

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



Seventieth meeting of the Standing Committee  
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Species specific matters

Sharks and rays (Elasmobranchii spp.)

REPORT OF THE WORKING GROUP

1. This document has been submitted by the intersessional working group on sharks and rays, on the basis of document SC69 Doc.50 and submitted at the request of the Standing Committee at its 69th session.\*
2. Membership of The Intersessional Working Group

Indonesia (Chair), Antigua and Barbuda, Australia, Brazil, Canada, Chile, China, European Union, France, Germany, Guatemala, Japan, Mexico, Mozambique, Netherlands, Peru, Portugal, Republic of Korea, Sri Lanka, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, and the United States of America; and Convention on Migratory Species, Defenders of Wildlife, Food and Agriculture Organization, Humane Society International, International Fund for Animal Welfare, International Union for Conservation of Nature, IWMC – World Conservation Trust, Natural Resources Defense Council, Save our Seas Foundation, Species Survival Network, The Pew Charitable Trusts, TRAFFIC, Wildlife Conservation Society, World Wildlife Fund, and the Zoological Society of London.
3. Mandate of The Intersessional Working Group
  - a) Consider the information in paragraphs 20 to 33 of document SC69 Doc. 50.
  - b) Review the following:
    - i) How to take account of measures and regulations agreed under Regional Fisheries Management Organizations and Bodies, or other multilateral environmental agreements, in particular the Convention on Migratory Species (CMS), in the implementation of CITES;
    - ii) The role of Regional Fisheries Management Organizations and Bodies in supporting the making of non-detriment findings;
    - c) Identification and traceability issues, taking into consideration requirements that have been developed for the trade in specimens of other Appendix-II species, and their applicability to specimens of CITES-listed sharks and rays in trade; and

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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.*

d) Legislative issues that might be hindering the implementation of the Convention for sharks and rays.

3. Report on its deliberation and make recommendation to the 70th meeting of the Standing Committee for its report to the 18th meeting of the Conference of the Parties

#### 4. Approach and Process

In order to deliver the mandate given to the Intersessional Working Group as mentioned above, and to gather more detailed information from the member parties, Chair of Working Group has developed and circulated a questionnaire to all of member parties. Five out of 22 parties and one NGO/IGO out of 14 NGO/IGO have responded the questionnaire. The summary of process in developing the Working Group report is described as follow:

Date	Activity
2 April 2018	Questionnaire development
1 May 2018	– Questionnaire submitted by chair to CITES Secretariat. – CITES Secretariat distributed the questionnaire to members.
22 May	Receiving input from USG to simplify the questionnaire and more focus on legal acquisition rather than traceability
3 July	Revision of the questionnaire submitted to CITES secretariat
9 July	– Chair distributed the revised questionnaire to the members – Country member response: <ul style="list-style-type: none"><li>- UK 23 May</li><li>- CMS 17 July</li><li>- Chile 24 July</li><li>- Germany 25 July</li><li>- Indonesia 26 July</li><li>- USA 26 July</li></ul>
30 July	Circulated the draft report to member parties
2 August	Report submitted to CITES Secretariat

Oral update will be provided during the SC 70 meeting on the working group document.

#### 5. Report of the Intersessional working group

**Mandate 1.** Consider the information in paragraphs 20 to 33 of document SC69 Doc. 50

Important consideration for the sustainable trade of sharks and rays include:

- a) One of challenges of collecting and transporting the biological samples from the high seas is status of the sea jurisdiction. With regards to the Introduction from the sea, thus the scenario of "Introduction from the Sea" might be applied.
- b) Low data situations may cause the inaccurate NDF. Thus, permits and certificates may help to address the scientific samples with or without a negligible impact on the conservation of species concerned.
- c) Challenge on export permit for fishing activities in multiple locations inside and outside a national jurisdiction. There is a potential different legislation and or NDF setting among the countries.
- d) The increasing of sharks and ray's meat and non-fin product trade requires a guideline on permit issuance for product from multiple shark species. Traceability as one of tools to protect legal trade needs an integration between traceability system linked to risk management approaches and other monitoring, control and surveillance measures, such as VMS. Proliferation of requirements can burden exporters and traders.

e) Improve capacity of identification sharks and shark fins is still the main focus that need to be considered.

**Mandate 2.a.** How to take measures and regulation under Regional Fisheries Management Organization and Bodies and Convention on Migratory Species (CMS) in implementation of CITES

In implementing the CITES principles namely Legal, Sustainable and Traceable the Working Group considers that RFMOs/RFBs have an important role to support CITES implementation and the management of sharks and rays as:

- a) Sharks and rays especially pelagic and highly migratory species travel beyond national jurisdictions into the high seas and are potentially fished by vessels from several countries, making international cooperation essential to manage shark conservation effectively.
- b) Many populations are depleted or at serious risk from overfishing through targeted and incidental catches. Measures under RFMO/RFB benefited sharks and rays as the measures can be applied to many countries at once.
- c) RFMOs have legal competence for setting limits on fishing for sharks that can directly address the main threat to sharks and rays (Table 1) .

Table 1. RFMO/RFB measure to support Cites implementation on sharks and rays

CITES Principle	Measures	Details	Species	RFMO	
Legal	Prohibiting on-board retention, transshipment, landing, storing, selling, or offering for sale any part or whole carcass of sharks and rays species		Oceanic Whitetip	IOTC, IATTC, WPCFC, ICCAT	
			Hammerhead sharks	ICCAT	
			Shortfin mako	GFCM	
			Hammerhead for international trade	GFCM	
			Deep sea sharks, basking sharks, spurdog, Porbeagle sharks	NEAFC	
			Thresher sharks (Alopias spp):	WCPFC, IOTC	
			Bigeye thresher sharks	ICCAT, GFCM	
			Not specified		
			Deep sea water sharks	SEAFO	
	Data measures and Research on Ecologically Related Species			All sharks	CCSBT, IATTC, NAFO
				Stock assessment shortfin mako	ICCAT, GFCM
				Deep sea water sharks	NEAFC
				Oceanic Whitetip	WCPFC
				Oceanic Whitetip Thresher sharks	IOTC
		Develop SOP for collection of basis data	All species	GFCM	
		Nursery area and more selective fishing gear		SEAFO, ICCAT, GFCM	

CITES Principle	Measures	Details	Species	RFMO
	Develop and implement of National Plan of Action (NPOA) as break down from the International Plan of Action (IPOA) for Sharks			IOTC, WCPFC, ICCAT, ICCAT
Sustainable	By catch measures	Release with unharmed,	Oceanic Whitetip Thresher sharks	IOTC, IATTC, NAFO, SEAFO
		Landed with their fins naturally attached.	Spurdog, Porbeagle sharks	NEAFC
			Skate and Rays	CCAMLR,
			Oceanic Whitetip	WCPFC
		Lived release juvenile and gravid of shark	Unspecified	IOTC, WCPFC, IATTC, CCAMLR, NAFO, ICCAT
Incidental catch report	Not specified	NAFO		
Sustainable	Catch measures	Full utilized the entire catches of shark	Not specified	IOTC, WCPFC, IATTC, NAFO, ICCAT, GFCM
		Reduce fishing effort,	All species	ICCAT
		Apply quota for small scale	Porbeagle Short fin mako	
		Release live		GFCM
		Deployment of longline at the depth not more than 1 km		GFCM
		No finning allowed		GFCM
		5% ratio fin and body weight ration shark on board	Not specified	IOTC, WCPFC, IATTC, NAFO, NEAFC, SEAFO, ICCAT, GFCM
		Manage Total Allowable Catch	Skates Thorny skate	NAFO
Traceable	Reporting requirement	Record incidental catches as well as lived release species	Oceanic Whitetip Thresher sharks	IOTC, IATTC, GFCM
			Oceanic Whitetip and Hammerhead	ICCAT
			Blue shark silky shark	WCPFC

CITES Principle	Measures	Details	Species	RFMO
			oceanic whitetip shark mako sharks thresher sharks porbeagle shark hammerhead sharks	
			Highly migratory sharks	GFCM
		Annual report for sharks	Not specified	IOTC, IATTC, SEAFO
		17 deep sea shark species including Spurdog and Porbeagle		NEAFC
		Shark fishing is not allowed except for research		CCAMLR,

- d) With regard to CMS and CMS Shark MoU, members' response showed that measures under CMS and CMS Shark MoU are complimentary to CITES implementation. For the case where there is different appendix list which leads to different measures of CMS and CITES treatment to certain species (i.e. Manta), stricter measures was applied for example by Chile.
- e) Application of RFMO/RFBs and CMS measures for CITES implementation also is facing challenges with respect to:

#### **Legal aspect**

- Each RFMO has different stipulation and measures in relation to sharks and rays. Along with it, Implementation of the RFMO regulations are varies among countries. Thus, it might be limiting their effectiveness
- The compliance with fins-attached measures should be considered in Legal Acquisition Findings or the corresponding process for Introduction from the Sea.

#### **Sustainability aspect**

- Catch measure for countries who are member of both CITES and CMS, in particular how to treat several species that are listed on CITES Appendix II, but CMS Appendix I (e.g. *Manta* spp).

#### **Traceability aspect**

- Although RFMO has required record-keeping up to the species level, but in the implementation, the record only classify the sharks and rays up to a large group of fish species. This condition creates difficulty for species traceability.

#### **Review the role of Regional Fisheries Management Organizations or Bodies in supporting the making of non-detriment findings (NDF)**

It is expected that RFMO/RFB can support the development of NDF by providing data and information that are required during the development of NDF such as:

- Preliminary condition of the species is the export allowed or not. If the export is allowed, then it needs to develop NDF for the species
- Intrinsic biological vulnerability and conservation concern

- Pressure on species including trading pressure and fishing pressure
- The existing management measures to mitigate concern, pressure and the impact identified

In relation to NDF development, The Working Group consider potential supports from RFMOs/RFBs includes:

- a) Catch documentation through data collection on fishing data, fishing gear used, bycatch report, and discard measures.
- b) Shared stock assessment which further provide information on vulnerability condition of sharks and rays.
- c) Assessing the level of exploitation of sharks as: i) targeted fisheries; ii) secondary catch (i.e. a secondary target, rather than a bycatch); iii) and shared stocks exploited by several States.
- d) Evaluating the severity of fishing pressure on the stock of the species concerned.
- e) Involvement of RFMO/RFB scientific bodies/representatives in the development of NDF.

The challenges in linking the RFMO/RFB to NDF development is related to the data format. The information needed to develop NDF is include evaluating fishing pressure and trade pressure used in NDF development are including production data, fishing ground, fishing vessel and distribution of RFMO coverage area. RFMO has mandated the parties to identify and record the shark fished until unit species. However, data member countries provide data to RFMO in the form of group of fish. Other issues and challenges identified by the working group include:

- a) Look-alike issue and high derivative products of sharks and rays
- b) Development of various standard system that occurs in parallel
- c) Trade documentations and requirements differs among agencies within National jurisdiction
- d) Not all of Fishing vessels have been registered
- e) High cost investment for development of supporting system and/or infrastructure such as installation of VMS, where this is required.
- f) Limited capacity both in infrastructure and human capacity in implementing CITES measures for identification and traceability sharks and rays trade

In more specific and detailed, potential problems are related with:

#### *Fishing and Landing*

The regulation for fishing vessel registration in some parties is applied to fishing industry where not all of artisanal fishing vessel is registered. In addition, it is often that artisanal fishing vessel has no obligation to report their catch in the landing port. Traceability process in these stages is through record of log book. The information provided in log book include volume of catch and type of fishes, fishing ground, fishing gear used and type of fishing vessel.

#### *Processing*

At the fish processing level, shark derivative product (except for fin) tends to be mixed between species. Along with it, the Harmonized System Code (HS) for shark product is only indicates type of the raw material and form of the processed product, either it is fresh, frozen or dry. Therefore, there is a missing link in this stage as the HS code does not indicated species name of the raw material used.

#### *Distribution*

Shark product distribution permit has not been implemented comprehensively for all sharks and its derivative products. Product distribution licence is sometimes prioritised for export products. However, sometimes the distribution license does not require the landing certificate.

A number of recommendations to address the aforementioned issues and challenges include:

- a) Need for agreed standards to avoid proliferation of competing systems and standards.
- b) Legal acquisition of specimen through catch documentation schemes, other traceability schemes, logbook and/or VMS requirements.
- c) Integration with existing domestic and international trade documentation system to increase its benefit and reduce cost.
- d) Synergy with existing system for instance in quarantine and custom to avoid inefficiency.
- e) Develop an incentive scheme for private/industry to implement the traceability system.

#### 6. Legislative issues

Related with legislative issue, most respondent to the questionnaire stated that Parties has no legislative issue occurred to implement CITES measures for shark and rays. However, an issue on CITES Scientific Authority was raised by Chile.

At implementation level, several potential problems are raised such as:

- a) Shared stock with different national and/or international legislation and the protection for species. If a vessel, during one fishing trip moves through areas with different legislation (e.g. EEZ & High Seas), The management authority determine which specimen were obtained from the legal acquisition finding through catch documentation and/or log book and observer on the boat
- b) The stocks that are fished within the area where the marine boundary is not agreed yet.
- c) Difficulties to treat specimen/products derived from multi species. Complaint or objection from trader for long process of identification that cause delay on export and unable to fulfil trade contract (e.g. time of shipment)
- d) Sampling problem for mixed product (i.e powder, meat, and oil) which might lead to different findings at origin country and destination country for instance
- e) Problem during court process as judge needs expert opinion which is in several cases cannot be provided.
- f) In purse seine fisheries, it can be difficult to verify with absolute certainty that no CITES-listed shark specimen are among the catch. If the purse seine fisheries has taken place in areas beyond national jurisdiction, and the vessel (unknowingly) then introduces CITES-listed specimens into its flag state, this may constitute a violation of the provisions on Introduction from the Sea in the Convention and Resolution Conf. 14.6 (Rev. CoP16).

#### Recommendation

##### 7. The Secretariat is requested:

- a) To facilitate the coordination among RFMO/RFB and CMS in CITES implementation including RFMO support CITES implementation in providing data and information of catch
- b) To compile lesson learned and best practices in CITES shark and rays implementation on NDF development and traceability
- c) To provide guideline on Legal Acquisitions Finding to address the traceability issues

##### 8. The Standing Committee is encouraged to:

- a) Take into account the complexity of sharks trade in CITES measure implementation
- b) Review the report from Intersessional Working Group on Sharks and Rays and prepare report to the CoP.
- c) Take consideration of the result from 30th Animal Committee meeting

9. Parties are encouraged:

- a) To implement measures and regulations under RFMO/ RFB or other multilateral environmental agreements, in particular the Convention on Migratory Species (CMS), as support to implement CITES measures
- b) To have better coordination among CITES and RFMO national focal points
- c) To ensure or take into consideration requirements that have been developed for the trade in specimens of other Appendix-II species, and their applicability to specimens of CITES-listed sharks and rays in trade; and legislative issues that might be hindering the implementation of the Convention for sharks and rays (at point of landing, processing, trading and distribution)
- d) To develop Legal Acquisitions Finding to address the traceability issues
- e) To identify or develop a robust and low-cost systems to support the implementation of traceability systems for international trade
- f) To improve the collection of shark fisheries and trade data at the species level, especially with respect to CITES-listed species;
- g) To share experiences in:
  - i) The development of NDF under limited or poor data availability, and
  - ii) knowledge of, forensic means to efficiently, reliably and cost effectively identify shark products in trade, traceability implementation

10. Animal Committee is requested:

- a) To promote scientific research on sharks and rays to support NDF development.
- b) To study on non-fin shark product and level of the mixture between species.

11. RFMOs/RFBs are invited:

- a) To update catch limits or prohibition for heavily fished oceanic sharks and considering CITES appendix list.
- b) To provide data shark catches and landings (to species level where possible) and effort by gear type.
- c) To continue the assessment on fishing risk to sharks and rays at regional level.
- d) To support in developing NDF particularly for shared stock and high seas species.