



# NOTIFICATION TO THE PARTIES

No. 2024/043

Geneva, 11 March 2024

CONCERNING:

## APPLICATION OF ARTICLE XIII IN ECUADOR

### Recommendation to suspend trade for commercial purposes in specimens of sharks and rays listed on CITES Appendix II before CoP 19 from Ecuador or with country-of-origin Ecuador

1. The Secretariat informs all Parties that, **as of 11 March 2024**, the Standing Committee recommends that Parties suspend trade for commercial purposes in specimens of sharks and rays listed on CITES Appendix II before CoP19 from Ecuador or with country-of-origin Ecuador until further notice.
2. At its 77th meeting ([SC77, Geneva, November 2023](#)), pursuant to Article XIII of the Convention, the Standing Committee recommended that

*Parties suspend trade for commercial purposes in specimens of sharks and rays listed on CITES Appendix II before CoP 19 from Ecuador or with country-of-origin Ecuador. The recommendation shall take effect 120 days after the closure of SC77 unless Ecuador takes measures to ensure the appropriate implementation of Article IV with respect to non-detriment findings and legal acquisition findings to the satisfaction of the Secretariat in consultation with the Chair of the Animals Committee, notably through establishing requirements for sustainable levels of trade, including by determining fishing capacity and bycatch limits, and establishing trade quotas for sharks and rays based on available scientific data.*

3. The species of sharks and rays listed on CITES Appendix II before CoP19 are the following:
  - *Carcharhinus falciformis*
  - *Carcharhinus longimanus*
  - *Sphyrna lewini*
  - *Sphyrna mokarran*
  - *Sphyrna zygaena*
  - *Alopias* spp.
  - *Cetorhinus maximus*
  - *Carcharodon carcharias*
  - *Isurus oxyrinchus*
  - *Isurus paucus*
  - *Rhincodon typus*

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- *Mobula* spp.

4. Ecuador submitted three non-detriment findings (NDFs) to the Secretariat for the following species referred to in document SC77 Doc. 33.7: *Carcharhinus falciformis*, *Isurus* spp. (*I. oxyrinchus* and *I. paucus*), and *Alopias* spp. (*A. pelagicus* and *A. superciliosus*). Ecuador also shared information on the applicable national legislation and regulations in national jurisdiction waters and conservation and management measures in the areas covered by the Inter-American Tropical Tuna Commission (IATTC) that constitutes the basis for the making of the legal acquisition findings (LAF) with the Secretariat.
5. The Secretariat conducted a detailed analysis of the NDFs received from Ecuador, in consultation with the Chair of the Animals Committee. The Secretariat also assessed the LAF-related information and took note of a request submitted by Ecuador to publish voluntary export quotas for *Isurus oxyrinchus*, *Carcharhinus falciformis*, *Alopias pelagicus* and *Alopias superciliosus*. The Secretariat thanks Ecuador for the numerous exchanges and answers provided to the follow-up questions and queries of the Secretariat and the Chair of the Animals Committee. The Secretariat welcomes the efforts made by Ecuador but, after careful consideration, concludes that some measures, in particular with respect to NDFs and introduction from the sea, should be further elaborated and information relating to fishing capacity and bycatch limits should be shared with the Secretariat .
6. The Secretariat has communicated the results of its assessment to Ecuador, highlighting the areas that need to be further strengthened. The Secretariat has also reaffirmed its continued readiness to work with Ecuador on the revision and further development of the NDFs to ensure that NDFs and LAFs could be finalized as swiftly as possible to the satisfaction of the Secretariat, in consultation with the Chair of the Animals Committee.
7. This recommendation will remain in effect until the Secretariat has assessed revised non-detriment findings, in consultation with the Chair of the Animals Committee, and legal acquisition findings as satisfactory and issued a Notification in this regard.
8. As stated in paragraph 43 of document CoP17 Doc. 23, the Secretariat's interpretation is that when a recommendation to suspend trade takes effect, Parties are recommended not to accept permits or certificates issued by the Party (or non-Party) affected by the trade suspension, even if these documents were issued prior to the decision to suspend trade.
9. However, Parties are ultimately responsible for the implementation of the Standing Committee recommendations to suspend trade, including possible *ex-post facto* or unintended retroactive effects of the application of the trade suspension. Parties are reminded that such a decision supposes that all applicable conditions of the Convention for issuing the required CITES documents have been complied with prior to the trade suspension entering into effect. In accordance with Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement*, importing Parties concerned should therefore exercise due diligence in verifying that:
  - a) A non-detriment finding has been carried out prior to the trade suspension entering into effect and the Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
  - b) A legal acquisition finding has been carried out prior to the trade suspension entering into effect and the Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the law;
  - c) All necessary permits or certificates have been legally and officially issued and stamped prior to the trade suspension entering into effect;
  - d) The required information has been provided in applicable permits, including with regards to quotas applied and source/purpose codes.

10. The Secretariat recalls that export permits are only valid for six months after the date of issuance and no permit should be issued after a recommendation to suspend trade enters into effect. Furthermore, it is recalled that any authorized trade in CITES-listed species will have to be reported in the Parties' annual report.
11. Parties are requested to inform their enforcement and customs authorities of this recommendation to suspend trade for commercial purposes in specimens of sharks and rays listed on CITES Appendix II before CoP19 from Ecuador or with country-of-origin Ecuador and exercise due diligence to avoid the inadvertent acceptance of specimens of species subject to this recommendation. Parties are reminded that the complete list of Parties subject to a recommendation to suspend trade is available on the CITES website under [Documents/Trade suspensions](#).