



**MEMORANDUM OF UNDERSTANDING
ON THE CONSERVATION OF
MIGRATORY SHARKS**

CMS/Sharks/AC2/Doc.4/Rev.1
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2nd Workshop of the Conservation Working Group (CWG2)
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Agenda Item 4

**PROPOSALS FOR THE AMENDMENT OF ANNEX 1 TO THE MEMORANDUM OF
UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS**

(Prepared by the Secretariat- revised after CMS COP12)

Background:

1. In accordance with paragraph 20 of the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU), any amendments to Annex 1 should be assessed by the Signatories at each session of the Meeting of the Signatories.
2. As agreed at the 1st Meeting of the Signatories (MOS1) and as contained in [\(CMS/Sharks/Outcome 1.4 "Modifying the Species List \(Annex 1\) of the MOU"\)](#), any shark and ray species listed in the Appendices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) will automatically be considered by the Advisory Committee as a proposed listing for Annex 1 of the Sharks MOU, although this would be without prejudice to the final listing decision of the MOU.

Procedure:

3. The Secretariat was requested to transmit the relevant documents (species listing proposals and additional information) to the Advisory Committee, if the CMS COP had agreed on the inclusion of a shark or ray species in Appendix I or II of CMS. The Advisory Committee should then analyze the proposals based on these documents (and if needed any additional available relevant data and literature) and prepare for the Meeting of Signatories a recommendation concerning the inclusion of the species in Annex 1 of the Sharks MOU.

Listing Criteria:

4. It was further agreed at MOS1, that the broad, biological criteria used under the CMS Convention to determine whether a species qualifies for listing should be used under the MOU. However, as noted in *CMS/Sharks/Outcome 1.4 (above)*, the Advisory Committee should consider whether these listing criteria are sufficient or whether additional ones are necessary in

order to identify species which may be appropriate for inclusion under the MOU. The broad principles of the CMS criteria (unfavourable status) should remain but any new criteria would take into account harvested species. If additional criteria are deemed necessary then, in the first instance, existing criteria from other fora should be drawn upon, such as those used within CITES and IUCN (bearing in mind that these criteria are for “risk of extinction” rather than “favourable status”).

5. The Advisory Committee should consider whether it is necessary to prioritize potential species which qualify for listing on the MOU in order to ensure the MOU remains manageable.

6. Originally, the Advisory Committee was asked that consideration of the need for additional listing criteria should be undertaken before the Second Meeting of Signatories. However, the Advisory Committee which met for the first time days before MOS2, has not yet been able to undertake this task. The CMS criteria for listing new species therefore apply until such time as this task has been completed.

7. In accordance with [Art. III 1](#) of the Convention, CMS Appendix I shall list migratory species which are endangered. In accordance with [Art. IV 1](#) of the Convention, CMS Appendix II shall list migratory species which have an unfavorable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from international cooperation that could be achieved by an international agreement, such as the Sharks MOU. Definitions for the terms “migratory” and “favorable” are provided in [Art. I](#) of the Convention and are further specified in [UNEP/CMS/Resolution 11.33](#) “Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention”.

Species newly included in CMS Appendices at COP12:

8. Five species of sharks and rays (Dusky Shark, Blue Shark, Angelshark, Common Guitarfish and White-spotted Wedgefish) were included in the Appendices at the 12th Conference of the Parties to the Convention (COP12), which took place from 23 to 28 October 2017.

The Whale Shark (*Rhincodon typus*), which was already listed in CMS Appendix II, was additionally included in CMS Appendix I. As this species is already covered by Annex 1 of the MOU, the proposal is not subject for review by the Advisory Committee.

9. Following the agreed procedure, the Secretariat is herewith transmitting for review by the Advisory Committee all original proposals for the inclusion of shark and ray species in CMS Appendices in the form in which they were submitted to COP12.

10. The comments on the proposals by the Sessional Committee of the Scientific Council (ScC-SC2) of CMS following its 2nd meeting in July 2017 are also provided as addenda to the proposals. In some cases, the proponents were recommended to provide more information, mostly in relation to the species’ migratory behavior. Some proposals were therefore revised by the proponents shortly before or during CMS COP12. The Secretariat has provided all proposals in their latest version for the review at this meeting.

Overview

12. The following table provides an overview of the species which were included in the CMS Appendices at CMS COP12, the proponents and related meeting documents:

Species	CMS Appendices	Proponent	Relevant Documents <i>(provided in the version as submitted to COP12 in "Proposals for amendment of CMS Appendices")</i>
Dusky Shark <i>Carcharhinus obscurus</i>	App II	Honduras	UNEP/CMS/COP12/Doc.25.1.21/Rev.1 UNEP/CMS/COP12/Doc.25.1.21/Add.1
Blue Shark <i>Prionace glauca</i>	App II	Samoa, Sri Lanka	UNEP/CMS/COP12/Doc.25.1.22/Rev.1 UNEP/CMS/COP12/Doc.25.1.22/Add.1
Angelshark <i>Squatina squatina</i>	App I App II	Monaco	UNEP/CMS/COP12/Doc.25.1.23 UNEP/CMS/COP12/Doc.25.1.23/Add.1
Common Guitarfish <i>Rhinobatos rhinobatos</i>	App (I) II	Israel, Mauritania, Senegal, Togo	UNEP/CMS/COP12/Doc.25.1.24(a) UNEP/CMS/COP12/Doc.25.1.24(a)/Add.1 UNEP/CMS/COP12/Doc.25.1.24(b) UNEP/CMS/COP12/Doc.25.1.24(c)/Rev.1 UNEP/CMS/COP12/Doc.25.1.24(d)/Rev.1 UNEP/CMS/COP12/Doc.25.1.24(b-d)/Add.1
White-spotted Wedgefish <i>Rhynchobatus australiae</i>	App II	Philippines	UNEP/CMS/COP12/Doc.25.1.25/Rev.2 UNEP/CMS/COP12/Doc.25.1.25/Add.1

Action requested:

The Advisory Committee is requested to:

- a) review the proposals for amendments to Annex 1 presented as documents UNEP/CMS/COP12/Doc.25.1.21/Rev.1 to 25.1.25/Rev.2;
- b) provide comments and make recommendations regarding the inclusion of the proposed species in Annex 1 of the MOU for the consideration of Signatories at MOS3 based on the criteria of CMS;
- c) consider whether it is necessary to prioritize potential species which qualify for listing on the MOU in order to ensure the MOU remains manageable;
- d) provide recommendations for additional listing criteria to MOS3;
- e) make suggestions for the inclusion of further species in Annex 1 as appropriate.