



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

CMS/Sharks/Outcome 3.2

14 December 2018

3rd Meeting of the Signatories (Sharks MOS3)
Monaco, 10 – 14 December 2018

MODIFYING THE SPECIES LIST (ANNEX 1) OF THE MOU

(This Document replaces CMS/Sharks/Outcome 1.4)

Procedure for Modifying the Species List (Annex 1) of the MOU

1. Annex 1 may be modified by consensus at any session of the Meeting of the Signatories.
2. Proposals for modification may be made by any Signatory.
3. The process and timing for submission should be as follows:
 - a) Signatories should endeavour to provide the text of any proposed modification and the reasons for it, based on the best scientific evidence available, to the Secretariat at least 150 days before the meeting;
 - b) The Secretariat is expected to promptly communicate the proposal to all Signatories and the Advisory Committee;
 - c) The Signatories should endeavour to provide any comments on the text to the Secretariat at least 60 days before the meeting begins;
 - d) The Secretariat is expected to communicate such comments to the Signatories as soon as possible after receipt;
 - e) Signatories have the right to refuse consideration of any proposed modification that is submitted to the Secretariat later than the timeframes referred to in this paragraph.
4. Modifications should be made by consensus as provided for under paragraphs 18 and 33 of the MOU.
5. 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 and
6. If the CMS COP agrees on the inclusion of a new shark or ray species in Appendix I or II of CMS, the following procedure should be applied, and the Rules of Procedure and the Terms of Reference for the Advisory Committee respectively adapted:
 - a) The Secretariat transmits the relevant documents for this species to the Advisory Committee of the Sharks MOU;
 - b) The said Advisory Committee should analyse the proposal 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;
- c) The Meeting of Signatories of the Sharks MOU should decide by consensus on the inclusion of the new species in Annex 1 of the Sharks MOU.

Criteria for the Inclusion of Species in the Species List (Annex 1) of the MOU

7. The broad, biological criteria used under the CMS Convention to determine whether a species qualifies for listing should be used under the MOU. This will ensure a simple approach and maintain consistency with the parent Convention.
8. Annex 1 of the MOU 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.
9. In accordance with paragraph 3 d) of the MOU the conservation status is considered "favourable" when all the following conditions are met:
 - a) population dynamics data relative to appropriate biological reference points indicate that migratory sharks are sustainable on a long-term basis as a viable component of their ecosystems;
 - b) the distributional range and habitats of migratory sharks are not currently being reduced, nor are they likely to be reduced in the future to levels that affect the viability of their populations in the long term; and
 - c) the abundance and structure of populations of migratory sharks remains at levels adequate to maintain ecosystem integrity.
10. In accordance with paragraph 3 e) of the MOU, the conservation status will be taken as "unfavourable" if any of the above conditions are not met.
11. The term "migratory species" is defined by CMS in Article I (1), II (1) and IV (1) and further specified in the explanatory notes to the format for proposals to amend CMS Appendices. To better differentiate between the geographical extent of migrations, the following categories should apply:
 - a) Highly migratory: Those species whose migrations extend over the scale of oceanic basins, so encompassing national waters and high seas;
 - b) Regional migratory: Those species whose migrations extend over the scale of regional (often shelf) seas, although a small proportion of the population may make longer-distance movements, including excursions into oceanic basins;
 - c) Sub-regional migratory: Those species that migrate over smaller spatial scales, but with clear evidence of cyclical and predictable migrations across jurisdictional boundaries.
 - d) Smaller scale coastal migrations or non-migratory: Those species that are generally site specific or make only shorter distance movements (e.g. seasonal inshore-offshore or north-south migrations). These species are considered to not meet the criteria of "migratory species" as defined by CMS in Article I (1), II (1) and IV (1).

17. Notwithstanding the rules of CMS, species or species groups may be listed as “look-alike” species, if differentiation from an Annex 1 listed species is difficult and confusion with the latter is likely. A “look-alike” species does not necessarily have to meet all the criteria for inclusion in Annex 1 itself.

Format for listing proposals

18. A format for listing proposals is annexed to this document.

FORMAT FOR PROPOSALS TO AMEND ANNEX 1 OF THE MOU

A. PROPOSAL

B. PROPONENT

C. SUPPORTING STATEMENT

1. Taxonomy

- 1.1 Class
- 1.2 Order
- 1.3 Family
- 1.4 Genus, species or subspecies, including author and year
- 1.5 Scientific synonyms
- 1.6 Common name(s), in all applicable languages used by the Convention

2. Overview (should include a summary of key points from 3.1/3.2 and 4.2)

3. Migrations

- 3.1 Kinds of movement, distance, the cyclical and predicable nature of the migration, utilizing the categories as agreed in Outcome 3.2 paragraph 11)
- 3.2 Proportion of the population migrating, and why that is a significant proportion

4. Biological data (other than migration)

- 4.1 Distribution (current and historical)
- 4.2 Population (estimates and trends)
- 4.3 Habitat (short description and trends)
- 4.4 Biological characteristics
- 4.5 Role of the taxon in its ecosystem

5. Conservation status and threats

- 5.1 IUCN Red List Assessment (if available)
- 5.2 Equivalent information relevant to conservation status assessment
- 5.3 Threats to the population (factors, intensity)
- 5.4 Threats connected especially with migrations
- 5.5 National and international utilization

6. Protection status and species management

- 6.1 National protection status
- 6.2 International protection status
- 6.3 Management measures
- 6.4 Habitat conservation
- 6.5 Population monitoring

7. Effects of the proposed amendment

7.1 Anticipated benefits of the amendment

7.2 Potential risks of the amendment

8. Range States

9. Consultations

10. Additional remarks

11. References