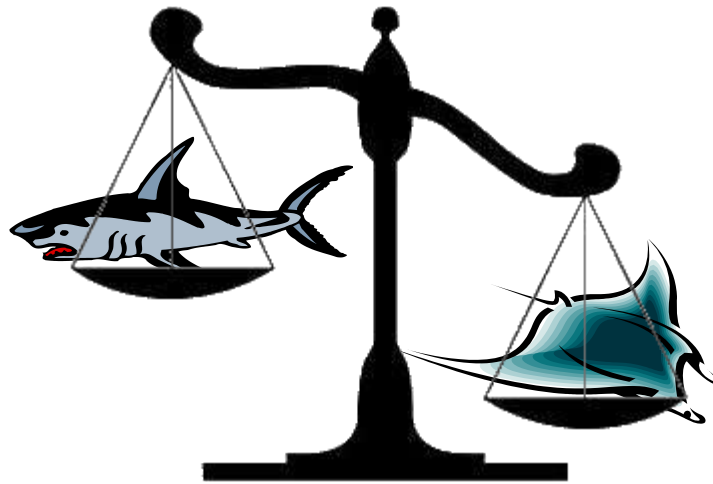


# Legal Acquisition Finding (LAF) Sharks and Manta Rays



# CITES Objectives

‘Ensuring that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation through international trade...’

[CITES vision statement]

## Legality

specimens  
are legally  
obtained

## Sustainability

wildlife trade is not  
detrimental to the  
survival of species

## Traceability

trade can be  
traced from  
origin to final  
destination

# Legal Acquisition Finding (LAF): Ensuring legality in CITES

For a Party to issue a permit authorizing an export:

‘A Management Authority of the State of export is satisfied that the specimen was **not obtained in contravention of the laws of that State** for the protection of fauna and flora.’

[Convention Article IV 2(b)]



In other words...



LAF is a confirmation/conclusion that a specimen was obtained **in accordance with relevant national laws**.

*There are other provisions for Introduction From the Sea (IFS).*

The word 'obtained' refers to the series of steps – and not only to the last of these - by which a specimen is brought from its source (place of origin) and becomes the possession of the exporter.

# LAF challenge: taking from the High Seas

## Introduction From the Sea (IFS)

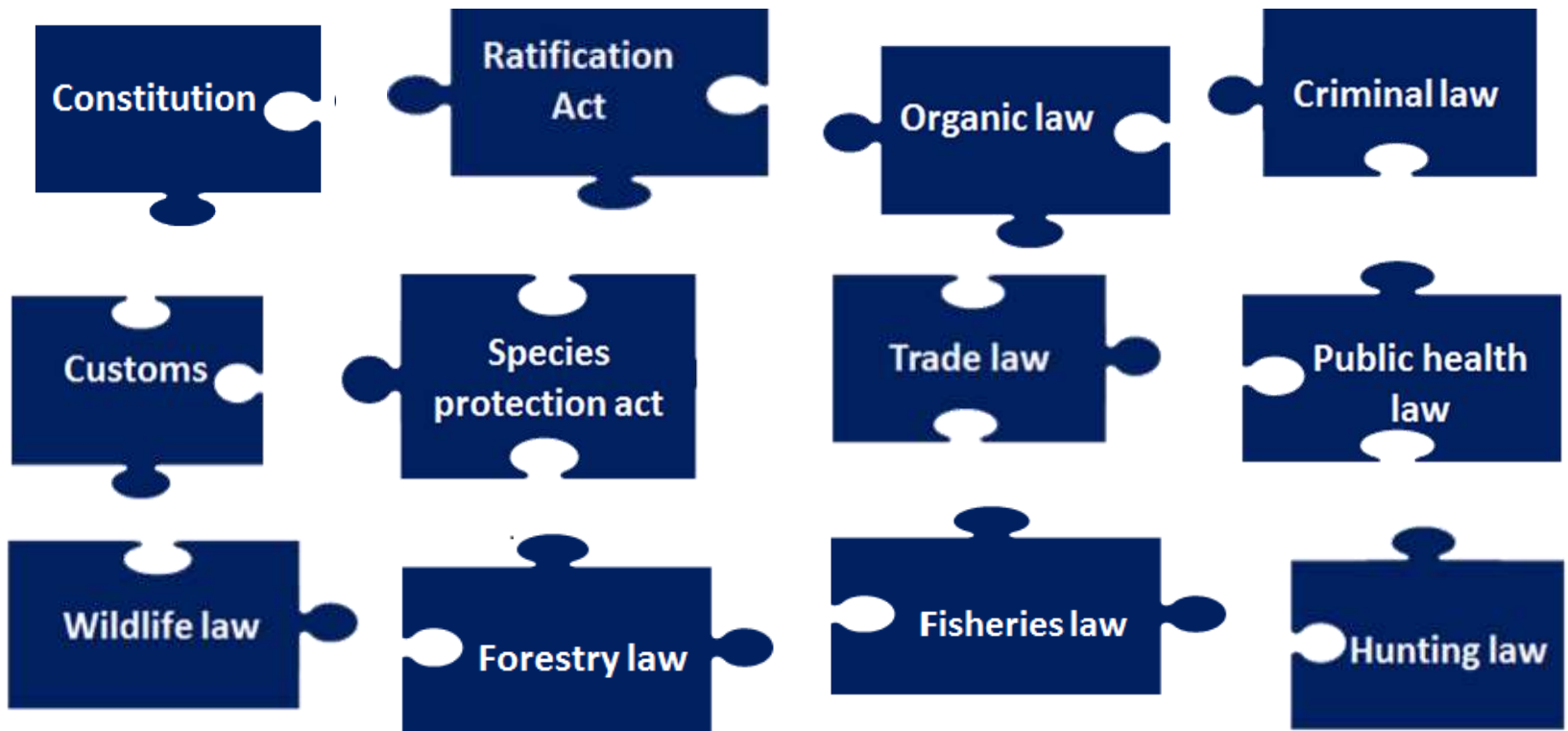
Parties take into account whether or not the specimen are **acquired and landed:**

**In a manner consistent with applicable measures under international law,**  
e.g. other treaty,  
convention, agreement;  
and

through any  
illegal,  
unreported or  
unregulated  
**(IUU) fishing activity.**

[Resolution Conf. 14.6 (Rev. CoP16)]

# National laws may include...



...and any other relevant laws governing terrestrial/aquatic species, animals, plants, etc.

# National law requirements

## Applicant to:

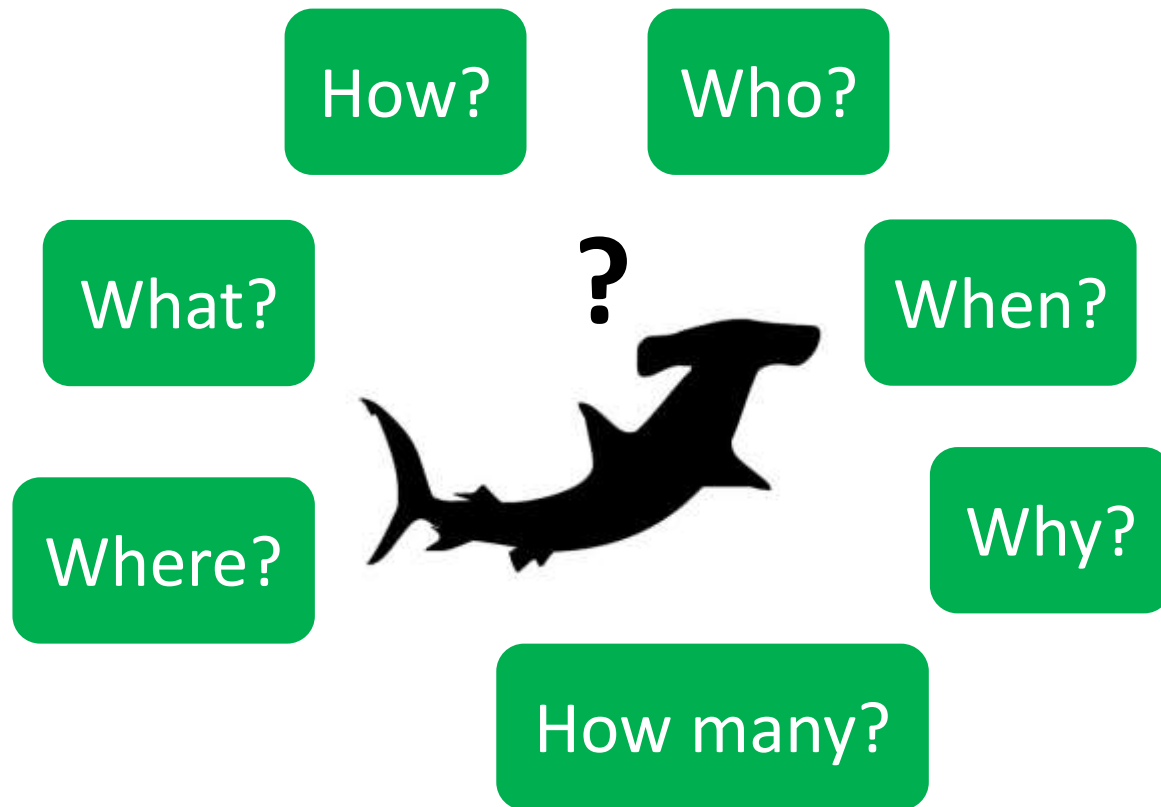
- proof that specimens were legally obtained and provide all information required by national laws for export



## Management Authority (MA) to:

- Verify accuracy of all available information
- Keep track of the 'paper' trail (e-docs)
- Consult MAs from other countries, CITES Secretariat and other relevant agencies

# Legal Acquisition Finding involves answering these (and other) questions:





What?

# Is it CITES-listed?

- Species identification
- Standardization of names/numbers for trading purposes

**Shark Identification and Federal Regulations for the Recreational Fishery of the U.S. Atlantic and Gulf of Mexico**  
*Prohibited species are underlined in red*  
 If you don't know, let it go

**All ridgeback sharks are prohibited, except for tiger, oceanic whitetip, or smoothhound sharks**  
 Ridgeback sharks are sharks with an interdorsal ridge (a visible line of raised skin between dorsal fins)  
 Prohibited ridgeback sharks: leopard, Caribbean reef, clunky, Galeocerdo, night, scalloped, and silky sharks

**Tiger shark:** snout length much shorter than mouth width; markings fade with age; max. size 19 feet, coastal and offshore

**Oceanic whitetip shark:** young sharks have black mottling on rostral fin; does not always have interdorsal ridge; max. size 8 ft, offshore  
Cannot be released if lost, breached, or killed and released

**There is no Federal permit requirement, minimum size, or bag limit for smoothhound or spiny dogfish**  
 smoothhound: second dorsal fin slightly smaller than first dorsal fin and much larger than anal fin; max. size 5 ft, coastal and offshore  
 spiny dogfish: max. size 4 ft, coastal and offshore

**Scalloped hammerheads, great hammerheads, and smooth hammerheads cannot be retained if tuna, swordfish, or billfish are onboard**

**There is no minimum size for Atlantic sharpnose sharks or bonnetheads**

Authorized Species	Minimum Size (fork length)	Bag Limit (per trip)
Atlantic sharpnose shark	None	1 per person
Bonnethead	None	1 per person
Hammerheads (great, scalloped, and smooth)	78 inches	1 per vessel (hammerhead OR other shark)
Other sharks	54 inches	

**Anatomy of a Shark**

All sharks within a species are not identical, however, there are common characteristics for the majority of individuals.  
 Taking sharks per vessel is appropriate from adults. Minimum sizes are approximate.  
 Prepared by: NRC, Duggan & C.R. Williams, J.J. Castro, V.S. Chou, W. Chen, and C. Cooper. Information courtesy: Fisheries Service, [www.fishbase.org](http://www.fishbase.org).  
 Photographs and illustrations provided by: IFAW, C. Carey, W.S. Duggan, B. E.A. Hildebrand, and S. Menni.  
 Revised February 2014



# What?

## Standardization of names/numbers

### Example: Harmonised Customs (HS) Codes

- Used for collection of customs duties & international trade statistics by >200 countries
- FAO-WCO collaboration for improving fishery product classification led to a proposal for species-based HS codes on shark fins made in 2014, but not approved



**Fresh shark fin**  
**HS code: 0302.92**



(International)      (national)  
03   02   92   00   00   00

**Section I:** live animals; animal products

**Chapter 03:** fish & crustaceans

**Heading 04:** fish fillets & other fish meat, fresh, chilled or frozen

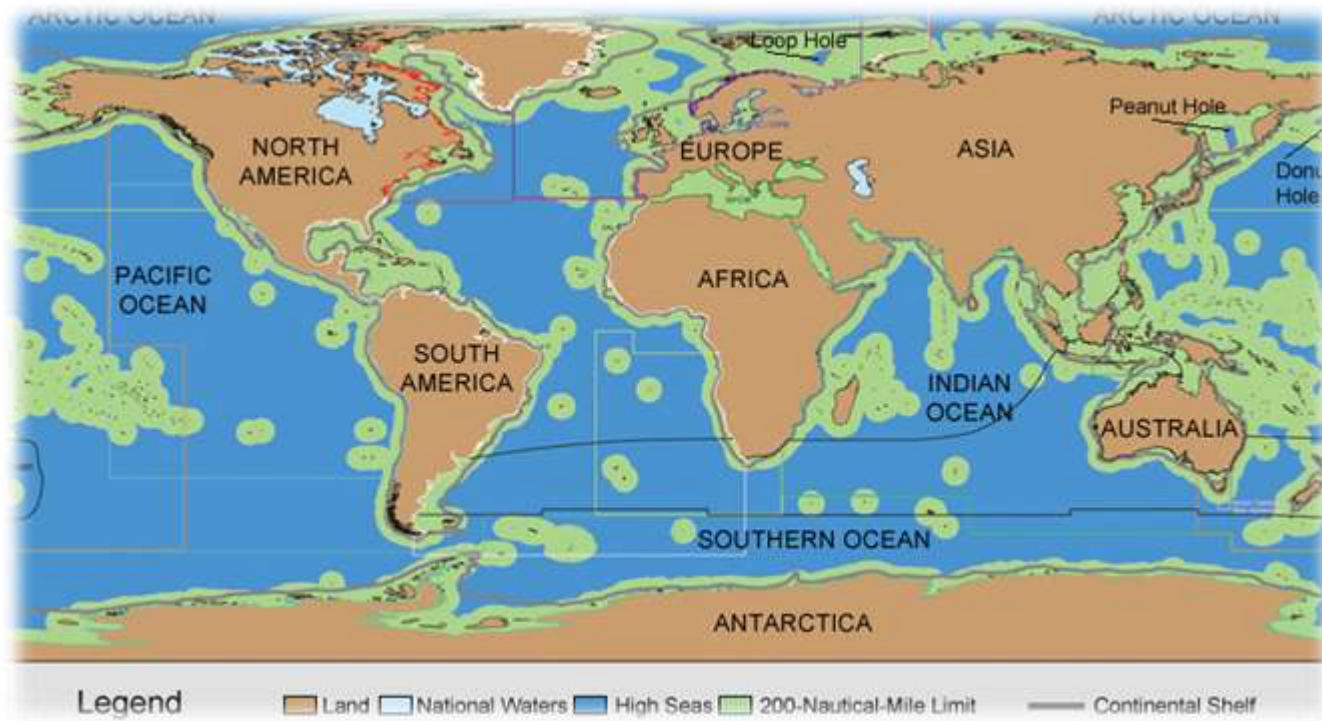
**Subheading 92:** Shark fins, fresh or chilled

**Subdivisions for national purposes**

Where?

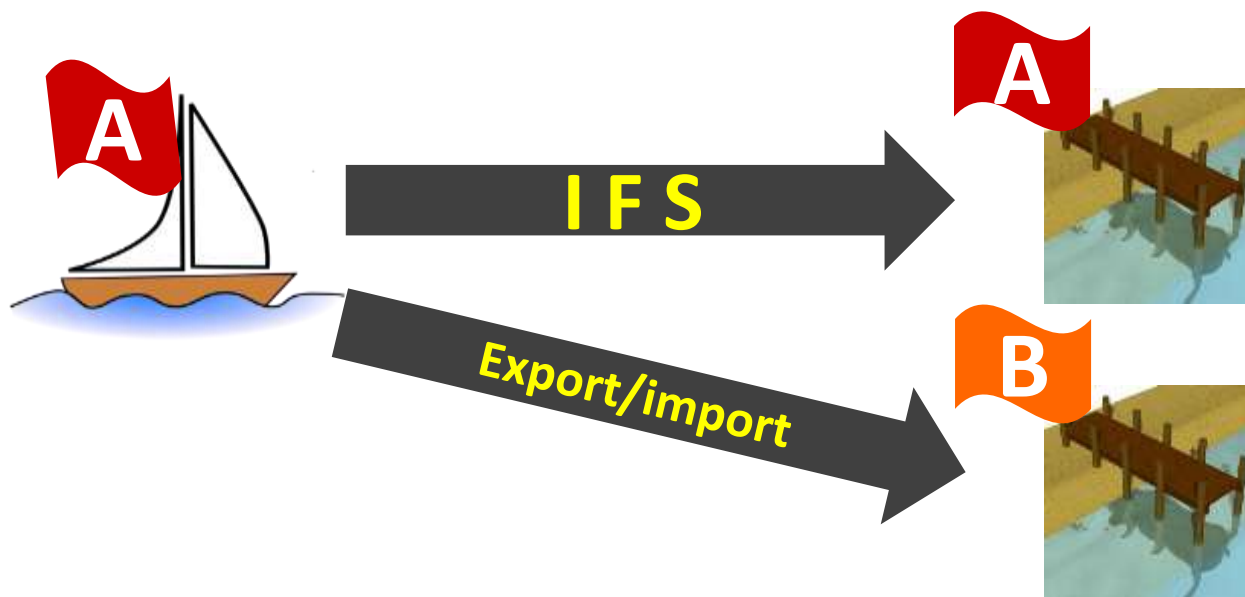
# EEZ or High seas?

- Different legislation may apply

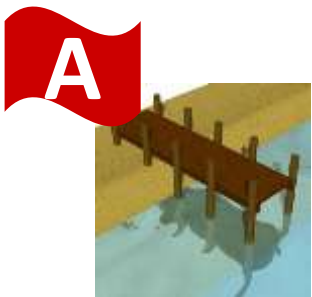


# Taking from the High Seas

- IFS certificate issued by the MAs of the State of Introduction do not require a LAF [Article IV, Paragraph 6]
  - Consult & cooperate with relevant Regional Fisheries Management Organizations and Arrangements (RFMO/A)  
[Resolution Conf. 14.6 (Rev CoP16)]
- If two States are involved in IFS with related export and import, there should be appropriate LAFs



# Shared responsibility



## Exporting country:

- Know and be able to **verify origin**
- MA reviews info & **makes LAF before issuing an export permit**

## Importing country:

- **Not authorize or accept import** if reason to believe that it was not legally acquired in the country of origin



When?

Who?

How?

= Chain of Responsibility

**National laws** may require extended producer responsibility and applicant's due diligence, e.g.:

- Applicable harvesting/production legislation
- Valid authorization to harvest/bred in captivity
- Proper equipment or method used to harvest/produce
- Proof of assigned quota met
- Lawful transport
- Records kept and inspected
- Re-exporting

...there may be other national requirements  
(stricter domestic measures)



When?

Who?

How?

# Mapping the chain of legal source

e.g. United States paddlefish

The MA checks for...

- Where the specimen was harvested?
- What State law was applied?  
(management programmes, gear regulations, seasonal restrictions, etc.)



...through the “paper trail”, including:

- Commercial fishing license
- Specific permit for paddlefish roe (for some States)
- Bills of sale (to show who the exporters bought it from)
- etc. to be verified by the State  
(against reports submitted from fishermen and dealers)



[Link to video](#)



# CITES Permit Requirements

## **Prior to issuing a CITES permit/certificate authorizing export/re-export...**

- Management Authority of exporting party to:
  - Verify legal acquisition – national laws
  - Verify sustainability – NDF from SA
  - Verify accuracy of information on the CITES permit/certificate
  - Record information & report it through the CITES annual report
- Management Authority of importing Party to:
  - Verify accuracy of information
  - Record information & report it through the CITES annual report
- Management Authority of re-exporting party to:
  - Issue a re-export certificate
  - Ensure tracing legality down the chain



# CITES vs. fisheries: type of documentation



vs.



- Trade in CITES-listed species requires a permit/certificate
  - Substantiates legality, sustainability, traceability
- Fisheries law often requires catch certificates
  - Substantiates legality

# Example of a CITES permit/certificate

Who?

Where?

How?

What?

When?

How many?

Why?

CITES CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		PERMIT/CERTIFICATE No.		Original	
1. Importer (name and address)		4. Exporter/Re-exporter (name, address and country)		2. Valid until	
3a. Country of import		Signature of the applicant			
5. Special conditions		6. Name, address, national seal/stamp and country of Management Authority			
5a. Purpose of the transaction (see reverse)		5b. Security stamp no.		11. Quantity (including unit)	
7.B. Scientific name (genus and species) and common name of animal or plant		9. Description of specimens, including identifying marks or numbers (species if live)		10. Appendix no. and source (see reverse)	
7.B. Scientific name (genus and species) and common name of animal or plant		9. Description of specimens, including identifying marks or numbers (species if live)		10. Appendix no. and source (see reverse)	
7.B. Scientific name (genus and species) and common name of animal or plant		9. Description of specimens, including identifying marks or numbers (species if live)		10. Appendix no. and source (see reverse)	
7.B. Scientific name (genus and species) and common name of animal or plant		9. Description of specimens, including identifying marks or numbers (species if live)		10. Appendix no. and source (see reverse)	
12. Country of origin * Permit no. Date		12a. Country of last re-export Certificate no. Date		12b. No. of the operation ** or date of acquisition ***	
12. Country of origin * Permit no. Date		12a. Country of last re-export Certificate no. Date		12b. No. of the operation ** or date of acquisition ***	
12. Country of origin * Permit no. Date		12a. Country of last re-export Certificate no. Date		12b. No. of the operation ** or date of acquisition ***	
12. Country of origin * Permit no. Date		12a. Country of last re-export Certificate no. Date		12b. No. of the operation ** or date of acquisition ***	
* Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export)					
** Only for specimens of Appendix-I species bred in captivity or artificially propagated for commercial purposes					
*** For pre-Convention specimens					
13. This permit/certificate is issued by:					
Place		Date		Security stamp, signature and official seal	
14. Export endorsement:			15. Bill of Lading/Air waybill number:		
Block		Quantity			
A					
B					
C					
D					
Port of export		Date		Signature Official stamp and title	



# Example of a fishery catch certificate (EU)

Who?

What?

How?

Where

When?

How many?

Why?

EUROPEAN COMMUNITY CATCH CERTIFICATE									
Document number					Validating authority				
1. Name		Address			Tel.		Fax		
2. Fishing vessel name		Flag – Home port and registration number			Call sign		IMO/Lloyd's number (if issued)		
Fishing licence No – Valid to				Inmarsat No, Fax No, Telephone No, E-mail address (if issued)					
3. Description of product			Type of processing authorised on board		4. References of applicable conservation and management measures				
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate				
5. Name of master of fishing vessel – Signature – Seal:									
6. Declaration of transhipment at sea Name of master of fishing vessel				Signature and date		Transhipment date/area/position		Estimated weight (kg)	
Master of receiving vessel		Signature		Vessel name		Call sign		IMO/Lloyds number (if issued)	
7. Transhipment authorisation within a port area									
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (stamp)		
8. Name and address of exporter		Signature			Date		Seal		
9. Flag State authority validation:									
Name/title			Signature		Date		Seal (stamp)		

# Conclusion

- Capacity of range States to implement shark and manta ray listings strongly depends on their ability to verify origin of specimens in trade and establish reliable LAFs.
- Applicants for export permit required to provide information regarding how specimens were first acquired.
- CITES MAs of range States scrutinize applications prior to issuing export permits.

Thank you for your attention!



*CITES and FAO working for legal, sustainable and traceable international trade in sharks and manta rays, supported by the European Union*