

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS  
PARTICIPATING TERRITORIES AND OBSERVERS**

**Circular No.: 2019/03**  
**Date: 1 February 2019**  
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**Draft CMM for Sharks for 2019 discussion**

Dear All,

Paragraph 39 of the WCPFC15 Outcomes Document contains the decision on the draft CMM for Sharks and it states that “The Commission tasked TCC15 with considering the outputs of the shark intersessional working group and encouraged interested Members to submit proposals to TCC15”.

With a view to assist this process, the Chair of the Shark Intersessional Working Group has prepared the enclosed draft CMM for Sharks reflecting the discussion at the Small Working Group on Shark CMMs during WCPFC15. The discussion paper has been prepared for Members consideration with a view to advance discussion at TCC15. It is also noted that Members may submit different proposals to TCC15.

In addition, the Secretariat takes this opportunity to advise CCMs and Observers that a dedicated page on the wcpfc website has been developed for the 2018 IWG-Sharks that includes copies of the various draft consolidated shark CMM texts that were circulated during 2018. A copy of this circular and its enclosure will also be posted to the IWG-Sharks page at this link:- <https://www.wcpfc.int/iwg-sharks2018>

The discussion paper is circulated at the request of the Chair of the SWG on Shark CMMs, Mr Shingo Ota.

Yours sincerely,



**Feleti Penitala Teo, OBE**  
**EXECUTIVE DIRECTOR**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), in accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);*

**Recognizing** the economic and cultural importance of sharks in the western and central Pacific Ocean (WCPO), the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to fishing pressure, and the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries;

**Recognizing** the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

**Recognizing further** that certain species of sharks and rays, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Adopts**, in accordance with Article 5, 6 and 10 of the Convention, that:

## **I. Definitions**

### 1.(1) sharks

All species of sharks, skates, rays and chimaeras (Class Chondrichthyes)

### (2) full utilization

Retention by the fishing vessel of all parts of the shark excepting head, guts, vertebrae and skins, to the point of first landing or transshipment

### (3) finning

Removing and retaining all or some of a shark's fins and discarding its carcass at sea

## **II. Objective and Scope**

2. The objective of this Conservation and Management Measure (CMM) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long term conservation and sustainable use of sharks.

3. This CMM shall apply to: (i) sharks listed in Annex 1 of the 1982 Convention and (ii) any other sharks caught in association with fisheries managed under the WCPF Convention.

4. This measure shall apply to the high seas and exclusive economic zones of the Convention Area.

5. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within areas under their national jurisdiction. When Commission

Members, Cooperating non-Members, and participating Territories (CCMs) apply alternative measures, the CCMs shall annually provide to the Commission, in Part 2 of their annual reports, the description about the measures.

### **III. FAO International Plan of Action for the Conservation and Management of sharks**

6. CCMs should implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA). For implementation of the IPOA, each CCM should, as appropriate, include its National Plan of Action for sharks in Part 2 of its annual report.

### **IV. Full utilization of shark and prohibition of finning**

7. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of shark. CCMs shall ensure that no finning is practiced by their fishermen.

[Alt 1:

8. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs 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. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

9. TCC shall annually review any information provided by CCMs on the implementation of this measure and assess efficacy.]

[Alt 2:

8. In order to implement the obligation in paragraph 7, in 2020, 2021 and 2022 as an interim measure, CCMs shall require their vessels to land sharks with fins naturally attached to the carcass or to take alternative measures as listed below to ensure that individual shark carcasses and their corresponding fins can be identified on board the vessel:

1. individual shark carcass with corresponding fins are stored in the same bag;
2. corresponding fins are bound to the carcass using rope or wire; or
3. tags are attached both to shark carcasses and corresponding fins

8bis. In case that a CCM wishes to use any other measure than these three alternative ones, it shall present it to TCC. If TCC endorses it, it shall be submitted to the subsequent annual meeting for endorsement.

9. All CCMs shall report on the implementation of the measures in paragraph 8 no later than 30 July each year for review by TCC. The report by CCMs shall contain the detailed explanation of implementation of paragraph 8 including how the compliance can be monitored. CCMs are encouraged to report to TCC any enforcement difficulties that they encountered in the case of the alternative measures. The TCC in 2022 shall recommend the measures for 2023 and thereafter to implement the obligations in paragraph 7 for adoption at the Commission annual meeting.]

10. CCMs shall take measures necessary to prevent their fishing vessels from retaining on board (including for

crew consumption), transshipping, landing, or trading any fins harvested in contravention of this CMM.

## **V. Minimizing bycatch and practicing safe release**

11. For longline fisheries targeting tuna and billfish, CCMs shall ensure that their vessels comply with at least one of the following options:

- (1) do not use or carry wire trace as branch lines or leaders; or
- (2) do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See Annex 1 for a schematic diagram of a shark line.

12. The implementation of the measures contained in paragraph 11 above shall be on a vessel by vessel or CCM basis. Each CCM shall notify the Commission of its implementation plan by March 31, 2020 and thereafter whenever the plan is amended.

13. For longline fisheries targeting sharks, CCMs shall develop and report their management plans in Part 2 of their annual reports.

14. The Commission shall adopt and enhance bycatch mitigation measures and develop new or amend, if necessary, existing Shark Safe Release Guidelines<sup>1</sup> to maximize the survival of sharks that are caught and are not used. Where sharks are unwanted bycatch they should be released alive using techniques that result in minimal harm, taking into account the safety of the crew. CCMs should encourage their fishing vessels to use any Commission adopted guidelines for the safe release and handling of sharks.

15. CCMs shall ensure that sharks that are caught and are not used be hauled alongside the vessel before being cut free in order to facilitate a species identification. This requirement shall only apply when an observer or electronic monitoring camera is present, and should only be implemented taking into consideration the safety of the crew and observer.

16. Development of new WCPFC guidelines or amendment to existing guidelines for safe release of sharks should take into account the health and safety of the crew.

## **VI. Species specific requirements**

17. Oceanic whitetip shark and silky shark

- (1) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel or landing any oceanic whitetip shark, or silky shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.
- (2) CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark or silky shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible, following any applicable safe release guidelines for these species.
- (3) Subject to national laws and regulations, and notwithstanding (1) and (2), in the case of oceanic whitetip shark and silky shark that are unintentionally caught and frozen as part of a purse seine vessels' operation, the vessel must surrender the whole oceanic whitetip shark and silky shark to the responsible governmental

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<sup>1</sup> The Commission adopted at WCPFC15 Best Handling Practices for the Safe Release of Sharks (other than Whale Sharks and Mantas/Mobulids)

authorities or discard them at the point of landing or transshipment. Oceanic whitetip shark and silky shark surrendered in this manner may not be sold or bartered but may be donated for purpose of domestic human consumption.

- (4) Observers shall be allowed to collect biological samples from oceanic whitetip sharks and silky shark caught in the Convention Area that are dead on haulback in the WCPO, provided that the samples are part of a research project of that CCM or the SC. In the case that sampling is conducted as a CCM project, that CCM shall report it in Part 2 of its annual report.

#### 18. Whale shark

- (1) CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.
- (2) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, or landing any whale shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.
- (3) For fishing activities in Parties to Nauru Agreement (PNA) exclusive economic zones, the prohibition shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.
- (4) Notwithstanding sub-paragraph (1) above, for fishing activities in exclusive economic zones of CCMs north of 30 N, CCMs shall implement either this measure or compatible measures consistent with the obligations under this measure. When CCMs apply compatible measures, the CCMs shall annually provide to the Commission, in Part 2 of their annual report, a description of the measure.
- (5) CCMs shall require that, in the event that a whale shark is incidentally encircled in the purse seine net, the master of the vessel shall:
  - (a) ensure that all reasonable steps are taken to ensure its safe release.; and
  - (b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).
- (6) In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (5)(a) above, CCMs shall require the master of the vessel to follow the WCPFC Guidelines for the Safe Release of Encircled Whale Sharks (WCPFC Key Document SC-10)<sup>2</sup>.
- (7) In applying steps under sub-paragraphs (1), (5)(a) and (6), the safety of the crew shall remain paramount.
- (8) The Secretariat shall report on the implementation of this paragraph on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

#### 19. Mantas and Mobulids

- (1) CCMs should give due consideration to the Guidelines for Best Handling Practices for the Safe Release of Manta and Mobulid (WCPFC Key Document SC-13).
- (2) Manta and Mobulid shall be considered WCPFC Key Shark Species for Assessment<sup>3</sup> and thus

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<sup>2</sup> Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.”

<sup>3</sup> The WCPFC Key Shark Species for Assessment are those species to be included in the WCPFC’s Shark Research Plan per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08).

incorporated into the WCPFC's Shark Research Plan, noting that data gaps may preclude a traditional stock assessment approach.

## **VII. Reporting requirements**

20. Each CCM shall submit data on the WCPFC Key Shark Species<sup>4</sup> for Data Provision in accordance with Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).

21. CCMs shall advise the Commission (in Part 2 of their Annual Report) on implementation of this CMM in accordance with Annex 2.

## **VIII. Research**

22. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and other shark deterrents), safe release guidelines, biology and ecology of sharks, identification of nursery grounds, gear selectivity, assessment methods and other priorities listed under the WCPFC Shark Research Plan.

23. The SC shall periodically provide advice on the stock status of key shark species for assessment and maintain a WCPFC Shark Research Plan for the assessment of the status of these stocks. If possible, this should be done in conjunction with the Inter-American Tropical Tuna Commission.

## **IX. Capacity building**

24. The Commission should consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.

25. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including supplying species identification guides for their fleets and guidelines and training for the safe release of sharks, and including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

## **X. Review**

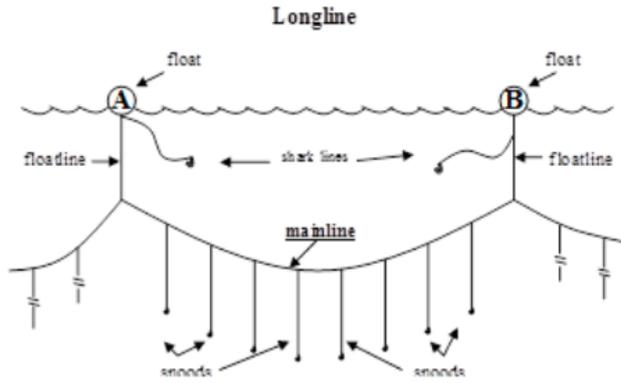
26. On the basis of advice from the SC and/or the TCC, the Commission shall review the implementation and effectiveness of this CMM, including species specific measures, taking into account, *inter alia*, any recommendation from the SC or TCC, in 2022, and amend it as appropriate.

27. This CMM shall replace CMM 2010-07, 2011-04, 2012-04, 2013-08, and 2014-05.

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<sup>4</sup> The WCPFC Key Shark Species for Data Provision are designated per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08) and are listed in Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).

Annex 1: Schematic diagram of a shark line



Annex 2: Template for reporting implementation of this CMM

Each CCM shall include the following information in Part 2 of its annual report:

1. Description of alternative measures in para 5, if applicable
2. Results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks
3. Details of National Plan of Action, as appropriate, for implementation of IPOA Sharks in para 6 that includes:
  - (i) details of NPOA objectives; and
  - (ii) species and fleet covered by NPOA as well as catches thereby
  - (iii) measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks;
  - (vi) work plan and a review process for NPOA implementation
4. Annual retained and discarded catches of the key shark species
- [5. With respect to para 8 (Alt 2):
  - (1) Whether sharks or shark parts are retained on board their flag vessels, and if so, how they are handled and stored
  - (2) In case that CCMs retain sharks and choose to apply a requirement for fins to be naturally attached to carcasses
    - Their monitoring and enforcement systems relating to this requirement
  - (3) In case that CCMs retain sharks and choose to apply measures other than a requirement for fins to be naturally attached to carcasses
    - Their monitoring and enforcement systems relating to this requirement
    - A detailed explanation of why the fleet has adopted its fin-handling practice;]
6. The management plan in para 13 that includes:
  - (1) specific authorizations to fish such as a license and a TAC or other measure to limit the catch of shark to acceptable levels;

(2) measures to avoid or reduce catch and maximize live release of species whose retention is prohibited by the Commission;

7. A report on sampling programs for oceanic whitetip sharks and silky shark as a CCM project as referred to in para 17. (4)

8. Estimated number of releases of oceanic whitetip shark and silky shark caught in the Convention Area, including the status upon release (dead or alive), through data collected from observer programs and other means.

9. Description of compatible measures as referred to in para 18. (4)

10. Any instances in which whale sharks have been encircled by purse seine nets of their flagged vessels, including the details required under para 18. (5)(b).