

EXPLANATORY MEMORANDUM

EU PROPOSAL TO AMEND CONSERVATION MEASURE 04-06 TO PROHIBIT THE DIRECT FISHING OF DEEP-WATER SHARKS AND THE FINNING OF SHARKS CAUGHT IN THE SEAFO CONVENTION AREA

In view of the SEAFO Scientific Committee's considerations regarding deep-water sharks (SEAFO 12th Scientific Committee Report, point 16, page 8) and in line with the precautionary approach enshrined in Articles 3 and 7 the SEAFO Convention, the EU proposes that the SEAFO Recommendation 1/2008 on the banning of deep-water shark directed fisheries becomes compulsory.

Regarding shark finning (“finning”), it refers to the removal and retention of shark fins while discarding the rest of the carcass at sea. The actual ratio of fins to carcass varies by species and it can be difficult or impossible to weigh fins and carcasses at sea. Having fins naturally attached to carcasses maximizes the enforceability of a finning prohibition and allows for more accurate collection of data on sharks that are landed.

Throughout the world, finning can lead to unsustainable levels of shark mortality. The high market value of shark fins, as compared to that of shark meat, drives the wasteful practice of finning. In addition, the removal of shark fins prior to landing impedes the collection of species-specific scientific data that are essential for monitoring bycatch. Keeping the shark with fins naturally attached through landing allows for more accurate species identification and proper tracking of the number of sharks caught and Retained.

The wasteful practice of shark finning is inconsistent with provisions adopted in the 1995 United Nations Food and Agriculture Organization’s (FAO) Code of Conduct for Responsible Fisheries and the 1999 FAO International Plan of Action for the Conservation and Management of Sharks. These documents include provisions to ensure the conservation and management and long-term sustainable use of fisheries resources, including sharks.

A number of RFMOs have responded by adopting measures to address shark finning, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Inter-American Tropical Tuna Commission (IATTC), the Indian Ocean Tuna Commission (IOTC), and the Western Central Pacific Fisheries Commission (WCPFC). There have been some challenges in enforcing these measures, which require the weight ratio of shark fins to carcasses retained on a vessel to be above specified levels.

The North-East Atlantic Fisheries Commission (NEAFC) recently adopted Recommendation 2015:10 on Conservation of Sharks Caught in Association with Fisheries Managed by NEAFC, which includes a fins attached requirement to ensure the shark finning ban in the NEAFC Convention area. The Northwest Atlantic Fisheries Organisation (NAFO) adopted fins naturally attached policy at its 2016 Annual Meeting.

Amendment to Conservation Measure 04/06 on the Conservation of Sharks Caught in Association with Fisheries Managed by SEAFO

Draft proposal by the European Union

The Parties to the SEAFO Convention

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organisations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks (defined as elasmobranchs);

CONSIDERING that many sharks are part of ecosystems in the SEAFO area, and that sharks are captured in fisheries targeting species covered by the SEAFO Convention;

RECOGNISING the need to collect data on catch, effort, discards and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

RECALLING that SEAFO adopted Recommendation 1/2008 concerning the banning of deep-water shark catches;

MINDFULL of CCAMLR CM 32-18 (2006) that bans directed fishing on shark species in the Convention Area;

RECALLING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks;

RECOGNIZING the need to improve the collection of species-specific data on catch, effort, discards, biological parameters and trade as a basis for improving the conservation and management of shark stocks;

RECALLING that the FAO International Plan of Action for Sharks calls on States to encourage full use of dead sharks, to facilitate improved species-specific catch and landings data and monitoring of shark catches and the identification and reporting of species-specific biological and trade data;

FURTHER RECALLING that United Nations General Assembly, adopted consensus Resolutions every year since 2007 (62/177, 63/112, 64/72, 65/38, 66/68, 67/79, 68/71, 69/109 and A/RES/70/75), calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose

of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

AWARE that despite regional agreements on the prohibition of shark finning, sharks' fins continue to be removed on board and the rest of the shark carcass discarded into the sea;

EMPHASISING the recent recommendations of IOTC and WCPFC Scientific Committees and WCPFC Technical and Compliance Committee that the use of fins-to-carcass weight ratios is not a verifiable means of ensuring the eradication shark finning and that it has proven ineffective in terms of implementation, enforcement and monitoring;

NOTING the adoption of Recommendation 2015:10 on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission (NEAFC), which establishes the fins attached policy as exclusive option for ensuring the shark finning ban in the NEAFC Convention area;

FURTHER NOTING the recent adoption of the fins naturally attached policy by NAFO at its 2016 Annual Meeting;

AWARE that despite regional agreements on the prohibition of shark finning, sharks' fins continue to be removed on board and the rest of the shark carcass discarded into the sea;

The Commission hereby adopts the following conservation measure pursuant to articles 6 and 7 of the Convention:

Have agreed as follows:

1. Directed fishing on deep-water shark species in the Convention Area, for purposes other than scientific research, is prohibited. This prohibition shall apply until such time as the Scientific Committee has investigated and reported on the potential impacts of this fishing activity and the Commission has agreed on the basis of advice from the Scientific Committee that such fishing may occur in the Convention Area.
2. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in other fisheries, shall, as far as possible, be released alive.
- 1.3. Each Contracting Party shall annually report data for catches of sharks, in accordance with SEAFO data reporting procedures, including available historical data, estimates of discards (dead and alive) and size frequencies.
- 2.4. Each Contracting Party shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
5. Contracting Parties shall prohibit the removal of shark fins at sea and the retention on board, transshipment and landing of shark fins.
6. Without prejudice to paragraph 5, in order to facilitate on-board storage, shark fins may be

partially sliced through and folded against the carcass, but shall not be removed from the carcass before the first landing.

~~3. Each Contracting Party shall require their vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. Contracting Parties that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.~~

~~4. The ratio of fin to body weight of sharks described in paragraph 3 shall be reviewed by the Scientific Committee and report back to the Commission in 2008 for revision, if necessary.~~

7. Contracting Parties shall take the necessary measures to~~Fishing vessels are~~ prohibit their fishing vessels~~ed~~ from retaining on board, transshipping or landing any fins harvested in contravention ~~of~~ this Conservation Mmeasure.

5.8. Contracting Parties shall prohibit offering for sale, selling or purchasing shark fins that are taken, landed or possessed in contravention of this Conservation Measure.

6.9. In fisheries that are not directed at sharks, Contracting Parties shall encourage the release of live sharks, especially juveniles, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.

10. Each Contracting Party shall, where possible, undertake research to:

- a) identify ways to make fishing gears more selective, with the aim to reducing sharks by-catch;
- b) improve knowledge on key biological/ecological parameters, life-history and behavioral traits, migration patterns of key shark species;
- c) identify key shark mating, pupping and nursery areas; and
- d) improve handling practices for live sharks to maximise post-release survival.

~~7. identify ways to make fishing gears more selective (such as the implications of avoiding the use of wire traces).~~

~~8. Each Contracting Party shall, where possible, conduct research to identify shark nursery areas.~~

11. The Commission shall consider appropriate assistance to ~~d~~Developing- Contracting Parties~~States~~, Parties to the Convention, for the collection of data on their shark catches.

9.12. The Scientific Committee shall annually review the information reported by Contracting Parties and shall, as necessary, provide recommendations to the Commission on ways to strengthen the conservation and management of sharks within SEAFO fisheries.

10.13. This Conservation Measure replaces Recommendation 1/2008 on the banning of deep-water shark catches and applies only to sharks caught in association with fisheries managed by the SEAFO. This resolution applies only to sharks caught in association with

~~fisheries for species covered by the SEAFo Convention.~~