

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



Thirty-third meeting of the Animals Committee  
Geneva (Switzerland), 12 – 19 July 2024

Regulation of trade

NON-DETRIMENT FINDINGS FOR SPECIMENS OF APPENDIX-II SPECIES  
TAKEN FROM AREAS BEYOND NATIONAL JURISDICTION

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.135 to 19.139 on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* as follows:

***Directed to the Secretariat***

**19.135**        *The Secretariat shall invite Parties, other governments and stakeholders through a Notification to the Parties to submit information on their experiences in making non-detriment findings for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction, to share any non-detriment findings (NDFs) produced, to highlight any difficulties encountered in the process and any suggestions they might have for improvements.*

**19.136**        *The Secretariat shall, subject to external funding:*

- a) *convene a technical workshop to consider how non-detriment findings might best be achieved for the introduction from the sea of specimens of CITES Appendix II-listed, commercially exploited aquatic organisms taken by multiple Parties in waters beyond national jurisdiction; and invite workshop participants and Parties to contribute relevant information and expertise at the workshop;*
- b) *invite the Animals Committee, the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals and relevant daughter agreements and MoUs, Food and Agriculture Organisation of the United Nations, Regional Fisheries Management Organizations (RFMOs), other Regional Fisheries Bodies (RFBs), other relevant scientific advisory bodies, representatives from States especially those which flag vessels which undertake high seas fisheries, importing countries, fishery stakeholder and industry representatives, and relevant intergovernmental and non-governmental organizations to participate in this workshop;*
- c) *taking into consideration the responses to the Notification to the Parties in Decision 19.135, existing NDFs submitted by Parties for specimens taken from areas beyond national jurisdiction, outcomes of the second international expert workshop on Non-detriment findings and any other relevant information, prepare workshop documents on:*
  - i) *the level (current and anticipated) of trade in CITES-listed species taken from areas beyond national jurisdiction;*

- ii) *the difficulties encountered by Parties when making NDFs for specimens taken from areas beyond national jurisdiction;*
- iii) *the current role, if any, of RFMOs and other RFBs in making data and information available to CITES Scientific Authorities making non-detriment findings; and*
- d) *submit findings and recommendations of this workshop to the Animals Committee for their consideration and to make recommendations to the Standing Committee for its consideration, and any recommendations to be considered by the 20th meeting of the Conference of the Parties.*

**Directed to the Animals Committee**

- 19.137**      *The Animals Committee shall consider the report of the workshop in Decision 19.136 and make recommendations to the next meeting of the Standing Committee as appropriate.*

**Directed to the Standing Committee**

- 19.138**      *The Standing Committee shall consider the recommendations and comments of the Animals Committee and shall submit recommendations to the 20th meeting of the Conference of the Parties.*

**Directed to Parties and relevant stakeholders**

- 19.139**      *Parties, intergovernmental organizations, RFMOs and other RFBs, non-governmental organizations, fishery stakeholders and others are encouraged to respond to the Notification issued by the Secretariat as per Decision 19.135.*

Implementation of Decision 19.135

3. The Secretariat issued Notification to the Parties [No. 2023/050](#) on 20 April 2023 inviting Parties, intergovernmental organizations, regional fisheries management bodies and other stakeholders to submit information on their experiences in making non-detriment findings (NDFs) for specimens of CITES Appendix-II species taken from areas beyond national jurisdiction (ABNJ); share any non-detriment findings, highlight any difficulties encountered in the process; and submit any suggestions for improvements.
4. Responses were received from the following seven Parties: Colombia, the European Union, Indonesia, Japan, the Republic of Korea, Peru and the United States of America. A summary of the responses is included in Annex 1 to the present document. The full responses are available as an information document to the present meeting.

Implementation of Decision 19.136

5. The Secretariat organized a technical workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* from 25 to 26 April 2024 in Geneva, Switzerland. The workshop and its preparatory work were supported by the generous contribution of the European Union and the United Kingdom of Great Britain and Northern Ireland (United Kingdom). The Secretariat appreciates the support provided in this regard.

*Background information to the technical workshop*

6. In preparation of the workshop, the Secretariat prepared a [background document](#) taking into consideration the responses to the Notification to the Parties No. 2023/050, existing NDFs submitted by Parties for specimens taken from areas beyond national jurisdiction and outcomes of the second international expert workshop on non-detriment findings, held in Nairobi in December 2023.
7. In addition, to inform “*the current role, if any, of Regional Fisheries Management Organizations (RFMOs) and other Regional Fisheries Bodies (RFBs) in making data and information available to CITES Scientific Authorities making non-detriment findings*” [see Decision 19.136 paragraph c) iii)], the Secretariat distributed a short survey to request information on data collection, assessments and management measures applicable to CITES Appendix II-listed species, including how Scientific Authorities could access the data and information to the Secretariats of the following RFMOs and RFBs:

- a) Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);
  - b) Commission for the Conservation of Southern Bluefin Tuna (CCSBT);
  - c) International Commission for the Conservation of Atlantic Tunas (ICCAT);
  - d) Indian Ocean Tuna Commission (IOTC);
  - e) Northwest Atlantic Fisheries Organization (NAFO);
  - f) North East Atlantic Fisheries Commission (NEAFC);
  - g) South East Atlantic Fisheries Organisation (SEAFO);
  - h) South Pacific Regional Fisheries Management Organisation (SPRFMO);
  - i) Inter-American Tropical Tuna Commission (IATTC); and
  - j) Western Central Pacific Fisheries Commission (WCPFC).
8. Responses were received from the Secretariats of CCSBT, IATTC, ICCAT, IOTC, NAFO, SEAFO, SPRFMO and WCPFC and the information received prior to the workshop was incorporated into the background document of the workshop. All responses received from RFMO/RFBs are summarized in Annex 2 to the present document.
  9. The background document provided an overview of Parties' experience in making NDFs for specimens taking from ABNJ, difficulties encountered by Parties when making these NDFs and suggestions by Parties on ways to improve or facilitate the process. It also summarized the approaches taken to make NDFs for specimens potentially taken from ABNJ by reviewing all NDFs that were shared with the CITES Secretariat prior to March 2024.
  10. Furthermore, the background document presented the potential role of RFMOs and other RFBs, including a summary of relevant scientific assessments and management and monitoring measures under RFMO/RFBs of Appendix II-listed species. It also provided a summary of mechanisms by which Scientific Authorities could access information to facilitate the making of NDFs for ABNJ.

#### *Technical workshop*

11. The Secretariat published [Notification to the Parties No. 2024/025](#) on 26 January 2024 inviting Members of the Animals Committee, the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and relevant daughter agreements and Memorandums of Understanding (MoUs), the Food and Agriculture Organization of the United Nations (FAO), RFMOs, other RFBs, other relevant scientific advisory bodies, representatives from Parties, especially those with flag vessels which undertake high seas fishing, importing countries, fishery stakeholder and industry representatives, and relevant intergovernmental and non-governmental organizations to participate in the workshop.
12. The workshop was attended by 82 participants, which included four Members of the Animals Committee, including the nomenclature specialist, 56 participants from 32 Parties, 22 participants from 16 observer organizations, including representatives from the CMS Secretariat, FAO, the Secretariats of IATTC and ICCAT, the International Union for Conservation of Nature (IUCN) and 12 non-governmental organizations.
13. The technical workshop considered the information on the level of trade in CITES-listed species taken from areas beyond national jurisdiction informed by the mismatch study conducted under Decision 19.223 paragraph c) on sharks and rays and the background document presented in paragraphs 6 to 10. The United Kingdom presented the CITES NDF guidance on aquatic species as chair of that working group at the international expert NDF workshop in Nairobi, December 2023. Two Parties, New Zealand and the United States of America, shared their experience and information on NDFs for specimens taken from ABNJ. In addition, the IATTC and ICCAT Secretariats presented the scientific information and data available within each RFMO, as well as measures that are relevant for Appendix II-listed species. Finally, the Division for Ocean Affairs and the Law of the Sea (DOALOS) gave a video presentation on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish

Stocks (UNFSA) and the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement). The documents and presentations of the technical workshop can be found on the [webpage](#) of the technical workshop.

14. Following the presentations, the workshop discussed the following issues in three breakout groups:
  - a) challenges in making NDFs for specimens taken from ABNJ and approaches to address these challenges;
  - b) data and information needed to support NDFs, including data potentially available from international authorities; and
  - c) mechanisms of cooperation between national/international authorities in setting quotas and monitoring offtake.
15. The breakout group discussions led to a list of recommendations and observations for consideration by the Animals Committee, as well as a list of implementation challenges for consideration by the Standing Committee.
16. In accordance with Decision 19.136 paragraph d), the technical workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* recommends that the Animals Committee:
  - a) agree that NDFs should ideally be made at a stock level – e.g., a single NDF covering the stock as a discrete unit irrespective of whether catch / harvest is taking place in the exclusive economic zone (EEZ) or in areas beyond national jurisdiction (ABNJ);
  - b) agree that distinct stocks / distinct populations, if defined, should require separate NDFs or a single NDF clearly describing findings for each distinct stock / population;
  - c) clarify that ‘international scientific authorities’ are not designated bodies and are separate from CITES Scientific Authorities. The interpretation of ‘international scientific authorities’ should remain inclusive and flexible to facilitate the use of information from various sources and engagements with a range of relevant bodies, organizations and experts (allow flexibility for CITES Scientific Authorities to identify the information sources they require to develop NDFs, as appropriate);
  - d) consider what biological and capture location information could be included as a traceability element to help inform the making of an NDF for specimens taken from ABNJ;
  - e) consider submitting relevant implementation matters raised at this workshop (Annex 4) to the Standing Committee for its consideration, as appropriate;
  - f) encourage Parties to ensure engagement and collaboration between fisheries management authorities and CITES Authorities on matters relating to NDF for specimens taken from ABNJ;
  - g) encourage Parties to engage with RFBs, including RFMOs, where possible, to access and use data / information to inform NDFs for specimens taken from ABNJ;
  - h) encourage Parties to collaborate regionally, including with CITES Parties not Party to RFMOs, to share information, including information to understand stock status and trends, stock assessments, NDFs, quotas, and capacity-building initiatives;
  - i) invite Parties to consider, where possible, establishing regional networks of CITES Scientific Authorities and international scientific authorities such as RFBs to share information, experiences, best practice and build capacity for the making of NDFs for specimens taken from ABNJ;
  - j) invite Parties to consider using stock assessment data from RFBs, including RFMOs, in addition to national information and other relevant sources of information, as appropriate, in informing the making of NDFs for specimens taken from ABNJ; and

- k) invite the Secretariat to append the outcomes of the workshop on *Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction* and the Animals Committee's deliberations to the CITES NDF guidance for aquatic species, and integrate it into any updated versions of the guidance, as appropriate.
17. In addition to the recommendations put forth by the technical workshop, the workshop agreed to share with the Animals Committee the views expressed by some Parties and observer organizations. These observations are contained in Annex 3 to the present document.
18. The discussion at the workshop also raised a number of implementation challenges around taking of specimens from areas beyond national jurisdiction as mentioned in paragraph 16 e). These challenges are compiled in Annex 4 to the present document.

#### Recommendations

19. The Animals Committee is invited to:
- a) consider the recommendations in paragraph 16 of the present document;
  - b) note the observations of the workshop as contained in Annex 3 to the present document; and
  - c) make recommendations to the 78th meeting of the Standing Committee (SC78), as appropriate.

SUMMARY OF RESPONSES TO NOTIFICATION TO THE PARTIES NO. 2023/050

Party	Summary of responses
Colombia	No NDFs are necessary due to management measures in place: marketing through national territory, including import/export/re-export, is prohibited; possession and transportation of chondrichthyan fish or derivative products is prohibited but for subsistence consumption occurring solely in coastal jurisdictions
European Union	<p>Scientific Review Group created to, <i>inter alia</i>, advise CITES Scientific Authorities; SRG members are active in RFMO working groups.</p> <p>CITES could create/circulate a list of RFMOs with purview over Appendix II spp; CITES should seek agreements with respective RFMO Secretariats to identify CITES expert contacts for each relevant RFMO.</p> <p>Scientific Authorities need access to RFMO information on stock status and harvest (incl. IUU fishing). NDFs should be made at the population/stock level. Parties should consider regional NDFs for populations/stocks to ensure adequate geographical coverage and international coherence across a species range.</p> <p>CITES parties should share information on traceability for Appendix II spp taken from ABNJ; current reporting under source code X is deficient.</p> <p>CITES needs a smooth process for scientific samples that are transshipped through multiple jurisdictions.</p>
Indonesia	<p>No NDFs have been issued for harvest in ABNJ, but NDFs for coastal EEZ shark/ray fisheries have been issued and shared with CITES.</p> <p>Difficulties encountered due to differences in provisions of CITES and RFMOs, especially variations in harvest data reporting and lack of information on shared fish stocks across adjacent countries. CITES/RFMO requirements should be harmonized to avoid divergence between single status parties; dual status parties should follow the stricter rules for data collection and reporting.</p> <p>ABNJ NDFs should be consistent with UNCLOS BBNJ requirements to consider impacts on adjacent coastal countries; Scientific Authorities should evaluate overlapping range of stocks shared between ABNJ and adjacent coastal states; ABNJ harvesting nations should base ABNJ NDFs on a regional perspective, with concurrence by adjacent coastal states that ABNJ harvest is not detrimental to populations or portions thereof occurring within national jurisdictions; developing regional NDFs that include both ABNJ and relevant adjacent countries requires sharing stock status and harvest information.</p>
Japan	<p>Most CITES-listed sharks harvested from ABNJ are consumed domestically, but small exports of shortfin mako are made according to CITES procedures; Japan has reservations on several listed shark species, incl. shortfin mako, but follows NDF guidance for shortfin mako exports.</p> <p>CITES requires NDFs for ABNJ harvests to be issued by state of introduction from the sea. It would be too burdensome for RFMOs to make NDFs for all IFS landings. It would also be impractical for international organizations to issue NDFs prior to landing the fish. If a CITES party Scientific Authority has insufficient information to make NDFs, the RFMO stock assessment, if available, should be used.</p>
Republic of Korea	<p>ROK issues NDFs for sharks taken in ABNJ; guidelines and data sources for NDFs are identified in national regulation; some assumptions are made for NDF if harvest/trade volumes are low relative to estimated stock size.</p> <p>A total of 47 NDFs were issued 2017-2020 for ABNJ shark catches by species: silky shark (10), thresher shark (9), scalloped hammerhead (16), shortfin mako (11), pelagic thresher (1); no NDFs were issued since 2021 as recent shark catch volumes</p>

	<p>are about 1% of total catch in the distant water tuna longline fishery; there is no recorded catch of rays.</p> <p>CITES should build a regional database with data from available sources; parties could then use available information to make NDFs by listed species; information collection on population size, conservation status is possible only through stock assessments at the RFMO level, and for non-RFMO regulated species there is lack of information to issue NDFs. For species that are commercially utilized at a low level, information on catch, trade, etc. is difficult to collect.</p>
Peru	<p>Peru has not yet issued any Non-Detriment Findings (NDFs) for Introduction from the Sea (IFS). The CITES Administrative Authorities have established a national-scale procedure for introduction from the sea (IFS), applying the provisions set forth by the Convention. A campaign will socialize these procedures, ensuring that stakeholders (harvesters) are aware of the complete process. To support NDFs, the authorities will collect statistical information on fishing catches outside national jurisdiction, average size of captured specimens, and information on the distribution and average densities of species subject to IFS.</p>
United States of America	<p>Issuance of NDFs for CITES-listed species from ABNJ has been limited to scientific collection of specimens or derived samples. Applicants for Introduction from the Sea (IFS) must submit detailed information on specimens proposed for collection, how they will be collected, reasons for collection, and evidence that the appropriate permits and/or licenses have been acquired authorizing the collection.</p> <p>The Fish and Wildlife Service (FWS) Management Authority (MA) receives CITES import, export, re-export, and IFS applications. For permit applications involving Appendix II marine species, the MA consults with National Marine Fisheries Service (NMFS) for information on the status of fishery stocks, regulatory measures, monitoring programs, and confirmation of permits. The MA and Scientific Authority use information from NMFS in making legal acquisition findings and NDFs.</p> <p>The U.S. has shared several NDFs for the export of CITES-listed shark and ray species. This includes general advice for exports and Introduction from the Sea of hammerhead, thresher, and porbeagle sharks harvested in commercial fisheries by U.S. fishermen in the northwest Atlantic Ocean. General advice was prepared in 2023 on the import, export and Introduction from the Sea of biological samples derived from Appendix-I and Appendix-II species encountered during research surveys or fisheries-related activities.</p> <p>The U.S. has not encountered difficulties when making NDFs for specimens of CITES-listed species taken from ABNJ. However, if specimens of CITES Appendix II-listed species taken in ABNJ are not under the purview of regional regulatory frameworks or international agreements, making NDFs would be more difficult depending on the availability of information used to determine sustainability of international trade in such species (e.g., population status and abundance across its range).</p> <p>For species managed by RFMOs, Parties should consult stock assessments and other relevant scientific reports developed by the RFMO in making their non-detriment finding. Parties should ensure coordination at the national level between their CITES and fisheries authorities in making NDFs for specimens of CITES Appendix II-listed species taken from ABNJ.</p>

SUMMARY OF WORKSHOP SURVEY RESPONSES FROM RFMOS WITH SCIENCE/MANAGEMENT  
PURVIEW OVER ONE OR MORE CITES APPENDIX-II LISTED SPECIES

RFMO	Scientific Assessments	Management and Monitoring Measures
<p><a href="#">IATTC</a></p>	<p><a href="#">Public Domain Data</a></p> <p>Reporting on Whale Shark encounters</p> <p>Assessments for silky sharks and hammerheads</p> <p>Reporting on shark catches; handling and release; no shark lines</p> <p>Species-specific Mobulid ray data-collection program</p> <p>Catch data for oceanic whitetip</p> <p>Identify shark mating/pupping/nursery areas; life history/migration</p> <p>Coordinate with WCPFC/ISC on stock status assessment</p> <p>Public domain PS &amp; LL shark catch data</p> <p>Central American artisanal fisheries shark data collection/sampling program</p> <p>South EPO blue shark assessment</p> <p>Purse seine silky shark indices</p> <p>Vulnerability assessment of 32 shark species</p> <p><b>In process</b></p> <p>Improving the monitoring and assessment of shark stocks in the Eastern Pacific Ocean: expansion to Ecuador, Mexico and Peru (<a href="#">C.4.c</a>)</p> <p>Vulnerability assessment of elasmobranch bycatch in EPO tuna fisheries using the EASI-Fish approach (<a href="#">L.2.b</a>)</p> <p>Identifying operational characteristics associated with mobulid bycatch in the eastern Pacific Ocean (<a href="#">J.2.b</a>)</p> <p>Assessing the efficacy of potential management options on highly vulnerable shark species in the EPO (<a href="#">L.2.c</a>)</p> <p>Pacific-wide vulnerability assessment of pelagic shark species caught as bycatch in tuna fisheries (<a href="#">L.2.d</a>)</p> <p>Manta and devil ray post-release survival, movement ecology, and genetic population structure (<a href="#">M.2.c</a>)</p> <p>Developing and testing bycatch release devices in tuna purse seiners (<a href="#">M.1.d</a>)</p>	<p><a href="#">C-05-03</a> Sharks – finning prohibition; data collection</p> <p><a href="#">C-11-10</a> Oceanic whitetip – no retention; careful release; catch reporting</p> <p><a href="#">C-15-04</a> Mobulid rays – no retention (exception for subsistence consumption); careful release; data collection and reporting</p> <p><a href="#">C-16-04</a> Sharks— gear research; handling/release</p> <p><a href="#">C-16-05</a> Sharks - assessment work plan; catch reporting and release; no directed longline fishing</p> <p><a href="#">C-19-06</a> Whale Sharks – no setting; release</p> <p><a href="#">C-22 -06</a> – working group on bycatch; ecosystems</p> <p><a href="#">C-23-07</a> Sharks -- gear research; handling/release; finning prohibition; catch data collection; assessment work plan; no directed longline fishing; Consolidates and replaces resolutions C-05-03, C-16-04, C-16-05</p> <p><a href="#">C-23-08</a> Silky sharks– prohibit retention/trade; sampling program; longline bycatch limit; surface longline shark size limit; life history research; steel leader 3-month closure; amends and replaces <a href="#">C- 21-06</a></p> <p>See: <a href="#">Active IATTC Resolutions</a></p>



	<p>Developing Best Handling and Release Practice Guidelines for Sharks Captured in IATTC Fisheries (<a href="#">SAC-15-11: 2024</a>).</p> <p>Investigating post release survival of silky sharks captured in class 2-5 purse seine vessels (<a href="#">M.2.e</a>)</p>	
<p><a href="#">ICCAT</a></p>	<p><a href="#">Blue shark</a> – 2015/2023 stock assessment <a href="#">SCRS/2023/004</a> <a href="#">SCRS/2023/120</a></p> <p><a href="#">Shortfin mako</a> - 2019 stock assessment <a href="#">SCRS/2019/008</a></p> <p><a href="#">Porbeagle</a> – 2009/2020 stock assessment <a href="#">SCRS/2020/008</a></p> <p>Data collected on bycatch and evaluated by Sharks Species Working Group and the Subcommittee on Statistics</p> <p><a href="#">Report of 2022 Shark Species Group</a> <a href="#">SCRS/2022/162</a></p>	<p><a href="#">23-14 Mobulid Rays</a> – no retention; safe release; discard reporting; life history research</p> <p><a href="#">23-12 Whale Sharks</a> – no retention; avoid purse seine sets; safe release; discard reporting; safe release research</p> <p><a href="#">23-11 So Atl Blue Shark</a> – catch limit; catch reporting; bycatch and life history research</p> <p><a href="#">23-10 No Atl Blue Shark</a> – catch limit; catch reporting; bycatch and life history research</p> <p><a href="#">22-11 So Atl Shortfin Mako</a> – retention limits pending a rebuilding plan; release of live animals beginning 2025; bycatch mitigation; catch data reporting</p> <p><a href="#">21-09 No Atl Shortfin Mako</a> – no retention pending a rebuilding plan; when retention allowed, live release; catch reporting; bycatch and life history research</p> <p><a href="#">18-06 Shark Measures</a> – implementation and reporting compliance</p> <p><a href="#">15-06 Porbeagle Shark</a> -- live release; catch/discard data reporting; life history research</p> <p><a href="#">13-10 Biological Sampling</a> – retention of scientific samples authorized when sharks dead on haulback</p> <p><a href="#">11-08 Silky Shark</a> – no retention/trade except for local consumption; report catch and discards including condition upon release; promote careful handling and release</p> <p><a href="#">10-08 Hammerhead Sharks</a> – no retention/trade except for local consumption and for <i>S. tiburo</i>; report catch and discards including condition upon release; promote careful handling and release; life history research</p> <p><a href="#">10-07 Oceanic Whitetip</a> – no retention/trade; data reporting on catch/discards</p> <p><a href="#">09-07 Thresher Sharks</a> – Bigeye Thresher retention prohibited (except Mexico quota); data reporting on catch/discards; life history research</p> <p><a href="#">07-06 Shark Conservation</a> – catch reporting; mortality reduction for porbeagle and shortfin mako; life history research</p>

<p><a href="#">WCPFC</a></p>	<p>Shark <a href="#">stock assessments</a>:  Oceanic whitetip, silky, North/South Pacific shortfin mako, bigeye thresher, southern porbeagle, whale shark, North/South Pacific blue shark</p> <p>Shark research plan</p> <p>Publicly available aggregated <a href="#">bycatch data</a> and associated effort and observer data</p>	<p><a href="#">CMM 2022-04</a> – Shark action plans; live release; finning prohibition; data collection; bycatch mitigation; no retention of oceanic whitetip/silky sharks; no setting on/retention of whale sharks</p> <p><a href="#">CMM 2019-05</a> -- Conservation and Management Measure on Mobulid Rays caught in association with fisheries in the WCPFC Convention Area</p>
<p><a href="#">NAFO</a></p>	<p>Bycatch data collected on sharks, skates and rays, including: dogfish, sand tiger, porbeagle, shortfin mako, dusky, blue, Greenland, basking</p> <p><a href="#">21B statistical data</a> publicly available</p> <p>All 2021 shark catch reported as discarded/released</p>	<p><a href="#">Article 12 – Conservation and Management of Sharks</a></p> <p>Reporting of catches; fins naturally attached; no retention of Greenland shark (exception does not allow sale); bycatch mitigation and live release; research of pupping/nursery grounds</p> <p>Skates subject to catch quotas</p>
<p><a href="#">IOTC</a></p>	<p>Bycatch data collected on sharks</p> <p>Assessments available for: <a href="#">blue shark</a>, <a href="#">oceanic whitetip</a>, <a href="#">scalloped hammerhead</a>, <a href="#">shortfin mako</a>, <a href="#">silky shark</a>, <a href="#">bigeye/pelagic</a> thresher; uncertain status for all but blue shark;</p> <p>Species ID guide and guidance on handling/release practices</p> <p><a href="#">Data sets publicly available</a></p>	<p>Parties required to report detailed shark catch information</p> <p><a href="#">Res 19/03</a> – Conservation of Mobulid Rays; no targeting/retention of mobulid rays (exception for subsistence consumption and scientific samples); live release; mandatory reporting of disposition; proper mitigation and handling equipment; artisanal fishery sampling plans; satellite tag investigations;</p> <p><a href="#">Res 17/05</a> – Conservation of Sharks; full utilization; finning prohibited; live release; research on life history and bycatch mitigation;</p> <p><a href="#">Res 13/06</a> – Conservation of Sharks; retention of oceanic whitetip prohibited except for local consumption and scientific samples; review of other shark species for assessment of need for/practicality of retention bans</p> <p><a href="#">Res 13/05</a> – Conservation of Whale Sharks; no intentional purse seine setting around whale sharks; safe handling and live release; exception for coastal artisanal fisheries</p> <p><a href="#">Res 12/09</a> – Conservation of Thresher Sharks; retention of thresher sharks prohibited except for scientific samples; live release; research on life history and bycatch mitigation</p>
<p><a href="#">SEAFO</a></p>	<p>Scientific Committee collects data on shark bycatch</p>	<p><a href="#">Conservation Measures</a></p> <p>CM 01-08 Prohibits deep-water shark directed fisheries</p> <p>CM 04-06 Conservation of Sharks – prohibit finning; full utilization; catch/discard data reporting</p>

<p><a href="#">SPRFMO</a></p>	<p>Bycatch information is reported and evaluated (<a href="#">SC11-Doc10</a>) from an ecosystem approach, but stock assessments made only for main target species.</p> <p>Ecological risk assessments for South Pacific deepwater Chondrichthyans were completed in 2017 (<a href="#">SC5-DW10</a>) and 2019 (<a href="#">SC7-DW10_rev1</a>)</p> <p>Annex 14 of CMM 02 lists species of concern for which parties must report incidental captures, including CITES-listed manta and mobulid rays as well as great white, porbeagle, oceanic whitetip, basking, and whale sharks.</p>	<p><a href="#">CMM 02-2022</a> -- Data Standards specifies monitoring of catches for all species, including discarded species.</p> <p><a href="#">CMM 03-2023</a> – Bottom fishing requires ecological risk assessments including impacts on non-target species such as sharks and rays.</p> <p><a href="#">CMM 08-2023</a> -- Gillnets are prohibited in the Convention area</p>
<p><a href="#">CCSBT</a></p>	<p>Annual report on interactions with ecologically related species in Southern Bluefin Tuna fisheries</p> <p>Education pamphlets to mitigate bycatch of <a href="#">sharks</a></p> <p>Assessment of the risks to ecologically related species posed by fishing for southern bluefin tuna</p> <p>Public data specified in the <a href="#">ERSWG Data Exchange</a></p> <p><a href="#">Data Rules and Procedures</a></p>	<p><a href="#">Resolution to align bycatch measures</a>: CCSBT Members to follow the Ecologically Related Species (includes sharks/rays) measures of other relevant tuna RFMOs when fishing for SBT in the area of competence of the other commission (updated October 2023)</p> <p><a href="#">Recommendation to mitigate impacts</a>: members to implement the International Plan of Action for the Conservation and Management of Sharks; collect and report data on ecologically related species interactions in SBT fisheries (revised October 2019)</p>

OBSERVATIONS OF THE TECHNICAL WORKSHOP ON *NON-DETRIMENT FINDINGS FOR SPECIMENS OF APPENDIX-II SPECIES TAKEN FROM AREAS BEYOND NATIONAL JURISDICTION*

**A. Capacity**

1. Understanding of fisheries science may be limited for some CITES Scientific Authorities that are new to implementing marine species listings.
2. CITES Scientific Authorities are often in the Environment Ministries which are separate from Fisheries Ministries and lack of communication, expertise in and data/information on fisheries could present challenges in making non-detriment findings.
3. There may be a lack of technology on some vessels to collect accurate geographic location data of catch to determine if a specimen was taken from the EEZ or ABNJ.

**B. Straddling / migratory stocks**

1. A single NDF should be made for stocks that straddle EEZ(s) and ABNJ - NDFs can be made at the stock level if stocks are defined and there is adequate stock level information.
2. A precautionary approach could be taken when making an NDF where there may be significant data gaps – for example, if take from a Party's EEZ of a straddling stock is unsustainable, it may be appropriate to make a negative determination for both the EEZ and ABNJ.
2. Multiple stocks should be treated separately in terms of making NDFs - this approach will require different datasets and questions may arise on access to data.
3. Multiple RFMOs will have to be engaged when multiple stocks are involved and the stocks do not fit the areas of the RMFOs (collaboration between RMFOs might be needed).
4. If the species is managed by an RMFO, then multiple Parties' offtake is accounted for if all Parties' fishing and reporting is in compliance (Scientific Authorities can refer to national allocations and/or the total allowable catch for the species set by the RFMO).
5. Based on the NDF for the stock, a catch quota could be set for fishing in the EEZ and ABNJ.
6. Some Parties are considering 'regional NDFs' where stocks are shared and quotas can ensure the overall offtake is sustainable.
7. Regional engagements could inform NDFs – some formal structures exist, but such structures are not always required to facilitate engagement and exchange of information.
8. If multiple stocks are mixed, a Party indicated that they apply a 'weak stock' approach and manage the mixed stock based on the anticipated impact of take on the weaker stock.
9. If a Party is a Contracting Party to two RFMOs managing separate stocks (i.e., stocks in both Pacific and Atlantic Oceans) with different statuses, a suggestion would be to choose to manage at the appropriate level for the more overfished stock (take the more conservative approach).
10. A Party may make an NDF for species only from within its EEZ because historical data indicate that there are only catches from the Party's EEZ.
11. If a RFMO sets a quota, the Party could decide that the RFMO quota is not precautionary enough and set a stricter quota for its flag vessels.

12. NDFs can also assist in identifying data gaps. These data gaps should be brought to the attention of relevant research authorities / bodies / organizations. Resources available to address data gaps that require research was raised as a limiting factor.
13. Shared stocks – information relating to offtake / catch / harvest should be shared among harvesting nations, perhaps through a centralized database when an RFMO has competence for the species/ocean area.

**C. *Data from RFMOs / other sources of information / information challenges***

*Data from RFMOs*

1. RFMO data are organized at stock level and could therefore inform a single NDF for a stock.
2. Data from RFMOs (in some cases multiple RFMOs) can be used to inform the NDF.
3. Examples of RFMO data and information that could be used to make NDFs:
  - a) catch data (landing, discards, dead discards)
  - b) effort data
  - c) stock assessment data
  - d) stock assessments themselves
  - e) estimates of post-release mortality
  - f) estimates of cryptic mortality
4. The CITES Secretariat could provide references on its website to link to available RFMO data sources (ensuring that it does not refer to static data/information that can become outdated, but a location where current information is shared):
  - Stock assessments + literature review
  - Global level information of species + stock assessments + biological characteristics and intrinsic productivity values + bycatch / mortality rates + pressures on the species + existing management measures
  - Ecological risk assessments
  - Access to modelling that national Scientific Authorities could use themselves
  - Noting RFMOs are not the only source of relevant information
5. Increased access to data among nations or from RFMOs may require formal arrangements for data sharing and safeguarding confidentiality.

*Other sources of information*

6. For species where there is no stock assessments or data available from RFMOs (for all Appendix II listed species) – other sources of data could be used including from universities / independent researchers / research organizations / NGOs. The use of methods like satellite tracking is also valuable in gathering information on species distribution and potential sources of mortality outside a Party's area of jurisdiction.
7. In cases where the species is not managed by an RFMO, multiple Parties may need to share their NDFs and examine historical total catches for comparison.
8. An iterative process can help in data limited situations – start with available information and through catch/trade monitoring add information / data as it is collected to inform and revise future NDFs.

9. Location data on catches is essential to monitor offtake and assist in defining stock distribution.
10. Other sources of information that could be useful to inform NDFs include landing samples (meat, fins, etc), historical data and national data (catch and landings from EEZ) as well as information from observers, landing records (declared on reporting forms or from observers) and portside sampling.
11. Information gathered relating to products / specimens traded can be useful when conversion factors are used to determine the estimated number of specimens caught / landed.
12. Monitoring of catch and trade data is important to inform NDFs, but there is also a need to understand and monitor the impact of changes in gear, fishing areas, trip limits as these have an effect on catch/trade.
13. Some Parties consult experts / scientific organizations and use networks of experts /scientific organizations to gather information / data especially for species that are not well studied.
14. Availability of NDF templates and eNDF tool could be helpful in making NDFs.
15. Conditional NDFs could require reporting to allow access to data that was not otherwise available.

#### Information challenges

16. There is a lack of data for some Appendix-II listed species found in ABNJ due to the species not being well studied.
17. There is a lack or unavailability of information on catch for all Parties that harvest from a single shared stock.
18. Banning retention of catch/landing leads to reduction in data needed to determine stock status.
19. It is difficult to estimate illegal, unreported and unregulated (IUU) fishing to account for associated mortality in making NDFs.
20. Certain species may have historically been managed and reported as a complex with a single quota covering many species, if the species is included in the CITES Appendices, NDFs will be required of each species and will require a separate quota. This may pose challenges as there will be a lack of species-specific data.
21. Artisanal fleets are not always able to collect and submit detailed levels of information as can be done by the industrial fleets – this creates a gap in the data with limited resources available to address.
22. Regarding trade data, advice on the adequacy of current WCO Harmonised Schedule codes would be useful. Additional codes may be helpful to monitor trade at the species level.
23. Parties should report catches and trade to the species level taxonomic resolution to assist in making future NDFs.

#### **D. Bycatch**

1. Differentiation of bycatch from targeted catch is not helpful for CITES-listed species. The purpose of the NDF is to account for harvest from all sources regardless of whether it is a targeted species, retained incidental catch or discarded at sea.
2. NDFs should be made in the same way for targeted and non-targeted (bycatch) species.
3. Rather than use of the term bycatch, perhaps a better definition of the problem would be how to reduce mortality for species that are not managed directly.
4. The distinction between bycatch and target species may matter for defining the precautionary level in domestic legislation.
5. Lack of effective bycatch mitigation may require reduced quotas for target species.

6. For species that have traditionally been bycatch, the data can be poor, especially for discarded catch.
7. In ideal scenarios, Scientific Authorities have access to data on bycatch species to monitor total mortality in the nation's fisheries at a fine spatial scale.
8. Parties have the option to exercise different levels of precaution over bycatch, depending on data availability and the effectiveness of any required by catch mitigation measures.

#### **E. Cooperation**

1. Cooperation, collaboration and coordination between fisheries, CITES Authorities, Contracting Parties and cooperating non contracting parties of RMFOs are essential.
2. There may be a disconnect between CITES Authorities and fisheries management authorities that need to be addressed.
3. The purview of domestic and high seas fisheries could potentially be under different authorities adding another layer of complications in making NDFs and issuing permits and enhanced cooperation is essential in these situations.
4. In scenarios where two different Parties have made different NDFs for the same stock, there is a need for the Scientific Authorities to discuss the findings.
5. Engagement with other relevant institutions, organizations and experts is important and all sources of relevant data should be considered.
6. Building trust between Parties will enhance information sharing. This may require confidentiality agreements.
7. Regional coordination mechanisms may already exist, for example, Permanent Commission for South Pacific – regional seas body. These existing arrangements should be explored to assist Parties in making NDFs.
8. UNFSA has obligations for Parties around cooperation on straddling stocks + sharing of data so it may be of value to consider what mechanisms there are under UNFSA that CITES Parties could use to access data-sharing (e.g., Resumed Review Conference + Consultations of States Parties).
9. Collaboration between Parties to the BBNJ agreement could be used to assist species outside the remit of existing RMFOs and vice versa if there is substantial trade in the species or its derivatives.
10. Collaboration with trade agreements, or other bilateral environmental agreements, could be used to assist in obtaining information on species distribution and abundance.
11. Engagement and collaboration between authorities managing domestic fisheries, high seas fisheries and CITES Authorities are essential to ensure the best available information is used to inform NDFs and to facilitate monitoring.
12. Availability of shared NDFs on the CITES website or shared between Parties is helpful in making NDFs.
13. Coherent regulations for flag vessels fishing both inside and outside the EEZ (with reporting that geo-reference catches) can assist in addressing the issue of accounting for fishing effort/catch within and outside the coastal state EEZ.

#### **F. Engagements between national CITES Scientific Authorities**

1. Scientific Authorities of Parties that are members of RMFOs that have binding decisions can use the RFMO data; Scientific Authorities of Parties that are not members of RMFOs may collaborate with other Parties, including RMFOs to which they are not members.
2. Promote regional cooperation between national CITES Scientific Authorities.

3. When identifying other national CITES Scientific Authorities for potential collaboration, neighboring Parties as well as other Parties harvesting the shared stock should be considered.
4. There may be Regional Plans of Action (and corresponding implementation plans) that might help formalize how Parties could cooperate
5. In non-binding arrangements, it is difficult to determine if the offtake is sustainable in the event that there is no RMFO with competence for the stock or no binding agreement has been adopted
6. Gathering temporal and geographical trends in catch datasets are critical – collaboration between Parties on catch data from shared stocks can help a ‘red traffic light’ system (e.g., 6/10 Parties are noticing significant decline trends and could alert / identify other Parties)

**G. *International scientific authorities***

In addition to RFMOs/RFBs with competence for the CITES listed species, other organizations such as NGOs, IUCN species experts, CMS scientific bodies may be consulted. Some examples of international scientific authorities that could be consulted include:

- a) ICES/PICES (International Convention for the Exploration of the Sea, Pacific Science Organization)
- b) IWC (International Whaling Commission)
- c) SEAFC (Southeast Atlantic Fisheries Commission)
- d) SPC (Secretariat of the Pacific Committee)
- e) NPFC (North Pacific Fisheries Commission)
- f) SPREP (Secretariat of the Pacific Regional Environment Program)



IMPLEMENTATION CHALLENGES IDENTIFIED BY THE TECHNICAL WORKSHOP ON  
*NON-DETRIMENT FINDINGS FOR SPECIMENS OF APPENDIX-II SPECIES  
TAKEN FROM AREAS BEYOND NATIONAL JURISDICTION*

A. Differentiation of catch

1. An IFS certificate is required for specimens taken from ABNJ. However, fishing vessels may catch specimens in the EEZ and ABNJ in the same fishing trip and it is not always feasible to determine where specimens were caught, especially for artisanal fisheries.
2. There are traceability challenges for specimens when fishing vessels move between EEZ and ABNJ and catch in both the EEZ and ABNJ in a single trip.
3. Some stocks may have overlapping geographic distribution and it is not always possible to differentiate from which stock a specimen was taken. If these overlapping stocks have different statuses, they may need different NDFs and therefore have different requirements for catch.

B. Issuance of permits

1. For incidental catch or bycatch, NDFs must be made prior to fishing vessels retaining and landing catch, however, when should a permit/certificate be issued?
2. Issuance of permits for scientific samples – implementation challenges, especially considering multiple jurisdictions
3. Practical permitting questions should be addressed prior to taking specimens taken from ABNJ. When issuing permits or certificates, consideration needs to be given to whether permits/certificates will be issued on a per vessel, per fleet, per trip, per vessel and trip, or per fishing season basis. In addition, consideration needs to be given to whether the permits/certifications will be issued to the vessel or dealers in ports.
4. NDFs and number of specimens to be landed may be made on a yearly basis – how and when should permits/certificates be issued to avoid issuing them retroactively?

C. Flags of convenience

1. There is a need for clarity on whether NDFs are required when Parties have vessels flying their flag on the high seas and catching/landing CITES-listed species. This may mean that all relevant government departments that are part of the process need to be involved including external affairs, CITES Authorities, and fisheries authorities.
2. There is a need for clarity cases where a Party A (chartered) vessel with Party B flag is landing in Party A – which Party must make the NDF and issue the permits or certificates? This scenario may be more complicated when one Party has taken reservations on listings.

D. Article XIV on Effect on Domestic Legislation and International Conventions - paragraphs 4 and 5

1. Clarification and examples through case studies on how paragraphs 4 and 5 of Article XIV of the Convention may be applied to specimens taken from ABNJ with respect to other agreements that were in place prior to CITES such as ICCAT and the International Whaling Commission (IWC).