

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



Twenty-seventh meeting of the Animals Committee
Veracruz (Mexico), 28 April – 3 May 2014

Interpretation and implementation of the Convention

Species trade and conservation

Conservation and management of sharks

GUIDANCE FOR MAKING NON-DETRIMENT FINDINGS FOR CITES-LISTED SHARKS

1. This document has been submitted by Germany* in relation to agenda item 22 *Conservation and management of sharks*.
2. The document briefly outlines in its Annex the content of a report commissioned by the German Scientific Authority (Fauna) under the project Development of Non-detriment Findings for shark species listed in Appendix II of CITES: a review of existing management measures and the development of guidelines and practical recommendations.
3. The full report, "*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*", is presented to the Animals Committee as Inf. 1.
4. The NDF procedures set out in the report will be tested on selected stocks of Porbeagle (*Lamna nasus*) and other listed shark species, and the results analysed during a small expert workshop that will be hosted by the German government in Berlin during August 2014.
5. The procedures and guidance notes will be revised following testing and discussions at the Berlin workshop. The aim is for the framework to be ready for practical implementation by the time that the Appendix II listings adopted by CoP16 in March 2013 come into force, in September 2014. The revised guidance report will be finally submitted to the CITES Secretariat to be placed on the CITES homepage section for sharks and mantas (<http://www.cites.org/eng/prog/shark/index.php>).
6. The Animals Committee is invited
 - (a) to note and comment upon this report in the context of Res. Conf. 12.6 (Rev. CoP16), as representing new information on the sustainable regulation of trade in listed shark species,
 - (b) to provide advice on how the procedures and guidance might be improved.

* 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.

Summary of NDF guidance document

“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.”

1. This guidance document is designed to provide practical NDF guidelines under Article IV.2(a) (Export) and Article IV.6(a) (Introduction from the sea (IFS) for CITES Authorities dealing with the export of products from Appendix II-listed shark species or their introduction from the sea. The guidance was initially prepared with Porbeagle *Lamna nasus* specifically in mind; however, it should be sufficiently generic to be suitable for application to all shark species listed in CITES Appendix II.
2. It covers suggested steps for carrying out NDFs for CITES-listed species of sharks in support of issuing export permits or IFS certificates. The specimens may be caught in a State’s territorial waters and/or Exclusive Economic Zone (EEZ) or on the high seas (the marine environment not under the jurisdiction of any State).
3. The Guidance takes into account the preparation of NDFs for shark stocks that occur within the waters of more than one State and/or on the high seas. Under these scenarios, CITES allows an NDF to be developed and issued at a regional level, for example with a Regional Fisheries Management Organisation (RFMO)) acting as an international Scientific Authority for high seas stocks, as provided under Article IV.7. This facilitates collaboration between countries, to ensure that all sources of mortality for the shark stock concerned are considered.
4. The Guidance recognises that CITES also encourages consultation with the RFMOs with jurisdiction over fisheries that take the species concerned, whether as directed or secondary catch.
5. The following overarching principles are identified to enhance development of robust shark NDFs:
 - i) Good communication between Fisheries Authorities and CITES Authorities within and between Parties, especially where Fisheries Authorities are designated as the Scientific Authority for making NDFs for sharks and/or other aquatic species.
 - ii) International coordination, including through the bilateral and multilateral development of joint NDFs for shared (straddling, high seas and highly migratory) stocks.
 - iii) Collaborative development of stock assessments and NDFs for high seas shark stocks through membership of Regional Fisheries Bodies.
 - iv) Parties adopting standard approaches that allow NDFs to be equivalent and comparable, regardless of provenance, enhanced by peer review and sharing of NDF methodologies.
6. The Guidance has been developed as a series of steps, identified in Table 1 and Figure 1 in the following pages. The primary intent is to guide Scientific Authorities through the process of carrying out NDFs for shark species, considering the range of different scenarios that may be encountered, for example, species caught:
 - in target fisheries;
 - from stocks exploited by several States; and/or
 - as secondary catch;
 - in data-poor situations.
7. Steps 2–5 are directly related to the role of Scientific Authorities in preparing NDFs and receive particular attention. Other related tasks (Steps 1 and 6) that are partly beyond the responsibility of the Scientific Authorities are also described. This is because the data gathered and feedback provided at those stages will assist the work of the Scientific Authorities and aid the process by which existing NDFs are reviewed and new NDFs prepared. This approach also recognises that CITES Scientific and Management Authority roles may overlap considerably in some Parties.
8. As indicated in the flowchart in Figure 1, it may not always be necessary to run through all steps of the process. Short-cuts may be taken under certain conditions.
9. Worksheets are provided in an annex to the Guidance in order to assist Scientific Authorities on their way from step to step.

10. Table 1 provides the following overview of the structure of this Guidance (from left to right):
- the Steps in the decision-making process, as illustrated in Figure 1;
 - the Sections under each Step (also shown in Figure 1); and
 - the main Question(s) to be answered under each Section, which are accompanied in the report by Guidance Notes, Useful Sources of Information, and instructions on Next Steps to be taken.

Figure 1. Flow chart illustrating NDF process

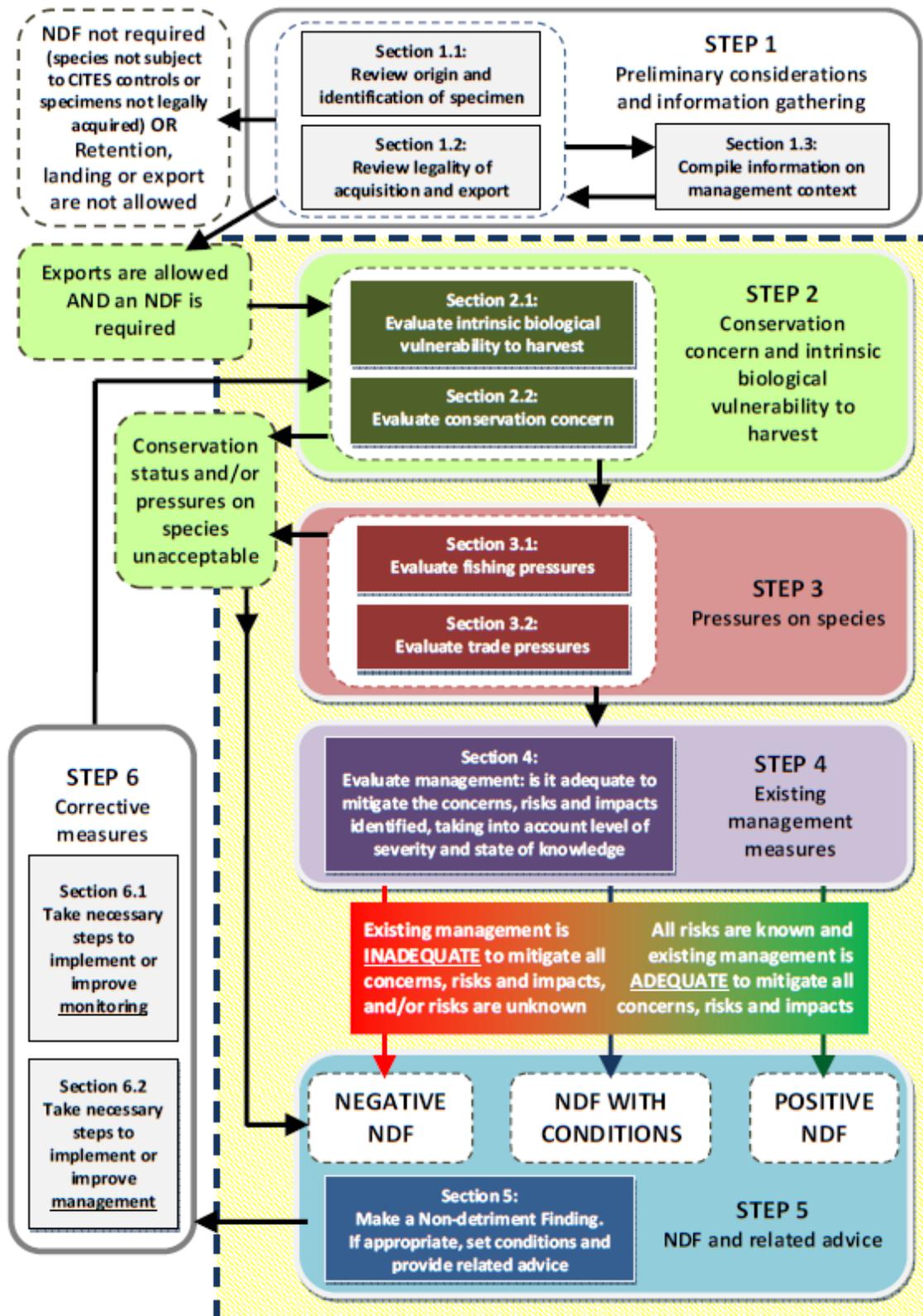


Table 1. Structure of the Guidance

Steps	Sections	Questions
Step 1 Preliminary considerations and information gathering (to be carried out prior to NDF process)	Section 1.1 Review origin and identification of specimen	Question 1.1(a) Is the specimen subject to CITES controls? (Can the specimen be confidently identified?)
		Question 1.1(b) Where, or from which stock of the species, was (will) the specimen (be) taken? (Can origin be confidently identified?)
	Section 1.2 Review legality of acquisition and export	Question 1.2 Was (will) the specimen (be) legally obtained and is export allowed?
	Section 1.3 Review available information on management context	Question 1.3 What does the available management information tell us?
NDF starts here		
Step 2 Intrinsic biological vulnerability to harvest and conservation concern	Section 2.1 Evaluate intrinsic biological vulnerability to harvest	Question 2.1 What is the level of intrinsic biological vulnerability of the species to harvest?
	Section 2.2 Evaluate conservation concern	Question 2.2 What is the severity and geographic extent of conservation concern?
Step 3 Pressures on species	Section 3.1 Evaluate fishing pressures	Question 3.1(a) What is the severity of risk of fishing on the stock of the species concerned?
		Question 3.1(b) Based on the information available, what is the level of confidence associated with the evaluation of fishing risk made under Q. 3.1(a)?
	Section 3.2 Evaluate trade pressures	Question 3.2(a) What is the severity of risk of trade on the stock of the species?
		Question 3.2(b) Based on the information available, what is the level of confidence associated with the evaluation of trade risk made under Q. 3.2(a)?
Step 4 Existing management measures	Question 4.1(a) What generic and species-specific management measures are in place for the stock of the species concerned?	
	Question 4.1(b) Are the management measures identified in Question 4.1(a) appropriate to address the pressures affecting the stock of the species concerned?	
	Question 4.1(c) Are the management measures identified in Question 4.1(a) being implemented?	
	Question 4.1(d) Are the management measures identified in Question 4.1(a) effective or likely to be effective in reducing the impacts on the stock of the species concerned?	
Step 5 NDF and related advice	Question 5.1 What is the final outcome of the previous steps? The Scientific Authority now has to decide whether to give positive advice, or positive advice subject to conditions, or negative advice regarding the non-detriment finding.	
NDF finishes		
Step 6 Corrective measures	Section 6.1 Improvements in monitoring or information required	
	Section 6.2 Improvements in management required	