

FREQUENTLY ASKED QUESTIONS REGARDING THE PORBEAGLE LISTING PROPOSAL

This document is intended to provide CITES Parties with information on the reasons for resubmitting the proposal to list the Porbeagle (*Lamna nasus*) in Appendix II of CITES, for adoption at CoP 16 in 2013.

1) Why does the EU believe that a CITES Appendix II listing is required for the Porbeagle?

- Porbeagles occur in the temperate waters of the North Atlantic and Southern Oceans, where they are taken in target and incidental pelagic fisheries because of their highly valued meat and fins.
- As relatively slow-growing and late maturing shark species (particularly the Southern Oceans stocks) the Porbeagle is highly vulnerable to over-exploitation in fisheries.
- Joint assessments of North Atlantic stocks by ICCAT and ICES have identified marked historical extents of decline to less than 30% of baseline and marked recent rates of declines exceeding 50%. Indeed, several stock assessment models indicate declines of significantly over 90%, thus qualifying for consideration for listing in Appendix I.
- Stock assessments and other trend data available for the largely unmanaged Southern Oceans stocks indicate recent declines to some 20–30% of baseline.
- The criteria for a listing of Porbeagle in CITES Appendix II, according to Res. Conf. 9.24 (Rev.Cop15), are clearly met.
- While some Range States manage this species within their waters, Porbeagle fisheries are not managed by any of the Regional Fisheries Management Organizations (RFMO) nor is any stock managed effectively throughout its range. IUU high seas fisheries endanger national efforts to rebuild transboundary stocks.
- Additional and legally binding global action to regulate international trade is needed to support the sustainable exploitation of fisheries and enable recovery of depleted stocks.

2) Why is the EU resubmitting a proposal to list this species in CITES Appendix II, despite its rejection at CITES CoP 15 in 2010?

- In 2010, the FAO Expert Panel, IUCN, TRAFFIC and the CITES Secretariat all concluded that the evidence supported the proposal to include all Porbeagle stocks in CITES Appendix II.
- Many Parties and observers, including Canada, Egypt, New Zealand, Norway and FAO, confirmed during the debate at CoP 15 that an Appendix II listing would assist international efforts to conserve sharks by relieving fishing pressure, complementing RFMO measures, and providing important data on management, harvesting and trade.
- The Secretariat of the International Commission for the Conservation of Atlantic Tuna regional fisheries management organisation (ICCAT) confirmed during CoP 15 that within ICCAT there are no Porbeagle catch limits. The November 2012 ICCAT meeting again rejected proposals to limit Porbeagle catches.
- Although some new data collection, conservation and management measures have since been proposed by regional fisheries bodies and the Convention on Migratory Species, these do not regulate international trade.
- Unregulated, unsustainable fishing of Porbeagle stocks is still widespread, particularly on the high seas. Not only have stocks not yet shown signs of rebuilding, but recovery through national fisheries management measures continues to be put at risk as these unsustainable fisheries supply international trade in Porbeagle meat and fins.

3) How will the proposal for CoP16 (2013) differ from that submitted to CoP15 (2010)?

- Fisheries management information has been updated, new catch and trade data added, and available trend data re-evaluated. The new proposal demonstrates that all stocks meet the criteria in Res. Conf. 9.24 (Rev. CoP15) – none need be listed as ‘look-alike’.

4) Why has the EU not focussed on the management of sharks in the Northeast Atlantic, instead of engaging in the conservation of stocks in other oceans?

- The EU has taken several measures to improve the situation in the Northeast Atlantic, see question 7.
- European demand for shark meat is supplied by exports from all over the world. Responsible consumption requires our engagement in the conservation of all fish stocks affected by European activities.
- European consumers increasingly demand products from sustainable fisheries. CITES non-detriment findings (NDF) can provide the assurance of sustainability sought by the public.
- The depletion of stocks in the Northeast Atlantic could become the blueprint for other areas, unless international trade regulation is introduced to support and extend the sustainable fisheries management measures already adopted by some range States.

5) Can shark fisheries and international trade in shark products continue after shark species have been listed in Appendix II and, if so, how can this trade be regulated?

- A CITES Appendix II listing does not prohibit international trade for commercial purposes (only a listing in Appendix I would do this).
- Local fisheries and domestic consumption are not affected by any CITES listing.
- Specimens of species listed in CITES Appendix II can be traded internationally if their populations and the fisheries that exploit them are sustainably managed. Routine CITES documentation, including NDF, would authorise such trade (see also question 11).
- If sustainability is proven, higher prices can be achieved by fishermen. This is why fisheries certification has become so popular.

6) Why doesn't the EU leave the task of shark population recovery to fisheries management bodies, catch restrictions and other existing measures?

- Several populations of Porbeagle remain unmanaged, or only partly managed within their range. RFMOs have declined to adopt proposals to introduce catch limits for some high seas shark catches, including for Porbeagles.
- Depleted populations cannot wait. Recovery of shark populations takes many decades. Management measures need to be strengthened as soon and as effectively as possible.
- Several range States, FAO and ICCAT agreed at CoP15 that an Appendix II listing for the Porbeagle would benefit stocks, because international trade regulation complements traditional fisheries management measures.

7) Which measures have been implemented by EU Member States to benefit shark populations?

- The EU adopted a Community Plan of Action for sharks (CPOA) in February 2009 and plays an active part in promoting shark conservation measures in Regional Fisheries Bodies worldwide.
- Since 2010, all target fisheries and bycatch of Porbeagle in the EU's Exclusive Economic Zone (EEZ) and Coastal Waters, and all international catches of Porbeagle by EU vessels are prohibited.

- EU Members have signed the "Memorandum of Understanding (MoU) on the Conservation of Migratory Sharks" under the Convention of Migratory Species (CMS). The Annex to this Memorandum lists seven shark species, including Porbeagle. A conservation plan was adopted at the 1st Meeting of Signatories to this MoU in September 2012.
- EU consumer awareness and EU trade policy increasingly focus on sustainable fish products; a CITES Appendix II listing will deliver imports from sustainable fisheries.
- The EU listed the Porbeagle in CITES Appendix III in 2012 in order to foster international cooperation for the control of trade in specimens of this species.

8) *Wouldn't a Porbeagle listing in CITES Appendix II protect European fisheries, since sharks caught and traded within the Common European Market would not be subject to CITES restrictions?*

- All EU fisheries for this species have been closed (see above). There is, therefore, no internal trade in Porbeagle shark products derived from European fisheries.
- Internal EU trade is mainly of shark products derived from stocks from outside the EU. Such internal trade of products generated outside the EU is common and subject to the same CITES regulation as all other trading in CITES listed species stemming from outside the EU.
- Therefore, a CITES listing cannot create any advantage for EU fisheries over the fisheries of non-EUCITES Parties. Indeed, it will favour other Parties with sustainable fisheries that can export Porbeagle products to the EU.

9) *Would a CITES Appendix II listing for Porbeagle interfere with Asian culture?*

- This proposal arises from concern regarding the traditional and unsustainable consumption of shark meat in Europe. It does not target any specific culture or CITES Party, neither does the EU discriminate against any other traditional uses of shark products. Local fisheries and domestic consumption of landings will not be affected by CITES.
- We aim to promote the sustainable use of shark populations. Sustainable fishing will ensure that shark products remain available in the long term for both European and Asian cuisines.

10) *How can sustainability of fisheries in Porbeagle be ensured?*

- CITES has a strong track record for regulating international trade in marine species listed in Appendix II, including Sturgeon, Queen Conch and Humphead Wrasse.
- Making non-detriment findings for sharks and therefore also for the Porbeagle constitutes no serious obstacle. Several FAO and CITES publications provide essential guidance for this assessment.¹ In the majority of the cases, it is expected that the making of NDF will rely on the implementation of "traditional" fisheries measures, based on stock assessments and management measures such as the setting of quotas, or of technical measures. Each Party will remain free to apply the

¹ 1) ROSSER, A. & HAYWOOD, M. (Comp.) (2002): Guidance for CITES Scientific Authorities - Checklist to assist in making non-detriment findings for Appendix II exports. - Occasional Paper of the IUCN Species Survival Commission, No. 27, 146 pp. IUCN Gland/Switzerland and Cambridge/United Kingdom. ISBN 2-8317-0684-X.

2) MUSICK, J.A. & BONFIL, R. (2005): Management techniques for elasmobranch fisheries. - FAO Fisheries Technical Paper, 474, xi + 261 pp. Rom (FAO). ISSN 0429-9345.

3) CITES (2006): Implementation of CITES Shark Listings. Document prepared by the Shark Working Group of the Animals Committee. (<http://www.cites.org/eng/com/ac/22/E22-17-2.pdf>)

4) GARCÍA NÚÑEZ, N.E. (2008): Making Non-Detriment Findings for Sharks - Elaboración de dictámenes de extracción no perjudicial para Tiburones. In: GARCÍA NÚÑEZ, N.E. (2008): Sharks: Conservation, Fishing and International Trade - Tiburones: conservación, pesca y comercio internacional. 236 pp. Madrid (Ministerio de Medio Ambiente y Medio Rural y Marino). ISBN 978-84-8320-474-0.

5) International Expert Workshop on CITES Non-Detriment Findings, Cancun/Mexico, November 17-22 2008. (http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html)

methodology and tools adapted to its specific situation.

11) Isn't it difficult to distinguish between fins and meat of Porbeagle and other CITES listed or unprotected shark species?

- The identification of Porbeagle parts and derivatives in trade is no more difficult than the products of other species. Porbeagle meat is nearly always declared as such because of its high value. A guide to the identification of Porbeagle fins is already available². The development of improved visual guides will be reviewed during the 18 month period after the CoP before listing comes into effect.
- Rapid and inexpensive DNA tests are available to confirm the identification of Porbeagle for enforcement purposes. These molecular identification techniques can even distinguish between North Atlantic and Southern stocks.
- It will be important to utilise species-specific commodity codes and identification guides for Porbeagle meat and fins, and to improve tracking from fisheries to consumers, but this is also necessary to support traditional fisheries management techniques.

²http://www.pewenvironment.org/uploadedFiles/PEG/Publications/Other_Resource/Shark%20Fin%20ID%20Guide%201%2024%2012.pdf