



Council of the
European Union

**Brussels, 19 December 2014
(OR. en)**

17057/14

**ENV 1007
PECHE 601**

INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Migratory Species (CMS): 11th meeting of the Conference of the Parties (COP 11) (Quito, Ecuador, 4-9 November 2014)
- Compilation of statements/speaking points by the EU and its Member States

Delegations will find in Annex for information a compilation of statements/speaking points delivered on behalf of the European Union and its Member States at the above meeting.

Agenda item 4: Rules of procedure

On Rules of Procedure to apply during COP 11

The EU and its Member States support the adoption of the Rules of Procedure as set out in Annex I to CMS/CoP 11. Doc.4. Continued use of the Rules of Procedure adopted at COP 10 is a pragmatic solution for the operation of this meeting but we look forward to discussing amendments to the Rules at a later point in time.

On amendments to the Rules of Procedure

General comments (to be read on 5 November during the discussion of item 4 annex 2 and 3)

The EU and its Member States appreciate the work of the Standing Committee to propose amendments to the Rules of Procedure. In general we can largely support the Rules of Procedure as presented in Annex 2 of document CoP 11/Doc.4

However, the Secretariat has raised some important points of clarification and other points that require further consideration in Annex 3 to this document.

Given the scrutiny that is required of these detailed changes, in particular of Rule 22 on the submission of resolutions and recommendations, we consider the establishment of an “in session working group” would be an appropriate way of attempting to reconcile the two documents into a version for agreement later in the COP.

Agenda item 14: Budget and Administration

14.4. Resource Mobilization

The EU and its 28 MS welcome the report drafted by the Secretariat, and express his gratitude to all those that have so generously contributed to develop CMS activities. Furthermore strongly encourage the Secretariat and all Parties to explore further all funding possibilities among international financial mechanisms.

- In this context, we would like to draw specific attention to the decision taken at the CBD COP 12 on the GEF to enhance **programmatic synergies among the biodiversity-related conventions**. The COP 12 invited the governing bodies of the various biodiversity-related conventions to provide elements of advice concerning the funding of the national priorities within their respective mandates that may be referred to the Global Environment Facility through the Conference of the Parties to the Convention on Biological Diversity. We believe that CMS COP 11 should seize this important opportunity to further mobilize resources for CMS priorities and provide this advice to the GEF through the CBD COP.

- Furthermore, in order to support both national resource mobilization as well as funding through GEF, it is necessary to further promote integration of measures to conserve migratory species into national biodiversity strategies and action plans (NBSAPs) and national implementation of national biodiversity targets and plans in line with the CMS Resolution 10.18.
- We will provide now our comments in writing to be integrated in the draft resolution.

Agenda item 15: CMS Strategic Plan

15.1: Assessment of the Implementation of the Strategic Plan 2006-2014

“Action requested”: *“Take note of the report of the Secretariat”*

The EU and its MS endorse the usefulness of the report of the Secretariat and agree with general recommendations delivered by the reviewer which should be considered in drafting the new Strategic Plan.

15.2: Strategic Plan for Migratory Species 2015-2023

The EU and its MS would like to acknowledge the hard work and commitment of the Strategic Plan Working Group members, and other contributors, whose expertise has produced a clear and comprehensive document. The EU and its MS wholeheartedly welcome the financial contributions given so far by different Parties to support the drafting of the Strategic Plan.

We believe that the Strategic Plan is an important document for providing a coherent direction for the CMS, aiming to ensure that all parts of the CMS Family make a coherent and effective contribution to the delivery of the CBD Aichi targets.

The EU and its MS endorse the adoption of the draft resolution (Doc. 15.2 Annex I) subject to some amendments. The EU and its MS also acknowledge the need for additional intercessional work to strengthen the suite of materials to support implementation of the Strategic Plan, including an open-ended register of Plan sub-targets and a Companion Volume on Implementation, and consider that the CMS Family Secretariats should be involved in the Working Group. We expect that the development of sub-targets, where agreed by the appropriate decision-making body, will ensure that matters of particular relevance to specific instruments are recognised. In developing sub-targets we consider it is important to be able to demonstrate how they contribute to the delivery of the broader goals in the Strategic Plan. We note that budgetary pressures may limit the degree to which these activities could be progressed but consider this an important activity that should be given priority.

The EU and its MS fully endorse the vision and mission of the Strategic Plan and agree with the goals and targets identified by the WG in the final draft of the Plan. We note that goals and targets are ambitious and recognise that they could be difficult to achieve. We welcome that the Strategic Plan builds on the Aichi targets and that indicators in the Strategic Plan for Biodiversity provide much of its basis. We also note that the Programmes of Work and Action Plans of the CMS family instruments have their own indicators and that the decision-making bodies of those instruments will want to consider linking those to the Plan. We agree that efforts should be put in developing clear and effective Indicators to track progress towards the achievement of goals and targets over different timeframes, and at various geographical and territorial scales. However, whilst we recognise that some work will be necessary to ensure that indicators are useful in measuring the achievement of the targets, we are conscious that developing new suites of indicators has potential resource implications, risks increasing the reporting burden on Parties, and potentially diverts effort from implementation to monitoring activity. We therefore believe it is important that wherever possible existing indicators should be used, such as those linked to the Aichi targets, or that indicators should be formulated around information that can currently be drawn from national reports.

We also believe that this presents a valuable opportunity to review the current reporting process and to consider opportunities for reducing the current reporting burden on Parties by linking the information requested in National reports directly to the indicators developed for the Strategic Plan.

Finally we recognize the need for this work to receive the necessary resources and look forward to having a discussion on this in the budget group. However, we are aware of the overall budget restraints and the need to make the most effective use of available resources. Given the central character of the Strategic Plan, we believe that its follow-up development could equally support the necessary activities regarding other strategic activities for the next period. This will need a coherent approach during the budget discussions to support the development of a Companion Volume that addresses the key elements.

Agenda item 16: Future shape and Strategies of CMS and the CMS Family

16.1.: Short- and Medium-term Activities under Resolution 10.9

- Welcome the positive progress made on a number of fronts.
- This work cuts across the activities of the whole CMS family, seeking to ensure that it is fit for purpose and can make an effective contribution to the conservation of the species listed on its Appendices. It is therefore important that all parts of the CMS family are fully engaged in the process.
- Note that much positive collaborative work with the AEWA secretariat has taken place. We would encourage the decision-making bodies of CMS family Agreements to proactively engage in the Future Shape work, and to explore opportunities for greater coordination and collaboration, delivering benefits across the whole CMS family.

- Note the Annex refers to the resources that will be required to continue to take this work forward in the next triennium. Given pressures on resources it is understood that external funding will be key to making good progress. Next steps on the activities proposed will therefore need to be considered in the context of the budget negotiations. However, it is difficult from the information provided to assess the likely budgetary pressures arising from this work with the limited detail provided about medium-term activities that will be undertaken or their expected costs.
- We would urge the Secretariat to provide more detail on the activities planned for the coming intersessional period and to provide information on their expected costs to enable the CMS Parties to make an effective evaluation of the Secretariat's budget proposals as a whole and the likely need for additional resources from either the core budget or external sources.
- In terms of the medium-term activities we have a number of detailed comments and a Working Group may be helpful to consider in more detail how these can be taken forward.

16.2: Synergies with the wider CMS Family: Analysis for shared common services

- Welcome this report and the work of the Executive Secretary and Secretariat staff in piloting the Common Communication and Outreach Unit.
- We strongly support work to enhance collaboration between CMS Family agreements and on delivering efficiencies through the sharing of services between the CMS Secretariats and those of its Agreements. We hope that Parties can give a clear mandate to the Secretariat that this is the direction we want them to take.
- The Secretariat's analysis of the pilot and, potentially, the wider use of shared common services, suggests that significant and beneficial efficiencies could be achieved within the CMS family.
- However, these are potentially very significant changes. It is important that we have a full understanding of the implications of sharing services between the CMS and AEWA Secretariats and the Secretariats of other CMS agreements and that it respects the objectives and responsibilities of the CMS and its Agreements. We therefore request that the Executive Secretary provides a fuller analysis of the costs and benefits of sharing services than has been provided to date. This should include the potential human and financial impacts on the CMS family and its collaborators, any legal implications, and any barriers to successful merger that may arise due to, for example different geographical location and different administrative arrangements, and presenting options for overcoming them.
- This should be prepared in consultation with the relevant CMS family secretariats, in line with mandates given by their respective decision-making bodies, and respecting the objectives and obligations of the agreements concerned, and would encourage all parts of CMS family to engage in this process.
- This work should be taken forward under the oversight of the CMS Standing Committee and the results presented to the ongoing process under UNEP on the effectiveness of administrative arrangements and programmatic cooperation between the United Nations Environment Programme and a number of multilateral environmental agreements.

- As regards a Joint Executive Secretary for CMS and AEWA in future, we would need a clearer understanding of what the role would entail, and the operational implications, for example in relation to management of budgets, staff structures, policy mandate, and operational functions which are set out under two different Treaties. Before a view can be taken it would also be important to understand the views of the Parties to AEWA.
- In line with these general observations, we have some changes to propose to the draft Resolution which we will submit in writing. We look forward to discussions to progress this important work.

Agenda item 17: Other Strategic and Institutional Matters

17.1: Options for the Restructuring of the Scientific Council

The EU and its MS welcome the proposals in Document 17.1. Before considering the detail, we feel there are a number of general principles which should underpin any discussion of reform of the Scientific Council:

We see the Scientific Council as an important source of independent scientific advice. Politicisation of the SC should be avoided.

The Scientific Council should adequately cover the relevant taxa, regions and topics on which the Convention needs scientific advice;

Work should be carried out efficiently, and given the stretch on resources, a reduction of costs compared to the current large meetings is necessary. Working Groups and the Scientific Council electronic workspace are of key importance for inter-sessional work.

All Party-appointed Councillors should be encouraged to participate in inter-sessional work, in particular through working groups and the new electronic communication tool for the CMS. This should also underpin the Parties' commitment to the work of the CMS.

Observers such as NGOs and representatives of other organisations such as the IUCN should be allowed to participate in the meetings of the Scientific Council.

The EU and its Member States can see merits in each of the options/scenarios presented in Document 17.1. On balance we favour Option A with amendments – for example, it is important to add rules for ensuring a balanced coverage of the Regional Representatives' expertise as regards taxa and cross-cutting issues.

The EU and its MS favour rapid implementation and therefore agree that the Standing Committee should push this work forward inter-sessionally as proposed in the draft resolution.

In addition, for the discussion on the structural and organisation aspects, we also need an analysis how the creation and operationalization of IPBES would impact the work by the Scientific Council.

17.2: Elections and Appointments to Scientific Council and Standing Committee

The EU and its Member States express great appreciation for the service rendered by retiring COP-appointed Councillors William Perrin and Leon Bennun.

We agree with the election of Dr. Giuseppe Notarbartolo di Sciara for the post of COP-appointed Councillor for Aquatic Mammals in consideration of his long-lasting leading role in science-based conservation initiatives for aquatic mammals and acknowledged international scientific profile.

We also agree with the proposed formula of appointing both Dr. Robert Clay and Dr. Stephen Garnett for the Birds position, in consideration of their complementary skills, provided that this will not imply additional costs for the Convention.

17.3: GAP Analysis of the Convention on Migratory Species

The EU and its MS are grateful to the Secretariat for preparing this document which identifies a number of cross-cutting and thematic issues not currently addressed by the CMS, and a range of species currently not included in its Appendices.

The analysis shows that the potential for further work is enormous. We propose to take the GAP analysis into account in the work on the Companion Volume under the new Strategic Plan, and also that any further activities on GAP analysis should be done in the context of preparing this Companion Volume.

This would ensure that we focus on the priorities and do not expand into areas of lesser importance. This would also ensure further work will be coherent with other issues addressed with the Companion Volume, such as the guidelines for listing proposals. Finally, this would also reduce overlap with what is already done by other organisations and under other Conventions, and would help to better define synergies with the CBD and other MEAs.

Agenda item 18: Procedural issues

18.1: Arrangements for meetings of the Conference of the Parties

The EU and its 28 MS support the principles set out in the document to improve the operation of Conference of the Parties meetings but we would like to propose some changes to the draft resolution before we can support it. In particular :

Setting a prescriptive schedule for Regional meetings should be removed, giving the responsibility to the Parties to arrange Regional meetings as needed. In OP 2 b) we propose the deletion of “during the afternoon of the day” and the addition of “when necessary” before “during the meeting” in the last line.

We welcome the proposal to shorten that the opening session.

We agree with the Secretariat’s concerns that the provision of documents on a memory stick is not necessarily cost effective, and is unlikely to be an effective way of ensuring that Parties are prepared for meetings taking into account that documents are already available well in advance,. We propose deletion of OP 5(e).

In order to make the most efficient use of financial resources, the organization of back-to back meeting has merits. We recognise that this should not be the case for meetings of the Scientific Council but there are other smaller meetings, for example related to MoUs that it might be advantageous to organize back-to-back with CoP so we do not support OP3 and suggest it is deleted.

OP6 (a-e) on credentials should be deleted to avoid duplication. These points are addressed within the Rules of Procedure, Rule 3 of CMS COP 11 Doc.4 which is the appropriate location and to avoid potential problems of consistency the issue of credentials should only be covered in one Resolution.

18.2: Repeal of Resolutions

The EU and its Member States welcomes the efforts made by Working Group as endorsed by the Standing Committee, and those of the Secretariat in preparing this paper.

We fully support the approach being taken and can support the adoption of the draft resolution subject to two changes: These are:

Deletion of OP 4d) which proposes renaming existing Recommendations as Resolutions and Decisions. We can see why this would be attractive but these retrospective changes have the potential to be very confusing, as well as creating unnecessary work. Therefore, we not think this is a sensible approach.

Secondly in OP7 the phrase “enter into force” should be replaced with “come into effect”. This is the more correct term for CMS Resolutions and Decisions, and is in fact the term used in the summary on the front page of the COP document.

In addition we note that in other MEAs, when a Resolution is adopted by the Conference of the Parties, a precise indication of the Resolutions that should entirely or partially to be repealed is given. This is an important point made in paragraph 20a and we strongly support its inclusion in the draft resolution as OP 2a.

We also strongly encourage Parties to approve the point made in paragraph 21 on the need to have a register of valid Resolutions available on the CMS website and strongly support its inclusion in the draft resolution as OP 3a.

18.3: A Review Process for the Convention

The EU appreciates this document drafted by the Secretariat.

The Secretariat’s paper suggests that the CMS may benefit from a process to facilitate implementation and provide support to those Parties experiencing difficulties implementing it. The EU and its MS believe that a better way to achieve this objective of facilitating implementation and supporting Parties in need would be through the provision of capacity building support, rather than a compliance mechanism as described by this paper which risks diverting effort and resources away from conservation activities.

The draft resolution would launch work to establish a new compliance mechanism. We believe that the Secretariat's paper could provide more convincing justification as to why a new compliance mechanism is needed at the current time or what problems it would try to address, given the nature of the Parties' obligations under the Convention. It is also unclear how the mechanism proposed would be effective in promoting CMS implementation.

Without a strong, clear and justifiable case that we need a new process, we do not consider that the Convention's limited resources should be prioritised towards establishing one at the current time.

The EU and its MS do not therefore support the Secretariat's proposal or the draft Resolution. However, we would be interested to hear the views of other Parties on this point and may wish to make further comments.

Agenda item 19: Communication, Information and Outreach

19.1: Implementation of the Outreach and Communication Plan 2012-2014

19.2: Communication, Information and Outreach Plan 2015 - 2017

The EU and its 28 Member States thank the Secretariat for the work and progresses made within the outreach and communication activities and for the preparation of the documents supporting the draft resolution.

We also acknowledge the important results achieved so far by the communication and outreach activities and the effort invested in them. Among the achievements presented in the doc 19.1, the Manual for the National Focal Points for CMS and its Instruments, launched in 2013, represents an important step to support NFPs in implementing the Convention and its instruments.

In line with our support for realising synergies, the EU and its Member States also strongly support the three priorities listed in the document (1: common Communication Strategy and common branding; 2: strengthen the Joint Communications, Information Management and Awareness-raising team; 3: development of a Communication, Education and Public Awareness (CEPA) programme). The establishment of a Common Information Management, Communication and Awareness-raising Team consisting of staff from both the CMS and AEWA Secretariats, is a relevant example of synergy which can be considered a pilot project demonstrating the advantages of sharing services. Regarding the CEPA, we suggest that an integration with CEPA as developed under CBD and Ramsar should be considered, rather than a self-standing CEPA. With the aim to create synergies, it should be proposed to the CBD to add a "migratory species" module to its CEPA program.

Recognizing the importance of raising public awareness and understanding of migratory species values, EU and its member states endorse the Outreach and Communication Plan 2014-2017. More in general, EU and its member states agree with the future development of the outreach and communication plan, whose funding is however depending upon adequate resources availability, given other priorities. We support the draft resolution suggesting minor change.

19.4: World Migratory Bird Day

The EU and its Member States recognize the value of the WMBD initiative within the awareness raising campaign promoted by CMS. This initiative has been characterized by a growing importance; the public events organized within the WMBD represents a concrete chance to bring conservation messages to a large audience. The EU and its member states therefore support the draft resolution asking for an endorsement by the UN General Assembly.

Agenda item 20: Capacity Building

20.1: Implementation of the Capacity Building Strategy 2012-2014

20.2 Capacity Building Strategy 2015-2017

The EU and its Member States welcome the progress made and support the proposed Capacity Building Strategy 2015-2017. We wish to underline the importance of making the CMS e-community a success, as it has big potential for low-cost communication and coordination and it will be key importance for the restructured Scientific Council.

The document also addresses cooperation between the CMS and other MEAs. At various occasions we already underlined the importance of such cooperation and coordination, and under other agenda items we are happy to go into this in more detail.

Given the importance of capacity building for the implementation of the Strategic Plan for Migratory Species, the EU would like to stress that this Capacity Building Strategy should be considered when developing the Companion Volume for the Strategic Plan.

Agenda item 21: Synergies and Partnerships

21.1: Report on Synergies and Partnerships

The EU and its Member States are pleased with the long list of activities carried out since the CMS COP 10 by the Secretariat to strengthen synergies and cooperation partnerships with the other instruments of CMS Family, MEAs, relevant organizations and stakeholders.

We welcome the efforts made by the Secretariat to streamline activities with other CMS instruments and the significant progress made towards the harmonization and interoperability of information management and reporting systems such as new online tools.

We also appreciate efforts to coordinate fundraising activities, consolidate existing partnerships, and engage in strategic collaborations with a wide range of organizations, including international agencies, NGOs and expert committees working at all territorial levels.

The EU and its MS, recognizing all those considerable progresses, encourage the Secretariat to continue efforts endeavouring its synergistic work with all relevant stakeholders, explore new forms of partnership and actively seek broader synergies with biodiversity-related MEAs. As an example, we mention the Synergies project realised by Switzerland and the EU and the Source book that is in preparation.

Finally, following the decision of CBD COP 12 to organise a workshop with Party representatives from all biodiversity-related MEAs, we invite CMS to encourage full cooperation and participation by representatives of CMS bodies and relevant stakeholders.

21.2: Draft Resolution on Synergies and Partnerships

The EU and its Member States welcome the Resolution on “synergies and partnerships“ submitted by Switzerland recognizing the added value for the CMS of pursuing broader synergies with all biodiversity related MEAs and developing further partnerships with other organizations and stakeholders involved in biodiversity conservation.

The EU and its Member States endorse this draft resolution and encourage the Secretariat and other CMS bodies to continue developing effective and practical cooperation with relevant stakeholders, including other biodiversity instruments and international organizations.

However, from this Resolution the EU and its Member States expect stronger integration with CBD and cooperation with the Ramsar Convention; therefore we request that these aspects are more explicitly considered in the final document.

We would also like to stress the importance to inform other MEAs and other partners about the Strategic Plan as this provides the framework for further synergies and partnerships. Finally, some changes and additions to the Resolution are necessary for consistency with the outcome of the CBD COP 12 last month in Pyeongchang.

We will provide the Secretariat with some amendments in writing to reflect these points.

Agenda item 22: CMS Instruments

22.1: Implementation of Existing Instruments

22.2: Developing, Resourcing and Servicing CMS agreements

22.3: Assessment of MoUs and their Viability

The EU and its MS are happy with the progress reported on the work of most MoUs. However, it is unfortunate that some MoUs are not functioning properly. This is bad for the species concerned and bad for the credibility of the CMS. It underlines the need for reform and streamlining as part of the Future Shape process.

The EU and its MS support the efforts made by the Secretariat to foster proper implementation of the MoUs and special species initiatives. The new Strategic Plan should guide such further efforts and prioritisation should be addressed in the Companion Volume to be developed in the coming triennium.

The EU and its MS support draft Resolution in Doc 22.2 on criteria for assessing proposals for new Agreements with changes in paragraphs vi) and vii). The criteria for assessing proposals for new MoUs are appropriate. Some flexibility in their application, as indicated in the draft resolution, is warranted as well.

22.4: Concerted and Cooperative Actions

The EU and its MS welcome the progress made on improving the process for defining concerted and cooperative actions, though recognise that we're only about half-way of the process, and further work is needed.

The EU and its MS welcome the consultant's report and are ready to endorse it as foreseen in the draft Resolution.

The EU and its MS support consolidating the two categories of actions in a single category of "concerted actions". The draft Resolution should specify this explicitly and it may be appropriate to repeal (parts of) Resolutions 3.2 and 5.2 which defined concerted and cooperative actions thus far.

Implementation of the report should be completed by COP 12 and this should be done as part of the preparation of the Companion Volume under the new Strategic Plan. This work should entail:

- focal points for the species concerned should complete for each species or group of species a document that addresses all criteria laid down in the consultant's report. (For species or groups of species that are covered by existing MoUs or other instruments, such documents may contain references and remain rather short). The Chairs of the working groups should coordinate this work. For quite a few species, focal points need to be appointed still;
- the Working Group on the Strategic Plan, the focal points, the members of the relevant species working groups would analyse how the foreseen action fits in the new Strategic Plan and determine the priority;
- revise the list of actions;
- the completed documents, the prioritisation and the revised list of actions would make part of the Companion Volume, to be assessed by the Scientific Council and thereafter for adoption by COP 12.

Agenda item 23: Conservation Issues

23.1: Avian Species

23.1.1: Programme of Work for Migratory Birds and Flyways

Every year, migratory birds cross several countries, inhabiting different habitats and facing several threats. The ecology of such species requires a flyway approach to guarantee adequate ecological conditions throughout their ranges. On this basis, the EU and its Member States recognize the importance of cooperating across countries to promote efficient conservation programmes for migratory birds.

The EU and its Member States also recognize the need to streamline and focus the actions foreseen by Resolution 10.10 on Guidance on Global Flyway Conservation and Option for Policy Arrangements into more detailed and specific programs.

The EU also notes the importance and the opportunity to work in partnership with existing flyway initiatives, such as the Western Hemisphere Migratory Species Initiative.

For all these reasons, and considering that both the resolution and its annex benefitted from the discussions that took place during the expert meetings and the positive assessment of the CMS Scientific Council, the EU and its Member States support the adoption of the Draft Resolution and its annex. The EU and its Member States consider the POW an useful tool to better drive the planning and development of conservation actions for migratory birds and their habitats, and hope that there will be adequate funds dedicated to the implementation of the POW.

23.1.2: Guidelines to Prevent Poisoning of Migratory Birds

The EU and its Member States strongly support the objective of addressing the problem of bird poisoning and appreciate the documents prepared by the Inter-sessional Working Group.

The adoption of a Resolution will represent an important step forward in the prevention, minimization reduction or control of poisoning at a flyway scale.

The EU and its Member States welcome close cooperation and an exchange of experience with other relevant international organizations, such as Bern Convention and Ramsar Convention.

However, as regards the draft Resolution and Guidelines, the EU and its Member States would like to raise some issues for discussion, including the following:

1. The guidelines contain a number of recommendations, including legislative recommendations. We understand these are intended to be non-binding and there are questions about their field of application. These matters should be clarified either in the Resolution or in the Guidelines themselves.
2. An example of such an issue concerns diclofenac. The EU and its MS do not dispute the disastrous impact diclofenac has had on vultures populations. However, the ban for the use of diclofenac should not be proposed globally, but where the risks of bird poisoning is concrete.
3. The EU and its MS are not ready to commit to legislation to phase out lead ammunition and lead fishing weights in three years. For example, in some MS, non-legislative methods merit further exploration, and some Member States may, as appropriate, need to consider a longer phase-out period to avoid undue burdens on users.
4. The EU and its MS also propose a clarification on the paragraphs concerning the withdrawal of permits in case poison baits are found. Any recommendation regarding area closures should be carefully embedded in permitting systems, so as to ensure proper administrative governance.
5. Integrated pest management is important and should be encouraged. Europe has, however, taken a regulatory approach and we should not call too easily for subsidies. With a regulatory approach, money can be saved and spent on other priorities.

We look forward to discussing these issues in the relevant working group.

23.1.3: Illegal Killing, Taking and Trade of Migratory Birds

The EU and its Member States appreciate the recent efforts made by the CMS Secretariat, including work with the Bern Convention, regarding prevention of the illegal killing, taking and trade of migratory birds. These illegal activities represent a major threat for many bird populations, especially in some hotspots (for instance the Mediterranean coasts of some countries along which thousand birds are trapped every year). The development of synergies among several international organizations represents an important step forward in combating wildlife crime. In this context, CMS could play an important role, promoting cooperation and sharing of information. For these reasons, the EU and its Member States support the aims of the Draft Resolution.

So, we would support the Draft Resolution, with amendments that will be proposed to the bird working group.

23.1.4: Conservation of Landbirds in the African-Eurasian Region

Many migratory landbird populations are suffering a marked decline in recent decades mainly due to degradation of breeding and non-breeding habitats in combination with several other factors, such as climate change. In this context, the EU and its Member States welcome the establishment of the African-Eurasian Migratory Landbirds Working Group and of the Friends of the Landbirds Action Plan as international networks of specialists working on monitoring, research and conservation of migratory landbird species, and welcome the initiative of EURING to produce the first European Atlas of Bird Migration, with the support of the CMS Secretariat.

The EU and its Member States also welcome the implementation of a specific Action Plan for migratory landbirds in the African-Eurasian region and thank Ghana, Switzerland and BirdLife for their support in organizing the Workshop held in Accra where the bases for the development of the Action Plan were laid.

We also urges Parties to implement this non-binding action plan.

The EU and its 28 Member States support the adoption of the Draft Resolution and the African-Eurasian Landbirds Action Plan.

This significant initiative would contribute to further complement the coverage of species and conservation issues as already taken into account by two other important CMS instruments dedicated largely to the same flyway, i.e. AEWA and Raptors MoU.

It foreseen to define "flagship species" that will be the subject of concerted action to implement concrete actions and be the driving force of this action plan. We are very happy that document identifies the European roller, which we proposed as species for Annex1, as one of the priority species deserving a proper Action Plan.

In addition, the proposal should include the asterisk system that exists for AEWA : “By way of exception for those populations (listed in Categories 2 and 3 in Column A and) which are marked by an asterisk, hunting may continue on a sustainable use basis. This sustainable use shall be conducted within the framework of special provisions of an international species action plan, which shall seek to implement the principles of adaptive harvest management.”.

23.1.5: Conservation of the Saker Falcon

23.1.5.1: Summary Report of the Saker Falcon Task Force

23.1.5.2: Saker Falcon Global Action Plan (SakerGAP)

The EU and its Member States express appreciation for the activity carried out by the Saker Falcon Task Force and wish to thank Abu Dhabi for the support offered to this initiative. In the drafting of the Saker Falcon *Falco cherrug* Global Action Plan (SakerGAP), the Saker Falcon Task Force combined a solid scientific approach with an open and transparent discussion with all relevant stakeholders interested in the conservation and utilization of saker falcons. The result of such drafting process is the document UNEP/CMS/COP11/Doc.23.1.5.2, a high quality output that represents a model for the drafting of future single species action plans. For this reason the EU is particularly proud to have contributed to the project financially.

The EU and its Member States thus approve the Summary Report of the Task Force and support the adoption of the Draft Resolution and the Global Action Plan for the conservation of the Saker Falcon.

In the forthcoming months and years it will be important to implement this action plan, to reduce significantly the various threats to the species, including the uncontrolled taking for falconry and the electrocution on medium-voltage power-lines.

23.1.6: Bird Taxonomy

The EU and its Member States support the adoption of the Draft Resolution. In fact, we are currently finalising the review and update of the list of birds covered by the EU Birds Directive, and we base this on the same taxonomy, nomenclature and order as proposed in the CMS Document. Nevertheless we need to note that the volume regarding the taxonomy of Passerines is not yet published. We are well conscious about the value of the genetic approach for the conservation issues both at local and large scale, but at the same time we also need to pay attention about the number of species identified by the proposed taxonomy.

23.2: Aquatic Species

23.2.1: Conservation of Migratory Sharks and Rays

The EU and its Member States welcome this draft resolution which seeks to focus attention on the urgency of ensuring appropriate conservation and management activities of cartilaginous fishes is in place. Ensuring effective fisheries management is integral in achieving the sustainable use of these ecologically and (for many of them) commercially important species.

It is encouraging to note that during the last years several Regional Fisheries Management Organisations (RFMOs), which are the international bodies responsible for managing the stocks exploited under their jurisdiction (including both target and by-catch species) have put in place conservation and management measures aiming at limiting and/or eradicating shark finning, as well as, at ensuring the protection of specific shark species (mainly through prohibitions to take onboard) that have been assessed as endangered by the Scientific Committees of these bodies. The EU has been among the frontrunners in promoting such measures in all the RFMOs in which it is party on behalf of its MS. These efforts, should be continued until an appropriate and science-based management framework encompassing elasmobranch species throughout their migratory range is put in place.

This resolution highlights the lack of data for many of these species and underlines the importance of not letting this be a barrier to implementing appropriate management strategies.

In light of their importance in the ecosystem, their intrinsic vulnerability, and slow recovery rates from overexploitation it is crucial we adopt a precautionary approach to implementing management measures and actively seek opportunities to work through other international fora and in particular RFMOs, in order to achieve the best possible outcomes for this important group of animals.

The EU believes that the listing of the new sharks species under appendix II of CMS can contribute in creating a momentum for the conservation of these species, without undermining the work undergone in the frame of RFMOs and bring an added value in our collective efforts for ensuring conservation and sustainable use of sharks. In conclusion, the EU is supportive of the approach but would like to propose several amendments before it is able to adopt the text.

23.2.2: Action plan for the Loggerhead Turtle in the South Pacific Ocean

The Loggerhead turtle (*Caretta caretta*) has a global distribution in tropical, subtropical and temperate waters and is listed in CMS appendix I since 1985.

The rationale of the proposed single species action plan based on addressing threats the *C. caretta* faces during its lifespan in the South Pacific Ocean. Apart from natural pressure (i.e. terrestrial predators along the nesting beaches) and specific threats have been addressed locally (i.e. the application of a bycatch reduction device in the Australian trawl fishery) there is a lack of international conservation measures aimed to reducing the with threats the species face across the entire Pacific Ocean (i.e. bycatch in pelagic fishing gears).

The EU and its Member States are supportive of this Resolution.

23.2.3: Live Captures of Cetaceans from the Wild for Commercial purpose

The EU and its Member States remain extremely concerned over welfare and sustainability aspects of the continued hunting of cetaceans for commercial purposes.

This important and timely Resolution seeks to address the threats posed to wild cetacean populations and individuals from removal for the purpose of public display. The direct removal of cetaceans can have negative impacts on populations yet we rarely have the data or sufficiently reliable estimates of abundance and population structure necessary to carry out robust assessments of sustainability. This is of particular concern when dealing with the exploitation of small, vulnerable populations.

There are also other impacts of concern beyond the direct removal of individuals. There is the very real potential for disruption to social structures and the loss of specialised behaviors transmitted between generations as a result of the removal of key individuals. There may also be delayed or cryptic mortality or other physical harm arising from the stress of pursuit, herding and capture operations. This may affect captured animals as well as those that escape or are released, further adding to potential population level impacts.

The live capture of cetaceans and the conditions of transport and captivity are also of concern from a welfare perspective. It is highly unlikely that the complex social needs of these highly developed animals can be adequately met in captivity. This is even more of a concern when dealing with cetaceans removed from the wild as opposed to those bred into captivity.

The concerns regarding the sustainability of the live capture from the wild have been issued from long time by several international bodies and agreement such as International Whaling Commission (IWC), IUCN (cetacean specialist group), CITES. Cetaceans continue to face a number of global threats and pressures. Their direct removal for the purposes of public display does not need to be one of these.

It is for this reason that the EU and its Member States are supportive of this Resolution, subject to some changes.

23.2.4: Conservation Implications of Cetacean Culture

The EU and its 28 Member States note the growing scientific attention to the relationship between culture and conservation of socially complex species. This aspect has not previously been taken into account within a MEA and the EU and its Member States acknowledge the pioneer work done by the CMS Aquatic Mammals Working Group (AMWG). The workshop on the Conservation Implications of Cetacean Culture in London in April 2014 provided several examples of the relevance of culture in conservation strategies.

Subject to a number of changes, the EU and its Member States support the draft resolution, and, subject to consideration of the resources available to the Scientific Council and its other priorities, welcomes the proposal to establish an expert working group under the auspices of the Scientific Council.

The EU and its Member States can either provide detailed wording suggestions now, or in a working group should one be set up.

23.3.: Terrestrial Species

23.3.1: Central Asian Mammals Initiative

23.3.3: Draft Action Plan for the Conservation of Argali

The EU and its Member States estimate the progress made since COP 10 for the conservation of migratory mammals in Central Asia. Many relevant activities have been already undertaken for the development of the POW, first of all the assessment of gaps and needs for the conservation of mammals in Central Asia, also including national consultations and stakeholders meeting. The EU and its Member States express full support for CAMI, which is working for an efficient implementation of overlapping mandates and existing instruments, and contributing to the implementation of the future shape process. It is also increasing the presence of CMS regionally and nationally.

The EU and its Member States thus agree with the vision, goal and objectives of the POW.

The EU and its Member States acknowledge the engagement of the Secretariat for the implementation of CAMI in central Asia and recognize the need to establish a post for an officer for Central Asia to enable the Secretariat to continue the valuable work already undertaken in the region.

The EU and its Member States also appreciate the Argali Action Plan and agree with goals, objectives and actions outlined in the document. The adoption and implementation of the action plan represent a relevant step towards the conservation of the species. A provisional budget for the AP is important also to consider funding opportunities. Following its adoption, the Action Plan should therefore be complemented with a provisional budget for its implementation.

23.3.2: Guidelines on Wildlife-friendly Infrastructure Design for Central Asia

The EU and its Member States consider the development of linear infrastructure a relevant threat for the conservation on migrant mammals in central Asia and appreciate the efforts of the CMS Secretariat to address this issue.

The development of guidelines and the setting of best practices can reduce significantly the impacts on ungulate populations, especially if attention is paid during the phases of planning and design of new infrastructure. We therefore support the adoption of these Guidelines and express appreciation for the activity carried out by the CMS Secretariat. We would also thank all the contributors to the drafting of the Guidelines and the States that financially supported the work.

The EU and its Member States note that these draft guidelines were not examined by the CMS Scientific Council, despite their technical and scientific content. The EU and its Member States invite the CMS Secretariat to insure that in the future any other relevant issue would be preliminary submitted to the Scientific Council for their evaluation.

23.4: Crosscutting Conservation Issues

23.4.1: Ecological Networks

Migratory animals have special needs which transcend political boundaries and make ecological networks crucial for the survival of migratory species. The EU and its Member States recognize that only cooperation across countries can allow developing proper and efficient conservation programmes for migratory species.

The EU and its Member States are pleased to note the progress made on ecological networks since COP 10. The document prepared by the Secretariat shows fifteen illuminating case studies representative of different taxonomic groups, ecosystem types and regions of the world. The strategic review prepared at request of the Secretariat by Dr. Dave Pritchard, and realized thanks to the financial support received from Government of Norway, offers several useful recommendations for ecological network planning.

We also note that the process under the Convention on Biological Diversity (CBD) to describe ecologically or biologically significant marine areas (EBSAs) can contribute to the conservation of marine migratory species listed on CMS Appendices. This is demonstrated in the review carried out by the Global Ocean Biodiversity Initiative (GOBI).

Finally, the EU recognizes the work done by the Indian Ocean and South-East Asia Marine Turtle MoU in developing and launching the site network for marine turtles as a best practice example of networking carried out within the CMS family.

All these experiences represent a very useful support to better guide the decision-making process on ecological networks.

The EU and its Member States support the adoption of the Draft Resolution, recognizing it as an indispensable step to address the needs of migratory species under an ecological network point of view. Having the draft resolution benefitted also from the valuable evaluation of the CMS Scientific Council, we see no need for further amendments to the present version.

The EU and its Member States looks forward to initiatives to be undertaken to address this key conservation issue based on best scientific information as a guide in prioritizing actions.

23.4.2: Programme of Work on Climate Change and Migratory Species

The EU and its Member States consider the climate change as one of the most - if not the most - demanding challenges humankind will have to deal with in the near future. As regards migratory species, we need to acquire more knowledge, define new approaches in habitat and species conservation, share information and raise awareness among specialists as well as the public.

The EU and its Member States appreciate the work done by COP-Appointed Councillor for Climate Change and express support for the adoption of the Draft Resolution.

We consider this Programme of Work as a first starting point. Much further work is still necessary. An in-depth review of the existing scientific literature on the effects of climate changes on wild species is urgent, as well as activities to stimulate analyses of relevant scientific information. At the same time we need to make the best possible use of existing key study-cases providing guidance on how best react to the effects of climate change on migratory species. The EU and its Member States invite the CMS Secretariat to support the intersessional climate change Working Group, also promoting fund-raising activities to guarantee adequate financial resources.

However, we think this further work should be firmly coordinated with the overall work of the CMS. The appropriate tool for this coordination is the Companion Volume of the new Strategic Plan and Biodiversity Liaison Group. At national level, specific actions should be integrated in NBSAPs and into national plans for the mitigation of and adaptation to the climate change. We propose some amendments to the draft Resolution to clarify this, and will submit those in writing.

Finally, we invite the Secretariat to a closer coordination with the IUCN in order to avoid duplication of species vulnerability assessments and to report on the progress in the implementation of the POW, through a close monitoring of the measures taken and their effectiveness.

23.4.3: Renewable Energy Technologies Deployment and Migratory Species

The EU and its Member States appreciate the initiative promoted by the Secretariats of CMS and AEW in conjunction with the International Renewable Energy Agency (IRENA) and Birdlife International to:

- 1) review the existing information on the interactions between renewable energy technologies deployment and migratory species;
- 2) develop guidelines to mitigate and avoid impacts.

The EU and its Member States also appreciate the setting up of an Energy Task Force promoting concrete initiatives to implement the guidelines. We do hope this TF will stimulate collection and analyses of existing data to describe the spatio-temporal distribution of those migratory species which are most vulnerable to impact with renewable energy infrastructures. This further stage of development would offer a best practice perspective to address the issue and find suitable compromises.

We therefore support the Draft Resolution on Renewable energy and migratory species.

The EU and its Member States suggest that in its further work the Task Force should make use of existing guidelines and experience from other conventions (eg. Bern, Ramsar), agreements such as EUROBATS and other organizations (IUCN) to avoid duplication of work and identification of best practices.

23.4.4 Invasive Alien Species

The EU and its MS underline the importance of effective measures to mitigate the risk of IAS. This may be illustrated by the recent adoption of a Regulation on IAS, which lays down a framework for effective EU wide measures.

The EU and its MS support the Resolution as it is a clear and unequivocal call for addressing the threats from IAS. We are happy that the Resolution underlines the importance of coordination with other institutions and MEAs, notably CBD. We will submit in writing a number of minor amendments to the Resolution.

Finally, the report is concluding that seabird and marine turtle populations in their breeding and nesting grounds on islands are most under threat by IAS. So perhaps one of the priorities for further work would be to further investigate the relevant pathways, so as to identify the best measures for preventing further invasions, as well as focus on eradication of IAS on islands with important breeding grounds for migratory species.

23.4.5: Sustainable Boat-based Wildlife Watching Tourism

The EU and its 28 Member States recognise the important socioeconomic opportunities that responsible boat-based wildlife watching can create, both for improving public awareness, and as a means for local communities to gain economic benefits from the wildlife they live with.

Boat-based marine wildlife tourism has increased significantly in the last twenty years. When conducted well it clearly contributes to educating the public about important conservation issues, increases awareness of the wonders of the natural world, and facilitates research opportunities. However, despite these benefits, boat-based wildlife marine watching brings with it risks to the species upon which it depends. For example, there may be negative impacts on the animals if boats get too close, or if they chase them rather than letting them behave naturally. In addition, some species are sensitive to underwater noise and vulnerable to ship collisions. All of these negative impacts can occur as a result of boat-based wildlife watching.

The EU and its Member States proposed some amendments dealing with the need to have:

i) a Resolution proposing broader overarching principles which Parties can use to guide them in their considerations on boat-based wildlife watching and *ii)* to avoid the risk of excluding certain activities or species of concern such the river dolphins are.

We would like to thank all involved in the constructive discussions that took place and recognizing the positive outcome of the AWG, the EU and its Member States are now in the position to fully support this Resolution.

23.4.6: Management of Marine Debris

The EU and its Member States recognise marine debris in the marine environment is of increasing concern and an issue which continues to receive increasing attention all over the world.

We welcome the principle of the draft resolution which importantly acknowledges the substantial work being undertaken in other regional and global instruments.

The EU and its Member States provided some amendments dealing with the need to avoid duplication of existing effort and to provide the impetus for the CMS to establish the role it should play in dealing with marine debris issues and its impacts on migratory species, and these have been discussed at the AWG.

We would like to thank all involved in the constructive discussions that took place and recognizing the positive outcome of the AWG, the EU and its Member States are now in the position to fully support this Resolution.

23.4.7: Wildlife Crime

Fighting wildlife crime is a top priority for the EU and its Member States. European Member States have been initiating, organizing and supporting several high level events which led to appropriate declarations at high levels to address the urgent problem of Wildlife crime:

- African Elephant Summit (Gaborone, December 2013),
- Elysée Summit for Peace and Security in Africa (Paris, December 2013),
- London Summit on Illegal Wildlife Trade (London, February 2014).

The international conference on the illegal wildlife trade to be held in Kasane, Botswana on 3 March 2015 will be an important opportunity to review progress in the delivery of the commitments made in these declarations.

We are very pleased to see UNEA (United Nation Environmental Assembly) adopt the first universal resolution on this topic. The UNEA Resolution calls upon the General Assembly to consider the issue of illegal wildlife trade in its sixty-ninth session. We welcome that a Group of Friends under the chairmanship of Germany and Gabon has drafted a UN resolution on poaching and illegal wildlife trade. This resolution was presented in a high level side event to the 69th General Assembly. The draft will be submitted to the General Secretary of the UN and the President of ECOSOC to inform the Member States. The group of friends will elaborate further on the draft with the aim of submitting it to the General Assembly for consideration later this year.

The EU has organized a broad stakeholder consultation and held an expert conference on the EU approach against wildlife trafficking earlier this year. On the basis of the rich input received, we are currently considering which additional measures might be required to step up our efforts.

We recognize that CMS has also to play an important role within the global response to wildlife crime by strengthening population management in situ, including population monitoring, awareness raising, capacity-building, national law enforcement and creation of alternative livelihoods, both within Range States and across national borders where wildlife crime is often hardest to control.

Given that, the EU and its Member States appreciate the initiative promoted by Ghana and Monaco and express general support for the draft resolution *Fighting wildlife crime within and beyond borders*.

We propose two amendments to the resolution. We suggest to rephrase operational paragraph 2 (OP 2) as follows:

2- *Urges* Parties to take appropriate measures to enforce the provisions of the Convention, ensure that their legislative framework provides for penalties, including criminal penalties, for wildlife crime that are effective and deterrent and reflect the gravity of the offence, and provide for the confiscation of specimens taken in violation of the Convention; furthermore, we propose to explicitly mention UNEP in OP11

Agenda item 24: Amendment of CMS Appendices

24.1: Proposals for Amendment of Appendices 1 and II of the Convention

The EU and its Member States have proposed the inclusion of the Mediterranean subpopulation of Cuvier's beaked whale (*Ziphius cavirostris*) and the European Roller (*Coracias garrulus*) on CMS Appendix I and of all species of thresher sharks, genus *Alopias*, on CMS Appendix II. The EU and its Member States strongly support these listings.

In relation to the Mediterranean population of **Cuvier's beaked whale**, (UNEP/CMS/COP11/Doc.24.1) it is considered to be genetically distinct and contains fewer than 10,000 mature individuals. The population is experiencing continuing decline due to a number of threats including noise from military sonar and seismic surveys (which have been linked to mass stranding events), bycatch in fisheries, and ingestion of plastic debris. The inclusion of Cuvier's beaked whale in Appendix I of the CMS is expected to promote the application of mitigation measures for activities that endanger the species, some of which have been identified at the second meeting of the parties of ACCOBAMS – and, more generally, to drive the development of management and conservation measures focussed on the species within its Mediterranean range.

The proposal to include the **European roller** (UNEP/CMS/COP11/Doc.24.1.7) in CMS Appendix I is motivated by a moderately rapid decline across its global range. Major threats, both direct and indirect, are presented in the submitted proposal. The species is now listed on Appendix II, which means it requires international cooperation for its conservation. However urgent measures are required to eliminate illegal taking, especially in the migration and wintering areas. Appendix I listing would further promote conservation measures by CMS Parties, such as the protection of important habitats and measures to prevent electrocution.

The EU is a key player in promoting actively conservation and management measures for sharks in all relevant international fora and in particular in the frame of Regional Fisheries Management Organisations.

For **thresher sharks** (UNEP/CMS/COP11/Doc.24.1.7), the proposal brings together the three species of thresher shark into one listing proposal. It has been drafted in this way due to the high level of overlap in the characteristics, threats and declines they are facing and to reflect the fact that the catch of these species is still often reported at a genus level only. Detailed supporting information for each species has been provided in each subsection. All species of thresher shark are in need of conservation action as a matter of urgency wherever they are found. They are slow to recover from overexploitation with estimates of declines for the genus in the Atlantic standing at between 50-80%, in the Pacific 83%, and in the Mediterranean 99%. Their listing now on Appendix II of CMS would provide the impetus necessary for the introduction of collaborative management of these species by Range States, not only through the global Memorandum of Understanding (MoU) on the conservation of migratory sharks but also through the Regional Fisheries Management Organisations.

In relation to the amendments proposed by other CMS Parties, EU and its Member States recognize the role that the proposed listing would play in promoting conservation measures in CMS parties for those species.

Eudorcas rufifrons – (Niger and Senegal - Appendix I- UNEP/CMS/COP11/Doc.24.1.3)
The EU and its Member States support listing red-fronted gazelle on Appendix I of CMS.

Otis tarda- (Mongolia- Appendix I - UNEP/CMS/COP11/Doc.24.1.4/Rev.1).
The EU and its Member States support listing great bustard on Appendix I of CMS.

Calidris pusilla- (Ecuador and Paraguay- Appendix I - UNEP/CMS/COP11/Doc.24.1.5 -
UNEP/CMS/COP11/Doc.24.1.5/Rev.1 -27 October 2014)

The EU and its Member States support listing semipalmated sandpiper on Appendix I of CMS.

Calidris tenuirostris –(Philippines - Appendix I - UNEP/CMS/COP11/Doc.24.1.6)
The EU and its Member States support listing great knot on Appendix I of CMS.

Pristidae – (Kenya - Appendix I and II - UNEP/CMS/COP11/Doc.24.1.8)
The EU and its Member States support listing the sawfishes in the genus *Pristidae* on Appendices I and II of CMS.

Manta alfredi – (Fiji - Appendix I and II - UNEP/CMS/COP11/Doc.24.1.9 and
UNEP/CMS/COP11/Doc.24.1.9 Addendum)
The EU and its Member States support the inclusion of the reef manta ray in Appendices I and II of the CMS in light of the recent amendment of the classification of the genus *Manta*. The reef manta ray is affected by the same threats as the giant manta ray, in particular exploitation in fisheries, and has experienced similar declines in populations.

genus Mobula – (Fiji - Appendix I and II - UNEP/CMS/COP11/Doc.24.1.10 and
UNEP/CMS/COP11/Doc.24.1.10 Addendum).
The species of the genus *Mobula* are clearly migratory, existing in small, highly fragmented populations

Whilst population estimates of the different species are lacking, there is evidence of worrying declines throughout their range. Their biological and behavioural characteristics make them particularly vulnerable and extremely slow to recover from depletion. They can also provide an important source of income through ecotourism. The recent increase in demand for gill plates has further increased the fishing pressure on these animals. The EU and its Member States therefore support the listing of the genus *Mobula* on Appendices I and II of the CMS.

Ursus maritimus – (Norway - Appendix II - UNEP/CMS/COP11/Doc.24.1.11)
The EU and its Member States support listing polar bear on Appendix II of CMS including the proposed amendments. We appreciate the co-operative manner in which Canada and Norway have worked on this proposal.

Kobus leucotis – (Ethiopia - Appendix II - UNEP/CMS/COP11/Doc.24.1.12)
The EU and its Member States support listing white-eared kob on Appendix II of CMS.

Cardellina canadensis – (Ecuador - Appendix II - UNEP/CMS/COP11/Doc.24.1.13)
The EU and its Member States support listing Canada warbler on Appendix II of CMS.

Carcharinus falciformis – (Egypt - Appendix II - UNEP/CMS/COP11/Doc.24.1.14)

This proposal reflects the current concerns over the threats facing sharks globally.

Currently, there are no estimates of the global silky shark population, however analysis of historical capture data indicate a clear decrease. Recently, both the Western Central Pacific Fisheries Commission in 2013, and the Inter American Tropical Tuna Commission in 2014 produced assessments of silky sharks stocks in the Pacific showing significant declines of up to 80%. Therefore the EU and its Member States support the listing of silky shark on Appendix II of the CMS alongside its inclusion in Annex I of the CMS Sharks MoU.

Sphyrna mokarran & Sphyrna lewinii (Costa Rica and Ecuador - Appendix II - UNEP/CMS/COP11/Doc.24.1.15 and UNEP/CMS/COP11/Doc.24.1.16/Rev1)

The EU and its Member States support the listing of great and scalloped hammerheads on Appendix II of the CMS.

Since the listing of these species under (CITES) in March 2013, there has been an unprecedented global effort to implement this landmark decision. Governments around the world have been working together to ensure that only legal, sustainable trade in these species is allowed.

It is encouraging to note that some RFMOs have already put in place measures aiming specifically at protecting hammerhead sharks, including *S. mokarran*, e.g., GFCM, ICCAT. The EU believes that the listing of these two species on appendix II of CMS will contribute positively to the improvement of the conservation status of these species.

To co-ordinate their implementation efforts for these migratory populations throughout their range, and so help these endangered species recover.

It is encouraging to note that some RFMOs have already put in place measures aiming specifically at protecting hammerhead sharks, including *S. mokarran*, e.g., GFCM, ICCAT. The EU believes that the listing of these species in CMS annex II will contribute positively to the recovery of these species.

Anguilla anguilla – (Principality of Monaco - Appendix II - UNEP/CMS/COP11/Doc.24.1.18Rev1)

The EU and its Member States note that the conservation status of the European eel is classified as Critically Endangered by IUCN. Lack of knowledge about the reproductive biology of the European eel has been highlighted by the CMS Scientific Council. Estimated recruitment is currently reduced to just 5% of that recorded in 80's. The EU and its Member States have been taking action since 2007 based on the scientific advice provided by ICES to address the issues that European eels are facing. A comprehensive framework has been put in throughout the Eu including a number of eel management plans. Although some signs of recovery have been recorded, more action is need. The EU and its Member States therefore support listing eel on Appendix II of CMS.

24.2: Criteria for Amendment of the Appendices

The EU and its 28 Member States thank the CMS Scientific Council for their work to prepare the background document and the draft resolution in Document 24.2.

We recognise both the importance of clarity in the process of assessing listing proposals, and the value of using the existing high quality red-list assessments undertaken through the IUCN as a guide on decisions on which Appendix is appropriate for a listing proposal. Furthermore, we are conscious of the importance of coherence between Multilateral Environmental Agreements, in particular in this case the Convention on Migratory Species, and the Convention on International Trade in Endangered Species. In the case of marine species, coherence with RFMOs should also be ensured. The EU is involved in all the RFMOs, which are specifically designed for establishing conservation and management measures, including for control and compliance, for key exploited marine species, including non-target (by-catch) species. It is therefore essential to ensure coherence and synergies between these bodies and CMS.

We believe that more work is needed to make the CMS listing process more robust and appropriate for the challenges that CMS faces moving forwards. For example, detail on the migratory status of species or populations, how to deal with look-alike species that may be less endangered than a species proposed for listing, and what detail is needed for delisting proposals.

Subject to some minor changes, including the removal of the square brackets around Operational paragraph 7, the EU and its 28 Member States strongly support the adoption of the draft resolution.
