



**CONVENTION ON MIGRATORY
SPECIES**

Distr: General

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

CMS/Sharks/Outcome 1.4

Original: English

FIRST MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING ON THE
CONSERVATION OF MIGRATORY SHARKS
Bonn, Germany, 24-27 September 2012

MODIFYING THE SPECIES LIST (ANNEX 1) OF THE MOU

Adopted by the Meeting of Parties at its First Meeting (Bonn, 24-27 September 2012)

Background:

1. According to paragraph 2 of the Memorandum of Understanding on the Conservation of Migratory Sharks, the MoU is intended to apply to all migratory species of sharks included in Annex 1 of this Memorandum of Understanding.
2. Furthermore, in paragraph 3p of the MoU, sharks are defined as “any of the migratory species, subspecies or populations in the Class *Chondrichthyes* (which includes sharks, rays, skates and chimaeras) that are included in Annex 1 of this Memorandum of Understanding.
3. At the Third Preparatory Meeting, at which the MoU was finalized (Manila, March 2010), participants concluded that no automatic listing of those species already included on Appendix I or II of the Convention should take place, on account of the fact that Signatories to the MoU are not necessarily Parties to the Convention.
4. Paragraph 20 of the MoU specifies that any proposed amendments to Annex 1 should be assessed by the Signatories at each session of the Meeting of the Signatories. Paragraph 33 states that modifications should be by consensus.

Procedure for modifying the Species list (Annex 1) of the MoU:

- a) Annex 1 may be modified by consensus at any session of the Meeting of the Signatories;
- b) Proposals for modification may be made by any Signatory;
- c) The process and timing for submission should be as follows:
 - (i) 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.
- (ii) The Secretariat is expected to promptly communicate the proposal to all Signatories and the Advisory Committee.
 - (iii) The Signatories should endeavour to provide any comments on the text to the Secretariat at least 60 days before the meeting begins.
 - (iv) The Secretariat is expected to communicate such comments to the Signatories as soon as possible after receipt. 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.
- d) Modifications should be made by consensus as provided for under paragraphs 18 and 33 of the MoU;
- e) 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
- f) 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:
- The Secretariat transmits the relevant documents for this species to the Advisory Committee of the Sharks MoU.
 - 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.
 - 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:

Background

5. The Sharks MoU is an agreement in accordance with Article IV (4) of the Convention on the Conservation of Migratory Species of Wild Animals, which had been developed for migratory shark species listed on Appendix II to the Convention.

6. Although Annex 1 of the MoU is independent from CMS Appendices I and II, Signatories have decided to adopt the Convention's broad criteria for the inclusion of species in Appendix II. These are laid down in Article IV(1) of the Convention and have been modified to suit the MoU.

Listing Criteria

7. 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. In accordance with paragraph 3 d) of the MoU the conservation status is considered “favourable” when all the following conditions are met;

- (i) 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;
- (ii) 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
- (iii) the abundance and structure of populations of migratory sharks remains at levels adequate to maintain ecosystem integrity.

8. 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.

Additional considerations for the Advisory Committee, regarding Listing Criteria

- a) 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.
- b) The Advisory Committee should consider whether these listing criteria are sufficient or whether additional criteria 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.
- c) If additional criteria are deemed necessary then, in the first instance existing criteria should be drawn upon such as those used within CITES and the IUCN (bearing in mind that these criteria are for “risk of extinction” rather than “favourable status”).
- d) Consideration of the need for additional listing criteria should be undertaken before the Second Meeting of Signatories and should not unduly delay the Committee from delivering the tasks listed under Paragraph 24 of the MoU.
- e) 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.
- f) The above is dependent upon the final decision on the listing of a species by Signatories being by consensus, in accordance with paragraph 33 of the MoU.

Format for listing proposals

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

FORMAT FOR LISTING PROPOSALS*

Amendment of Annex 1 to the MoU

(Species covered by this Memorandum of Understanding and their Ranges)

- Submission Format -

To submit a proposal for the amendment of Annex 1 of the UNEP/CMS Memorandum of Understanding on the Conservation of Migratory Sharks, please send the proposal to the Secretariat (secretariat@cms.int) at least 150 days prior to the start of any Meeting of the Signatories (MOS). Submission via email is preferred, stating “Proposal for Amendment of Annex 1”, as well as the name of the country submitting the proposal in the subject line. Submissions sent via post have to reach the Secretariat by the same 150 day deadline and should be sent to: UNEP/CMS Secretariat, UN Campus, Platz der Vereinten Nationen 1, 53113 Bonn, Germany.

- Please use the grey fields for answers and comments -

A. Proposal

Species to be included: Common name

Taxonomic name

Inclusion of the entire species or only one or more populations? Entire Part

Please specify:

B. Proponent

Official name of the Signatory submitting the proposal:

Shark MoU Focal Point:

* As adopted by the Meeting of the Parties at its First Meeting (Bonn, 24-27 September 2012)

C. Supporting Statement

1. **Taxon:**
 - 1.1. Order
 - 1.2. Family
 - 1.3. Genus/Species/Subspecies, including author and year
 - 1.4. Population (s)
 - 1.5. Common name(s), when applicable
2. **Ecological data:**
 - 2.1. Distribution (current and historical) – see also 5
 - 2.2. Population (estimates and trends)
 - 2.3. Critical habitat(s) (short description and trends)
 - 2.4. Migration pattern (e.g. migration routes, distance, time, drivers for migration)
3. **Threat data:**
 - 3.1. Direct threat(s) to the population (factor, intensity)
 - 3.2. Destruction of critical habitat(s) (quality of changes, quantity of loss)
 - 3.3. Indirect threat(s) (e.g. reduction of reproduction success by climate change, pollutants)
 - 3.4. National and international utilization
4. **Protection status and needs:**
 - 4.1. National protection status
 - 4.2. International protection status
 - 4.3. Additional protection needs
5. **Range States (see official names of UN member states)**
6. **Additional remarks**
7. **References**