CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

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FAQ EU SHARKS – FREQUENTLY ASKED QUESTIONS RELATED TO THE LISTING PROPOSALS OF PORBEAGLE AND SPINY DOGFISH

1. This document has been submitted by Spain on behalf of the European Union and its Member States[*].

2. The intention of this document is to provide CITES Parties with updated and most current information on the following EU listing proposals:

   - CoP15 Prop. 17: Porbeagle shark (*Lamna nasus*)
   - CoP15 Prop. 18: Spiny dogfish (*Squalus acanthias*)

A. The EU shark proposals:
Reasons and implications

1) Why does the EU think a listing of the Porbeagle *(Lamna nasus) in CITES Appendix II is required?*

- Porbeagle sharks occur in the temperate waters of the North Atlantic and Southern Oceans. They are relatively slow-growing and late maturing sharks.
- Porbeagle is particularly vulnerable to over-exploitation in fisheries. The species is taken in target fisheries and is an important bycatch utilised for its highly valued meat.
- Joint assessments of the North and South Atlantic stocks by ICCAT and ICES in July 2009 identified marked historical extents of decline to less than 30% of baseline and marked recent rates of declines exceeding 50%.
- Where data are available for other Southern Hemisphere stocks, these also show declining trends.
- While some Range States manage this species within their waters, it is not managed by any of the Regional Fisheries Management Organizations (RFMO), nor is any stock managed effectively throughout its range.
- The FAO Expert Panel as well as the IUCN/TRAFFIC assessment concluded that the available evidence supports the proposal to include Porbeagle stocks in both hemispheres in CITES Appendix II.
- The criteria for a listing of Porbeagle in CITES Appendix II according to Res.Conf. 9.24 (Rev.Cop14) are met.

2) Why does the EU think a listing of the Spiny Dogfish (Squalus acanthias) in CITES Appendix II is required?

- The Spiny Dogfish is a small migratory shark that is widely distributed in temperate shelf waters. It is among the most vulnerable of shark species to over-exploitation because of its slow growth, late maturity and long generation time, and because its aggregating habit makes it highly susceptible to commercial fisheries.
- The meat of the largest mature females is highly prized in European markets. This demand is supplied through international trade because EU fisheries were closed several years ago.

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[*] *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

- Stock assessments document major depletion of several major northern hemisphere stocks, which qualify under the “decline” guidelines in CITES Res.Conf. 9.24 (Rev.Cop14).
- In the Northeast Atlantic, stocks are reduced to 5 - 7 % of historical baseline and the fishery has been closed. Spiny dogfish in the western Mediterranean are now almost extirpated; fisheries trends in the eastern Mediterranean and Black Sea show more than 70% decline in recent decades. These stocks are considered to meet the CITES decline criterion according to FAO.
- Spiny Dogfish in the Northwest Atlantic is depleted to less than 30% related to 2000 and numbers of mature sharks are projected to decline again within the coming decade. However, recent joint US-Canadian transboundary assessments in February 2010 point to higher recruitment.
- Landings of spiny dogfish from the Northwest Pacific show 99% decline since the 1950s peak and catch per unit effort has also fallen.
- Population trends proved by stock assessments are unknown in most parts of the southern hemisphere, including the coastal waters of Argentina, Chile and South Africa.
- New Zealand Ministry of Fisheries started the first stock assessment in the Southern Pacific in 2008. Regional fisheries may be able to meet international demands for spiny dogfish by sustainable use of stocks around New Zealand and Australia.
- While some Range States manage this species within their waters or are establishing bilateral management measures, it is not managed by any of the Regional Fisheries Management Organizations (RFMO), and very few stocks are managed effectively throughout their migratory range.
- Although FAO - contrary to the IUCN/TRAFFIC assessment - concluded that the available evidence does not support the proposal, because several stocks have not declined seriously, the EU is convinced that the criteria for a listing in CITES Appendix II according to Res. Conf.9.24 (see Question 20) are met. The harvest of Spiny dogfish from the wild is reducing the wild population to a level at which its survival might be threatened by continued harvesting. Not only is European demand driving fisheries in other parts of the world, but stocks that may not be threatened should be listed under the ‘look-alike’ criterion for trade to be regulated effectively.

3) Why has the EU resubmitted proposals to list these two species in CITES Appendix II, despite their rejection at the last CITES CoP in 2007?

- Unsustainable fishing of most stocks of both shark species is still widespread and is driven by high international trade demand.
- New scientific data and stock assessments obtained since 2007 confirm that the two species meet the CITES criteria for inclusion in Appendix II.
- Although new data collection, conservation and management measures have been proposed by national and regional fisheries bodies and the Convention on Migratory Species (CMS), these do not regulate trade and shark populations have not yet recovered.
- Although the number of National Shark Action Plans adopted under the UN Code of Conduct for Responsible Fisheries is rising and several States including the EU have done their homework since 2007, implementation of the International Plan of Action for the Conservation and Management of Sharks (IPOA–Sharks) remains fairly disappointing.
- Therefore, additional and legally binding global action to regulate international trade is needed to support the sustainable exploitation of fisheries and enable recovery of depleted stocks.
- Customers have already started to boycott shark products and to ask for sustainable alternatives. This highlights the value of a CITES Appendix II listing as a guarantee of sustainability that can be used to promote exports from Range States with well managed fisheries.

4) To what extent do the proposals submitted for CoP15 (2010) differ from those submitted for CoP14 (2007)?

- We fundamentally rewrote both proposals and revised every part.
- We have included new significant data, especially those published between 2007 and 2009, and the results of stock assessment meetings in 2008 and 2009.
- We visited Russia, Argentina and other key fishery nations in order to exchange views and improve our database, and we incorporated their suggestions.
- We consulted the FAO and some RFMOs and addressed their requests within the proposals.
- The submission of both shark proposals is supported by a co-proponent, Palau.

5) Why has the EU not focused on the management of sharks in the Northeast Atlantic, instead of engaging in the conservation of stocks in other oceans?

- European vessels engage in fisheries in all oceans and European demand for shark meat is supplied by exports from all over the world. Responsible consumption requires our engagement in the conservation of all fish stocks affected by European activities.
- The depletion and closure of shark fisheries in the Northeast Atlantic means that continued high demand for shark products in Europe will now be supplied by fisheries in other parts of the world. The depletion of stocks in the Northeast Atlantic could become the blueprint for other areas, unless international trade regulation is introduced to support sustainable fisheries management.
- Although some other shark populations may be well managed in a sustainable manner, scientists do not know much about the status and population dynamics of many other stocks, particularly those without stock assessments or science-based management measures.

6) Can international trade in shark products continue after shark species have been listed in Appendix II and, if so, how can this trade be regulated?

- A CITES Appendix II listing does not prohibit international trade for commercial purposes (only a listing in Appendix I would do this).
- Local fisheries and domestic consumption are not affected by any CITES listing.
- Specimens of species listed in CITES Appendix II can be traded internationally if their populations are sustainably managed. Routine CITES documentation would authorise such trade. This includes *Non Detriment Findings* (NDF), see question 19, which can be based upon catch quotas or other management measures developed with scientific advice from fisheries bodies.
- Some North American Spiny Dogfish fisheries have applied for Marine Stewardship Council (MSC) certification to demonstrate that their harvests are sustainable. This certification is one option for establishing an NDF.
- Consumers in Europe pay high prices for shark products (up to 36 €/kg for smoked Spiny Dogfish), but are concerned about unsustainable fisheries management and depleted stocks.
- If sustainability is proven, much higher prices can be achieved by fishermen. This is why MSC certification has become so popular.

7) Why doesn't the EU leave the task of shark population recovery to fisheries management bodies, catch restrictions and other existing measures?

- Several populations of the shark species proposed for listing in Appendix II remain unmanaged, or are only partly managed within their range. None are managed by RFMOs.
- Depleted populations cannot wait. Recovery of shark populations takes many decades. Management measures need to be strengthened as soon and as effective as possible.
- Against the background of the worrying state of the world's fish stocks, the Ministerial Round Table of CITES COP 14 in The Hague (2007) decided to set one of its future focal points on sustainable use of commercially traded fish species. It resolved to developing and implementing policies and measures at all levels in order to ensure that international trade in marine species will not be detrimental to the survival of these species.
- Fisheries management measures will benefit from the support of international trade regulation when trade demand and value is high.

8) Which measures have been implemented by the 27 Member States of the EU for the benefit of shark populations?

- The EU adopted a Community Plan of Action for sharks (CPOA) in February 2009 and plays an active part in promoting shark conservation measures in Regional Fisheries Bodies worldwide.
- In December 2007, the EU Council of Ministers closed all target fisheries for Spiny Dogfish (*Squalus acanthias*), and in December 2009 prohibited all target fisheries and bycatch of Porbeagle (*Lamna nasus)* in their Exclusive Economic Zone (EEZ) and Coastal Waters. Bycatch of Spiny Dogfish has been reduced steadily since 2007, most recently to 10% of the 2009 level, and will fall to zero at the end of 2010.
- EU Members will soon sign the "*Memorandum of Understanding on the Conservation of Migratory Sharks*" working under the Convention of Migratory Species (CMS). This Memorandum lists seven shark species including Porbeage (*Lamna nasus*) and Spiny Dogfish (*Squalus acanthias*).
- EU consumer awareness and EU trade policy increasingly focus on sustainable fish products; a CITES Appendix II listing will deliver imports from sustainable fisheries.

9) If sharks are listed under CITES Appendix II, wouldn´t this protect European fisheries, since sharks caught and traded within the Common European Market would not be subject to CITES restrictions?

- The EU fisheries for these two shark species have been closed (see Question 8).
- Related internal trade of shark products derived from fisheries in European waters is near zero.
- Internal trade within the EU therefore mainly consists in shark products derived from stocks from outside the EU. For example, shark meat from Canada is imported to France, then internally traded by France to Germany and the UK.
- Such internal trade of products generated outside the EU is common and subject to the same CITES regulation as all other trading in CITES listed species stemming from outside the EU.
- Therefore, a CITES listing would not create any advantage for EU fisheries over non-EU CITES Parties.

B. Opinions and assessments of the CITES-Secretariat, CITES Parties, Inter-Governmental Organisations and Non-Governmental Organisations

12) What was the outcome of the consultation with Range States?

- Consultation letters with early drafts of the listing proposals were sent out to all Range States and to related Regional Fishery Management Organisations (RFMO). More than a dozen States responded.
- Their comments were mainly supportive.
- A few States, however, commented that they prefer management of these species to be undertaken solely through national catch restrictions or measures controlled by RFMOs.
- Written comments of several CITES Parties, including Argentina and the United States, were incorporated into the new proposals.
- The consultation process provided new data from the southern Atlantic and Pacific Regions for inclusion in the revised proposals, thus providing a more balanced global picture of the exploitation and conservation of both shark species.

13) What was the outcome of the FAO Ad Hoc Expert Panel in December 2009 on Porbeagle?

- The FAO Ad Hoc Expert Panel concluded that the available evidence supports the proposal to include Porbeagle in CITES Appendix II.
- The FAO Ad Hoc Expert Panel confirmed that Porbeagle falls into FAO´s lowest productivity category for commercially exploited aquatic species.
- The FAO Panel underlined that a CITES listing would result in better monitoring of catches entering international trade.

14) What was the outcome of the FAO Ad Hoc Expert Panel in December 2009 on Spiny Dogfish?

- The FAO Ad Hoc Expert Panel confirmed that Spiny dogfish in the Northeast Atlantic Ocean and the Mediterranean are considered to meet the extent of decline criterion.
- The FAO Ad Hoc Expert Panel stated that Spiny dogfish in North-West Pacific may meet the decline criterion.
- The FAO Ad Hoc Expert Panel evaluated the species on a population by population basis, but criticized that certain stocks covered in the CITES proposal had been subdivided in a way FAO does not assess as appropriate. The FAO Ad Hoc Expert Panel stated that most of the populations did not meet the decline criteria. FAO did not assess whether or not the harvest of Spiny dogfish from the wild is reducing the wild population to a level at which its survival might be threatened by continued harvesting. It also did not fully consider the look-alike criterion for these stocks.
- The EU held that stocks evaluated in the Spiny Dogfish proposal were defined as specific as possible. The delimitation of populations differs among scientists, and widely varying trend data are often obtained from different areas within the range occupied by a single biological stock. Divergent stock boundaries could be applied, as suggested by the FAO, but do not change the general pattern of unsustainable use in most populations.
- However, the FAO also underlined that "*harvesting of spiny dogfish should be closely monitored*" and stated that "*international trade of Spiny dogfish is the key driver of exploitation in most areas*".

15) Some organisations claimed that global abundance of Spiny Dogfish is around one billion individuals - isn´t this far too much for a CITES listing?

- This claim is misleading. Mere abundance does not automatically mitigate risk of extinction and indicate that the future status of the stocks will be positive. This is why abundance is not one of the criteria adopted by Parties for a listing under CITES.
- The global estimate given includes all animals, with the exception of the smallest juveniles. The valid consideration is the abundance of mature females (spawning stock biomass), which is a small fraction of this number. Mature Spiny Dogfish comprise about 10% of the total abundance of an unfished population, in a male: female ratio of 2:1. Because spiny dogfish fisheries selectively target mature females, they reduce their abundance significantly and may prevent future pup recruitment and stock recovery.

16) Did other organisations provide scientific reviews and assessments of the proposals?

- Yes. The FAO Ad Hoc Expert Panel is just one of several assessment panels.
- The scientific analyses of CITES proposals by IUCN and TRAFFIC concluded that the available evidence does support the listing of porbeagle (*Lamna nasus*) at Annex II.
- The scientific analyses of IUCN and TRAFFIC of Porbeagle and Spiny Dogfish also stated that the available evidence does support the Annex II listing of spiny dogfish (*Squalus acanthias*).
- The CITES Secretariat stated that an Appendix-II listing of *Lamna nasus* would result in better monitoring of catches entering international trade from all stocks. The CITES Secretariat recommends that this proposal should be adopted.
- The CITES Secretariat recommends that the proposal on Spiny Dogfish (*Squalus acanthias*) be adopted. The difference between the recommendation of the Secretariat on this proposal and the opinion of the FAO Ad Hoc Expert Advisory Panel can be attributed to differences in interpretation of the listing criteria (see question 17 below).

C. Other questions related to the EU shark proposals

17) The FAO and the CITES Secretariat do not agree on a common interpretation of the listing criteria, which apply to commercially exploited marine species. Is it necessary to agree on the criteria before submitting any such proposals?

- The discussion on the interpretation of the CITES criteria is not a new issue. Regardless of different interpretations, previous CITES CoPs have acknowledged and successfully listed other marine species, including the White Shark in 2007.
- Following a recent discussion at the 58th CITES Standing Committee in June 2009, CITES and FAO agreed that each listing proposal submitted to CoP 15 should explain its understanding of the criteria.
- Sharks and other species threatened by unsustainable management and international trade cannot wait until these formal aspects are solved.

18) How does the EU interpret and apply Resolution Conf. 9.24 (Rev. CoP14) and the criteria for listing under CITES Appendix II?

- The proponents have carefully considered the FAO's views on how CITES Parties should interpret the criteria in Resolution Conf. 9.24 (SC 58 Inf. 6), and the interpretation suggested by the CITES Secretariat (SC 58 Doc. 43). In the view of the proponents, the definition of the term "decline" given in Annex 5 of Resolution Conf. 9.24 is only relevant for Criterion A.
- By contrast, Criterion B of Annex 2 a does not refer to Appendix I. Criterion B states that a species should be included in Appendix II "to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences."
- Whether the Appendix I definition of "decline" is relevant for Criterion B has been subject to different interpretations. We disagreed with the FAO interpretation and followed the interpretations of the CITES Secretariat, namely that regulation of trade in the species is required to ensure that the harvest of specimens is not reducing the wild populations to a level at which its survival might be threatened by continued harvesting or other influences, if populations are close to meeting the marked population decline guideline.
- The proponents would like to underline that Criterion B represents the outcome of a rewording of the previous version of Paragraph B of Annex 2a in Res. Conf. 9.24, which reads as follows: "*It is known, or can be inferred or projected, that harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either i) exceeding, over an extended period, the level that*

can be continued in perpetuity; or ii) reducing it to a population level at which its survival would be threatened by other influences."

- In the criteria working group at Johannesburg (20th Animals Committee, 2004) it was recognized that Criterion B of Annex 2 a in its current version encompasses both meanings of the abovementioned original text, i.e. paragraph i) and ii). This represented the understanding of European Community Parties when the revised criteria were adopted, and the proponents feel that this remains a valid interpretation of this criterion.

19) How can sustainability of fisheries in Porbeagle and Spiny Dogfish be ensured?

- As with all CITES Appendix II species, exporting CITES Member States have the obligation to carry out a non detriment finding (NDF) according to Article IV of the Convention.
- The Scientific Authority should advise the Management Authority accordingly. The NDF should ideally be based upon stock assessments and a fishery management plan, or scientific advice on precautionary catch levels or other management measures.
- Several documents available give guidance to the making of an NDF for shark species, e.g. those prepared by IUCN (Rosser & Haywood 2002), the Spanish Scientific Authority (Garcia-Nunez 2008) and the Expert Workshop in Mexico (Anonymous 2008).

20) Isn´t it difficult to distinguish between fins and meat of CITES sharks, e.g. Porbeagle and Spiny Dogfish, and those of other non-protected species in trade?

- It will be important to utilise species-specific commodity codes and identification guides for their products and to improve tracking from fisheries to consumers.
- The development of improved visual guides needs to be reviewed during the 18 month period after the CoP before the listing will come into effect. A generic guide to the identification of shark fins is in preparation.
- DNA testing is available for both species. It can be used to confirm species and even stock identification and product origin for enforcement purposes with results available within a week from receipt of sample. Cost per sample processed starts from US $ 20-60.

21) Would a CITES Appendix II listing of these sharks interfere with Asian culture?

- The proposals to list spiny dogfish and porbeagle arise from concern regarding the traditional and formerly unsustainable consumption of shark meat in Europe. They do not target any specific culture or CITES Member States, neither would the EU discriminate against any other traditional uses of shark products.
- Local fisheries and domestic consumption of landings will not be affected by CITES at all.
- We aim to promote the sustainable use of shark populations. Sustainable fishing will ensure that enough shark products remain available in the long term for both European and Asian cuisines.

22) Does listing of Porbeagle and Spiny dogfish affects other shark fisheries, e.g. the use of other shark species by coastal fisheries?

- No. The proposals 17 and 18 are dealing only with Porbeagle and Spiny dogfish. No other species are listed as "look-alikes"
- Since there is little risk to confuse *Porbeagle (or Spiny dogfish)* with other shark species, coastal fisheries targeting other shark species will not be affected.