

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 is 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, the United States of America; 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;
 - iii) 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

* *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.*

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

c). 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 members of the working group, the Chair of Working Group developed and circulated a questionnaire to the working group. Five out of 22 parties and one NGO/IGO out of 14 NGO/IGO have responded the questionnaire. Before the working group report submitted its report to the Secretariat, it was distributed to members in order to gather input on the report. The process of development of the Working Group report is summarized as follows:

Date	Activity
2 April 2018	Questionnaire development
1 May 2018	<ul style="list-style-type: none"> – Questionnaire submitted by chair to CITES Secretariat. – CITES Secretariat distributed the questionnaire to members.
22 May	Chair received input from USA to simplify the questionnaire and to put more focus on legal acquisition rather than traceability
3 July	Revision of the questionnaire submitted to CITES secretariat
9 July	<ul style="list-style-type: none"> – Chair distributed the revised questionnaire to the members – Chair received responses from working group members as follows (Date of receipt): <ul style="list-style-type: none"> - UK (23 May) - CMS (17 July) - Chile (24 July) - Germany (25 July) - Indonesia (26 July) - USA (26 July)
30 July	Draft report circulated to member parties
2 August	Report submitted to CITES Secretariat
31 July - 6 August	<p>Working group members reviewed the draft report. Chair received feedback on the draft report from (Date of receipt):</p> <ul style="list-style-type: none"> - WCS (1 August) - IUCN Shark Specialist Group (1 August) - USA (1 August) - TRAFFIC (2 August) - Japan (2 August) - Peru (3 August) - WWF (6 August)
11 August	Chair requested input from working group on how to proceed with new input.
11 August - 15 September	<p>Chair received comment from the members (Date of receipt), including:</p> <ul style="list-style-type: none"> ▪ USA (16 August) ▪ Peru (28 August) ▪ Japan (30 August) ▪ Chile (15 September)
18 September	Chair submitted revision of Working Group report to CITES secretariat. The revision report will be delivered in SC meeting.

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

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

- a. One of challenges of collecting and transporting biological samples from beyond national jurisdiction is the issue of Introduction from the Sea. In all cases, Parties should consult Resolution Conf. 14.6 (Rev. CoP16) to determine whether an Introduction from the Sea certification or an export permit is needed for a shark or ray specimen taken beyond national jurisdiction.
- b. NDFs should be based on the best available scientific information, and data-poor situations pose challenges and may lead to the inaccurate NDFs. However, the NDF frameworks developed and available on the CITES shark and ray portal give guidance on potential approaches that can be used. Development of clear guidelines for data poor situation will help parties to develop necessary NDFs.
- c. Issues with transport of scientific samples in low data situations may cause difficulties in making of NDF. Simplified procedures for permits and certificates may help to address the transport of scientific samples with or without a negligible impact on the conservation of species concerned, however registration of scientific institutions can be a hurdle. This may be helped by establishing a list and pre-approving institutes involved in collection and transport of CITES-listed biological specimens for research and data collection in a fisheries management context and by updating types of biological samples in Annex 4, Resolution Conf. 12.3 (Rev. CoP17) [See also SC70 Doc.36].
- d. Parties should be aware of challenges in issuing legal acquisition and non-detriment findings that relate to export permits for products from fishing activities in multiple locations, inside and outside national jurisdiction, as there is potentially different legislation and or NDF setting between the countries as well as between the countries and areas beyond national jurisdiction.
- e. The issuance of legal acquisition findings should pay particular attention to all relevant national laws and regulations, along with relevant laws in other regional bodies (such as RFMOs, RFBs and CMS).
- f. Trade is increasing in the meat of sharks and rays, and other non-fin products. Parties would benefit from guidelines on permit issuance for products produced from multiple shark species. Traceability is one of the several tools available to ensure legal trade, which should be well integrated with traceability systems linked to risk management approaches and other monitoring, control and surveillance measures, such as VMS.
- g. Parties prioritize the need to improve the capacity in identification of sharks and shark fins. Noting that a wide range of visual and genetic shark identification tools have been produced and are available on the CITES sharks and rays portal.

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

6. In implementing the requirements of CITES, for Legal, Sustainable and Traceable Trade, the Working Group considers that RFMOs/RFBs have an important role to play, to support Parties in CITES implementation and the management of sharks and rays, as:

- a. Sharks and rays, especially the listed species that are pelagic and highly migratory, travel between states and beyond national jurisdiction, and are potentially fished by vessels from several countries, making international cooperation essential to manage their populations effectively.
- b. Some populations are depleted or at serious risk from overfishing through both targeted and incidental catches. Measures under RFMOs/RFBs for the conservation and management of sharks and rays can be applied to many countries at once.
- c. Many RFMOs have the legal competence to set management measures (such as species specific prohibitions, or catch/effort limits) that pertain to the targeted fishing, or bycatch retention of sharks and rays (Table 1). In issuing non-detriment and legal acquisition findings, and CITES permits, Parties to the relevant RMFO/RFB should take into consideration the following:

Table 1. RFMO/RFB measure to support CITES implementation of sharks and rays

CITES Principle	Measures	Details	Species	RFMO
Legal	Prohibiting on-board retention, transshipment, landing, storing any part or whole carcass of sharks and rays species		Oceanic Whitetip (<i>Carcharhinus falciformis</i>)	IOTC, IATTC, WPCFC, ICCAT
			Hammerhead sharks (<i>Sphyrna spp</i>)	ICCAT
			Silky shark (<i>Carcharhinus falciformis</i>)	WCPFC
			Hammerheads (<i>Sphyrna spp</i>) for international trade	GFCM
			Basking sharks (<i>Cetorhinus maximus</i>), Porbeagle sharks (<i>Lamna nasus</i>)	NEAFC
			Thresher sharks (<i>Alopias spp</i>):	IOTC
			Bigeye thresher sharks (<i>Alopias superciliosus</i>)	ICCAT, GFCM

			Not specified	
	Data measures and Research on Ecologically Related Species		All sharks	CCSBT, IATTC, NAFO
			Oceanic Whitetip (<i>Carcharhinus longimanus</i>)	WCPFC
			Oceanic Whitetip (<i>Carcharhinus longimanus</i>) Thresher sharks (<i>Alopias spp</i>)	IOTC
		Develop SOP for collection of basis data	All species	GFCM
		Nursery area and more selective fishing gear		SEAFO, ICCAT, GFCM
	Develop and implement a National Plan of Action (NPOA) as break down from the International Plan of Action (IPOA) for Sharks			IOTC, WCPFC, ICCAT, ICCAT
Sustainable	Bycatch measures	Release unharmed,	Oceanic Whitetip ((<i>Carcharhinus longimanus</i>)) Thresher sharks (<i>Alopias spp</i>)	IOTC, IATTC, NAFO, SEAFO
		Landed with their fins naturally attached.	Porbeagle sharks (<i>Lamna nasus</i>)	NEAFC
			Rays	CCAMLR,
			Oceanic Whitetip (<i>Carcharhinus longimanus</i>)	WCPFC
		Live release of juvenile and gravid sharks	Unspecified	IOTC, WCPFC, IATTC, CCAMLR, NAFO, ICCAT
		Incidental catch report	Not specified	NAFO
Sustainable	Catch measures	Full utilization of the entire	Not specified	IOTC, WCPFC, IATTC, NAFO, ICCAT, GFCM

		catches of shark		
		Reduce fishing effort,	All species	ICCAT
		Apply quota for small scale	Porbeagle (<i>Lamna nasus</i>)	
		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 ratio shark on board	Not specified	IOTC, WCPFC, IATTC, NAFO, NEAFC, SEAFO, ICCAT, GFCM

Traceable	Reporting requirement	Record incidental catches as well as live released species	Oceanic Whitetip (<i>Carcharhinus longimanus</i>) Thresher sharks (<i>Alopias spp</i>)	IOTC, GFCM	IATTC,
			Oceanic Whitetip (<i>Carcharhinus longimanus</i>) and Hammerheads (<i>Sphyrna spp</i>)	ICCAT	
			silky shark (<i>Carcharhinus falciformis</i>) oceanic whitetip shark (<i>Carcharhinus longimanus</i>) thresher sharks (<i>Alopias spp</i>) porbeagle shark (<i>Lamna nasus</i>) hammerhead sharks (<i>Sphyrna spp</i>)	WCPFC	
			Highly migratory sharks	GFCM	
			Annual report for sharks	Not specified	IOTC, SEAFO
		17 deep sea shark species		NEAFC	

		including Porbeagle		
		Shark fishing is not allowed except for research		CCAMLR

7. With regard to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the CMS Memorandum of Understanding on the Conservation of Migratory Sharks (CMS Shark MoU), the response of members demonstrated that measures under CMS and the CMS Shark MoU are complementary to CITES implementation. A very large percentage of CITES Parties are CMS Parties, and almost all of CMS Parties are Parties to CITES. There is the possibility of sharks and rays species that are listed both in CITES and CMS being regulated differently. For an example is the Manta rays. The manta ray is listed as CITES Appendix II but it is listed as Appendix I in CMS. In this case, the party should implement the stricter measures. This case is experienced by Chile.
8. The implementation of RFMO/RFBs and CMS measures in relation with CITES implementation, is also facing several challenges regarding:
- a. **Legal aspect**
 - Each RFMO has different stipulation and measures in relation to sharks and rays. Along with it, Implementation of the RFMO regulations 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.
 - b. **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).
 - c. **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.

Mandate 2.b. Review the role of Regional Fisheries Management Organizations or Bodies in supporting the making of non-detriment findings (NDF)

9. RFMOs/RFBs as the scientific bodies are encouraged to support parties in the development of CITES NDFs. The support is through providing data and information that required during the NDF development. The data and information required for NDF development are including:
- a. Whether a species is allowed for export or not. If so, then the NDF for this species is required
 - b. RFMO/RFB management and conservation measures for the species
 - c. Intrinsic biological vulnerability and conservation concerns
 - d. Pressure on species including trading pressure and fishing pressure
 - e. The existing management measures to reduce and mitigate threats
10. In relation to NDF development, The Working Group considers that potential support from RFMOs/RFBs could include:
- a. Sharing scientific data collected by RFMOs/RFBs, in accordance with confidentiality policies of each Organization/Body.

- b. Catch documentation through data collection on fish production, fishing data (fishing ground, number of harvest, fishing gear used, fishing vessel, bycatch reports, and discard measures).
 - c. Share the result of Stock assessments on an RFMO/RFB level, that help set management action, that in turn can provide the basis of an NDF for a number of CITES parties at the same time.
 - d. 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.
 - e. Evaluating the severity of fishing pressure on the stock of the species concerned.
 - f. Involvement of RFMO/RFB scientific bodies/representatives in development of NDF.
 - g. RFMO coverage area.
11. The challenges in linking the RFMOs/RFBs to NDF development is related to data format. Even though RFMO has mandated the parties to identify and record the fished shark until unit species, however data provided by member countries is often at a higher taxonomic level, e.g. "sharks and rays".

Mandate 2.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

12. Issues and challenges identified by the working group related to identification and traceability are including:

- a. Look-alike issue and high derivative products of sharks and rays
- b. Development of various traceability standard that occurs in parallel
- c. Trade documentations and requirements differs among agencies and nationality
- d. Not all of fishing vessels have been registered
- e. High cost investment for development of supporting system and/or infrastructure for traceability system.
- f. Limited capacity both in infrastructure and human capacity in implementing CITES measures for identification and traceability sharks and rays trade

13. In more specific and detailed, potential problems in identification and traceability are related with:

a) *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.

b) *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 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.

c) *Distribution*

Shark product distribution permit has not been implemented comprehensively for all sharks and its derivative products. Product distribution permit is sometimes prioritised only for export purposes only as requested by buyer. In addition, in some cases the distribution permit does not require the landing certificate.

14. Recommendations to address the aforementioned issues and challenges include:

- a. Need for agreed traceability standards to avoid proliferation of competing systems and standards.

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

Mandate 2.d Legislative issues that might be hindering the implementation of the Convention for sharks and rays

- 15. Related with legislative issue, most respondents to the questionnaire stated that Parties have no legislative issue to implement CITES measures for shark and rays. However, an institutional issue on CITES Scientific Authority was raised by Chile.
- 16. At the implementation level, several potential problems are raised such as:
 - a. Shared stock with different national and/or international legislation and the protection status for species. If a vessel, during one fishing trip moves through areas with different legislation (e.g. EEZ & High Seas), the management authority should 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 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 have 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 Res. 14.6 (Rev. CoP16).

Recommendations

- 17. Based on its report, the working group recommends the Standing Committee to:
 - a. Review the report from Intersessional Working Group on Sharks and Rays;
 - b. Note the complexity of the implementation of CITES trade controls for shark trade, but also the notable successes in the implementation of shark and ray listing;
 - c. Note the need for labelling requirements for processed products of sharks and rays, to ensure effective implementation of the convention for such products, and take this into account in other pertinent discussions, e.g. on SC70 Doc.40 on Traceability¹;
 - d. Note the challenge of stockpiles of shark fins caught prior to the inclusion of the species in Appendix II, and request the Secretariat to develop new or disseminate existing guidance on the control and monitoring of such stockpiles trade; and
 - e. Note the recommendations adopted by the 30th Animal Committee Meeting on the matter of sharks and rays [see documents [AC 30 Doc.20](#) and [AC30 Com.8 \(Rev. by Sec.\)](#)], including the invitation to the Secretariat to propose amendments to Resolution Conf 12.6 (Rev. CoP17) on Conservation and management of sharks.

¹ A review of the situation for other listed taxa is available e.g. in document SC66 Inf. 12 <https://cites.org/sites/default/files/eng/com/sc/66/Inf/E-SC66-Inf-12.pdf>

18. Regarding the Standing Committee's reporting to CoP18, the working group has developed presents the following recommendations that could be developed into draft decisions or be taken into account in the Secretariat's proposals to revise Resolution Conf. 12.6 (Rev. CoP17), as appropriate:

a) The Secretariat is requested:

1. To facilitate the coordination with RFMO/RFB's and CMS in CITES implementation, including facilitating greater RFMO support for CITES implementation through the provision of catch and landings data, and regional stock assessments.
2. To compile lesson learned and best practices in CITES shark and rays implementation on NDF development and traceability system.
3. To provide guideline on Legal Acquisitions Finding to address the traceability issues
4. To continue to seek external resources for capacity building on sharks and rays to support Parties, including in the development of NDF
5. To compile, subject to external funding, for the review of the Animals Committee:
 - a. scientific research on CITES listed sharks and rays to support NDF development;
 - b. Analysis of non-fin shark products in trade, including the level of species mixing in traded products

b) Parties are encouraged:

1. To implement measures and regulations under RFMO/ RFB or other multilateral environmental agreements where they are parties of it, including the Convention on Migratory Species (CMS), as support to implement CITES measures
2. To have a better coordination between CITES and RFMO national focal points
3. To 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)
4. To develop procedure of Legal Acquisitions Finding for export of specimens of CITES listed sharks and rays, as part of addressing the traceability issue
5. To identify or develop a robust and low-cost systems to support the implementation of traceability systems for international trade
6. To improve the collection of shark fisheries and trade data at the species level, especially with respect to CITES-listed species;
7. To share experiences in:
 - a. The development of NDF under limited or poor data availability
 - b. The determination of legal acquisition for shark and ray products in trade; and
 - c. Knowledge of forensic means to efficiently, reliably and cost effectively identify shark products in trade, traceability implementation

c) The Animal Committee is requested:

1. To collate and analyse scientific research on CITES listed sharks and rays to support NDF development.
2. To analyse non-fin shark products in trade, including the level of species mixing in traded products.
3. To provide guidance on capacity building material on sharks and rays to support parties in the development of NDF, where requested.

d) Parties that are members of RFMOs/RFBs are invited to work through the respective mechanisms of these RFMO/RFBs for them:

1. To update conservation and management measures of shark species such as catch limits or prohibition for heavily fished oceanic sharks considering the species listed on CITES.

2. To provide data shark catches and landings (to species level where possible) and effort by gear type in accordance with confidential policy of each Organization/Body upon requests by Parties.
3. To continue the assessment on fishing risk to sharks and rays at regional level.
4. To support the development of NDFs particularly for shared stock and high seas species.
5. To share the result of stock assessment for sharks and rays