



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

**PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE FOR
SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY WCPFC**

**WCPFC13-2016-DP07
4 November 2016**

Proposal from the European Union

European Union
Proposal for a Conservation and Management Measure on sharks

Explanatory Note addressing CMM 2013-06 criteria

- a. *Who is required to implement the proposal?*
This proposal applies to all CCMs.
- b. *Which CCMs would this proposal impact and in what way(s) and what proportion?*
CCMs having fishing vessels that implement the finning ban through the application of the 5% fins to carcass weight ratio will be impacted by this CMM. Application of this CMM will result in a change in fishing, storing and processing practices on-board these vessels.
This CMM will also impact all the CCMs that are involved in control and enforcement activities within the WCPFC area. It will greatly facilitate the inspections and assessment of compliance of fishing operators in relation to this CMM.
- c. *Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?*
NEAFC and more recently NAFO have adopted the "fins naturally attached" policy, while other RFMOs are considering similar proposals.
- d. *Does the proposal affect development opportunities for SIDS?*
Except a potential economic impact (that still needs to be demonstrated), due to the need for adaptation of storage practices, on fishing operators that remove sharks fins on board, there should be no negative impact on development opportunities for SIDS. On the opposite, this CMM should have positive impacts on the coastal states that have put emphasis on the conservation of sharks through the establishment of sanctuaries for sharks conservation, the development of touristic and pedagogic activities related to the protection of biodiversity and in particular sharks etc).
- e. *Does the proposal affect SIDS domestic access to resources and development aspirations?*
Similar as above (d).
- f. *What resources, including financial and human capacity, are needed by SIDS to implement the proposal?*
Not applicable: no resources are required for SIDS to implement this CMM.
- g. *What mitigation measures are included in the proposal?*
Not applicable: no mitigation measures are required.
- h. *What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?*
None.

EUROPEAN UNION

PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY WCPFC

The Western and Central Pacific Fisheries Commission (WCPFC):

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

RECOGNIZING the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);

CONSIDERING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States to cooperate through regional fisheries organizations to ensure the sustainability of shark stocks;

RECOGNIZING the need to improve the collection of species-specific data on catch, effort, discards, 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;

ALSO AWARE that identifying sharks by species is rarely possible when the fins have been removed from the carcasses;

CONSCIOUS that the use of fin-to-carcass -weight ratios is not an adequate as a means of ensuring that sharks are not finned has proven ineffective in terms of implementation, enforcement and monitoring;

NOTING that SC10, SC11 and SC12 advised it will not be able to review the specification of the ratio of fin weight to shark weight as described in paragraph 8 of CCM 201-07 because of the lack of reliable data and of appropriate species/fleet specific methodology;

ALSO NOTING TCC11 and TCC12 recommendation that compliance of the implementation of the fins to carcass ratio cannot be assessed;

FURTHER NOTING TCC12 advice that WCPFC13 consider means to strengthen CMM 2010-07 with respect to ensuring compliance with the obligation to ensure full utilisation of retained catches of sharks;

CONCERNED by SC11 and TCC12 advice that finning still occurs in the WCPFC Convention Area;

ADOPTS the following measures in accordance with Article 10 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention):

1. Members, Cooperating Non-Members and Participating Territories (CCMs) shall prohibit the removal of shark fins at sea and the retention on board, transshipment and landing of shark fins.
2. Without prejudice to paragraph 1, 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. CCMs shall prohibit offering for sale, selling or purchasing shark fins that are taken, landed or possessed in contravention of this CMM.
4. CCMs shall, where possible, undertake research to identify ways to make fishing gears more selective and provide relevant information to the Scientific Committee.
5. CCMs shall, where possible, conduct research to identify shark nursery areas in the Convention Area and provide relevant information to the Scientific Committee.
6. This CMM applies only to sharks caught in association with fisheries managed by WCPFC.
7. CCMs shall report in their annual reports all catches of sharks' species and other relevant data, including available historical data, in accordance with the data reporting requirements of the WCPFC.
8. CCMs shall also collect and include in their annual reports, data related to species for which the Commission has adopted a retention ban, in particular, data on catches and status of specimens upon release.
9. This measure shall replace paragraphs 7, 8 and 11 of Conservation and Management Measure for Sharks (WCPFC CMM 2010-07).