

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

1. This document has been submitted by the Secretariat in relation to agenda item 17.
2. This information document contains the responses received to Notification to the Parties No. 2023/050 requesting Parties to provide information on non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction.\*

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

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## CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES AMENAZADAS DE FAUNA Y FLORA SILVESTRES (CITES)

### **Notificación a las Partes No. No. 2023/050 Ginebra, 20 de abril de 2023**

*Solicitud de información sobre dictámenes de extracción no perjudicial para especímenes de especies del Apéndice II capturados en zonas fuera de la jurisdicción nacional*

#### **1. Notificación a las Partes No. No. 2023/050 Ginebra, 20 de abril de 2023**

1. En su 19ª reunión (CoP19; Ciudad de Panamá, 2022), la Conferencia de las Partes adoptó las Decisiones 19.135 a 19.139 sobre Dictámenes de extracción no perjudicial para especímenes de especies incluidas en el Apéndice II capturadas en zonas fuera de la jurisdicción nacional, tal como se presenta en el anexo.
2. De conformidad con la Decisión 19.135, la Secretaría invita a las Partes, organizaciones intergubernamentales, Organizaciones Regionales de Ordenación Pesquera (OROP), otros Órganos Regionales de Pesca (ORP), organizaciones no gubernamentales, partes interesadas en la pesca y otros interesados a presentar:
  - a) información sobre experiencias en la formulación de dictámenes de extracción no perjudicial (DENP) para especímenes de especies incluidas en el Apéndice II de la CITES capturados en zonas fuera de la jurisdicción nacional (ZFJN), por ejemplo, un resumen del procedimiento, las consultas realizadas, los tipos y las fuentes de datos considerados y el proceso de examen utilizado;
  - b) DENP elaborados para especímenes de especies incluidas en el Apéndice II de la CITES capturados en zonas fuera de la jurisdicción nacional;
  - c) información sobre las dificultades encontradas en el proceso de elaboración de DENP para especímenes de especies incluidas en el Apéndice II de la CITES capturados en zonas fuera de la jurisdicción nacional;
  - d) sugerencias sobre las mejoras que pueden introducirse en el proceso de formulación de DENP para especímenes de especies incluidas en el Apéndice II de la CITES capturados en zonas fuera de la jurisdicción nacional; y
  - e) cualquier otra información pertinente sobre la formulación de DENP para especímenes de especies incluidas en el Apéndice II de la CITES capturados en zonas fuera de la jurisdicción nacional.
3. Se invita a las Partes y a los interesados pertinentes a que envíen la información por correo electrónico a [info@cites.org](mailto:info@cites.org) con copia a [hyeon-jeong.kim@cites.org](mailto:hyeon-jeong.kim@cites.org), indicando como asunto: "Re: Notificación No. 2023/050 on DENP - ABNJ", a más tardar el **31 de julio de 2023**.

#### **2. Respuesta Colombia**

Desde el Ministerio de Ambiente y Desarrollo Sostenible, como Autoridad Administrativa de CITES, a continuación, se permite informar a la Secretaría de CITES que, como se reportó en la Notificación No. 2023/027 (marzo, 2023) en Colombia no pueden ser objeto de un aprovechamiento comercial o deportivo las especies de tiburones, rayas marinas y quimeras, ni a nivel nacional ni internacional, por lo que ello también aplica para dictámenes de extracción no perjudicial para especímenes de estas especies del Apéndice II capturados en zonas fuera de la jurisdicción nacional.

En este sentido, a continuación se comparte la normatividad vigente de las medidas más restrictivas que rigen en el país con relación a las especies de tiburones, rayas marinas y quimeras, esto es la prohibición

de la comercialización en todo el territorio nacional, incluyendo la exportación, reexportación e importación, de productos de tiburones, rayas marinas y quimeras, y de cualquier subproducto derivado de los mismos.

### ***Normatividad vigente en Colombia***

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

Para llevar a cabo dicha articulación entre ambas autoridades, así como la definición de las especies, los volúmenes susceptibles de ser aprovechados y las tallas mínimas permisibles, se creó el Comité Ejecutivo para la Pesca en 1991. En una sesión extraordinaria de dicha instancia (Comité Ejecutivo para la Pesca), en marzo de 2021, se aprobó que a partir de esa fecha los tiburones, rayas marinas y quimeras fueran considerados como recurso hidrobiológico y, de manera consecuente, la AUNAP realizaría los ajustes normativos internos, a fin de excluir los tiburones, rayas marinas y quimeras, de recurso pesquero a hidrobiológico. Dicha decisión quedó reflejada en la Resolución 0380 del 5 de marzo de 2021, expedida por la AUNAP.

Con la declaración de las especies de tiburones y rayas marinas como recurso hidrobiológico, dichas especies no son susceptibles de ser extraídas con fines comerciales o deportivos, por lo que requieren de la adopción de medidas de manejo y conservación de carácter ambiental que garanticen su capacidad de renovación. En este sentido, el Ministerio de Ambiente y Desarrollo Sostenible mediante el Decreto 281 del 18 de 2021 ordenó la creación del “Plan Ambiental para la Protección y Conservación de Tiburones, Rayas marinas y Quimeras”, con el objetivo de garantizar la conservación y el manejo sostenible de las especies de tiburones, rayas marinas y quimeras, con el fin de disminuir la vulnerabilidad y amenazas causadas por el desarrollo de actividades antrópicas.

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

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

**EU coordinated reply to CITES Notification 2023/050**

*In response to notification 2023/050 please see below a report on the decisions at the EU level for specimens of CITES Appendix II listed species taken from areas beyond national jurisdiction (ABNJ).*

**a) information on experiences in making non-detriment findings (NDFs) for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction (ABNJ) such as an outline of the process, consultations conducted, data types and sources considered, and review process used.**

The EU Scientific Review Group (SRG), composed of all CITES Scientific Authorities of the EU Member States, has adopted the following opinions<sup>1</sup> relating to *Isurus oxyrinchus* and *Isurus paucus* based on NDFs presented by Spain. Two of these NDFs are available on the CITES website (see answer to b)), and all follow the methodology provided by the document *CITES Non-detriment Findings: Guidance for Shark Species* developed for the German Scientific Authority (Mundy-Taylor *et al.*, 2014<sup>2</sup>)

Meeting	Species	Stock	SRG opinion
SRG 92 (03/12/2020)	<i>Isurus oxyrinchus</i>	North Atlantic stock as defined by ICCAT	Negative opinion for specimens captured from 1 January 2021. Opinion applies to source W (wild-sourced) and X (specimens in the marine environment not under the jurisdiction of any state)
SRG 93 (05/05/2022)	<i>Isurus paucus</i>	All stocks	Negative opinion for source W (wild-sourced) and X (specimens in the marine environment not under the jurisdiction of any state)
SRG 95 (13/09/2022)	<i>Isurus oxyrinchus</i>	South Atlantic stock as defined by ICCAT	Negative opinion for specimens captured from 1 January 2023. Opinion applies to source W (wild-sourced) and X (specimens in the marine environment not under the jurisdiction of any state).

<sup>1</sup> Definitions of the EU opinions can be found in the [Reference guide](#) (Detailed information on the implementation of the Wildlife Trade Regulations of the European Union)

<sup>2</sup> Mundy-Taylor, V., Crook, V., Foster, S., Fowler, S., Sant, G. and Rice, J. (2014). CITES Non-detriment Findings Guidance for Shark Species. A Framework to assist Authorities in making Non-detriment Findings (NDFs) for species listed in CITES Appendix II. Report prepared for the Germany Federal Agency for Nature Conservation (Bundesamt für Naturschutz, BfN). Available at: <https://www.traffic.org/site/assets/files/8302/cites-non-detriment-findings-guidance-for-sharks.pdf>

SRG 97 (24/05/2023)	<i>Isurus oxyrinchus</i> and <i>Isurus paucus</i>	North and South Atlantic stocks ( <i>I. oxyrinchus</i> ) and all stocks ( <i>I. paucus</i> )	SRG referral adopted for specimens of source W and X for scientific purposes only (i.e. purpose code S).
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In all these cases there is a negative opinion for introduction from the sea (IFS – specimens with source code “X”), and for the import of specimens with source code “W” (from waters under the jurisdiction of third countries). Landings of makos fished in the EEZ or territorial waters of EU Member States are not covered under CITES but they are regulated by the EU legislation on fisheries and take into account ICCAT Recommendations.

The SRG also agreed to introduce zero-export quotas for specimens of *I. oxyrinchus* from the North Atlantic stock as defined by ICCAT for 2022 and 2023, for *I. oxyrinchus* from the South Atlantic stock as defined by ICCAT for 2023, and for *I. paucus* for all stocks for 2023. Justification for the issuance of these quotas is provided in the NDFs prepared for each species and stock.

Opinions are updated and re-discussed by the SRG whenever new relevant information is published (RFMOs’ scientific assessments, for instance), or new management measures are in force. The negative opinion adopted for *I. oxyrinchus* (X & W) from the South Atlantic stock as defined by ICCAT captured from 1 January 2023, for example, was re-discussed following additional advice for the management of this stock issued by ICCAT at its November 2022 meeting; the negative opinion was confirmed on 25/01/2023.

The SRG also has a working group on sharks that can provide advice to the SRG on matters related to shark NDFs. The working group includes national scientists and representatives from fisheries ministries.

Some of the scientists participating in the Scientific Review Group (SRG) are active members of tuna Regional Fisheries Management Organisation (RFMO) working groups, such as ICCAT, IOTC and IATTC, and therefore have a broad view of RFMO stock dynamics.

**b) NDFs produced for specimens of CITES Appendix II-listed species taken from ABNJ.**

The NDFs for the North Atlantic and South Atlantic stock of *Isurus oxyrinchus* can be found on the CITES website.

The NDFs for both shortfin and longfin mako shark were made based on the species range (stock).

**c) information on difficulties encountered in the process of making NDFs for specimens of CITES Appendix II-listed species taken from ABNJ**

We fully agree with the statement from Doc Cop19.43.2 that it is very difficult for an individual SA to make an NDF for trade in a CITES-listed fish taken on the high seas without having access to information on the status of the relevant stock, other relevant information and also the levels of offtake (including illegal, unregulated,

and unreported (IUU) fishing and bycatch). It might be beneficial to understand how countries ensure traceability for specimen from ABNJ when they reach the trade flows. The lack of reporting source code X illustrates today's underreporting and is something which needs to be addressed.

**d) suggestions on improvements that can be made to the process of making NDFs for specimens of CITES Appendix II-listed species taken from ABNJ**

NDFs should be made for shark populations (stocks).

Further discussion is needed how to manage a smooth process for scientific samples. This is especially relevant in the case of transshipping when the samples have to pass through different countries before arriving at their destination.

A list of relevant RFMOs should be made available to CITES parties to facilitate that information from all kinds of RFMOs related to CITES listed species should directly feed into CITES NDFs. This process would be facilitated by an agreement between the CITES Secretariat and the RFMOs on who could be the point of contact for CITES within each RFMO.

**e) any other relevant information on the making of NDFs for specimens of CITES Appendix II listed species taken from ABNJ.**

Considering the migratory and transboundary nature of the species considered, a regional approach could be further developed to ensure adequate geographical coverage of the populations concerned and to ensure international coherence in the application of the CITES Regulations across the species range. The NDFs discussed by the SRG in the past years can be seen as regional NDFs for the species concerned.

Response to the CITES Notification number 2023/050 on  
**Request for information on non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction**

INDONESIA

1. Information on experiences in making non-detriment findings (NDFs) for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction (ABNJ); **and**
2. NDFs produced for specimens of CITES Appendix II-listed species taken from ABNJ

*Indonesia has no experience in making non-detriment findings (NDFs) in particular for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction (ABNJ), and thus no NDFs for said specimens have been produced. However, Indonesia has experienced and successfully developed NDFs for CITES Appendix II shark and ray specimens taken from Indonesia's Exclusive Economic Zone and these NDFs have been reported to the CITES Secretariat.*

3. Information on difficulties encountered in the process of making NDFs for specimens of CITES Appendix II-listed species taken from ABNJ  
*There are several difficulties faced by the Indonesian Scientific Authority (SA) in making NDFs for CITES-listed species taken from ABNJ including the differences in provisions between CITES and RFMOs particularly on sharks and rays species, varieties of data in reporting harvests taken from ABNJ, as well as the lack of information on shared fish stocks among adjacent countries.*

4. Suggestions on improvements that can be made to the process of making NDFs for specimens of CITES Appendix II-listed species taken from ABNJ  
*There needs to be harmony between CITES and RFMOs to accommodate Parties that only ratify one of them. Countries that ratify both should follow stricter rules between the two. Also, the development of NDFs for CITES-listed species taken from ABNJ shall be in accordance with 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, which regards or considers the boundaries of adjacent countries. Further studies need to be conducted to determine whether the species population stock taken from ABNJ is not shared with adjacent countries. Therefore, the NDF for CITES-listed species taken from ABNJ should be made based on the regional perspective. Countries that border the fishing area should have an agreement that harvesting the species from ABNJ will not be detrimental to the population within their national jurisdiction.*

5. Any other relevant information on the making of NDFs for specimens of CITES Appendix II-listed species taken from ABNJ  
*It is necessary to have information on shared fish stocks among adjacent countries available to create NDFs. Since Indonesia has not yet produced any NDFs for CITES Appendix II-listed species taken from ABNJ, Indonesian MA has never issued any certificate of Introduction from the Seas (IFS). However, the procedure on IFS certificate has been laid out in the Regulation of the Minister of Marine Affairs and Fisheries 61/2018 on the Utilization of Protected and/or CITES-listed Fish Species which includes the mandate for business actors to own a permit for CITES-listed species utilization and to apply for a certificate of IFS. The proposal for the certificate shall at least contain information on the species name (including scientific, common, and local names), fishing document, and the quantity of the specimen.*



Information from Japan in response to CITES Notification 2023/050  
regarding the request for information on non-detriment findings for specimens of  
Appendix-II species taken from areas beyond national jurisdiction

In response to CITES Notification 2023/050 regarding the request for information on implementation of Decision 19.135, Japan hereby submits the following:

1. With regard to Appendix-II species, Japan took fragments of *ANTIPATHARIA*, *SCLERACTINIA* and *STYLASTERIDAE*, and pieces of *Orcinus orca*'s skin from areas beyond national jurisdiction (ABNJ) during the 5 year period between 2017 to 2021 for the purpose of research, including biopsy. The management authority and the scientific authority of Japan issued Introduction from the Sea Certificates and non-detriment findings (NDFs) in accordance with NDF guideline for aquatic species (Annex1), respectively for all the cases of the species mentioned above taken from ABNJ during the 5 year period.
2. The Japan Fisheries Research and Educational Agency (FRA) collected about 4.29 kg of *ANTIPATHARIA*, *SCLERACTINIA* and *STYLASTERIDAE* per year in total in Emperor Seamount Chain annually. The scientific authority of Japan finds that it is not detrimental to the survival of the species, because the annual growth amount of *ANTIPATHARIA*, *SCLERACTINIA* and *STYLASTERIDAE* are 6.6 ton, 36.7 ton and 10.6 ton respectively, which well exceeds the total amount of the collected sample by FRA. In addition, the scientific authority of Japan also finds the collection of some parts of *Orcinus orca*'s skin is not detrimental to the survival of the species, because the research was conducted via non-lethal methods.
3. For your reference, in Japan, sharks are caught mainly for domestic market and a small amount of shortfin mako (*Isurus oxyrinchus*) goes through the CITES procedure for exports. While Japan is treated as a state not a party to the convention in accordance with paragraph 3 of Article XV of CITES for some shark species, including shortfin mako, which Japan made the reservation, the management authority of Japan issued export permits for shortfin mako, some of which were taken from ABNJ, with NDF (Annex2) developed in accordance with the NDF guideline (Annex1).
4. NDFs are only issued by the scientific authority of the state of introduction from the sea of any specimen of species included in Appendix II as clearly mentioned in CITES Article IV 6 (a). It would be too much a burden for international

organizations such as Regional Fisheries Management Organizations (RFMOs) if states request them to make NDFs every time of introduction from the sea of aquatic species, including shark and rays. It would also be unrealistic that international organizations issue all the NDFs of aquatic species before the specimen of the species are transferred into states from ABNJ. On the other hand, if a scientific authority of a state does not have enough scientific information to provide a NDF advice, it would be quite helpful to use the latest result of stock assessment of aquatic species conducted by RFMOs.

## (Provisional Translation)

NDF Guidelines for Aquatic Species  
by the Fisheries Agency of Japan

COP16 of CITES adopted a resolution on Non Detriment Finding (NDF) including non-binding guidelines. NDF issued by a scientific authority is a requirement when issuing export permits or introducing specimen from the Sea for a species listed in CITES Appendix I or II. Accordingly, the Fisheries Agency of Japan has established NDF guidelines for aquatic species for which the Agency is a scientific authority. NDF will be made in accordance with these guidelines.

1. NDF should be considered as much as possible by each genetically independent stock (hereinafter referred to as a species).
2. NDF can be made when the specimen is:
  - i) collected before the listing in Appendix
  - ii) not a nature origin such as:
    - a) Bred from parents collected before listing in Appendix
    - b) Bred from parents which were imported under the CITES procedures
    - c) Bred from parents which met the requirement of NDF
    - d) Others (Bred under a robust technique which was proved to be able to make F2.)
  - iii) collected from a part of an individual by a method without affecting the survival of the individual (such as a specimen of biopsy sampling, an embryo, spermatozoa and so on)
  - iv) collected from a dead individual and it is reasonably considered that the death is not attributable to the specimen collector, e.g., a stranded whale. A by-caught individual is excluded from this category.
3. When a specimen does not meet any criterion of paragraph 2 above, NDF should be basically considered, taking into account the following information:
  - i) Biological characteristic and life history of the species
  - ii) Distribution range of the species (historical and present)
  - iii) Stock structure, status and trend of the species
  - iv) Threats to the species
  - v) Historical and present fishing situation and mortality rate of the species
  - vi) Introduced and proposed management measures for the species
  - vii) Compliance situation of the management measures
  - viii) Monitoring of the species status
  - ix) Conservation of the species
  - x) Continuity of the role of the species in the ecosystem

- xi) Effects of illegal trade on the survival of the species
4. In collecting the information of paragraph 3 above, the following items should be examined. An applicant may be requested to submit relevant information as necessary.
- i) Relevant scientific papers
  - ii) Ecological risk assessment
  - iii) Results of surveys at fishing grounds and markets
  - iv) Knowledge and expertise of local people involved
  - v) Views of experts
  - vi) Trade data
5. When NDF is considered based on the information in paragraph 3 above, as a first step, items iii), v) and vi) of paragraph 3 should be considered in accordance with the following criteria in order. If these three items meet requirements in the criteria, the other items in paragraph 3 should be considered to judge whether NDF can be made.
- i) When a TAC of the species is established or calculated on scientific bases, the present total catch of the species including the export is less than the amount of the TAC.
  - ii) In case that establishment or calculation of a TAC of the species on scientific bases is difficult, but the stock trend can be estimated for a certain period based on catch or other data, the stock does not show a decreasing trend and the present total catch of the species including the export is less than the average past catch amount of the species. (The length of the period depends on biological characteristic of the species.)
  - iii) In case that establishment or calculation of a TAC of the species on scientific bases is difficult and 5. ii) above is not applicable, the stock is considered to be maintained through the management measures which have been introduced or will be introduced in the near future. In making judgment of the effect of the management measures, the following information should be considered:
    - a) Protected areas are effectively established.
    - b) Time closure is effectively established.
    - c) It is estimated that the fishing pressure has been decreased substantially because the number of fishermen to catch the species is regulated and the number has been substantially decreased over a long period.
    - d) Regulation of fishing gear is effectively established.
    - e) Individuals smaller than a certain size are protected.
    - f) Other effective management measures (such as release of females, prohibition of bottom trawl, restriction of power of light and so on) are established.
    - g) Combination of above mentioned measures brings the same conservation effect.
  - iv) In case that establishment or calculation of a TAC of the species on scientific bases is difficult and neither 5. ii) nor iii) is applicable, the annual catch amount of the species is considered negligible against the estimated stock size. In estimating the stock size,

the minimum stock size should be estimated, taking into account, *inter alia*, the past catch record, the area of distribution, the stock size and productivity of look-alike species as well as the catch amount and the maximum fishing efficiency. The “negligible level” should in principle follow the table below, depending on the productivity of the species. When any parameter of the species falls under a less productivity category, the species shall be regarded as belonging to the category.

Parameters	Productivity		
	Low	Middle	High
Natural mortality rate (M)	$M < 0.2$	$0.2 \leq M \leq 0.5$	$0.5 < M$
Intrinsic rate of Natural increase (R)	$R < 0.14$	$0.14 \leq R \leq 0.35$	$0.35 < R$
von Bertalanffy growth rate (K)	$K < 0.15$	$0.15 \leq K \leq 0.33$	$0.33 < K$
Age at maturity (t mat)	$8 < T \text{ mat}$	$3.3 \leq t \text{ mat} \leq 8$	$t \text{ mat} < 3.3$
Maximum age (t max)	$25 < T \text{ max}$	$14 \leq t \text{ max} \leq 25$	$t \text{ max} < 14$
Generation interval (G)	$10 < G$	$5 \leq G \leq 10$	$G < 5$
Negligible level <sup>1</sup> (Recovery Index(Fr)=0.1)	0.7%	1.2.% <sup>2</sup>	1.8% <sup>3</sup>

- v) The species is considered to be maintained under the present fishing activities because of the stock enhancement activities for the species
6. When the species does not meet any of the criteria above, NDF should not be made unless there are special reasons.
7. For a specific aquatic species, NDF prior to trades within a certain period (hereinafter referred to as comprehensive NDF) can be made when identification of look-alike species is clearly possible or the species meets at least one of the criteria 2(i), 5(i)~(iv), and is considered to be able to make NDF for a certain period. However, when a scientific stock assessment shows that the stock of the species becomes worse etc., the comprehensive NDF may be suspended.

<sup>1</sup> "negligible level" can be calculated as  $R \cdot Fr / 2$  by the method of Wade 1998.

<sup>2</sup> Median value of R is used as there are ranges.

<sup>3</sup> 0.35 is used as R

## Summary of making non-detriment findings

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

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

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

**1. Information on NDF Making**

- NDF(Non-detriment finding) : Documents issued to shark species caught during distant water tuna fisheries and brought in from sea in accordance with the 「Notification on the Implementation of International Fisheries Organizations' Fisheries Regulations」 Article 5 and separate sheet Form No. 2
- NDF Components : distribution, biological characteristics, population size, conservation status, species management, type of usage, etc. (Table 1, Ref. 1)

Table 1. NDF Components and Data Sources

Components	Data Sources
Scientific and common names	fish identification guide
Distribution	fish identification guide, FishBase, literatures, etc.
Biological characteristics	fish identification guide, FishBase, literatures, etc.
Population size	stock assessment results of RFMOs, literatures, IUCN Red List, etc.
Conservation status	stock assessment results of RFMOs, literatures, IUCN Red List, etc.
Species management	conservation and management measures and recommendations of RFMOs, literatures, IUCN Red List, etc.
Type of use and purposes	literatures
Harvest	FAO statistics
Trade volume	literatures
Trade effects to conservation status	unfounded*
Trade effects to national conservation	unfounded*

\* Compared to the trade volume worldwide, the catch amount for requesting NDF issuance is



considerably low, which may allow the presumption that there is not much of negative impacts on the species. However, the basis is unfounded.

## 2. NDF Issuance Status

○ Issuance Status: From 2017 to 2020, 47 counts of NDFs were issued to shark species caught in the high seas. There are no request for NDF issuance since 2021. (Table 2, Ref. 2)

\* NDF issues by species: silky shark (10), thresher shark (9), scalloped hammerhead (16), shortfin mako (11), pelagic thresher (1)

○ Catch Status: In recent 5 years (2016~2020), the amount of shark species caught in the distant water tuna longline fishery is around 1% of the total catch and rays are not caught.

○ Catch of CITES listed species: In recent 5 years (2016~2020), thresher sharks (6%), silky shark (3%), hammerhead sharks (2%), porbeagle (0.2%) were caught in the distant water tuna longline fishery.

Table 2. NDF Issues by Year and Oceans

Year of Issue	Number of Issues		Total	Note
	Indian Ocean	Pacific Ocean		
2017	0	7	7	re-issued once
2018	0	6	6	-
2019	0	20	20	-
2020	8	6	14	-
Total	8	39	47	-

## 3. Suggestions on making NDFs

○ It is necessary for CITES to build a database to utilize the available information for the making of NDFs by species.

- Currently, information collection on population size, conservation status is possible only through stock assessments at RFMO level, and for non-RFMO regulated species there is lack of information to issue NDFs.

- Besides species that are commercially utilized at a high level, information collection on catch, trade, etc is difficult.

**Annex 1 - Non-detriment finding (NDF) Format**

CITES Non-detriment finding

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND/OR FLORA	
1. Certificate No.	
<b>Biological Background of the Traded Species</b>	
2. Scientific and common names	
3. Distribution	
4. Biological characteristics <i>species' life cycle, habitat characteristics, role in ecosystem, etc</i>	
5. Population size	
6. Conservation status <i>international conservation status(IUCN Red list), regional conservation status, main risk factors(habitat loss, overharvest, pollution, etc.)</i>	
7. Species' management <i>species' management tool, monitoring system, etc.</i>	
<b>Status of Traded Species' Use</b>	
8. Type of use and purposes <i>ornament, human consumption, instrument, etc.</i>	
9. Harvest	
10. Trade level <i>level and trend of export or import from sea, level and trend of illegal trade</i>	
<b>Trade Effects</b>	
11. Trade effects to conservation status <i>Conservation status, reproduction, quotas, ABC estimated value, etc</i>	
12. Trade effects to national conservation(ecosystem) <i>the effect of species' import to other species' survival or ecosystems</i>	
13. Certificate is issued by:	
Date	Signature or seal

## Annex 2 - Non-detriment finding (NDF) Issuance Status

### ○ Yearly Issues of NDFs by Species

<b>Year of Issue</b> <b>Species</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Total</b>
Silky shark	0	2	7	1	10
Shortfin mako	0	0	0	11	11
Scalloped hammerhead	7	2	6	1	16
Thresher shark	0	1	7	1	9
Pelagic shark	0	1	0	0	1
<b>Total</b>	<b>7</b>	<b>6</b>	<b>20</b>	<b>14</b>	<b>47</b>

### ○ Yearly Catch of NDF Issued Species (round weight, tons)

<b>Species</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Total</b>
Silky shark	0	2	36	6	43
Shortfin mako	0	0	0	18	18
Scalloped hammerhead	13	17	7	4	40
Thresher shark	0	< 1	24	3	28
Pelagic thresher	0	< 1	0	0	< 1
<b>Total</b>	<b>13</b>	<b>21</b>	<b>67</b>	<b>31</b>	<b>131</b>

By special request of Ms. Coral Calvo Vargas, Director of Ecosystems and Species Conservation, in response to the request made in Decision 19.135, we hereby provide the following information:

To date, no Non-Detriment Findings (NDFs) have been issued for Introduction from the Sea (IFS). However, it is considered relevant that the following considerations be taken into account for the issuance of NDFs:

- That the CITES Administrative Authorities establish a national-scale procedure for introduction from the sea (IFS), applying the provisions set forth by the Convention.
  - That a campaign be conducted to socialize these procedures, ensuring that stakeholders are aware of the need to complete the process.
  - Have statistical information on fishing catches outside national jurisdiction.
  - Establish average sizes per species, in line with reference parameters for fishing by region and fishing zones, in order to prevent the capture of neonates or juveniles.
  - Have information on the distribution and average densities of species subject to IFS.
- 

Por especial encargo de la Blga. Coral Calvo Vargas, Directora de Conservación de Ecosistemas y especies, en atención a lo solicitado en la Decisión 19.135 informamos lo siguiente:

A la fecha no se han emitido DENP para la introducción procedente del mar (IPM), sin embargo, se considera relevante que para la emisión de los DENP se tengan en cuenta las siguientes consideraciones:

- Que las Autoridades Administrativas CITES establezcan procedimientos a escala nacional para la IPM, aplicando las disposiciones establecidas por la Convención.
- Que se haga una campaña de socialización de estos procedimientos para los administrados conozcan la necesidad de realizar el trámite.
- Contar información estadística sobre las capturas pesqueras fuera de la jurisdicción nacional.
- Establecer tallas promedio por especie, acordes con los parámetros referenciales para la pesca por región y zonas de pesca, a fin de evitar la pesca de neonatos o juveniles.
- Contar con información sobre la distribución y densidades promedio de las especies sujetas a la IPM.

**No. 2023/050 – Response from the United States of America**

Request for information on non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction

- a) In the United States, the making of non-detriment findings (NDFs) for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction (ABNJ) has been limited to the Introduction from the Sea (IFS) of biological samples collected during National Oceanic and Atmospheric Administration (NOAA) research surveys or fisheries related activities. The specimens/samples collected on the high seas by U.S. registered vessels and transported into the U.S. by NOAA researchers (2017 to present) are derived from live or salvaged from dead specimens of various marine species caught in the wild that are included in CITES Appendix I and II –including marine mammals, sea turtles, sharks and rays, and corals– and are used only for scientific purposes. As a requirement of the application for IFS of marine specimens collected from the high seas, the applicant 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.

The U.S. Fish and Wildlife Service (FWS) CITES Management Authority (MA) receives CITES import, export, re-export, and IFS applications. For permit applications involving marine species included in the appendices of CITES, the FWS MA consults with National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS), which is responsible for managing marine species within the U.S. Exclusive Economic zone (EEZ) under the Magnuson-Stevens Fishery Conservation and Management Act. NMFS reviews CITES permit applications for marine species and provides relevant information on the status of fishery stocks (e.g., sustainability of fished populations) and other scientific assessments, federal fishery management plans that implement regulatory measures (such as quotas, gear restrictions, size limits, and closures), monitoring programs that are in place in the U.S, and other domestic regulatory requirements (including confirmation that the applicant has the appropriate licenses and/or permits, required training, and compliance with any RFMO requirements implemented through our domestic regulations). The FWS MA and FWS Scientific Authority (SA) use this information in the making of both legal acquisition findings (LAFs) and NDFs, which results in the issuance or denial of CITES permits. U.S. CITES implementing regulations for making a non-detriment finding are included in 50 U.S. Code of Federal Regulations Part 23 (See Annex 1).

- b) The United States has provided several examples of non-detriment findings (NDFs) for the export of CITES-listed shark and ray species to the CITES Secretariat that have been made available on the [CITES website](#). This includes general advice for exports and Introduction from the Sea of hammerheads (*Sphyna lewini*, *S. mokarran*, and *S. zygaena*), common threshers (*Alopias vulpinus*), and porbeagle sharks (*Lamna nasus*) harvested in commercial fisheries by U.S. fishermen in the northwest Atlantic, including the Gulf of Mexico and Caribbean. While there are no new NDFs for sharks and rays to report at this time, a general advice was prepared in 2023 on the import, export and Introduction from the Sea of Appendix-I and Appendix-II biological samples encountered during research surveys or

fisheries-related activities conducted by NOAA (attached).

- c) Due to the existing strong collaboration between FWS and NOAA to implement CITES for exploited marine species, the U.S. has not encountered difficulties when making NDFs for specimens of CITES Appendix II-listed species taken from areas beyond national jurisdiction (ABNJ).

NOAA has regulatory and stewardship authority for U.S. federal fisheries (under the MSA) and protected resources -- under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA), among other mandates -- that extend beyond the U.S. EEZ to the high seas through various international agreements. For example, domestic fisheries policy and regulatory frameworks apply to all federally permitted vessels, whether they are operating within the U.S. EEZ or on the high seas. Additionally, NOAA scientific research related activities are conducted in a manner as authorized by FWS or NMFS under the ESA, MMPA and/or other mandates. As a result, national CITES implementing regulations for making NDFs apply to the process for the making of NDFs for specimens taken on the high seas as opposed to being a separate process.

However, if specimens of CITES Appendix II-listed species taken in ABNJ are not under the purview of regional regulatory frameworks or international agreements (e.g., sea cucumbers and deep-sea corals are not managed through Regional Fishery Management Organizations, or RFMOs) the making of an NDF would likely 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).

- d) For Parties that continue to encounter difficulties when making NDFs for specimens of CITES Appendix II-listed species, we suggest adapting domestic regulatory frameworks and fisheries management measures so that they apply to the high seas. As stated above, the U.S. manages fisheries on the high seas in a manner that is consistent with domestic fisheries management measures and policies. For example, the U.S. implemented the High Seas Fishing Compliance Act in 1994 (1) to implement the Food and Agriculture Organization of the United Nations (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) and (2) to establish a system of permitting, reporting and regulation for vessels of the United States fishing on the high seas (HSFCA; [16 U.S.C. 5501](#) *et seq.*).

A [final rule](#) was published in the Federal Register in 2015 with regulatory changes to the HSFCA meant to improve the monitoring of U.S. fishing vessels operating on the high seas. These changes included codifying NMFS' procedures for reviewing its high seas fishing authorizations under environmental laws, particularly the ESA and National Environmental Policy Act (NEPA). The HSFCA requires a high seas fishing permit for any vessel operating on the high seas and, through the permit, authorizes only those activities that would not undermine international conservation and management measures recognized by the United States. The HSFCA also gives NMFS discretion to impose permit conditions and restrictions pursuant to other applicable laws, such as the Endangered Species Act (ESA) and the Marine

Mammal Protection Act, in addition to international conservation and management measures recognized by the United States.

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.

Finally, there should be consultation and coordination at the national level between CITES and fisheries authorities in the making of NDFs for specimens of CITES Appendix II-listed species taken from ABNJ.

- e) In recent years, a lot of work has been undertaken by the Food and Agriculture Organization of the United Nations (FAO), the CITES Secretariat, Organization of Eastern Caribbean Countries, and Parties to CITES to highlight how CITES can be complementary to national fisheries regulatory frameworks, including regulations that implement RFMO conservation and management measures, and help build the capacity needed by Parties to ensure CITES-compliant trade in marine species (e.g., sharks, rays, sea cucumber, queen conch). Additionally, the objective of an ongoing initiative led by the Federal Ministry for Environment, Nature Conservation, Nuclear Safety and Consumer Protection of Germany (BMUV) entitled “Improving synergies between Regional Fishery Bodies (RFBs)/Regional Fisheries Management Organizations (RFMOs) and CITES Authorities for the Management and Conservation of Marine Elasmobranchs” is to strengthen coordination between CITES and fisheries authorities. BMUV intends to convene a high-level conference to highlight strategies that can be undertaken to coordinate the recovery of elasmobranch populations more effectively and ensure that international trade in these species is legal and sustainable.

**Annex 1** U.S. CITES implementing regulations for making a non-detriment finding are included in 50 U.S. Code of Federal Regulations Part 23, as follows.

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

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

*Subpart D—Factors Considered in Making Certain Findings*

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

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

*(b) Types of detriment. Detrimental activities, depending on the species, could include, among other things, unsustainable use and any activities that would pose a net harm to the status of the species in the wild. For Appendix-I species, it also includes use or removal from*



*the wild that results in habitat loss or destruction, interference with recovery efforts for a species, or stimulation of further trade.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
International Affairs  
5275 Leesburg Pike, MS: IA  
Falls Church, VA 22041-3803

March 14, 2023

## Memorandum

To: Manager, Branch of Permits  
Division of Management Authority

From: Manager, Branch of Consultation and Monitoring  
Division of Scientific Authority

**ELEANORA BABIJ**

Digitally signed by ELEANORA BABIJ  
Date: 2023.03.14 12:21:15 -04'00'

Subject: General Advice on the import, export, and Introduction from the Sea of biological samples derived from live or salvaged from dead specimens of species included in CITES Appendix I and II encountered during scientific research surveys or fisheries related activities conducted by the National Oceanic and Atmospheric Administration (NOAA).

The Division of Management Authority (DMA) receives numerous applications requesting issuance of import permits, export permits, and Introduction from the Sea (IFS) certificates for biological samples derived from live or salvaged from dead specimens in the wild of species included in CITES Appendix I and II for research purposes collected during National Oceanic and Atmospheric Administration (NOAA) research surveys or fisheries related activities.

NOAA, as an agency of the United States Government, is authorized and possesses the technical expertise to conduct multidisciplinary scientific research surveys and biological sampling in the marine environment across several NOAA line offices, including the National Marine Fisheries Service (NMFS) and the Office of Oceanic and Atmospheric Research (OAR). These activities are guided by mandates and authorities derived from, but not limited to, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), National Environmental Policy Act (NEPA), and international agreements. The data collected during research surveys and fisheries related activities provides part of the foundation for science-base conservation and the sustainable management of fisheries, marine mammals, endangered or threaten species, and healthy and resilient ecosystems.

NOAA research surveys and fisheries related activities are conducted in a manner to meet the following criteria:

- The action must not violate any federal statute or regulation.

- The action must be consistent with reasonably foreseeable funding levels.
- The action must be consistent with long-term research commitments and goals to maintain the utility of scientific research efforts.

NOAA provides general scientific and administrative oversight for all research activities conducted by its line offices, with each of the line offices implementing their own specific guidance and requirement frameworks that result in high quality research that focuses on mission critical goals. Resource managers, research scientists and technical experts participate in the planning and execution of all research operations, typically in partnership with other federal and/or state agencies and academia, to ensure all required federal and state permits and authorizations are in place and that standard protocols and best scientific practices are followed for sample collections, sample stewardship, and data stewardship. Therefore, the conservation risks associated with NOAA line offices research activities are minimized.

In its review of these applications over the past five years, the Division of Scientific Authority (DSA) has previously found that biological samples salvaged from deceased specimens and from live animals through noninvasive or invasive, but non-lethal methods, conducted by qualified staff (including contractors) trained in the proper collection techniques during NOAA research surveys and fisheries activities has not been detrimental to the survival of the species in the wild. NOAA is a science-based agency with a long-term commitment to conducting the highest quality research necessary to ensure productive and sustainable fisheries, the recovery and conservation of protected marine resources, and healthy coastal and ocean ecosystems.

Therefore, we find that the Import, Export, and Introduction from the Sea of biological samples (including, but not limited to, fin clips, biopsy tissue plugs, vertebrae, reproductive organs, stomachs, or whole carcasses) derived invasively or non-invasively from live or salvaged from dead specimens of threatened or endangered species included in CITES Appendix I and II encountered in the wild for research purposes during NOAA research surveys or fisheries related activities will not be detrimental to the survival of these species.