

Responses to Notification to the Parties No. 2023/027

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**New information on shark and ray conservation management activities in accordance with Resolution Conf. 12.6 (Rev. CoP18) as per CoP19 Decision 19.222 paragraph a) and Notification to the Parties No. 2023/027 provided to the CITES Secretariat from the People's Republic of Bangladesh in May 2023.**

### ***Executive Summary***

The listings of sharks and rays co-sponsored by Bangladesh at CITES CoPs 17 – 19 have driven efforts in Bangladesh to strengthen CITES compliance, particularly on shark and ray requirements. Strong progress was made on aligning national legislation, prioritizing sharks and rays in government projects, and preparing Non-Detriment Findings to regulate permissible take and trade. Noteworthy achievements include improved awareness and technical capacity of government officers from fisheries, wildlife, customs, and law enforcement agencies for detecting, identifying, reporting, and prosecuting illegal take and trade of sharks and rays, and enhanced public awareness about the importance of sharks and rays for a healthy ocean supporting healthy people achieved through targeted educational outreach and practical tools.

A national conservation strategy and plan of action was developed jointly by fisheries, wildlife, customs, and law enforcement agencies, informed by the best available scientific evidence and recommendations from local fishery stakeholders. It prioritizes next steps for improved shark and ray fisheries and trade management. Recognizing these needs, particularly for monitoring and reporting take and trade of sharks and rays and processing of CITES trade permits, Bangladesh requests support from CITES Parties and Secretariat for further strengthening CITES compliance.

### **A. National species protection law aligned with CITES shark and ray listings**

In September 2021, Bangladesh amended the list of sharks and rays protected under the Wildlife (Conservation and Security) Act, 2012 through [gazette notification by the Ministry of Environment, Forests and Climate Change](#) (MoEFCC). The amendment lists eight genera and 23 species of sharks and rays under Schedule I (prohibiting commercial take and trade) and one genus and 29 species of sharks and rays under Schedule II (strictly regulating commercial take and trade). The revised listing was prepared by the Forest Department, reviewed by national and international experts, and endorsed in an interministerial meeting in April 2021.

Twenty of the 52 shark species and 27 of the 62 ray species reported or suspected to occur in Bangladesh were listed under Schedule I based on their classification as CR or EN in the Global IUCN Red List or in the IUCN Red List for sharks and rays in the Arabian Seas Region, and/or inclusion in CITES Appendix I, and/or CMS, and/or protected under a resolution of the IOTC. The criteria used for including 13 shark and 19 ray species in Schedule II were their classification as VU in the Global IUCN Red List or the IUCN Red List for sharks and rays in the Arabian Seas Region, and/or listing in CITES or CMS Appendix II. Some exceptions were made to the criteria described above due to taxonomic uncertainties and “look alike” species that cannot be easily distinguished by managers or law enforcement officers. In some cases, entire genus versus individual species were listed (e.g., *Sphyrna*, *Alopias*, *Isurus*, *Pristis*, *Mobula*, *Rhinobatos*, *Glaucostegus*, *Rhynchobatus*, *Gymnura* spp.).

As per the amendment, all shark and ray species regulated under CITES pre-CoP19 are protected under Schedule I, except for the Silky Shark (*C. falciformis*), with extremely low

volume of landings, and the White Shark (*Carcharodon carcharias*), not recorded in Bangladesh, listed under Schedule II of the Bangladesh Wildlife Act. The amendment made Bangladesh the first country in the world to grant full legal protection to all guitarfishes and wedgefishes. This means that bar Silky Shark (see section C), any trade out of Bangladesh in shark and ray species listed on CITES before CoP19 is illegal.

Of all requiem sharks listed as per CITES CoP19 (effective from November 2023), and confirmed or suspected to occur in Bangladesh, Ganges shark *Glyphis gangeticus*, Pondicherry shark *Carcharhinus hemiodon*, Sharptooth lemon shark *Negaprion acutidens*, Whitecheek shark *Carcharhinus dussumieri*, Broadfin shark *Lamiopsis temminckii*, as well as Bull shark *Carcharhinus leucas*, Pigeye shark *Carcharhinus amboinensis*, and Sand tiger shark *Carcharias taurus* are listed under Schedule I of the Bangladesh Wildlife Act. Graceful shark *Carcharhinus amblyrhynchoides*, Spinner shark *Carcharhinus brevipinna*, Blacktip shark *Carcharhinus limbatus* Blacktip reef shark *Carcharhinus melanopterus*, Spottail shark *Carcharhinus sorrah* (recognized as the black-tipped requiem shark complex), as well as Blue shark *Prionace glauca*, Tiger shark *Galeocerdo cuvier*, Snaggletooth shark *Hemipristis elongate*, Whitetip reef shark *Triaenodon obesus*, Hooktooth shark *Chaenogaleus macrostoma*, and Tawny nurse shark *Nebrius ferrugineus* are listed under Schedule II.

In short, any trade in CITES listed shark and ray species or derivatives out of Bangladesh is illegal without prior permission and documentation from the CITES MA/Forest Department.

## **B. Prioritizing investments for CITES-compliant shark and ray conservation management**

Under the Sustainable Forests & Livelihoods (SUFAL) project implemented by the Bangladesh Forest Department under the MoEFCC with financial assistance from the World Bank, the Wildlife Conservation Society (WCS) was appointed for an 18-months consultancy assignment on *Shark and Ray and Associated Species Conservation Strategy Development and Non-Detriment Findings*. The objectives of the assignment included (1) Protecting sharks and rays threatened by overexploitation from targeted and non-targeted catches; (2) Ensuring that the exploitation of non-threatened sharks and rays is sustainable and does not result in them becoming threatened; (3) Sustaining fishing livelihoods through the conservation of threatened sharks and rays and sustainable exploitation of non-threatened species; (4) Developing an informed public about the critical role of sharks and rays in maintaining a healthy ecosystem through mass awareness programs for species conservation; (5) Establishing a strong capacity among government and community stakeholders for the conservation management of sharks and rays; (6) Achieving compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and (7) Strengthening coordination with the Department of Fisheries regarding shark and ray conservation.

Research conducted under the SUFAL shark and ray consultancy assignment, supplemented by scientific investigations and policy related activities conducted between 2016-2019, were presented in the [Shark and Ray Assessment Report - Baseline information on the status, threats, and governance in Bangladesh \(SAR\)](#). This document, along with recommendations resulting from CITES NDFs also developed under this consultancy assignment, was used to inform the [National Conservation Strategy and Plan of Action for Sharks and Rays in Bangladesh](#). This ten-year strategic action plan, which includes strategic conservation priorities and governance frameworks for improving the protection of threatened sharks and rays, ensuring that the exploitation of non-threatened species does not result in them

becoming threatened, and sustaining productive fishery livelihoods and marine conservation management, was developed in a collaborative process including four consultative workshops with relevant community and government stakeholders.

Under the SUFAL assignment, trainings, [species identification tools](#), and continued technical mentorship was provided to over 100 field- and mid-level fisheries, wildlife, and law enforcement agency officers on identifying protected sharks and rays at landing, their commonly traded parts, and prosecuting illegal trade. Through an interactive traveling exhibition [Ocean Guardians – Protecting Threatened Sharks and Rays in Bangladesh](#) that visited six coastal fish landing sites, more than 4,000 visitors including wildlife, fisheries, and law enforcement officers, fishers, and fish traders were engaged in an effort to create mass awareness about sharks and rays, the threats they are facing, and regulations pertaining to their take and trade. A copy of the [final project report](#) is provided here.

This was the first project financed and implemented by the Ministry of Environment, Forests and Climate Change for improving shark and ray conservation management in Bangladesh, with a strong focus on enhancing CITES compliance. Efforts led by the Forest Department for finalizing an integrated management plan for the Swatch-of-No-Ground Marine Protected Area (MPA) include a nearly four-fold spatial expansion of the MPA to incorporate critical shark and ray habitat in nearshore shallow waters between the Sundarbans mangrove forest and a submarine canyon. The Saint Martin's MPA, declared in 2022, also aims to protect priority habitat and globally threatened species of sharks and rays.

### **C. Non-Detriment Findings for four CITES Appendix II species/species groups completed**

In accordance with Articles III and IV of the Convention, the Scientific Authority of Bangladesh reviewed and approved [four Non-Detriment Findings \(NDFs\)](#) for Silky Shark *Carcharhinus falciformis*, Smooth Hammerhead Shark *Sphyrna zygaena*, Mobulid Rays (Mobulidae - *Mobula mobular*, *M. kuhlii*, *M. tarapacana*, *M. thurstoni*, *M. eregoodoo*, *M. birostris*), and Rhino Rays (Giant Guitarfishes *Glaucostegiid* and the Wedgefishes *Rhinidae*) for implementation. The NDFs were developed through a scientific review based on available information on the population status, distribution, population trend, harvest and other biological and ecological factors, and trade information relating to the species concerned.

The process was conducted by 22 nominated officers from the Bangladesh Forest Department, Department of Fisheries, Bangladesh Fisheries Research Institute, University of Dhaka, and Sher-e-Bangla Agricultural University, in two intensive three-day workshops held in February 2022. The resulting NDF assessments, along with the recommended mitigation measures, were validated by 33 national fisheries and wildlife experts in a workshop in February 2022, approved by the Scientific Committee in a meeting held on 28 February 2022, endorsed at an interministerial meeting in June 2022, and officially approved for submission to CITES and implementation by the MoEFCC in February 2023. The NDF assessment and validation workshops were facilitated as trainings, thereby enabling representatives from research institutions and government agencies to use the newly developed eNDF tool and applying it for additional NDFs to be conducted in the future.

Due to evidence of overexploitation and international trade negatively affecting the survival of wild populations, the NDF assessments for Smooth Hammerhead Sharks, Mobulid rays, and Rhino rays resulted in negative findings, with key recommendations made for improving their conservation status in Bangladesh. The results of the NDF process for these species are consistent with, and provide the scientific justification for, the recently amended Wildlife

(Conservation and Security) Act, 2012, where these species are protected under Schedule I. As per the resulting NDF for Silky sharks, listed under Schedule II of the Wildlife (Conservation and Security) Act, 2012, export permits can be issued with the condition that specimens have a total length of at least 200 cm (size at maturity).

Implementation of these NDFs has been initiated by the Forest Department in collaboration with other relevant national government agencies, and progress will be reviewed periodically as per recommendations and conditions detailed in the NDFs.

The management and conservation actions proposed in these NDFs, which aim to prevent further population declines and promote the recovery of these species/species groups, were incorporated in the *National Conservation Strategy and Plan of Action for Sharks and Rays in Bangladesh* (see below).

#### **D. National Conservation Strategy and Plan of Action to guide and prioritize shark and ray conservation management activities developed in partnership with government and community stakeholders**

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In February 2023, the MoEFCC approved the [National Conservation Strategy and Plan of Action for Sharks and Rays in Bangladesh \(NCS/NPOA-Sharks & Rays\)](#) for implementation. The NCS/NPOA-Sharks & Rays includes strategic conservation priorities and governance frameworks and interventions for improving the protection of threatened sharks and rays – including CITES listed species/species groups, ensuring that the exploitation of non-threatened species does not result in them becoming threatened, and sustaining productive fishery livelihoods and marine conservation management.

The NCS/NPOA-Sharks & Rays fulfills Bangladesh's commitment to CITES, CMS, and IOTC for developing and implementing an NPOA for conservation and management of sharks and rays guided by the FAO IPOA-Sharks. It was prepared under the SUFAL shark and ray consultancy assignment (see above). Informed by results and recommendations from the SAR and NDF assessments on preventing further population declines and promoting the recovery of these species/species groups (see above), the ten-year NCS/NPOA-Sharks & Rays was developed in a collaborative process, including four consultative workshops with relevant community and government stakeholders. A NPOA working group appointed by the Ministry of Fisheries and Livestock under the leadership of the Department of Fisheries, with representation from the Forest Department, Bangladesh Fisheries Research Institute, Academia, IUCN-Bangladesh and WCS, supported and engaged in the process. The NCS/NPOA-Sharks & Rays was presented, discussed, and endorsed in an interministerial meeting with high-level representation from wildlife, fisheries, and law enforcement agencies in June 2022.

#### **E. Government capacity to comply with CITES reporting requirements strengthened**

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Results and recommendations from a [wildlife trade scoping study](#) conducted in 2018 based on media reports and interviews on current regulations pertaining to sharks and rays and additional needs for Bangladesh led to an enhanced commitment by the Government to combat illegal wildlife trade and strengthen compliance with CITES decisions.

In a first high-level interministerial meeting in May 2019, senior representatives from all national law enforcement agencies shared their concern and agreed on the urgency of conserving threatened wildlife and strengthening compliance with CITES commitments. These meetings have since become an annually recurring opportunity for agency heads and

senior ministry representatives to discuss progress and next steps for coordinating and collaborating on CITES take and trade issues. The need for strengthening government's capacity to meeting international obligations was identified as a priority.

Collaborative regional training programs, seminars, and awareness programs conducted since then with nearly 300 law enforcement officers from the Forest and Fisheries departments, Police, Border Guard Bangladesh, Coast Guard, Navy, and Customs, 45 judges, magistrates, and prosecutors, and over 160 members of the press to increase interagency capacity and cooperation for combatting illegal wildlife trade and strengthening CITES compliance, have resulted in a three-fold increase in arrests, seizures, and convictions of illegal wildlife trade in Bangladesh documented in national media reports.

Under the SUFAL shark and ray consultancy assignment from 2021-2022, intensive technical trainings and species identification tools were provided to more than 100 wildlife, fisheries, customs, law enforcement officers, and citizen scientists to enable improved monitoring and reporting of shark and ray take and trade. Well over 10,000 members of coastal fishing communities were reached through public awareness initiatives, including traveling exhibitions and film shows, aiming to increase ocean guardianship among fishery stakeholders for protected sharks and rays. The efforts for improving marine stewardship and creating local shark and ray conservation constituencies were further amplified through community radio program episodes featuring CITES listed whale sharks, hammerheads, mobulid rays, and rhino rays, that reached a potential audience of 1.8 million (see above).

#### **F. Next steps for addressing gaps and needs towards CITES compliance**

Following recommendations from the NCS/NPOA-Sharks & Rays for addressing policy gaps identified during the NDF assessment development workshops, two consultative workshops were conducted in December 2022 (Chattogram) and February 2023 (Khulna) with inspectors and officers from the Fish Inspection and Quality Control (FIQC) unit of the Department of Fisheries, the Bangladesh Forest Department, and Customs on harmonizing fish and fish product export/import procedures in Bangladesh with shark and ray trade regulations as per Wildlife (Conservation and Security) Act 2012 and CITES regulations.

Additional recommendations to amend the Wildlife (Conservation and Security) Act, 2012, with suggested definitions of Schedule I and II, suggested penalties for exploitation, trade, possession, and consumption of listed species, and specifying rules for wildlife possession, transit, and registration permits, are under consideration by the Forest Department, as are proposed formulations for amending the Import Policy Order and the Coast Guard and Border Guard Acts, to align with the Bangladesh Wildlife Act and mandate other government agencies to support its enforcement, including for listed sharks and rays.

Next steps for further strengthening CITES compliant monitoring and reporting, national policies, and enabling implementation of shark and ray take and trade requirements through enhanced capacity and compliance, are proposed in the NCS/NPOA-Sharks & Rays. These priority actions include measures to (i) Reduce mortalities of threatened sharks and rays, (ii) Protect priority shark and ray habitat, (iii) Strengthen legal protection and enforcement, (iv) Engage fishing communities in shark and ray protection, (v) Improve reporting and monitoring of shark and ray catches, landings, and trade, and (vi) Strengthen governance and coordination.

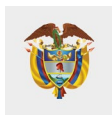
Bangladesh

The four NDFs received from Bangladesh on *Mobula* spp., *Rhinopristiformes* spp., *Carcharhinus falciformis* and *Sphyrna zygaena* are published on the [CITES sharks and rays webpage](#).

Brazil

The NDF received from Brazil on *Isurus oxyrinchus* is published on the [CITES sharks and rays webpage](#).



**Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora  
Silvestres (CITES)****Notificación a las Partes No. 2023/027****Ginebra, 16 de marzo de 2023****Asunto: Tiburones y rayas (*Elasmobranchii* sp)****Informe Colombia**

Desde el Ministerio de Ambiente y Desarrollo Sostenible, como Autoridad Administrativa de la Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres (CITES), a continuación, se brinda un breve contexto sobre la normatividad nacional vigente para el manejo que se da en Colombia sobre las especies de Tiburones y rayas (***Elasmobranchii spp.***). Con base en lo anterior, se dará respuesta a cada ítem solicitado en la Notificación.

**Normatividad vigente en Colombia**

El artículo 7° de la Ley 13 de 1990, considera como recursos hidrobiológicos todos los organismos pertenecientes a los reinos animal y vegetal que tienen su ciclo de vida dentro del medio acuático. Igualmente señala que se entiende por recursos pesqueros aquella parte de los recursos hidrobiológicos susceptibles de ser extraída o efectivamente extraída, sin que se afecte su capacidad de renovación con fines de consumo, procesamiento, estudio u obtención de cualquier otro beneficio. Además, establece que el INDERENA, **hoy Ministerio de Ambiente y Desarrollo Sostenible** y el INPA, hoy Autoridad Nacional de Acuicultura y Pesca (en adelante AUNAP), definirán conjuntamente, las especies y los volúmenes susceptibles de ser aprovechados. Una vez definidos, la administración y manejo integral de tales recursos pesqueros será de competencia exclusiva del INPA, hoy AUNAP.

Para llevar a cabo dicha articulación entre ambas autoridades, así como la definición de las especies, los volúmenes susceptibles de ser aprovechados y las tallas mínimas permisibles, se creó el Comité Ejecutivo para la Pesca en 1991.

En una sesión extraordinaria de dicha instancia (Comité Ejecutivo para la Pesca), en marzo de 2021, se aprobó que a partir de esa fecha los tiburones, rayas marinas y quimeras fueran considerados como recurso hidrobiológico y, de manera consecuente, la AUNAP realizaría los ajustes normativos internos, a fin de excluir los tiburones, rayas marinas y quimeras, de recurso pesquero a hidrobiológico. Dicha decisión quedó reflejada en la Resolución 0380 del 5 de marzo de 2021, expedida por la AUNAP.

Con la declaración de las especies de tiburones y rayas marinas como recurso hidrobiológico, dichas especies no son susceptibles de ser extraídas con fines comerciales o deportivos, por lo que requieren de la adopción de medidas de manejo y conservación de carácter ambiental que



garanticen su capacidad de renovación. En este sentido, el Ministerio de Ambiente y Desarrollo Sostenible mediante el Decreto 281 del 18 de 2021 ordenó la creación del “Plan Ambiental para la Protección y Conservación de Tiburones, Rayas marinas y Quimeras”, con el objetivo de garantizar la conservación y el manejo sostenible de las especies de tiburones, rayas marinas y quimeras, con el fin de disminuir la vulnerabilidad y amenazas causadas por el desarrollo de actividades antrópicas.

Dicho Plan, adoptado mediante la Resolución 0854 del 5 de agosto de 2022, establece como lineamientos los siguientes:

- i. Prohibir en todo el territorio nacional la comercialización, incluyendo la exportación, reexportación e importación, de productos de tiburones, rayas marinas y quimeras, y de cualquier subproducto derivado de los mismos.
- ii. Así mismo, el transporte y tenencia de productos o subproductos como carga, menaje personal o equipaje acompañante en medios de transporte terrestre, marítimo, fluvial o aéreo.
- iii. En la jurisdicción de los municipios costeros de los litorales Pacífico y Caribe las capturas incidentales de tiburones y rayas marinas que no puedan ser devueltos vivos al mar, y que provengan especialmente de la pesca de subsistencia, podrán ser aprovechadas para contribuir a la seguridad alimentaria de las comunidades costeras.
- iv. En ninguna circunstancia se podrá transportar, movilizar o comercializar especies de condrictios o sus derivados fuera de la jurisdicción de estos territorios”.

Respecto a la conservación de rayas de agua dulce en Colombia, cabe resaltar que como parte de su gestión se viene adelantando el seguimiento y administración de las especies incluidas en el Apéndice III del género *Potamotrygon*. En este sentido, se expidieron en el marco de las competencias que recaen en la Autoridad Nacional de Acuicultura y Pesca-AUNAP, las siguientes resoluciones:

- **Resolución 1609 de 2017.** Por la cual se establecen medidas de administración y manejo para los siguientes recursos ornamentales: Rayas de la familia *Potamotrygonidae* y *Pterophyllum altum*.
- **Resolución 1852 de 2019.** Por la cual se modifica parcialmente el artículo segundo de la Resolución número 1609 del 14 de agosto de 2017, por la cual se establecen medidas de administración y manejo para los siguientes recursos ornamentales: Rayas de la familia *Potamotrygonidae* y *Pterophyllum altum*.

### **Reporte al 2023**

Con base en el contexto anteriormente brindado, y de conformidad con la normatividad enunciada, en Colombia no pueden ser objeto de un aprovechamiento comercial o deportivo las especies de tiburones, rayas marinas y quimeras, ni a nivel nacional ni internacional, por lo que:

**Parte A. Elaboración de dictámenes de extracción no perjudicial:** No existen, ni se han desarrollado a partir de la normativa señalada, dictámenes de extracción no perjudicial sobre peces condrictios marinos.



**Parte B. Formulación de dictámenes de adquisición legal:** No existen ni se han desarrollado a partir de la normativa señalada dictámenes de adquisición legal sobre tiburones y rayas marinas.

**Parte C. Identificación y el control de los productos de tiburones incluidos en los Apéndices de la CITES en el comercio en los países de origen, tránsito y consumo que sean Partes:** Previo al 2022 se trabajó en temas de identificación y trazabilidad de producto y subproductos de tiburones y rayas por medio del establecimiento de códigos arancelarios específicos. No obstante, lo anterior, este ejercicio de desdoblamiento arancelario ha permanecido inactivo luego de la normativa expedida en el año 2021 sobre tiburones, rayas marinas y quimeras.

Por parte de la Dirección de Impuestos y Aduanas Nacionales -DIAN-, se continuó aplicando el Decreto 2153 del 2016 “*Por el cual se adopta el Arancel de Aduanas y otras disposiciones*” y del Decreto 1515 del 2019 “*Por el cual se modifica parcialmente el Arancel de Aduanas*”, en el cual se presentan nuevos códigos para especies de tiburones CITES II y rayas de agua dulce de la familia Potamotrygonidae.

**Parte D. Registro de las existencias de partes y derivados de tiburón comerciales y/o preconvencción de especies de elasmobranquios incluidos en el Apéndice II de la CITES y controlar la entrada de esas existencias en el comercio:** Desde Colombia no se tienen reportes para este punto.

**Parte E. Necesidades de creación de capacidad para ayudar a los países en desarrollo y los Pequeños Estados Insulares En Desarrollo a cumplir los requisitos de presentación de informes:** De manera particular, desde Colombia se ha identificado como una necesidad el fortalecimiento de capacidades frente al manejo de los sistemas de información, registro y monitoreo existentes, que permita controlar, prevenir y evitar el tráfico ilegal de estas especies en el territorio nacional.

Costa Rica

The two NDFs received from Costa Rica on *Alopias* spp. and *Carcharhinus falciformis* are published on the [CITES sharks and rays webpage](#).

**CITES Notification to the Parties N° 2023/027**

**Concerning sharks and rays (*Elasmobranchii* spp.)**

Pursuant to Decision 19.222 paragraph a) and in accordance with Resolution Conf. 12.6 (Rev. CoP18) on conservation and management of sharks, here is brief summary of national legislation and conservation management of sharks and rays in Croatia in waters under national jurisdiction:

CITES listed elasmobranchii species present in the Republic of Croatia:

Family: Alopiidae

*Alopias vulpinus*

Family: Cetorhinidae

*Cetorhinus maximus*

Family: Lamnidae

*Carcharodon carcharias*

*Isurus oxyrinchus*

*Lamna nasus*

Family: Myliobatidae

*Mobula mobular*

Family: Pristidae

*Pristis pectinata*

Family: Sphyrnidae

*Sphyrna zygaena*

Family: Carcharhinidae

*Carcharhinus plumbeus*

*Prionace glauca*

Family: Rhinobatidae

*Rhinobatos rhinobatos* (**presence uncertain!**)

As we reported back in 2020, all CITES listed elasmobranchii species are strictly protected in Croatia by the Nature Protection Act (Official Gazette No 80/2013, 15/2018, 14/2019, 127/2019) and Ordinance on strictly protected species (Official Gazette No 144/2013, 73/2016), so fishing, catching or any kind of disturbance of these species, as well as trade in parts or derivatives or any kind of commercial activity, is prohibited in Croatia. Every performance of prohibited action is subject to a legal prosecution.

Additionally, retaining on board vessel, transshipping, landing, transport, store, sell or display or offer for sale (including through social networks) of sharks and rays that are protected is prohibited in accordance with:

a) the Nature Protection Act

b) Marine Fisheries Act ("Official Gazette", no. 62/17, 14/19 and 30/23)

c) the Regulation of the European Parliament and of the Council (EC) no. 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea and

d) Council Regulation (EC) no. 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels

If, during fishing, an accidental catch of protected species of sharks and rays occurs, it is mandatory to release the caught species into the sea, unharmed and alive, whenever possible.

Finning prohibition is regulated by Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels, which is directly applicable in all EU Member States and complemented also by Regulation (EU) No 1343/2011 of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. It is prohibited to remove shark fins on board vessels, and to retain on board, tranship or land shark fins.

Monitoring System for the Assessment of the Status of the Adriatic Sea includes monitoring of pelagic fish, demersal and chondrichthyan fish, and coastal fish. Data have been collected under the Data Collection Framework and also during the 'MEDITS' bottom trawl surveys in the Adriatic Sea.

Since 2022 on-board coverage of fishing vessels by scientific observers within the scope of Data Collection framework in Fisheries has been significantly increased with the aim to enable estimation of bycatch rates for all high risk fishing gears. Croatia is fully in line with GFCM methodology.

Trainings for fishers focused on handling incidentally caught specimens were organized in 2022, with the support of MedBycatch project. Further training workshops for fishermen are planned by the Ministry of Agriculture during the course of 2023, as well as development of educational materials which would include instructions on handling and reporting. Cooperation on this issue between fishing and nature protection sector has been significantly strengthened.

In order to collect data for risk assessment of incidental catch by different fishing gear, necessary changes in the fishing logbooks have been made by Ministry of Agriculture back in 2018. All fishing logbooks now have sections concerning data on incidental catch of elasmobranchii species (Marine Fisheries Act (OG No. 62/17, 14/19), Ordinance on the form, content and method of submitting data on the catch in commercial fishing at sea (OG No. 38/18, 48/18, 64/18, 35/20)..

So far, Croatia did not have import or export of CITES listed shark species nor did we identified any kind of illegal activities or trade.

**CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES AMENAZADAS  
DE FAUNA Y FLORA SILVESTRES**



**INFORME ACTIVIDADES DE GESTIÓN DE LA CONSERVACIÓN DE TIBURONES Y RAYAS, EN  
PARTICULAR SOBRE CUALQUIER MEDIDA DE ORDENACIÓN NACIONAL QUE PROHIBA LA CAPTURA  
COMERCIAL O EL COMERCIO**

El Salvador, Autoridades CITES.

**RESUMEN DE LOS PRINCIPALES PROGRESOS.**

**1. CONFORMACIÓN DE UN COMITÉ NACIONAL DE TIBURONES.**

Con la intención de abordar la problemática referente a las irregularidades en la captura, manejo y exportación de las diferentes especies de tiburones y rayas, se crea dicho Comité, el cual está conformado por representantes de las siguientes entidades:

1. Autoridad Administrativa CITES (Ministerio de Agricultura y Ganadería -MAG).
2. Autoridad Científica CITES (Ministerio de Medio Ambiente y Recursos Naturales- MARN).
3. Autoridad de Pesca (Centro de Desarrollo de la Pesca y la Acuicultura - CENDEPESCA).
4. División de Inspección de Productos de Origen Animal (DIPOA) del MAG.

Como Comité, se han realizado reuniones, para reforzar marcos legales, establecer competencias interinstitucionales para el cumplimiento de la CITES, revisión de procedimientos de Verificación y Adquisición Legal; con la finalidad de ordenación en los procesos interinstitucionales involucrados, además de la contribución en el trabajo interinstitucional en la gestión de proyectos investigativos en el tema de la conservación, protección y extracción de los recursos pesqueros regulados por la Convención.

Actualmente El Salvador no exporta Rayas, sin embargo, se están creando proyectos de parte de las autoridades científicas de pesca para el aprovechamiento sostenible de estas especies.

**A. LA ELABORACIÓN DE DICTÁMENES DE EXTRACCIÓN NO PERJUDICIAL (DENP);**

-Actualmente se poseen en trámite gestiones técnicas y financieras, con la cooperación nacional e internacional para: para esta actividad, se cuenta con la gestión financiera de MARN, para realizarse durante el presente año. se han definido las especies de interés y se han definido los alcances del mismo, en proceso de elaboración de términos de referencia (tdr) definido para 3 géneros: Carcharinus spp, Alopias spp y Sphyrna spp.; para ejecutarse entre el 2023 y el 2024. Todavía están por definir las especies de Rayas a incluir. Gestión realizada ante el Fondo Ambiental de El Salvador (FIAES) y el DOI y FWS.

-En trámite construcción de proyecto de DENP REGIONAL (con asesoramiento de U.S. Department of the Interior, International Technical Assistance Program (DOI-ITAP) con la participación de Centro de Desarrollo de la Pesca y la Acuicultura y Autoridad Administrativa con financiación extranjera. Se espera dar información oficial a la secretaria en las próximas semanas,

**B. LA FORMULACIÓN DE DICTÁMENES DE ADQUISICIÓN LEGAL (DAL)**

En el marco de trabajo de la Comisión de Tiburones se ha construido un nuevo procedimiento con acompañamiento legal a todo el proceso para la verificación de la Adquisición Legal de tiburones, para lo cual se ha dado seguimiento a las acciones:

- Revisión de formatos y formularios, definición de nuevos considerandos (formatos de Inspección de Desembarque, Guías de Transporte, Actas).
- Definición de puertos de desembarque de Tiburones (2).
- Revisión y consideración sobre los requisitos para el usuario.
- Definición de pasos y ruta a seguir para el ejercicio de exportación.
- Definición de proceso de inspección técnica a la exportación.

**C. LA IDENTIFICACIÓN Y EL CONTROL DE LOS PRODUCTOS DE TIBURONES INCLUIDOS EN LOS APÉNDICES DE LA CITES EN EL COMERCIO EN LOS PAÍSES DE ORIGEN, TRÁNSITO Y CONSUMO QUE SEAN PARTES;**

En el período se han elaborado 2 Dictámenes de exportación, incluyendo las acciones de inspección de verificación y análisis documental, de carácter científico y legal.

La naturaleza de estos Dictámenes Científicos realizados con la información actual de las especies de tiburón que tiene el Ministerio de Medio Ambiente y el Centro de Desarrollo de la Pesca y Acuicultura.

Por lo que de manera Precautoria se han realizado con carácter **CONDICIONADO**, en la espera de la Actualización y creación de los DENP'S de las especies pesqueras reguladas por la CITES de mayor comercio en El Salvador.

- 1) Dictamen Científico Favorable Condicionado, desde la Sociedad Pelágicos Aurora S. A. de C. V., hacia China; de fecha 15 de febrero del 2023.

NOMBRE COMUN	NOMBRE CIENTIFICO	Cantidad (Kg.)	Producto	Apéndice CITES
Tiburón gris o sedoso	<i>Carcharhinus falciformis</i>	242.73	Aletas	Apéndice II
Tiburón martillo	<i>Sphyrna lewini</i>	17.61	Aletas	Apéndice II
<b>SUBTOTAL</b>		260.34		

- 2) Dictamen Científico Favorable Condicionado, desde la Sociedad Pelágicos Aurora S. A. de C. V., hacia China; de fecha 16 de diciembre del 2022.

NOMBRE COMUN	NOMBRE CIENTIFICO	Cantidad (Kg.)	Producto	Apéndice CITES
Tiburón gris o sedoso	<i>Carcharhinus falciformis</i>	37.86	Aletas	Apéndice II
<b>SUBTOTAL</b>				

**C. EL REGISTRO DE LAS EXISTENCIAS DE PARTES Y DERIVADOS DE TIBURÓN COMERCIALES Y/O RECONVENCIÓN DE ESPECIES DE ELASMOBRANQUIOS INCLUIDOS EN EL APÉNDICE II DE LA CITES Y CONTROLAR LA ENTRADA DE ESAS EXISTENCIAS EN EL COMERCIO;**

Actualmente el Centro de Desarrollo de la Pesca y Acuicultura esta realizando un levantamiento de información sobre el acopio de Aletas de tiburón de los años 2021-2023.

Dicho levantamiento de información ayudara a realizar una verificación de adquisición legal y dará insumos para la realización de dictamen y asesoramiento que parte de la Autoridad Científica a la Autoridad Administrativa, según proceda con la formulación de sus recomendaciones sobre las medidas de regulación comercial nacional e internacional sobre tiburones y rayas determinando si los fines de comercio perjudicarán o no la supervivencia de las especies.

A la fecha las Autoridades Científicas y Autoridades de Pesca están sosteniendo reuniones para tomar Medidas apropiadas de conservación, protección y aprovechamiento sustentable; medidas que se les estarán comunicando a la secretaria en cuanto estén oficializadas por el país.



**European Union's reply to Notification 2023/027**

*In response to the Notification 2023/027 requesting Parties to provide information related to shark and ray (*Elasmobranchii* spp.) conservation management, please see below information on the two NDFs attached for North and South Atlantic stocks of *Isurus oxyrinchus* as well as further information on legislation at the EU level. We also point out the importance of strengthening cooperation with RFMOs. Please note that most of the matters covered by the notification are under the competence of the EU Member States that will report separately.*

**NDFs for North and South Atlantic shortfin mako sharks:**

These Non-detriment Findings (NDF) reports for the species *Isurus oxyrinchus* are based on the guidelines developed by the German Scientific Authority for CITES (Mundy-Taylor *et al.* 2014. CITES Non-detriment Findings Guidance for Shark Species - 2nd REVISED VERSION – A framework to assist Authorities in making Non-detriment Findings (NDFs) for species listed in CITES Appendix II), included in CITES document AC27 Inf.1, Non-Detriment Findings Guidance for Sharks presented at the 27th CITES Animals Committee (Veracruz, 28 April-3 May 2014).

Both NDFs conclude that the CITES Scientific Authorities of the Member States of the European Union (<sup>1</sup>):

1. Having examined the effects of the trade in specimens of the North Atlantic stock in December 2021 and of the South Atlantic stock in 2022, cannot issue a Non-Detriment Finding for the introduction from the sea (source code X) and imports (code W) of shortfin mako sharks (*Isurus oxyrinchus*) of these stocks (as defined by ICCAT) captured from 1 January 2021 (North Atlantic stock) and from 1 January 2023 (South Atlantic Stock).
2. Consequently, negative opinions for introduction from the sea (source code X) and imports (code W) of shortfin mako sharks of the North Atlantic stock and of South Atlantic stock are adopted.

Both NDFs include a summary of existing management measures appropriately designed and implemented to mitigate the pressures affecting the stock population of the species at EU level.

**Further EU legislation:**

In addition, it can be pointed out that the EU has put in place a full traceability system of fisheries products across its territory, including for imports from third country vessels, however not geared at implementing CITES provisions. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a community system to prevent, deter

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<sup>(1)</sup> In application of Article 4 paragraph 2(b) of the *COUNCIL REGULATION (EC ) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein*, stating that before import permits are issued the CITES Scientific Authorities shall give their opinion on whether the introduction into the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species, taking account of the current or anticipated level of trade.

and eliminate illegal, unreported, and unregulated (IUU) fishing <sup>(2)</sup> lies down, inter alia, that trade with the EU of fishery products obtained from IUU fishing is prohibited. It requires that consignments of fishery products shall only be imported into the EU when accompanied by a catch certificate, by which the competent authorities of flag State of the vessel catching the fish certify that the export consignment of catches have been taken in accordance with applicable laws, regulations and international conservation and management measures.

#### Cooperation with Regional Fisheries Management Organisations (RFMOs):

Given the increasing number of listings of marine species under CITES, the EU considers that it is necessary to strengthen the cooperation between CITES and the relevant RFMOs to strengthen conservation of relevant species. This should include, but not be limited to, further developing appropriate consultation and coordination mechanisms for sharing data and relevant assessments.

Enclosures: NDF for North Atlantic stock of *Isurus oxyrinchus*  
NDF for South Atlantic stock of *Isurus oxyrinchus*

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<sup>(2)</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

European Union

The two NDFs received from the European Union on *Isurus oxyrinchus* are published on the [CITES sharks and rays webpage](#).

Guatemala

The two NDFs received from Guatemala on *Alopias* spp. and *Carcharhinus falciformis* are published on the [CITES sharks and rays webpage](#).



May 18, Tegucigalpa, Honduras, 2023.

Esteemed authorities,

Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Concerning to:

**Sharks and rays (*Elasmobranchii spp.*)**

Within the framework of decisions 19.222 and 19.227 on Sharks and Rays (*Elasmobranchii spp.*), which encourage Parties to share information related to shark and ray conservation management, and responding to the notification of the parties number 2023/027, the members of CITES-HONDURAS working group, presents the current information in the country about the actions developing in the framework of sharks and Rays:

**Legal Background**

Honduras is protecting sharks by establish an indefinite ban on fishing in its jurisdictional waters, as stated in Ministerial Agreement No. 002-10, which was published in the official newspaper La Gaceta on January 5, 2010.

The decision to issue an indefinite ban was made by the Ministry of Agriculture and Livestock (SAG) through the General Directorate of Fisheries and Aquaculture (DIGEPESCA) in accordance with the precautionary criteria established in the FAO Code of Conduct for Responsible Fisheries, for the purposes of conservation and management.

In addition, under Ministerial Agreement No. 107-2011, dated June 24, 2011, the jurisdictional waters of Honduras were declared a "Shark Sanctuary".

Finally, Agreement No. 26-2016, dated May 23, 2016, amended articles 1, 2, and 3 of Ministerial Agreement 107-2011 as follows:

**Article 1:** Prohibiting the directed fishing and exploitation of any species of sharks within the maritime territorial waters of the country. Sharks caught by bycatch are exempt from the regulations of the ministerial agreement.

If any shark species are accidentally caught, fishermen are required to report the incident immediately to the relevant authorities. The authorities must then investigate the matter to ensure that the catch was indeed incidental fishing.



**Article 2:** The Ministry of Agriculture and Livestock (SAG), through the General Directorate of Fisheries and Aquaculture (DIGEPESCA), is responsible for implementing the necessary measures for the conservation and recovery of the various species of sharks. Additionally, it must impose the sanctions established in the legislation on any infringers of this Agreement, without prejudice to the criminal sanctions that may be applicable by law."

In Honduras, most of the shark species object of incidental capture belongs to the family *Carcharhinidae* and *Sphyrnidae*; (*Sphyrna sp*, *Sphyrna lewini*), (see table 1).

Table 1. Species caught by incidental fishing in the Caribbean of Honduras.

<b>Genus and Species</b>	<b>Common name</b>
<i>Carcharhinus falciformis</i>	Tiburón sedoso
<i>Carcharhinus leucas</i>	Tiburón toro
<i>Carcharhinus limbatus</i>	Tiburón volador o punta negra
<i>Carcharhinus signatus</i>	Tiburón nocturno
<i>Galeocerdo cuvier</i>	Tintorera o tiburón tigre
<i>Rhizoprionodon porosus</i>	Tiburón Cazón

**Control and supervision actions to guarantee the implementation of the Shark Sanctuary agreement and Prevent Incidental Fishing.**

1. The General Directorate of Fisheries and Aquaculture (DIGEPESCA) collaborates with the Naval Force, which is responsible for monitoring and surveillance of jurisdictional waters, to implement control mechanisms and prevent shark bycatch.
2. DIGEPESCA has established relationships with the Territorial Councils of La Mosquita (Indigenous villages), which is the main fishing community for bycatch, to initiate dialogue on shark bycatch and to implement monitoring measures to regulate this practice in the area.
3. DIGEPESCA has begun to collaborate with ILILI, a non-profit organization based in Honduras that aims to enhance marine ecosystems by focusing on shark and ray conservation through research and capacity building in local communities throughout the Honduran Caribbean.





4. With the scientific support of ILLI, DIGEPESCA will organize workshops for technicians and fishing inspectors to identify products or derivatives of shark species under the CITES Convention.
5. The Honduran Technical Committee for Sharks and Rays is being reactivated to review the legislation related to bycatch and explore strategies to optimize its implementation.
6. Collaborative efforts with ILLI will focus on compiling scientific data to establish a baseline of information on the capture and trade of rays in the Honduran Caribbean.

Based on the information presented, we affirm that the Honduran working group is committed to the continued implementation of inter-institutional initiatives for shark and ray conservation management. likewise, we reiterate our commitment as a shark sanctuary.



**RESPONSE TO THE NOTIFICATION ON  
SHARKS AND RAYS (*Elasmobranchii* spp.)  
INDONESIA**

1. The making of non-detriment findings (NDFs)

Indonesia has developed several NDF documents, including: silky sharks (*Carcharhinus falciformis*) in 2018 which has been published on CITES website; as well as the wedgefishes (2020), hammerhead sharks and mako sharks (*Isurus* spp.) in 2022 which have not yet been submitted to the CITES Secretariat. The documents that are currently being developed include those of mobula rays and several post-CoP19 CITES-listed species of Carcharhinidae. The upcoming NDFs will use the e-NDF platform according to the guidelines by Mundy-Taylor, et al. (2014). Currently there is a running enumeration program in several locations to record shark and ray populations to support the development of NDFs. The challenges in developing NDFs are the difficulty of estimating shark and ray populations in Indonesia and the limited catch data at the species level in several regions, especially in eastern Indonesia.

2. The making of legal acquisition findings (LAFs)

Indonesia has the following regulations regarding data collection on CITES-listed sharks and rays:

- Government Regulation 27/2021 on The Implementation of Marine Affairs and Fisheries Sector
- Regulation of the Minister of Marine Affairs and Fisheries 33/2021 on Fishing Log Book; Onboard Monitoring; Fishing Vessel Inspection, Assessment, and Marking; and the Management of Fishing Vessel Manning
- Regulation of the Minister of Marine Affairs and Fisheries 8/2012 on Fishing Ports
- Decree of the Director General for Marine Spatial Management 67/2022 on The Technical Guidelines for Data Collection on Protected and CITES-listed Fish Species

The implementation of the regulations is a data collection program at fishing ports, including the species-specific data collection in several locations. The challenge is the vast ocean and the difficulty of direct data collection, especially if the catch is not intact.

3. Identification and monitoring of CITES-listed shark products in trade in source, transit and consumer Parties

Indonesia enacted:

- Regulation of the Minister of Marine Affairs and Fisheries 61/2018 on the Utilization of Protected and/or CITES-listed Fish Species



- Regulation of the Minister of Marine Affairs and Fisheries 10/2021 on the Standards for Business Activities and Products in the Implementation of Risk-Based Business Licensing for the Maritime and Fisheries Sector

These two regulations administer utilization permits which include the obligation to have Fish Species Use Permit (SIPJI) and Fish Species Transport Permit (SAJI) as a prerequisite for international transport of shark and ray products. The implementation results in a central record of the transport of shark and ray products in e-SAJI containing species names, product volumes, product forms, and the status of quota fulfillment of each business actor.

In addition, shark and ray products are included in the commodities that must be inspected prior to transport by the Fisheries Quarantine Agency based on:

- Regulation of the Minister of Marine Affairs and Fisheries 8/2022 on the Types of Commodities Required to be Inspected
- Decree of the Minister of Finance 26/2022 on the List of Restricted Goods Based on the Regulation of the Minister of Marine Affairs and Fisheries 8/2022
- Regulation of the Minister of Marine Affairs and Fisheries 38/2019 on the Export of Disease Carriers and/or Fishery Products
- Regulation of the Minister of Marine Affairs and Fisheries 11/2019 on the Import of Disease Carriers and/or Fishery Products

Compliance can be measured from the issued permits.

4. Recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade

The control mechanism for export quotas is getting tighter because all transport data is recorded in e-SAJI. Export quotas are given in three periods in a year. At the end of each quota period, business actors are inspected to see the remaining stock from the quota. Stock recording is carried out periodically based on the SOP enacted by the Director for Marine Conservation and Biodiversity.

5. Capacity building needs to assist developing countries and small island developing states with reporting requirements

Indonesia has conducted trainings and technical assistances to increase capacity in the identification of sharks and rays as well as the licensing process. The capacity building activities are carried out at the national and regional levels with the main participants being government officials and business actors. Several government officials have also completed Training of Trainers to certify them as instructors in future trainings.

The current needs for capacity building are training or technical assistance in identifying sharks and rays post-CoP19, in which 40 new species were uplisted, with the target of training being enumerators at ports, license verifiers, and business actors. In addition to identification of intact catches, capacity building

is also needed in identifying body parts and derivative products such as oil or flour, as well as population stock estimation/assessment. In regards to management, there needs to be a comparative study with the Management Authorities of other countries.

6. Questions, concerns or difficulties in collecting or submitting documentation on authorized trade data

The challenges faced in collecting data on shark and ray trade include:

- Limited human resources who are capable in identifying sharks and rays down to the species level
- Difficulty of assessing wild population stocks resulting in weak estimation results
- Difficulty of collecting catch data because not all catches are landed at fishing ports

Reference:

Mundy-Taylor, V., Crook, V., Foster, S., Fowler, S., Sant, G., & Rice, J. (2014). A Framework to assist Authorities in making Non-detriment Findings (NDFs) for species listed in CITES Appendix II. 147

Indonesia

The three NDFs received from Indonesia on Sphyrnidae spp., *Isurus* spp. and Rhinidae spp. are published on the [CITES sharks and rays webpage](#).

Notification N 2023/027\_ Sharks and Rays

As EU Country and Contracting Party of GFCM and ICCAT Italy implements their respective management measures for sharks. Moreover, Italy is Contracting Party of the Barcelona convention, implementing the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, whose Appendices contain the main reference list of protected species of shark, skates and rays for Mediterranean.

In this context, the updated relevant management measures for sharks in Italy are

***Recommendation GFCM/44/2021/16 on additional mitigation measures for the conservation of elasmobranchs in the Mediterranean Sea***

**NOTES:**

Establishment of an incentive system for vessel captains to reduce incidental elasmobranch mortality; technical training and certification schemes for vessel captains; research to improve fishing gear, equipment and fishing techniques, with a view to reducing bycatch elasmobranch mortality and increasing post-release survival rates.

Monitoring actions, including: - fishing gear modifications and alternative fishing gear types; improvements in fishing gear marking and detection; time-area fishing restrictions or closures, if appropriate; implementation of maximum potential bycatch thresholds; use of magnetic deterrent devices

Voluntary introduction of incentives for low-impact operators; market-based incentive management, including labelling.

Limit of bycatch of sharks listed in Annex III to the SPA/BD Protocol to a maximum percentage of the total catch in weight by fishing trip or to no more than three specimens (to be reviewed following SAC advice in 2023).

**Regulation (EU) 2023/194**

**NOTES:**

Art. 25 – Sharks

Prohibition to retain on board, tranship or land any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery.

Prohibition to engage in directed fishery for species of thresher sharks of the *Alopias* genus.

**Information from Japan in response to CITES Notification 2023/027  
regarding the request for new information  
on shark and ray conservation management activities**

In response to CITES Notification 2023/027 regarding the request for information on implementation of Decision 19.222 on sharks and rays, Japan hereby submits the following:

1. Japan recognizes that sharks are important fishery resources and play an important role in the marine ecosystem as higher-level predators. Japan aims to achieve sustainable and effective utilization of sharks. As sharks are subjected to catch in various types of fisheries in many countries, Japan is aware of the need for appropriate management of shark fishing based on the results of stock assessment on a species by species and stock by stock basis so that negative impact on the resources can be averted. Furthermore, Japan shares the concern that sharks are made subject to illegal, unregulated and unreported (IUU) fishing activities and recognizes the importance of ensuring trade that is legally appropriate under CITES regulations.
2. Japan made reservations to listings of some shark species in Appendix II primarily due to the fact that those species do not meet the criteria for inclusion thereof in Appendix II. However, upon exporting the above-mentioned shark species including pre-Convention shark parts and derivatives, to all countries including those which are not parties to CITES, Japan voluntarily conducts procedures related to export permits that are required under CITES regulations, notwithstanding paragraph 3 of Article XV of CITES.
3. . In Japan, sharks are caught mainly for domestic market and a small amount of shortfin mako (*Isurus oxyrinchus*) goes through the CITES procedure for exports. It means that stockpile is not for international trade.
4. In response to the listing of shortfin mako in Appendix II at COP18, Japan has developed an NDF thereof (see Annex). Since the entry into force of the listing in November 2019, Japan has issued some export permits along with the NDF. These exported mako sharks were caught by longline fishers in the north western Pacific, where the population is assessed good and healthy by RFMOs (WCPFC).
5. With regard to legal acquisition findings (LAF) of the species, at the port site where mako sharks are landed, relevant information are recorded including the names of

fishing vessels which caught them, quantity of catch, date of landing and selling, and name of retailer or processor to whom sharks are sold. This scheme enables management authorities to trace a unit of export products back to the origin, i.e. fishing vessels, and also to check whether or not those vessels have complied with relevant regulations.

6. Japan uses a conversion factor 1.6 which is used to convert recorded processed weight of Shortfin mako shark caught by longline fishers to live weight for reporting to RFMOs as annual catch. The conversion factor was determined based on an analysis using data collected by ICCAT observers.

7. Japan would like to take this opportunity to note that a large number of shark species were listed as “look-alike” species without sufficient justification, including those that are sustainably managed and commercially used, and to express its serious concern over the unnecessary enforcement burden resulting from the listing. It considers that administrative resources should be put in enforcement rather than listing new species. Japan is continuously committed to conservation and management of sharks through domestic regulations and/or cooperation with other countries and organisations such as relevant RFMOs.

## Summary of making non-detriment findings

Species: Shortfin Mako (*Isurus oxyrinchus*), North Pacific Population

2	NDF can be made when the specimen is:	
(1)	The specimen is collected before the listing in Appendix.	N/A
(2)	The specimen is not a nature origin such as: ① Bred from parents collected before listing in Appendix. ② Bred from parents which were imported under the CITES procedures. ③ Bred from parents which met the requirement of NDF. ④ Others (Bred under a robust technique which was proved to be able to make F2.)	N/A
(3)	The specimen is collected from a part of an individual by a method without affecting the survival of the individual (such as a specimen of biopsy sampling, an embryo, spermatozoa and so on).	N/A
(4)	The specimen is collected from a dead individual and it is reasonably considered that the death is not attributable to the specimen collector, e.g., a stranded whale. (A by-caught individual is excluded from this category.)	N/A
3	When a specimen does not meet any criterion of paragraph 2 above, NDF should be basically considered, taking into account the following information: Reference: ISC(International Scientific Committee). 2018. Shortfin mako stock assessment report.	
(1)	Biological characteristic and life history of the species	Several studies have suggested Shortfin Mako (SFM) reproduce every two to three years, with an estimated gestation of 12 to 25 months (Mollet et al. 2000; Juong and Hsu 2005; Semba et al. 2011). Combined Japanese and Taiwanese data suggested that females on average give birth to ~12 pups per litter (ISC 2017a). It was assumed that pups are born at ~60 cm pre-caudal length (PCL), and adults reach a maximum length of between 232–244 cm PCL for males and 293–315 cm PCL for females (Takahashi et al. 2017). Sex-specific maturity ogives developed from a combined Japanese and Taiwanese dataset suggested that lengths at 50% maturity for male and female SFMs are 166 cm PCL and 233 cm PCL respectively (Semba et al. 2017).
(2)	Distribution range of the species (historical and present)	SFM are distributed throughout the pelagic, tropical to temperate North Pacific Ocean (NPO).
(3)	Stock structure, status and trend of the species	Single stock of SFM is assumed in the NPO based on evidence from genetics, tagging studies, and lower catch rates of SFM near the equator compared to temperate areas. The ISC SHARKWG's first full stock assessment of SFM in NPO was conducted in 2018, which provides the best scientific information available on the stock status thereof. The North Pacific SFM stock was assessed using a length-based statistical catch-at-age Stock Synthesis model, that was fit to time series of standardized CPUE and sex-specific size composition data provided by Japan, USA, Taiwan, and Mexico. In this assessment, the reproductive capacity of this population was calculated as spawning abundance (SA; i.e. number of mature female sharks) and stock status is reported in relation to maximum sustainable yield (MSY). 1-SPR (Spawning potential ratio) is the reduction in the SA per recruit due to fishing and can be used to describe the overall impact of fishing on a fish stock. The results show that the current SA was 36% (CV=30%) higher than the estimated SA at MSY, and the recent annual fishing intensity (1-SPR) was 62% (CV=38%) of fishing intensity at MSY. Relative to MSY, SFM in the NPO is likely (>50%) not in an overfished condition and overfishing is likely not occurring. The Kobe plot showed that SFM in the NPO have likely (>50%) experienced overfishing (1-SPR/1-SPRMSY > 1) in the past but the stock is likely (>50%) not in an overfished condition over the past two decades. Future projections over a 10-year period (2017-2026) were also performed. Based on the results, the SA is expected to increase gradually if fishing intensity remains constant or is decreased moderately relative to 2013-2015 levels. These results were endorsed at Scientific Committee 14th regular session, Western and Central Pacific Fisheries Commission (WCPFC).
(8)	Monitoring of the species status	
(9)	Conservation of the species	
(4)	Threats to the species	Bycatch in longline fisheries etc.

<p>(5) Historical and present fishing situation and mortality rate of the species</p> <p>(6) Introduced and proposed management measures for the species</p> <p>(7) Compliance situation of the management measures</p>		<p>According to the surveys on landings of Shortfin Mako in major fishing gears in Japan, 430-1,479 tons of SFM was landed annually during the period 1992-2021. Landings from longline fishery accounted 316-1,308 tons for the bulk of landings, occupying approximately 80% of total landing for SFM. The fishing effort (number of hooks) has been decreasing during the period.</p> <p>All the regional tuna fisheries management organizations require full utilization of the sharks caught and the submission of fishing data. In addition, the WCPFC agreed at its 2014 annual meeting that (1) in the longline fisheries targeting tunas and billfish, either of wire leader or shark lines should not be used, and (2) in the longline fisheries targeting sharks, management plans should be developed that include the measures to limit the catch at an appropriate level. In response to above (2), the management plan stipulating to set the annual upper catch limit of SFM at 600 tons and release SFM smaller than 1m has been implemented for the duration of five years since January 1, 2016, in offshore longline fisheries targeting SFM in Japan.</p>
(10)	Continuity of the role of the species in the ecosystem	SFM is recognized as a top predator.
(11)	Effects of illegal trade on the survival of the species	Unknown
5	When NDF is considered based on the information in paragraph 3 above, as a first step, items iii), v) and vi) of paragraph 3 should be considered in accordance with the following criteria in order. If these three items meet requirements in the criteria, the other items in paragraph 3 also should be considered to judge whether NDF can be made.	
(1)	When a TAC of the species is established or calculated on scientific bases, the present total catch of the species including the export is less than the amount of the TAC.	N/A
(2)	In case that establishment or calculation of a TAC of the species on scientific bases is difficult, but the stock trend can be estimated for a certain period based on catch or other data, the stock does not show a decreasing trend and the present total catch of the species including the export is less than the average past catch amount of the species. (The length of the period depends on biological characteristic of the species.)	<p><b>Applicable</b></p> <p>According to the result of stock assessment of SFM in the NPO, Kobe plot shows SA has been higher than the estimated SA at MSY, and fishing intensity (1-SPR) has been lower than fishing intensity at MSY, since 1992.</p> <p>In 2021, 430 tons of SFM, including the specimen to be exported, was landed in Japan, which was within the average catch during the period 1992-2021</p>
(3)	<p>In case that establishment or calculation of a TAC of the species on scientific bases is difficult and 5. ii) above is not applicable, the stock is considered to be maintained through the management measures which have been introduced or will be introduced in the near future. In making judgment of the effect of the management measures, the following information should be considered:</p> <p>a) Protected areas are effectively established.</p> <p>b) Time closure is effectively established.</p> <p>c) It is estimated that the fishing pressure has been decreased substantially because the number of fishermen to catch the species is regulated and the number has been substantially decreased over a long period.</p> <p>d) Regulation of fishing gear is effectively established.</p> <p>e) Individuals smaller than a certain size are protected.</p> <p>f) Other effective management measures (such as release of females, prohibition of bottom trawl, restriction of power of light and so on) are established.</p> <p>g) Combination of above mentioned measures brings the same conservation effect.</p>	
(4)	In case that establishment or calculation of a TAC of the species on scientific bases is difficult and neither 5. ii) nor iii) is applicable, the annual catch amount of the species is considered negligible against the estimated stock size. In estimating the stock size, the minimum stock size should be estimated, taking into account, inter alia, the past catch record, the area of distribution, the stock size and productivity of look-alike species as well as the catch amount and the maximum fishing efficiency. The "negligible level" should in principle follow the table below, depending on the productivity of the species. When any parameter of the species falls under a less productivity category, the species shall be regarded as belonging to the category.	
(5)	The species is considered to be maintained under the present fishing activities because of the stock enhancement activities for the species	
<b>Conclusion</b>		<b>NDF can be made.</b>



1. This document is submitted by Maldives, as a formal document for consideration by the CITES Animals Committee at its upcoming meeting. The document is submitted in response to Conf. Res. 12.6 (Rev. CoP.18), Conf. Res. 12.8 (Rev. CoP18), and elements of Decisions 19.222 to 19.227 on Sharks and Rays, with full consideration of CITES CoP19 Document 65. It presents a global analysis of the implementation of the inclusion in Appendix II of Oceanic Whitetip Shark (*Carcharhinus longimanus*), which was adopted at CITES CoP16 (2013), and entered into force on 14 September 2014. The document addresses the possible extent of Illegal, Unregulated, and Unreported (IUU) fishing, and trade in this species that may not be in full compliance with CITES. In addition, we would like this document to be considered as a submission pursuant to Notification 2023/27.
2. This analysis was conducted out of particular concern over the biological and trade status of *Carcharhinus longimanus*. Since being included on Appendix II, the Oceanic Whitetip Shark has been reassessed by the IUCN Red List of Threatened Species as Critically Endangered globally (Rigby et al. 2019).
3. There is evidence of significant continued international trade in this species, some of which is recorded in the trade database and given the species conservation status should be analyzed for its sustainability and legality, and some of which is clearly not being recorded in the CITES trade database or in catches reported to the Food and Agriculture Organization of the United Nations (FAO). There are significant concerns as to the compliance of this trade with the requirements of CITES Article IV, particularly but not exclusively paragraph (2). The Government of Maldives therefore submits the following analysis of the current implementation of the Convention for the Oceanic Whitetip Shark.

### **Executive summary**

Here we present evidence of the continued presence of Critically Endangered oceanic whitetip sharks in international trade, with that trade taking place at significantly higher volumes, and from a wider range of Parties, than reported to CITES. The analysis within this paper indicates that as many as 36,216 individual oceanic whitetip sharks were traded illegally through Hong Kong SAR during the three years from 2015-2017, compared with only ~11,815 individuals accounted for in the CITES trade database over this period.

Oceanic whitetip sharks (OWT) are a highly vulnerable species, taken as bycatch in global pelagic fisheries. Prior to its CITES listing, concerns over the species' continued declining populations (now uplisted to 'Critically Endangered' globally by IUCN) had already resulted in stronger protection for OWT via a range of fisheries management, biodiversity conservation (CMS), and trade regulation measures, at

national, regional, and global scales. The combination of these measures makes it increasingly unlikely that Parties will be able to issue Legal Acquisition and Non-detriment Findings, and implement the requirements of the CITES permitting process necessary to allow international trade.

Data on the international catch and trade of OWT from the available online statistics of the Food and Agricultural Organization (FAO), tuna Regional Fisheries Management Organizations (tRFMOs; International Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC), Inter-American Tropical Tuna Commission (IATTC), and Western and Central Pacific Fisheries Commission (WCPFC)), the CITES trade database, Hong Kong SAR Customs data, and the Agriculture Fisheries Conservation Department of Hong Kong SAR confiscation records, compared with research analyzing the global species composition of the international fin trade, were used to evaluate recent levels of international OWT trade.

Official government landings data reported to the tRFMOs show reduced catches since the species was prohibited in all four bodies. Low volumes of trade have been registered in the CITES trade database since the CITES Appendix II listing entered into force, indicating good compliance with these measures. However, seizures of the easily identifiable unprocessed OWT fins being illegally traded and research conducted in the retail markets of the global shark fin trade hub indicate that official data mask substantial under-reporting by Parties to the FAO, RFMOs and CITES.

Hong Kong SAR is estimated to represent 50% of the global fin trade. During the initial preparation of fins for processing, when first imported into Hong Kong SAR, excess meat, skin, and cartilage are removed. These trimmings are sold for consumption as an inexpensive shark fin byproduct. Long-term genetic analyses of these trimmings, representing the entire shark fin trade (Fields et al. 2018, Cardeñosa et al. 2022), indicate that OWT fins have remained in the Hong Kong SAR and mainland China fin markets at comparable levels to those before the CITES Appendix II listing entered into force in 2014.

Overall, there are clear discrepancies between the volumes of OWT recorded in the CITES trade database and those found in the global fin trade. Additionally, as explored in this document, there are further discrepancies between the OWT landings data reported to the tRFMOs, reported to the FAO, and trade documented in the CITES trade database. It appears from this analysis that large volumes of OWT products are being traded without adequate CITES documentation, and are non-compliant with CITES.

These compliance issues cut across the trade and fisheries bodies, with respect to regulating the international trade of high value fin exports of OWT. Levels of IUU fisheries and trade are substantial: 382.48 metric tons (MT, estimated round weight) were reported in the CITES trade database during the years 2015 to 2017, while an estimated 2,605.71 MT entered Hong Kong SAR/People's Republic of China during the same period, based on quantities observed and calculated in retail markets. Regarding reported catches: the tRFMOs report 1,524 MT and FAO FishStat 537 MT. This is a discrepancy of 1,141.52 MT in trade, and 4,674 MT in catches, representing 36,216 and 150,774 individuals, globally, respectively.

Given the findings of this paper, we urgently request that:

1. Recognizing the evidence presented here of substantial documented international trade in a Critically Endangered species, coupled with ongoing illegal and undocumented international trade in the species, and the risk that inadequate Legal Acquisition and Non-Detriment Findings

are being issued to authorize documented trade: **the Animals Committee select the OWT for a Review of Significant Trade during the current intersessional period, and refer the issue of undocumented trade to the Standing Committee .**

2. To address the volumes of OWT catch and/or trade reported in Regional Fisheries Management Organization and FAO databases that are not documented in the CITES trade database: **that OWT be prioritized under Decision 19.223 paragraph 'c', directed to the Secretariat regarding analysis of the mismatch between catch and trade data.**
3. To address the issue that there is apparent ongoing trade in OWT by CITES Parties that continues to not be reported anywhere: **that Parties, especially those who have documented historic catches of this species, clarify their national level implementation efforts and regulations for OWT under Decision 19.224.**
4. To address the issue that there appears to be poor compliance with the CITES Introduction From the Sea (Res. Conf. 14.6 (Rev. CoP16)), since no IFS catch of OWT has been reported, **prioritise OWT under Decision 19.225**, which requests the Secretariat to continue to monitor IFS implementation.
5. To ensure that the enforcement of the OWT Appendix II listing is prioritized across all Parties, strongly encourage Parties who have confiscations, or are encountering difficulties implementing this listing to submit that information in their reports to the Animals and Standing Committees.
6. Ensure that the data and other outputs from the above activities, and presented in this document, are considered during Review of Significant Trade in the OWT before CoP20.

The report was compiled based on the best trade and landings data available at the time of writing, which covers up to and including the 31<sup>st</sup> December 2022, it is possible that new data have since been made available.

The full response received is published as information document AC32 Inf. 3.

**Respuesta de México a la Notificación a las Partes 027/2023 Tiburones y rayas  
(Elasmobranchii spp.)  
Mayo de 2023**

**A. la elaboración de dictámenes de extracción no perjudicial (DENP):**

Actualmente, la Autoridad Científica de México, la Comisión Nacional para el Conocimiento y uso de la Biodiversidad (CONABIO), emite dictámenes para cada solicitud de permiso de exportación recibida por la Autoridad Administrativa de México, La Dirección General de Vida Silvestre (DGVS-SEMARNAT). Del 1 de mayo del 2021 al 1 de mayo del 2023 se han emitido 1,500 NDF, de los cuales: 980 fueron positivos, 82 negativos y 438 positivos parciales (Después del dictamen, solo se otorga una parte de lo solicitado). Todos ellos basados en los Volúmenes de Exportación Sustentable estimados a partir del estudio de ISC-SWG (2018) para *I. oxyrinchus* y las metodologías de reconstrucción de capturas de Saldaña-Ruiz (2017) y Catch-MSY (Martel y Froese, 2013) para el resto de las especies.

**C. la identificación y el control de los productos de tiburones incluidos en los Apéndices de la CITES en el comercio en los países de origen, tránsito y consumo que sean Partes:**

- El Instituto Nacional de Pesca y Acuicultura (INAPESCA) elaboró en conjunto con la CONABIO, el Informe Técnico “Mecanismos e Instrumentos para la Gestión de Certificados de Exportación CITES para Bioproductos derivados de los Tiburones enlistados en el Apéndice II.
- En el 2021, el INAPESCA publicó el libro “Tiburones mexicanos de Importancia pesquera en la CITES: Parte II”, cuyo documento informativo presenta información de la biología, pesquería, ecología, manejo y conservación de tiburones que se encuentran dentro de la CITES en aguas mexicanas.
- En el 2022, se publicó el ACUERDO por el que se da a conocer el Plan de Manejo Pesquero de Tiburones y Rayas del Golfo de México y Mar Caribe (DOF, 09/06/22), para alcanzar la sustentabilidad de la pesca, considerando 113 Acciones agrupadas en 24 Líneas de Acción y en 4 Componentes. También se publicó el ACUERDO mediante el cual se da a conocer la actualización de la Carta Nacional Pesquera (DOF, 26/07/22), instrumento vinculante para el programa de ordenamiento pesquero que incluye la presentación cartográfica y escrita que contiene el resumen de la información necesaria del diagnóstico y evaluación integral de la actividad pesquera, así como los indicadores sobre la disponibilidad y conservación de los recursos pesqueros.
- Se encuentra en proceso de publicación, la actualización del Plan de Acción Nacional para el Manejo y Conservación de Tiburones, Rayas y Especies Afines en México (PANMCT, segunda versión), instrumento informativo y voluntario para garantizar el uso sostenible de tiburones, rayas y quimeras a largo plazo, mediante acciones de conservación y manejo.
- La Autoridad de Aplicación de la Ley de México, la Procuraduría Federal de Protección al Ambiente (PROFEPA), de manera permanente ejecuta acciones en el ámbito de sus atribuciones, para la protección de especies de tiburones y rayas listadas en alguna categoría de riesgo en la NOM-059-SEMARNAT-2010 (D.O.F. 14/11/2019) y que se traducen, entre otras acciones, en programas de inspección y vigilancia. Actualmente se tienen 9 especies listadas, *Cetorhinus maximus*, *Carcharodon carcharias*, *Rhincodon typus*, *Mobula birostris*, *M. hypostoma*, *M. mobular*, *M. munkiana*, *M. tarapacana*, *M. thurstoni*.

**Factores de conversión:**

Con el fin de facilitar la estimación de equivalencias entre los volúmenes de exportación (principalmente aleta seca) y los volúmenes de captura desembarcados (tiburón entero, troncho, aletas frescas), la Autoridad Científica de México, CONABIO, implementó una metodología para seleccionar los factores de conversión más precisos para México (Rivera-Téllez, et al., en preparación):

- I. Recopilación de trabajos, informes, tesis, entre otros, sobre factores de conversión entre todos los especímenes de tiburón (entero, troncho, aletas frescas, secas y pieles) reportados a lo largo de la cadena comercial en México (desde el desembarque hasta la exportación).
- II. Clasificación y puntuación de la información recopilada en tres categorías sucesivas.
 

Exactitud taxonómica. A. Información específica a nivel de especie, B. Información a nivel de género, C. Información a nivel taxonómico superior o con nombre común.

Precisión regional. 1. Un estudio realizado en México, 2. Un estudio realizado en América, 3. Un estudio realizado en cualquier otra parte del mundo.

Tamaño de la muestra. i. Tamaño de la muestra superior a 30, ii. Tamaño de la muestra inferior a 30.
- III. Para cada especie y espécimen, se seleccionó el factor de conversión con la clasificación más alta de estas categorías.
- IV. Todos los factores seleccionados fueron validados en dos talleres en 2015 (Benítez *et al.*, 2015) y 2017 (Taller virtual) que contaron con la participación de autoridades pesqueras (CONAPESCA, INAPESCA) y Autoridades CITES de México. Los factores de conversión fueron presentados a la CITES en la reunión del AC31 (2021 virtual meeting) y se encuentran publicados en el portal de [Tiburones y Rayas](#) así como en el portal de [CITES Virtual College](#) donde puede ser descargado directamente mediante la siguiente liga: [https://cites.org/sites/default/files/CONABIO\\_NDF\\_tiburones1.pdf](https://cites.org/sites/default/files/CONABIO_NDF_tiburones1.pdf) y se encuentran también en el **Cuadro 1**.

**Cuadro 1.** Factores de conversión en porcentaje que representa el peso de aletas secas (AS), frescas (AF), tiburón completo (TC), troncho de tiburón (TT) y piel (m<sup>2</sup>) para 10 especies de tiburón.

Especie	%AF:TT	%AF:TC	%AF:AS	%TC:TT	Piel (m <sup>2</sup> ) por individuo	Referencia	
<i>Sphyrna lewini</i>	2.85	1.66	40 (NMFS, 1993)*		0.33**	Cortés y Neer (2006)	
<i>Sphyrna zygaena</i>	8.79	5.77				Neves dos Santos y García (2008)	
<i>Sphyrna mokarran</i>	2.94	1.96				Cortés y Neer (2006); Biery y Pauly (2012)	
<i>Carcharhinus longimanus</i>	16.52	7.34				Biery y Pauly (2012); Neves dos Santos y García (2008)	
<i>Carcharhinus falciformis</i>	2.53	1.45				Cortés y Neer (2006)	
<i>Alopias vulpinus</i>	6.26	2.06				Mejuto <i>et al.</i> (2004) y Cortés y Neer (2006)	
<i>Alopias pelagicus</i>	6.26	4.31				Mejuto <i>et al.</i> (2004)	
<i>Alopias superciliosus</i>	6.26	3.7				Mejuto <i>et al.</i> (2004) y An <i>et al.</i> (2009)	
<i>Isurus oxyrinchus</i>	2.99	1.76				68.6	Cortés y Neer (2006); Mejuto, <i>et al.</i> (2008)
<i>Isurus paucus</i>	6.26	4.38					Mejuto <i>et al.</i> (2009)

\*De acuerdo a lo estimado por Biery (2012).

\*\*Acorde a lo estimado por Corro-Espinosa y Rivera-Velázquez (2019).

En cuanto al rendimiento de piel respecto al peso y tamaño de un ejemplar adulto de *Carcharhinus falciformis*, Corro-Espinosa y Rivera-Velázquez (2019) realizaron un análisis del cálculo del área y peso de pieles de la especie en muestras secas de ejemplares capturados en el Golfo de México en el año 2018, indicando que la Longitud Total (LT) promedio de piel de individuos más comunes en la captura es de 90 cm, con un peso promedio de piel fresca por individuo estimada de 2.1 kg y aproximadamente 1.47 kg de piel seca (considerando un 30% de diferencia entre la piel fresca y la seca), y un área aproximada de 0.33m<sup>2</sup> por ejemplar.

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## **Sharks and rays in The Republic of Mozambique**

### **Information document from the Government of Mozambique, in support of response to CITES Notification No. 2023/027 to the Parties**

May 2023

#### **Notification to the Parties No. 2023/027**

“Pursuant to Decision 19.222 paragraph a), the Secretariat hereby invites Parties to submit a brief report in accordance with [Resolution Conf. 12.6 \(Rev. CoP18\)](#) on **new information on their shark and ray conservation management activities, in particular on any national management measures that prohibit commercial take or trade** (with an executive summary not exceeding 200 words, if the report exceeds four pages) with a **focus on the following topics**:

- A. the making of non-detriment findings (NDFs);
- B. the making of legal acquisition findings (LAFs);
- C. identification and monitoring of CITES-listed shark products in trade in source, transit and consumer Parties
- D. recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade;
- E. Capacity building needs to assist developing countries and small island developing states with reporting requirements.”

#### **Executive Summary**

Mozambique is part of a global hotspot for sharks and rays (Lucifora *et al* 2011), which are caught simultaneously in artisanal and industrial fisheries as by-catch representing great fishing pressure throughout the country . Sharks and rays are traded legally but it is supposed that high volumes of these species are trade illegally in Mozambique once the reporting of catch in trade volumes is poor.

Mozambique legally protects all 15 shark and ray species that are i) listed on Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) or ii) have retention bans under Indian Ocean Tuna Commission (IOTC) Resolutions. There are also minimum legal size limits for 29 shark and ray species, and removal of shark fins at sea is prohibited.

Mozambique developed a specific legal decree in 2016 for the implementation of CITES protocols such as inspections in airport verifying the presence of listed species of sharks that are exported and has worked with partners to genetically identify shark and ray species to confirm the inspections results for dried fin.



Mozambique has started conducting NDF assessments for Appendix II shark species and is thus making progress towards improved CITES implementation. To date, NDFs have been drafted for silky sharks *Carcharhinus falciformis* and scalloped hammerhead sharks *Sphyrna lewini*.

Training workshops were held in 2021 to build capacity for the development of NDFs and for species identification of CITES-listed shark and ray species, although further capacity building is needed.

Thus, the country has been engaged in the CITES implementation but not yet meet all legal requirements and improvement are still needed.

### **Response from Republic of Mozambique**

#### **Notification to the Parties No. 2023/027: Request for new information on shark and ray conservation management activities, in particular on national management measures that prohibit commercial take or trade**

Under the Policies and Strategic vision and objectives to develop a good environmental management, Mozambique has been implement the CITES Resolutions and Decisions aligned with Post CBD GBF 2020. During several years after the independence in 1975, there was no in Mozambique, instrument to regulate shark fishing. Currently, although there is still no specific legislation on sharks, some general regulatory instruments that includes shark conservation have been approved, namely, a revised Fisheries Law nº 22/2013 2013, 1<sup>st</sup> November (Republic of Mozambique 2013a), the main law in Mozambique governing fisheries which set out the current legal framework for fisheries management and applied to all vessels operating in waters under Mozambican jurisdiction and all Mozambican vessels engaged in fishing on the high seas or in national waters of third-party States; A revised Sea Law nº 20/2019 and Sea Police (POLMAR), which focus on protect the ecological key areas and species as well as ecosystem restoration and measures to prevent, control and combat pollution of marine pollution and their impacts on the aquatic ecosystems.

The Marine Fisheries Regulation (REPMAR, Decree 43/2003, Republic of Mozambique revised in 2020) includes sanctions for capture of protected species on the Mozambican EEZ, as well as identifying designated ports the discharge of protected species for better enforcement. Other conservation measures include *inter alia* prohibited species and minimum legal size limits, closed seasons, minimum mesh sizes, regulation of fishing gears, prohibited fishing gears, maximum catch limits by boat or person in a certain fishery or zone, and schemes for limitation of access and fishing effort, prohibition of fishing of marine mammals and other international protected species, adoption of conservation measures necessary for the preservation of fisheries resources, and the prohibition on the use of explosives and toxic substances for fishing (the Republic of Mozambique 2013b).

The species protection specifically for sharks and rays is only found in the Regulation for Recreational and Sports Fisheries, Decree 51/99 of 31/08, whereby the catch by recreational fishers was limited to two individuals of any shark species per day except for great white sharks *Carcharodon carcharias*, which are prohibited under this Decree, with no shark or ray restrictions in other fisheries.

In fact, the fisheries monitoring and surveillance for the semi- and industrial subsectors is relatively easy to implement through approved legal instruments, as well as monitoring measures that are being

implemented, in coordination with regional and international organizations, of which Mozambique is a part. However, it is recognized that illegal shark fishing occurs, however, improvements are being registered in the control of fishing, in general, through instruments such as VMS, ERS, Logbooks, among others. For the artisanal fisheries, Mozambique is facing illegal practices related to characteristics and specificities among different gears used and it has been contributing to weak control of shark fishing, adding to the absence of national legislation for the protection and management of sharks.

Thus, recognition that the Mozambican marine waters and coastline is home to a rich marine biodiversity composed of species such as sea turtles, seahorses, sharks, rays, and whales, species classified as endangered, threatened, and protected, but these species are still poorly represented and protected under the current network of MPAs, the country besides the revised a legal framework (the 2013 Fisheries Law), organized in 2019, a meeting among Government and other stakeholders, to define the criteria for shark and ray species requiring protection in Mozambique. Based on the outcomes of this meeting, the revised Maritime Fishing Regulation of Mozambique (REPMAR, Decree 89/2020, Republic of Mozambique 2020) include specific measures for the shark- or ray, as minimum legal size limits and to legally protects all 15 species (9 sharks and 6 rays) that are i) listed on Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) or ii) have retention bans under Indian Ocean Tuna Commission (IOTC) Resolutions. There are also minimum legal size limits for 29 shark and ray species, and removal of shark fins at sea is prohibited;

**Table 1.** Fifteen shark and ray species that are prohibited from capture in Mozambique, under Annex XIII of the revised Marine Fishing Regulations (REPMAR, Decree 89/2020, Republic of Mozambique 2020). Species requiring protection in Mozambique by virtue of their listing in Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS I) or a prohibiting resolution of the Indian Ocean Tuna Commission (IOTC) are also indicated (x). (\* denotes species with uncertain distribution in Mozambique, but that are afforded protection by virtue of the whole family being listed as prohibited).

Family	Species name	Common name	CMS I	IOTC prohibited
<b>Batoids</b>				
Mobulidae	<i>Mobula alfredi</i>	Reef manta ray	x	x
	<i>Mobula birostris</i>	Giant manta ray	x	x
	<i>Mobula eregoodoo*</i>	Longhorned pygmy devil ray	x	x
	<i>Mobula kuhlii</i>	Shortfin devil ray	x	x
	<i>Mobula mobular</i>	Spinetail devil ray	x	x
	<i>Mobula tarapacana*</i>	Sicklefin devil ray	x	x
	<i>Mobula thurstoni*</i>	Bentfin devil ray	x	x
Pristidae	<i>Pristis pristis</i>	Largetooth sawfish	x	
	<i>Pristis zijsron</i>	Green sawfish	x	
<b>Sharks</b>				
Alopiidae	<i>Alopias pelagicus</i>	Pelagic thresher shark		x
	<i>Alopias superciliosus</i>	Bigeye thresher shark		x
	<i>Alopias vulpinus*</i>	Common thresher shark		x
Carcharhinidae	<i>Carcharhinus longimanus</i>	Oceanic whitetip shark	x	x
Lamnidae	<i>Carcharodon carcharias</i>	Great white shark	x	
Rhincodontidae	<i>Rhincodon typus</i>	Whale shark	x	x

The revised Decree also prescribes minimum legal size limits for 26 shark and ray species at species level, as well as all species in the genus *Rhynchobatus* (wedgfishes) (Annex XI of Decree, Republic of Mozambique 2020, Table 2). The minimum size limits, however, for some of the species have no biological basis and many are smaller than the size at first attainment of sexual maturity, which is likely to limit their effectiveness.

REPMAR also details other regulations that are of relevance for shark and ray fisheries or fisheries that catch sharks and rays:

- For longlines, the Ministry can establish rules and regulations for the size of the hooks, the maximum number of hooks used on each line, the maximum length of lines, or the minimum distance between hooks, as well as any other conservation measures as seen fit.
- The minimum mesh size of a gill net officially authorized for use in shark fishing is limited to 120 mm.
- The maximum length of combined underwater gill nets is limited to 3,000 m.
- The removal of shark fins at sea is also prohibited.
- Since 2004, there has also been a legal requirement for the compulsory use of Turtle Exclusion Devices (TEDs) in shrimp trawl fisheries operating in Mozambican waters (Article 110 of REPMAR), which should also have the effect of reducing shark and ray bycatch, but no implementing regulations are yet in place. There is little public or industry interest in implementing the legislation, possibly because import markets for Mozambican shrimp fisheries do not currently require TEDs.

### **Shark and ray species protection measures**

By virtue of being signatory to CMS and a Contracting Party to the IOTC, Mozambique is obliged to protect all shark and ray species listed on CMS Appendix I that occur in Mozambique waters (of which there are 12) and to prohibit (within fisheries under the management of IOTC) the capture of any species present in Mozambique waters that are subject to a retention ban under IOTC resolutions (of which there are also 12, of which 9 are shared with CMS I). This totals 15 shark and ray species (including four with uncertain distributions in Mozambique), all of which are already legally prohibited from capture in Mozambique (Table 1), since the revision of REPMAR in 2020 (Republic of Mozambique 2020), which lists 14 species at species level (Table 2). This was an important step for shark and ray conservation in Mozambique, and within the Western Indian Ocean (WIO) and as Member States of the Nairobi Convention (UNEP Regional Seas Program), with commitment in implementation of the retention bans in relevant fisheries for shark under the IOTC. Several agreements call for the development of multinational or regional management plans, to ensure effective management for the sustainable harvesting of threatened species, such as the species listed on CMS Appendix II. As many of these species occur in Mozambique's waters, the need for such management plans should be discussed regionally and with neighbouring States and, where necessary, developed through multilateral agreement.

**Table 2.** Shark and ray species confirmed or reported (\* not confirmed) from Mozambique for which national protection or certain fishery prohibitions are binding on the State, through Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS; full protection) or a resolution of the Indian Ocean Tuna Commission (IOTC; prohibition in certain fisheries), respectively. Species recommended for protection by virtue of their Critically Endangered or Endangered IUCN Red List status. Species highlighted in green are already fully protected at national level while those highlighted in blue have legal minimum size limits (cm total length, or disc width (DW)), under Decree 89/2020 (Republic of Mozambique 2020). Also presented are relevant listings on the Appendices of CMS, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and IUCN Red List status (IUCN RL; CR = Critically Endangered, EN = Endangered, VU = Vulnerable, NT = Near Threatened, LC = Least Concern, DD = Data Deficient). (Species in bold = WIO endemic).

Family	Species name	Common name	IUCN RL	CMS	IOTC	CITES	SIOFA	Min. size (cm)
<i>Species for which prohibition is binding (some or all fisheries)</i>								
Carcharhinidae	<i>Carcharhinus longimanus</i>	Oceanic whitetip shark	CR	I	13/06	II		
Lamnidae	<i>Carcharodon carcharias</i>	Great white shark	VU	I/II		II		
Mobulidae	<i>Mobula alfredi</i>	Reef manta ray	VU	I/II	19/03	II		
	<i>Mobula birostris</i>	Giant manta ray	EN	I/II	19/03	II		
	<i>Mobula eregoodoo*</i>	Longhorned pygmy devil ray	EN	I/II	19/03	II		
	<i>Mobula kuhlii</i>	Shortfin devil ray	EN	I/II	19/03	II		
	<i>Mobula mobular</i>	Spinetail devil ray	EN	I/II	19/03	II		
	<i>Mobula tarapacana*</i>	Sicklefin devil ray	EN	I/II	19/03	II		
	<i>Mobula thurstoni*</i>	Bentfin devil ray	EN	I/II	19/03	II		
Pristidae	<i>Pristis pristis</i>	Large-tooth sawfish	CR	I/II		I		
	<i>Pristis zijsron</i>	Green sawfish	CR	I/II		I		
Rhincodontidae	<i>Rhincodon typus</i>	Whale shark	EN	I/II	13/05	II		
Alopiidae	<i>Alopias pelagicus</i>	Pelagic thresher shark	EN		12/09	II		
	<i>Alopias superciliosus</i>	Bigeye thresher shark	VU		12/09	II		
	<i>Alopias vulpinus*</i>	Common thresher shark	VU		12/09	II		
<i>Species recommended for protection by virtue of being Critically Endangered</i>								
Carchariidae	<i>Carcharias taurus</i>	Ragged-tooth shark	CR					
Ginglymostomatidae	<b><i>Pseudoginglymostoma brevicaudatum</i></b>	<b>Shorttail nurse shark</b>	CR					
Myliobatidae	<i>Aetomylaeus bovinus</i>	Duckbill ray	CR					
	<i>Myliobatis aquila</i>	Common eagle ray	CR					
Rhinidae	<i>Rhina ancylostomus</i> <sup>a</sup>	Bowmouth guitarfish	CR			II		150
	<i>Rhynchobatus australiae</i> <sup>a</sup>	Bottlenose wedgefish	CR	II		II		150
	<i>Rhynchobatus djiddensis</i>	Whitespotted wedgefish	CR			II		150
Sphyrnidae	<i>Sphyrna lewini</i>	Scalloped hammerhead shark	CR	II		II		150
	<i>Sphyrna mokarran</i>	Great hammerhead shark	CR	II		II		150
<i>Species recommended for protection by virtue of being Endangered</i>								
Carcharhinidae	<i>Carcharhinus amblyrhynchos</i>	Grey Reef shark	EN					
	<i>Carcharhinus obscurus</i>	Dusky shark	EN	II				150
	<i>Carcharhinus plumbeus</i>	Sandbar shark	EN					150
	<i>Negaprion acutidens</i>	Sicklefin lemon shark	EN					
Centrophoridae	<i>Centrophorus granulosus</i>	Gulper shark	EN				x	100
	<i>Centrophorus lesliei</i>	African gulper shark	EN					

	<i>Centrophorus squamosus</i>	Leafscale gulper shark	EN					100
	<i>Centrophorus uyato</i>	Little gulper shark	EN					60
Dasyatidae	<i>Himantura uarnak</i>	Honeycomb stingray	EN					80 DW
Echinorhinidae	<i>Echinorhinus brucus</i>	Bramble shark	EN					
Lamnidae	<i>Isurus oxyrinchus</i>	Shortfin mako shark	EN	II		II		200
	<i>Isurus paucus</i>	Longfin mako shark	EN	II		II		200
Myliobatidae	<i>Aetomylaeus vespertilio</i>	Ornate eagle ray	EN					

Table 6.5.7 continued

Family	Species name	Common name	IUCN	CMS	IOTC	CITES	SIOFA	Min. size (cm)
Oxyrotidae	<i>Oxyrotus centrina</i> *	Angular rough shark	EN					
Pentanchidae	<b><i>Holohalaelurus favus</i></b>	<b>Honeycomb catshark</b>	EN					
	<b><i>Holohalaelurus punctatus</i></b>	<b>African spotted catshark</b>	EN					
Rajidae	<i>Raja ocellifera</i> *	Twineyed skate	EN					
	<i>Rostroraja alba</i> <sup>b</sup>	Spearnose skate	EN					100
Rhinobatidae	<b><i>Acroteriobatus leucospilus</i></b>	<b>Greyspot guitarfish</b>	EN					
Rhinopterae	<i>Rhinoptera jayakari</i>	Shorttail cownose ray	EN					
Stegostomatidae	<i>Stegostoma tigrinum</i> <sup>c</sup>	Zebra shark	EN					150
Triakidae	<i>Mustelus manazo</i> *	Starspotted smoothhound	EN					
<i>Vulnerable and Near Threatened species either listed under SIOFA Annex I, or for which REPMAR defines a minimum legal-size limit</i>								
Carcharhinidae	<i>Carcharhinus falciformis</i>	Silky shark	VU	II		II		150
	<i>Carcharhinus leucas</i>	Bull shark	VU					150
	<i>Carcharhinus limbatus</i>	Blacktip shark	VU					150
	<i>Carcharhinus melanopterus</i>	Blacktip reef shark	VU					150
	<i>Prionace glauca</i>	Blue shark	NT	II				150
	<i>Rhizoprionodon acutus</i>	Milk shark	VU					60
Centrophoridae	<i>Centrophorus lusitanicus</i> * <sup>d</sup>	Lowfin gulper shark						100
	<i>Centrophorus moluccensis</i>	Smallfin gulper shark	VU					60
	<i>Deania calceus</i> * <sup>e</sup>	Birdbeak dogfish	NT				x	
	<i>Deania quadrispinosa</i>	Longsnout dogfish	VU					60
Dalatiidae	<i>Dalatis licha</i>	Kitefin shark	VU				x	150
Dasyatidae	<i>Maculabatis ambigua</i> <sup>f</sup>	Baraka's whipray	NT					40 DW
Hexanchidae	<i>Hexanchus nakamurai</i>	Bigeyed sixgill shark	NT				x	
Somniosidae	<i>Centroscymnus coelolepis</i>	Portuguese dogfish	NT				x	
	<i>Centroscymnus crepidater</i> *	Longnose velvet dogfish	NT				x	
Sphyrnidae	<i>Sphyrna zygaena</i>	Smooth hammerhead shark	VU	II		II		150
Squatinae	<i>Squatina africana</i>	African angelshark	NT					60
<i>Data Deficient and Least Concern species, listed under SIOFA Annex I</i>								
Chlamydoselachidae	<i>Chlamydoselachus africana</i> <sup>g</sup>	Southern African frilled shark	LC				x	
Etmopteridae	<i>Etmopterus alphas</i>	Whitecheek lanternshark	LC				x	
	<i>Etmopterus pusillus</i> *	Smooth lanternshark	LC				x	
Mitsukurinidae	<i>Mitsukurina owstoni</i>	Goblin shark	LC				x	
Pentanchidae	<i>Bythaelurus tenuicephalus</i>	Narrowhead catshark	LC				x	
Rhinochimaeridae	<i>Harriotta raleighana</i>	Narrownose chimaera	LC				x	
Somniosidae	<i>Scymnodon macracanthus</i> * <sup>h</sup>	Largespine velvet dogfish	DD				x	

<sup>a</sup> Listed in REPMAR by genus only

<sup>b</sup> Listed in REPMAR as "*Raja alba*", the previous name for this species

<sup>c</sup> Listed in REPMAR and "*Stegostoma fasciatum*", the previous name for this species

<sup>d</sup> *Centrophorus lusitanicus* (as reported here) is a junior synonym of *C. granulatus*

<sup>e</sup> Listed as *Deania calcea* in SIOFA Annex I, the previous name for this species

<sup>f</sup> Previously listed in Mozambique as *Himantura gerrardi*; listed in REPMAR as "*Himantura gerrardi* (*Maculabatis gerrardi*)"

<sup>g</sup> Listed as *Chlamydoselachus anguineus* in SIOFA Annex I

<sup>h</sup> Listed as *Centroscymnus plunketi* in SIOFA Annex I, the previous name for this species

### **Notification to the Parties No. 2023/027 Paragraph A: The making of non-detriment findings (NDFs)**

Mozambique has been Party to CITES since 1981 and is thereby required to implement means by which to ensure that international trade in shark and ray species listed on Appendices I and II is regulated appropriately. Two ray species known from Mozambique are listed on CITES Appendix I – these are theargetooth sawfish *Pristis pristis* and the green sawfish *P. zijsron* (Table 3). However, the green sawfish *Pristis zijsron* is thought to have been extirpated completely from the WIO region, and theargetooth sawfish *P. pristis* is now extremely rare in the WIO and possibly locally extinct in some Range States, such as Mozambique and South Africa (Everett *et al.* 2015, Leeney 2017, Braulik *et al.* 2020).

The government has established collaboration with the Wildlife Conservation Society (WCS) Mozambique Program and Blue Resources Trust and funded through the Shark Conservation Fund, hosted a NDF workshop in 2021. During the workshop, representatives of several Mozambique government agencies were trained on the development of NDFs for shark and ray species, using the recently developed electronic NDF tool for sharks and rays, and the two NDFs were drafted as part of the training process and is thus making progress towards improved CITES implementation. To date, NDFs have been drafted in Mozambique for two CITES-listed shark species, including silky sharks *Carcharhinus falciformis* and scalloped hammerhead sharks *Sphyrna lewini*, although these have not yet been finalised

NDFs are required for the remaining CITES-listed shark and ray species, which have been allocated to proposed priority groups in terms of their priority for conducting NDFs, based on their demand in the global fin trade, conservation status, level of protection and other factors. Species considered priorities for NDFs are Mako sharks (*Isurus spp*), Requiem sharks and blue shark *Prionace glauca* as species prevalent in pelagic industrial fishery catches and the global fin trade.

The Annex to the document presents a technical report on the criteria and methodology used for non-detriment findings (NDFs) and the results.

### **Notification to the Parties No. 2023/027 Paragraph B: The making of legal acquisition findings (LAFs)**

To date, no LAFs have been conducted in Mozambique for CITES-listed shark or ray species.

### **Notification to the Parties No. 2023/027 Paragraph C: Identification and monitoring of CITES-listed shark products in trade in source, transit and consumer Parties**

In November 2021, the government staff from different institutions in the Fishery sector Custom agents, migration agents, inspection and observers were trained on species identification of CITES-listed shark and ray species and the use of the latest global CITES shark/ray identification guides, in a 2-day workshop

aimed at improving human capacity for identification of CITES-listed shark and ray species. The workshop was facilitated by WCS through the UK's Centre for Environment, Fisheries and Aquaculture Science (CEFAS) and a grant from the Shark Conservation Fund, and the training was conducted by Dr Rima Jabado (global shark identification expert and global chair of the IUCN shark specialist group). The global CITES shark/ray identification guides were translated to Portuguese to facilitate use of the guides in Mozambique.

### **Monitoring and reporting of trade in shark and ray products**

Shark and ray fisheries in Mozambique is currently driven by a demand for fin exports. According to licenses issued by Mozambique's National Fish Inspection Unit (INIP), 3 t of rays, 142 t of sharks (meat) and 8 t of dried fins were exported to Hong Kong in 2016.

The Mozambican authorities have made the inspection of the listed shark (verification of the legality) mandatory in all vessels operating in waters under Mozambican jurisdiction and also has been involved in airport inspections to confirm the presence of listed species of sharks that are exported as dry fins and the shark/ray products (including dried and processed shark and shark-like fins) that were destined for export.

On the other hand, since the implementation of the cites regarding the ID of CITES-listed shark-products in trade, the Government have been undertaking the regular trainings for the agents responsible for the inspection to improve their capabilities to monitor, discipline and guide the activities for the protection, conservation, use and exploitation of resources.

In additional, the Government supported by the Wildlife Conservation Society (WCS), photographed and collected tissue samples from a subset of the dry fins at the Airport that were destined for export. Samples were sent for genetic barcoding to identify to species level the species to determine whether or to what extent CITES-listed species contributed to the trade in shark and ray products (in particular to the export of fins from Mozambique). The preliminary findings indicate the presence of multiple species include some CITES-listed (Appendix II) species of sharks and rays, confirming that CITES species are being traded internationally from Mozambique. Next steps include to set quota for these species and the development of an illustrated guide to facilitated inspection.

### **Trade in CITES-listed shark and ray species from Mozambique**

The fins of at least five CITES Appendix II-listed shark and ray species were identified in 109 samples of dry shark fins that were destined for export from Maputo/Mozambique in December 2018 and January 2019. 29 samples were send for sequence analysis (Genetic barcoding). Overall, from these verifications, 18 samples were identified to species level and were from threatened species (Asbury et al. 2021). These included:

- Critically Endangered scalloped hammerhead shark *Sphyrna lewini* (7) and whitespotted wedgefish *Rhynchobatus djiddensis* (3);
- Endangered shortfin mako shark *Isurus oxyrinchus* (3) and grey reef shark *Carcharhinus amblyrhynchos*(1)
- Vulnerable, silvertip shark *Carcharhinus albimarginatus* (1), pigeye shark *Carcharhinus amboinensis* (1), and copper shark *Carcharhinus brachyurus* (1).

- 11 samples could unfortunately not be identified to species level (based on using the shorter COI gene regions), however, they are all confirmed to be *Carcharhinus* species. "Most likely" matches spinner *C. brevipinna* (3), blacktip *C. limbatus* (3), graceful *C. amblyrhynchoides* (3), dusky *C. obscurus* (1) and sandbar *C. plumbeus* (1).

In 2020, the most exported shark fins from Nampula (in August and September) is belong *Carcharhinus obscurus*, *Carcharhinus sorrah*, *Carcharhinus plumbeus* and *Squalus mistukurii*, representing more than 80% and at date not CITES listed-species as well as the shortfin mako shark *Isurus oxyrinchus*, on which a trade in this species had not permitted.

In addition, were identified in 2022 sampling of dry shark fins from Inhambane that were destined for export 12 bags (187 kg) in March and confirmed mostly blue shark *Carcharhinus obscurus* and some of ray species, Critically Endangered whitespotted wedgefish *Rhynchobatus djiddensis* and 14 boxes (200 Kg) in August where confirmed only ray species, whitespotted wedgefish *Rhynchobatus djiddensis*. Once a trade in this species have been permitted without NDFs, is urgent the monitoring and enforcement of CITES regulations thus NDF and set quota is required.

Further inspections are needed to assess trends in species being traded and whether there are CITES-listed sharks and rays being illegally traded.

**Notification to the Parties No. 2023/027 Paragraph D: Recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade**

Co-verification of the legality of commercialization (routine work to inspect the fishing operations). However, the implementation of this task requires an effective inspection with the proper application of legal instruments and this inspection is still inadequate and deficient, gaps prevailing, so it is extremely important to create specific framework and effectively answer the questions regarding shark protection.

**Notification to the Parties No. 2023/027 Paragraph E: Capacity building needs to assist developing countries and small island developing states with reporting requirements**

*Data collection and reporting needs*

There is a strong need to improve and expand the national fishery monitoring program, to provide species-level data on shark and ray species caught, and seasonality of catches, in combination with gear types used, so as to provide improved, long-term data to inform the management of sharks and rays in Mozambique's fisheries. There is thus a need to improve data collection and reporting (at species-level) of the trade in shark and ray products, particularly in terms of accurate reporting to the various databases (such as UN Comtrade and the CITES trade database). Accurate, species-level monitoring of catches and trade will likely require capacity building in terms of species identification (and accurate allocation of products to product trade codes), improved species identification guides, improved technology for species identification (such as genetic methods), development of national monitoring programs and observer programs. Relevant staff require training in monitoring techniques and data management (CEPAM 2015).



The main data collection and research priorities for Mozambique on sharks and rays include:

- Monitoring programs should be developed or expanded to provide accurate current and long-term quantitative data from offshore and inshore fisheries (*Pierce et al. 2008*).
- Habitat mapping and identification of critical areas, such as aggregation sites and nursery areas, particularly for threatened species.
- Understanding broad-scale and fine-scale movement behaviour and determining population structure and genetic connectivity (particularly for migratory species).
- Assessing aspects of the reproduction of shark and ray species in Mozambique, such as reproductive and periodicity, gestation period, breeding season and parturition season.
- Taxonomic clarification is needed for several shark and ray species and species-complexes.
- Citizen science programs should be encouraged to facilitate the reporting of shark and ray species observed by recreational divers, which can be used to determine important areas for certain species.
- Map key sensitive areas for sharks and rays

The high proportions of threatened shark and ray species in the catches in Mozambique's fisheries mean that management interventions are urgent, before stocks decline further.

- Increased awareness amongst national and provincial governments would be beneficial in creating political interest for improved shark and ray management and conservation (*Pierce et al. 2008, CEPAM 2015*).
- Raising awareness among fishing communities of existing regulations and the threat of overexploitation of threatened species, particularly within spatial protection zones, could improve fisher adherence to regulations.
- Community education programs could improve public support (*Bayworld 2015, CEPAM 2015, Marques da Silva 2015*).
- The fishing of protected shark and ray species must be prohibited. Catch prohibitions and legal minimum size limits already gazetted (under the revised REPMAR, Government of Mozambique 2020) must be enforced, which will require improved capacity for enforcement.
- The NPOA-Sharks has been initiated, but requires completion, to guide improved conservation and management for sharks and rays in Mozambique. Support is being provided for this.
- There is a need for specific regulations (gear-, species- and area-specific regulations), and thus the development of a dedicated shark and ray fishery regulation may be the most appropriate strategy for managing the fisheries for sharks and rays in Mozambique. Support may be needed for developing such a regulation.
- Given that the demand for fin exports is one of the major drivers for shark fishing in Mozambique, national legislation pertaining to international trade controls must be improved, such as those imposed by CITES and additional controls for other threatened shark and ray species.
- Critical areas in the life history of shark and ray species, such as aggregation sites, should be identified and protected. This will require further information.
- Minimum size limits presented in the Fishery Regulations (Republic of Mozambique 2020) should be revised, taking into account the unique age and growth characteristics of each species, preferably

from age and growth studies carried out in Mozambique, or at least in the WIO. This may require support and further information.

- Management and conservation measures (including bans on the capture or trade of certain species) should be adopted in harmony with the various instruments of international and national regulation and conservation to which Mozambique is Party, to facilitate improved adherence to and implementation of these instruments. Guidance will be required for this.

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Managua 24 de marzo de 2023

Señores  
**Secretaría CITES**  
Su Despacho

**Estimados Señores:**

Dando respuesta a la Notificación a las Partes de CITES No 2023-027 enviada el 16 de marzo del año 2023, donde invitan a las Partes a presentar un breve informe de conformidad con la Resolución Conf. 12.6 (Rev. Cop18) que contenga información nueva sobre las actividades de gestión de la conservación de tiburones y rayas, en particular en cualquier medida de ordenación nacional que prohíba la captura comercial o el comercio de estas especies.

**Al respecto informamos lo siguiente:**

En Nicaragua no existe pesca dirigida a los tiburones y rayas, estas especies son capturadas de manera incidental por los pescadores artesanales que utilizan palangres y líneas para la pesca de escamas, en el caso de la flota atunera que pesca en el Océano Pacífico Oriental (OPO) que es regulada por la CIAT, utiliza únicamente redes de cerco y cumple con todas las recomendaciones del Plan de Acción Internacional, Tiburones (PAI-TIBURONES).

Nicaragua también cuenta con normativas nacionales para la conservación de los tiburones, entre ellas están, el Plan de Acción para la Conservación y Ordenación de los Tiburones en Nicaragua PAN – Tiburones que fue elaborado en el año 2010 con el apoyo de la FAO y de la Organización Pesquera de Centroamérica OS-PESCA en base a los antecedentes del PAI Tiburones.

El país se ha caracterizado por ser garante en la protección de los elasmobranchios, en ese sentido, la Ley 489, Ley de Pesca y Acuicultura de Nicaragua, en su Capítulo III, Arto. 75, prohíbe la captura de tiburones en aguas continentales y marinas, con el único propósito de cortarle cualquiera de sus aletas, incluyendo la cola, desechando el resto del cuerpo de la especie en alta mar, zonas costeras u otros sitios.

De igual forma, se encuentra regulado el desembarque, transporte, almacenamiento y comercialización de aletas de tiburón frescas, congeladas, secas o saladas.



Gobierno de Reconciliación  
Y Unidad Nacional

El Pueblo, Presidente!

2023  
TODOS JUNTOS  
Vamos Adelante!

El Reglamento de la Ley No. 489, Decreto No. 9-2005 en el Capítulo VI, mediante el artículo 42 inciso 3, prohíbe a toda embarcación llevar a bordo o desembarcar una cantidad de aletas con un peso superior al cinco (5) por ciento del peso total de los cuerpos de los tiburones capturados y encontrados a bordo.

Para poder exportar aletas de tiburón es necesario que los exportadores demuestren con facturas y/o constancia la comercialización de la carne de todo el cuerpo. El incumplimiento de esta disposición, implica la aplicación de una sanción establecida en el numeral 5 del Arto. 123 de la Ley No. 489.

Nicaragua como país miembro de la Organización del Sector Pesquero y Acuícola de Centroamérica aplica los siguientes Reglamentos: Reglamento OSP 0511: Reglamento Regional para Prohibir la Práctica del Aleteo del Tiburón en los países parte del SICA, Reglamento Regional OSP 07-2014: Reglamento Regional para Fortalecer la Sostenibilidad Poblacional del Tiburón Ballena (*Rhincodon Typus*) en los países miembros del SICA y las siguientes Resoluciones de CIAT: Resolución C-21-06: Enmienda de la Resolución C-19-05, Medidas de Conservación para las Especies de Tiburones con especial énfasis en el Tiburón Sedoso (*Carcharhinus falciformis*), para los años 2022 y 2023, Resolución CIAT C-19-06: Conservación de Tiburones Ballena, Resolución CIAT C-16-05: Resolución sobre la Ordenación de las Especies de Tiburones, Resolución CIAT C-11-10: Resolución sobre la Conservación del Tiburón oceánico Punta Blanca capturado en asociación con la pesca en el área de la Convención de Antigua,

De igual manera el Ministerio del Ambiente y los Recursos Naturales (MARENA) mediante Resolución ministerial No. 004-2022, establece una veda permanente a 3 especies de tiburones. *Carcharhinus leucas*, *Rhincodon typus* y *Carcharhinus longimanus*.

En lo que respecta a los dictámenes de adquisición legal existe un procedimiento de inspección por parte de los inspectores de pesca de INPESCA los que solicitan que los pescadores demuestren al momento del desembarque que el peso de las aletas no sea superior al cinco (5) por ciento del peso total de los cuerpos de los tiburones capturados y encontrados a bordo.

El INPESCA lleva control de la pesca de todas las especies de tiburones y rayas que se capturan incidentalmente incluyendo aquellas especies que están incluidas en los apéndices de la CITES, información que es registrada en los anuarios pesqueros y acuícolas de Nicaragua, de igual manera se registran



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**2023**  
**TODOS JUNTOS**  
*VAMOS Adelante!*

todas las existencias de partes y derivados de los tiburones que se desembarcan y las partes que se comercializan al exterior.

Existe una buena coordinación entre las instituciones de gobierno (INPESCA, MARENA, IPSA, MIFIC y Aduanas) que participan en la regulación y el control de los tiburones y rayas, lo que garantiza que el proceso de desembarque, procesamiento y exportación se realice de manera ordenada.

En cuanto a la elaboración de los dictámenes de extracción no perjudicial (DENP) el país aún no cuenta con un formato oficial donde se dictamine las extracciones no perjudiciales, realizando únicamente inspecciones de las especies que se desembarcan, control de la comercialización de la carne con respecto a los porcentajes de aletas destinadas a la exportación.

No se cuenta con factores de conversión para la estimación del peso vivo de las especies.

Por lo que solicitamos a la Secretaría de la Convención CITES apoyo técnico y económico para desarrollar un formato específico para dictaminar la extracción no perjudicial de las especies de tiburones y rayas y también para estimar los factores de conversión del peso vivo de las distintas especies de elasmobranchios que se desembarcan en nuestro país.

Atentamente,

*René Castellón*

**René Castellón**

Autoridad Administrativa CITES  
Nicaragua



## **Información referente a Tiburones y Rayas – Panamá. Notificación 2023/027**

### *A. La elaboración de dictámenes de extracción no perjudicial (DENP)*

En la actualidad, Panamá cuenta con un Dictamen de Extracción NO Perjudicial elaborado en el 2015, resultando Negativo para Tiburones y Rayas, específicamente para Tiburón Martillo (*Sphyrna lewini*). Se tiene estimado que para septiembre de 2023, se estará desarrollando un taller, gracias a la colaboración de organizaciones no gubernamentales internacionales, relacionado a DENP para Tiburones y Rayas; taller que nos permitirá trabajar en la elaboración del DENP Nacional.

### *B. la formulación de dictámenes de adquisición legal (DAL)*

Con la colaboración de la Autoridad de los Recursos Acuáticos de Panamá (Autoridad Pesquera), se están analizando los puertos de desembarque autorizados por normativa nacional, que pueden desembarcar especímenes colectados en aguas nacionales como internacionales. Esto debido a que Panamá es uno de los países con mayor cantidad de buques de pesca portando el pabellón nacional que realizan sus actividades en aguas internacionales. En ese sentido, se estarán esclareciendo los documentos necesarios para la elaboración del DAL, con mayor vigilancia en los desembarques que sean puertos internacionales permitidos.

### *C. La identificación y el control de los productos de tiburones incluidos en los Apéndices de la CITES en el comercio en los países de origen, tránsito y consumo que sean Partes*

Se están realizando acciones procedimentales que permitan un mejor control de los productos (revisión), con una correcta identificación de la especie, sobre todo en los puertos de desembarque internacional; que nos permitan la elaboración del DAL y verificación de la casilla 14 de la autorización CITES. Así mismo, con la Autoridad de los Recursos Acuáticos estaremos identificando los principales países de tránsito y consumo del producto.

### *D. El registro de las existencias de partes y derivados de tiburón comerciales y/o pre-convención de especies de elasmobranquios incluidos en el Apéndice II de la CITES y controlar la entrada de esas existencias en el comercio*

Coordinaremos la evaluación de las empresas que mantienen especímenes de tiburones pre-convención a nivel nacional, se procederá a realizar un inventario y certificar su procedencia para la adquisición legal del producto. Con ésta certificación se controlará y verificará su posterior exportación.

### *E. Las necesidades de creación de capacidad para ayudar a los países en desarrollo y los pequeños Estados insulares en desarrollo a cumplir los requisitos de presentación de informes*

Los informes correspondientes a presentar ante la CITES requieren de una serie de información crucial para evitar la sobreestimación de los productos exportados. Con la coordinación interinstitucional se podrá lograr un mejor control del uso de las autorizaciones emitidas, y confirmación de la información suministrada en éstos. Se requiere de mejores procedimientos nacionales para lograr una efectiva verificación y elaboración de informes.





PERÚ

Ministerio  
de la ProducciónDIRECCIÓN DE CAMBIO CLIMÁTICO Y BIODIVERSIDAD PESQUERA Y  
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## INFORMACIÓN RELACIONADA CON LA GESTIÓN DE LA CONSERVACIÓN DE LOS TIBURONES Y RAYAS

El Ministerio de la Producción (PRODUCE) a través del Despacho Viceministerial de Pesca y Acuicultura (DVPA) es la más alta autoridad política del Sector Pesca y Acuicultura, y cumple la función de Autoridad Administrativa CITES (AA CITES) en el Perú.

El Ministerio del Ambiente (MINAM), es la entidad nacional encargado de formular, planificar, dirigir, ejecutar, supervisar y evaluar la política con rectoría en el sector ambiental, y cumple la función de Autoridad Científica CITES (AC CITES) en el Perú.

Mediante Notificación No. 2023/027, la Secretaría invita a las Partes a presentar un informe breve que contenga la **información nueva** sobre sus actividades de gestión de la conservación de tiburones y rayas, en particular sobre cualquier medida de ordenación nacional que prohíba la captura comercial o el comercio.

El Ministerio de la Producción, a través de la Dirección General de Políticas y Análisis Regulatorio en Pesca y Acuicultura (DGPARPA), quien tiene autoridad técnica normativa a nivel nacional, es responsable de formular y proponer políticas nacionales y sectoriales, planes nacionales, normas, lineamientos y estrategias en materia de pesca y acuicultura, velando por el aprovechamiento sostenible de los recursos hidrobiológicos. En ese sentido, considerando las funciones de dicha dirección general, el PRODUCE en los últimos años ha emitido las siguientes resoluciones ministeriales vinculadas a la prohibición de la extracción, establecimiento de temporada de pesca y establecimiento de límite de captura de especies hidrobiológicas incluidas en los apéndices de la convención, las cuales se indican a continuación:

- RESOLUCIÓN MINISTERIAL N° 132-2023-PRODUCE: Establecimiento del límite de captura del recurso “Tiburón martillo” *Sphyrna zygaena*, correspondiente el periodo 2023.
- RESOLUCIÓN MINISTERIAL N° 056-2020-PRODUCE: Prohíben extracción de la especie pez sierra, en aguas marinas de la jurisdicción peruana, así como su desembarque, transporte, retención, transformación y comercialización.

Por otro lado, el PRODUCE, a través de la Dirección General de Pesca para Consumo Humano Directo e Indirecto (DGPCHDI), y en calidad de Autoridad Administrativa CITES, ha participado del “Taller regional de capacitación FAO-CITES sobre la CITES, la pesca y los dictámenes de adquisición legal”, realizado en la ciudad de Manta, Ecuador, del 8 al 11 de mayo de 2023. En atención a las experiencias compartidas en dicho taller, la citada dirección general viene elaborando modelos o check list de verificación de información para elaboración de los Dictámenes de Adquisición Legal para tiburones y rayas incluidos en CITES; asimismo, viene trabajando un proyecto normativo para regular los

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procedimientos administrativos vinculados al comercio internacional de especies hidrobiológicas extraídas del medio natural.

Adicionalmente, la Dirección General de Supervisión, Fiscalización y Sanción en Pesca y Acuicultura (DGSFS-PA) del PRODUCE, cuenta entre otras funciones, con la competencia de conducir la supervisión y fiscalización de las acciones asociadas a las especies hidrobiológicas incluidas en los Apéndices CITES, en coordinación con el MINAM y otras entidades competentes; en ese sentido, se alcanza en anexo el reporte de fiscalización de Certificado/Permisos CITES, elaborado por la mencionada dirección general en cumplimiento de sus funciones.

Finalmente, de acuerdo a lo señalado por el MINAN, el Perú en cumplimiento de los compromisos como país parte de la CITES, elabora los Dictámenes de Extracción No Perjudicial (DENP) para las especies listadas en el Apéndice II; en ese sentido, se ha aplicado la “Guía sobre los dictámenes de extracción no perjudicial de la CITES para especies de tiburones”<sup>1</sup>, habiendo emitido en el 2022 DENP para la exportación de productos de *Alopias vulpinus* (Tiburón zorro común), *Alopias pelagicus* (Tiburón zorro pelágico), *Carcharhinus falciformis* (Tiburón cazón) e *Isurus oxyrinchus* (Tiburón diamante); y en el 2023 DENP para *Lamna nasus* (Marrajo sardinero).

Asimismo, dicho ministerio respecto a la necesidad de creación de capacidades, ha señalado que resulta importante contar con una evaluación poblacional de los principales tiburones comercializados, y realizar una mayor asistencia técnica a las autoridades regionales encargadas de la gestión y control de los recursos, respecto a la aplicación de la Convención CITES e identificación de especies.

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<sup>1</sup> 2ª VERSIÓN REVISADA (2014) — Marco para ayudar a las Autoridades a formular dictámenes de extracción no perjudicial (DENP) para especies incluidas en el Apéndice II de la CITES el 22 de octubre de 2014, elaborada por Victoria Mundy-Taylor, Vicki Crook, Sarah Foster, Sarah Fowler, Glenn Sant y Jake Rice.

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## Shark and Rays Conservation Management Activities

*Submitted by Republic of Korea*

### **A. Making of non-detriment findings (NDFs)**

- Catch Certificates or Non-Detriment Findings are issued in accordance with Article 5 of the 「Public Notice on the Implementation of Fisheries Regulations of International Fisheries Organizations」 (Ministry of Oceans and Fisheries Public Notice No.2019-95).

*「Public Notice on the Implementation of Fisheries Regulations of International Fisheries Organizations」 Article 5 (Issuance of Catch Certificate for Sharks etc.). For a fishing vessel to obtain a Transaction Permission from the Minister of Environment or a Catch Certificate pre-Convention on International Trade in Endangered Species of Wild Fauna and Flora(CITES) for the purpose of exporting, bringing in or transshipping a shark listed in the 「List of Internationally Endangered Species」(Ministry of Environment's Public Notice), the fishing vessel must receive issuance of the following documents in each sub-paragraph from the President of the National Institute of Fisheries Science.*

- 1. If the shark is caught during the pre-Convention*
    - a. Non-detriment finding of internationally endangered species. When requesting issuance, one copy of landing report of overseas catch) of the Distant Water Fisheries Development Act Enforcement Rule is necessary.*
  - 2. If the shark is caught after Convention*
    - a. CITES Catch Certificate (See Annex 1)*
    - b. Non-detriment finding of internationally endangered species (See Annex 2)*
- We have difficulty in completing documents due to insufficient information on biology, stock abundance, status, management, effects of transaction etc.
  - Documents are completed with reference to RFMOs' assessment results, conservation and management measure items, IUCN Red List reports and foreign research literature.

### **D. Recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix- II elasmobranch species and controlling the entry of these stocks into trade**

- In accordance with Article 5 paragraph 1 of the 「Public Notice on the Implementation of Fisheries Regulations of International Fisheries Organizations」, to export, introduce or transship fish caught during the pre-Convention, issuance of a non-detriment finding from the National Institute of Fisheries Science is necessary.
- As the catch data contained in non-detrimental findings are “round weight”, recording of stockpiles of shark parts and derivatives is not applicable.

**(Annex 1)**

# CITES CATCH CERTIFICATE

Document Number :

## 1. Validating Authority

Name :

Address :

Tel :

Fax :

## 2. Fishing Vessel Information

Name :

Home Port :

Registration  
Number :

Call Sign :

IMO/Lloyd's Number  
(if issued) :

## 3. Licence Number :

## 4. Description of Products

Species Name	Product Type	Catch Dates	Catch Areas	Round Weight(kg)
		/		
		/		
		/		
		/		
		/		
		/		
		/		
		/		

## 5. Master of Fishing Vessel

Name :

Signature :

Seal :

## 6. Landing/Transshipment Information(if applicable)

Master of Fishing Vessel or Authorised Representative :	Landing/Transshipment Port(Area) :	Landing/Transshipment Date :	Signature :
<b>7. Flag State Authority Validation</b>			
Name/Title :	Date :	Signature :	Seal(Stamp) :

- \* Product type : **WHO** Whole, **HAG** Headed and gutted, **HAT** Headed and tailed, **HGT** Headed, gutted, tailed, **OTH** Other etc.
- \* Round Weight(kg) : total weight before processing(kg)

(Annex 2)

국제적 멸종위기종 거래영향평가서  
(CITES Non-detriment finding)

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

1. 발급번호  
Certificate No.

2. 증명 (학명, 일반명)  
Scientific and common names

3. 분포  
Distribution

4. 생물학적 특징  
Biological characteristics  
*종의 생활사, 서식지 특징, 생태계에서의 역할 등*

5. 자원량  
Population size

6. 자원상태  
Conservation status  
*국제적 자원 상태(IUCN Red list), 지역 자원상태, 주요위험요소(서식지 감소, 남획, 오염 등)*

7. 종의 관리  
Species management  
*종의 관리 수단, 모니터링 시스템 등*

8. 종의 이용 유형  
Type of use and purposes  
*관상, 식용, 약기 등*

9. 어획(포획)량  
Harvest

10. 거래량

Trade level

*해상반입 또는 수입, 수출되는 거래량 및 동향, 불법거래 수준 및 동향*

11. 거래가 종 보존에 미치는 영향

Trade effects to conservation status

*자원상태, 재생산력, 쿼터, ABC 추정값 등으로 고려*

12. 거래가 국내에 미치는 영향

Trade effects to national conservation(ecosystem)

*종의 반입이 국내 다른 종의 생존 또는 생태계에 미치는 영향*

13. 거래영향평가서 발급기관 Certificate is issued by:

날짜 Date

서명 또는 날인 Signature or seal

## Slovakia

Slovakia is not a Range State of any shark species. Based on the short online trade research, we identified in trade shark meat without any species specification, and also meat from the species *Prionace glauca* (with the origin in Spain). We identified cosmetics/nutritional supplements with shark cartilage and/or fat, but without specifying the shark species level. This is problem for enforcement authorities, as is not possible to identify if the product comes from CITES listed species or not. In some cases problem was also to find out information about the country of origin (third country or EU Member State).

To find out more information we plan to approach customs to ask for information about identifying imports of/trade in shark products covered by the HS codes. To look at the HS codes, it seems that these need to be improved, to reflect increased number of CITES listed species.



**Respuesta de España a la Notificación 2023/027 del Secretariado de CITES, sobre tiburones y rayas, con fecha límite de respuesta el 31 de mayo de 2023.**

En España, de los elasmobranchios listados en los apéndices de CITES, el marrajo dientuso (*Isurus oxyrinchus*) es la segunda especie en peso con mayores capturas asociadas por la flota de palangre de superficie española, dirigida al pez espada (*Xiphias gladius*). A nivel global, existen diferentes stocks de marrajo dientuso, que en nuestro país tienen diferentes tipos de gestión por parte de las autoridades CITES.

Por un lado, los stocks del Atlántico (que son dos: del Norte y del Sur) están directamente regulados en España por los respectivos Dictámenes de Extracción No Perjudiciales (DENP) comunitarios. El Grupo de Revisión Científica de la UE adoptó sendas opiniones negativas para estos stocks (el 03/12/2020 para el Norte, y el 13/09/22 para el Sur), lo que imposibilita su introducción en la Unión desde el 01/01/2021 y el 01/01/2023 respectivamente, sea cual sea su procedencia (códigos X y W). Además, para estos stocks la UE ha acordado sendas cuotas 0 de exportación y reexportación, por lo que tampoco es posible realizar este tipo de transacciones con marrajos dientusos atlánticos. En definitiva, en la UE no se permite la introducción de especímenes atlánticos de marrajo dientuso, ya sean pescados por flotas europeas o de terceros países, ni su exportación o reexportación desde nuestro territorio.

Por otro lado, los stocks que todavía no cuentan con DENP comunitarios (que son tres: Océano Índico, Pacífico Oriental, y Pacífico Central y Occidental) se regulan a nivel nacional mediante los correspondientes DENP nacionales, elaborados con validez de un año natural. En estos casos, el resultado del DENP es positivo, pero se limita el volumen de especímenes pescados por la flota española que pueden ser introducidos en la UE. Actualmente, los volúmenes máximos autorizados (especímenes de origen X) son: 397 toneladas para el Índico, 1.168 toneladas para el Pacífico Oriental y 377 toneladas para el Pacífico Central y Occidental. No hay cuotas de exportación o reexportación, pero éstas no pueden ser superiores a las cantidades introducidas. Además, España elabora los DENP relativos a las importaciones de marrajos dientusos capturados por flotas no comunitarias para estos tres stocks. Así, se ha realizado en 2023 un DENP para las importaciones desde Ecuador con resultado positivo que limita el volumen a 174 toneladas. Otros países desde los que se suele importar marrajo dientuso en España, son Kenia y Seychelles, pero este año no ha habido solicitudes al respecto por el momento.

Todos los DENP españoles y los comunitarios siguen la siguiente metodología:

Mundy-Taylor, V., Crook, V., Foster, S., Fowler, S., Sant, G. & Rice, J. 2014. Guía sobre los dictámenes de extracción no perjudicial de la CITES para especies de tiburones — 2ª VERSIÓN REVISADA— Marco para ayudar a las Autoridades a formular dictámenes de extracción no perjudicial (DENP) para especies incluidas en el Apéndice II de la CITES.

Respecto a los Dictámenes de Adquisición Legal (DAL), España no elabora estos dictámenes como tal, dado que la legalidad de toda la pesca está garantizada por el sistema de control de la actividad pesquera llevado a cabo por el Ministerio de Agricultura, Pesca y Alimentación (MAPA). Las autoridades CITES comprueban que cada solicitud de permiso CITES esté acompañada de la documentación que acredite que el buque cuenta con permiso para realizar esa actividad, así como el visor de mareas del Diario Electrónico de A bordo (DEA), en el que se refleja la actividad del buque durante toda la marea y cada captura con fecha y localización, así como las cifras finales de capturas desembarcadas y sus pesos transformados. Estos documentos permiten, por tanto, acreditar el origen legal de los especímenes para los que se solicitan permisos CITES. En el caso de importaciones de capturas de otras flotas, se comprueban los documentos

equivalentes facilitados por las autoridades CITES de estos países, así como las facturas correspondientes. El mismo proceso se realiza para las exportaciones o reexportaciones.

En cuanto a los productos de tiburones existentes en el comercio, en España hasta la fecha todo se ha realizado bajo la designación BOD (cuerpos enteros) para las introducciones desde el mar o importaciones, y FIN (aletas), que generalmente es el producto exportado (a Singapur en la mayoría de los casos, desde donde gran parte se reexporta a Hong Kong). Todavía no se ha hecho la diferenciación de aletas secas o húmedas que cuentan con sus propios códigos de origen CITES desde la última COP (COP19, Ciudad de Panamá).

En España no existen actualmente, por otro lado, depósitos de productos de marrajo dientuso preconvenio.

Finalmente, informamos que España no ha participado hasta la fecha en actividades de desarrollo de capacidades de otros países. En este sentido, más allá de la actividad desarrollada por la UE en este ámbito, España sólo puede informar que mantiene un diálogo con Japón de cara a la futura gestión de la tintorera (*Prionace glauca*), ya que hay buques japoneses que desembarcan sus capturas en puertos españoles.

Subject: **Reply to CITES notification 2023/027-** Sharks and rays (Elasmobranchii spp.)

In response to CITES notification 2023/027 dated 16<sup>th</sup> of March 2023, Sweden would like to provide the following comments.

Regarding management measures, we refer to the response from the EU and to our common legislation, specifically regulation 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated fishing and council regulation 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels.

Non-detriment findings for sharks and rays are made in collaboration with other EU member states in the forum called the scientific group. Sweden actively participates in the working group for sharks within this scientific group.

Legal acquisition findings, identification and monitoring are difficult as most sharks are not traded under their species name. Only three shark species have specific WTO codes, and CITES and FAO codes are not in compliance with each other.

To our knowledge, there are no stockpiles of pre- convention shark parts and derivatives in Sweden. The main trade identified includes fresh or frozen meat, and possible trade in supplements for human and animal consumption.

We are addressing the need to identify different products in trade and have initiated discussions with the relevant authorities in Sweden as well as with our EU Colleagues. Common guidance on how products containing Squalene from CITES listed sharks should be treated are highly appreciated from our side.

United Kingdom of Great Britain and Northern Ireland

Further to [Notification 2023/027](#) the United Kingdom of Great Britain and Northern Ireland would like to submit the following report on shark and ray conservation management:

2) A. the making of non-detriment findings (NDFs) –

- Ahead of the Requiem shark listing coming into force in November, the UK Scientific Authority is currently working on a blue shark NDF.
- The UK has also been carrying out wider capacity building within a number of UK Overseas Territories and Crown Dependencies on CITES.

2) C. identification and monitoring of CITES-listed shark products in trade in source, transit and consumer Parties –

- The UK is currently progressing a [Shark Fins Bill](#) through Parliament. If successful, the Bill will ban the import and export of shark fins which are not 'naturally attached' to the shark carcass. The proposed ban includes shark fins, parts of shark fins and all products containing shark fins, including tinned shark fin soup. This will help ensure that the UK is not importing or exporting shark fins which have been obtained through shark finning practices.

**U.S. responses to Notification to the Parties No. 2023/027:  
*Sharks and rays (Elasmobranchii spp.)***

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**Request – Notification to the Parties No. 2023/027**

At its 19th meeting (CoP19, Panama City, 2022), the Conference of the Parties adopted Decisions [19.222 to 19.227 on \*Sharks and rays \(Elasmobranchii spp.\)\*](#) encouraging Parties to share information related to shark and ray conservation management. The relevant Decisions for this Notification are presented in the Annex.

Pursuant to Decision 19.222 paragraph a), the Secretariat hereby invites Parties to submit a brief report in accordance with [Resolution Conf. 12.6 \(Rev. CoP18\)](#) on new information on their shark and ray conservation management activities, in particular on any national management measures that prohibit commercial take or trade (with an executive summary not exceeding 200 words, if the report exceeds four pages) with a focus on the following topics:

- A. the making of non-detriment findings (NDFs);
  - B. the making of legal acquisition findings (LAFs);
  - C. identification and monitoring of CITES-listed shark products in trade in source, transit and consumer Parties
  - D. recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade; and
  - E. capacity building needs to assist developing countries and small island developing states with reporting requirements
- 

**United States of America – Shark and Ray Conservation and Management Activities**

**Executive Summary**

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is responsible for managing sharks and rays within the U.S. exclusive economic zone under the Magnuson-Stevens Fishery Conservation and Management Act. Pursuant to this Act, shark finning is prohibited, and sharks are required to be landed with their fins naturally attached. Recent legislation makes it illegal, with certain exceptions, to possess, buy, sell, or transport shark fins. NMFS is currently working on stock assessments for great, smooth, and scalloped hammerhead sharks. Shark research activities conducted by U.S. scientists include projects covering the life history, stock structure, and fisheries of the shortfin mako. Among the regulations promulgated in 2021 and 2022, NMFS published a final rule in response to ICCAT Recommendation 21-09 that implemented a flexible shortfin mako shark retention limit with a default limit of zero in fisheries for Atlantic highly migratory species. The U.S. Fish and Wildlife Service (CITES Scientific Authority) reports no new non-detriment findings for sharks and rays at this time, although general advice was prepared in 2023 on the import, export and Introduction from the Sea of Appendix-I and Appendix-II biological samples encountered during research surveys or fisheries-related activities conducted by NOAA.

## **Introduction**

*With the exception of the activities outlined in the Shark Finning Report to Congress and the list of peer-reviewed papers, the following information is from 2021-2023.*

The 2000 Shark Finning Prohibition Act amended the Magnuson–Stevens Fishery Conservation and Management Act (MSA) to prohibit the practice of shark finning by any person under U.S. jurisdiction. The 2000 Shark Finning Prohibition Act requires the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) to promulgate regulations to implement its provisions, initiate discussion with other nations to develop international agreements on shark finning and data collection, provide Congress with annual reports describing efforts to carry out the Shark Finning Prohibition Act, and establish research programs. The most recent report can be found here: <https://www.fisheries.noaa.gov/resource/document/2018-shark-finning-report-congress>. This report describes the efforts of the NMFS during calendar year 2017 to implement the 2000 Shark Finning Prohibition Act and more recent shark conservation legislation.

On December 23, 2022, President Biden signed the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA) into law (Pub. L. 117-263). Section 5946(b) of the NDAA included the Shark Fin Sales Elimination Act. This Act makes it illegal, with certain exceptions, to possess, buy, sell, or transport shark fins or any product containing shark fins, with an exemption for smooth or spiny dogfish fins. NMFS is currently considering a separate rule to implement the Shark Fin Sales Elimination Act.

The High Seas Driftnet Fishing Moratorium Protection Act was also amended by the NDAA. The NDAA revised the process by which nations are identified in a biennial report to Congress for shark catch without a regulatory program comparable to that of the United States.

In November 2022, NMFS determined that the shortfin mako shark was not warranted for listing as a threatened or endangered species under the Endangered Species Act. More information can be found here: <https://www.fisheries.noaa.gov/species/shortfin-mako-shark#conservation-management>

In January 2023, NMFS published a draft recovery plan for the Oceanic Whitetip Shark and solicited public comment. More information is available at: <https://www.fisheries.noaa.gov/species/oceanic-whitetip-shark#conservation-management>

Additional information on NMFS’ shark and ray conservation and management activities can be found below by topic.

## **Stock Assessments**

Of the requiem shark species included in Appendix II of CITES, many shark species are managed by the Highly Migratory Species (HMS) Management Division within NMFS. The Atlantic sharpnose shark (*Rhizoprionodon terraenovae*) stocks has been determined to be not overfished or experiencing overfishing in the Atlantic and Gulf of Mexico regions (SEDAR 34). For blacknose sharks (*Carcharhinus acronotus*), the Atlantic region stock has been determined to be overfished and experiencing overfishing, while the Gulf of Mexico stock has an unknown

stock status (SEDAR 21). An assessment update for the Gulf of Mexico stock of blacktip sharks (*Carcharhinus limbatus*) was completed in 2018 and determined the stock was not overfished or experiencing overfishing (SEDAR 29 Update). A benchmark assessment for the Atlantic stock of blacktip sharks was completed in 2020 and determined the stock was not overfished or experiencing overfishing (SEDAR 65). Sandbar sharks (*Carcharhinus plumbeus*) have been determined to be overfishing and not experiencing overfishing (SEDAR 54). An external stock assessment of the lemon shark (*Negaprion brevirostris*) in the western North Atlantic was published in 2020 (Hansell et al. 2020). NMFS is still reviewing the assessment to determine if it represents the best scientific information available for lemon sharks in the waters of the United States. In 2025, NMFS is planning to start a stock assessment for finetooth (*Carcharhinus isodon*), bull (*Carcharhinus leucas*), and spinner sharks (*Carcharhinus brevipinna*). Information on these assessments can be found here: <http://sedarweb.org/>

In addition, NMFS is currently working on stock assessments for great (*Sphyrna mokarran*), smooth (*Sphyrna zygaena*), and scalloped (*Sphyrna lewini*) hammerhead sharks (SEDAR 77). This stock assessment process is also considering Carolina hammerhead sharks (*Sphyrna gilberti*), which is a cryptic hammerhead species that looks like scalloped hammerhead sharks. This assessment process should be finalized in 2024. More information on this assessment can be found here: <https://sedarweb.org/assessments/sedar-77/>

### **Research Activities**

Many of the Atlantic shark research activities conducted by U.S. scientists were presented to the Shark Species Group of the International Commission for the Conservation of Atlantic Tuna (ICCAT) Standing Committee on Research and Statistics (SCRS). Collaborative activities among members of the SCRS Shark Species Group include projects covering different aspects of the life history, stock structure, and fisheries of the shortfin mako (*Isurus oxyrinchus*): a pan-Atlantic age and growth study; a population genetics study to estimate the stock structure and phylogeography of Atlantic shortfin mako; a post-release mortality study focusing on pelagic longline fisheries; and a satellite tagging study for determining movements and habitat use. More information is available in the report of the Shark Species Group (May 2022):

[https://www.iccat.int/Documents/Meetings/Docs/2022/REPORTS/2022\\_SHK\\_ENG.pdf](https://www.iccat.int/Documents/Meetings/Docs/2022/REPORTS/2022_SHK_ENG.pdf)

U.S. scientists also presented shark-related papers to the SCRS Subcommittee on Ecosystems and Bycatch in 2021 and 2022:

[https://www.iccat.int/Documents/Meetings/Docs/2021/REPORTS/2021\\_SC-ECO\\_ENG.pdf](https://www.iccat.int/Documents/Meetings/Docs/2021/REPORTS/2021_SC-ECO_ENG.pdf)

[https://www.iccat.int/Documents/Meetings/Docs/2022/REPORTS/2022\\_SC-ECO\\_ENG.pdf](https://www.iccat.int/Documents/Meetings/Docs/2022/REPORTS/2022_SC-ECO_ENG.pdf)

NMFS also produces an annual Stock Assessment and Fisheries Evaluation (SAFE) Report that reviews the current status of Atlantic HMS fish stocks (tunas, swordfish, billfish, and sharks).

These reports are available: <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-stock-assessment-and-fisheries-evaluation-reports>

NMFS conducts a shark research fishery in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea: <https://www.fisheries.noaa.gov/action/now-accepting-applications-2023-shark-research-fishery>

NMFS also conducts other shark research at its Fishery Science Centers around the country. More details of this research can be found at the sites below:

Alaska: <https://www.fisheries.noaa.gov/alaska/ecosystems/shark-research-alaska>

Northeastern United States: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/atlantic-highly-migratory-species/shark-research-northeast>

West Coast of the United States:  
<https://www.fisheries.noaa.gov/about/fisheries-resources-division-southwest-fisheries-science-center>

### **Regulatory Actions for the Management and Conservation of Sharks and Rays**

*Between 2021 and 2022, the following new measures for sharks in the **Atlantic Ocean** were adopted by NMFS:*

On April 30, 2021, NMFS published a final rule that, among other things, modified the shark retention limits for HMS Commercial Caribbean Small Boat permit holders (86 FR 22882). These permit holders are active only in the U.S. Caribbean. Specific for sharks, the rule established a default retention limit of three non-prohibited smoothhound sharks, non-blacknose small coastal sharks, or large coastal (other than hammerhead, silky, and sandbar) sharks (combined) per vessel per trip for the HMS Commercial Caribbean Small Boat permit holders. The rule also allows NMFS to make in-season adjustments to the retention limits as needed.

On July 1, 2022, NMFS published a final rule in response to ICCAT Recommendation 21-09 (87 FR 39373). The rule implemented a flexible shortfin mako shark retention limit with a default limit of zero in commercial and recreational Atlantic HMS fisheries. The default limit of zero will remain in place unless and until changed. Under this final rule, future changes to the retention limit can only be made based on consideration of regulatory criteria and only if consistent with an allowable retention determination made by ICCAT pursuant to Recommendation 21-09.

On November 14, 2022, NMFS published a final rule that adjusts the quotas and retention limits and establishes the opening date for the 2023 fishing year for the Atlantic commercial shark fisheries (87 FR 68104). Quotas are adjusted as required or allowable based on underharvest from the 2022 fishing year. NMFS establishes the opening date and commercial retention limits to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The final measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. This type of rulemaking has been conducted every year including in 2021.

*Between 2021 and 2022, the following actions have been taken by NMFS for sharks in the **Pacific Ocean**:*

**U.S. National Level Updates:** NMFS published a final rule to prohibit the use of wire leaders in the Hawaiian deep-set longline fishery and to require the removal of fishing gear from any oceanic whitetip shark caught in all of the regional domestic longline fisheries (87 FR 25153; April 28, 2022).



In April 2022, NMFS issued a 90-day finding on a petition under the Endangered Species Act (ESA) to list the tope shark (*Galeorhinus galeus*) as a threatened or endangered species. NMFS determined that the petitioned action may be warranted.

U.S. West Coast States' Updates: California passed new legislation that prohibits “chumming” for or around white shark (*Carcharodon carcharias*). The relevant text of this legislation can be found here:

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=FGC&sectionNum=5517](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC&sectionNum=5517).

**Research Activities: List of Peer-Reviewed Scientific Papers Published by NMFS Scientists During the Reporting Period (2021-2023)**

Crear, D.P., Curtis, T.H., Durkee, S.J. et al. Highly migratory species predictive spatial modeling (PRiSM): an analytical framework for assessing the performance of spatial fisheries management. *Mar Biol* 168, 148 (2021). <https://doi.org/10.1007/s00227-021-03951-7>

Druon, J. N., et al. (2022). Global-scale environmental niche and habitat of blue shark (*Prionace glauca*) by size and sex: a pivotal step to improving stock management. *Front. Mar. Sci.* 9:828412. <https://doi.org/10.3389/fmars.2022.828412>

Andrzejczek, S., et al. (2022). Diving into the vertical dimension of elasmobranch movement ecology. *Science Advances*, 8(33), eabo1754. <https://www.science.org/doi/full/10.1126/sciadv.abo1754>

Peterson, C.D., Wilberg, M.J., Cortés, E., Courtney, D.L. and Latour, R.J. (2022), Effects of Altered Stock Assessment Frequency on the Management of a Large Coastal Shark. *Mar Coast Fish*, 14: e10221. <https://doi.org/10.1002/mcf2.10221>

McClure, M. M., et al. (2023). Vulnerability to climate change of managed stocks in the California Current large marine ecosystem. *Frontiers in Marine Science*.

La Freniere, B. R., et al. (2023). Vertebral Chemistry Distinguishes Nursery Habitats of Juvenile Shortfin Mako in the Eastern North Pacific Ocean. *Marine and Coastal Fisheries*, 15(2), e10234.

Courtney, D., Rice, J. (2023). Meta-Analysis of Historical Stock Assessment Uncertainty for U.S. Atlantic HMS Domestic Sharks: An Example Application within a Tiered Acceptable Biological Catch (ABC) Control Rule. Southeast Fisheries Science Center (U.S.). NOAA technical memorandum NMFS-SEFSC 761. <https://doi.org/10.25923/1cgs-xp60>

Crear, D. P., Curtis, T. H., Hutt, C. P., & Lee, Y.-W. (2023). Climate-influenced shifts in a highly migratory species recreational fishery. *Fisheries Oceanography*, 1– 14. <https://doi.org/10.1111/fog.12632>

Francis, M.P., et al. (2023). Post-release survival of shortfin mako (*Isurus oxyrinchus*) and silky (*Carcharhinus falciformis*) sharks released from pelagic tuna longlines in the Pacific Ocean. *Aquatic Conservation: Marine and Freshwater Ecosystems*, 33(4), 366– 378. <https://doi.org/10.1002/aqc.3920>

**A. the making of non-detriment findings**

The United States has provided several examples of non-detriment findings (NDFs) for the export of shark and ray species to the CITES Secretariat that have been made available on the

[CITES website](#). This includes general advice for exports and Introduction from the Sea of hammerheads (*Sphyna lewini*, *S. mokarran*, and *S. zygaena*), common thresher (*Alopias vulpinus*), and porbeagles (*Lamna nasus*) harvested in commercial fisheries by U.S. fishermen in the northwest Atlantic, including the Gulf of Mexico and Caribbean. While there are no new NDFs for shark and ray species to share at this time, a general advice was prepared in early 2023 on the import, export and Introduction from the Sea of biological samples derived from live or salvaged from dead specimens of species included in CITES Appendix I and II encountered during scientific research surveys or fisheries related activities conducted by the National Oceanic and Atmospheric Administration (NOAA). Additionally, our CITES implementing regulations for making a non-detriment finding are included below, as stated in 50 U.S. Code of Federal Regulations Part 23.

### **50 U.S. Code of Federal Regulations Part 23 §23.61**

*PART 23—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)*

*Subpart D—Factors Considered in Making Certain Findings*

#### ***§23.61 What factors are considered in making a non-detriment finding?***

*(a) Purpose. Articles III and IV of the Treaty require that, before we issue a CITES document, we find that a proposed export or introduction from the sea of Appendix-I or -II specimens is not detrimental to the survival of the species and that a proposed import of an Appendix-I specimen is for purposes that would not be detrimental to the survival of the species.*

*(b) Types of detriment. Detrimental activities, depending on the species, could include, among other things, unsustainable use and any activities that would pose a net harm to the status of the species in the wild. For Appendix-I species, it also includes use or removal from the wild that results in habitat loss or destruction, interference with recovery efforts for a species, or stimulation of further trade.*

*(c) General factors. The applicant must provide sufficient information for us to make a finding of non-detriment. In addition to factors in paragraphs (d) and (e) of this section, we will consider whether:*

*(1) Biological and management information demonstrates that the proposed activity represents sustainable use.*

*(2) The removal of the animal or plant from the wild is part of a biologically based sustainable-use management plan that is designed to eliminate over-utilization of the species.*

*(3) If no sustainable-use management plan has been established, the removal of the animal or plant from the wild would not contribute to the over-utilization of the species, considering both domestic and international uses.*

*(4) The proposed activity, including the methods used to acquire the specimen, would pose no net harm to the status of the species in the wild.*

*(5) The proposed activity would not lead to long-term declines that would place the viability of the affected population in question.*

*(6) The proposed activity would not lead to significant habitat or range loss or restriction.*

*(d) Additional factor for Appendix-II species. In addition to the general factors in paragraph (c) of this section, we will consider whether the intended export of an Appendix-II species would cause a significant risk that the species would qualify for inclusion in Appendix I.*

*(e) Additional factors for Appendix-I species. In addition to the general factors in paragraph (c) of this section, we will consider whether the proposed activity:*

*(1) Would not cause an increased risk of extinction for either the species as a whole or the population from which the specimen was obtained.*

*(2) Would not interfere with the recovery of the species.*

*(3) Would not stimulate additional trade in the species. If the proposed activity does stimulate trade, we will consider whether the anticipated increase in trade would lead to the decline of the species.*

*(f) How we make our findings. We base the non-detriment finding on the best available biological information. We also consider trade information, including trade demand, and other scientific management information. We make a non-detriment finding in the following way:*

*(1) We consult with the States, Tribes, other Federal agencies, scientists, other experts, and the range countries of the species.*

*(2) We consult with the Secretariat and other Parties to monitor the level of trade that is occurring in the species.*

*(3) Based on the factors in paragraphs (c) through (e) of this section, we evaluate the biological impact of the proposed activity.*

*(4) In cases where insufficient information is available or the factors above are not satisfactorily addressed, we take precautionary measures and would be unable to make the required finding of non-detriment.*

*(g) Risk assessment. We review the status of the species in the wild and the degree of risk the proposed activity poses to the species to determine the level of scrutiny needed to make a finding. We give greater scrutiny and require more detailed information for activities that pose a greater risk to a species in the wild. We consider the cumulative risks, recognizing that each aspect of international trade has a continuum of risk (from high to low) associated with it as follows:*

*(1) Status of the species: From Appendix I to Appendix II.*

*(2) Origin of the specimen: From wild-collected to born or propagated in a controlled environment to bred in captivity or artificially propagated.*

*(3) Source of the propagule used to grow the plant: From documentation that the plant was grown from a non-exempt seed or seedling to documentation that the plant was grown from an exempt seed or seedling.*

*(4) Origin of the species: From native species to nonnative species.*

*(5) Volume of legal trade: From high to low occurrence of legal trade.*

*(6) Volume of illegal trade: From high to low occurrence of illegal trade.*

*(7) Type of trade: From commercial to noncommercial.*

*(8) Genetic status of the specimen: From a purebred species to a hybrid.*

*(9) Risk of disease transmission: From high to limited risk of disease transmission.*

*(10) Basis for listing: From listed under Article II(1) or II(2)(a) of the Treaty to listed under Article II(2)(b).*

*(h) Quotas for Appendix-I species. When an export quota has been set by the CoP for an Appendix-I species, we will consider the scientific and management basis of the quota together with the best available biological information when we make our non-detriment finding. We will contact the Scientific and Management Authorities of the exporting country for further information if need*

## **B. the making of legal acquisition findings**

In addition, our CITES implementing regulations for making legal acquisition findings are included below, as stated in 50 Code of Federal Regulations Part 23:

### **50 U.S. Code of Federal Regulations Part 23 §23.60**

*PART 23—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)*

*Subpart D—Factors Considered in Making Certain Findings*

#### **§23.60 What factors are considered in making a legal acquisition finding?**

*(a) Purpose. Articles III, IV, and V of the Treaty require a Management Authority to make a legal acquisition finding before issuing export permits and re-export certificates. The Parties have agreed that a legal acquisition finding must also be made before issuing certain CITES exemption documents.*

*(b) Types of legal acquisition. Legal acquisition refers to whether the specimen and its parental stock were:*

*(1) Obtained in accordance with the provisions of national laws for the protection of wildlife and plants. In the United States, these laws include all applicable local, State, Federal, tribal, and foreign laws; and*

*(2) If previously traded, traded internationally in accordance with the provisions of CITES.*

*(c) How we make our findings. We make a finding that a specimen was legally acquired in the following way:*

*(1) The applicant must provide sufficient information (see §23.34) for us to make a legal acquisition finding.*

*(2) We make this finding after considering all available information.*

*(3) The amount of information we need to make the finding is based on our review of general factors described in paragraph (d) of this section and additional specific factors described in paragraphs (e) through (k) of this section.*

*(4) As necessary, we consult with foreign Management and Scientific Authorities, the CITES Secretariat, State conservation agencies, Tribes, FWS Law Enforcement, APHIS or CBP, and other appropriate experts.*

*(d) Risk assessment. We review the general factors listed in this paragraph and additional specific factors in paragraphs (e) through (k) of this section to assess the level of scrutiny and amount of information we need to make a finding of legal acquisition. We give less scrutiny and require less-detailed information when there is a low risk that specimens to be exported or re-exported were not legally acquired, and give more scrutiny and require more detailed information when the proposed activity poses greater risk. We consider the cumulative risks, recognizing that each aspect of the international trade has a continuum of risk from high to low associated with it as follows:*

*(1) Status of the species: From Appendix I to Appendix III.*

*(2) Origin of the specimen: From wild-collected to born or propagated in a controlled environment to bred in captivity or artificially propagated.*

*(3) Source of the propagule used to grow the plant: From documentation that the plant was grown from a non-exempt seed or seedling to documentation that the plant was grown from an exempt seed or seedling.*

*(4) Origin of the species: From species native to the United States or its bordering countries of Mexico or Canada to nonnative species from other countries.*

*(5) Volume of illegal trade: From high to low occurrence of illegal trade.*

*(6) Type of trade: From commercial to noncommercial.*

*(7) Trade by range countries: From range countries that do not allow commercial export, or allow only limited noncommercial export of the species, to range countries that allow commercial export in high volumes.*

*(8) Occurrence of the species in a controlled environment in the United States: From uncommon to common in a controlled environment in the United States.*

*(9) Ability of the species to be bred or propagated readily in a controlled environment: From no documentation that the species can be bred or propagated readily in a controlled environment to widely accepted information that the species is commonly bred or propagated.*

*(10) Genetic status of the specimen: From a purebred species to a hybrid.*

*(e) Captive-bred wildlife or a cultivated plant. For a specimen that is captive-bred or cultivated, we may consider whether the parental stock was legally acquired.*

*(f) Confiscated specimen. For a confiscated Appendix-II or -III specimen, we consider whether information shows that the transfer of the confiscated specimen or its offspring met the conditions of the remission decision, legal settlement, or disposal action after forfeiture or abandonment.*

*(g) Donated specimen of unknown origin. For an unsolicited specimen of unknown origin donated to a public institution (see §10.12 of this subchapter), we consider whether:*

*(1) The public institution follows standard recordkeeping practices and has made reasonable efforts to obtain supporting information on the origin of the specimen.*

*(2) The public institution provides sufficient information to show it made a reasonable effort to find a suitable recipient in the United States.*

*(3) The export will provide a conservation benefit to the species.*

*(4) No persuasive information exists on illegal transactions involving the specimen.*

*(5) The export is noncommercial, with no money or barter exchanged except for shipping costs.*

*(6) The institution has no history of receiving a series of rare and valuable specimens or a large quantity of wildlife or plants of unknown origin.*

*(h) Imported previously. For a specimen that was previously imported into the United States, we consider any reliable, relevant information we receive concerning the validity of a CITES document, regardless of whether the shipment was cleared by FWS, APHIS, or CBP.*

*(i) Personal use. For a wildlife or plant specimen that is being exported or re-exported for personal use by the applicant, we consider whether:*

*(1) The specimen was acquired in the United States and possessed for strictly personal use.*

*(2) The number of specimens is reasonably appropriate for the nature of your export or re-export as personal use.*

*(3) No persuasive evidence exists on illegal transactions involving the specimen.*

*(j) Sequential ownership. For a specimen that was previously possessed by someone other than the applicant, we may consider the history of ownership for a specimen and its parental stock, breeding stock, or cultivated parental stock.*

*(k) Wild-collected in the United States. For a specimen collected from the wild in the United States, we consider the site where the specimen was collected, whether the species is known to occur at that site, the abundance of the species at that site, and, if necessary, whether permission of the appropriate management agency or landowner was obtained to collect the specimen*

### **C. identification and monitoring of CITES-listed shark products in trade in source, transit and consumer Parties**

The United States engages in the export, import, and re-export of shark products. CITES-listed shark products are identified and monitored in trade.

### **D. recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade**

The United States does not record stockpiles of commercial or pre-Convention shark parts and derivatives for CITES Appendix-II listed elasmobranch species. Recent legislation (please see

reference above) makes it illegal, with certain exceptions, to possess, buy, sell, or transport shark fins or any product containing shark fins, with an exemption for smooth or spiny dogfish fins.

**E. capacity building needs to assist developing countries and small island developing states with reporting requirements**  
(not applicable)

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**Request for NDFs and conversion factors**

**Parties are also invited to share their non-detriment findings (NDFs) and conversion factors used when estimating catch live weight through converting recorded shark landings and trade by email to [info@cites.org](mailto:info@cites.org) with a copy to [hyeon-jeong.kim@cites.org](mailto:hyeon-jeong.kim@cites.org).**

**[The Secretariat will publish the NDFs and conversion factors as they are received on the Sharks and rays web portal as well as the NDF database.]**

For fisheries management in the Atlantic Ocean, NMFS regularly uses conversion factors to convert from whole to dressed weight or from dressed to whole weight, depending on our need. Our domestic quotas for sharks are in dressed weight. The conversion factors used for sharks (both in stock assessments and for quality management) match the conversion factors used for ICCAT.

Attached is a copy of the conversion factors that NMFS currently uses for its shark fisheries management in the Atlantic Ocean. Please note that these conversion factors evolve over time with the availability of new information.

There are no new NDFs for shark and ray species to share at this time.

**Reporting on trade in sharks and rays**

**The Secretariat takes the opportunity to highlight the changes to the Guidelines for the preparation and submission of CITES annual reports and annual illegal trade reports adopted at the 75th meeting of the Standing Committee (SC75, Panama City, November 2022), which impacts reporting on sharks and rays. Reporting of fins has been split into two separate trade term codes:**

- DFN (kg) for fin (dried) to denote dried fins and parts of fins (including flippers); and
- FFN (kg) for fin (wet) to denote fresh, chilled or frozen fins and parts of fins (including flippers)

**Parties are invited to highlight any questions, concerns or difficulties they are having in collecting or submitting documentation on authorized trade data (e.g. which units are used in reporting trade) for the CITES Trade Database to [info@cites.org](mailto:info@cites.org) with a copy to [hyeon-jeong.kim@cites.org](mailto:hyeon-jeong.kim@cites.org).**

United States of America

The conversion factors received from the United States of America are published on the [CITES sharks and rays webpage](#).

## WCS Executive Summary

During the last three years the Wildlife Conservation Society (WCS) has assisted CITES Parties with data collection on shark and ray fisheries landings, technical input into policy development (conservation and fisheries management measures), and associated NDF trainings and implementation workshops for Government Officials in Bangladesh, Mozambique, Madagascar, Kenya, Tanzania and Gabon.

Looking forward, and with a particular focus on species listed at CITES CoP19, we will continue to support CITES Parties in countries where we have WCS offices.

WCS continues to lead the development of implementation tools to assist all Parties with customs level implementation of the CITES shark and ray listings. Current versions of the visual ID guides that cover all pre CoP19 CITES listed shark and ray species in all commonly traded forms and at point of landing can be found here and downloaded at no cost: <https://www.wcs.org/our-work/wildlife/sharks-skates-rays>

We will be updating those guides to cover all species listed at CoP19 by the end of 2023. Additionally, WCS is partnering with Mote Marine Laboratory to develop and place in key locations a new genetic identification tool that will work in partnership with the visual ID guides to allow for the species level identification of all CITES listed sharks and rays in a timely and affordable manner.

The following WCS country programs and partner groups will, in the next three years assist their respective governments in planning and executing customs trainings using these identification tools, the collection of catch and trade data on CITES listed sharks and rays, and the development of conservation and management measures to meet the obligations associated with CITES listings of sharks and rays:

Guatemala, Honduras, El Salvador, Cuba, Belize, Philippines, Singapore, Hong Kong SAR, Sri Lanka, Bangladesh, Maldives, Madagascar, Kenya, Mozambique and Tanzania.

Below is a summary of work during the past three years to assist Parties in implementing CITES shark and ray listing:

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Items	WCS SWIO
NDFs	<p><i>Mozambique</i></p> <p>In August 2021, two NDF trainings were held with the support of WCS Mozambique. The first was a virtual training for a small subset of people to learn about the electronic NDF tool ahead of the larger NDF workshop. Following this, an in person/virtual hybrid workshop was held. Two draft/case study NDF's were created</p> <p><i>Madagascar</i></p> <p>In August 2022, WCS Madagascar held an NDF training workshop in an in-person/virtual hybrid setting. Two draft/case study NDFs were created</p>



	<p><i>Kenya</i> Current planning and fundraising by WCS Kenya is underway for an in-person NDF training workshop to take place within the next year.</p>
ID and Monitoring	<p><i>Mozambique</i> In July 2021, a CITES implementation workshop was held virtually, and covered the range of implementation tools available.</p> <p>In November 2021, a specific identification workshop was conducted by WCS Mozambique. 32 delegates from 8 government agencies and two NGO's were in attendance.</p> <p><i>Madagascar</i> In July 2022, WCS Madagascar led a CITES implementation workshop covering all tools available for better CITES implementation at a national level.</p> <p>Planning is underway for an in person ID workshop to be held in November 2023. 105 delegates plan to attend this training, which will include the newly listed species from CITES CoP19.</p> <p><i>Tanzania</i> In August 2022, WCS Tanzania organized and led an in person ID workshop. 23 delegates from 15 government agencies were in attendance.</p> <p><i>Kenya</i> Current planning and fundraising by WCS Kenya is underway for an in-person implementation training workshop to take place within the next year.</p>
Capacity building	<p><i>Mozambique</i> Initial preparatory meeting WCS+government, to plan the CITES work, identify stakeholders, set dates for series of CITES meetings (virtual) - May 2021</p>

Items	WCS Bangladesh
NDFs	<p>In February 2022, the Scientific Authority of Bangladesh reviewed and approved four NDFs for Silky Shark <i>Carcharhinus falciformis</i>, Smooth Hammerhead Shark <i>Sphyrna zygaena</i>, Mobulid Rays (Mobulidae - <i>Mobula mobular</i>, <i>M. kuhlii</i>, <i>M. tarapacana</i>, <i>M. thurstoni</i>, <i>M. eregoodoo</i>, <i>M. birostris</i>), and Rhino Rays (Giant Guitarfishes <i>Glaucostegiidae</i> and the Wedgefishes <i>Rhinidae</i>) for implementation. The NDF assessment and validation workshops were arranged by WCS Bangladesh and included 22 nominated officers from the Bangladesh Forest Department, Department of Fisheries, Bangladesh Fisheries Research Institute, University of Dhaka, and Sher-e-Bangla Agricultural University.</p>
ID and Monitoring	<p>From 2021-2022, intensive technical trainings and species identification tools were provided to more than 100 wildlife, fisheries, customs, law enforcement officers, and citizen scientists to enable improved monitoring and reporting of shark and ray take and trade.</p>
Capacity building	<p>In 2018, WCS conducted a wildlife trade scoping study based on media reports and interviews and prepared a scoping report on current regulations pertaining to sharks and rays and additional needs for Bangladesh. Results and recommendations from these studies have led to an enhanced commitment by the Government to combat illegal wildlife trade and strengthen compliance with CITES decisions.</p> <p>The first high-level interministerial meeting was organized by WCS Bangladesh and held in May 2019, and has since become an annually recurring opportunity for agency heads to discuss progress and next steps for collaborating on CITES take and trade issues. This continued collaboration has resulted in a three-fold increase in arrests, seizures and convictions of illegal wildlife trade in Bangladesh documented in national media reports.</p>
Other relevant shark and ray conservation measures	<p>In February 2023, the Ministry of Environment, Forests and Climate Change (MoEFCC) approved</p>

	<p>the <i>National Conservation Strategy and Plan of Action for Sharks and Rays in Bangladesh</i> for implementation. This was created with the help of WCS Bangladesh and includes strategic conservation priorities and governance frameworks as well as interventions for improving the protection of threatened sharks and rays – including CITES listed species/species groups.</p> <p>Bangladesh amended the list of sharks and rays protected under the Wildlife (Conservation and Security) Act, 2012. The revised listing was prepared by the Wildlife Conservation Society on request from the Forest Department, reviewed by national and international experts, and endorsed in an interministerial meeting in April 2021 before fully amending the list in September 2021.</p>
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