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**DRAFT COMMON CRITERIA FOR THE CHOICE OF SPECIES THAT  
COULD BE INCLUDED IN, OR EXCLUDED FROM,  
ANNEXES II AND III TO THE SPA PROTOCOL**

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## **DRAFT COMMON CRITERIA FOR THE CHOICE OF SPECIES THAT COULD BE INCLUDED IN, OR EXCLUDED FROM, ANNEXES II AND III TO THE SPA PROTOCOL**

### **A. GENERAL PRINCIPLES**

The Contracting Parties agree that the following general principles will guide their work in the choice of species to be included in Annexes II and III to the Protocol, and in amending such Annexes:

a) the Annexes to this Protocol relating to the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated are provided to assist Parties in managing species of flora and fauna, also through cooperative measures, with the aim of the protection and conservation of the flora and fauna, and of maintaining them in a favourable state of conservation.

b) No limit is imposed on the total number of species included in the Annexes or on the number of species any individual Party can propose for listing. Nevertheless, the Parties agree that species will be selected on a scientific basis and included in the Annexes according to their conservation status; they will have therefore to fulfil the requirements set out by the Protocol and the present criteria.

c) The cooperation with other regional and international organisations that have also adopted list of species may be encouraged and recommended. Particularly those including species that are listed in the Annexes II and III, may help a better implementation of the Protocol on that regard.

d) Concerning geographic coverage, to facilitate the process of inclusion in the Annexes, it is recommended that the focus of new species selection be limited, initially, to species that live in: (a) the seabed and its subsoil, and e) the waters, the seabed and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured; and extending, in the case of watercourses, up to the freshwater limit. Species living in the terrestrial coastal areas designated by each of the Parties, including wetlands, may be considered in a further date, after the uncertainties concerning the baseline limits of such areas will be clarified by the Party.

e) The updated IUCN Red List Categories and Criteria are now used as standard practice by many international organisations concerned with the conservation of species and biodiversity. Their use in the assessment of the status of species to be included in the Annexes is recommended, to promote uniformity and stability.<sup>1</sup>

f) The order in which the criteria are listed below does not imply priority.

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<sup>1</sup> (a) IUCN. 2001. IUCN Red List categories and criteria. Version 3.1. Species Survival Commission, Gland. (b) IUCN. 2003. Guidelines for Application of IUCN Red List Criteria at Regional Levels. Version 3.0. Species Survival Commission, Gland. Both documents can be downloaded from: [http://www.redlist.org/info/categories\\_criteria.html](http://www.redlist.org/info/categories_criteria.html)

## **B. DEFINITION OF TERMS HEADING THE LISTS INCLUDED IN ANNEXES II AND III**

### **1. Definition of endangered and threatened species**

Although the definitions of the different categories of threat in the IUCN Red List are different from those of the Protocol, in this case it is important to apply the latter. This will not prevent in any way from using the IUCN categories and criteria as a guideline, as indicated above. However, it must be noted that in the Protocol the distinction between endangered and threatened is unclear and it seems desirable that the point be clarified in the future. The Protocol provides (Article 1) the following definitions for endangered and threatened species:

“Endangered species means any species that is in danger of extinction throughout all or part of its range. Threatened species means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate.”

Such definitions are confusing because the difference between the two is unclear, and the definition of threatened seems like a repetition of that of endangered. To further clarify this point it is considered for future amendments of the SPA Protocol lists the corresponding definitions in the SPAW Protocol (Cartagena Convention):

“Endangered species are species or sub-species of fauna and flora, or their populations, which are in danger of extinction throughout all or part of their range and whose survival is unlikely if the factors jeopardizing them continue to operate. Threatened species are species or sub-species of fauna and flora, or their populations: (i) that are likely to become endangered within the foreseeable future throughout all or part of their range if the factors causing numerical decline or habitat degradation continue to operate; or (ii) that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction.”

### **2. Definition of exploitation**

It is necessary to better define herein the term “exploitation” used in the protocol list. There are many ways in which this term can be considered. Exploitation may be lethal/consumptive, or non lethal/non consumptive (such as in whale watching, fish watching, etc.). Consumptive exploitation can be directed or accidental. The Protocol text does not provide for such distinctions; however, considering the original choice of the species listed in Annex III, it would seem that only consumptive exploitation was considered when the current listing was made. The meaning of the term should be enlarged to be all-inclusive, given that, for conservation purposes, what matters is the population status of any given species, resulting from the effects of exploitation of all kinds.

## C. CRITERIA

1. A species may be considered for inclusion in the Annexes on the basis of the evaluation of its status, showing population decline, range reduction, fragmentation level, or vulnerability to human and other environmental factors.
2. It is recommended that the IUCN Red List Criteria be applied in a regional Mediterranean context as a guiding tool for the inclusion of species in the Annexes. A species may be considered for inclusion in Annex II if through the application of the IUCN Criteria at a regional level it falls under one of the following Categories of threat: Critically Endangered, Endangered or Vulnerable.
3. A species should be considered for inclusion in Annex III when it is known, inferred or projected that unless its exploitation is subject to regulation, it will fall under the categories of endangered or threatened species according to the Protocol.
4. A species may be considered for inclusion in the Annexes if it is included in other relevant conservation instruments.
5. When considering a species for inclusion in the Annexes, lack of full scientific certainty should not be invoked as a reason for postponing its inclusion, which should be guided by the best interest of the conservation of the species.
6. A species may be considered for inclusion in the Annexes if this would support regional cooperative efforts for its protection and/or recovery.
7. Any Party may propose the inclusion in the Annexes of a species which is endemic to its jurisdiction, in consideration of the importance of regional cooperation for the species' conservation.
8. A species that is threatened outside the Mediterranean region, and that is known to occasionally or marginally occur in the Mediterranean, may be considered for inclusion in the Annexes.
9. A proposal for listing in the Annexes should generally be confined to the level of species. The inclusion of a taxon in an Annex covers all lower taxa and populations within said taxon. Exceptions may be considered if this would improve the conservation status of the species.
10. As a general rule, it is not recommended to include populations of the same species in both Annexes. However, different populations of the same species may exceptionally be considered for inclusion in both Annexes if this will improve the conservation status of the species.
11. Annexes may include taxa higher than species when reasonable inference exists that all lower taxa have similar justifications for being listed, or to avoid problems of misidentification caused by similarity in the appearance between species.
12. If the taxonomic position of a species listed in the Annexes has changed due to specialist revising work, the Annexes should be updated accordingly, to ensure that

any inconsistency or ambiguity deriving from taxonomic reshuffling is solved, and that the taxon continues to be subject to the appropriate conservation or management considerations.

13. Species, such as marine phanerogams, that are essential for the creation and/or maintenance of fragile and vulnerable habitats and ecosystems which also support threatened species, may be included in the Annexes.

14. Exceptionally, a non-threatened species may be considered for inclusion in Annex III if the exploitation of that species impacts on a species which is listed in Annex II.

15. When indicated by changes in the conservation status of a listed species, such species should be considered for transfer between or removal from the Annexes.

#### **D. LEGAL STATUS**

1. As provided for in Article 12 of the Protocol, Parties shall adopt cooperative measures to ensure the protection and conservation of the species listed in the Annexes, which include the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated.

2. The Parties shall ensure the maximum possible protection and recovery of the species of fauna and flora listed in the Annex relating to the List of Endangered or Threatened Species by adopting at the national level the measures provided for in paragraphs 3 and 5 of Article 11 of the Protocol.

3. The Parties, in cooperation with competent international organizations, shall take all appropriate measures to ensure the conservation of the species listed in the Annex relating to the List of Species whose Exploitation is Regulated while at the same time authorizing and regulating the exploitation of these species so as to ensure and maintain their favourable state of conservation.

#### **E. PROCEDURES FOR LISTING**

1. The Parties may revise Annexes II and III, as provided for in article 23 of the Convention.

2. Based on Article 2 of the Protocol, species may be listed if they currently occupy, or occupied historically, habitats comprised within the geographic coverage of the Protocol, including: (a) the seabed and its subsoil; (b) the waters, the seabed and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit; and (c) the terrestrial coastal areas designated by each of the Parties, including wetlands.

3. Proposals for inclusion in, or exclusion from, the Annexes may be submitted:

(a) by the Party concerned, if the species' area of occurrence falls within its jurisdiction;

(b) by any Party or by the Regional Activity Centre for Specially Protected Areas, if the species occurs in the sea or on the sea floor in areas beyond recognised national jurisdiction.

4. The procedure for inclusion of the proposed species in, or exclusion from, an Annex is the following:

(a) Parties submitting proposals for inclusion of species in, or exclusion from, an Annex shall provide the Regional Activity Centre for Specially Protected Areas with a written proposal, including an appropriately detailed justification for inclusion according to the above criteria. The proposal should reach the Centre at least 60 days prior to the National Focal Points Meeting;

(b) for each species, the Centre shall review, as appropriate, the original proposal according to the criteria. If the proposal is found to be consistent with the criteria, it will be submitted together with its accompanying comments and recommendations to the National Focal Point Meeting, which shall examine the eligibility of the species for inclusion/exclusion on/from the list;

(c) after evaluation by the National Focal Points, as provided for in article 14 of the Protocol, the Regional Activity Centre for Specially Protected Areas shall prepare a report, based on the National Focal Points Meeting proposals, including draft amended lists for each Annex. The report will be submitted to the Meeting of the Contracting Parties;

(d) the Meeting of the Parties shall decide whether to include/exclude the species in the appropriate Annexes. Upon adoption, for sake of clarity, the heading of every amended Annex will contain the date of amendment.

## **F. MONITORING, CONSERVATION AND MANAGEMENT MEASURES**

1. Conservation or management objectives must be clearly defined in a proposal for the inclusion in the Annexes of any species, and must be based on an adequate knowledge.

2. In the case of shortcomings in basic knowledge, a proposal for inclusion of species in the Annexes must contain a programme for the collection of the necessary data and information.

3. Upon inclusion in Annex II, a species will have to be endowed with a conservation plan targeting either the species, or its habitat, or both.

4. Upon inclusion in Annex III, a species will have to be endowed with a management plan.
5. Parties are requested to include in their regular reporting to the Meeting of the Parties a description of measures taken to implement conservation and management actions related to the species listed in the Annexes.
6. Conservation or management measures for species to be included in Annexes II or III should take into account existing action plans and/or management plans for the species or their habitats, when applicable.
7. Reviews of the status of the species listed in the Annexes, and assessments of the effectiveness of measures taken to implement conservation or management plans, shall be performed periodically through research and monitoring programmes, as provided for in Article 20 of the Protocol.
8. Upon the result of the status reviews and the report of the Contracting Parties, the Centre is requested to suggest recommendations for future action.