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Agenda Item 24

**REVIEW MECHANISM AND NATIONAL LEGISLATION PROGRAMME**

*(Prepared by the Secretariat)*

Summary:

The document reports on progress to implement Resolution 12.9 *Establishment of a Review Mechanism and a National Legislation Programme* and associated Decisions 13.20–13.23. It proposes new Decisions for adoption, along with operational guidelines for the Review Mechanism.

## REVIEW MECHANISM AND NATIONAL LEGISLATION PROGRAMME

### Background

1. The Conference of the Parties, at its 12<sup>th</sup> meeting (COP12), adopted Resolution 12.9 and Decisions 12.6–12.9 on the *Establishment of a Review Mechanism and a National Legislation Programme*.
2. Section I of Resolution 12.9 establishes a Review Mechanism to facilitate long-term compliance with the obligations set out in Articles III.4, III.5, III.7 and VI.2. of the Convention (referred to as "implementation matters"). Section II of Resolution 12.9 establishes a National Legislation Programme, a "supportive, non-adversarial and facilitative activity" that aims to ensure long-term compliance with Article III, paragraphs 4(a) and (b), and III.5.
3. Subsequently, COP13 adopted Decisions 13.20–13.23, with Decision 13.20 requiring the Secretariat to report to COP14 on progress in implementing Resolution 12.9:

#### **13.20 Directed to the Secretariat**

*The Secretariat shall:*

- a) *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 Establishment of a Review Mechanism and a National Legislation Programme;*
- b) *promote the completion and submission of the revised National Legislation Programme questionnaire by Parties to the Secretariat;*
- c) *in cooperation with relevant Partners, 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 4(a), 4(b) and 5, as provided in Resolution 12.9 Establishment of a Review Mechanism and a National Legislation Programme section II paragraph 7.*
- d) *in relation to Parties that have completed and submitted the National Legislation Programme questionnaire with respect to Article III paragraph 5, and subject to the availability of resources:*
  - i. *analyze the information submitted through the questionnaires regarding legislation and other domestic measures in place relating to implementation of Article III, paragraph 5 of the Convention;*
  - ii. *continue the preparation of national legislation profiles and identify the Parties that have not implemented Article III, paragraph 5 of the Convention;*
  - iii. *inform all Parties about the findings and recommended actions and provide technical support to assist Parties in drafting adequate national legislation to implement the provisions of Article III, paragraph 5 of the Convention;*
  - iv. *as appropriate, liaise with National Focal Points regarding the information submitted through the questionnaires and further actions to be taken;*
  - v. *as appropriate, prepare training materials and conduct capacity-building workshops;*
- e) *report to the Conference of the Parties at its 14th meeting (COP14) on the progress in implementing Resolution 12.9 Establishment of a Review Mechanism and a National Legislation Programme and this decision;*

- f) *collaborate closely with the UNEP and CITES National Legislation Programme, taking into account the specificity of CMS.*
- g) *ensure participation in the discussions on the review mechanism for the post-2020 global biodiversity framework.*

### **13.21 Directed to the Standing Committee**

*The Standing Committee is requested to consider the implementation of the Review Mechanism and report to COP14, including any recommendations for modifications of the procedure or criteria;*

### **13.22 Directed to the Parties**

*Parties are requested to review the implementation of the Review Mechanism at COP14.*

### **13.23 Directed to Parties**

- a) *Parties are strongly encouraged to submit information regarding their legislation and other domestic measures relating to implementation of Article III, paragraphs 4(a), 4(b) and 5, as provided in section II paragraph 2 of Resolution 12.9 Establishment of a Review Mechanism and a National Legislation Programme, on the basis of a questionnaire developed by the Secretariat.*
- b) *Parties that have completed and submitted the National Legislation questionnaire are requested to:*
  - i. *as appropriate, liaise with the Secretariat and provide clarifications or further information on the legislation and domestic measures in place;*
  - ii. *within six months of having received the findings and recommended actions from the Secretariat, indicate the procedures, action and reasonable time frames that are envisaged in response;*
  - iii. *take appropriate measures to implement Article III, paragraph 5 in accordance with the indicated procedures and time frames;*
- c) *Parties are invited to provide financial or technical support to further strengthen the legal development and institutional capacity through the implementation of the National Legislation Programme and the Review Mechanism.*

## Progress in the implementation of the Review Mechanism

4. Resolution 12.9 and Decision 13.21 require the Standing Committee to “report to the Conference of the Parties on any actions taken pursuant to this Resolution, including the status of current reviews”<sup>1</sup> and to “make recommendations for modifications on this Resolution, as necessary and appropriate”.<sup>2</sup> To this end, StC53 assessed the implementation of the Review Mechanism, following the Secretariat’s report on progress and recommended next steps in preparation for COP14.<sup>3</sup>
5. Since the adoption of the template ‘[Template for communication of a possible implementation matter](#)’<sup>4</sup> approved at the 48<sup>th</sup> meeting of the Standing Committee (StC48) and made available on the CMS website in the fourth quarter of 2019, the Secretariat has received three communications on potential implementation matters. One communication has been admitted, while the decision on another is pending. The third was not considered admissible as the Secretariat did not find sufficient evidence to support it.

<sup>1</sup> Resolution 12.9, Section F, para. 7

<sup>2</sup> Resolution 12.9, Section F, para. 8

<sup>3</sup> UNEP/CMS/StC53/Doc.16, para. 4

<sup>4</sup> CMS/StC48/Report/Annex 4

6. The communication admitted to the review process, designated as File No. 2021/01, pertains to the development of a project within the Vjosa-Narta Protected Landscape, involving Albania as the concerned Party. Further details on this matter can be found in the Annex of [UNEP/CMS/StC53/Doc.16](#). The Secretariat also informed the Standing Committee about a joint mission conducted with the Secretariats of the Bern Convention and AEWA to gather on-site information. The CMS Secretariat joined the mission with the objective of gathering additional information in order to be able to make an informed assessment of the matter, whether it can be addressed within a reasonable time, if necessary, with the assistance of the Secretariat, or whether it should have been brought to the attention of the Standing Committee. Subsequently, in September 2023, a joint mission report was shared with the Government of Albania, along with a request for the Government to outline its plans for addressing the remaining concerns, to ensure compliance with Article III.4 of the Convention.
7. In accordance with Resolution 12.9, the Secretariat identified and reported at StC53 on areas for enhancing the implementation of the Review Mechanism, including through the revision of the initial 'implementation matter' filed under File No. 2021/01. These areas include the publication of information and reports, the establishment of an online registry for review files, information-gathering missions, expert support, collaboration with other multilateral environmental agreements (MEAs), the participation of concerned Parties throughout the process, and the closure of files.
8. At StC53, the Secretariat proposed the development of operational guidelines to provide clarity and guide the Secretariat and the Standing Committee in managing the Review Mechanism files. The Standing Committee endorsed this proposal, provided additional suggestions and requested the Secretariat to consult with them on the outline prior to the drafting of the guidelines.<sup>5</sup>
9. With funding from the Government of Switzerland, following an examination of compliance mechanisms within other MEAs, and taking account of discussions at StC53, on July 26 2023, the Secretariat launched an online consultation with Standing Committee members. The Secretariat shared an outline of the operational guidelines, soliciting input from Standing Committee members before proceeding with the drafting. The draft guidelines are included as Annex 1 of this document.
10. Pursuant to Decision 13.20 (g), the Secretariat engaged in consultations and negotiations on the post-2020 Global Biodiversity Framework (GBF). These consultations involved aspects related to the planning, monitoring, reporting and review mechanism for the GBF and consider them in the context of the CMS Review Mechanism. A detailed account of the Secretariat's involvement in these discussions is presented in 'CMS Contribution to the Kunming-Montreal Global Biodiversity Framework'.<sup>6</sup>

#### Progress in the implementation of the National Legislation Programme

11. As requested by Decision 13.20 a), the Secretariat revised the National Legislation Programme (NLP) questionnaire to include questions on the implementation of Article III.4 a) and b) and shared it with all the CMS Parties that had responded to the first call (in 2019) to participate in the Programme. The Secretariat launched two additional calls, in 2021 and 2022, to encourage Parties to submit information on their legislation and other regulations relating to the implementation of Article III.4 a) and b) and III.5

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<sup>5</sup> Report of the 53<sup>rd</sup> meeting of the Standing Committee, para. 128

<sup>6</sup> See UNEP/CMS/COP14/Doc.17

(Decision 13.20 b). To date, 58 Parties have submitted a completed questionnaire to the Secretariat.

12. With funding from the European Commission (EC) under the Migratory Species Champion Programme, and through the EC-UNEP Cooperation Agreements on Global Public Goods and Challenges (GPGC), the Secretariat conducted an analysis of the legislation of all Parties participating in the NLP and prepared individual National Legislation Profiles. The Secretariat also commissioned a series of guidance materials: an explanatory document on the exceptions to the take prohibition, and a legislative guidance document on ecological connectivity.
13. In accordance with Resolution 12.9, National Legislation Profiles (including recommended actions to facilitate the identification of inconsistencies in the implementation of Article III.5) have been prepared and circulated to the 58 Parties participating in the Programme. Parties were requested to provide responses within six months of receipt of the findings of and recommended actions from the Secretariat. To date, 12 Parties have submitted comments on their National Legislation Profiles.
14. As requested by Decision 13.20 d), the Secretariat also contacted Parties that, on the basis of the legislative analysis, might benefit from further technical assistance and additional engagement to clarify or strengthen aspects of their legislation. However, very few responses have been received.
15. As requested by Decision 13.20 f), the Secretariat and the UNEP Law Division have been discussing options for collaboration between the UNEP Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) and the NLP to support CMS Parties to strengthen legal frameworks for the implementation of CMS. As part of this, a dedicated workshop focused on enhancing the understanding of governments of CMS provisions and on bolstering their capacity to implement their obligations through the establishment and/or strengthening of national legal frameworks is planned for mid-2024.

### Discussion and analysis

16. Much of the work outlined in Decisions 13.20–13.23 has already been completed. The Secretariat is now actively working to promote access to and the use of the Review Mechanism and National Legislation Programme (NLP), as called for in Resolution 12.9. This work should continue in the next intersessional period.
17. For the Review Mechanism, the Secretariat has developed operational guidelines, presented in Annex 1, that aim to address the uncertainties identified during the admission of the first review file, including in regard to the publication of information and reports and the gathering of additional information. These guidelines adhere to the core principles of flexibility and adaptability, ensuring the continued efficiency of the Review Mechanism over time.<sup>7</sup>
18. The proposed guidelines would provide transparency and clarity to the Review Mechanism because they specify the information that the Secretariat can make public, and at which stages of the review process, including through guidance on the establishment of an online registry of review files. An online registry would enhance the visibility of the Review Mechanism while lessening the Secretariat's workload by reducing the need for information requests from concerned Parties and other relevant stakeholders. Likewise, guidelines on information-gathering missions and collaboration

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<sup>7</sup> Resolution 12.9, Section I.A., para. 5.

with other MEAs would help to minimize duplication of efforts on overlapping international issues.

19. Concerning the National Legislation Programme, the review of the 58 National Legislation Profiles, prepared by the Secretariat, has revealed inconsistencies in how the Convention is interpreted, leading to legislative gaps and regulatory challenges at the national level. The analysis has highlighted varying levels of implementation and differing interpretations of critical concepts, such as the definition of 'take' and its exceptions. For example, while most laws encompass actions defined as 'taking' in CMS Article I.1.(i), such as hunting, fishing, capturing and deliberate killing, some legislation lacks explicit prohibition against harassment and attempted taking.
20. The analysis of questionnaires has also shed light on penalties for violations of the 'taking' prohibition, with some evidence that these penalties may not provide a sufficient deterrent to prevent illegal taking. Additionally, there is a lack of information available to the Secretariat regarding the enforcement of national legislation and the presence of effective mechanisms for full Convention implementation.
21. The analysis also uncovered weaknesses or gaps in national legislation concerning exceptions to the 'taking' prohibition. In addition, Parties are not consistently notifying the Secretariat of their exceptions as required by Article III.7 of the Convention.
22. To address these issues, the Secretariat will continue the legislative review process and assist Parties in implementing Article III.5 and will identify priorities for capacity-building and/or technical support related to the CMS definition of 'taking', exceptions to the 'taking' prohibition.
23. Furthermore, it proposes the preparation of a study on penalties. The study will encompass criminal penalties and administrative sanctions to assess whether national legislation allows for effective, dissuasive and proportionate penalties for the illegal taking of Appendix I species in violation of the Convention. This process will complement the legislative guidance materials prepared by the Secretariat.
24. The National Legislation Programme focuses on the implementation of Articles III.4 a) and b) and III.5, and as such, only covers certain parts of the Convention. Nonetheless domestic legislation is also required to ensure that the "use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation and other adverse effects", in line with Target 5 of the Kunming-Montreal Global Biodiversity Framework<sup>8</sup>. The need for additional work in this area is addressed in [UNEP/CMS/COP14/Doc.30.1.1](#).
25. Both the Review Mechanism and the National Legislation Programme can play an important role in achieving the 2030 global targets set within the Kunming-Montreal Global Biodiversity Framework. Expanding the participation of Parties in the National Legislation Programme and support domestic implementation through the Review Mechanism would contribute to achieving these targets.

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<sup>8</sup> Conference of the Parties to the Convention on Biological Diversity at its 15<sup>th</sup> meeting. Annex to Decision 15/4. Kunming-Montreal Global Biodiversity Framework, Section H., Target 5

Recommended actions

26. The Conference of the Parties is recommended to:
- a) adopt the operational guidelines for the Review Mechanism contained in Annex 1 of this document;
  - b) adopt the draft Decisions contained in Annex 2 of this document;
  - c) delete Decisions 13.20 to 13.23.

## PROPOSED OPERATIONAL GUIDELINES FOR THE CMS REVIEW MECHANISM

*(Prepared by the Secretariat)*

### 1. Openness and transparency of findings and reports, and the establishment of an online registry for the Review Mechanism.

#### *Issue*

Resolution 12.9 stresses that, as a general principle, “findings and reports on implementation matters are treated in an open and transparent manner”.<sup>9</sup> However, it lacks a definition of the types of findings and reports that should adhere to this principle, who may access such information, and at which stages of the review. Additionally, Resolution 12.9 establishes that “communications between the Secretariat and individual Parties on specific implementation matters are generally confidential”,<sup>10</sup> “unless the Party concerned waives the confidentiality”.<sup>11</sup> The same exception applies to communications between the Party concerned and the Standing Committee (StC) when acting as the Review Body.<sup>12</sup>

The need for guidance on the openness and transparency of findings and reports became apparent during the Secretariat’s work on the first admitted review file (File No. 2021/01, project development at Vjosa-Narta Protected Landscape<sup>13</sup>). The lack of clarity regarding openness and transparency discouraged the Secretariat from sharing information on the admitted file with Parties and the StC during its 53<sup>rd</sup> meeting, even though the information was already publicly available through other multilateral environmental agreements (MEAs).<sup>14</sup>

While Resolution 12.9 mandates the Secretariat to bring an implementation matter to the attention of the StC only when a Party fails to address it,<sup>15</sup> the StC would benefit from a general understanding of ongoing files. This would help the StC in its role as the Review Body when a file is admitted for review.

The Secretariat has been careful to maintain the confidentiality of communications with Parties concerned. However, making findings and reports public, as envisioned in Resolution 12.9, would enhance access to and the visibility of the Review Mechanism. This could help disseminate valuable best practice and knowledge, aiding compliance with the obligations outlined in Articles III.4, III.5, III.7 and VI.2 of the Convention and encourage the use of the Review Mechanism.

The establishment of an online registry for review or compliance mechanisms is a common practice in other MEAs.<sup>16</sup> For the CMS Review Mechanism, such a registry would offer concerned Parties an easily accessible means to trace information, thereby reducing the workload of the Secretariat from unnecessary individual information requests.

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<sup>9</sup> Resolution 12.9, Section I.A., para. 3

<sup>10</sup> Resolution 12.9, Section I.A., para. 3

<sup>11</sup> Resolution 12.9, Section I.C., para. 3

<sup>12</sup> Resolution 12.9, Section I.F., para. 4

<sup>13</sup> See Annex to UNEP/CMS/StC53/Doc.16 on File No. 1

<sup>14</sup> Report of the 53<sup>rd</sup> meeting of the StC, para. 120 and 125

<sup>15</sup> Resolution 12.9, Section I.C., para. 5

<sup>16</sup> See, for example, para C.9. of document T-PVS/Inf (2022)28 “Case-File System: Proposals for increasing the efficiency and effectiveness of the case-file system going forward”, Convention on the Conservation of European Wildlife and Natural Habitats.



## Guidelines

The Secretariat will establish an online registry of Review Mechanism files, subject to the availability of funds. This registry will serve as a centralized digital repository, providing general information on both current and past files. It will include details on the status of files, and any milestones, findings and associated reports, in line with Section I.A., paragraph 3, of Resolution 12.9. The registry will be publicly accessible under the Review Mechanism section of the CMS website ([www.cms.int/en/activities/review-mechanism](http://www.cms.int/en/activities/review-mechanism)).

The following information will be published in the online registry:

- i) Reference number assigned to the file;
- ii) File status: received, admitted, dismissed (either by the Secretariat or the StC), under revision by the StC, or closed;
- iii) Name of the Party(ies) concerned (the Secretariat will take measures to keep the personal details of individual confidential);
- iv) Issue and Appendix I-listed species involved in the implementation matter;
- v) The Convention article(s) subject to review;
- vi) Milestones in the review process, including dates of submission, admission by the Secretariat, missions, and submission of the file to the StC Review Body;
- vii) Findings and reports from the review file including:
  - any report submitted by the Party concerned commenting/addressing the implementation matter
  - reports from any fact-finding missions
  - report of the file submission to the StC Review Body<sup>17</sup>
  - advice and other capacity-building documents resulting from the StC review<sup>18</sup>
  - implementation plans to be submitted to the StC by the Party concerned identifying challenges, appropriate steps, a time frame for completion, and means to assess satisfactory completion<sup>19</sup>
  - StC report to the Conference of the Parties on current reviews;
- viii) Date of the review file's dismissal/closure.<sup>20</sup>

Parties may submit a written request instructing the Secretariat to keep certain findings and reports confidential. Likewise, concerned Parties may waive confidentiality over information and communications exchanged with the Secretariat regarding specific implementation matters, allowing them to be published through the online registry.<sup>21</sup> The Secretariat will grant the StC access to confidential communications with the concerned Parties only after bringing the implementation matter to its attention, in line with Section I.C., paragraph 5, of Resolution 12.9.

<sup>17</sup> See Resolution 12.9, Section I.C., para. 5.

<sup>18</sup> Resolution 12.9, Section I.F., para. 6(a).

<sup>19</sup> Resolution 12.9, Section I.F., para. 6(g).

<sup>20</sup> The Secretariat will dismiss information submitted on the grounds of being "trivial" when it is of little importance for compliance with the obligations set out in Articles III.4, III.5, III.7 and VI.2 of the Convention. Information will be regarded as "ill-founded" when it is not based on any proper proof or evidence, or not based on fact or truth.

<sup>21</sup> In line with Resolution 12.9, Section I.C., para 3.

## **2. Gathering of additional information for handling and screening of implementation matters by the Secretariat.**

### *Issue*

Under Resolution 12.9, the Secretariat is tasked with receiving, assessing and, if necessary, requesting additional information on the implementation matter to help decide on its admissibility. Upon admission of the information, and prior to presenting the matter to the StC, the Secretariat may also request information to afford the concerned Party an opportunity to provide comments or address the matter.<sup>22</sup>

The Secretariat's review of File No. 2021/01 has shown that, following the admission of a file, there are instances where gathering additional information, often in the form of an on-site fact-finding mission, becomes necessary. This is crucial for conducting a comprehensive assessment of the matter or assisting the Party concerned in addressing the implementation issue.<sup>23</sup>

As part of the review of the project development at Vjosa-Narta Protected Landscape, the Secretariat participated in a joint fact-finding mission organized by the Bern Convention and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA).<sup>24</sup>

While the CMS Secretariat was able to reach an agreement with the Albanian Government on the mission and its terms of reference, Resolution 12.9 lacked guidance on the practice and parameters of fact-finding missions. Within the context of the CMS Review Mechanism, specific guidance is essential to elucidate various aspects of these missions, including expert appointments, terms of reference, funding, the stages of the review process at which fact-finding missions take place, the involvement of stakeholders such as the Parties concerned, and the production of fact-finding mission reports.

Guidelines on gathering additional information through fact-finding missions would grant the Review Mechanism a greater degree of certainty, consistency and transparency. Furthermore, such guidance would help streamline the Secretariat's work by eliminating the need for multiple information requests and enabling the efficient clarification of facts on site, ensuring that "implementation matters are handled in a time-efficient manner".<sup>25</sup>

### *Guidelines*

In situations where the information provided by the individual and/or the Party concerned is deemed insufficient or contradictory, or where on-site conditions are evolving, the Secretariat may request the concerned Party to agree to a fact-finding mission (FFMs) at any point during the handling and screening of the implementation matter. FFMs involve visits by independent experts to gather additional information on the implementation of any of Articles III.4, III.5, III.7 and VI.2 of the Convention.

The Secretariat shall request, in a written communication, the Party concerned to authorize an FFM. The communication shall outline the purpose of the FFM and the specific information that is lacking or contradictory, or the underlying reasons necessitating this request.

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<sup>22</sup> Resolution 12.9, Section C.I., para 1(b) and 4

<sup>23</sup> Resolution 12.9, Section C.I., para. 4

<sup>24</sup> See report on 'AEWA Implementation Review Process (IRP) – A Joint On-the-spot Assessment Mission by the Bern Convention, AEWA and CMS'. 29 August–2 September 2022. [https://www.unep-aewa.org/sites/default/files/uploads/aewa\\_final\\_albania\\_irp\\_report\\_0.pdf](https://www.unep-aewa.org/sites/default/files/uploads/aewa_final_albania_irp_report_0.pdf)

<sup>25</sup> Resolution 12.9, Section I.A., para. 2.

An independent expert, appointed by the Secretariat in agreement with the Party concerned, will conduct the FFM. The appointed expert must not represent or have legally represented the Party concerned. Additionally, the expert cannot be a national of the country that is subject to the FFM.

The Secretariat and the concerned Party will work together to develop the terms of reference for the FFM. These terms shall encompass, at a minimum, the following:

- i) Background to the implementation matter
- ii) Objectives of the FFM
- iii) Composition of the mission team
- iv) List of national authorities and other stakeholders to be involved, along with their respective contact information
- v) Details of funding and organizations involved in the FFM
- vi) Expected mission deliverables
- vii) Tentative schedule

The expert shall gather information on site, accompanied by a member of the Secretariat, the Party concerned, national authorities and, where appropriate, other stakeholders such as other MEAs taking part in the mission.

The Secretariat will bear the contracting, travel and subsistence expenses related to the FFM, provided adequate funds are available, and in collaboration with the concerned Party.

The expert shall submit a written report of the FFM findings (in one of the official CMS languages) that includes, at a minimum, the following information:

- i) A summary of the collected information
- ii) A description of the activities undertaken
- iii) The relevance of the gathered information for the implementation of Articles III.4, III.5, III.7 and VI.2 of the Convention, as applicable, especially the impacts on Appendix I species and their habitats
- iv) Conclusions from the FFM and recommendations
- v) Supporting information

To ensure that “reviews are done in a synergistic and cooperative manner with other relevant processes both within and outside CMS”,<sup>26</sup> the Secretariat will proactively seek collaboration in FFMs if made aware that another MEA is addressing the same implementation matter. Joint FFMs will strive to avoid duplication of efforts and contradictory positions at the international level, and the CMS Secretariat must adhere to these operational guidelines when proposing a joint FFM to a concerned Party.

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<sup>26</sup> Resolution 12.9, Section I.A., para. 4

**DRAFT DECISIONS**

**REVIEW MECHANISM AND NATIONAL LEGISLATION PROGRAMME**

***Directed to the Secretariat***

14. AA The Secretariat is requested to:

- a) Follow up with Parties that have completed and submitted the National Legislation Programme (NLP) questionnaire on their progress in implementing recommended actions, and provide technical support to assist Parties in drafting adequate national legislation to implement the provisions of Article III, paragraph 5, of the Convention, as possible and appropriate;
- b) Encourage Parties that have not yet joined the National Legislation Programme to complete the NLP questionnaire and submit it to the Secretariat;
- c) In close collaboration with UNEP, organize a dedicated workshop for UNEP and CMS Parties to support them in strengthening national legal frameworks for the implementation of CMS;
- d) Subject to the availability of external resources, commission a study on penalties, including both criminal penalties and administrative sanctions, to determine whether national legislation allows for effective, deterrent and proportionate penalties for Appendix I species taken in violation of the Convention;
- e) Develop an online registry of Review Mechanism files and update it with relevant information on ongoing files;
- f) Report to the Conference of Parties at its 15<sup>th</sup> meeting on the progress in implementing this Decision.

***Directed to Parties***

14.BB.

- a) Parties that have submitted the National Legislation questionnaire and received a National Legislative Profile from the Secretariat are invited to take appropriate measures to implement Article III, paragraph 5, in line with the Secretariat's recommended actions, as indicated in the National Legislative Profile;
- b) Parties that have not completed and submitted the questionnaire are strongly encouraged to do so;
- c) Parties are reminded to inform the Secretariat of any exceptions made pursuant to Article III, paragraph 5, of the Convention;
- d) Parties are invited to provide financial or technical support to further strengthen the legal frameworks and institutional capacity through the implementation of the National Legislation Programme and the Review Mechanism.