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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Outcome of the fourteenth Conference of the Parties to the Convention on Migratory Species of Wild Animals (CMS COP 14) (Samarkand, Uzbekistan, 12 - 17 February 2024)
- Information from the Presidency and the Commission

Delegations will find in the Annex an information note from the Presidency and the Commission, on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 25 March 2024.

Outcome of the fourteenth Conference of the Parties to the Convention on Migratory Species of Wild Animals (CMS COP 14) (Samarkand, Uzbekistan, 12 - 17 February 2024)

- Information from the Presidency and the Commission -

CMS COP14 was held in Samarkand, Uzbekistan, from 12 to 17 February 2024 under the theme “Nature knows no borders”. This was the first major biodiversity conference since the adoption of the Kunming-Montreal Global Biodiversity Framework (GBF) in 2022.

Over 2000 people attended COP14, including delegates representing 92 countries (of which 72 with proper credentials), as well as United Nations agencies, international and national NGOs and media.

Fourteen new species, subspecies, and populations were added to the CMS Appendices at COP14:

- seven were listed for protection under Appendix I, which comprises migratory species in danger of extinction throughout all or a significant portion of their range: Balkan lynx (*Lynx lynx balcanicus*); Baltic Proper population of the Harbour Porpoise (*Phocoena phocoena*); Magellanic Plover (*Pluvianellus socialis*); Southern African population of the Bearded Vulture (*Gypaetus barbatus meridionalis*); Mediterranean Sea population of the Blackchin Guitarfish (*Glaucostegus cemiculus*); Mediterranean Sea population of the Bull Ray (*Aetomylaeus bovinus*); and Mediterranean Sea population of the Lusitanian Cownose Ray (*Rhinoptera marginata*). Appendix I listing prohibits any further take of the listed species.
- three under both Appendix I and II (Appendix II covers migratory species that have an unfavourable conservation status and require international cooperation for their conservation and management; Parties are encouraged to enter into international agreements to improve the conservation status of the listed species): Lahille’s Bottlenose Dolphin (*Tursiops truncatus gephyreus*); Peruvian Pelican (*Pelecanus thagus*); Sand Tiger Shark (*Carcharias taurus*).

- eight under Appendix II: Eurasian lynx (*Lynx lynx*); Pallas's Cat (*Felis manul*); Guanaco (*Lama guanicoe*); Blackchin Guitarfish (*Glaucostegus cemiculus*); Bull Ray (*Aetomylaeus bovinus*); Lusitanian Cownose Ray (*Rhinoptera marginata*); Gilded Catfish (*Brachyplatystoma rousseauxii*); and Laulao Catfish (*Brachyplatystoma vaillantii*).
- One of these was proposed by the EU: Baltic Proper population of the Harbour Porpoise (*Phocoena phocoena*), added to Appendix I, while keeping its status in Appendix II.

The inclusion of the Sand Tiger Shark in Appendix I has implications for the EU, because the current level of protection in the Union for this species does not satisfy the requirements of Article III (5) of the Convention (strict protection, no take). In accordance with the Council Decision of 9 February 2024 on the position to be taken on behalf of the European Union at the fourteenth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals as regards proposals from various parties to amend the Appendices to that Convention, in case no change to Union law as regards the protection level of that species has entered into force before the end of the 90 days period laid down in Article XI(6) of the Convention, the Commission, on behalf of the Union, shall enter a reservation pursuant to Article XI(6) of the Convention with regard to the inclusion of that species in Appendix I to the Convention. The Commission is currently preparing a proposal to the Council to ensure the Sand Tiger shark is protected under Union law. If this proposal is adopted and the relevant changes to Union law enter into force before 17 May 2024, no reservation will be necessary.

New Concerted Actions with targeted conservation plans were agreed for several species: Chimpanzee; Straw-Coloured Fruit Bat; Pallas's Cat or Manul; Eurasian Lynx (*Lynx lynx*) and its Balkan subspecies; Franciscana Dolphin; Blue Shark. Concerted actions were renewed for the Giraffe; Humpback Whales of the Arabian Sea; Eastern Tropical Pacific Sperm Whales; Atlantic Humpback Dolphin; Harbour Porpoises in the Baltic Sea and Iberian Peninsula; Great Bustard; Antipodean Albatross; Common Guitarfish and Bottlenose Wedgefish. The COP agreed to close Concerted Actions for Atlantic Humpback Dolphin and Baltic Sea and for Iberian Peninsula populations of the Harbour Porpoise; to close and replace a Concerted Action for Nut-Cracking populations of Chimpanzees of West Africa.

The first report on the State of the World's Migratory Species was launched at COP14. This is the most comprehensive assessment on migratory species ever carried out, and provides an overview of the conservation status and population trends of migratory animals. The report shows that populations of nearly half of the migratory species covered by the CMS are declining, with more than one in five of CMS-listed species threatened with extinction (97% in the case of CMS-listed fish species). Overexploitation and habitat loss due to human activity are the two greatest threats. Habitat degradation, fragmentation, climate change, pollution and invasive species are also negatively impacting migratory species. This report was complemented with an assessment of the risk posed to CMS Appendix I-listed species by direct use and trade (UNEP/CMS/COP14/Doc.21.2) and by a first in-depth review of the conservation status of individual CMS-listed species (UNEP/CMS/COP14/Doc.21.3).

A resolution was taken adopting a new Strategic Plan for Migratory Species, to be known as the Samarkand Strategic Plan for Migratory Species 2024-2032. The Strategic Plan sets forth the key priorities for CMS, while providing important linkages and responding to wider global priorities, notably the GBF, and addressing the findings of recent scientific reports, including the 2019 Global Assessment Report of Biodiversity and Ecosystem Services published by IPBES, the 5th edition of the Global Biodiversity Outlook published by CBD, and many other scientific documents, including those prepared under CMS itself. The Strategic Plan is designed to achieve an improved conservation status for migratory species and their habitats, and reduce and/or eliminate the threats that currently affect them. Its vision is that “By 2032, migratory species are thriving and live in fully restored and connected habitats.” This document generated debate regarding a reference suggested by Brazil and supported by Argentina to “developing countries” in the preambular text, linking their specific challenges to varying implementation of the Strategic Plan and to funding by developed countries. The EU expressed concern about introducing a new category of parties to the Convention, pointing out that the CMS Convention text does not refer to developing countries. Following lengthy informal deliberations, the text was amended, as reflected in document UNEP/CMS/COP14/CRP14.2/Rev.2, to “recognizing the challenges faced by parties and the specific challenges faced by developing country parties, in particular LDCs and SIDS.” The reference linking this to the implementation of the Strategic Plan was thus successfully removed.

Progress has been made since CMS COP13 on the development of an Atlas on Animal Migration, a long-term initiative implemented through a modular approach, which has led to the publication of a Central Asian Mammals Migration and Linear Infrastructure Atlas, an Atlas of bird migration in the Eurasian-African region, and a Marine turtle breeding and migration atlas. Work is ongoing for the development of a global atlas of ungulate migrations, and interest has been expressed for developing an Atlas for the Central Asian Flyway.

A resolution and decisions were adopted on Deep-sea mining, a topic that was prepared on the CMS's Secretariat initiative. The adopted resolution urges Parties not to engage in, or support, deep-sea mining until sufficient and robust scientific information has been obtained to ensure that deep-seabed mineral exploitation activities do not cause harmful effects to migratory species, their prey, and their ecosystems; and encourages parties to ensure that the impacts of deep-seabed mineral exploitation activities on migratory species are fully considered in the development and implementation of any regulatory framework under national legislation and under the International Seabed Authority (ISA).

The decisions, inter alia, request the Scientific Council and the Secretariat to collaborate with the ISA.

Decisions were adopted on freshwater fish, including on the conservation of the Critically Endangered European eel (*Anguilla anguilla*). Decisions in UNEP/CMS/COP14/CRP.27.7.2/Rev.1 request, inter alia, that range state parties, the Scientific Council and the Secretariat support the development of an action plan for the European Eel and share data on transboundary freshwater migratory fish species.

Significant decisions were adopted on several other aquatic species conservation issues of relevance to the EU, such as on Bycatch (focusing now particularly on shark and ray species and returning to bycatch of all species at the next COP), Fish Aggregating Devices (requesting Parties to consider a range of measures to limit the impact of fish aggregating devices on migratory species), Marine pollution, Marine noise (including from military sonar), Vessel strikes, the designation of Important Marine Mammal Areas, and of Important Shark and Ray Areas, Marine turtles, and Guidelines for in-water recreational interaction with aquatic wildlife ('whalewatching' and similar).

Regarding avian issues, the Resolution on the Prevention of Illegal Killing, Taking and Trade of Migratory Birds (UNEP/CMS/COP13/Doc 26.1.1) was amended as reflected in document UNEP/CMS/COP14/CRP28.1/Rev.1 which decides to establish, subject to external resources, intergovernmental task forces on illegal taking of migratory birds in Asia Pacific and South-West Asia. Resolution 11.15 (Rev.COP14) agrees to continue the Preventing Poisoning Working Group and the Intergovernmental Task Force on Phasing Out the Use of Lead Ammunition and Lead Fishing Weights.

As regards terrestrial species conservation, one of the most debated species was the jaguar (*Panthera onca*). COP14 adopted a resolution and decisions, as contained in document UNEP/CMS/COP14/CRP29.6.2, which, inter alia, establish the CMS Jaguar Initiative as a framework to foster coordination and cooperation between all CMS Jaguar range states, and direct the Jaguar range states to collaborate with CMS and CITES in preparing a joint programme of work.

COP14 highlighted the importance of ‘ecological connectivity’, addressing both policy and technical aspects. The adopted resolution (UNEP/CMS/COP14/CRP30.2.1.1/Rev.1), inter alia, urges parties and invites others to give special attention to the policy and technical aspects of ecological connectivity when planning, implementing, and evaluating actions designed to support the protection, conservation, restoration, and effective management of migratory species, both at the national level and in the context of regional and international cooperation.

A resolution (UNEP/CMS/COP14/CRP30.3.1/Rev.1) on Infrastructure and impact assessment was adopted, urging Parties to publicly disclose and share information on linear infrastructure development plans and impact assessments affecting migratory species, and asking Parties to include migratory species when revising impact assessment legal requirements. Decisions were adopted on Renewable energy and powerlines (UNEP/CMS/COP14/CRP30.3.2/Rev.1), requesting Parties to, inter alia, integrate biodiversity and migratory species conservation needs into national energy and climate policy and action plans, land and maritime spatial planning, and legislation and regulations on siting of new energy infrastructure, with the aim of avoiding negative impacts on migratory species.

CMS' work on Wildlife Disease was the object of a major revision and update, by adopting resolutions and decisions on wildlife health and migratory species and separately on avian influenza, which, inter alia, direct the Secretariat to engage with the World Health Organization (WHO) regarding the ongoing development of an instrument on pandemic prevention, preparedness, and response and welcomes the collaborative efforts of CITES and the World Organization for Animal Health (WOAH) to address risks from zoonotic pathogens, as well as UNEP joining the existing 'health Tripartite' of WHO, WOAH and FAO to form the Quadripartite and the development of the One Health Joint Plan of Action (2022-2026).

As usual, discussions on Budgetary matters proved lengthy and difficult, not least because the CMS Secretariat did not have a finalised Programme of Work to present at COP 14. The adopted resolution on the budget for the triennium 2024-2026, contained in document UNEP/CMS/COP14/CRP13.2/Rev.2/Annex 1, includes a budget increase of just under 12%, mostly to take into account inflation, and falls well short of the moderate growth scenario defended by the CMS Secretariat. With an ever-expanding agenda and ambition, the CMS Convention budget is clearly stretched and completion of the now-agreed agenda will rely on finding external resources. To address the challenges experienced with the exceptionally heavy COP14 agenda, COP14 requested the Standing Committee in collaboration with the Scientific Council, to assess the scope of CMS ongoing and planned activities against the mandate of the Convention, and to present the outcome of the assessment and possible recommendations to focus the work of the Convention to CMS COP15.

COP14 elected new members of the Scientific Council, including two new councilors for aquatic mammals and climate change. The COP accepted the nominations for the Sessional Committee of the Scientific Council from the regional committees, with Portugal, Spain and Serbia elected for Europe. It also elected new members of the Standing Committee. For the European region these are Italy, Monaco, and the United Kingdom.