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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: 13th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP 13) (Gandhinagar, India, 15-22 February 2020)
- 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.

**13th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP 13)
(Gandhinagar, India, 15-22 February 2020)**

- Statements by the EU and its Member States -

Opening Statement on behalf of the European Union and its Member States

Your Excellences,
Distinguished Chair,
Distinguished colleagues,
Ladies and gentlemen,

It is my great honour to address this meeting on behalf of the European Union and its Member States.

The European Union and its Member States express their deepest appreciation to the Indian Government for hosting this Conference of Parties in this “Super year” for biodiversity. The nature and spirit of India, and its hospitality, is deeply inspiring us. We appreciate that the conference is organised in a venue dedicated to Mahatma Gandhi, who has, by his example, shown us that this world can achieve sustainability and prosperity if we as society and individuals commit to transformative change.

We would also like to thank the Secretariat for the excellent preparation of this Conference. We would furthermore like to congratulate Ms. Amy Frankel for her appointment to the post of Executive Secretary of CMS. We are confident that her energy and commitment to the conservation of migratory species will bring this important issue high on the political agenda.

Mr. Chair,

We would like to reiterate the findings of IPBES Global Assessment that clearly show human actions threaten more species with global extinction now than ever before.

We are looking at an existential threat, with around 1 million species facing extinction, many of them being migratory. Decisions taken by this COP should address the urgency of the situation, inter alia by addressing the main drivers of biodiversity loss.

CMS priorities and conservation of migratory species are an important piece in the new global biodiversity mosaic and we would like to acknowledge the hard work of the Secretariat in bringing CMS priorities higher in the global biodiversity agenda.

Post-2020 global biodiversity framework must set out an ambitious plan to implement broad-based action to bring about a transformation in society's relationship with biodiversity and to ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled. To do so 2030 is a crucial milestone and the actions that we implement in the upcoming decade will shape our future.

We welcome ongoing work of the CMS on stimulating cooperation and active and long-lasting engagement in protecting migratory species as well as in conserving and restoring the ecological connectivity and integrity of ecosystems to support the natural movements of animals, necessary for their survival and well-being.

Only through the synergistic actions and by effectively streamlining efforts of all international agreements and fora, gathered under the joint global framework we can achieve the ever so needed change.

The involvement of all stakeholders is of the utmost importance and we are happy to engage in further deliberations in addressing the important role NGO partners have in implementing the Convention and support the further work in strengthening civil society participation within CMS processes.

Mr Chair,

As pollution is one of the main drivers of biodiversity loss, addressing light pollution as a detrimental factor for many migratory species represents an important step in global conservation efforts for terrestrial, aquatic and avian species.

We would also like to further contribute to CMS priorities by recognizing the issue of insect decline. Insects comprise more than two-thirds of the total biodiversity of our planet, and our current data shows that many insect taxa, in many parts of the world, are declining rapidly.

This has devastating consequences for entire ecosystems, insectivorous migratory species as well as for global and local food security.

We additionally welcome stepping up our efforts in conservation of global biodiversity by adding new species under the umbrella of the CMS Convention's annexes.

Mr Chair,

Let me assure you, that the European Union and its Members States stand ready and committed to working hard to make this Conference a great success.

Thank you.

Agenda item 4:

Rules of Procedure for meetings of the Conference of the Parties (COP)

On behalf of the EU and its Member states, we would like to support the proposed amendments to the existing rules 5 and 6 of the Rules of Procedure incorporating the role of the COP President as a chair of the meeting and the composition of the Bureau of the Conference.

We also support the amendment to the rule 22 that brings additional clarity to that rule and we find acceptable the proposed new order of the Rules of Procedure.

13. Budget and Administration

Agenda item 13.2

Budget 2021-2023 and Programme of work for the intersessional period between COP13 and COP14

This Position Paper concerns exclusively the issue of the Programme of Work and does not establish a position on the Budget.

The EU and its Member States acknowledge the work undertaken by Secretariat to prepare four budget scenarios and several options for defining Parties' assessed contributions for period 2021-2023.

The EU and its Member States also acknowledge the draft Programme of Work, which enables Parties to have comprehensive overview of planned activities.

We look forward to receiving detailed explanations by the Secretariat on the budget scenarios proposed and on the different options regarding Parties' assessed contributions.

We are concerned about the level of areas and how this affects the functioning of the Convention.

We look forward to further discussions in a contact group 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, transparent, and affordable by all Parties.

14. Strategic Plan

Agenda item 14.1:

Progress in the Implementation of the Strategic Plan for Migratory Species 2015-2023

The EU and its MS would like to thank the Secretariat for the preparation of this document. We take note of the assessment of progress towards the achievement of SPMS targets contained in Annex 2.

We acknowledge that positive progress has been made towards the achievements of some SPMS targets, primarily towards targets related to public awareness, governance and spatial protection of critical habitats and sites for migratory species.

However, EU and its MS note with deep concern the lack of progress towards targets related to mitigation of the impacts of threats and pressures on migratory species, especially the lack of significant progress in mitigating the unsustainable use.

We recognize that further efforts need to be taken in order to identify and fill-in the data gaps in order to elaborate the final assessment of progress and determine the priorities for the 2023 follow-up.

We support the adoption of the draft Decision contained in Annex 1 of this document, but would like to propose small amendment in order to make connection to the AI 14.2 and ensure that the full analysis is ready in time for Standing Committee's consideration.

Agenda item 14.2:

Options for a follow-up to the Strategic Plan for Migratory Species 2015-2023

The EU and its MS would like to thank the Secretariat for its active participation in the preparations for the post-2020 global biodiversity framework and for efforts aiming at ensuring that migratory species concerns are adequately reflected in it.

We support the adoption of the draft Decision contained in Annex of this document giving the mandate to Secretariat to undertake the in-depth analysis of the post-2020 GBF once adopted and identify suitable role of the CMS Family in its implementation as well as the most appropriate options for the follow-up of the SPMS.

Regarding possible options for the follow-up to the SPMS, we would like to see the inclusion of approaches by other MEAs such as CITES in setting strategic objectives and are proposing changes to the draft Decision that reflect this position.

15. Scientific Council

Agenda item 15.1:

COP Appointed Councillor Subject Areas – Analysis, Review and Recommendations

The EU and its Member States would like to take note of the Sessional Committee agreed recommendations given in the Annex 2 to the document UNEP/CMS/COP13/Doc.15.1 and to thank the Working Group on the Review of COP-Appointed Councillor Subject Areas on its efforts in the intersessional period to conduct this review.

In principle we agree with COP-Appointed Councillor subject areas for the period of COP13 – COP15 that include Birds, Terrestrial Mammals, Aquatic Mammals, Marine Fish, Invasive Species, Marine Pollution, Climate Change, Bycatch and Connectivity/Networks.

However, we consider some additional subject areas to be a priority such as invertebrates/insects, animal culture and social complexity and also see the need to have a subject area for fish rather than for marine fish. In that regard we would like to see this discussed further during the meeting of the Conference of the Parties.

We support the draft Decision on the establishment of the Exofficio Register of Expertise as it is important to capture and keep in one place all COP-Appointed Councillor expertise.

Agenda item 17:
CMS Contribution to the post-2020 Biodiversity Framework

The EU and its MS would like to thank the Secretariat for actively engaging in the preparations for the post-2020 global biodiversity framework and highlighting conservation needs of migratory species.

We agree that the Decision 12.105 e) has been implemented and can be deleted.

We also agree with the Scientific Council that the draft decision 13.AA b) overlaps with 13.BB b) and can be deleted.

We stress the need for the CMS to continue its active involvement in the relevant discussions for the development of the Post2020 global biodiversity framework in order to secure synergies and coherence.

We are proposing changes in the draft decision in order to align it with the agenda item 14.2.

Agenda item 18:
Synergies and Partnerships

The EU and its Member States welcome the cooperation with other UN entities, including biodiversity-related conventions, and NGOs, especially in relation to the development of the post-2020 global biodiversity framework.

We take note of the Executive Summary and recommendations of the review “*Conservation Collaboration: Strengthening the relationship between CMS and its NGO partners when the world needs us most*” in Annex 3, which is based on the full review contained in UNEP/CMS/COP13/Inf.33. We acknowledge the very important role NGO partners have in implementing the Convention and support the further work as proposed in draft decision. However, we consider proposed recommendations in Annex 3 to be a starting point for further deliberations.

As regards the engagement with indigenous peoples, youth groups and local communities, we are of the view that the Secretariat should first investigate the options rather than immediately taking actions. Therefore, we suggest some changes to the text as drafted, before supporting the adoption of the proposed amendments in the resolution 11.10 (Rev. COP12) contained in Annex 1 and draft Decisions contained in Annex 2.

**Agenda Item 18.1:
Cooperation with the Intergovernmental Science-Policy Platform on Biodiversity and
Ecosystem Services (IPBES)**

The European Union and its Member States welcome the cooperation between the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) and CMS so far.

We welcome the pioneering work done by IPBES on Global Assessment on biodiversity and ecosystem services as well as the preceding regional assessments. We also welcome the successful publicity campaign made in conjunction with publication of the assessments, and insist urgent action to combat the direct and indirect drivers of biodiversity loss as identified in the Global Assessment.

We take note of review of the IPBES Global Assessment on biodiversity and ecosystem services and the numerous mentions related to the implementation of CMS and of the importance of connectivity for protecting biodiversity and the need to integrate connectivity conservation aspects into future policies. We therefore support the adoption of the draft amendments to Resolution 10.8 (Rev.COP12) contained in Annex 1 of this document with a small amendment.

Furthermore, we also support the adoption of the draft Decisions contained in Annex 2 of this document with a small amendment as a practical way to ensure the uptake of connectivity issues in the future work of the IPBES. We support the deletion of Decisions 12.13 and 12.14.

**Agenda item 18.2:
World Migratory Bird Day**

On behalf of the EU and its Member States we would like to thank the Secretariat for preparation of this document.

We welcome the designation of the second Saturday of May and the second Saturday of October of each year as the two peak celebration days of World Migratory Bird Days.

As proposed in the Resolution 26.4.9.1 we support that one of the upcoming World Migratory Bird Days be dedicated to highlighting the effects of light pollution on migratory birds.

We support adoption the draft amendments to Resolution 11.9 contained in Annex 1 and we propose some minor editorial changes.

**Agenda item 20:
National Reports**

The European Union and its Member States thank the Secretariat for the Analysis of CMS National Reports to COP 13 contained in Annex 2.

We support the deletion of Decisions 12.4 and 12.5. We also support the adoption of the draft Decisions contained in Annex 1. However, having in mind that the synthesis report recognized the gaps in current reporting format, we are of opinion that revision of the reporting format needs to be done in the intersessional period. Additionally, we suggest that this revision should further consider strengthening of the synergies within the CMS Family and with reporting processes of other Multilateral Environmental Agreements.

**Agenda item 21:
Application of Article III of the Convention**

The Resolution in its current form does not provide a clear analysis of whether or not, and if so, under which circumstances, the export, the introduction from the sea or import of an Appendix I species contravenes the Convention. The lack of clarity in the proposed Resolution on this crucial point is unfortunate because it is a serious matter of legality or illegality under international law.

We welcome the recently available info document No. 37 containing the analysis undertaken by the Secretariat of CITES trade data about the international trade of CMS Appendix I listed species. We agree with the Secretariat that this is a good starting point, but that the further research and more in-depth factual and legal analysis of these issues is needed, with a detailed focus on effective implementation of the Convention.

At this stage, we are not inclined to supporting a Resolution as it is proposed, but would support a decision that mandates the Secretariat to undertake further analysis on the matter and provide recommendations or draft decisions, as appropriate, for Parties to consider at COP14.

Additionally, we propose that the Secretariat liaise with the CITES Secretariat and, as proposed by the Scientific Council, prepare and publish on the CMS website a list of species included on CMS Appendix I which are not listed on CITES Appendix I for Parties' information.

We are proposing to amend the draft decision accordingly and will provide the proposal in writing.

**Agenda item 22:
Review Mechanism and National Legislation Programme**

The EU and its Member States take note of the Template for communication on a possible implementation matter contained in Annex 1, Legislative Guidance Material relating to Implementation of Article III, paragraph 5, contained in Annex 2, and Model Law for implementation of Article III, paragraph 5, contained in Annex 3. We also agree to delete Decisions 12.6 to 12.9.

The EU and its Member States support the adoption of the draft Decisions with some changes, which are necessary in order not to lose sight of the requirements of Resolution 12.9 with respect to the National Legislation Programme.

The National Legislation Programme is a very important step forward for CMS and the EU and its Member States wish to implement the project as was decided at COP12. Namely, COP 12 had decided that the Programme also covers Article III paragraphs 4a) and 4b) of the Convention, because they contain obligations regarding the removal of barriers and restoration of habitats.

Consequently, it was also decided in Resolution 12.9 section II paragraph 2, that Parties are encouraged to submit information relating to implementation of Article III, paragraphs 4 (a) and 4(b). Finally, it was decided in Decision 12.6 c) that the questionnaire of the National Legislation Programme should also include questions on all of those paragraphs. The changes proposed by the EU and its MS essentially aim at bringing the proposed decisions in line with Resolution 12.9 and Decision 12.6c) of COP12.

In that regard we are proposing several changes regarding draft decisions 13.AA, 13.BB and 13.EE:

- In draft Decision 13.AA directed to the Secretariat we would like to delete existing paragraphs b) and c) and add new paragraphs a), b), c) and g). This new paragraphs will give a mandate to the Secretariat:
 - o under a) to revise the National Legislation Programme questionnaire to include requests for information on the implementation of Article III, paragraphs 4a) and b), as already requested in order to implement section II paragraph 2 of Resolution 12.9 and as decided in Decision 12.6 para. c);
 - o under b) to promote the completion and submission of the revised National Legislation Programme questionnaire by Parties and its submission to the Secretariat,
 - o under c) in cooperation with relevant Partners, to support Parties, as necessary and subject to available resources, through the provision of, inter alia, guidance materials, model laws, technical assistance and capacity-building workshops in relation to Article III paragraphs 4a), 4b) and 5, as provided in Resolution 12.9 section II paragraph 7
 - o and under g) to ensure participation in the discussions on the review mechanism for the post-2020 global biodiversity framework
 - o the existing paragraphs a), d) and e) will become paragraphs d), e) and f)
- In draft Decision 13.BB directed to the Standing Committee we propose deletion of para b)
- In draft Decision 13.EE directed to Parties, we propose the new paragraph a) that reads: “Parties are strongly encouraged to submit information regarding their legislation and other domestic measures relating to implementation of Article III, paragraphs 4a), 4b) and 5, as provided in section II paragraph 2 of Resolution 12.9, on the basis of a questionnaire developed by the Secretariat.” With addition of this paragraph, the existing paragraph b) should be deleted, and the existing paragraph a) will become paragraph b).

Finally, we stress the need for the CMS Secretariat to be involved in the relevant discussions on the review mechanism to be developed in the context of the post-2020 global biodiversity framework.

23 Review of Decisions and Resolutions

Agenda Item 23.1: Review of Decisions

The European Union and its Member States support the renewal and adoption of the decisions as listed in the Annex to this document.

**Agenda Item 23.2:
Review of Resolutions: Decisions 12.11 and 12.12**

The EU and its Member States take note of Review of Resolutions and we agree with a proposal to repeal Resolutions 7.18 and 6.3 completely and to continue to carry out the conservation activities related to Dugong dugon and Southern Hemisphere Albatross under the auspices of relevant MOU “Memorandum of Understanding on the Conservation of Dugongs (Dugong dugon) and their Habitats throughout their Range” and Agreement on the Conservation of Albatrosses and Petrels (ACAP).

Therefore, we support the deletion of Decision 12.11 and 12.12.

However, regarding the review of Resolution 8.16 (Rev.COP12) Migratory sharks and recommendation to consolidate it with Resolution 11.20 on the Conservation of Sharks and Rays, EU and its MS will provide further comments in discussion under the agenda item 26.2.7. Chondrichthyan Species.

**Agenda item 24:
Review of the Conservation Status of Migratory Species**

The EU and its MS welcome the document prepared by the Secretariat and support draft decisions presented in Annex 1 of the document with minor changes which we will submit in writing. We further welcome the continuation of this work envisaged in Programme of Work for next triennia.

We consider this report to be the first step in the analysis and review of conservation status of migratory species listed in the appendices.

We recognize the importance of further work and in-depth review of Appendix I listed species that do not meet listing criteria, especially with regards to circumstances under which they were originally listed and to provide recommendations whether these species still merit Appendix I listing.

However, we emphasize we do not wish to encourage delisting of any species without prior thorough scientific analysis.

Furthermore, we are deeply concerned with the information given in Annex 3 of the document which shows that 96% of all Appendix I listed species are impacted by biological resource use which includes intentional use, hunting and collecting.

**Agenda item 25:
Progress towards the development of an Atlas on Animal Migration**

The EU and its MS take note of the report.

We welcome the migration atlas for migratory mammals in the Central Asian region developed under the Central Asian Mammals Initiative.

We also welcome the progress made in developing an atlas of bird migration in the African-Eurasian region and look forward to its finalization in 2021.

We support further development and use of modules being developed, including to ensure interoperability with other digital databases.

We would also like to encourage any further voluntary contributions to elaborate the Atlas of Animal Migration.

26. Conservation Issues

26.1 Avian Species

Agenda item 26.1.1:

The Prevention of 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, taking and trade of birds. We support in principle the adoption of the proposed amendments to Resolution 11.16 (Rev.COP12) and adoption of the draft Decisions contained in Annex 2 that amend Decisions 12.26 to 12.30.

We also support in principle amendments proposed by the Sessional Committee of the Scientific Council.

We welcome the development of the Rome Strategic Plan 2020-2030 on the eradication of Illegal Killing, Taking and Trade of Wild Birds, as a joint guiding document to be agreed by the Bern Convention Special Focal Point Network and CMS MIKT and implemented jointly. However, it is not finalised yet, so considering CMS Secretariat proposal, we propose changes in wording in the Resolution and draft Decisions to reflect the finalization process.

We would like to propose some further amendments to the Resolution and draft Decisions.

Agenda item 26.1.2:

Action Plan for Migratory Landbirds in the African-Eurasian Region (AEMLAP)

The EU and its MS acknowledge the work done by the African-Eurasian Migratory Landbirds Working Group. We understand the importance of ensuring the coordination of the activities needed for the implementation of the AEMLAP and the Working Group's Programme of Work, and the need for the organization of at least one meeting of the Working Group, during the intersessional period between COP13 and COP14.

We stress the need to step up implementation of AEMLAP.

We support the adoption of the draft amendments to Resolution 11.17 (Rev.COP12) contained in Annex 1 of this document;

We support, with minor changes, the adoption of the draft Decisions contained in Annex 2 of this document that amend Decisions 12.22 to 12.25, and the adoption of the draft Decision 13.EE contained in Annex 2 of this document.

We also support the deletion of the Decision 12.22 c), and note the changes made to the *Action Plan for Migratory Landbirds in the African- Eurasian Region (AEMLAP)* contained in UNEP/CMS/COP13/Doc.26.1.2/Annex 3.

We also support amendments proposed by the Sessional Committee of the Scientific Council.

**Agenda item 26.1.3:
Preventing Poisoning of Migratory Birds**

The EU and its MS stress the importance of the work on prevention of bird poisoning. We welcome the developments at the international fora and regionally.

In general, we support the adoption of the draft amendments to Resolution 11.15 (Rev.COP12) contained in Annex 1 of this document, the draft Decisions contained in Annex 2 of this document that amend Decisions 12.18 and 12.19, but we cannot support the draft Decision 13.BB contained in Annex 2 of this document, directed to European Union and its Member States, as the process under the REACH regulation is not completed and outcomes cannot be prejudged. In general, we also support amendments proposed by the Sessional Committee of the Scientific Council.

We would like to propose some further amendments to Resolution 11.15 (Rev.COP12) as well as to Terms of Reference of the Preventing Poisoning Working Group.

**Agenda item 26.1.4:
Flyways**

EU and its MS welcome the work done to implement the Resolution 12.11 and Decision 12.31, Action Plan for the Americas Flyways and further activities.

We support the adoption of the draft amendments to Resolution 12.11 (Rev.COP12) contained in Annex 1 of this document, the draft Decisions contained in Annex 2 of this document that amend Decisions 12.31 to 12.35, and the draft Decision 13.FF contained in Annex 2 of this document **with suggestions of minor changes in Resolution 12.11 and Decision 13.EE.**

We also support amendments proposed by the Scientific Council.

**Agenda item 26.1.5:
Action Plans for Birds**

The EU and its member states support the adoption of the draft amendments to Resolution 12.12 and adoption of the draft Decisions amending Decisions 12.20 and 12.21.

We also support amendments to Draft Decisions 13.AA and 13.BB proposed by the Scientific Council but would ask for the clarification regarding the proposed Multi-species Action Plan for species under the genus *Emberiza*. It should be indicated whether that Plan is supposed to cover only Asian buntings, or also eligible European and African species.

26. Conservation Issues

26.2. Aquatic species

Agenda Item 26.2.1: Conservation Measures Relevant for CMS-listed Species evident from the Identification of Important Marine Mammal Areas

The European Union and its Member States would like to thank the Aquatic Mammals Working Group for their work and involvement in IMMAs process and we take note of the report of the IUCN Marine Mammal Protected Areas Task Force on the progress of the IMMAs process, contained in Annex 1.

The EU and its MS take note of the advice from the Scientific Council that *Dugong dugon* would benefit from being included on Appendix I and therefore we encourage Range States to take appropriate actions relevant for the conservation of the species.

We support the adoption of the Decisions contained in Annex 2, with the suggested additional amendments. We support the deletion of Decisions 12.40 and 12.41

Agenda Item 26.2.2: Marine Noise

The EU and its MS support adoption of the draft Decisions with a small amendment.

Agenda item 26.2.3: Bycatch

The EU and its Member States welcome this initiative concerning chondrichthyan species and marine mammals and are happy to support it, but suggest some technical clarifications to improve clarity and to reflect better the content of Document UNEP/CMS/COP13/Doc.26.2.3. In addition to taking account of the Hamilton and Baker (2019) document it is also appropriate and necessary to take account of specific scientific advice that may be available concerning the fisheries in question.

While supporting this initiative, the EU and its Member States point to the need to avoid unnecessary duplication of scientific and technical work and to pursue such work in close collaboration with regional technical and scientific intergovernmental organisations and the scientific bodies of Regional Fisheries Management Organisations, making use of existing regional scientific instances as far as possible.

Agenda item 26.2.4: Aquatic Wild Meat

The EU and its MS would like to thank the Secretariat, the Scientific Council and its newly formed Aquatic Wild Meat Working Group for preparing the documents needed for continuing work on the emerging issue of aquatic wild meat.

We recognise that aquatic wild meat harvests can have detrimental impacts on the wildlife and ecosystems. In this regard, we are welcoming further discussions and efforts on aquatic wild meat, as well as close collaboration with IWC, participation in future Small Cetacean Subcommittee meetings and support to Abidjan Aquatic Wildlife Partnership.

The EU and its MS take note of the reports in Annex 2 and 3 as well as Information Documents 6 and 30. We support the adoption of the draft decisions in Annex 1. and consequently the deletion of Decisions 12.44, 12.45 and 12.46.

**Agenda Item 26.2.5:
Marine Wildlife Watching**

We support the adoption of the draft decision in Annex 1. The EU and its MS take note of the review Recreational In-Water Interactions with Aquatic Species: Review of Existing Guidelines and Issues of Concern as contained in Annex 2.

We also welcome the joint IWC – CMS Whale Watching Handbook, which was launched in October 2018 and collaboration between the two agreements.

We have suggestion for minor changes in draft decisions and support the deletion of Decisions 12.50 – 12.52 on Recreational In-Water Interactions and Decisions 12.78 – 12.80 on Sustainable Boat-Based Marine Wildlife Watching.

**Agenda Item 26.2.6:
Marine Turtles**

The EU and its Member States express its concern on the unacceptable use of marine turtles in some areas. The EU and its MS support the adoption of the draft Decision with minor changes contained in the Annex to this document, which amends Decision 12.17.

**Agenda item 26.2.7:
Chondrichthyan Species (Sharks, Rays, Skates and Chimaeras)**

The EU and its MS broadly support the adoption of the consolidated Resolution and of the draft Decision.

We have proposals for some small revisions in the text of the consolidate Resolution that we will submit to the Secretariat in writing.

**Agenda Item 26.2.8:
Live Capture of Cetaceans from the Wild for Commercial Purposes**

The EU and its MS support the adoption of the draft Decisions contained in the Annex with a small addition. We also support the deletion of Decisions 12.47 to 12.49.

Agenda item 26.2.9: European Eel

The EU and its Member States are committed to the protection of the European eel. At EU level, many measures and actions were implemented in order to recover the European eel stock and ensure sustainable fishing. Since 2007 is required to EU Member States to establish and implement Eel Management Plans, and both export of the European eel outside the EU and import of the species into the EU is banned since 2010. This is an important measure to ensure EU populations. To step up our efforts for the stock recovery, the EU has introduced temporary fishing closures since 2018 under the Fishing Opportunities Regulations¹. Also in 2018, the first pan-Mediterranean European Eel management plan was established under the General Fisheries Commission for the Mediterranean (GFCM) and transposed into EU legislation.

The CMS as an international agreement has a potential to contribute towards enhanced coordination and comprehensive cooperation aimed at improving the European eel status, which is listed as critically endangered under the IUCN Red List.

In this context, the EU and its Member States welcome this initiative concerning the development of a non-binding Action Plan for the European eel (*Anguilla anguilla*) and are ready to support it as this would strengthen international cooperation and be an added value for the conservation of this species.

The discussion at this COP13 meeting should focus on the structure and scope of the proposed Action Plan for the European Eel. We therefore suggest some technical clarifications and some additions to reflect better the content.

Regarding financial support for the development of an Action Plan under the umbrella of the CMS mechanism, the EU and its Member States need to consider if this is feasible in view of financial constraints and very strict rules as regards financial contributions. EU could however consider hosting the next meeting of the Range States to the European Eel.

In any case, the EU and its Member States support holding consultations with all Range States, non-Range States concerned and other stakeholders, including the appropriate technical and scientific intergovernmental organisations, scientific bodies and NGOs, and convening a meeting to finalise the Action Plan. It is important to make use of existing scientific instances and the ongoing research programmes as far as possible, whether at EU Member States, third countries, or GFCM level, and under CITES where relevant. We would be happy to actively contribute to such process.

The EU and its Member States propose to discuss including some provisions on strengthening the international cooperation between Range States and other States as regards the Sargasso Sea area, the common spawning ground of the European and American eel, in the scope of the Action Plan. Such an inclusion would link the conservation activities in Europe, North Africa and around the Sargasso Sea, and enhance efforts in protection of the spawning area in the Sargasso Sea.

In this regard, the EU and its Member States suggest ensuring a close cooperation with the Sargasso Sea Commission and the Western Central Atlantic Fishery Commission (WECAFC) in developing such provisions under the Action Plan.

¹ https://ec.europa.eu/fisheries/cfp/fishing_rules/tacs_en

Furthermore, on the **scope of the Action Plan**, the EU and its Member States would also point that the development of the CMS Action Plan should be consistent with:

- i) any future actions at the EU level in response to the results of the European Commission's evaluation of the 2007 Eel Regulation to be published at the beginning of 2020 at the latest, and
- ii) the developments in the GFCM context, including as regards developments of the ongoing GFCM research programme on European eel.

The activities to be undertaken under the CMS umbrella and at the EU/GFCM level should be complementary and not create undue additional reporting obligations and red tape. Those should ensure cooperation between all relevant stakeholders, including on the other side of the Atlantic, and fill the gaps/be complementary to EU and RFMOs rules.

Concerning specific elements of Doc 26.2.9, we have some comments. With regard to the Recommended actions on threats, challenges and emerging issues facing the species Concerning the Draft outline of an Action Plan. Considering that the 51st meeting of Standing Committee is to be held back to back with the COP13, the proposal is to submit the draft Action Plan to the Standing Committee at its 52nd or 53rd meeting for adoption or, if not finalised in time, to COP14.

Agenda item 26.2.10: Global Programme of Work for Cetaceans

The EU and its MS take note of the update on issues affecting Red Sea Cetaceans contained in Annex 1. We support the adoption of the draft Decisions contained in Annex 2 of this document, with a small amendment. We also note that the entire Decision 12.51 is proposed for deletion in Document 26.2.5. We support the deletion of Decision 12.16.

26. Conservation Issues

26.3 Terrestrial Species

Agenda item 26.3.1: Joint CITES-CMS- African Carnivores Initiative

The EU and its MS believe that the Joint CITES-CMS African Carnivores Initiative represents an excellent example of how different institutions and conventions should work together synergistically in a complementary fashion to pursue common objectives.

The cooperation between CMS, CITES and IUCN for the support of range states under this initiative will maximize the effective and immediate conservation of African carnivores if properly implemented.

In this regard, the EU and its MS welcome the outcome of the first ACI meeting which was held in November 2018 in Germany as well as the decisions taken at the CITES COP18. It is great to see that CMS and CITES COPs as well as their Secretariats move hand in hand on this topic. With the Resolution before us, the initiative is properly established for the long term.

The EU and its MS therefore support the adoption of the draft Resolution contained in Annex 1 of this document together with amendments proposed by Scientific Council.

It is essential that, as a next step, the African Carnivore initiative develops a Programme of Work that foresees concrete conservation activities.

In this regard, we support the adoption of the draft Decisions contained in Annex 2 of this document as amended by Scientific Council with additional few minor changes and the process foreseen therein.

We take note of the Executive Summary of the Guidelines on the Conservation of Lions in Africa contained in Annex 3.

We also take note of the Roadmap for the Conservation of Leopard in Africa contained in Annex 4.

**Agenda item 26.3.2:
Conservation of the African Wild Ass (*Equus africanus*)**

The EU and its MS support the adoption of amendments to Resolution 12.18 and renewal of the Decision 12.71.

**Agenda item 26.3.3:
African Elephant Action Plan**

The EU and its MS support the adoption of the draft Decisions.

The EU and its MS recognize the African Elephant as an iconic species, which has a particular role and importance in the ecological stability of the African ecosystems.

We welcome the approach suggested by the Secretariat that the MoU should work through the structure of the African Elephant Action Plan. Again, it is a good example of enhancing synergies by avoiding duplication of efforts and pooling resources.

**Agenda item 26.3.4:
Sahelo Saharan Megafauna**

The EU and its MS support the adoption of the proposed amendments to Resolution 9.21, with a small addition.

We also support the adoption of the draft Decision with minor changes.

**Agenda item 26.3.5:
Central Asian Mammals Initiative (CAMI)**

The EU and its MS support adoption of the proposed amendments to Resolution 11.24, with certain further revisions and support the adoption of the Programme of Work from 2021 to 2026.

Regarding the work plan, we feel that it could benefit if it would also include estimation of costs, for each of the actions identified, in order that potential donors have a better vision of what they could support.

26.4 Crosscutting Conservation Issues

Agenda item 26.4.1:

Conservation Implications of Animal Culture and Social Complexity

The EU and its MS would like to thank the Expert Working Group on Animal Culture and Social Complexity, the Secretariat and the Scientific Council Secretariat for reports on progress in implementing Decisions 12.75 to 12.77 *Conservation Implications of Animal Culture and Social Complexity*. We also thank the Expert Working Group on Animal Culture and Social Complexity for their progress report to the Scientific Council and its proposal of a new Decisions to carry this work forward.

The EU and its MS supports the adoption of the draft decision with minor changes, and we support the deletion of Decisions 12.75, 12.76 and 12.77.

26.4.2 Energy and Migratory Species

Agenda item 26.4.2.1:

Renewable Energy and Migratory Species

The EU and its MS would like to thank the Secretariat for the prepared document. We would furthermore like to thank the Energy Task Force for the work done since COP12.

In general, we support the proposed amendments to Resolution 11.27 (Rev. COP12) as well as draft Decisions 13.AA and 13.BB.

However we would like to propose a few minor additions and modifications to the draft Resolution and Decisions.

The EU considers the work of this Task force to be of major importance, given that the percentage of renewable energy is constantly growing in a considerable part of the states of the world. We would like to stress, that the German funding for the coordinator of the Energy Task Force - provided over the last 6 years - cannot be prolonged for legal reasons. Therefore, we urgently need to find other funding to continue this important task.

We also support amendments proposed by the Scientific Council, but have minor changes to those. Related to the proposals on changes to hydro power paragraph in Annex I of the document, we are of a position that translocation of species should be the last resort and that prior to it measures such as modification of operation of hydropower plants should also be explored in order to mitigate the impacts.

**Agenda item 26.4.2.2:
Power Lines and Migratory Birds**

The EU and its MS would like to thank the Energy Task Force for the work done since COP12.

In general, we support the proposed amendments to Resolution 10.11. However, we would like to propose some additional amendments. We also support amendments proposed by the Sessional Committee of the Scientific Council.

**Agenda item 26.4.3:
Addressing Unsustainable Use of Terrestrial and Avian Wild Meat of Migratory
Species of Wild Animals**

The EU and its MS note that implementation of Decision 12.83 has been limited by lack of funding.

In the Draft Decision, under 13.AA (12. 83) we agree with Scientific Council's comments and would like to see paragraph b) ii, which is propose for deletion, retained in new Decision. We believe that continuation of collaboration with mentioned partner institutions will substantially contribute in addressing this issue.

We support the renewal of Decisions 12.84, 12.85 and 12.88 as amended, as well as deletion of Decisions 12.86 and 12.87.

Regarding draft Decision 13.CC and proposal of the Scientific Council for text revision we see that co-operation between CMS National Focal Points and CITES Authorities can be beneficial, but suggest some minor technical amendments to reflect the respective organisational structures of CITES and CMS.

**Agenda item 26.4.4:
Improving Ways of Addressing Connectivity in the Conservation of Migratory Species**

The EU and its MS would like to thank the Secretariat for promoting and sharing information on connectivity with multiple partners.

We note that implementation of Decisions 12.93 c) and d) has been hampered due to the lack of capacity in the Secretariat.

We agree that sharing and review of information on connectivity requires continuous efforts and support reflecting this in a Resolution 12.26 rather than in a Decision.

In general, we support the proposed amendments to Resolution 12.26 and draft Decisions 12.91 and 12.93 as well as renewal of Decision 12.92.

**Agenda item 26.4.5:
Transfrontier Conservation Areas for Migratory Species**

The EU and its MS would like to thank the Secretariat for preparing the documents necessary for continuation of the activities on the Transfrontier Conservation Areas for Migratory Species.

We generally support amending the Resolution 12.7 as well as Decisions 12.94 to 12.96 as proposed by the Secretariat. However, we would like to propose some further amendments. In the Resolution 12.7 we find the preamble as well as operative paragraphs too long and difficult to follow. We would therefore like to propose the grouping of the paragraphs of similar subject. We also support the small amendments proposed by the Scientific Council to preambular paragraphs of the Resolution.

Additional amendments to both documents are highlighting the importance of regional cooperation, ecological connectivity and effective management of sites as well as decision making based in best available science.

**Agenda item 26.4.6:
Community Participation and Livelihoods**

The EU and its MS support the proposed amendments to Decisions 12.98 – 12.100, with a minor addition.

We also support incorporating the text proposals of the Scientific Council into Decisions.

We support strengthening collaboration with other MEAs regarding their experience in community participation on which CMS can build upon.

**Agenda item 26.4.7:
Impacts of Plastic Pollution on Aquatic, Terrestrial and Avian Species**

The EU and its MS consider it important to direct more attention to the impacts of plastic pollution on species living in terrestrial and freshwater habitats.

We advocate strong cooperation with UNEP and other MEA's to enhance synergies and avoid duplication of work, in particular by supporting the *Ad hoc open ended expert group on marine litter and microplastics* (established pursuant to UNEA resolutions 3/7 and 4/6) in its work and helping it to take into account the specific needs of migratory species with regard to existing and potential response options.

We support adoption of draft decisions 13.AA, BB and CC with minor additions, which we will submit in writing.

**Agenda item 26.4.8:
Climate Change and Migratory Species**

The EU and its Member States take note of the analysis, undertaken by the Secretariat, of the activities to implement Decision 12.73 and Resolution 12.21. We agree on the deletion of Decision 12.73, as it has been implemented. However, we regret that climate change-related activities, included in the Programme of Work for 2018 – 2020, have not progressed due to lack of funding. Concurrently, we stress the need for action in the next biennium.

We support adoption of the draft decisions 13.AA and 13.CC, with the amendments proposed by the Scientific Council. We share the view of the Scientific Council that it is unlikely that the development of a separate questionnaire, as a mean to elicit more and better reporting on the implementation of Res. 12.21, will produce significantly better results than the National Report template. Therefore, we propose to further develop the guidance associated to the report for the relevant section of the template.

We also, in line with the comments of the Scientific Council, highlight the need to lower reporting burdens through using existing synergies under other instruments, in particular UNFCCC, CCD and CBD.

26.4.9 Light pollution

**Agenda item 26.4.9.1:
Light Pollution Guidelines for Wildlife including Marine Turtles, Seabirds and
Migratory Shorebirds
Agenda item 26.4.9.2:
Light Pollution and Migratory Species (EU)**

The EU and its Member States acknowledge Australia's helpful and sound proposal concerning "light pollution".

We welcome successful work of CMS Scientific Council to create a merger version with the respective EU proposal in a new draft Resolution. However, we would like to stress that existing guidelines do not cover all taxa potentially impacted by light pollution and we propose related amendments in the draft decision

We are glad to be able to share with Parties other existing detailed technical documents specific to sea turtles which could also be taken into account when considering challenge of light pollution on migratory species.

From our side there are only a few further amendments, which we would like to propose to the draft Resolution and Decisions, all in the good joint spirit with Australia and the Scientific Council in diminishing negative effects of nocturnal anthropogenic light pollution.

**Agenda item 26.4.10:
Insect Decline and its Threat to Migratory Insectivorous Animal Populations**

There is a consensus in the scientific community about the dramatic declines of insect diversity, biomass and abundance in many parts of the world. Not only rare specialist insect species are declining, but also generalist species, which were once common and widespread.

Long term studies show high extinction rate for some insect taxa, and general loss in insect biomass and abundance on local levels, between 75-98 per cent of decline, including in the protected areas (despite the absence of land-use change).

Insects play vital role for correct functioning of the world's ecosystems and provide many ecosystem services. They are an essential food resource for many vertebrate species, including insectivorous migratory species. In this sense, insect decline can impact the populations of migratory insectivorous species.

Therefore, the EU and its Member States would like to put forward this Resolution and Decision on insect decline. The resolution calls for analysis and action concerning the insect decline and its cascading effects on migratory insectivorous species. The draft Decision requests Scientific Council to assess the current understanding of this issue and to consider development of guidelines to improve the situation. Assessing the impacts of the main factors behind insect biomass decline is key to finding solutions to this important issue.

The EU and its Member States are open to discuss amendments proposed by Scientific Council, and to include many of the amendments into the text with minor changes, that we will submit in writing.

**Agenda item 26.4.11:
Infrastructure Development and Migratory Species**

On behalf of the EU and its Member States we would like to welcome the initiative to address the impact of linear infrastructure on migratory species in more detailed and comprehensive way as it has serious direct and indirect impacts on migratory species.

The EU and its Member States support the adoption of the draft Decisions 13.AA to 13.EE contained in Annex to Document UNEP/CMS/COP13/Doc.26.4.11.

However, we would like to propose some changes to draft Decision 13.AA directed to Parties and draft Decision 13.DD directed to Secretariat reflecting namely the new obligations of Parties to report on measures taken to implement paragraph 2 of Resolution 7.2 (Rev.COP12) where we propose that such information should be provided via the National Report format.

Also, we would like to propose some changes regarding Decisions 13.BB and 13.CC directed to Scientific Council reflecting the fact that Scientific Council could work only according to availability of resources.

Furthermore, in relation to possible inclusion of Decisions on the development of guidance on infrastructure-related impacts on beaches and nearshore habitats of CMS-listed species to the draft Decisions contained in Documents 26.2.6 Marine Turtles or 26.2.10 Global Programme of Work for Cetaceans, also having in mind that the document has not been discussed by the ScC, we would like to have more information about the reasoning behind Secretariats' proposal to include such guidance there.

27. Amendment of CMS Appendices

Agenda item 27.1 (27.1.1 -27.1.10):

Proposals for Amendment of Appendices I and II of the Convention

Elephas maximus indicus (Mainland Asian Elephant)

- The EU and its MS would like to thank the Government of the Republic of India for submitting this document.
- The EU and its MS strongly support inclusion of Mainland Asian Elephant in CMS Appendix I. Being classified as an "Endangered" by the IUCN, Asian Elephant faces many threats today across its range, such as habitat loss and fragmentation, illegal killing, poaching, conflicts with humans, etc. As a megaherbivores, elephants have a significant impact on their habitats which consequently impacts many other species. Without this iconic species the ecosystems will be dramatically different or cease to exist altogether. Therefore, strengthening of international protection and enhancement of international cooperation for conservation of elephants and their habitats will have great conservation benefits.
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Panthera onca (Jaguar)

- The EU and its MS would like to thank the Governments of Costa Rica, Argentina, Bolivia, Peru, Paraguay and Uruguay for submitting this proposal.
- The EU and its MS support inclusion of jaguar in CMS appendices.
- Current species range, compared to its historical range, is severely fragmented and continues to decline. Consequently, this leaves jaguar subpopulations fragmented and isolated, with all but one of them being classified as endangered or critically endangered on national or regional level. Therefore, we believe it is essential to preserve connectivity between these subpopulations across Central and South American countries and CMS is very good international instrument to do so.. It is very important to design and preserve these potential corridors focused on maintaining connectivity between patches of habitat suitable for the species. Even though species already have strong national and international protection, the challenges of maintaining strong conservation efforts are high and require adequate set of tools to address threats to species survival. We believe that inclusion of jaguar in CMS appendices will help international cooperation and coordination, better protection of subpopulations with transboundary corridors, prioritize corridor management to avoid extinction of more isolated populations.

Ovis vignei (Urial)

- The EU and its MS would like to thank The Governments of Tajikistan, Iran and Uzbekistan for submitting this proposal.
- Urial is highly mobile species, but at the same time populations are declining due to poaching, competition with livestock, habitat degradation and conversion and human-

wildlife conflict. For effective conservation of the species international cooperation which will ensure connectivity of suitable habitats as well as migration routes, is necessary.

- Listing in Appendix II, and consequently potential inclusion in Central Asian Mammals Initiative will provide valuable international instrument for effective conservation of this species.
- Therefore, the EU and its MS support the listing of this species on Appendix II of the Convention.
- We would like to take this opportunity to note the importance of ensuring coherence between CMS and CITES taxonomy.
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Houbaropsis bengalensis bengalensis (Bengal Florican)

- The EU and its MS support the proposal for the inclusion of the Bengal Florican (*Houbaropsis bengalensis bengalensis*) in Appendix I of CMS. The Bengal Florican is a Critically Endangered species. Bengal Florican migrates between India and Nepal. In spite of protection of the most important areas, it faces different threats, such as habitat loss, hunting and collision with power-lines.

***Tetrax tetrax* (Little Bustard)**

- The European Union and its Member States have submitted a proposal to list the Little Bustard (*Tetrax tetrax*) under Appendix I and II of CMS.
- The Little Bustard is a species with Palearctic distribution and two geographically separated breeding populations, the western population (found in the European Union and in Morocco) and the eastern population (from Turkey, Ukraine, Georgia and the Russian Federation through Kazakhstan to Kyrgyzstan and NW China and Iran).
- Both western and eastern populations have declined dramatically since the 19th century and remain threatened by land reclamation and agricultural intensification over most of their range. Hunting pressure is also a problem in the eastern population.
- The European population has a declining trend of up to 40 per cent in three generations and recent national censuses in Iberia indicate overall declines of over 50 per cent in 10 years.
- Resolution 11.33 on Guidelines for Assessing Listing Proposals to the CMS resolves that, by virtue of the precautionary approach and in case of uncertainty regarding the status of a species, the Parties shall act in the best interest of the conservation of the species concerned and, when considering proposals to amend Appendix I or II, adopt measures that are proportionate to the anticipated risks to the species.
- Based on this grounds, we believe that Little Bustard merits inclusion in both Appendix I and II of the Convention. This will help the protection of grasslands, steppes and low intensity agriculture areas that constitute the main habitat of this species.
- The Scientific Council recommended this proposal for adoption.

***Diomedea antipodensis* (Antipodean Albatross)**

- The EU and its MS support the inclusion of the Antipodean Albatross on Appendix I of CMS. The Antipodean Albatross is globally Endangered and both subspecies are migratory in the sense of CMS. Apart from threats at breeding sites, Albatrosses are threatened by bycatch and plastic pollution in high seas areas and listing on Appendix will help to strengthen the international cooperation in conservation activities.

***Ardeotis nigriceps* (Great Indian Bustard)**

- The EU and its MS support the inclusion of the Great Indian Bustard in Appendix I of CMS. The Great Indian Bustard is a Critically Endangered species with extremely small population and restricted range. Although its migration is poorly understood, it exhibits local seasonal movements between India and Pakistan. The species is facing many threats, including hunting and collision with power-lines and wind-turbines that are related to its migratory movements. Therefore, the Great Indian Bustard would benefit from inclusion in Appendix I.
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***Carcharhinus longimanus* (Oceanic White-tip Shark)**

- The EU and its MS support inclusion of the Oceanic White-tip Shark in Appendix I of CMS and would like to thank the Federative Republic of Brazil in bringing this proposal to Parties. The proposal provides evidence of cyclical and predictable movements of oceanic white-tip sharks across national jurisdictional boundaries within each of the various parts of their biogeographic range. Moreover, on December 10th, 2019 a new Red List assessment for this species was released, which classifies Oceanic White-tip Shark as Critically Endangered thus providing greater justification for its inclusion on Appendix I.
- Since the species is threatened mainly by overfishing and bycatch, and given that this species is already been listed as a no retention species by all tuna regional fisheries management organizations (tRFMOs), the species would greatly benefit from being included on Appendix I.
- We believe that the proposal will enhance international cooperation and appropriate conservation measures as to reverse declining population trend and thus ensuring species survival.

***Sphyrna zygaena* (Smooth Hammerhead Shark)**

- The European Union and its Member States would welcome broad support of their proposal to include Smooth Hammerhead Shark (*Sphyrna zygaena*) in Appendix II of CMS.
- Smooth hammerhead shark is a highly migratory species, widespread semipelagic shark with a widespread distribution ranging from temperate to tropical seas. Global Red List assessment classifies the species as Vulnerable, while Brazilian population is Critically Endangered.
- The Scientific Council of CMS in principle supported the inclusion of the Smooth Hammerhead Shark in Appendix II, but some questions remained concerning the conservation status and migration patterns of the population of Australia. The European Union and its Member States prepared additional synthesis and update of the migratory nature, conservation and population status of of this species providing further information regarding the Australian population and its migratory nature (Addendum 2 to proposal).
- Document 27.1/Add.2 contains the advice of the IUCN Shark Specialist Group and the Advisory Committee of the Sharks MOU. These are the two main expert bodies concerning sharks and both support the listing proposal. Regarding the conservation status, the Advisory Committee of the Sharks MOU states: “the observed and inferred declines in Smooth Hammerhead populations, which are still ongoing due to continued fishing pressure, have warranted it eligible for IUCN Vulnerable status globally.

- Furthermore, the groups both conclude, that this species meets the criteria for migratory and this is reflected in the addendum. Based on available data, this species is considered ‘highly mobile’ with recorded movement of over 6600 kms. Furthermore, mature females show a clear migration along coastal waters to give birth in the waters of Australia and New Zealand which indicates that mature female Smooth Hammerhead Sharks are undertaking seasonal migrations across jurisdictional boundaries as part of their reproductive behaviour, which makes these migrations significant to the whole population.
- This is further substantiated by the fact that the genetic composition of this shark is the same in Australian and New Zealand waters.
- Populations of Smooth Hammerhead Shark are threatened mainly by intense fishing activities, as hammerhead have a high bycatch mortality, as well as illegal fishing, because of the high value of their fins. Therefore, the global population of Smooth Hammerhead Shark would greatly benefit from inclusion in Appendix II of CMS. We believe that this proposals will lead to improvement in international cooperation and species-specific data collection to improve national and regional management and facilitate collaboration between states for this species.
- In addition, it should be noted that since Dec. 2018, the global population of *Sphyrna zygaena* is already listed in annex I of the CMS MoU Sharks; this listing on the Sharks MoU was agreed based on the same evidence and justification submitted with this present proposal for inclusion also in appendix II of the Convention which would promote an improved management and conservation by Signatories to the Convention and will raise more awareness for this species.
- [Beside the European Union and its Member States proposal to list the Smooth Hammerhead Shark under Appendix II of CMS, the Federative Republic of Brazil has also submitted the proposal for the inclusion of the regional population of the Smooth Hammerhead Shark, which occurs along Brazil, Uruguay, Argentina EEZs and international adjacent waters, in Appendix II of CMS. The EU and its Member States consider that listing the global population of Smooth Hammerhead Shark would address better the need to improve international cooperation and management for this species and therefore hopes that the proponent will be in a position to join the EU proposal.]

***Galeorhinus galeus* (Tope Shark)**

- The European Union and its Member States would welcome broad support of their proposal to include the “Tope” (*Galeorhinus galeus*) in Appendix II of CMS.
- All of the five regional populations of this species undertake seasonal migrations throughout their distribution areas, regularly crossing jurisdictional boundaries. The seasonal nature of migrations indicates that they are cyclical and predictable; these migrations are - especially in the case of mature females - regularly related to reproductive requirements.
- Throughout their distribution range, tope have been targeted in commercial fisheries in demand for liver-oil, meat and fins and they are a common bycatch in trawl and other fisheries. We know that many range states are already working to address these threats and recognize good efforts and examples from some parties. Despite these efforts the threats persist.

- The global conservation status of tope is unfavourable and it is listed by the IUCN as “Vulnerable”. Whilst the status of many of the populations is uncertain, the North-East Pacific stock was depleted in the 1940s, and recent stock assessments for tope off southern Australia indicate the stock is both depleted and overfished. Assessments **for the regional conservation status range from** overfished (with partially improving status) to critically endangered. Hence, tope (both globally and regionally) are in an unfavourable conservation status.
- It is expected that this vulnerable species would benefit from international cooperation in relation to understanding stock dynamics as well as in managing fisheries and implementing common conservation measures.
- The Scientific Council of CMS in principle supported the inclusion of the Tope in Appendix II, but some questions remained concerning the conservation status and migration patterns of the population of Australia and New Zealand. The European Union and its Member States answered these questions with an additional document containing additional information (cf. Addendum 2).
- The MOU Sharks AC report states that genetic studies indicate that the species moves across national boundaries such as between Australian and New Zealand waters. The high level of connectivity within both New Zealand and Australian waters is supported by intensive tagging efforts, with studies indicating as much as 19% of recaptured females found in adjacent jurisdiction. To quote from New Zealand’s 2019 fisheries summary for School (i.e. tope) shark: “a significant proportion” of School sharks tagged in New Zealand “eventually moved to Australia”. The individuals undertaking these movements mainly consist of pregnant females, showing that this migratory behaviour is an important part of their reproductive cycle. Considering the obvious importance of pregnant females for any population, this constitutes migration of a significant part of the population, when viewed in the context of population productivity and in allowing genetic mixing.
- Finally, it should be stressed that IUCN Sharks Specialist group, which brings together the top shark scientists at the global level, supports the inclusion of the global population of Tope in Appendix II of CMS.

Agenda item 27.2:

Guidelines for Preparing and Assessing Proposals for the Amendment of CMS Appendices

The EU and its MS thank the Scientific Council for their work on the consolidation of Resolutions 3.1 and 11.33. We support the adoption of the draft Resolution and repeal of Resolutions 3.1 (Rev.COP12) and 11.33 (Rev.COP12).

We support the development of definitions for the terms ‘range state’ and ‘vagrant’ and the adoption of the draft decision. However, in order to keep the reference to areas outside national jurisdictional limits in the interim period, we suggest minor addition reflecting the Convention text, to the operative paragraph 6.

6. *Adopts* the guideline that a State should be considered a "Range State" for a migratory species when a significant proportion of a geographically separate population of that species occasionally occurs in its territory noting that Range State status also includes flag vessels which are engaged in taking of a CMS listed species outside national jurisdictional limits;

**Agenda item 27.3:
Disaggregation of Bird Families and Genera listed under Appendix II**

The EU and its MS thank to COP-appointed Councillor for Birds and Scientific Council for the preparation of the report. We take note of the report and have some further remarks.

We recognise the disaggregation of bird families and genera has different implications at species level. The migratory status (following CMS definition) is insufficiently known for some species and the threat status of some subspecies or populations might be higher than indicated by the IUCN threat status. It is important to note that, according to the Convention text, Appendix II shall list migratory species that have a conservation status which would significantly benefit from the international cooperation. The benefit of the international cooperation is recognised in CMS instruments, such as AEWA, Raptors MoU, Action Plan for Migratory Landbirds in the African-Eurasian Region (AEMLAP), Action Plans on American Flyways, the Central Asian Flyway, the East Asian-Australasian Flyway Partnership (EAAFP) and others, which list all relevant migratory species or populations, regardless of their conservation status.

Therefore, we support the further analysis of advantages and disadvantages of different approaches suggested in the report and propose to focus it primarily on their migratory status.

**Agenda item 27.4:
Reservations with respect to Amendments to Appendices I and II of the Convention**

The EU and its Member States proposed the draft Resolution contained in the Annex in Annex 4 to Doc. 27.4 on reservations with respects to Amendments of Appendices I and II of the Convention made after the 90-day deadline.

In the past, the CMS Depository Government accepted late reservations in the case of unanimous consent of all Parties to the Convention.

We are convinced that acceptance of late reservations after the 90-day deadline could generate legal uncertainty. Additionally, we noted that the Convention does not contain guidance stating which date is to be considered the date on which the reservation is withdrawn.

For that reason, we believe that the draft Resolution will give clear guidance to the Depository Government and to the Parties with regard to the admissibility of reservations and their withdrawal.

The same approach was adopted at the 18th meeting of the Conference of Parties of the CITES Convention.

28. Implementation of the Concerted Actions process

**Agenda item 28.1:
Progress in Implementation of Concerted Actions**

The EU and its Member States welcome the progress made on implementation of Resolution 12.28 and Decisions 12.103 and 12.104 and wish to thank the Secretariat and Sessional Committee for all the work done. We agree with deletion of both decisions, since we find both decisions completed.

The EU and its MS take note and agree with proposed template for reporting on progress in the implementation of Concerted Actions included in Annex 1 as well as proposed amendment of the format of Annex 3 of Resolution 12.28 included in Annex 2.

Agenda item 28.1.1:

Report on the Implementation of the Concerted Action for the European Eel (*Anguilla anguilla*)

The EU and its Member States take note of the report on the implementation of the CMS Concerted Action for the European Eel (*Anguilla anguilla*). The CMS as an international agreement has a potential to contribute towards enhanced coordination and comprehensive cooperation aimed at improving the European eel status, which is listed as critically endangered under the IUCN Red List and according to international science remains in critical condition. In this context, the EU and its Member States welcome the activities that have been taken so far to address the Concerted Action for the European Eel. Regarding point 7 “Action” of this implementation report, the EU and its Member States note that the Concerted Action on the European Eel has been indicated as “completed”, e.g. by putting forward the draft COP Document (UNEP/CMS/COP13/Doc.26.2.9) to be considered for adoption at this CMS COP. Specific comments on this were presented by the EU and its Member States under the Agenda Item 26.2.9.

Agenda item 28.1.2:

Report on the Implementation of the Concerted Action for the Sperm Whales (*Physeter macrocephalus*) of the Eastern Tropical Pacific

The EU and its MS acknowledge the progress made in understanding of the distribution of the clans of Sperm Whales across the Range States that is likely influenced by their cultural nature. We welcome the proposed regional workshop intended to facilitate better collaboration between research groups across the Range States.

Agenda item 28.1.3:

Report on the Implementation of the Concerted Action for the Atlantic Humpback Dolphin (*Sousa teuszii*)

The EU and its MS take note of the progress report. We agree with the Recommendation of the Scientific Council regarding the importance of continuation of the concerted actions, having in mind the Critically Endangered status of the species.

Agenda item 28.1.4:

Report on the Implementation of the Concerted Action for Humpback Whales (*Megaptera novaeangliae*) of the Arabian Sea

The EU and its MS take note on the progress made in implementation of the Concerted Action for the Humpback Whales (*Megaptera novaeangliae*) of the Arabian Seas. We agree with the Recommendation of the Scientific Council regarding the importance of continuation of the concerted actions.

**Agenda item 28.1.5:
Report on the Implementation of the Concerted Action for the Angelshark
(*Squatina squatina*)**

The EU and its MS take note of the report, welcome the successful listing of Angelshark (*Squatina squatina*) on Appendix I and II of the Convention, including also Annex I of CMS Sharks Memorandum of understanding at their last meetings and support the extension of the Concerted Action for another triennium. Data collection on other angel shark species is welcomed, especially for the species with unfavourable conservation status, as it may help to identify the further conservation needs. However, having in mind the workload of the proposal, the primary focus of Concerted Action for the next triennium should be on species that are listed on CMS and on those regions where the CMS-listed species occur. If proposals for listing of other angelshark species were to be submitted in the future, they should be evaluated on the basis of the relevant criteria (e.g. ‘migratory’ and ‘poor conservation status’) and using the best available scientific evidence.

**Agenda item 28.1.6:
Report on the Implementation of the Concerted Action for the Mobulid Rays
(Mobulidae)**

The EU and its MS take note of the report and agree with the comments made by the Scientific Council and those should be taken into consideration. We acknowledge the contribution of CA regarding the conservation of CMS listed species. However, we propose that report is modified to clearly specify what were the actual and specific contributions of the Concerted Action compared to what is being done by national scientists or other organizations (RFMOs, other NGOs, etc.), independently of the Concerted Action.

**Agenda item 28.1.7a and 28.1.7b:
Report on the Implementation of the Concerted Action for the Whale Shark
(*Rhincodon typus*)* (one prepared by Sea Sheperd and one prepared by Large
Marine Vertebrates Research Institute Philippines, LAMAVE)**

The EU and its MS take note of the reports and welcome efforts made so far. The EU and its MS also agree with the comments made by the Scientific Council and those should be taken into consideration. The Concerted Action 1 focuses on a small number of hotspots, which is a pragmatic approach in such initial projects, but the study could usefully have noted that there are other known hotspots for whale shark (e.g. Belize, Australia) not included in the report. We acknowledge the contribution of Concerted Actions regarding the conservation of CMS listed species. However, we propose that report is modified to clearly specify what were the actual and specific contributions of the Concerted Action compared to what is being done by other organizations (RFMOs, other parallel initiatives and the ongoing evolution of management measures, etc.), independently of the Concerted Action.

Agenda item 28.1.8:

Report on the Implementation of the Concerted Action for the Asian Population of the Great Bustard (*Otis tarda*)

The EU and its MS welcome the report and activities undertaken in both CMS Parties and Range States that are not Parties to CMS. As activities have not yet been completed, we support the extension of the Concerted Action for the following triennium.

28.2 New Proposals for Concerted Actions for the triennium 2021-2023

Agenda item 28.2.1:

Proposal for a Concerted Action for the Nut Cracking Chimpanzees of West Africa (*Pan troglodytes*), already listed on Appendix II of the Convention

The EU and its MS support adoption of this proposal.

Classified as Endangered by the IUCN, chimpanzees are threatened across their range by habitat loss, hunting for bushmeat, traditional medicines, capture of live infants for the illegal wildlife trade and outbreaks of disease and their populations are constantly declining. Western subspecies (*Pan troglodytes verus*) is classified as Critically Endangered and since the nut-cracking behaviour is observed only in a subset of the western chimpanzees population, we must expect that aforementioned threats effect not only individuals but have high impact on cultural behaviour as well. Concerted Action has the potential to bring additional resources, public support and political will to implement the recommendations of the IUCN Regional Action Plan for the Conservation of Western Chimpanzees.

Agenda item 28.2.2:

Proposal for a Concerted Action for the Asian Elephant (*Elephas maximus*), proposed for inclusion on Appendix I of the Convention

The EU and its MS wish to thank Government of India for preparing and submitting this document. Asian elephant faces many threats, mainly loss of habitats, fragmented populations, high levels of human-elephant conflicts, poaching etc. that have resulted in serious population declines across range states. Therefore, we support adoption of this proposal, including the amendments by the Scientific Council.

Agenda item 28.2.3:

Proposal for a Concerted Action for the Giraffe (*Giraffa camelopardalis*) already listed on Appendix II of the Convention

The EU and its MS would like to congratulate to all giraffe range states on the level of collaboration and readiness to commit to conservation of this species. Therefore, the EU and its MS support proposal for concerted actions for conservation of giraffes. We would like to encourage range states, in line with the comments of Scientific Council, to seek synergies with other regional activities and where possible to hold regional meetings jointly. Finally, we would like to stress that, to be effective, this plan will need a coordinator and an appropriate funding.

Agenda item 28.2.4:

Proposal for the Continuation of the Concerted Action for Sahelo-Saharan Megafauna: Scimitar-Horned Oryx (*Oryx Dammah*), Addax (*Addax Nasomaculatus*), Dama Gazelle (*Nanger Dama*), Slender-Horned Gazelle (*Gazella Leptoceros*), Cuvier's Gazelle (*Gazella Cuvieri*), Dorcas Gazelle (*Gazella Dorcas*), Red-Fronted Gazelle (*Eurdorcas Rufifrons*), And Barbary Sheep (*Ammotragus Lervia*) listed on the Appendices of the Convention

The Sahelo-Saharan megafauna initiative, and concerted actions associated with it, proved to be strong and effective conservation tool for the past 25 years. Therefore, EU and its MS welcome and support continuation of concerted actions and all activities related to conservation of Sahelo-Saharan megafauna.

Furthermore, EU and its MS welcome conservation activities aligned with an ecosystem approach, aiming to maintain or restore habitats for the Sahelo-Saharan Megafauna and their implementation in revised Action Plan through cross sectoral coordination. This approach will contribute not solely to the species and habitat conservation, but to the UN Decade of Ecosystem Restoration as well.

The EU and its MS would furthermore like to thank and acknowledge role of Sahara Conservation Fund and its partners for effort they put into conservation of Sahelo-Saharan Megafauna.

In addition, the EU and its MS would like to suggest that NGO already acting on this issue be involved in activity 4: “Strengthen partnerships with relevant international and regional organizations, and multilateral environmental agreements”.

Finally, the EU and its MS would like to highlight that the insecurity which is increasing in the whole Sahelo-Saharan area should be mentioned as a major risk in § (xiii) “Likelihood of success”.

Agenda item 28.2.5:

Proposal for a Concerted Action for the Irrawaddy Dolphin (*Orcaella brevirostris*) already listed on Appendix I and II of the Convention

The EU and its MS support the adoption of the proposed Concerted Action. The proposed activities will increase knowledge of Irrawaddy dolphins across their range, improve research capacity and international collaboration, increase awareness in coastal fishing communities and reduce mortality caused by fishing gear entanglement.

Agenda item 28.2.6

Proposal for a Concerted Action for the South Asian River Dolphin (*Platanista gangetica*) already listed on Appendix I and II of the Convention

The EU and its MS support the adoption of the proposed Concerted Action. The proposed actions will help increasing the knowledge of the species, contribute to capacity building to secure river dolphin habitats and population connectivity, and develop strategies for mitigation of specific sources of mortality that are likely to impact local populations severely.

Agenda item 28.2.7

Proposal for a Concerted Action for the Harbour Porpoise (*Phocoena phocoena*) in the Baltic and Iberian Peninsula, already listed in Appendix II of the Convention

The EU and its MS support the adoption of the proposed Concerted Action with minor changes in the proposed document. Both populations of harbour porpoise are threatened by bycatch, chemical pollution, boat traffic, noise and overfishing depleting their prey. The Baltic Sea subpopulation is Critically Endangered. Proposed activities will help to strengthen the international cooperation in conservation activities.

Agenda item 28.2.8

Proposal for a Concerted Action for the Common Guitarfish (*Rhinobatos rhinobatos*), already listed on Appendix II of the Convention, the Largetooth Sawfish (*Pristis pristis*), already listed on Appendix I and II of the Convention and the Smalltooth Sawfish (*Pristis pectinata*), listed on Appendix I and II of the Convention

The EU and its MS in general support the proposal with one minor change to the text to the proposal of the Concerted Action. However, we would like to emphasise that the proposal covers only one country (Gabon) and would like to ask the advice from the Secretariat if such proposal can be considered as Concerted Action before we can fully support its adoption.

Agenda item 28.2.9

Proposal for a Concerted Action for the Common Guitarfish (*Rhinobatos rhinobatos*) and the Bottlenose Wedgefish (*Rhynchobatus australiae*) already listed on Appendix II of the Convention, and the Families Rhinobatidae and Glaucostegidae

The EU and its MS in general support the proposal for the Concerted Action. The EU and its MS welcome the successful listing of *R. rhinobatos* on Appendix I (Mediterranean Sea population) and Appendix II (global population), and *R. australiae* on Appendix II of the Convention, including also Annex I of CMS Sharks Memorandum of understanding. Data collection on other rhino rays is welcomed, considering their unfavourable conservation status, as it may help refine species-specific data to better understand listed species and identify their further conservation needs. However, having in mind the workload of the proposal, the primary focus of Concerted Action for the next triennium should be on species that are listed on CMS and on those regions where the CMS-listed species occur. If proposals for listing of other look alike species were to be submitted in the future, they should be evaluated on the basis of the relevant criteria (e.g. 'migratory' and 'poor conservation status') and using the best available scientific evidence. The EU and MS invite the proponents of Concerted Actions 28.2.8 and 28.2.9 to consider to maximise the impact of the proposed actions by merging the two Concerted Actions.

Agenda item 28.2.10.

Proposal for a Concerted Action for the Great Indian Bustard (*Ardeotis nigriceps*), proposed for inclusion in CMS Appendix I

The EU and its MS support proposed Concerted Action for the Great Indian Bustard. We consider it could be improved, as noted by the Scientific Council, by providing more information about time-frame and funding and the necessity to develop a bilateral cooperation.

Agenda item 28.2.11

Proposal for a Concerted Action for the Bengal Florican (*Houbaropsis bengalensis bengalensis*), proposed for inclusion in CMS Appendix I

The EU and its MS support proposed Concerted Action for the Bengal Florican. The proposed actions will help increasing the knowledge of the species and will address main threats. Habitat restoration and promotion of adequate agricultural practices will also help other threatened grasslands species in that area.

Agenda item 28.2.12

Proposal for a Concerted Action for the Antipodean Albatross (*Diomedea antipodensis*)

The EU and its MS support proposed Concerted Action for the Antipodean Albatross. Activities related to managing fisheries bycatch are focussed on using existing conservation and fisheries management structures, but will help to increase awareness and facilitate action by a broader number of Parties. They will also have a positive impact to other seabirds of the South Pacific Ocean.

Closing Statement of the EU and its Member States

22 February, 2020

Thank you Mr Chair,

It is now almost a week since we arrived in Gandhinagar full of energy to steer our joint work in the context of the CMS. As the COP draws to a close, although we may be tired from long days, we can look back with satisfaction to a very productive and constructive seven days.

The EU and its Member States are very pleased with the progress that we have made together during this COP. We all know that biodiversity is facing a huge challenge at global, national and local levels, that the trends are not good..... but we are part of the solution. Through the resolutions adopted this week, we have shown leadership and made commitments to address many of the pressures and the drivers that impact on our migratory species, such as light pollution, poisoning, bycatch and plastic waste.

Similarly, while we do not celebrate the need to list species on the appendices of the CMS (because listing a species is an acknowledgment of the dire state of the species), listing is also a key step to improve its protection. We must therefore be satisfied that we have taken the step of affording protection to quite a number of threatened migratory species through their new listing in the appendices of the CMS during this COP. We hope that we will one day be in a position to find that our efforts have led to their recovery.

We would also note a reoccurring theme at this COP, namely the importance of communication with, and involvement of, all stakeholders and local communities in the implementation process.

This is not a new issue, but the urgency of the biodiversity crisis and our unprecedented will to work together call for highlighted attention. The greatest successes in the field are achieved together, by listening, establishing co-creation and striving for win-wins. Only with this will implementation in the field be possible.

Of course, there were compromises to be struck this week, but CMS is now a mature convention where parties can overcome their differences and find solutions that enable us all to contribute to the protection of our migratory species. We now must take these resolutions back home and work to ensure that they are implemented at the national level.

We are pleased to see that the National Legislation Programme is taking shape and look forward to its further development over this coming intersessional period, in line with the decisions of this COP. Good national legislation is a keystone to ensuring that the listing of species will lead to real chances for their future.

We also look forward to the continued work on the review of the conservation status of migratory species, and the finalisation of the atlas on migration, both important tools to monitor our progress and help us determine where we need to do more - or better - to ensure the future of migratory species. Certainly there is plenty of work for all parties, individually and collectively. As Amy Frankel takes over the reins of the CMS secretariat, we acknowledge the huge task also ahead of her and her team, particularly in this key year for biodiversity. We believe that the adopted budget provides the resources for them to take this work forward, however they can only do their job correctly if all parties make their budgetary contributions promptly. We therefore call upon those countries with arrears to regularise their situation. We also call on those parties in a position to do so, to make voluntary contributions towards the programme budget.

The EU and its Member States would like to wholeheartedly thank the government of India and the state of Gujarat for their warm welcome during this COP. We have been enchanted by the cultural events during the receptions, and inspired by the visit to the Statue of Unity. We also would like to thank the Secretariat and the Chairs of the Committees and working groups for all the work done before and during the COP to ensure that all of the proceedings have gone smoothly despite the large number of issues on the agenda.

Finally, we would like to thank all our colleagues, the delegates and the representatives of the NGOs and other institutions that participated in this Conference of the Parties, and all those persons who have helped in the preparation and during the COP from our home places. We much appreciate the open minds, the constructive discussions and the sense of common responsibility that have prevailed throughout this COP.

As many of you will be continuing on to the meeting of the Open Ended Working Group on the post-2020 process to be held this coming week in Rome, we call on you to carry forward the spirit of this COP to ensure an ambitious post-2020 GBF that will secure the future of migratory species.

Thank you.