

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

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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

This document has been submitted by the Secretariat in relation to agenda item 17.

# Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction

Decision 19.136

*Report of the CITES Technical Workshop on Non-detriment findings for  
specimens of Appendix-II species taken from areas beyond national  
jurisdiction*

25-26 April 2024

Geneva, Switzerland





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Citation: CITES Secretariat (2024). Report of the CITES technical workshop on Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction.

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## 1. Introduction

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* which required the Secretariat to invite Parties, other governments, and stakeholders to submit information on their experiences in making non-detriment findings (NDFs) for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction (ABNJ), to share any such NDFs produced, to highlight any difficulties encountered in the process, and to offer any suggestions for process improvement. The CoP19 Decisions also required the Secretariat to convene a technical workshop to consider how NDFs 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 from ABNJ and to submit findings and recommendations of the workshop to the Animals Committee for its consideration of recommendations in turn to the Standing Committee for its consideration of recommendations in turn to the 20th meeting of the Conference of the Parties.

The Secretariat issued Notification to the Parties [No. 2023/050](#) inviting Parties, other governments and stakeholders to submit information on their experiences in making such NDFs. The Secretariat then organized a technical workshop on *NDFs for specimens of Appendix-II species taken from ABNJ* which was convened from 25 to 26 April 2024 in Geneva, Switzerland. Through Notification to the Parties [No. 2024/025](#), the Secretariat invited CITES Parties, Members of the Animals Committee, the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals and relevant daughter agreements and Memoranda of Understanding, the Food and Agriculture Organization of the United Nations, Regional Fisheries Management Organizations (RFMOs), other Regional Fisheries Bodies (RFBs), other relevant scientific advisory bodies, representatives from States (especially those with flag vessels which undertake high seas fisheries), importing countries, fishery stakeholder and industry representatives, and relevant intergovernmental and non-governmental organizations to the workshop. The workshop and its preparatory work were supported by the generous contribution by the European Union and the United Kingdom of Great Britain and Northern Ireland (United Kingdom).

## 2. Participation

The workshop was attended by 83 participants, which included the representative for Africa, Central and South America and the Caribbean, Oceania and the nomenclature specialist, 56 participants from 32 Parties, 23 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. The workshop participant list is attached as Annex 1.

## 3. Approach to the Workshop and Presentations

The workshop was facilitated by the Secretariat who provided a Provisional Working Program to participants in advance of the meeting (attached as Annex 2). After welcoming remarks by CITES Secretary-General Ivonne Higuero, the Secretariat reviewed the objectives of the workshop and the order of presentations. A list of workshop documents and presentations is attached as Annex 3.

The Secretariat first provided an overview of the requirements for making NDFs for specimens taken from ABNJ and for issuing Introduction from the Sea (IFS) certificates and export permits. The Secretariat also noted the potential role of international scientific authorities as included in Article IV of the Convention text on *Regulation of Trade in Specimens of Species Included in Appendix II* in assisting designated national CITES Scientific and Management Authorities when making NDFs. The United Kingdom presented on updates to the CITES NDF guidance for aquatic species having chaired that working group at the international NDF workshop held in Nairobi in December 2023 including remaining issues to be discussed

as they pertain to specimens taken from ABNJ. A presentation on the level (current and anticipated) of catch and trade in CITES-listed sharks and rays potentially taken from ABNJ was made by TRAFFIC and Deakin University by comparing available data from relevant Regional Fisheries Management Organizations (RFMOs), the FAO data, and the CITES Trade Database. The information presentation was from the study being undertaken under Decision 19.223 paragraph c) on Sharks and rays (Elasmobranchii spp.) to look into the apparent mismatch between the trade in products of CITES-listed sharks recorded in the CITES Trade Database and what would be expected against the information available on catches of listed species. As the majority of Appendix II species taken from ABNJ are sharks and rays, the results of the study informed the level of catch from ABNJ.

An overview of the workshop background document was presented including a summary of shared NDFs (data used, process followed, etc.), the difficulties encountered by Parties when making NDFs for specimens taken from ABNJ, and the potential role of RFMOs and other Regional Fisheries Bodies (RFBs) in making data and information available to CITES Scientific Authorities to facilitate making non-detriment findings.

Presentations from two Parties (New Zealand and the United States of America) reflected on their respective experiences in making NDFs for specimens of Appendix-II listed species harvested in their exclusive economic zones (EEZs) and from ABNJ. Staff members from the Secretariats of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Inter-American Tropical Tuna Commission (IATTC) presented on the scientific information and data available from each of these RFMOs as well as conservation measures that are relevant for certain CITES Appendix II-listed fish species that are managed or monitored by the two organizations.

Finally, the United Nations 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 (UNCLOS) of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) and also the Agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement). A number of CITES Parties have obligations under UNFSA and to RFMOs to which they are members. Some CITES Parties will also have non-exclusive obligations under BBNJ when that agreement enters into force.

#### **4. Summary of the Discussions**

Subsequent to the presentations on relevant CITES requirements, the level of trade in listed species potentially harvested in ABNJ, the case studies of two Parties in making NDFs for sharks, and the information available from two RFMOs that could potentially inform NDFs, the workshop participants reflected on the material presented, asked questions, and offered additional observations on their respective marine fisheries management programs relative to interactions with CITES listed species. The Animals Committee representative for Oceania then moderated a discussion to develop topics to be covered in smaller breakout groups, an approach that was intended to facilitate input and an exchange of ideas from a greater number of workshop participants.

Three breakout groups were established and three discussion topics were agreed as follows:

- 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;
- c) mechanisms of cooperation between national/international authorities in setting quotas and monitoring offtake.

Each of the breakout groups discussed the three topics in parallel and, upon reconvening in plenary session, reported out on the observations of group members as well as recommendations for potential consideration by the Animals Committee.

## **5. Discussion Points and Observations**

Upon reconvening the breakout groups in plenary, the workshop participants reviewed the points raised and observations made in response to the three discussion questions. There was some overlap in the concepts/issues examined under each question, so the following summary is organized by concept/issue rather than addressing each discussion question separately. The summary of the discussion is organized in two sections: NDFs related topics and implementation challenges.

### NDFs for specimens taken from ABNJ

#### Straddling/Migratory Stocks

Workshop participants noted the challenges of making NDFs for migratory/straddling stocks. It was agreed that NDFs should cover offtake from both EEZ and ABNJ by looking at the spatial distribution of the harvested species. It would be efficient to draft a single NDF for stocks that straddle EEZs and ABNJ. To this end, spatially differentiated RMFO catch and distribution data may be helpful. Furthermore, coherent national regulation inside and outside the EEZ can address this issue if catch reporting includes geographic references.

In some cases, a Party may make an NDF for a species only applicable to fishing within its EEZ because the national data indicate that historical catches were limited to the EEZ. However, it was acknowledged that an NDF should ideally be made for a fish stock throughout its range (all EEZs and ABNJ) and a catch limit should reflect the status of the entire stock. In this sense, the location of catch is relevant only to know if an IFS certificate or export permit is warranted rather than recording landings as domestic catch.

#### NDFs for Shared Stocks

A significant discussion point focused on making NDFs when multiple flag states are fishing the same stock, whether harvesting from within their respective EEZs or from ABNJ. A Scientific Authority making an NDF needs to be able to identify and coordinate with other national Scientific Authorities and relevant flag states. This would include neighboring coastal states and other more distant fishing nations if the subject fish stock is distributed across a larger region. All Parties should share their NDFs and examine historical catches for comparison. An adjustment to domestic NDFs might need to reflect what other Parties that fish on that population may have taken historically (high or low catches, etc.) in the event that current data are not available.

Workshop participants considered ways to ensure that the total catch across all Parties is sustainable and the means to assess the impact on all relevant Parties when one Party makes an NDF for a shared stock. This is especially concerning if one Party's NDF allows for higher offtake than another Party's NDF. It was noted that in such cases it is essential to share information and NDFs among neighboring states and that a multi-lateral agreement could be helpful. One Party suggested that NDFs for shared stocks should be undertaken as an iterative process, taking into account other Parties' NDFs as they are issued/shared. In cases where one NDF allows higher offtake than another, the respective Parties should discuss how they arrived at offtake figures. It was emphasized that trust and cooperation are important to ensure that total offtake of a stock is sustainable. It was suggested that if it is noted that the stock is declining, a "red light" system could be developed to alert all harvesting Parties. A mutual commitment to apply the precautionary

approach in making an NDF determination was deemed beneficial in shared stock situations. In situations of significant data gaps, or when it is estimated that total offtake of a straddling stock is unsustainable, a negative determination may be warranted.

Participants further noted that an ideal situation for a shared stock would be if all, or most, harvesting nations are members of a relevant RFMO. Members would have to comply with the RFMO measures, catch quotas would be transparent, and catches by multiple Parties would be taken into account when assessing the stocks. However, where there are no binding arrangements, it is more difficult to determine if the offtake is sustainable. In such cases there may be Regional Plans of Action (and corresponding implementation plans) that might help formalize how Parties might cooperate. Additionally, the UNFSA has obligations for Parties concerning cooperation on straddling stocks and data sharing. It may be of value to consider what mechanisms there are under UNFSA that CITES Parties could use to enhance data-sharing, e.g., the Resumed Review Conference and Consultations of States Parties.

#### RFMO Data Availability

In considering the presentations from ICCAT and IATTC, workshop participants reflected on the types of data potentially available from RFMOs. It was noted that there may be a time lag of a year or more when assembling catch and effort data for use in stock assessments. However, for monitoring catch quotas for some important target species, catch volumes may be required to be reported in near real time. An inventory of all RFMO data being collected and the types of fisheries (e.g., by fishing gear and by fishing season) could be beneficial for CITES Scientific Authorities.

Noting that data quality is often reduced when a species is listed by CITES or an RFMO prohibits retention or trade, a question was raised about whether listing/prohibition changes aspects of the fishing operation. It was observed that a CITES listing or RFMO measure can cause changes in the fishing process in order to avoid interactions with the subject species. In particular, commercial fishing catch per unit effort is no longer valid (relative to historical data) once a listed species becomes an avoidance species for the fishing operation. Absent logbook or observer data on bycatch and release condition, landing statistics are not available and a data gap may impede future assessments.

Participants discussed the data confidentiality provisions of several RFMOs including the security/access provisions applicable to members and non-members. In many cases, aggregated catch data and stock assessment reports are publicly available. Workshop participants noted the potential utility of a reference on the CITES website concerning publicly available RFMO data sources, means of access if subject to confidentiality restrictions, and RFMO focal points for CITES Scientific Authorities.

#### Stock Structure

Workshop participants discussed how NDFs should relate to the stock structure of listed species, in particular for several shark species. While some listed sharks have global distributions, there may be discrete stocks in different ocean areas and RFMOs manage these stocks accordingly. For example, stock status may be assessed separately for the Atlantic and Pacific Oceans or even distinguish between ocean subdivisions such as the North and South Atlantic. Stock assessments at appropriate regional levels to address discretely managed populations would be helpful for informing NDFs.

Participants agreed that NDFs should be stock-based and incorporate RFMO assessments where available. While an NDF could include determinations for a species throughout its range, it should differentiate between stocks, for example allowing for different decisions on South Atlantic, North Atlantic and Mediterranean stocks of *Prionace glauca* (blue shark). A positive NDF for a discrete stock should determine the appropriate level of offtake based on total removals/mortality of the species by all Parties

within the defined range. Likewise, when differentiating between EEZ and ABNJ offtake, NDFs should treat the stock as a unit regardless of whether harvest is from within or outside of the relevant EEZ.

Participants noted that making NDFs for different stocks within the entire range of a species would not necessarily be an issue, provided that population status and mortality data are available for subpopulations. ICCAT work on North and South Atlantic blue shark stocks was noted as an example of information that can be made available to Parties making NDFs. Some Parties may have to address two distinct stocks due to having coastline or fishing vessels in multiple ocean areas.

The NDF should account for offtake from a stock, wherever there is a discrete distribution. Scientific Authorities should use any available stock level data. Two approaches were noted, including making NDFs for individual stocks or a comprehensive NDF for a species whose range spans multiple different stocks. It was observed that some stocks don't fit entirely within the areas of competence of individual RMFOs, meaning that collaboration between RMFOs might be needed to collect data and assess stocks.

#### International Coordination and Capacity Building

Workshop participants noted that having NDF templates and the e-NDF tool greatly assisted in building capacity subsequent to the recent Appendix II listings of shark and ray species. Parties that have shared their NDFs through the Sharks and Rays Portal have also helped with capacity building. Participants observed that a review of existing guidance available on producing NDFs for specimens taken from ABNJ would be beneficial and Parties could consider whether it is sufficient, or further guidance is required. Finally, it was suggested that regional collaboration of CITES Scientific Authorities to share NDFs on specimens taken from ABNJ, to work on case studies, and to exchange scientific information could be useful.

#### Domestic Coordination

Several Parties reported that CITES and fisheries management responsibilities are vested in different ministries/departments with their domestic governmental structures. Enhanced communication between fisheries and environmental authorities could raise awareness of the need for, and procedures of, making NDFs when vessels flying their flag fish in ABNJ. CITES Authorities could benefit from increased understanding of fishing methods/terminology and of the fishery management framework, both under domestic regulatory programs and in compliance with any RFMO measures applicable to the Party. Further, where separate fisheries authorities oversee domestic (EEZ) and high seas (ABNJ) fishing, engagement and collaboration between divisions are important. It was suggested that Parties bring representatives of national fisheries bodies to CITES meetings and strengthen communication nationally between fisheries and CITES Authorities.

#### Illegal, Unreported, and Unregulated (IUU) Fishing

Participants acknowledged that all sources of mortality for a CITES-listed species must be factored into an NDF, but quantifying mortality attributable to IUU fishing is particularly challenging. Parties should consider any available estimates or make reasonable assumptions consistent with a precautionary approach. Ensuring that imports of listed species are consistent with CITES and/or RFMO requirements may counter incentives for IUU fishing and reduce associated mortality. In this regard, participants noted the EU IUU Fishing Regulation, including the anticipated new information technology system for comprehensive traceability that will be mandatory from 2026.



## Trade Monitoring

Participants at the workshop noted that Parties may be reporting trade data differently and that perhaps the Animals and/or Standing Committees could advise on the establishment and use of trade codes with the highest species resolution possible. Developing standard conversion factors for derivative products is also important for relating trade volumes to the actual level of removal of specimens from the wild. Parties should consider how collaboration within the framework of applicable trade agreements could assist in getting information about trade volumes for CITES-listed species.

## Catch Documentation/Traceability/Data Harmonization

Participants discussed the workshop presentation on the analysis of catch and trade data for listed shark species. Recognizing that disparities existed in reported catch and trade statistics across the RFMO, FAO and CITES databases, it was noted that data harmonization at the appropriate taxonomic level would be beneficial to inform the NDF process, especially for wide ranging species harvested by multiple Parties. Participants considered the key data elements for traceability systems that could identify specimens in trade at the appropriate taxonomic level and could confirm the origin of the catch (e.g., ocean area and flag vessel). It was emphasized that the design of traceability systems should include interoperability to avoid redundancy in catch and trade reporting systems and reduce the likelihood of discrepancies in total volumetric statistics.

Participants noted that while there are references to traceability for shark products across a number of CITES Resolutions, they tend to focus on compliance and Legal Acquisition Findings. It would be worthwhile asking the Animals Committee to consider specifying Key Data Elements (KDEs) in a traceability system that would inform and support NDFs for species caught in ABNJ and consider how Parties may adopt such a traceability system that is interoperable.

Participants discussed and noted the types of data that could be collected at the national and regional level to inform the making of NDFs:

- catch data (landing, discards, dead discards)
- fishing effort data
- stock assessment data
- stock assessments themselves
- estimates of post-release mortality
- estimates of cryptic mortality (including IUU fishing and ghost fishing)

With regard to improving catch and trade data, workshop participants noted that advice from the Animals and/or Standing Committees on use of origin and Harmonized Schedule codes could be helpful. Also, CITES Parties should be reminded to report catch and trade to FAO at species level taxonomic resolution. Finally, CITES should consider providing a reference on its website pointing to available RFMO data sources and CITES Parties that are also members of RFMOs should seek harmonization of fishery data elements for reporting to RFMOs, CITES and FAO.

## Bycatch

Participants noted that differentiation of bycatch from targeted catch is not helpful for listed species as NDF should account for all harvest and accounting for bycatch mortality when making an NDF was noted as a particular challenge. Participants acknowledged that an NDF must take into account all sources of mortality, but recognized that data on specimens taken as bycatch, whether retained or released/discarded at sea,

can be sparse and of poor quality. Stock status information can become even more limited when retention of a species is prohibited, either by an RFMO or by independent national regulation. Making conditional NDFs that require enhanced data collection may lead to improved assessment of stock condition for a bycatch species. Even negative NDFs should be adaptive - more data on abundance and mortality of bycatch species can perhaps support a future positive NDF.

In ideal scenarios, Scientific Authorities would have access to data to monitor bycatch in their Party's fisheries at a species level and at a fine spatial/temporal scale. Distinguishing between mortality attributed to bycatch and to target species catch may matter for defining the precautionary level of offtake in domestic fishery management regulation. Data collection on species not retained may be enhanced by onboard observers, electronic monitoring and logbook reporting requirements. Alternatively, loss of data could perhaps be addressed by allowing specimens, if already dead when brought on board the vessel, to be landed with subsequent restrictions on sale or trade. In cases where landing quotas are established for bycatch species, a mortality limit consistent with the NDF may affect the catch quotas set for target species in the fishery. Parties have the flexibility to exercise different levels of precaution when accounting for bycatch and can manage the entire mixture of a multi-species catch based on the status of the weakest stock.

#### RFMO and other Source Data

Participants acknowledged that Scientific Authorities are ultimately responsible for their individual Party's NDFs and that the determinations need to account for all sources of mortality. While RFMO stock assessments and catch quotas can be a tool to use when making an NDF, these data sources should not necessarily determine the outcome of the analysis. Participants considered how best to consult with RFMOs and how to incorporate their stock management recommendations – should they be integrated entirely or should parts of the NDF address RFMO data and management measures as separate input? It was noted that if a CITES Party is also a member of an RFMO that has adopted a binding retention ban for the listed species, then a legal acquisition finding is not possible and an NDF cannot be made.

Given the mandate of RFMOs to manage stocks for the benefit of all members, levels of offtake of managed species from ABNJ should be sustainable. However, member countries have to mutually agree on quantities of harvest that would maintain or recover stocks. Some CITES Parties could consider the stock assessment and quotas set by RFMOs as sufficient to meet NDF requirements while other Parties may wish to take a more precautionary approach. NDFs should not just consider sustainability, but also other sources of ecosystem data. Scientific Authorities should look into the underpinnings of the RFMO recommendations for catch quotas and whether other factors should be taken into account, such as fishing by non-members of RFMOs and non-fishing sources of mortality. Access to modeling and capacity building for modeling could be important. For fisheries either targeting or incidentally catching newly listed species, it will be a gradual process to collect data and model population trends. It will be important for RFMO members to report catch/mortality at the species level and that CITES Authorities consistently use the data, increasing the likelihood that the data quality will improve over time.

Workshop participants acknowledged the need to work through RFMOs and bilaterally as necessary to assemble data and information to support NDFs. CITES Scientific Authorities from Parties that are also members of RFMOs can generally access RFMO data. Parties that are not RFMO members will have to collaborate with RFMOs, perhaps through the negotiation of data access agreements consistent with the RFMO's confidentiality policy.

Participants also noted that RFMOs are not the only potential source of information to support NDFs, especially when the species of fish is distributed across a larger oceanic region than the individual RFMO's area of competence. All Parties harvesting the listed species should be consulted, recognizing UN Fish

Stocks Agreement obligations on cooperation in fishing practices and in data reporting. If there is no catch sharing agreement or RFMO with competency for the listed species, it can be difficult to determine a sustainable level of take. Other organizations (scientific bodies), NGOs and academics can be consulted, and consideration should be given to Regional Plans of Action/ National Plans of Action for sharks. Scientific Authorities will have to consider what parts and derivatives are being exported, and the appropriate conversion factors to estimate offtake in whole animal units. It is also important to look at trade statistics and tariff code classification to enhance the information available to Scientific Authorities making NDFs.

#### International Scientific Authorities

Parties discussed whether a definition of “international scientific authorities” would be helpful or necessary when seeking assistance for making NDFs. It was noted that the CITES term of “Scientific Authority” involves a designation by the Party of at least one national scientific authority and a specific role/obligation of the designee. In contrast, an “international scientific authority” does not involve a designation requirement. The Convention refers to international scientific authority as a recommendation for consultation when making NDFs for specimens taken from ABNJ.

Several participants noted that a definition might restrict the number/types of bodies that Parties should consult and that pertinent information should be sought wherever it is available. The discussion evolved to consider the types of organizations that could provide relevant data or scientific assistance. It was suggested that a list of fishery management and research organizations could be compiled and shared.

#### Implementation challenges

##### Non-CITES Parties or Reservations

Some workshop participants noted that trade in listed species taken from ABNJ by a non-Party to CITES complicates matters, as does trade with Parties that have entered a reservation on a listing. However, when reservations to listings are made, the trade requirements applicable to other Parties are governed by the Convention. While the reservation is in effect, the reserving Party is treated as a non-Party with respect to trade in the subject species. Article X of the Convention on *Trade with States not party to the Convention* then applies. CITES Parties trading with the reserving Party must obtain comparable documentation from that Party, which substantially conforms with the otherwise applicable requirements for trade in the listed species.

##### Vessels Operating in EEZs and ABNJ

Participants acknowledged that Parties may authorize fishing vessels to move operations between EEZs and ABNJ and in some cases fishing takes place within and outside of the EEZ on the same trip. For vessels fishing both in ABNJ and in domestic waters, it can be challenging to determine how many specimens of each CITES listed species were harvested from ABNJ and for artisanal fisheries with limited technology, to determine the location of the catch to know if a specimen was taken from ABNJ and to make the necessary NDF for the IFS certificate or export permit. Some Parties noted national regulations to place additional conditions on vessels fishing in ABNJ, including permitting, monitoring and reporting. Depending on individual Parties' fishing regulations, logbook and observer records may require reporting the time and geographic position when fishing gear is set and possibly also when gear is retrieved.

Recognizing that vessels and gear move (under power or drifting) in a single set of the gear, a protocol is needed to distinguish whether the specimen were taken in the EEZ or ABNJ. One party noted that if the line is set in an area of national jurisdiction that catch will be defined as national catch, even if the vessel

moves into international waters during the set. Other Parties may have different protocols for allocating fishing effort and catch between the EEZ and ABNJ and electronic vessel monitoring systems may assist in making the determination. It was noted that when fishing is taking place both inside and outside EEZs, Parties may be reporting domestic harvest only, and NDFs/IFS certificates may be absent. Shared experiences and case studies on this issue may prove helpful.

#### Fishing Vessel Permitting

A question was raised about whether Parties issue fishing permits on a vessel or trip basis, and if one approach or the other is better to meet CITES requirements for issuance of IFS certificate or export permits, including the making of NDFs and LAFs. It was also asked if there were instances of certificate/permit issuance before or after the catch of listed species. It was clarified that IFS certificate or export permit should be preceded by the making of an NDF and LAF, but some circumstances might require a certificate/permit to be issued after catch and prior to landing, which still requires the making of NDF and LAF. Some Parties noted that in order to avoid retrospective issuance, they have a master certificate/permit supported by an NDF and then fishers can use individual fishing certificate/permits until they reach the limit established by the NDF or the individual vessel permit. United States noted that its procedure to issue “general advice” constitutes an NDF that allows multiple fishers/scientific samplers to retain and land the stipulated listed species under certain conditions/limits and for a defined time period. In such cases, the general advice is contingent on adherence to domestic fishing regulations (including valid fishing permits) and any RFMO obligations applicable to the United States, the U.S. flag vessel and the fishing activity. The Secretariat invited Parties to elaborate on any permitting questions that could be raised for the Standing Committee.

#### Chartering and Transshipment

A question was raised about the issuance of CITES documents when Party A allows Party B vessels to land specimens taken from ABNJ in its ports. This could occur under a chartering arrangement (Party A charters vessels flagged to Party B), a port access agreement between Party A and Party B, or a policy of a free port maintained by Party A. This question is addressed by Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* paragraph 2(c) and, if transshipment occurs, by Paragraph IV of the Annex to that Resolution.

#### Pre-CITES Agreements in Force

CITES Convention Article XIV, paragraphs 4 and 5 were discussed. It was noted that Article XIV paragraph 4 relieves Parties of CITES obligations with respect to trade in specimens of Appendix II species taken by ships registered in that State if done in accordance with the provisions of a preceding treaty, convention or international agreement. In such cases, Article XIV paragraph 5 stipulates that export of the specimens only requires a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the preceding treaty, convention or international agreement. Participants observed that many fishing related treaties/conventions were not in force prior to CITES and it was not clear that these CITES Article XIV provisions currently guide national permitting processes for any Party. The breakout group noted that there could be some benefits to exploring how this issue is dealt with in case studies.

#### Challenges Noted and Potential Remedies

Over the course of the workshop, participants noted the following challenges to making NDFs for species harvested from ABNJ:

- Fisheries science understanding may be limited for non-fisheries authorities.
- Some fisheries harvest multiple species as a management complex, so catch quotas cover many species and landings data may be aggregated across several taxa.
- Poor quality data, especially for species taken as bycatch and in low volumes.
- Some Parties may be unaware of the need of NDFs but must consider the vessels flying their flag that are operating on the high seas. Those Parties may not always exercise adequate control over such vessels. In these situations, external affairs, CITES authorities, and fisheries authorities must collaborate on vessel management and data collection.
- Addressing conflicts if two different countries have different findings/catch quotas.
- Quantifying mortality attributable to IUU fishing.

Workshop participants also considered and noted the following approaches to overcoming challenges:

- Use NDF templates and tools/guidance from the CITES Sharks and Rays Portal.
- Conditional NDFs can require fishers to record/report data that was not previously available.
- Stock-based NDFs can incorporate RMFO assessments.
- Develop materials to support learning fisheries methods and terminology.
- Enhance collaboration between the domestic and international CITES authorities and the respective fisheries management agencies.
- Published NDFs can assist other countries in making their own.
- Improve communication between CITES Authorities and RFBs/RFMOs, to share stock-specific information needed for NDFs
- Make accessible relevant information from RFMOs including current management measures, links to data sources (catch/effort/stock status), and to respective focal points

## **6. Recommendations to be considered by the 33rd Meeting of the Animals Committee**

In response to CoP19 Decision 19.136 paragraph d), the following recommendations were adopted by the workshop participants to be submitted for consideration by the 33rd meeting of 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 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 network 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.

## **7. Next Steps**

The Secretariat will submit findings and recommendations of the technical workshop to the 33rd meeting of the Animals Committee for its consideration. As appropriate, the Animals Committee may then make recommendations to the Standing Committee for its consideration. The Standing Committee may then consider recommendations for referral to the 20th meeting of the Conference of the Parties.

Annex 1 - List of Participants

<b>First name</b>	<b>Last name</b>	<b>Party / Institution</b>
Hilroy	Simon	Government of Antigua and Barbuda
Vanesa Patricia	Tossenberger	Government of Argentina
Rhedyn	Ollerenshaw	Government of Australia
Jessica	Hoey	Government of Australia
Luana	Arruda Sêga	Government of Brazil
Luiz Roberto	Louzada Junior	Government of Brazil
Michel	Babale	Government of Cameroon
Xiaoge	Ping	Government of China
Jiang	Zhu	Government of China
Jie	Zhang	Government of China
Gustavo Andres	Lara Rodriguez	Government of Colombia
Bernald	Pacheco Chaves	Government of Costa Rica
José Miguel	Carvajal Rodríguez	Government of Costa Rica
Marco Antonio	Herrera Cabrera	Government of Ecuador
Victor Eduardo	Chocho Sanchez	Government of Ecuador
Barbara	Soto-Largo Meroño	Government of European Union
Arnaud	Horellou	Government of France
Marco	Ciambelli	Government of France
Lise	Cransac	Government of France
Camille	Dubos	Government of France
Rosa Liliana	Hernandez Tecu	Government of Guatemala
Antony	Johnson	Government of India
Bineesh	Kinattumkara	Government of India
Selvia	Oktaviyani	Government of Indonesia
Risris	Sudarisman	Government of Indonesia
Hideki	Moronuki	Government of Japan
Hidetada	Kiyofuji	Government of Japan
Kyutaro	Yasumoto	Government of Japan
Ismail	Bin Ibrahim	Government of Malaysia
Aishath Sarah	Hashim	Government of Maldives
Saikou Oumar	Kide	Government of Mauritania
Raul Enrique	Lara Mendoza	Government of Mexico
Patricia	Walker	Government of Netherlands
Carlos	Polo	Government of Panama
Nicho	Gowep	Government of Papua New Guinea

Frida Cecilia	Rodriguez Pacheco	Government of Peru
Rahaf	Algethami	Government of Saudi Arabia
Bandar	Alfaleh	Government of Saudi Arabia
Hissah	Alhusayni	Government of Saudi Arabia
Mamadou	Diallo	Government of Senegal
Dairou	Diallo	Government of Senegal
Jose Carlos	Baez Barrionuevo	Government of Spain
Sergio	Peña García	Government of Spain
Tania	Rampersad	Government of Suriname
Pia	Norling	Government of Sweden
Jennifer	Viron	Government of the Philippines
Michael	Andayog	Government of the Philippines
Julian	McAlpine	Government of United Kingdom of Great Britain and Northern Ireland
Alison	Prince	Government of United Kingdom of Great Britain and Northern Ireland
Lara	Turtle	Government of United Kingdom of Great Britain and Northern Ireland
Jack	Collier	Government of United Kingdom of Great Britain and Northern Ireland
Lucy	Ellam	Government of United Kingdom of Great Britain and Northern Ireland
Bigeyo	Neke Kuboja	Government of United Republic of Tanzania
Laura	Cimo	Government of United States of America
Angela	Somma	Government of United States of America
Debra	Abercrombie	Government of United States of America
Ngalié	Maha	Committee Member - Africa
Mauro	Gongora	Committee Member - Central & South America & Caribbean
Peter Paul	Van Dijk	Committee Member - Nomenclature specialist
Hugh	Robertson	Committee Member - Oceania
Melanie	Virtue	Convention on Migratory Species
Andrea	Pauly	Convention on Migratory Species
Kim	Friedman	UN Food and Agriculture Organization
Julia	Nakamura	UN Food and Agriculture Organization
Salvador	Siu	Inter American Tropical Tuna Commission (IATTC)
Nathan	Taylor	The International Commission for the Conservation of Atlantic Tunas (ICCAT)
Rima	Jabado	International Union for Conservation of Nature (IUCN)
Xiao	Yingjia	China Biodiversity Conservation & Green Development Foundation
Samantha	Sherman	Deakin University
Cat	Bell	International Fund for Animal Welfare
Jaques	Berney	IWMC-World Conservation Trust
Eugene	Lapointe	IWMC-World Conservation Trust



Chris	Wold	Lewis & Clark – Global Law Alliance for Animals and the Environment
Randall	Arauz	Marine Watch International
Jose Luis Pedro	Funes Izaguirre	Marine Watch International
Zak	Smith	Natural Resources Defense Council
Sarah	Fowler	Save our Seas Foundation
Daniel	Fernando	The Blue Resources Trust
Glenn	Sant	TRAFFIC
Dana	Tricarico	Wildlife Conservation Society
Colman	O Criodain	World Wide Fund for Nature
Shaleyyla	Kelez Sara	World Wide Fund for Nature
Simone	Niedermueller	World Wide Fund for Nature

## Annex 2 – Working Programme

### **DAY 1 – Thursday 25 April 2024**

#### **08:00 – 09:00 Registration**

#### **09:00 – 12:00 Plenary (Facilitated by the Secretariat)**

- Welcoming remarks - [Ivonne Higuero, CITES Secretary-General](#)
- Conduct of the workshop - [CITES Secretariat](#)
- Objectives of the workshop - [CITES Secretariat](#)
- Presentations on background information with a Q & A session
  - CITES requirements for non-detriment findings (NDFs) for specimens taken from areas beyond national jurisdiction (ABNJ), including the role of “international scientific authorities” - [CITES Secretariat](#)
  - draft guidances on the making of NDFs for aquatic species (outcomes of the international expert workshop on NDFs) - [Julian McAlpine, United Kingdom of Great Britain and Northern Ireland, Chair of the working group on aquatic species at NDF workshop](#)
  - level (current and anticipated) of trade in CITES-listed species taken from ABNJ - [Glenn Sant, TRAFFIC & Samantha Sherman, Deakin University](#)
  - overview of the workshop background document - [CITES Secretariat](#)
    - i. summary of NDFs that have been made for specimens taken from ABNJ (including data used, process followed, etc.)
    - ii. difficulties encountered by Parties when making NDFs for specimens taken from ABNJ;
    - iii. current role, if any, of Regional Fisheries Management Organizations (RFMO) and other Regional Fisheries Bodies (RFBs) in making data and information available to CITES Scientific Authorities making non-detriment findings
- Presentations from Parties on experience making NDFs for specimens of Appendix-II listed species from ABNJ with a Q & A session
  - New Zealand
  - United States of America

#### **12:00 – 14:00 Lunch**

#### **14:00 – 15:30 Plenary (Facilitated by the Secretariat)**

- Presentations from RFMOs with a Q & A session
  - ICCAT - [Nathan Taylor, Bycatch coordinator, ICCAT Secretariat](#)
  - IATTC - [Salvador Siu, Coastal and Sub-Regional Fisheries Scientist, IATTC Secretariat](#)

- Video presentation by DOALOS
  - 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 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)

**15:30 – 17:00 Plenary (Facilitated by the AC representative of Oceania and the Secretariat)**

- Moderated discussion to agree on topics to be covered in breakout groups  
Provisional topics identified by the Secretariat:
  - Scientific data and information needed to make NDFs for specimen taken from ABNJ, including those that may be held by international scientific authorities
  - Mechanism of cooperation between national Scientific Authorities and international scientific authorities, including sharing of data, determining the total numbers of specimens to be introduced per year, monitoring off-take, etc.
- Establishment of breakout groups and group discussions

**DAY 2 – Friday 26 April 2024**

**9:00 – 12:00 Breakout groups (Facilitated by Party to be nominated by each group)**

- Discussions in breakout groups
- Presentation from each breakout groups

**12:00 – 14:00 Lunch**

**14:00 – 17:00 Plenary (Facilitated by the Secretariat)**

- Observations and recommendations
- Next steps
- Closing

## Annex 3 - List of Workshop Documents/Presentations

### Documents

[Workshop Background Document](#)

[Level of trade in CITES-listed Sharks/Rays Species](#)

### Presentations

[CITES requirements for Appendix-II species taken from ABNJ](#)

[CITES NDF guidance for aquatic species](#)

[Level of trade in listed sharks/rays](#)

[Workshop Background Document](#)

[New Zealand NDF](#)

[United States NDF](#)

[ICCAT Secretariat on Sharks/Rays](#)

[IATTC Secretariat on Sharks/Rays](#)

[UN DOALOS on Fish Stocks and BBNJ Agreements](#)