



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

CMS/Sharks/AC3/Doc.5.1  
2 December 2019

Original: English

3<sup>rd</sup> Meeting of the Advisory Committee (AC3)  
Bonn, Germany, 10 - 12 December 2019  
Agenda Item 5

**AMENDMENT TO ANNEX 1 OF THE SHARKS MOU**

*(Prepared by the Secretariat)*

**Background**

1. The current document aims to support the Advisory Committee (AC) with the implementation of its mandates in relation to amendment of Annex 1 of the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU). To this end, the document provides an overview of changes since the 2<sup>nd</sup> Meeting of the Advisory Committee (AC2), in particular regarding the listing of chondrichthyan species under relevant agreements (see Table 2).
2. Furthermore, the document provides additional information related to species listed in Annex 1 of the MOU and the Blue Shark, which was not included in Annex 1 at the 3<sup>rd</sup> Meeting of the Signatories (MOS3), but which needs to be revisited if new information becomes available.

**Role and mandate of the AC**

3. In accordance with [CMS/Sharks/Outcome 3.7 Terms of Reference of the Advisory Committee](#) (paragraph 4b) the AC was requested to:
4. *“Analyze, as necessary, scientific assessments and making recommendations on the conservation status of shark populations listed in Annex 1 and others which may be contemplated for inclusion.”*

*and paragraph 5c:*

*“Review proposals for the inclusion of species in Annex 1 of the MOU submitted by Signatories.”*

5. In accordance with [CMS/Sharks/Outcome 3.2 Modifying the Species List \(Annex 1\) of the MOU](#) (paragraph 5) the AC was requested

*“Any shark or ray species listed on the CMS Appendices will automatically be considered by the Advisory Committee as a proposed listing on Annex 1 of the MOU. This is without prejudice to the final listing decision of the MOU”*

6. In accordance with activity 11 in [CMS/Sharks/Outcome 3.9 Programme of Work 2019-2021](#) the AC was tasked to:

“Provide comments on proposals for the inclusion of shark and ray species in the Appendices of CMS to the CMS Scientific Council and Conference of the Parties.”

### **Recent listings under relevant Agreements** (see Table 2 for an overview)

#### Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU)

7. As outlined in [CMS/Sharks/AC3/Doc.3.1](#), the 3<sup>rd</sup> Meeting to the Signatories (MOS3) included the following eight new species of sharks and rays in Annex 1:
- Dusky Shark (*Carcharhinus obscurus*)
  - Oceanic Whitetip Shark (*Carcharhinus longimanus*)
  - Smooth Hammerhead Shark (*Sphyrna zygaena*)
  - Angelshark (*Squatina squatina*)
  - Bottlenose Wedgefish / Whitespotted Wedgefish (*Rhynchobatus australiae*)
  - Whitespotted Wedgefish /Giant Guitarfish (*Rhynchobatus djiddensis*)
  - Smoothnose Wedgefish (*Rhynchobatus laevis*)
  - Common Guitarfish (*Rhinobatos rhinobatos*)
8. The Angelshark (*Squatina squatina*) was added on an exceptional basis, despite the conclusion of the AC that the species did not meet the criteria. Signatories emphasized that this decision and process should not set a precedent for future listing decisions of the MOS. Signatories acknowledged the extremely poor condition of the population and the urgent need for action. Furthermore, new information indicating that Angelsharks may cross national jurisdictional boundaries within the Eastern Mediterranean part of the species' range, was taken into account.
9. The Signatories decided that the Blue Shark (*Prionace glauca*) would not be included in Annex 1 of the Sharks MOU as it was found not to meet the listing criteria. The Meeting recommended that Signatories may wish to resubmit the Blue Shark proposal for inclusion at MOS4, should new evidence indicate that the status was 'unfavourable'.

#### Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)

10. At the 18<sup>th</sup> Meeting of the Conference of the Parties of CITES, which was held in Geneva (Switzerland), 17-28 August 2019, the following species of shark and ray were included in Appendix II of CITES:
- a. Mako Sharks (*Isurus* spp. – two species),
  - b. Giant Guitarfishes (*Glaucostegus* spp.)
  - c. Wedgefishes (Rhinidae spp.)

### **Proposals for inclusion of new species in CMS Appendices at CMS COP13**

11. As shown in Table 1, four proposals for three species have been submitted by Parties for consideration at COP13: For *Sphyrna zygaena*, two independent proposals were received, one from Brazil for the regional population shared by Argentina, Brazil and Uruguay and one from the European Union for the global population.

**Table 1:** Overview of proposals for the inclusion of species of shark, that were submitted by Parties for consideration at COP13

Listing proposal	Species	CMS Appendix	Proponent
<a href="#">UNEP/CMS/COP13/Doc.27.1.8</a> <a href="#">UNEP/CMS/COP13/Doc.27.1.8/Add.1</a>	<b>Oceanic Whitetip Sharks</b> <i>Carcharhinus longimanus</i>	App I	Brazil
<a href="#">UNEP/CMS/COP13/Doc.27.1.9a</a> <a href="#">UNEP/CMS/COP13/Doc.27.1.9.a.b/Add.1</a>	<b>Smooth Hammerhead</b> <i>Sphyrna zygaena</i>  Regional population (Argentina, Brazil, Uruguay)	App II	Brazil
<a href="#">UNEP/CMS/COP13/Doc.27.1.9(b)</a> <a href="#">UNEP/CMS/COP13/Doc.27.1.9.a.b/Add.1</a>	<b>Smooth Hammerhead</b> <i>Sphyrna zygaena</i>  Global population	App II	EU
<a href="#">UNEP/CMS/COP13/Doc.27.1.10</a> <a href="#">UNEP/CMS/COP13/Doc.27.1.10/Add.1</a>	<b>Tope/School Shark</b> <i>Galeorhinus galeus</i>	App II	EU

### Review of the AC

12. In accordance with activity 11 in the Programme of Work 2019-2021 and CMS Resolution 11.33 *Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention*, the AC has reviewed the proposals and provided comments to the CMS Scientific Council and Conference of the Parties, which are included in [UNEP/CMS/SCC-SC4/Inf.4 Comments from Relevant Intergovernmental Bodies on Proposals for the Amendments of Appendices Submitted to COP13 as at 25 October 2019](#).
13. In doing so the AC applied the following listing criteria in line with the Convention text:
- A migratory species may be listed in Appendix I of the CMS “provided that reliable evidence, including the best scientific evidence available, indicates that the species is endangered”.
  - According to CMS, “Appendix II shall list migratory species which have an unfavourable 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 the international cooperation that could be achieved by an international agreement”.
  - Migratory means that “the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries”.
  - A species is considered to have an “unfavourable conservation status” if any of the following is not met:
    - (1) population dynamics data indicate that the migratory species is maintaining itself on a long-term basis as a viable component of its ecosystems;

- (2) the range of the migratory species is neither currently being reduced, nor is likely to be reduced, on a long-term basis;
- (3) there is, and will be in the foreseeable future sufficient habitat to maintain the population of the migratory species on a long-term basis;

14. In its assessment the AC came to conclusion that all species met the criteria for inclusion in the Appendices of CMS (*Carcharhinus longimanus* for Appendix I; *Sphyrna zygaena*, and *Galeorhinus galeus* for Appendix II).

*Oceanic Whitetip Shark (Carcharhinus longimanus)*

- 15. The AC has previously acknowledged that the Oceanic Whitetip Shark met the criteria for “migratory” and the criteria for ‘unfavourable’ conservation status. This previous review, however, did not comment on whether the AC considered Oceanic Whitetip Shark met the criteria for ‘Endangered’, as required for an Appendix I listing.
- 16. In this present review, the AC took into account new information deriving from the most recent IUCN Red List assessment for the species, which will be published in December 2019. Based on this new information, the AC therefore reached the conclusion that the current status of Oceanic Whitetip Shark met the criteria for being considered as ‘Endangered’ and therefore the criteria to be listed in CMS Appendix I.

*Smooth Hammerhead Shark (Sphyrna zygaena)*

- 17. The AC had already previously acknowledged that the Smooth Hammerhead Shark met the criteria for “migratory” and for ‘unfavourable’ conservation status, a conclusion, which was repeated in the review.

*Tope Shark (Galeorhinus galeus)*

- 18. Overall, the AC considered that the available evidence would allow the conservation status of Tope Shark to be considered as ‘unfavourable’ and that the management and conservation status of Tope Shark would benefit from international cooperation.
- 19. The AC further considered that available evidence indicates that the Tope Shark is a regionally migratory species which will cross national jurisdictional boundaries within each of the various parts of its biogeographic range. However, it could not be determined if this was a significant portion of the population among all regional populations.

Comments from the 4<sup>th</sup> Meeting of the Sessional Committee of the Scientific Council of CMS (ScC-SC4)

- 20. The proposals for the inclusion of species in the Appendices of CMS were discussed at ScC-SC4, which was held in Bonn, Germany, on 12-15 November 2019. The AC was represented by the Vice-Chair, Jim Ellis. As mandated by the Parties, ScC-SC4 prepared recommendations to COP13 on whether the species proposed met the listing criteria of CMS.
- 21. The recommendations provided were included as addenda to the respective proposals (see Table 1 for document numbers) and are quoted below for the three species:

Oceanic Whitetip Shark (*Carcharhinus longimanus*)

[UNEP/CMS/COP13/Doc.27.1.8/Add.1](#)

- *“The Scientific Council did not support the proposal in its current form. However, it concluded that the most recent assessments by the IUCN-Shark Specialist Group for this species indicate declines of a magnitude that would warrant a higher IUCN listing (see also the review by the AC of the Sharks MoU; [UNEP/CMS/ScC-SC4/Inf.4](#)). Such information would be expected to be included in the revised IUCN Red List assessment due to be released in December 2019, and would then indicate that the species would meet the listing criteria for “Endangered” for Appendix I. The Scientific Council recommended that the proposal be revised to include this latest information, which will be publicly available in the near future;*
- *The meeting concluded that the information currently included in the proposal did not provide sufficient evidence that the listing criterion for “migratory” were met at the global scale. However, it was recognized that some populations did demonstrate a migratory nature and these populations could benefit from further focus;*
- *The Scientific Council also noted that lack of information on migration likely reflects insufficient scientific research on this species in many parts of its range;*
- *The Scientific Council recommended that the proposal should be augmented to provide additional information, specifically regarding the listing criteria;*
- *It was noted that the proponent may wish to incorporate some of the advice provided by the Sharks MOU Advisory Committee and updated IUCN Red List Assessments in its review of the proposal (see Inf.4);*
- *The Scientific Council recommended that the proponent explain the additional value of including the species in CMS Appendix I, bearing in mind that it was already listed in CITES Appendix II and that all tune Regional Fisheries Management Organization (tRFMOs) prohibit retention;*
- *The Scientific Council recommended that the proponent may consider reducing the scope of the proposal to include regional populations, for which sufficient information was available to support the listing criteria.”*

Smooth Hammerhead Shark (*Sphyrna zygeana*)

[UNEP/CMS/COP13/Doc.27.1.9.a.b/Add.1](#)

- *“The Scientific Council has reviewed the two proposals from Brazil and the European Union in conjunction as both are proposing the same species, the Smooth Hammerhead Shark (*Sphyrna zygeana*) for inclusion in Appendix II of the Convention. The proposal from the EU refers to the global population while the proposal from Brazil concerns the regional population shared by Argentina, Brazil and Uruguay.*
- *The Scientific Council generally supported the inclusion of the global population in CMS Appendix II. The Scientific Council agreed that the species met the criteria for inclusion in Appendix II regarding (a) “unfavourable conservation status” and (b) “migratory”, except the Australian population, which was not considered to meet the criteria for “migratory”.*
- *The Scientific Council, therefore, recommended excluding the Australian population from the EU proposal.”*

*Tope Shark (Galeorhinus galeus)*  
[UNEP/CMS/COP13/Doc.27.1.10/Add.1](#)

- *“The Scientific Council supported the proposal for some populations, but not at a global scale;*
- *The Scientific Council recognized the concerns raised by Australia and New Zealand that the criteria for inclusion in Appendix II were not met for their population;*
- *The Scientific Council recommended that the proponent should reconsider the scope of the proposal to address regional populations which are threatened, and exclude the population in Australia and New Zealand;*
- *The Scientific Council recommended that comments provided by the Shark MOU Advisory Committee, New Zealand and Australia be shared with the proponent for consideration.”*

**26<sup>th</sup> Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT)**

22. Rima Jabado participated on behalf of the CMS Secretariat at the 26<sup>th</sup> Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), which was held in Palma de Mallorca, Spain, from 18 to 25 November 2019. A summary of relevant outcomes of the meeting is provided below:

*Mako Sharks*

23. In the North Atlantic, the species is considered to be overfished. Overfishing continues to occur, and the Standing Committee on Research and Statistics (SCRS) determined this year that the species’ status was worse than previously assessed and that the necessary reductions in catch would not be achieved under the current management system.
24. SCRS scientists projected that even if mortality from fishing was reduced to zero, the population would continue to decline until 2035. They noted that reducing the fishing mortality for Shortfin Mako to 300 metric tons or less per year had only a 60 per cent probability of recovering the stock within the next 50 years.
25. Also, a total allowable catch of 300 metric tons would be difficult to allocate to ICCAT members, especially when dead discards and post-release mortality may add up to that amount. There were three proposals regarding these stocks from the USA, European Union (EU), and Senegal.
26. Only the Senegalese proposal recommended to prohibit the retention of Shortfin Mako in the North Atlantic (also supported by the Gambia, Guinea-Bissau from the region as well as China and Japan). However, there was a lack of consensus on this proposal with the EU and the USA advocating for catch limits to reduce mortality rather than a ban on retention. Contracting Parties and Cooperating non-Contracting Parties (CPCs) finally agreed to continue applying the current ICCAT recommendation 17-08 pending additional intersessional work.

### *Fins attached*

27. Thirty-three of the 47 CPCs present at the meeting co-sponsored a proposal to strengthen ICCAT's ban on finning by replacing the fin-to-carcass ratio rule with a more enforceable requirement for sharks to be landed with fins attached. This proposal was opposed by Japan and China.

### *Blue Sharks*

28. With increasing catches of Blue Sharks in the last few years, two proposals by the EU were adopted to allow for a total TAC adopting a catch limit on Blue Shark of 39,102 MT for the North Atlantic stock and 28,923 MT for the South Atlantic stock in 2020, marking the first time any regional fisheries management organization has established annual TACs for a shark species making parties fully accountable for their catches.
29. The ICCAT press release and relevant outcomes of the meeting are provided in [CMS/Sharks/AC3/Inf..4](#).

### **New IUCN Assessments**

30. As mentioned above, it was brought to the attention of the participants at ScC-SC4, that the Shark Specialist Group of the International Union for Conservation of Nature (IUCN SSG) was preparing to publish the results of a new red list assessment for shark and ray species in December 2019, including for *Carcharhinus longimanus* and *Galeorhinus galeus*.
31. The Secretariat will make the findings of the reassessments available as soon as they become available.

### **Action requested:**

1. Note the information provided in this document;
2. Provide guidance to the Signatories and the Secretariat on the findings of ScC-SC4 regarding the proposals for inclusion of shark species in the Appendices of CMS, noting that the AC has come to different conclusions;
3. Provide guidance to the Signatories and the Secretariat on further species that would warrant inclusion in Annex 1 based on new information.

**Table 2.** Overview of chondrichthyan species that are covered by Sharks MOU Annex 1, CMS Appendices, CMS Concerted Action, or CITES Appendices (green: listed at Sharks MOS3, yellow: listed at CITES COP18)

Species	Sharks MOU	CMS	CMS Concerted Action	CITES
<b>ORECTOLOBIFORMES</b>				
<b>Rhincodontidae</b>				
<i>Rhincodon typus</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<b>LAMNIFORMES</b>				
<b>Lamnidae</b>				
<i>Carcharodon carcharias</i>	Annex 1	App I and II		App II
<i>Isurus oxyrinchus</i>	Annex 1	App II		App II
<i>Isurus paucus</i>	Annex 1	App II		App II
<i>Lamna nasus</i>	Annex 1	App II		App II
<b>Cetorhinidae</b>				
<i>Cetorhinus maximus</i>	Annex 1	App I and II		App II
<b>Alopiidae</b>				
<i>Alopias superciliosus</i>	Annex 1	App II		App II
<i>Alopias vulpinus</i>	Annex 1	App II		App II
<i>Alopias pelagicus</i>	Annex 1	App II		App II
<b>CARCHARHINIFORMES</b>				
<b>Carcharhinidae</b>				
<i>Carcharhinus falciformis</i>	Annex 1	App II		App II

Species	Sharks MOU	CMS	CMS Concerted Action	CITES
<i>Carcharhinus longimanus</i>	Annex 1	Proposed for App I		App II
<i>Carcharhinus obscurus</i>	Annex 1	App II		
<i>Prionace glauca</i>		App II		
<b>Sphyrnidae</b>				
<i>Sphyrna mokarran</i>	Annex 1	App II		App II
<i>Sphyrna lewini</i>	Annex 1	App II		App II
<i>Sphyrna zygaena</i>	Annex 1	Proposed for App II		App II
<b>SQUALIFORMES</b>				
<b>Squalidae</b>				
<i>Squalus acanthias</i> (northern hemisphere populations)	Annex 1	App II		
<b>SQUATINIFORMES</b>				
<b>Squatinae</b>				
<i>Squatina squatina</i>	Annex 1	App I and II	Proposed for extension to COP13	
<b>RHINOPRISTIPHORMES</b>				
<b>Rhinobatidae</b>				
<i>Rhinobatos rhinobatos</i>	Annex 1	App I (Med Sea) and II (global)	Proposed for adoption at COP13	
<b>Glaucostegidae</b>				
<i>Glaucostegus spp.</i>				App II
<b>Rhinidae</b>				

Species	Sharks MOU	CMS	CMS Concerted Action	CITES
<i>Rhinidae</i>				App II
<i>Rhynchobatus australiae</i>	Annex 1	App II	Proposed for adoption at COP13	(App II)
<i>Rhynchobatus djiddensis</i>	Annex 1			(App II)
<i>Rhynchobatus laevis</i>	Annex 1			(App II)
<b>Pristidae</b>				
<i>Anoxypristis cuspidata</i>	Annex 1	App I and II		App I
<i>Pristis clavata</i>	Annex 1	App I and II		App I
<i>Pristis pectinata</i>	Annex 1	App I and II	Proposed for adoption at COP13	App I
<i>Pristis zijsron</i>	Annex 1	App I and II		App I
<i>Pristis pristis</i>	Annex 1	App I and II	Proposed for adoption at COP13	App I
<b>MYLIOBATIFORMES</b>				
<b>Mobulidae</b>				
<i>Manta alfredi</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Manta birostris</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula mobular</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula japanica</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula thurstoni</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula tarapacana</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula eregoodootenkee</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula kuhlii</i>	Annex 1	App I and II	Proposed for extension at COP13	App II

<b>Species</b>	<b>Sharks MOU</b>	<b>CMS</b>	<b>CMS Concerted Action</b>	<b>CITES</b>
<i>Mobula hypostoma</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula rochebrunei</i>	Annex 1	App I and II	Proposed for extension at COP13	App II
<i>Mobula munkiana</i>	Annex 1	App I and II	Proposed for extension at COP13	App II