

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

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Amend the annotation to the listings of *Panax ginseng* and *Panax quinquefolius* included in Appendix II.

Amend Annotation #3 with the underlined text:

“Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.”

B. Proponent

United States of America^{*}

C. Supporting statement

1. Taxonomy

1.1 Class: Magnoliopsida

1.2 Order: Apiales

1.3 Family: Araliaceae

1.4 Genus, species, including author and year: a) *Panax ginseng* C. Meyer 1842
b) *Panax quinquefolius* L. 1753

1.5 Scientific synonyms: a) *Aralia ginseng* (C.A. Meyer) Baill., *Aralia ginseng* Baill., *Panax pseudoginseng* Wallich., *Panax quiquefolium* var. *ginseng* Regal & Maack., *Panax schinseng* Nees.
b) *Aralia canadensis* Tourn., *Aralia quinquefolia* Decne. & Planch., *Aureliana canadensis* Lafit., *Ginseng quinquefolium* Alph. Wood, *Panax americanum* (Raf.) Raf.

1.6 Common names: a) English: ginseng, red ginseng
French: ginseng, mandragore coréenne, racine de ginseng, racine de ginseng chinois
Spanish: raíz de ginseng
b) English: American ginseng, Canadian ginseng

^{*} 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.

French: Ginseng d'Amérique
Spanish: Ginseng Americano

1.7 Code numbers: None

2. Overview

Panax quinquefolius was included in Appendix II when the Convention came into effect on July 1, 1975. The listing covered plants and roots.

At the 5th meeting of the Conference of the Parties to CITES (CoP15; Buenos Aires, 1985), the United States of America proposed that the listing for *Panax quinquefolius* be amended as follows: "Designates roots and readily recognizable parts thereof" (CoP5 Prop. 93). The intent of the proposal was to regulate whole roots and parts of roots, and to exempt manufactured parts or derivatives such as powders, pills, teas, tonics, and confectionery. The Parties adopted the proposed amendment for the listing of *Panax quinquefolius*.

At the seventh meeting of the Plants Committee (PC7; San José, 1996), the Committee recommended that the annotation to *Panax quinquefolius* be amended to delete "readily recognizable parts thereof" because shipments of processed roots were being seized on the basis that they were "readily recognizable" as being parts of roots. The Plants Committee recommended that the annotation be amended to reflect the intent of the CoP5 proposal to include whole roots and readily recognizable parts thereof of *Panax quinquefolius* but exempt parts that are not readily recognizable and derivatives.

At CoP10 (Harare, 1997), at the request of the Plants Committee, Switzerland as the Depository Government, submitted a proposal to amend the annotation to *Panax quinquefolius* as follows: "Designates roots and specimens recognizable as being parts of roots" (CoP10 Prop. 10.13). At the CoP, the proposed annotation was amended as follows "Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery," which provided clear examples of the types of products meant to be excluded from the listing. The amended proposal was adopted by the Parties.

At CoP11 (Gigiri, 2000), the Russian Federation submitted a proposal to include its population of *Panax ginseng* in Appendix II, with the annotation: "whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery" (CoP11 Prop. 11.54). The proposal was adopted by the Parties.

At CoP14 (The Hague, 2007), at the request of the Plants Committee, Switzerland as the Depository Government, submitted a proposal to amend the annotations for Appendix-II medicinal plant species including *Panax ginseng* and *Panax quinquefolius* (CoP14 Prop. 27). The proposed amendment to annotation #3 was to remove the exclusionary language "excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery." The proposal was adopted by the Parties.

The CoP14 proposal to amend the annotations was the result of Decisions 13.50, 13.51, and 13.52, adopted at CoP13 (Bangkok, 2004), which directed the Plants Committee to assess the annotations for Appendix-II medicinal plant species and the commodities in trade. Decision 13.51 stated that medicinal plant annotations should focus on those commodities that first appear in international trade as exports from the range States and on those that dominate the trade and the demand for the wild resource. The removal of the exclusionary language was not intended to change the scope of commodities covered by the listing. In other words, the Parties still intended to exclude from the Appendix-II listing of *Panax ginseng* and *Panax quinquefolius* manufactured parts or derivatives, such as powders, pills, extracts, tonics, teas and confectionery, even though the annotation no longer stated this.

The United States is the only exporter of wild-harvested roots of *Panax quinquefolius*. Since the annotation was amended, there has been confusion regarding whether manufactured products are subject to the provisions of the Convention. Much of this confusion is a result of the removal of the exclusionary language from the annotation adopted at CoP14.

Additionally, there might be some confusion in the Russian Federation regarding whether manufactured parts or derivatives are covered under CITES for *Panax ginseng*. In 2009, extract of *Panax ginseng* was exported from the Russian Federation with CITES permits despite the fact that extract of this species is exempt from CITES controls.

In order to clarify what specimens of *Panax ginseng* and *Panax quinquefolius* are regulated under CITES, and to avoid potential seizures of shipments of parts and derivatives not covered by the annotation, we propose that Annotation #3 be amended to reinstate the exclusionary language deleted at CoP14.

3. Species characteristics

3.1 Distribution

Panax ginseng: China, Democratic People's Republic of Korea, Republic of Korea, and Russian Federation.

The Appendix-II listing of *Panax ginseng* includes only the population in Russian Federation.

Panax quinquefolius: Canada and United States of America.

4. Consultations

On May 18, 2012, the Scientific Authority of the United States sent consultation letters to the CITES Authorities in Canada and the Russian Federation, with regard to a potential CoP16 proposal by the United States to amend the annotation to *Panax quinquefolius* and *Panax ginseng*, respectively.

Canada: By a letter dated June 29, 2012, the Government of Canada responded that neither the annotation prior to its amendment at CoP14 nor the annotation in its current form has caused Canada any difficulty in application.

Russian Federation: No response received.