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Agenda Item 23

REVIEW MECHANISM AND NATIONAL LEGISLATION PROGRAMME

(Prepared by the Secretariat)

Summary:

This document reports on progress to implement Resolution 12.9 *Establishment of a Review Mechanism and a National Legislation Programme* and associated Decisions 14.28–14.29. The document contains proposals for the adoption of new Decisions and deletion of Decisions 14.28–14.29.

REVIEW MECHANISM AND NATIONAL LEGISLATION PROGRAMME

Background

1. This document contains the following sections:
 - a. Review Mechanism – presenting progress and analysis related to the implementation of Section I of [Resolution 12.9](#) and related [Decisions](#).
 - b. National Legislation Programme – providing an update on Party participation, legislative analysis, capacity-building activities, cooperation with partner initiatives, and proposed future work under Section II of [Resolution 12.9](#) and related Decisions.
2. This document integrates the implementation of [Resolution 12.9](#) and the relevant mandates adopted by COP14, in particular, Decisions 14.28–14.29 concerning the Review Mechanism and the National Legislation Programme.
3. The Conference of the Parties, at its 12th meeting (COP12), adopted [Resolution 12.9](#) and Decisions 12.6-12.9 on the *Establishment of a Review Mechanism and a National Legislation Programme*.
4. Section I of [Resolution 12.9](#) establishes a Review Mechanism to facilitate long-term compliance with the obligations set out in Articles III.4, III.5, III.7 and VI.2 of the Convention (referred to as “implementation matters”). Section II of [Resolution 12.9](#) establishes a National Legislation Programme, a “supportive, non-adversarial and facilitative activity” that aims to ensure long-term compliance with Article III, paragraphs 4(a) and (b), and III.5.
5. Subsequently, COP14 adopted Decisions 14.28-14.2; Decision 14.29 requires the Secretariat to report to COP15 on the progress in implementing this Decision:

14.29 Directed to the Secretariat

The Secretariat is requested to:

- a) *follow up with Parties that have completed and submitted the National Legislation Programme (NLP) questionnaire on their progress in implementing recommended actions, and provide technical support to assist Parties in drafting adequate national legislation to implement the provisions of Article III, paragraph 5, of the Convention, as possible and appropriate;*
- b) *encourage Parties that have not yet joined the National Legislation Programme to complete the NLP questionnaire and submit it to the Secretariat;*
- c) *in close collaboration with UNEP, organize a dedicated workshop for UNEP and CMS Parties to support them in strengthening national legal frameworks for the implementation of CMS;*
- d) *subject to the availability of external resources, commission a study on penalties, including both criminal penalties and administrative sanctions, to determine whether national legislation allows for effective, deterrent and proportionate penalties for Appendix I species taken in violation of the Convention;*
- e) *develop an online registry of Review Mechanism files and update it with relevant information on ongoing files;*
- f) *report to the Conference of Parties at its 15th meeting on the progress in implementing this Decision; and*

- g) continue and enhance the collaboration with existing initiatives facilitating national legislative review such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) National Legislation Project and the Sustainable Wildlife Management Programme led by the Food and Agriculture Organization of the United Nations (FAO) with a consortium of partners including the Center for International Forestry Research (CIFOR), the Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD), and the Wildlife Conservation Society (WCS).

A. Review Mechanism

Progress in implementation

6. In line with [Resolution 12.9](#) and Decision 14.28, the Secretariat continued the implementation of the Review Mechanism during the intersessional period. One implementation matter – File No. 2021/01 concerning the Vlora International Airport project in the Vjosa–Narta Protected Landscape (Albania) – is currently being considered by the Standing Committee.
7. The file was initiated in April 2021 following a communication regarding potential impacts on Appendix I-listed migratory species, in accordance with Section I of [Resolution 12.9](#). Following the admissibility assessment, the Secretariat carried out the procedural steps foreseen under Section I.C, including multiple written communications with the Party concerned and participation in a joint on-the-spot appraisal undertaken together with the Bern Convention and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA).
8. At its 56th meeting, which took place between 25 and 27 March 2025, the Standing Committee, acting as the Review Body under [Resolution 12.9](#), considered File No. 2021/01 on the basis of the Secretariat’s documentation (UNEP/CMS/StC56/Doc.15.1), the on-the-spot appraisal report, and the information submitted by Albania. The Committee adopted the document entitled *Findings and Measures regarding the Vlora Airport Project* ([UNEP/CMS/StC56/Outcome1](#)). These findings set out the concerns identified through the review process, including habitat fragmentation and loss, inadequacy of ecological data, the potential effects of construction and future operations on Appendix I-listed species, and the need for continued monitoring and assessment.
9. The Standing Committee requested the Sessional Committee of the Scientific Council to consider specific technical questions relating to the sufficiency of mitigation measures identified in the 2024 report submitted by Albania, and to provide its advice to the Standing Committee in advance of its next session. This request was recorded in paragraph 7 of the *Findings and Measures* document and communicated to the Sessional Committee members on 8 April 2025. One response was received from a member and communicated to the Albanian Focal Point on 20 May 2025.
10. Furthermore, the Standing Committee issued a letter to the Government of Albania ([UNEP/CMS/StC56/Outcome2](#)), which invited Albania to consider: a) carrying out a comprehensive ecological assessment of relevant Appendix I-listed species; b) withdrawing or modifying the ongoing construction and/or the operation works of Vlora Airport, and if needed, restoring the landscape to its original state; c) strengthening the monitoring of the project area, ensuring that disturbance to migratory bird species in the Narta Lagoon and surrounding habitats is mitigated; d) enhancing engagement with relevant stakeholders; e) developing a written implementation plan; and f) suspending the construction and/or operation of the Vlora International Airport until sufficient ecological and species-specific data is gathered, and the conservation of CMS Appendix

I-listed species is ensured. The letter was sent to the Albanian Focal Point on 4 April 2025.

11. The Standing Committee also requested a progress report for consideration at its 57th meeting.
12. As foreseen in [Resolution 12.9](#), the Standing Committee will resume consideration of File No. 2021/01 at its 57th meeting, to be held immediately prior to the opening of COP15.
13. At the time of writing (November 2025), the Secretariat had yet to receive a progress report from Albania. Publicly available information indicates that the Vlora International Airport conducted a test certification flight in May 2025, and regular commercial operations were reportedly planned for June 2026. This information will be brought to the attention of the Standing Committee at StC57, in line with [Resolution 12.9](#).
14. In addition, at the time of preparing this document, the Secretariat is screening two new communications on possible implementation matters submitted in relation to an infrastructure development project pursued by two Parties that may potentially affect Appendix I-listed species. In accordance with Section I.C of [Resolution 12.9](#), these communications are currently being screened to determine whether they meet the admissibility criteria, with the assistance of the Scientific Council, which shall act on scientific and technical matters, if needed. The screening will also take into account any information received from the Party concerned. Should the Secretariat determine that the criteria are fulfilled, the Parties concerned will be notified and given an opportunity to submit any pertinent information before further steps under the Review Mechanism are taken.
15. At the time of writing, the Secretariat is working on finalizing the development of an online registry of Review Mechanism files, which was postponed due to the revamping of the CMS website.

Discussion and analysis

13. The experience gained during the intersessional period represents the first full application of the Review Mechanism since its establishment through [Resolution 12.9](#). The process has followed the procedural steps outlined in Section I of the Resolution, including admissibility screening, information gathering, consultation with the Scientific Council where appropriate, cooperation with relevant multilateral environmental agreements, and consideration of an implementation matter by the Standing Committee acting as the Review Body.
14. Based on this experience, and as additional communications are received and new files may be opened under the Review Mechanism, the Secretariat notes that the management of such files – including the preparation of technical analyses, facilitation of expert input, and potential in-country missions – will entail additional resource implications. The Secretariat will continue implementing [Resolution 12.9](#) to the extent possible, but it is anticipated that additional resources will be required to undertake the activities envisaged under Section I of the Resolution.

B. National Legislation Programme

Progress in implementation

15. As requested by Decision 14.29 b), the Secretariat encouraged Parties that have not yet joined the National Legislation Programme (NLP) to complete the NLP questionnaire and submit it to the Secretariat. In July 2024, the Secretariat launched the 4th call to the Parties, inviting them to participate in the NLP and submit the questionnaire on their legislation implementing the Convention. As a result, an additional 12 Parties joined the Programme, bringing the total number of Parties in the NLP to 70.
16. With funding from the European Union under the Migratory Species Champion Programme and through the Global Public Goods and Challenges (GPGC) Programme Cooperation Agreements between the European Commission and UNEP, the Secretariat conducted an analysis of the legislation of all Parties participating in the NLP and prepared individual National Legislation Profiles. To support the Parties in the implementation of Article III.5, the Secretariat published the findings of the National Legislation Programme (UNEP/CMS/COP15/Inf.23a), and is exploring, with the UNEP Montevideo Environmental Law Programme, the possibility of finalizing the CMS Legislation Explorer, which would contain a database of relevant national legislation within the context of the NLP.
17. In accordance with [Resolution 12.9](#), National Legislation Profiles (including recommended actions to facilitate the identification of inconsistencies in the implementation of Article III.5) have been prepared and circulated to the 70 Parties participating in the Programme. Parties were requested to provide responses within six months of receipt of the findings and recommended actions from the Secretariat. To date, 14 Parties have submitted comments on their National Legislation Profiles.
18. As requested by Decision 14.29 a), the Secretariat also followed up with Parties that have completed and submitted the NLP questionnaire on their progress in implementing recommended actions and contacted those that might benefit from further technical assistance and additional engagement to clarify or strengthen aspects of their legislation. However, very few responses have been received.
19. With funding from the European Union under the Migratory Species Champion Programme and through the GPGC Programme Cooperation Agreements between the European Commission and UNEP, and in accordance with [Resolution 12.9](#) (Section II.7) – which calls on the Secretariat to support Parties through the provision of, among other things, guidance material in relation to Article III.4 a) and b) and III.5 – the Secretariat prepared two legislative guidance documents available in the three official languages of the Convention:
 1. *Legislative Guidance Document: Exceptions to the Prohibition on Taking of Appendix I-listed Species under CMS Article III.5 (UNEP/CMS/COP15/Inf.23b)*; and
 2. *Legislative Guidance for Maintaining, Improving, and Restoring Ecological Connectivity (UNEP/CMS/COP15/Doc.23c)*
20. As requested by Decision 14.29 c), the Secretariat organized, with funding provided by the European Union under the Migratory Species Champion Programme and the Government of the United Kingdom, a dedicated workshop for CMS Parties and non-Parties to support them in strengthening national legal frameworks for the

implementation of CMS.

21. The Global Workshop on CMS Legislation took place from 3 to 5 June 2025 in Bonn, Germany, and brought together government representatives, legal experts and international stakeholders from UN bodies, other multilateral environmental agreements, NGOs and academia. The workshop focused on the core aspects of national legislation that are essential to effectively implement the Convention. This included implementation of CMS Article III.5 – the CMS ‘take’ prohibition and permissible exceptions to the ‘take’ prohibition. It also examined how legislation can support ecological connectivity and mitigate known and emerging threats for migratory species. The workshop was highly interactive and provided opportunities for participants to discuss and compare experiences and challenges, and share best practices for the implementation of the Convention. A summary of discussions is available on the meeting web page
22. As requested by Decision 14.29 g), the Secretariat continued and enhanced collaboration with existing initiatives facilitating national legislative review, such as the UNEP Montevideo Environmental Law Programme, CITES National Legislation Project and the Sustainable Wildlife Management Programme led by the FAO with a consortium of partners. Representatives from these initiatives attended and presented at the Global Workshop on CMS Legislation.

Discussion and analysis

23. The National Legislation Programme remains a central mechanism for assisting Parties in aligning domestic legal frameworks with the obligations contained in Articles III.4 and III.5 of the Convention. While 70 Parties have joined the Programme and received National Legislation Profiles containing analyses and recommendations, engagement following the circulation of these profiles has been limited. Only a few Parties have provided follow-up information or updates on implementation. This limited interaction has constrained the Secretariat’s ability to assess progress and provide targeted technical support.
24. Experience gained during the intersessional period, including from the Global Workshop on CMS Legislation (Bonn, 3–5 June 2025), confirmed that the main challenge facing the NLP lies in sustaining Party engagement after the completion of individual profiles. The current format, based primarily on bilateral exchanges of questionnaires and profiles, would benefit from renewed momentum and exchange of practices. Participants at the Workshop expressed their support for a more structured and institutionalized platform that would allow regular dialogue, peer exchange and mutual support among Parties and stakeholders on the implementation of Articles III.4(a) and (b) and III.5.
25. In response, the creation of a CMS Multistakeholder Task Force on Legislation was proposed. The Task Force would operate strictly within the existing framework and guiding principles of [Resolution 12.9](#), ensuring that it remains a supportive, non-adversarial and facilitative activity. Its primary purpose would be to enhance coordination and cooperation among Parties, provide a forum for the exchange of experience and good practices, and identify shared priorities under the NLP, without establishing any new review or compliance functions.
26. A second constraint identified during the intersessional period concerns the lack of dedicated financial resources. The funding previously provided by the European Union under the Migratory Species Champion Programme and the GPGC Cooperation Agreement concluded in October 2024. Sustained funding is required to maintain the Programme, prepare and update National Legislation Profiles, and support new activities, including coordination of the proposed Task Force, if established.

27. In line with the scope and findings of the Programme and the discussions at the Workshop, and subject to the availability of external resources, activities under the NLP in the next triennium could include:
- a) continuing the analysis of national legislation and launching a fifth call to Parties to participate in the NLP;
 - b) providing legal advice during national legislative reform processes and revising National Legislation Profiles accordingly;
 - c) publishing the compounded findings of the NLP and finalizing the CMS Legislation Explorer tool;
 - d) commissioning a study on deterrence and penalties related to the taking prohibition under Article III.5;
 - e) exploring the expansion of the NLP's scope to include enforcement, prosecution and the judiciary;
 - f) supporting the practical implementation of connectivity-related laws;
 - g) continuing collaboration with existing initiatives such as UNEP's Montevideo Environmental Law Programme, CITES National Legislation Project, and the Sustainable Wildlife Management Programme led by FAO;
 - h) developing capacity-building materials and guidance such as on CMS considerations for CITES trade, compensation for loss of property or crops caused by Appendix I species, and the application of multilateral environmental agreements at the national level; and
 - i) considering the formation of a CMS Multistakeholder Task Force on Legislation.
28. The NLP remains an essential component of the Convention's compliance support architecture. Strengthening it through a cooperative platform consistent with the scope of [Resolution 12.9](#) and securing sustainable funding would enable the Secretariat and Parties to move towards a more continuous, participatory and implementation-oriented model.

Recommended actions

29. The Conference of the Parties is recommended to:
- a) adopt the draft Decisions contained in the Annex of this document;
 - a) consider the creation of a CMS Multistakeholder Legal Task Force on Legislation, and request the Standing Committee to adopt its Terms of Reference at its 59th meeting; and
 - b) delete Decisions 14.28–14.29.

DRAFT DECISIONS

REVIEW MECHANISM AND NATIONAL LEGISLATION PROGRAMME

Directed to Parties

15.AA

- a) Parties that have submitted the National Legislation questionnaire and received a National Legislative Profile from the Secretariat are urged to take appropriate measures to implement Article III, paragraph 5, in line with the Secretariat's recommended actions, as indicated in the National Legislation Profile;
- b) Parties that have not completed and submitted the questionnaire are strongly encouraged to do so;
- c) Parties are reminded to inform the Secretariat of any exceptions made pursuant to Article III, paragraph 5, of the Convention.

Directed to the Secretariat

15.BB The Secretariat, subject to the availability of resources, is requested to:

- a) follow up with Parties that have completed and submitted the National Legislation Programme (NLP) questionnaire on their progress in implementing recommended actions, and provide technical support to assist Parties in drafting adequate national legislation, including providing legal advice during national legislative reform processes to implement the provisions of Article III, paragraph 5, of the Convention, as possible and appropriate;
- b) invites Parties that have not yet joined the NLP to complete the NLP questionnaire and submit it to the Secretariat;
- c) commission a study to determine whether national legislation allows for effective, deterrent and proportionate penalties, including both criminal penalties and administrative sanctions, for Appendix I species taken in violation of the Convention, and to assess the use of other legal tools to strengthen compliance with the taking prohibition;
- d) prepare Terms of Reference for a CMS Intergovernmental and Multistakeholder Task Force on Legislation, for the consideration of the Standing Committee at its 59th meeting; and
- e) continue the collaboration with existing initiatives facilitating national legislative review, such as UNEP's Montevideo Environmental Law Programme, CITES National Legislation Project and the Sustainable Wildlife Management Programme led by FAO with a consortium of partners.