



Council of the  
European Union

Brussels, 6 December 2017  
(OR. en)

14400/17

ENV 938  
PECHE 445

#### INFORMATION NOTE

---

From: General Secretariat of the Council  
To: Delegations

---

Subject: 12th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP 12) (Manila, The Philippines, 23-28 October 2017)  
- Statements by the EU and its Member States

---

Delegations will find in the Annex, for information, a compilation of statements/speaking points delivered on behalf of the European Union and its Member States at the abovementioned meeting (delivered at working group level and/or at the Committee of the Whole).

---

**12th meeting of the Conference of the Parties to the Convention on the Conservation of  
Migratory Species of Wild Animals (CMS COP 12)  
(Manila, The Philippines, 23-28 October 2017)**

**- Statements by the EU and its Member States -**

**Agenda Item 4.: Rules of Procedure**

**4.1: Adoption of the Rules of Procedure**

The EU and its Member States welcome the document drafted by the Secretariat and support the adoption of Rules of Procedure for meetings of the Conference of Parties and the draft Decision for Review of Rules of Procedure.

**Addendum to the Rules of Procedure**

The EU and its Member States take note of the document prepared by the Secretariat.

**4.2: Establishing a COP Presidency**

The EU and its Member States would welcome some further clarity about the establishment of the office of a 'Presidency'. In particular we would like to understand how the process would work intersessionally and the resources that the host country would be required to invest.

-----

**Agenda Item 14.: Budget and Administration**

**14.2.: Budget and Programme of Work 2018-2020**

Thank you Minister Chair. I would like to use this opportunity to congratulate you on the election as the Chair of the Committee of the Whole. We also would like to thank the CMS Secretariat for the excellent work already done in preparing this COP.

The European Union and its Member States acknowledge the draft Programme of Work, which enables Parties to have comprehensive overview of planned activities. We thank the Secretariat for the detailed explanations on the budget scenarios proposed and on the different options available.

We are concerned about the level of arrears and would like to know how this affects the functioning of the convention. We look forward to further discussions in the budget committee in order to agree on a programme of work that reflects the policy priorities of the Parties within the resources available and a corresponding budget that is balanced, efficient and transparent and affordable by all Parties.

### 14.3: Resource Mobilization

The European Union and its Member States welcome the document drafted by the Secretariat, and express gratitude to all those that have contributed to develop CMS activities. The EU and its Member States congratulate the Secretariat on its excellent work for fundraising and encourage all Parties as well as the Secretariat to explore further funding possibilities.

-----

#### **Agenda item 15: Strategic Plan for Migratory Species 2015-2023**

The European Union and its Member States acknowledge and thank the Strategic Plan Working Group for its long-term in-depth work on indicators and Companion Volume.

We support the Working Group's recommendation for COP 12 to take note of the Factsheets as a useful background to the indicators, without actually deciding on all its details, hence enabling its evolving character to be maintained. It is important this is done taking into account future comments and substantial input submitted by parties, the CMS Family and stakeholder groups.

The EU and its Member States support the proposed set of indicators. It is furthermore important that the application of the indicators is as effective and cost-efficient as possible, both for the Parties and the Secretariat.

We support the COP 11 Decision to benefit from the existing national report to facilitate monitoring progress towards achieving the Strategic Plan rather than developing new data gathering processes. As highlighted in the factsheets, the current national report already allows collecting data towards the indicators and further adjusting this should contribute to a cost-efficient data gathering process. We stress the importance, that this should not create extra burden for the Parties or the Secretariat, but that any changes to the reporting format should, in parallel, maintain key aspects of the existing format (such as Appendix I species accounts), whilst also streamlining and reducing the reporting burdens on Parties. The EU and its Member States strongly support the streamlining of national reporting systems with those under other biodiversity-related MEAs, and the use of appropriate tools.

These views, among others, were incorporated in the EU and its Member States' reply to CMS Notification 2017/002.

The EU and its Member States would like to propose a minor language change in Draft Resolution, in 8 bis (replace the word "solicit" with words "reiterates the importance of").

We also propose to change the text related to Annex B, the table of indicators. We find it reasonable that the adoption of suggested amendments to update and streamline the format for National Reports should reveal which indicators can be based on Reporting questions. We would like to have the reference to it in the text.

We propose to delete Annex 2, Draft Decisions, as these Decisions are about the National reporting, and repeat the Decisions under agenda item 19.2.

We support the approach taken with the Companion Volume as an online toolkit supporting implementation of the Strategic Plan and recognise the importance of Companion Volume as a useful guidance tool for policy-makers.

-----

**Agenda item 16: Future Shape and Strategies of CMS and the CMS Family**

**16.1: Report of Resolution 11.3 enhancing synergies and sharing common services among CMS family instruments**

The EU and its Member States welcome the work done by the Secretariat and support to take note of the Report.

**16.2: Progress in the implementation of Resolution 11.4 Restructuring of the Scientific Council**

The European Union and its Member States acknowledge the work done by the members of the Sessional Committee of the Scientific Council during the triennium 2015-2017.

The EU and its Member States support the adoption of the of the Term of Reference in the consolidated resolution on the Scientific Council with some amendments in the Annex.

-----

**Agenda item 17.: Elections and Appointments**

**17.2: Appointment of members of the Sessional Committee of the Scientific Council**

The EU and its Member States acknowledge the work done by the Secretariat and support clarifying the process of appointment to the Sessional Committee of the Scientific Council. We support the proposal to appoint alternates as well as members of the Sessional Committee, and will put forward proposals for the European members of the Sessional Committee, including such alternates.

With respect to the need for renewal of COP Appointed Councillors on the Sessional Committee, we do not believe this is necessary if the number of COP Appointed Councillors remains at nine or below. If however the Conference of the Parties decided to appoint more than nine COP appointed Councillors then COP will also need to decide which should serve on the Sessional Committee. If this occurs, we suggest that a process which identifies and prioritises the key expertise needed in a forthcoming triennium would be needed.

\*\*\*

The EU and its Member States support Dr. Jean-Philippe Sibley and Dr. Fernando Spina to continue as Party-appointed Councillors in the Sessional Committee of the Scientific Council for Europe. As a third member we propose to nominate Dr. Anatoli Poluda from Ukraine as a member to the Sessional Committee of the Scientific Council.

We propose to elect Dr. James M. Williams from the United Kingdom and Daliborka Stankovic from Serbia as alternate members of Party-appointed Councillors for Europe in the Sessional Committee of the Scientific Council.

-----

### **Agenda item 18: Implementation of the Programme of Work 2015-2017**

The EU and its Member States endorse the usefulness of the report of the Secretariat.

-----

### **Agenda item 19: National Reports**

#### **19.1: Analysis and Synthesis of National Reports**

The European Union and its Member States thank the Secretariat for the summary analysis provided in Document 19.1. We are, however, disappointed that the full analysis was, at 3rd October; i.e. only 13 working days before the COP began; still not available. This impedes response to the recommendations made in the summary document – in particular Recommendation 7 which makes reference to 13 recommendations for changing the National Report format – which cross references to Item 19.2.

The European Union and its Member States note the recommendations made in the document. We think these merit more in-depth consideration than is likely to be possible at this meeting. In particular, we consider that more should be done in the review and revision of the National Report format to consider Party views of how the report can be more streamlined and made easier to complete. We therefore suggest that as part of the revision of the National Report format under item 19.2 the Secretariat should, as a matter of urgency, after the finish of this meeting, seek views from Parties in response to these recommendations made via a Notification to the Parties.

In addition, we note the very late provision to Parties of the National Report format for reports to this Conference of the Parties (December 2016 with a deadline of delivery of April 2017) – this is in our opinion much too late; it can take a year for the process to collate and deliver a National Report – so Parties need the format to be agreed and available much sooner. This makes the process for revision of the National Report format under Item 19.2 an urgent task which should be completed early in the forthcoming triennium.

#### **19.2: Revising the Format for National Reports**

The European Union and its Member States thank the Secretariat for the work on analysis on the Format of National Reports and how indicators of targets of Strategic Plan's could be incorporated.

In principle, we support amending the National Report format to better support the monitoring of the Strategic Plan (it is similar to the approach taken in CITES). However, careful consideration will be needed to make sure that the burden is indeed reduced; for example, we consider the administrative aspects of the report format could be reduced significantly. We also think there are parts of the existing format – such as the Appendix I species accounts – which should be kept intact.

As a result, the EU and its Member States consider that the suggested possible structure in Annex 1 to the decision is premature.

In line with the process used to review and revise the CITES implementation report, we think that involvement of a number of Parties – from all UN Regions if possible – would provide useful support and constructive challenge to the National Report format revision process. The EU and its Member States would be happy to provide input to such a revision process.

We also note that it is essential that the new report format is available at least a year in advance of when the next reports will be due – this will allow Parties to plan their reporting process appropriately. As a result, we consider it essential that the Secretariat should bring a proposal for a revised National Report format to the 48th meeting of the Standing Committee.

The EU and its Member States propose:

- 1) text changes, reflecting these views, for Decisions 12.AA and 12.BB,
- 2) propose to delete the original subparagraph vi under 12.AA (referring to Annex 1) and
- 3) not to include the Annex 1.

-----

#### **Agenda item 20: National legislation to implement CMS provisions**

The European Union and its Member States are interested in the proposal to set up a National Legislation Project for CMS.

However the review mechanism proposed under agenda item 22 would look at Parties implementation of our legal obligations. This would include Article III.5 as a core Convention obligation. We would like to avoid duplication of projects on similar issues, and focus our efforts. So (I will once again emphasise that), rather than creating a separate National Legislation Project, we propose to incorporate some of the ideas about legislation implementing Article III.5 into the proposals under agenda item 22.

Therefore the European Union and its Member States would not support further work on this Resolution. We would support focusing on item 22 and commissioning work under that agenda item to focus on and facilitate Parties' implementation of the core obligation in Convention Art. III.5.

-----

#### **Agenda item 21: Review of Decisions**

##### **21.1: Review of Decisions to Repeal in Part**

##### **21.1.1: Resolution 3.1, Listing of Species in the Appendices of the Convention**

The EU and its Member States propose to update the reference to the IUCN Red List in paragraph 1b during COP 12 and give the mandate to the Scientific Council to merge this Resolution with the Resolution in document 21.1.35 (Resolution 11.33) to streamline these documents.

### **21.1.2: Recommendation 4.3, Conservation status of *Crex Crex***

Since November 1999, the Corncrake (*Crex Crex*) is covered - for a significant part of its range - under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA). International Single Species Action Plan for the Conservation of the Corncrake *Crex Crex* was approved by the AEWA 3rd Meeting of Parties in October 2005.

The EU and its Member States propose to repeal this Resolution completely and to continue to carry out the tasks described in this Resolution in the framework of AEWA.

### **21.1.5: Recommendation 5.3, Development of an Action Plan for the Great Cormorant in the African-Eurasian Region**

Great Cormorant (*Phalacrocorax carbo*) is covered under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA). This Agreement provides necessary international co-ordination mechanisms and in the framework of AEWA has been published several guidance relevant to conflict situations. There have been two major LIFE-funded projects (REDCAFE and INTERCAFE) which have directly addressed conflict issue and have provided significant body of guidance for Member States and others.

The EU and its Member States propose to repeal this Resolution completely and to continue to carry out the tasks described in this Resolution in the framework of AEWA.

### **21.1.8: Resolution 7.2, Impact Assessment and Migratory Species**

The EU and its Member States welcome the work done by the Secretariat of reviewing the Resolution. The EU and its Member States support the revised recommendation with the following changes: In paragraph 3, replace the existing reference to the "Guidelines for Incorporating Biodiversity-related Issues into Environmental Impact Assessment Legislation and/or Processes and in Strategic Environmental Assessment" endorsed by Decision VI/7 of CBD COP 6" with "Impact Assessment: Voluntary Guidelines on Biodiversity-inclusive Impact Assessment endorsed by Decision VIII/8 of CBD COP 8"; as this is a more recent guideline and delete paragraphs 7 and 8, as the work is now redundant and has been taken forward in other ways.

### **21.1.10: Resolution 7.5, Wind Turbines and Migratory Species**

The EU and its Member States propose deleting paragraph 2 as the work has not been completed since COP 7.

If paragraph 2 is kept and the intention is to ask the Scientific Council to develop guidelines in relation to offshore turbines, then – given the considerable body of existing guidance that already is available on this topic – it might be better to frame this request in the form of providing a guide to existing guidance.

### **21.1.15: Resolution 8.10, Implementation of the CMS Information Management System**

The EU and its Member States consider that the work in this Resolution, dating from 2005, has been overtaken by events and more modern technologies, therefore, we propose to delete the whole of Resolution 8.10.

### **21.1.17: Recommendation 8.16, Migratory Sharks**

The EU and its Member States support adoption of the draft Resolution.

### **21.1.19: Resolution 9.9, Marine Migratory Species**

The EU and its Member States support adoption of the draft Resolution.

### **21.1.26: Resolution 11.8, Communication, information and outreach plan**

The EU and its Member states propose putting a time limit to Outreach Plan 1,3, 5; to add the respective reference to the proposed programme of work for 2018-20 and then consider again at COP 13.

### **21.1.28: Resolution 10.15, Global Programme of Work for Cetaceans**

The EU and its Member States support adoption of the draft Resolution and propose the following minor change to the Draft Decision directed to the Scientific Council: In 12.AA, replace the word “shall” with “should”.

### **21.1.35: Resolution 11.33, Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention**

The EU and its Member States support adoption of the draft Resolution and propose the following changes to the Draft Decisions directed to the Scientific Council: In 12.AA, replace the word “shall” with “should” and delete Decision 12.BB, as the Scientific Council decided that they had completed the work requested through the revised template for listing proposals and the guidance in section 3.2.

## **21.2: Consolidation of Resolutions**

### **21.2.1: National Reports**

The EU and its Member States propose adding an operative paragraph as the first operative paragraph requiring the Secretariat to make available the format for national reports to Parties at least 15 months in advance of the deadline for submission of reports (i.e. about a year after a COP, and two years in advance of the next one).

### **21.2.2: Taxonomy and Nomenclature**

The EU and its Member States propose some changes to draft Resolution 25.2 and support the adoption of the consolidated Resolution in Annex 2 and the Decision included in Annex 3.

### **21.2.4: Bycatch**

The EU and its Member States recognise the importance of minimizing bycatch of CMS listed species and support consolidating previous resolutions and the adoption of the prepared document with the following comment: The terms “commercial and artisanal fisheries” are used, however, no definition is provided for these in the consolidated Resolution.



### **21.2.5: Marine Turtles**

The EU and its Member States recognise the importance of the conservation of turtles and support consolidating previous Resolutions. However, the Scientific Council made substantial comments which have to be reviewed and considered.

### **21.2.6: Scientific Council**

The EU and its Member States suggest some changes to the text as drafted before supporting the adoption of the proposed in the consolidated Resolution 21.2.6 contained in Annex 2.

### **21.2.8: Flyways**

The EU and its Member States support the consolidated Resolution and the Recommendation on flyways.

### **21.2.9: Wildlife Disease**

The EU and its Member States propose retaining the proposed deletion in 8th paragraph of the preamble.

-----

## **Agenda item 22: Options of a Review Process for the Convention on Migratory Species**

The European Union and its Member States consider the Review Process as an important tool to facilitate compliance with the legally binding obligations of the Convention. We welcome the results of the Working Group and thank the Working Group and its Chair (from Australia) for its work.

Some issues were still left open by the Working Group. On the issue of which type of information would be admissible, we think an effective mechanism should include information coming from Parties as well as Third Parties, thus including NGOs. Furthermore, we think that the Standing Committee would be best placed as the review body.

We have furthermore worked a bit on the text to clarify how the process of the review would be run, and to incorporate the national legislation review (document no 20) to the overall review process. In our proposed changes we have drawn from examples from other existing Multilateral Environmental Agreements. We feel that more defined and concrete process will help in the implementing of the review process and therefore in the better implementation of the CMS obligations.

-----

## **Agenda item 23: Synergies and Partnerships**

### **23.1: Synergies and Partnerships including the Relationship between the CMS Family and the Civil Society**

The EU and its Member States thank the Secretariat for the work done. We would like to suggest some mostly editorial changes to the text before supporting the adoption of the proposed amendments in the Resolution 11.10 contained in Annex 1.

-----

## **Agenda item 24: Conservation Issues**

### **24.1: Avian Species**

#### **24.1.1: Illegal Killing, Taking and Trade of Migratory Birds**

The EU and its Member State recognise the important contribution of the CMS to the fight against illegal killing of birds, and encourage all Parties and other stakeholders to continue this commitment by building on the work already carried out in the Mediterranean by the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT). We support the idea to transfer the experience gained during the work of MIKTs to other regions, especially to the East-Asian-Australian flyway.

The EU and its Member States envisage the scoreboard developed by MIKT being used as a voluntary self-assessment tool by Parties to measure their progress in combatting illegal killing of birds but the EU and its Member States are of the opinion that this exercise should not be accompanied by reporting process under the CMS.

We acknowledge the work of MIKT in developing the scoreboard and promote its use as a voluntary tool for self-assessment of progress of eradication of illegal killing, taking and trade of wild birds. We also note that the scoreboard needs future development and its focus should be on intentional illegal killing.

#### **24.1.2: Migratory Landbirds in the African-Eurasian Region**

The European Union and its Member States acknowledge the work done by the African-Eurasian Migratory Landbirds Working Group and note the urgency to address the issue of habitat loss and degradation through the development of policies that maintain, manage and restore natural and semi-natural habitats within the wider environment. This includes working with local communities, in partnership with the poverty alleviation community and the agriculture and forestry sectors in Africa.

The EU and its Member States support work to continue the development of the proposed amendments to the Resolution and the Draft Decisions. We have some suggestions for amendments and are looking forward to the discussions in the working group.

### **24.1.3: Advances in the Prevention of Bird Poisoning**

The EU and its Member States recognise the importance addressing issues of poisoning of migratory wild birds and support further work on this topic.

However, the EU and its Member States do not support the establishment of a Lead Task Force. Rather, the mandate of the Preventing Poisoning Working Group should be enlarged to include a sub-group to specifically address the issues of poisoning from lead.

### **24.1.4: Conservation of African-Eurasian Vultures**

The European Union and its Member States acknowledge the work done by the Coordinating Unit of the Raptors MOU, IUCN Species Survival Commission (SSC) Vulture Specialist Group, BirdLife International, the Vulture Conservation Foundation and other specialists.

The EU and its Member States support the draft Resolution and Decisions with some minor textual changes and welcome the adoption of the 12-year Multi-species Action Plan to Conserve African-Eurasian Vultures for 2017-2029. Regarding the text in Resolution 24.1.4, the EU would like to suggest an additional paragraph 6bis:

*"Calls on Parties and invites non-Party Range states to pursue programs of vulture reintroduction in potentially suitable ecosystems which were historically covered by these species, provided that such programs are conducted in accordance with the "IUCN guidelines for Reintroduction and other Conservation Translocations".*

The immediate implementation of the Action Plan will be important for ensuring appropriate conservation status of threatened African-Eurasian Vulture species.

### **24.1.5: Action Plan for the Yellow-breasted Bunting**

The European Union and its Member States take note of development of the Action Plan for the Yellow-breasted Bunting. In order not to wait three more years until the next Conference of Parties to be held in 2020 before the Action Plan for the Yellow-breasted Bunting could be adopted, the EU and its Member States support a draft Resolution and Decisions contained in document 24.1.11 on Action Plans for Birds, authorizing the Standing Committee to adopt the Action Plan for the Yellow-breasted Bunting intersessionally, once the Document is ready. We propose a small change to the proposed Decision.

The upcoming adoption and subsequent implementation of the Action Plan is crucial to reduce the various threats to this bird species.

The EU and its Member States note that the summer range and large parts of the migration area of this species concern countries which are not yet a party to CMS. The EU would like to warmly invite these countries to join the CMS family in order to improve international cooperation on this issue, or at least to become a supporter of the Action plan.

#### **24.1.6: Action Plan for the European Turtle Dove**

The European Union and its Member States express appreciation for the activities carried out by a consortium led by BirdLife International for coordinating the preparation of the Action Plan for the European Turtle Dove as part of a LIFE Preparatory Action project co-funded by the European Commission.

The EU and its Member States would like to have the Action Plan on the European Turtle Dove adopted as soon as possible. However, the draft presented to the COP is not the final version of the project document which will not be ready before the end of September and approved only after COP 12. Therefore the EU and its Member States cannot support the adoption of this Action Plan at COP 12, but in order not to wait for the next COP, the EU and its Member States propose to the other Parties to authorize the Standing Committee to adopt the Action Plan for the Turtle Dove intersessionally, once the document is finalized. Consequently, document 24.1.11 on Action Plans for Birds will also need to reflect this position.

#### **24.1.7: Action Plan for the Far Eastern Curlew**

The European Union and its Member States express appreciation for the activity carried out by the Far Eastern Curlew Task Force in preparing the Action Plan.

The EU and its Member States support the adoption of the Action Plan through draft resolution on species action plans for birds, contained in document 24.1.11 on Action Plans for Birds.

The immediate implementation of the Action Plan is important for ensuring appropriate conservation and management activities for the Far Eastern Curlew.

#### **24.1.8: Action Plan for Baer's Pochard**

Baer's Pochard (*Aythya baeri*) is an endangered Asian duck species which is included in Appendix I and II of CMS and considered Critically Endangered by IUCN. There may be fewer than 200 individuals surviving in the wild.

The EU and its Member States express appreciation for the activity carried out by the Wildfowl and Wetlands Trust in preparing the Action Plan for the Baer's Pochard.

The EU and its Member States support the adoption of the Action Plan for Baer's Pochard through draft resolution 12.XX on species action plans for birds, contained in document UNEP/COP12/Doc.24.1.11 on Action Plans for Birds.

The immediate implementation of the Action Plan is important to reduce the various threats to this bird species.

### **24.1.9: Action Plan for the European Roller**

The European Roller (*Coracias garrulus*) is listed in Appendix I and II of CMS. Populations of European Roller have declined since 1970s, and severely by up to 25 per cent across Europe during 1990-2000. Overall, the European declines exceeded 30 per cent in three generations (15 years). Loss of suitable habitat due to change in agricultural practices, loss of nesting sites, use of pesticides and ongoing persecution along the migration routes have been considered as main causes for the decline.

The EU and its Member States express appreciation for the activity carried out by the Birdlife Hungary in preparing the Action Plan for the European Roller.

The EU and its Member States support the adoption of the Action Plan through draft resolution 12.XX on species action plans for birds, contained in document UNEP/COP12/Doc.24.1.11.

The immediate implementation of the Action Plan is important for ensuring appropriate conservation and management activities for the European Roller.

### **24.1.10: Action Plan for Americas Flyways**

The European Union and its Member States acknowledge the work done by the Ecuador, CMS Americas Regional Group and the Flyways Working Group.

However, we noticed some errors in Annex 3 of the document regarding the listing of the conservation status of species. We sent these amendments to Secretariat in writing.

### **24.1.11: Action plan for Birds**

The European Union and its Member States welcome this draft Resolution which seeks to focus attention on the urgency of ensuring appropriate conservation and management activities of Baer's Pochard, Far Eastern Curlew, European Turtle Dove, European Roller and Yellow-breasted Bunting.

The EU and its Member States express appreciation for the activities carried out by the Wildfowl and Wetlands Trust in preparing the Action Plan for the Baer's Pochard, for the Far Eastern Curlew Task Force in preparing the Action Plan for the Far Eastern Curlew, the Asia Division of Birdlife International in preparing the preliminary Action Plan for the Yellow-breasted Bunting, the BirdLife International for coordinating the preparation of the Action Plan for the European Turtle Dove and Birdlife Hungary in preparing the Action Plan for the European Roller.

The EU and its Member States thus support the adoption of the Draft Resolution and the Action Plans for the conservation of the Baer's Pochard, Far Eastern Curlew and European Roller with some changes.

In order not to wait three years until the next Conference of Parties to be held in 2020 before the Action Plans for the Yellow-breasted Bunting and the European Turtle Dove could be adopted, EU and its Member States support a draft Decision authorizing the Standing Committee to adopt the Action Plans for the Yellow-breasted Bunting and the European Turtle Dove once the Document is ready. We propose a small change to the proposed Decision 12BB.

In the forthcoming months and years it will be important to implement Action Plans for Baer's Pochard, Far Eastern Curlew and European Roller as well as adopt and implement the Action Plans for the Yellow-breasted Bunting and the European Turtle Dove, to reduce significantly the various threats to these bird species.

## **24.2: Aquatic Species**

### **24.2.1: Important Marine Mammals Areas**

The EU and its Member States thank the Aquatic Mammals Working Group for reviewing the process and criteria for the identification of Important Marine Mammal Areas (IMMAs) and to making recommendations to COP 12 regarding the relevance of the concept to CMS.

We also support adoption of the draft Resolution and the draft Decision with the following comments from the Scientific Committee opinion.

#### **24.2.2: Marine noise**

The EU and its Member States recognise these Guidelines as an important step forward in promoting prevention, reduction and mitigation of anthropogenic underwater noise. This guidance document will help stakeholders and decision makers to contribute to the aim of the recently amended EU Marine Strategy Framework Directive and the new 2017 Decision by laying down criteria and methodological standards on determining good environmental status of marine water and to achieve the aims of the EU Habitats Directive.

The EU and its Member States encourage Parties to consider use of the guidelines and we encourage further work on the development of common assessment methodologies on the impact of underwater noise on key relevant marine species.

The EU and its Member States support adoption of the draft resolution, with some small changes. This is a rapidly advancing field, therefore we invite the secretariat to integrate to the guidance document the latest terminology as published by the International Standards Organization.

#### **24.2.3: Aquatic Wild Meat**

The EU and its Member States recognise that aquatic wild meat harvests can have detrimental impacts on the wildlife and ecosystems. EU and its Member States encourage the full implementation of the recommendation and encourage further work on the issue of aquatic wild meat harvests. We would suggest a few changes to the resolution. In the definition of wildmeat we would suggest deleting the reference to illegal or unregulated hunts so that the definition includes wild meat obtained by any source and not just illegally caught. Moreover, we suggest adding references to the need for collaboration with the International Whaling Commission.

#### **24.2.4: Live Captures of Cetaceans from the Wild for Commercial Purposes**

This draft contains a number of elements which seem to overlap with the mandate of CITES, notably all the developments on the need for measures to regulate / ban import and transit of the species concerned. However, this draft resolution is based on previous CMS resolutions and clearly defines the role of the CMS, therefore, the EU and its Member States support its adoption with taking the comments of the Scientific Council into account.

In paragraph 83 concerning Recommendation 4: Clearly Define “Take”, it is recommended that legislation should also prohibit “attempts” to capture cetaceans which is an omission from most of the laws.

The EU and its Member States propose that the term “attempt” is defined under the CMS, and how this term relates to “incidental capture” (as referred to EU Cetaceans Regulation (EC) 812/2004).

#### **24.2.5: Recreational In-Water Interaction with Aquatic Mammals**

The EU and its Member States thank the Aquatic Mammals Working Group for providing a briefing paper on the impacts of recreational in-water interaction with aquatic mammals. Taking into account the comments of the SC, we support the adoption of the draft Resolution and Decisions.

We note that the International Whaling Commission is also working extensively on whale watching and this work should be referred to. It is recommended that the IWC is consulted in the proposed work under the CMS.

A general comment going beyond this draft Resolution and Decision: operators would welcome a single document of guidelines about recreational in-water interactions for different animal groups.

#### **24.2.6: Conservation and management of Whales and their Habitats in the South Atlantic Region**

The EU and its Member States congratulate Brazil for making this proposal at the first COP of the CMS where they are present as a Party.

The EU and its Member States strongly support the draft Resolution and Decision, fully in line with their position concerning whale sanctuaries in the work of the International Whaling Commission.

### **24.3 Terrestrial Species**

#### **24.3.1: Conservation of African Carnivores**

##### **24.3.1.1: Joint CMS-CITES African Carnivores Initiative**

The European Union and its Member States recognise the importance of the work on an African Carnivores Initiative for the implementation of CMS and CITES Resolutions and Decisions relating to the four iconic African carnivores - Lion, the Cheetah, the Leopard and the Wild Dog.

The EU and its Member States commend CMS on pursuing joint and complementary work with CITES and appreciates the progress made in implementing the Joint CMS/CITES Work Programme.

We support the Initiative and related draft decision (with some changes) as a way forward for development and implementation of streamlined and synergistic conservation policies and programmes. Joining the policy tools of CMS and CITES for conservation of these four carnivore species will avoid overlapping actions and processes, and will make the use of resources better targeted and more cost-effective.

#### **24.3.1.2: Conservation and Management of Cheetah (*Acinonyx jubatus*) and African Wild Dog (*Lycaon pictus*)**

The European Union and its Member States appreciate the effort of the Range States submitting this draft decision to improve the conservation and management of endangered African carnivores – the cheetah and the African wild dog.

The European Union and its Member States have some suggestions for text amendments, but we do support the draft decision as an important step towards developing and implementing comprehensive conservation and management measures for the conservation of these two species.

#### **24.3.1.3: Conservation and Management of the african lion (*Panthera leo*)**

The European Union and its Member States welcome and appreciate the joint effort of two of the Conventions - CITES and CMS – in recent years in the conservation of the African Lion.

African Lion Range States, who are Parties to both CITES and of CMS, have expressed the necessity of CMS support to the conservation of the African Lion and the urgency of collaboration between these conventions. These two conventions complement each other in their efforts: with the CITES focusing on the regulation of international trade in endangered species and the CMS focusing on the conservation of the species and its habitats.

Therefore the EU and its Member States support the Draft Decision with some suggested amendments to the text.

#### **24.3.2: Conservation of the African Wild Ass (*Equus africanus*)**

The European Union and its Member States recognise the critical conservation status of endangered African Wild Ass and the continuous threats to the species. The adoption of the Draft Resolution will be an important step forward in the conservation of this species.

The European Union and its Member States have some changes to propose to the text of the draft Resolution.

Present document follows the updated nomenclature for terrestrial mammals, which is also adhered to by CITES. This nomenclature is not yet adopted as CMS reference nomenclature. Therefore, we propose to update the CMS reference mammal nomenclature to the recent one, the Wilson & Mittermeier, 2009.



The EU and its Member States hope that the Resolution on “Conservation of the African Wild Ass” will facilitate the development and implementation of national legislation as well as regional strategies to promote the protection of the African Wild Ass in the current and former Range States.

### **24.3.3: Adoption of the African Elephant Action Plan**

The European Union and its Member States recognise the fact that both African elephant species are under threat and require co-ordinated and immediate action to provide effective protection of the remaining elephant population.

The European Union and its Member States acknowledge the hard work and commitment of the African elephant range States in finalizing and approving this Action Plan as a consensus document by all 37 range States. The EU and 5 of its Member States (Belgium, France, Germany, Netherlands, UK) have contributed about 3 million USD in total to the African Elephant Fund since 2011, which is designed to support the implementation of the Action Plan adopted by the Range States in the margins of the CITES COP.

The EU and its Member States support the adoption of the draft Resolution. However we have some amendments to propose so that the CMS Secretariat can work with the CITES Secretariat and Range States to support species conservation and management activities set out in the African Elephant Action Plan which are relevant to CMS.

## **24.4 Crosscutting Conservation Issues**

### **24.4.1: Marine debris**

The EU and its Member States recognise the highly timely and important challenge of addressing the impact of marine litter and microplastics on marine biota, noting that the main focus of CMS should be related to the risks for marine migratory species. Other MEAs (Multilateral Environmental Agreements) and fora deal already with avoidance or at least considerable diminishment of both – marine litter and microplastics, therefore CMS should dedicate its attention especially to the species related issues.

The EU and its Member States support the draft Resolutions with some changes.

### **24.4.2: Climate Change and Migratory Species**

The European Union and its Member States recognise that climate change already has an adverse impact on migratory species and that there is concern that the situation will likely further aggravate and that changes may happen fast. Stressing at the same time that it is necessary to enhance protected areas and networks, EU and its Member States encourage the full implementation of biodiversity strategies at all levels and urge stepping up efforts to keep global temperature increase well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C. We also encourage further work for better understanding the changing patterns to increase the chances of successful adaptation.

The EU and its Member States consider the climate change as one of the most demanding challenges humankind currently faces. This Programme of Work is therefore an important activity for the Convention.

We appreciate the work done by the Climate Change Working Group of the CMS Scientific Council and encourage parties and relevant international organizations to implement the actions contained in this Programme of Work with a view to maximizing the benefits to migratory species.

We have some text proposals that we sent in writing, nothing substantial. We can support the adoption of the draft Resolution with amendments.

#### **24.4.3: Conservation Implications of Animal Culture and Social Complexity**

The European Union and its Member States acknowledge the work done by the Expert Group and note that the social information use, social learning and resultant cultures have rising importance to conservation, across a range of taxa relevant to CMS.

We support the draft Decisions with some minor changes and welcome the proposal to develop a list of key factors for identifying priority species and populations listed under CMS where social learning may influence their conservation under the auspices of the Secretariat and Scientific Council.

#### **24.4.4: Bycatch**

The EU and its Member States support adoption a Resolution but require further discussions of the comments from the SC.

#### **24.4.5: Sustainable Boat based Marine wildlife watching**

The EU and its 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, increasing awareness of the wonders of the natural world, and facilitating 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.

We would like to thank all involved in the constructive discussions that took place and subject to some small amendments, the EU and its Member States would be pleased to support this Resolution.

#### **24.4.6: Energy and Migratory Species**

The European Union and its Member States welcome and appreciate the work done by the Energy Task Force.

The EU and its Member States can therefore support the Draft Decision on Energy and Migratory Species.

We would like to highlight the importance of rapid deployment of renewable energy technologies as a key response to the urgent threat of climate change. At the same time, we need to realize that the deployment of renewable energy and associated infrastructure, such as power lines, may result in negative environmental impacts, including impacts on migratory species and their habitats.

Therefore we welcome that the Energy Task Force is reaching out to various other organizations and institutions working on this issue with a view to intensifying efforts to reconcile renewable energy production with migratory species conservation. Ensuring reconciliation between renewable energies and species conservation remains a continuous conservation challenge and a priority for the EU and its Member States.

#### **24.4.7: Addressing Unsustainable Use of Terrestrial and Avian Wild Meat**

We recognise the importance of wild meat consumption on food security and livelihoods, at the same time there is an urgent need to protect migratory species and their habitats from overexploitation.

We encourage the full implementation of the draft Decision with some changes to the text and the compilation of the analysis on the direct and indirect impacts of the wild meat consumption on terrestrial and avian species listed in the CMS appendices.

#### **24.4.8: Sustainable Tourism and Migratory Species**

The European Union and its Member States recognise the importance of promoting sustainable tourism and ensuring that tourism activities do not negatively affect species anywhere within their migratory range.

The draft Resolution focuses on an important issue. However the text of the draft Resolution is quite general and therefore rephrasing some of the parts in the draft resolution would strengthen the resolution. More efficient implementation of existing guidelines, plans and strategies and appropriate measures taken at a national level, play a crucial role in ensuring that tourism activities are carried out in a way that does not have a negative effect on migratory species.

The EU and its Member States support the adoption of a Resolution on Sustainable Tourism and Migratory Species, after introducing some amendments to the text.

#### **24.4.9: Promoting Marine Protected Area Networks in the ASEAN region**

The EU and its Member States support the initiative and adoption of the Resolution.

#### **24.4.10: Promoting Conservation of Critical Intertidal and other Coastal Habitats for Migratory Species**

The EU and its Member States recognize the critical importance of intertidal and associated coastal and estuarine habitats for multiple migratory species worldwide. We also understand the urgent need to significantly enhance efforts to conserve and promote the sustainable use of these habitats.

We fully encourage the collaboration and synergies between CMS and Ramsar Convention, however, in the draft resolution several overlaps occurs in between these two conventions. Therefore the specific role and additional value of CMS in relation to the coastal habitat protection should be clear and reflected in anticipated initiatives.

Thus, the EU and its Member States would like to see more specific role of CMS in the costal habitats and species protection, and therefore would suggest some amendments to the document by clarifying the added value and the scope of CMS.

#### **24.4.11: Improving Ways of Addressing Connectivity in the Conservation of Migratory Species**

The EU and it Member states express their gratitude to CMS Scientific Council, Secretariat, all related organizations, and the hosting country Italy for their initiative and support when organizing the two workshops on connectivity, in 2015 and 2017.

We recognize the indisputable importance of enhancing the scientific knowledge and evidence - being the topics reviewed by these workshops – to feed the process of evolving insights on connectivity in implementation of the CMS. We are also grateful to the workshop meetings for their preparatory work and contribution to the draft resolution and decision for COP 12.

The EU and its Member States appreciate the draft Resolution posing broadly the crucial issues related to connectivity. We express support for the adoption of the Draft Resolution subject to some editorial points – particularly removal of references to National Reports – which we feel are premature and are better dealt with in the discussion under item 19.2 of the CoP12 agenda.

#### **24.4.12: Transfrontier Conservation Areas for Migratory Species**

The EU and its Member States express support for the adoption of the Draft Decision with some amendments which were introduced in the Terrestrial working group.

#### **24.4.13: Community Participation and Livelihoods**

The EU and its Member States respect the values of local and indigenous peoples, and recognise the necessity to take into account their interests. The local communities and indigenous peoples' views have to be integrated whenever possible into biodiversity conservation at all levels.

The EU and its Member States support the related draft Decision as a way forward to engage local communities better in the conservation and management of CMS-listed species.

-----

## **Agenda item 25: Amendment of CMS Appendices**

### **25.1: Proposals for Amendment of Appendices I and II of the Convention**

The EU and its Member States support all the listing proposals.

#### **On *Panthera leo* (Lion)**

The EU and its Member States welcome this proposal submitted jointly by Chad, Niger and Togo. The lion is classified by IUCN globally as Vulnerable due to its population decline of 43%. Yet, across the majority of its range the IUCN suggests that lion qualifies for an Endangered listing by virtue of an inferred decline in numbers exceeding 50%. Threats to lions identified include habitat loss and conversion, prey base depletion, human-lion conflict, unfavourable policies, practices and political factors, ineffective lion population management, poorly managed trophy hunting operations for some populations, and the use of lion bones and other body parts in legal and illegal trade. CMS Resolution 11.32 on the Conservation and Management of *Panthera leo* notes that *Panthera leo*, as defined by Wilson & Reeder (2005), and all its evolutionarily significant constituents, including *Panthera leo persica*, satisfy the Convention's definition of 'migratory species'. Furthermore, the Resolution 'Invites the Range State Parties to work towards an Appendix II listing proposal to be presented to the 12th Meeting of the Conference of the Parties'. Participants at the CITES/CMS African Lion Range State Meeting which took place in Entebbe, Uganda, in May 2016 and was supported by Germany, the Netherlands and the United Kingdom recognized the need for transboundary cooperation and management systems in light of the high number of transboundary lion populations. With its unfavourable conservation status and 23 transboundary populations requiring international cooperation for their conservation, the species qualifies for an Appendix II listing. Like the CMS Scientific Council, we strongly support acceptance of this proposal.

#### **On Vultures**

The vultures are amongst the most threatened raptors in the Old World. Until 1990s, several Asian and African vulture species were the most abundant raptors in the world. Within a decade however, most populations of vultures had declined so precipitously that most of them are considered Critically Endangered or Endangered today. This is due largely to feeding on carcasses of animals treated with the veterinary drug diclofenac, in combination with other causes, including poisoning, belief-based use and trade, reduction in food availability, collision and electrocution because of energy infrastructure, habitat loss, degradation and disturbance. The proposed vulture species are included in Raptors MOU Annex 1, and are listed in Category 1 of its Action Plan. International cooperation will be an essential ingredient in the recovery and long-term conservation of these wide-ranging species. For this reason, in the EU, an Action Plan to conserve European species is in preparation as well. Currently, only the Egyptian Vulture is listed in Appendix I, and we believe that all CR and EN African and Eurasian vultures should be listed as well, so the EU and its MS agree with this and forthcoming proposal to list 10 species of vultures in Appendix I.

### **On *Lanius excubitor excubitor* (The Great Grey Shrike)**

The Great Grey Shrike is a member of the family Laniidae widely distributed throughout the world with the exception of South America and Australia. Many shrike species are in an unfavourable conservation status with a declining population trend. Unfortunately, this is true for this particular species as well. The Great Grey Shrike is a songbird but also shows characteristics of birds of prey and thus also shares some threats with the latter. The species suffered from human persecution because of its bad reputation, also similar to many birds of prey species. However, while all birds of prey are listed in Appendix II, no shrikes have been listed in the CMS Appendices so far. Although not globally threatened, the Great Grey Shrike is not in a favourable conservation status, and even in a very unfavourable situation in Europe. Its range has been considerably reduced for half a century and the species has already disappeared from several countries. Where it is still present, it is most often threatened. As many other species, the most serious threat is the intensification of agriculture but several aspects of this and other factors are only poorly understood. Climate change, availability of food, persecution as well as the use of pesticides are further serious factors which contribute to their decline. The present proposal aims at including all populations of the nominate subspecies of the Great Grey Shrike. We hope that all Parties in the room can support our proposal.

### **On *Lanius minor* (The Lesser Grey Shrike)**

The Lesser Grey Shrike is also a member of the family Laniidae, which has an unfavourable conservation status with a declining population trend and severely fragmented distribution. This species' behaviour is similar to that of a small raptor, though this is not as pronounced as that of the Great Grey Shrike. It has also suffered from human persecution. Like other songbirds, the Lesser Grey Shrike carries out very long migrations which lead it to Southern Africa every year. Similar to other species of passerine birds in rural areas, it has been severely affected by the intensification of agricultural practices. But, like its bigger sister species, some factors are still poorly understood. Climate change, availability of food, persecution as pests, and in Eastern countries trapping of this species as baits for capturing sparrowhawks for falconry purposes are further serious factors which contribute to its decline. The Lesser Grey Shrike is not in a favourable state of conservation globally. In Europe, it is even in a very unfavourable situation. Its range has been considerably reduced for half a century and the species has already disappeared from several countries. Where it is still present, it is most often threatened, particularly in Western Europe. The present proposal aims at including the entire European population of this species in Appendix II. We ask all Parties to support our proposal.

### **On fish species**

The EU and its Member States welcome the listing proposals for these important species. Given the severe declines suffered throughout their range, regional and international conservation action is needed as a matter of priority. We are pleased to inform the delegates that we can support all the proposals made for listing the fish species. We would like to thank the proponent countries on the hard work they have put into these proposals and for the example they are setting in marine species conservation and management. We would especially like to commend our host country for proposing the appendix I listing of the whale shark and the appendix II listing of the white-spotted wedgetfish. This sends a strong message globally on their commitment to ending unsustainable tourism and fishing practices.

All these species fulfil the criteria for listing of the CMS and fall within the rules of the Common Fisheries Policy which, among other relevant tools, offers appropriate instruments to contribute to managing their protection.

The EU and its Member States believe that these proposals will lead to an enhanced international cooperation and better ocean governance as they complement existing protection measures under other processes. A number of these species are targeted for their fins and the EU have been frontrunners in putting in place conservation and management measures aimed at limiting and/or eradicating shark finning, as well as, at ensuring the protection of specific shark species that have been assessed as endangered by the Scientific Committees of these bodies.

Ensuring effective fisheries management is integral in achieving the sustainable use of these ecologically and (for many of them) commercially important species. In light of these species' 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 and its Member States call on the CMS Secretariat to work in cooperation with other MEAs, Regional Fisheries Management organisations and IUCN to enhance consistency and complementarity by inter alia further promoting efforts on making best use of all available and relevant scientific information and to improve the framework of cooperation between relevant multilateral and regional instruments.

In closing, the EU and its Member States would like to strongly support these listing proposals and would like to thank the proponents in bringing these proposals to the Parties.

### **25.2.: Revision of the Template and Guidelines for the Drafting of Proposals for the Amendments of the Appendices**

The European Union and its Member States support the progress made to revise the Template and Guidelines in terms of user-friendliness and clarity of the guidelines. We note that the Scientific Council made some specific suggestions for wording changes and are happy for those to be incorporated.

The EU and its Member States agree that the template and guidelines should be used for the submission of proposals to future meetings of the Conference of the Parties, and agree that the template and guidelines should be consolidated into Resolution 11.33 (Rev.CoP12) as an annex.

### **25.3: Taxonomy and Nomenclature**

The EU and its Member States do not support the adoption of the draft Resolution on Taxonomy and Nomenclature included in Annex 4. We apologise of this intervention, but there are three, quite complex, matters which cause us concern.

Firstly, we understand that the Scientific Council is still working through the implications of adoption of Handbook of the World volume two, and that the detailed analysis will not be available until the next meeting of the Sessional Committee of the Scientific Council. Although we do not have a problem with HBW vol 2 , we therefore consider it premature to adopt Volume two of the Handbook of the Birds of the World, as we do not know what we are signing up to. This creates uncertainty for Parties which have a direct link between their National Legislation and listing in the Appendices of international treaties.

Secondly, the 10th Meeting of the Advisory Committee to the Agreement on the Conservation of Albatrosses and Petrels (ACAP; September 2017, New Zealand), decided not to change the taxonomy used by ACAP. As we consider consistency of approach between instruments within the CMS family to be very important, we consider CMS should maintain the same taxonomy on Albatrosses and Petrels as used by ACAP.

Thirdly, the record of the 29th meeting of the CITES Animals Committee (which occurred in July, after the second meeting of the Sessional Committee of the Scientific Council) states that The Animals Committee recognizes that at present it is not appropriate to accept the proposed synonymization of the Ray genus *Manta* into *Mobula*. For this reason the EU and its Member States propose that it should be made explicit that the synonymization of *Manta* and *Mobula* is excluded from the adoption of the use of the online version of Eschmeyer.

There is also a fourth point which is not currently included in the document in front of us which the EU and its Member States would like to raise; namely mammal taxonomy. Given the number of references for terrestrial mammals that now exist beyond Wilson and Reeder (2005), we consider the Scientific Council should review the scientific reference literature, with a view to bringing a recommendation to COP 13.

Given the comments just made, the EU and its Member States consider that a number of changes are needed to the proposed Resolution – in particular in the Annex which lists the preferred standard references for the Convention. Our proposal is to discuss implementation of relevant taxonomic issues in Avian, Aquatic and Terrestrial Working Groups.

-----

## **Agenda item 26: Implementation of the Concerted Actions process**

### **26.1: Concerted Actions**

The European Union and its Member States welcome the progress made on improving the process for defining Concerted and Cooperative actions. The structure of the new Resolution creates a well-defined and transparent process for nominating and designating species for Concerted Actions.

The EU and its Member States support the adoption of the proposed consolidated Resolution including the Guidelines to the Implementation of the Concerted Actions Process and the Template for Proposing Concerted Actions and the adoption of the Draft Decisions.

We also support the proposals made by the Scientific Council to clarify the document and wish to see those changes incorporated in the consolidated version.



## **26.2: Designation of Species for Concerted Actions for the triennium 2018-2020**

The EU and its Member States support adoption of the list of species designated for Concerted Actions for the triennium 2018-2020 contained in Annex I to Document 26.2. However we also endorse the comments from the Scientific Council that a lead Party or Parties are needed for each of the species on the list by COP 13. If no Party [or other stakeholder] is willing to come forward to lead concerted actions by COP 13 then we consider that in principle the 'unadopted' species should be removed from the list – as otherwise we have a list which does not mean anything, and which devalues the concerted actions that are taking place. It may be that for a small list of highly endangered species for which no lead has been identified - for example because the main Range States are not CMS Parties - a separate smaller list is required, however, we consider this should be exceptional, and the reasons for these species being listed must be documented.

The EU and its Member States would also like to suggest adding a column in the table to document activities taken by Parties under other instruments for the protection of a certain species. This would help to build an overview of activities outside the CMS family that are of relevance for the concerted actions taken under CMS.

### **26.2.1: European Eel (*Anguilla anguilla*)**

The EU and its Member States fully recognise the importance of stepping up efforts for the conservation of the European eel. The management of eels is addressed under Council Regulation (EC) No 1100/2007 and all Member States which have potential eel habitats are required to have National Eel Management Plans. The EU and its Member States would be happy to share experiences gained in the implementation of this Regulation.

We thank the Principality of Monaco, together with the Sargasso Sea Commission and the CMS Secretariat for submitting a proposal for a concerted action to follow-up the listing of European eel on Appendix II at COP 11. After clarification from the proponents, we understand that the purpose of this Concerted Action is to outline a number of concrete short-term actions proposed to be implemented in the near future relating to policy.

However, the EU and its Member States are not convinced at this stage that a formal MoU or Agreement on European eel is necessary, and on that basis do not support the whole of the proposed Concerted Action. This Concerted Action is proposed as a step in the process leading to a decision on whether to have an Agreement or another CMS instrument or not.

Following the Galway workshop in 2016 (report at <http://www.cms.int/en/meeting/first-range-state-workshop-european-eel>), the EU and its Member States do support organizing a second meeting to explore all options that might help to improve the conservation status of eels in the next few years. The meeting should focus on exploring synergies between existing instruments, to clarify what CMS can bring to existing conservation efforts.

We consider it essential that all range States, and other significant stakeholders such as CITES and relevant RFMOs, are invited to participate in the proposed meeting. We also consider it is particularly important that both European and North African range states are involved in the meeting, and that CITES' experience of trade in eels is brought into the discussions.

### **26.2.2: Eastern Tropical Pacific Sperm Whales (*Physeter microcephalus*)**

The EU and its Member States support adoption of this proposal.

### **26.2.3: Atlantic Humpback Dolphin (*Souza teuszii*)**

The EU and its Member States support adoption of this proposal.

### **26.2.4: Arabian Sea Humpback Whales (*Megaptera novaeangliae*)**

The EU and its Member States support adoption of this proposal.

### **26.2.5: Angelshark (*Squatina squatina*)**

The EU and its Member States support adoption of the Concerted Action proposed by the Principality of Monaco, in line with their support of the proposals to add this species to Appendices I and II of the Convention.

### **26.2.6: Mobulid rays (*Mobulidae*)**

The EU and its Member States recognize the importance of concerted action for Mobulid rays but feel that at this stage the document is not mature enough for endorsement. We consider it could be improved, as noted by the Scientific Council, by providing more information about:

- how the Concerted Action will link with the Sharks MoU
- which countries will be involved
- which countries have already been consulted
- information on responsibilities and funding  
and
- how the proposed actions will be phased.

We look forward to seeing a revised proposal at COP 13, but in the meantime urge that action to improve the conservation status of Mobulid rays should not wait for the concerted action to be improved.

### **26.2.7: Whale Shark (*Rhincodon typus*)**

The EU and its Member States welcome the proposal from the host country of COP 12 for Concerted Action on the Whale Shark but take note of the opinion of the Scientific Council that it is a very ambitious plan and a step-by-step approach should be adopted in the implementation of the Concerted Action.

The proposal is supported by the EU and its Member States for adoption and that the Sharks MoU should be invited to engage in its implementation. Engagement with several RFMOs is also strongly supported.

### **26.2.8: Asian Great Bustard (*Otis tarda*)**

The Asian population of the Great Bustard faces many threats across the migratory range, including illegal hunting, poisoning, collisions with overhead cabling, poor reproductive rates, increasing isolation of breeding populations, agricultural intensification, and habitat loss.

The EU and its Member States support the proposal for a Concerted Action for the Asian Great Bustard (*Otis tarda*) for the triennium 2018-2020 in accordance with the process elaborated in paragraph 4 and Annex 3 of Resolution 11.13.

#### **Agenda item 27: Manila Declaration on Sustainable Development and Migratory Species**

The European Union and its Member States welcome the Manila Declaration on Sustainable Development and Migratory Species and the related draft Decisions submitted by the Government of the Philippines. The EU and its Member States support the adoption of the proposed Resolution and the draft Decision with the amendments from the Philippines.

We are particularly pleased with the amendments that aim at enhancing the relationship between the migratory species efforts and the global context of the Aichi Targets and the SDGs. We furthermore also believe that COP should provide a clear mandate to the CMS Secretariat to be involved in the follow up to the Strategic Plan for Biodiversity to ensure adequate integration of migratory species concerns both in the strategic planning beyond 2020 and the Biodiversity summit foreseen in 2020.

-----

#### **Closing Statement by the EU and its Member States**

Thank you Mr. Chair,

In his Opening Statement, the Executive Secretary, Mr. Bradnee Chambers predicted that this COP was likely to be 'more important than most'. The past five days have proved him right since we are now looking back on a very productive and fruitful COP. Not only has the COP recommended adoption of a record number of resolutions and decisions, but we have added a large number of important endangered species to the annexes of the Convention. This is an important step towards their better conservation and the EU and its Member States call on all parties to take forward the energy displayed at this meeting and move ahead rapidly to launch actions to implement our new obligations in regard to these species.

We have also made important advances in the governance of the CMS. We have a resolution on the Strategic Plan and ensured a means of monitoring its implementation. We have also established a review mechanism and a national legislation programme that together will help improve the full implementation of the relevant elements of the Convention. The EU and its Member States are very happy that this mechanism has strong support from all Parties, and would encourage all Parties to make use of the provisions to waive the confidentiality of the review process whenever possible since the EU believes in openness and transparency. We also encourage NGOs to make use of their involvement in the review process in a responsible and constructive manner.

We are also very satisfied with the Resolutions concerning Revision of the National Report formats, Enhancing Partnerships and Synergies, and the Scientific Council. There is still important work ahead of us, but we are confident that we are on the right track, and that today's decisions contribute to a stronger and more effective CMS. The Migratory species that we care for depend on us.

The EU and its Member States would like to wholeheartedly thank the Philippines for their warm welcome and for providing all the facilities that supported us so well during the COP, and we congratulate the host country for its impressive on-the-ground conservation efforts. The EU and its Member States also would like to warmly thank the Secretariat and the Chairs of the Committees and working groups for all the work done before and during the COP. With so many issues on the agenda, with so many topics and with so many persons involved in all of it, any COP is a challenge, but we look back on a very fruitful and enriching process.

Finally, we would like to thank all other delegates and the representatives of the NGOs and other institutions that participated in this Conference of the Parties. We much appreciate the open-minds, the constructive discussions and the sense of common responsibility that have allowed the outcomes of this COP.

Thank you.

---