of paragraph f) under the second RESOLVES in Resolution Conf. 9.24 (Rev. CoP12): *"species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the Appendices if there is no probability of trade taking place in specimens of wild origin"*.
12. After a considerable discussion in the plenary on whether hybrids should be exempted, the Committee established a working group (WG05) with the following mandate: a) Monitor the trade trend for commercial hybrid orchids (at the genus level) and suggest guidelines for the simplification of the annotations including the necessary requirements (for example, only specimens with flowers, etc.); b) Improve the identification capacity of inspection officers, to encourage the exporters to use the exemption, and to produce an identification manual for this purpose; c) Verify which Parties are still requiring CITES permits for taxa which could benefit from the annotation; and d) Consider whether the annotation should be deleted.
13. The recommendations developed by the working group were amended after some discussion in the plenary and the Plants Committee adopted the following recommendations to be submitted to the CoP16 to be noted:
 - a)

- i) The Committee agrees that no further exemption of orchid hybrids should be taken into consideration for the time being.

Based on the analysis of the trade trends by the working group, the Committee suggests no modification to the annotation.

b)

- i) The Committee recommends importing and exporting Parties to train inspection officers and to share their experience regarding the use and implementation of the annotation.
- ii) Parties interested in using the annotation will share its benefits to the pertinent sectors (producers and consumers).
- iii) Thailand has prepared an ID manual for the involved hybrids, which will be published on the CITES website.

- c) Parties that are still requiring CITES permits for taxa which could benefit from the annotation, are not doing so because of the lack of capacity to identify the hybrids. In this regard, the Committee recommends importing Parties to exchange their experience in implementing the annotation (PC19 Doc.11.4).

14. The Plants Committee considers that the tasks addressed to the Committee in the Decisions 14.133 and 14.134 (Rev. CoP15) have been accomplished and recommends the CoP16 to note the recommendations included in the paragraph 13.

Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products (Decision 15.34)

15. At the PC19 the document PC19 Doc. 11.3 was presented. There being no comments on the responses to Notification to the Parties No. 2011/003 and the Annexes to that document were noted.
16. With regard to recommendation b) of the document, the acting representative of Africa (Mr. Akpagana) and China, the Czech Republic, Thailand, the United States, UNEP-WCMC and the American Herbal Products Association, coordinated by the PC Vice Chair, volunteered to contribute to an intersessional working group that would conduct a Web survey on the international trade in orchid products.
17. With regard to recommendation c), the Committee decided to consider the relevance of continuing studies on other groups once the study on orchid products had been completed.
18. At the PC20 the Chair explained that an intersessional working group appointed at PC19 for conducting a Web survey on the international trade in orchid products had not produced a report. The United States said that good work had been started with implementing Decision 15.34, particularly for Orchidaceae, and that the Decision should be retained at CoP16.
19. The Committee requested the United States to prepare a proposal for a revision of Decision 15.34 which would continue the work after CoP16 for a more limited number of taxa, for later consideration by the Committee.
20. Later in the meeting, the United States introduced document PC20 Com. 2 and the Committee agreed that it would propose the draft decision in PC20 Com. 2 for adoption at CoP16 which is included in the Annex to the present document.

Annotations to the Appendices for plants (Decision 15.31) and Tree species: annotations for species included in Appendices II and III [Decision 15.35; Decision 14.148 (Rev. CoP15)]

21. During the 19th meeting of the Plants Committee (PC19, Geneva, 2011), three working groups discussed documents PC19 Doc. 11.2, PC19 Doc. 11.5 and the documents on *Aniba rosaeodora* and *Bulnesia sarmientoi* (PC19 Doc. 16.4 and PC19 Doc. 16.5) regarding the interpretation of annotations for both taxa.
22. The Plants Committee discussed and noted the recommendations of the working groups (PC19 WG4, PC19 WG6 and PC19 WG12) but recognized that further work was needed.

23. The Committee decided to establish an intersessional working group on annotations in order to implement all CoP15 Decisions on this issue that are directed to the Plants Committee. It was agreed that the working group should be coordinated by the Vice-Chair of the Plants Committee and co-chaired by the Chairs of the three sub-working groups, as follows: a) Meaning of 'packaged and ready for retail trade' and other terms used in the annotations (Vice-Chair of the Committee); b) *Aniba rosaeodora* and *Bulnesia sarmientoi* (European Union – Mr. Valentini); and c) Tree species: annotations for species included in Appendices II and III (Canada – Mr. Farr).
24. It was also agreed that the mandate of the intersessional working group should be the same as the mandates of the working groups on annotations established during PC19.
25. During the 20th meeting of the Plants Committee (PC20, Dublin, March 2012), Documents PC20 Doc. 17.1.2.2 and PC20 Doc. 17.1.2.4 were discussed. The Committee established a working group co-chaired by the Chair of the Plants Committee (Ms. Clemente), the European Union (Mr. Valentini) and Canada (Mr. Farr).
26. The working group had the following mandate:
- a) Regarding document PC20 Doc. 17.1.2.2:
 - i) Reconsider and simplify the definitions in paragraph 11 document PC20 Doc. 17.1.2.2 so that an informed non-expert may be able to make a firm identification of specimens; and
 - ii) Draft a definition of 'finished products' that can be applicable to all CITES plant products.
 - b) Regarding document PC20 Doc. 17.1.2.4:
 - i) Consider the conclusions of the intersessional working group with respect to the need to amend annotations for tree species;
 - ii) Consider whether annotations #2, #7, #11 and #12 require specific clarification given the apparent range of interpretations by Parties;
 - iii) Identify the conclusions of this working group and of previous timber annotation working groups as potentially useful guidance for amending tree species annotations (see the PC19 summary record);
 - iv) Suggest ways to encourage participation at the Plants Committee by enforcement officers and other regulatory experts in the evaluation of any new listings and annotations for timber species; and
 - v) Consider and discuss the terms in the glossary of agarwood products in Annex 3 of document PC20 Doc. 17.2.1 Annex 3, and recommend the best way to make this available to the CITES community.
27. The working group recommendations (PC20 WG5 Doc. 1) were discussed and adopted with amendments by the Committee [see executive summary PC20 Sum. 5 (Rev. 1)] as follows:
28. With respect to item a) of the mandate, having considered the definitions in paragraph 11 of document PC20 Doc. 17.1.2.2, the following definitions were endorsed by the Plants Committee. The Committee will consider the possibility of including them in an appropriate Resolution, such as Resolution Conf. 11.11 (Rev. CoP15) on *Regulation of trade in plants*:

Powder

A dry, solid substance in the form of fine or coarse particles

Wood chip

Wood that has been reduced to small pieces

Finished product packaged and ready for retail trade

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.

29. With respect to Decision 14.148 (*Tree species: annotations for species included in Appendices II and III*) directed to the Plants Committee, it was understood that new annotations for tree species cannot be developed in advance of the trade study referred to in Decision 15.35, to be commissioned by the Secretariat.
30. The Committee agreed that annotations for tree species are difficult to interpret. It recommended that they be amended, if necessary, after reviewing the trade study mentioned in an updated version of Decision 14.148 (Rev. CoP15), should such a decision be adopted at CoP16.
31. The Plants Committee agreed to propose at CoP16 that the Decision were revised as follows:

Directed to the Plants Committee

14.148 (Rev. CoP16)

- a) *Based on the results of the trade study, the Plants Committee shall review the annotations for tree species listed in Appendices II and III and, if appropriate, draft amendments to the annotations and prepare clear definitions for the terms used in those annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.*
 - b) *The amended annotations shall focus on articles that initially appear in international trade as exports from range States and those which dominate the trade in and demand for the wild resource.*
 - c) *The Plants Committee shall draft, if necessary, proposals to amend Resolution Conf. 10.13 (Rev. CoP15) and/or to amend the Appendices accordingly so that the Depositary Government may submit them for consideration at the 17th meeting of the Conference of the Parties.*
32. The Committee also agreed to recommend that Parties:
 - a) identify within their regulatory agencies those enforcement officers and regulatory experts having particular expertise in CITES processes; and
 - b) seek to include enforcement officers and regulatory experts in the review of Plants Committee documents and as regular members of CITES Plants Committee delegations.
 33. With respect to the glossary of agarwood products in Annex 3 of document PC20 Doc. 17.2.1, the Plants Committee recommended that:
 - i) Definitions within the glossary that correspond to those in paragraph 11 of document PC20 Doc. 17.1.2.2 be revised to reflect the new definitions developed by the working group;
 - ii) The finished glossary be incorporated on the CITES website in addition to publication of printed copies; and
 - iii) The glossary of agarwood products be considered a useful model for development of a general glossary and illustrated brochure that would provide guidance on the meaning of “packaged and ready for retail trade” and other terms used in CITES Annotations.

Issues with the definitions of ‘extract’ and ‘root’

34. The working group (PC20 WG5 Doc. 1) proposed to the Committee the following definition for the term ‘extract’:

Extract

Any substance obtained directly from plant material by physical or chemical means regardless of the manufacturing process. An extract may be solid (crystals, resin, fine or coarse particles), semi-solid (gums, waxes), or liquid (solutions, tinctures, oil and essential oils). Finished products containing such extracts as ingredients are not considered to be included in this definition.

35. The working group recommended deleting the definition of 'essential oil' contained in paragraph 11 of document PC20 Doc. 17.1.2.2, as the expanded definition of 'extract' includes essential oil. The working group noted it had been unable to agree to exclude 'complex mixtures' along with 'finished products' in the definition of 'extract'.
36. The Committee was unable to reach consensus on this term in the plenary session. It therefore agreed to refer this issue to the Standing Committee at its 62nd meeting for guidance.
37. The working group proposed the following definition for 'root':

Root

All underground organs or parts of a plant including bulbs, rhizomes, corms, caudices, and tubers

38. After discussing this term in the plenary session, the Committee was unable to reach consensus on its definition. It therefore agreed to refer this issue to the Standing Committee at its 62nd meeting for guidance.
39. The Committee noted the request of the Chair for PC20 participants to send written comments on these issues to her, so that she may take them into account in presenting the matter to the Standing Committee.

STANDING COMMITTEE 62ND MEETING

40. The Chair of the Plants Committee submitted the document SC62 Doc. 54.2 for consideration at SC62nd meeting (Geneva, July 2012).
41. The Chair received comments on the term 'extract' from Brazil, France, Germany (Scientific Authority), Italy, Switzerland and the United Kingdom of Great Britain and Northern Ireland and were included in Annex 1 to document SC62 Doc. 54.2. In order to offer possible solutions the Annex 2 included the following considerations of the Chair of the Plants Committee:
42. As has been pointed out for years, annotations for plant species included in Appendices II and III are, in general terms, complex and difficult to interpret by enforcement authorities controlling CITES-listed specimens.
43. The wording of these annotations is not simple and, in some cases, it is clear that the Parties should agree on a definition of the terms used. This leads to a heterogeneous implementation that depends on Parties' interpretation.
44. The lack of clear, specific and concrete guidance for Parties, adapted to the types of specimens they wish to control, makes it difficult for them to choose an annotation when they submit proposals to include taxa in Appendices II and III.
45. Including exceptions in an exemption should be avoided as far as possible.
46. Annotation #9 has not had any application. The countries that proposed it should be invited to reconsider this annotation.
47. Resolution Conf. 11.21 (Rev. CoP15), section b) i) and ii), should be amended by deleting the term 'medicinal' so that the basic principles listed can apply to all plants and not only to medicinal plants.
48. Although it is necessary to review the annotations for timber species, this has not been possible because the trade study referred to in Decision 15.35 is not available yet. The Plants Committee will recommend that CoP16 adopt the updated version of Decision 14.148 (Rev. CoP15).
49. In the case of plants used for various purposes (e.g. medicine and timber), it would be good to conduct a study of specimens in trade and determine which use prevails to focus controls on specimens that first appear in international trade as exports from range States.

50. It would be good to conduct a pilot study on standard annotations addressing a single purpose and determine whether a system whereby several annotations are used when several types of specimens are controlled would facilitate their understanding.
51. The inconsistencies in annotations that sometimes occur when Parties submit species for inclusion in Appendix III should be prevented by developing specific guidelines and including them in the Resolutions on *Inclusion of species in Appendix III* [Conf. 9.25 (Rev. CoP15)] and *Use of annotations in Appendices I and II* [Conf. 11.21 (Rev. CoP15)]. Such resolutions should be amended accordingly.
52. The Conference of the Parties should consider authorizing the CITES Secretariat to make the necessary corrections when a Party that has included a species in Appendix III does not update the annotation to reflect changes adopted by the Conference of the Parties within a reasonable time frame after the entry into force of these changes.
53. The terms used in the annotations should have correct botanical definitions that match the purpose of the annotations for specific taxa.
54. Definitions of terms used in the annotations should always be simple and, as far as possible, include characteristics that enable easy identification, so that an informed non-expert may be able to make a firm identification of specimens.
55. The term 'essential oil' should be considered for inclusion under the broader term 'extract', and the annotations concerned should be harmonized accordingly.
56. As far as possible, definitions of terms should not include exemptions, which should instead be included in the annotation of the specific taxon concerned.
57. The following definition could be considered for the term 'root': *Plant organ that grows in the opposite direction to the stem. It is usually underground, but may be aerial in some groups of plants (e.g. epiphytic orchids)*. All other underground organs (rhizome, bulb, corm, tuber, caudex) could be grouped under the term 'underground parts'.
58. The following definition could be considered for the term 'underground parts': *Any underground part of a plant, such as: root (organ that grows in the opposite direction to the stem); rhizome (horizontal stem with several buds that sends out roots and grass shoots from its nodes); bulb (nutrient storage organ); tuber (modified enlarged stem in which storage nutrients accumulate); corm (enlarged stem with a swollen base that grows vertically and contains nodes and knobs that bear buds); caudex (short, thick, fleshy stem that grows underground or close to the ground and produces leaves clustered toward its tip)*.
59. The terms used in the annotations should be defined and included in a glossary that should be regularly adopted and updated by the Conference of the Parties; this would require that the CoP adopt a decision on this matter.
60. A glossary with definitions illustrated with photographs would greatly facilitate the implementation of annotations by enforcement authorities. Parties should contribute to its development providing examples and original photographs and involving enforcement authorities in this task.
61. Once reviewed and refined, the glossary of agarwood products in Annex 3 of document PC20 Doc. 17.2.1 can be a useful model for the development of a general glossary and an illustrated brochure.
62. It would be good to establish a permanent email working group on the annotations and the glossary with representatives of the Standing Committee, the Plants Committee and the Secretariat. Its mandate could include developing a glossary for adoption by the CoP, regularly updating the glossary and clarifying any annotation-related problems that may arise between sessions of the Conference of the Parties.
63. Document SC62 Doc. 54.2 invited the Standing Committee to:
 - a) note the progress made by the Plants Committee in the tasks entrusted to it at CoP15.
 - b) establish a working group at the present meeting to provide guidance to the Plants Committee on how to proceed with the definitions of the terms 'extract' and 'root' (Annex 1), and any other matters considered relevant that are included in the present document and its Annex 2.

64. Document SC62 Doc. 54.1, submitted by the Regional Representative of North America as chairman of the Standing Committee working group on annotations, invited the Standing Committee to adopt the following recommendations:
65. As provided under paragraph d) of Resolution Conf. 11.1 (Rev. CoP15) on Establishment of committees, concerning the appointment of working groups within the Standing Committee, the chairman of the working group recommends that the Standing Committee extend the mandate of the working group to allow it to prepare a document to be submitted for consideration at the 16th meeting of the Conference of the Parties. This document would be submitted by the Secretariat on behalf of the Standing Committee.
66. The chairman of the working group also recommends that the working group be extended for the intersessional period between CoP16 and CoP17, and that its mandate be expanded to, in consultation with the Plants Committee, identify additional work required regarding annotations, possibly including a review of the effectiveness and practicability of existing annotations, and prepare a draft decision, as appropriate, for consideration by the Standing Committee during the intersessional period between CoP16 and CoP17.
67. During the SC62 meeting the chair of the Standing Committee working group on annotations held a meeting with the members of the working group, the PC Chair and participants of the PC working group on annotations and reported orally of the results to the SC62 meeting.
68. The Standing Committee agreed to extend the SC Working Group on Annotations so that it may work intersessionally to produce a discussion document for the endorsement of the Chair of the Standing Committee and subsequent submission at CoP16. The Committee endorsed the suggestion of the Working Group chair to include the Chair and the members of Plants Committee in the Working Group to give them the opportunity to provide relevant input, particularly in relation to document SC62 Doc. 54.2 (see SC62 Sum. 10 (Rev. 1)). The Chair of the Plants Committee was included in the SC Working Group.
69. As result of the intersessionally work, document CoP16 Doc. 77 has been submitted to the CoP16 by the United States of America, as Chair of the working group on annotations, at the request of the Standing Committee.

RECOMMENDATIONS TO THE COP16

70. Regarding *Orchids: annotation for species included in Appendix II* [(Decision 14.133; Decision 14.134 (Rev. CoP15))] the Plants Committee considers that the tasks addressed to the Committee in the Decisions 14.133 and 14.134 (Rev. CoP15) have been accomplished and invites the CoP16 to note the recommendations included in the paragraph 13 to the present document.
71. Regarding *Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products* (Decision 15.34) the Plants Committee invites the CoP16 to adopt the draft Decision included in the Annex to the present document.
72. Regarding *Annotations to the Appendices for plants* (Decision 15.31) the Plants Committee invites the CoP16 to adopt the following definitions and to determine the best place to be included:

Powder
A dry, solid substance in the form of fine or coarse particles

Wood chip
Wood that has been reduced to small pieces

Finished product packaged and ready for retail trade
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.
73. With respect to Decision 14.148 (*Tree species: annotations for species included in Appendices II and III*), the Plants Committee invites the CoP16 to note the recommendations included in the paragraphs 32 and 33.
74. Regarding the draft decision 14.148 (Rev. CoP16) agreed by the Plants Committee and included in the paragraph 31, the Chair of the Plants Committee considers that this issue has been included in the

document CoP16 Doc. 75 submitted to the CoP16 by the United States of America, as Chair of the SC working group on annotations, at the request of the Standing Committee, and it should be dealt by the CoP16 in the context of the document CoP16 Doc. 75.

COMMENTS FROM THE SECRETARIAT

- A. To the extent that the recommendations in the present document and the draft decision contained in the Annex are consistent with the draft revisions to existing Resolutions and draft decisions contained in document CoP16 Doc. 75, the Secretariat generally supports them.
- B. With regard to the proposed definitions of terms in annotations, the Secretariat notes that the proposed definition of 'powder' does not seem to include 'compressed powder', or exhausted and unexhausted powder, and these are potentially relevant commodities in trade (e.g. for agarwood). The Secretariat has some concern that the proposed definition for 'wood chip' is still somewhat ambiguous and therefore may not be helpful to the trade community, border officials and other law enforcement officials. The Secretariat understands that several Parties strongly wish to clarify the phrase 'finished product packaged and ready for retail trade'. The proposed definition is rather complicated, however, and might present interpretation problems for the trade community and law enforcement officials. In addition, if Parties wish to adopt future annotations that are 'positive' in nature [i.e. specify only the parts and derivatives covered by the Convention, in accordance with Article I, paragraph b), of the Convention], there may be less need for a definition of this kind.
- C. If Parties have differing views on the proposed definitions mentioned in paragraph B. above, and if they wish to use the present meeting to resolve these differences, a working group might be established to discuss and agree on text for consideration by the Conference of the Parties. Alternatively, the proposed definitions could be considered by the Standing Committee and submitted, if appropriate, for consideration at the 17th meeting of the Conference of the Parties.
- D. To ensure that responsibility for consideration of annotations between meetings of the Conference of the Parties is clearly vested in the Standing Committee, the Secretariat would suggest that paragraph b) of the draft decision contained in the Annex to the present document be revised to direct the Plants Committee to submit to the Standing Committee, rather than the Conference of the Parties, any proposal to amend the annotation for the listing of Orchidaceae spp. in Appendix II.
- E. Paragraphs 42 to 62 of the present document contain the personal considerations of the Chair of the Plants Committee, which were originally presented in Annex 2 to document SC62 Doc. 54.2. A number of the matters raised in those considerations have now been superseded by decisions of the Standing Committee and the intersessional work of the Standing Committee Working Group on Annotations, or could in the future be considered by the Standing Committee or such a working group.

DRAFT DECISION WHICH THE PLANTS COMMITTEE AGREED TO PROPOSE FOR ADOPTION AT COP16

REVIEW OF ANNOTATIONS FOR ORCHIDACEAE: EVALUATION OF TRADE IN FINISHED PRODUCTS

Directed to the Plants Committee

16. XX The Plants Committee shall:

- a) conclude its review of the trade in Appendix-II Orchidaceae spp. to determine whether additional finished products should be exempted by amending the annotation for this taxon (Annotation #4). Recommendations on whether to exempt additional finished products from CITES controls should be based on whether finished products are exported from the range States and are a significant portion of the trade; and
- b) as appropriate, prepare a proposal to amend the annotation for the listing of Orchidaceae spp. in Appendix II based on the outcome of this review, and provide it to the Depositary Government for submission to the 17th meeting of the Conference of the Parties.