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INTERNATIONAL AFFAIRS AND MARKETS

**INTERNATIONAL AFFAIRS, LAW OF THE SEA AND REGIONAL FISHERIES
ORGANISATIONS**

Memorandum of Understanding on the Conservation of Migratory Sharks

Report from the European Union and its Member States

February 2016

*Contributions from Belgium, Germany, Italy, United Kingdom and
the European Union*

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REPORT FROM THE EUROPEAN UNION

1. Introduction

The European Union (EU) is committed to the conservation and sustainable management of sharks¹, both within the EU and in all the relevant international fora to which it is Party. The main objectives of the EU are laid down in the European Plan of Action for the conservation and management of sharks. This plan falls within the scope of the Common Fisheries Policy (CFP)². The CFP provides a comprehensive science-based regulatory framework governing fisheries management which encompasses also the conservation and sustainable management of sharks. Other EU policies, such as the Marine Strategy Framework Directive³, may have a bearing on sharks, more or less directly.

A brief summary of European Union's main policies and activities that are relevant in the context of the Sharks MoU is presented in the following sections.

2. European Union's Plan of Action for the conservation and management of sharks (EUPOA Sharks)

The EUPOA for the Conservation and Management of Sharks was inspired in the FAO IPOA and adopted on 5 February 2009. The scope of the EUPOA covers directed commercial, by-catch commercial, directed recreational, and by-catch recreational fishing of any sharks within Union's waters. It also includes any fisheries covered by current and potential agreements and partnerships between the European Union and third countries, as well as fisheries in the high seas and fisheries covered by RFMOs managing or issuing non-binding recommendations outside EU waters. It promotes a gradual strategy to address sharks-related issues based on sound scientific and on regional cooperation through the implementation of an integrated framework of actions.

The main policy objectives of the EUPOA sharks are:

1. Broaden the knowledge both on shark fisheries and on shark species and their role in the ecosystem.
2. Ensure that directed fisheries for shark are sustainable and that by-catches of shark resulting from other fisheries are properly regulated.
3. Encourage a coherent approach between the internal and external EU fishery policy for sharks.

¹ "Sharks" in this document should be understood as covering all species of the class Chondrichthyes.

² REGULATION (EU) No 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

³ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive);

3. EU legislation relevant for sharks

3.1 Fishing opportunities regulation

An important piece of EU legislation relevant for sharks is the fishing opportunities regulation⁴. It encompasses several provisions dedicated to sharks, including:

* Prohibitions for EU fishing vessels and third countries vessels fishing in EU waters to fish for, to retain on board, to tranship or to land the following species:

(a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions IIa, IIIa and VIIId and ICES subarea IV;

(b) white shark (*Carcharodon carcharias*) in all waters;

(c) leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;

(d) Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;

(e) basking shark (*Cetorhinus maximus*) in all waters; (f) kitefin shark (*Dalatias licha*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;

(g) birdbeak dogfish (*Deania calcea*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;

(h) common skate (*Dipturus batis*) complex (*Dipturus cf. flossada* and *Dipturus cf. intermedia*) in Union waters of ICES division IIa and ICES subareas III, IV, VI, VII, VIII, IX and X;

(i) great lanternshark (*Etmopterus princeps*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I and XIV;

(j) smooth lanternshark (*Etmopterus pusillus*) in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;

(k) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division IIa and subarea IV and in Union and international waters of ICES subareas I, V, VI, VII, VIII, XII and XIV;

(l) porbeagle (*Lamna nasus*) in all waters;

(m) reef manta ray (*Manta alfredi*) in all waters;

(n) giant manta ray (*Manta birostris*) in all waters;

(o) the following species of *Mobula* rays in all waters: (i) devil fish (*Mobula mobular*); (ii) lesser Guinean devil ray (*Mobula rochebrunei*); (iii) spinetail mobula (*Mobula japanica*); (iv) smoohtail mobula (*Mobula thurstoni*); (v) longhorned mobula (*Mobula eregoodootenkee*); (vi) Munk's devil ray (*Mobula munkiana*); (vii) Chilean devil ray

⁴ COUNCIL REGULATION (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104

(*Mobula tarapacana*); (viii) shortfin devil ray (*Mobula kuhlii*); (ix) lesser devil ray (*Mobula hypostoma*);

(p) the following species of sawfish (*Pristidae*) in all waters: (i) narrow sawfish (*Anoxypristis cuspidate*); (ii) dwarf sawfish (*Pristis clavata*); (iii) smalltooth sawfish (*Pristis pectinata*); (iv) largetooth sawfish (*Pristis pristis*); (v) green sawfish (*Pristis zijsron*);

(q) thornback ray (*Raja clavata*) in Union waters of ICES division IIIa;

(r) Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions VIa, VIb, VIIa, VIIb, VIIc, VIIf, VIIg, VIIh and VIIk;

(s) undulate ray (*Raja undulata*) in Union waters of ICES subareas VI and X;

(t) white skate (*Raja alba*) in Union waters of ICES subareas VI, VII, VIII, IX and X;

(u) guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII;

(v) angel shark (*Squatina squatina*) in Union waters.

According to this regulation, when specimens of the species above are accidentally caught, they must be promptly released unharmed.

* Species managed under TACs (total allowable catches) established based on best scientific advice available. In some cases such as for spurdog (*Squalus acanthias*) the TAC has been set to zero in some specific areas. In other cases, TACs are defined to regulate by-catch of shark species.

* Transposition of RFMOs conservation and management measures that are related to sharks:

- ICCAT:

- * Prohibition of fishing for oceanic whitetip sharks (*Carcharhinus longimanus*);
- * Prohibition of fishing for oceanic whitetip sharks (*Carcharhinus falciformis*);
- * Prohibition of fishing for bigeye thresher sharks (*Alopias superciliosus*);
- * Prohibition of targeted fishing for species of thresher sharks of the *Alopias* genus;
- * Prohibition of fishing for hammerhead sharks of the *Sphyrnidae* family (except for the *Sphyrna tiburo*);

- IOTC:

- * Prohibition of fishing for oceanic whitetip sharks (*Carcharhinus longimanus*);
- * Prohibition of fishing for thresher sharks (*Alopias spp*);

- WCPFC:

- * Prohibition of fishing for oceanic whitetip sharks (*Carcharhinus longimanus*);
- * Prohibition of fishing for silky sharks (*Carcharhinus falciformis*);

- IATTC:

- * Prohibition of fishing for oceanic whitetip sharks (*Carcharhinus longimanus*);
- * Prohibition of fishing for Mobulid rays;

- SEAFO:
Prohibition of directed fishing for deep water sharks: ghost catshark (Apristurus manis), bluntnose lanternshark (Etmopterus bigelowi), shorttail lanternshark (Etmopterus brachyurus), great lanternshark (Etmopterus princeps), smooth lanternshark (Etmopterus pusillus), skates (Rajidae), velvet dogfish (Scymnodon squamulosus), deep-sea sharks of the Selachimorpha super-order, spiny dogfish (Squalus acanthias).
- CCAMLR: prohibition to target any shark species.

3.2 Fins naturally attached

The fins naturally attached policy has been introduced on 12 June 2013 through the Regulation (EU) No 605/2013⁵. It aims at ensuring the effective implementation of the finning ban (introduced in 2003) and ensuring the eradication of finning practices in EU waters. This regulation obliges operators to land all sharks with their fins naturally attached with the aim to facilitating control and eliminating any loophole that could allow finning to go undetected. In order to facilitate on-board storage and handling and to ensure safety, operators are allowed to slice partly through the fins and fold them against the carcass to create a cylindrical shape.

3.3 Data Collection Framework

Since 2000, an EU framework for the collection and management of fisheries data is in place. This framework was reformed last in 2008 resulting in the Data Collection Framework (DCF)⁶. Under this framework the EU Member States collect, manage and make available a wide range of fisheries data needed for scientific advice, including for shark species.

The obligation to collect biological, environmental, technical and socio-economic data for fisheries management is also included in Article 25 of the CFP Basic Regulation. This Article establishes the main objectives of the EU data collection activities, the principles on which the collection, management and use of this data shall be based as well as the EU-Member States' obligations in terms of reporting and coordination of their activities at national and regional level.

The data is collected on the basis of National Programmes in which the EU Member States indicate which data is collected, the resources they allocate for the collection and how data is collected. Member States report annually on the implementation of their National Programmes and the Scientific, Technical and Economic Committee for Fisheries (STECF) evaluates these Annual Reports.

3.4 Other regulations

Other regulations as for example the Mediterranean Regulation⁷, contain various measures that protect various shark and ray species. These may include the prohibition to use driftnets, the prohibition to use bottom set nets to catch several groups of sharks, the protection of the coastal zone from trawling, as well as gear requirements such as

⁵ REGULATION (EU) No 605/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 June 2013 amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels;

⁶ Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy;

⁷ COUNCIL REGULATION (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94;

maximum net dimension and low twine thickness for bottom-set nets that further help to reduce unwanted by-catches of sharks. Other pieces of EU legislation like the Marine Strategy Framework Directive may benefit to the conservation of sharks. Conservation measures for sharks promoted by the EU and adopted by NEAFC⁸ and GFCM⁹ are also implemented.

4. External dimension

The EUPOA Sharks emphasizes the need to support the work of the RFMOs, strengthen the operational capacity of the RFMOs that are in place and work for the establishment of RFMOs in areas not yet covered. This commitment is confirmed by the Commission Communication on the External Dimension of the Common Fisheries Policy¹⁰ and in Part VI of the CFP Basic Regulation, Article 28, where it is stipulated that *"the EU shall conduct its external fisheries relations in accordance with its international obligations and policy objectives as well as the objectives and principles set out in Articles 2 and 3"* and to *"ensure that fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law in the area of the CFP"*.

The EU is among the most active promoters of science-based conservation and management measures for sharks and has initiated or co-sponsored most (if not all) of the shark related measures that have been adopted in different RFMOs. The EU is also actively promoting the fins naturally attached policy in all the RFMOs and has contributed in the adoption of this policy by GFCM (2012) and NEAFC (2015).

The EU is also active in other relevant international fora, like the General Assembly of the UN, the Convention on the Conservation of Migratory Species (CMS), the Memorandum of Understanding on the conservation of migratory sharks, CITES etc.

5. Activities in support of the conservation of sharks

In addition to the specific arrangements and support to the scientific bodies and expert groups that provide the required scientific advice for the elaboration and implementation of the CFP (ICES, STECF, JRC etc), the European Union supports through voluntary contributions scientific research for sharks and mitigation of by-catch in the RFMOs to which it is Party (e.g. WCPFC, IATTC, ICCAT, IOTC...).

The EU also supports through voluntary contributions various activities, including capacity building activities, in cooperation with various partners in relevant bodies (RFMOs, FAO, CITES, CMS, Sharks MoU etc), with the aim to improving compliance and effectiveness of the implementation of conservation and management measures for sharks.

Some examples of work on sharks funded by the EU:

- http://ec.europa.eu/fisheries/documentation/studies/sharks/index_en.htm
- <https://cites.org/sites/default/files/eng/com/sc/66/Inf/E-SC66-Inf-11.pdf>
- <https://cites.org/sites/default/files/eng/com/sc/66/Inf/E-SC66-Inf-12.pdf>

⁸ [Rec 07 2013: Deep-sea Sharks](#); [Rec 08 2015: Spurdog \(Squalus acanthias\)](#); [Rec 08 2016: Basking Shark 2016 - 2019](#); [Rec 07 2016: Porbeagle: 2016 - 2019](#).

⁹ Recommendation GFCM/36/2012/3 on fisheries management measures for conservation of sharks and rays in the GFCM area;

¹⁰ COM (2011) 424: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on External Dimension of the Common Fisheries Policy

REPORT FROM BELGIUM

CMS MoU Sharks

1. General information

No shark fishery is conducted in Belgium. However, bycatch, in particular of dogfish (*Squalus acanthias*) and common smooth-hound (*Mustelus mustelus*) and starry smooth-hound (*Mustelus asterias*), is a common problem for all the fishing gear/methods used by Belgian fishermen.

Belgium (federal and sub-national governments) is working closely with relevant stakeholders (fishermen, research centers and civil society) on the protection and conservation of sharks, in particular concerning better identification of bycaught individuals and data collection.

Belgium is also active on the international level, both within the EU and in other relevant international fora (ex: CITES).

2. Improving understanding of migratory shark populations through research, monitoring and information exchange: Ecological research, monitoring and data collection; Information exchange

Fishing boats are obliged to report and register bycatch (incl. weight) of all species, including of sharks, for which there is a landing requirement. Statistics on the type of boat, type of fishing gear, the fishing area and detailed location and habitat are drawn from this. However, practice shows that it remains challenging to have reliable data, as species identification can be very difficult. In order to try to overcome this hurdle, the HaroKIT project was set up. See *infra* for further information on this project.

Scientists of research institution ILVO (Institute for Agriculture and Fisheries Research) journey along with fishing vessels and register bycatch of sharks, including those for which no landing obligation exists and which are thrown back into the sea. This information is also integrated in statistics.

3. Ensuring that directed and non-directed fisheries for sharks are sustainable: Fisheries-related research and data collection; Ecologically sustainable management of shark populations, including monitoring, control and surveillance; Bycatch; International trade

Belgium (ngo Natuurpunt, the ILVO (Institute for Agriculture and Fisheries Research) and the VLIZ (Flanders Marine Institute) are finalizing a project, funded by the EU Fisheries Fund, entitled HaroKIT. This project delivers analytical scientific results and policy recommendations on the one hand, but it also has a very concrete product: an identification tool, or kit, including training and capacity-building, for fishermen in order to help them to recognize and correctly register bycaught sharks and rays. This will improve the data and statistics mentioned above. The kit also trains fishermen on how to handle and return to sea vulnerable species.

The release date of the kit and the results and recommendations of the project is December 1st 2015. The results will be made publicly available in order to raise awareness, not only of fishermen, but of the broader public as well. Belgium intends to draw up a follow-up project which will focus even more on shark and ray protection.

4. Ensuring to the extent practicable the protection of critical habitats and migratory corridors and critical life stages of sharks

Belgium indicated a number of areas in the Belgian part of the North Sea as Natura 2000 sites. These sites are not directly aiming at shark protection, but potentially have an indirect effect on them. Further research and, as appropriate, related measures, are needed regarding ecology and breeding grounds.

5. Increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities: Awareness raising; Stakeholder participation

See information on HaroKIT, a project conducted by the government, together with research centers and civil society aiming to raise awareness of fishermen and the general public, above.

REPORT FROM GERMANY

Brief preliminary German report on the implementation of the Sharks MoU (2013 - January 2016)

Germany has worked to implement the Sharks MoU in two main respects:

a) International Cooperation

Germany provided financial help to promote the MoU and its secretariat working under the auspices the CMS Secretariat in 2013 -2014 with 170.000,-€ for the P2 Level officer in charge of the Sharks MoU. Furthermore in 2014 Germany supported the elaboration of an identification guide “Sharks in the Arabian seas” (containing an Arabic Translation) to give support to sharks protection especially in those countries where Arabic is spoken (around 20 countries of the world) and in particular the East Arabian States.

In 2015 Germany provided funding (80.117 €) for assisting the Meeting of Signatories (including IISD Reporting Service; Interpreters & Equipment; Meeting Banner); Additional 15.368,- € were dedicated to the following contribution to international sharks protection (cf. (MoS 2 / Inf.12):

Study on Conservation Priorities for Shark and Ray Species included and proposed for inclusion in Annex 1 to the CMS Memorandum of Understanding on the Conservation of Migratory Sharks.

With these contributions, Germany went beyond the amount of 76.391,- € of support which is being discussed within the Sharks MoU as a desirable voluntary MoU contribution from Germany.

b) National Implementation

The most important national contribution for the German implementation of the Sharks MoU was a research project called "Gefährdung und Schutz der Haie und Rochen in den Meeresgebieten der Nord-und Ostsee" ("*Threat and conservation of sharks, skates and rays in German waters of the North and Baltic Seas*"). This research Project was initiated and created in cooperation between the German Environment Ministry (BMUB) and the Federal Agency for Nature protection (BfN) and it was funded in the framework of the German Environmental Research Plan.

The Project is realized by the University of Hamburg. The main scientist in charge of this project is Prof. Dr. Ralf Thiel and his team, consisting of Heike Zidowitz and Simon Weigmann.

The purpose of this project is to provide insight into the distribution, the habitat use and population structure of relevant chondrichthyan fishes in German waters of the North and Baltic Seas. Historic and current data from museum collections and literature, as well as data from current scientific surveys by the International Council for the Exploration of the Sea (ICES) and national surveys of German authorities were used to reconstruct former and display current situations. Habitat suitability models were developed based on ICES survey data in order to describe and predict habitat use of starry ray (*Amblyraja radiata*), the most abundant chondrichthyan fish species in the considered waters.

However, so far there are no indications of still existing permanent or regular occurrence of those species of sharks and rays so far listed in the Annexes of CMS. At least observations indicating historical or occasional presence of such CMS species are reported.

In the final stage this project will synthesize the results to formulate possible conservation measures and give advice and inform conservation policies.

This Project originally was planned for the timeframe 2013 - 2015. However, more time was needed to finalize the final report. Therefore the final report will not be available in spring 2016. To inform the participants of the Meeting of Signatories of the Sharks MoU about this project, Heike Zidowitz (University of Hamburg) will report on the outcome of the work so far during a side event of the MoS Report in Costa Rica.

REPORT FROM ITALY

ITALIAN NATIONAL REPORT ON MANAGEMENT AND CONSERVATION OF MIGRATORY SHARKS

Introduction

Italy is committed to managing sustainable fisheries of the cartilaginous fishes and to protecting endangered the species in line with the EU PCP (Common Fisheries Policy), the FAO guidelines and the action plan of the Barcelona Convention.

National initiatives on shark conservation

In the 2010 the Italian Ministry of the Environment established a Technical Panel on the protection and management of cartilaginous fish in the national seas Italian. The Panel is constituted by delegates of the Ministry of the Environment, of the Ministry of the Agricultural, Forestry and Food Policies, scientific experts, environmental NGOs and stakeholders. The main objective of the technical panel is to foster the definition and the adoption of a Italian Action of Plan on cartilaginous fishes, following the ratification of Conventions and international agreements such as the FAO IPOA-Shark.

The involvement of Italy at EU level

Italy is directly involved in the implementation of the Common Fisheries Policy (CFP), which provides the framework for sustainable management of commercial fish species, including cartilaginous fishes, within EU waters. Some chondrichthyans are, in particular, considered prohibited species.

The EU finning ban Council Regulation (EC No 1185/2003) prohibits the removal of shark fins at sea. Moreover, the European Commission approved the development of a European plan of action for the conservation of cartilaginous fish (Resolution EC 05/02/2009). Italy was a leading voice in the approving process of both these acts.

The involvement of Italy in the international fora

Italy is directly involved in international fora aiming the improvement of the conservation and management of the cartilaginous fishes. In particular within the Barcelona Convention, the GFCM (General Fisheries Commission for the Mediterranean Sea) of the FAO, ICCAT (International Commission for the Conservation of Atlantic Tunas), CITES (Convention on International Trade in Endangered Species), the CMS (Convention on Migratory Species) Shark MoU,

Barcelona Convention. Italy actively participate to the redaction of the Action Plan for the Conservation of cartilaginous fishes (Chondrichthyans) for the Mediterranean.

General Fisheries Commission for the Mediterranean Sea (GFCM). Italy is a leader state of the GFCM in order to develop a sustainable management of fishing activities in the Mediterranean. Italy provides relevant data on the catches of elasmobranch species.

International Commission for the Conservation of Atlantic Tunas (ICCAT). Italy¹¹ actively joins in the ICCAT and it was involved for the banning of finning, the requirement to record catches to species level, and the prohibiting of the landing and sale of several species of sharks.

Convention on International Trade in Endangered Species (CITES). As signatory state of the CITES agreement, Italy continues to consider it an important tool for the sustainable utilization of species of commercial interest. In according with the past Italian efforts for the protection of the cartilaginous fishes, Italy will continue to critically evaluate and possibly support all shark listing proposals within the CITES.

Convention on Migratory Species (CMS) - Shark MoU. Italy is a signatory state of the Shark MoU since 2011 Italy is an active member of the CMS Shark MoU, recognizing the importance of this instrument to improve the protection and management of migratory elasmobranchs.

¹¹ As part of the EU Delegation to ICCAT

REPORT FROM THE UNITED KINGDOM

United Kingdom National Report 2016

Introduction

The UK continues to be a leading voice for ensuring appropriate global protection and management is in place for elasmobranchs (sharks, skates, and rays). We do not oppose the capture of sharks in commercial fisheries, but want to ensure that those fisheries are sustainable, trade is managed, and that appropriate conservation measures are in place. Our approach to achieving these aims is to base management on sound scientific evidence, ensuring that the precautionary principle is applied where appropriate throughout the range of the species. In order to drive forward these aims the UK continues to work at national, EU and international levels.

National Initiatives on Elasmobranch Conservation

UK Shark, Skate and Ray Conservation Plan

The UK Shark, Skate and Ray Conservation Plan¹² (hereinafter referred to as the UK Conservation Plan) is an important document developed in response to both the FAO and EU Shark Plans of Action. The UK Conservation Plan outlines how the UK will work nationally, within the EU, and internationally to manage and protect elasmobranch species. The plan recognises the important role of elasmobranchs in the ecosystem and highlights the pressures facing them. It summarises the management and conservation measures in place at the time of its publication (January 2011) and sets out UK policy objectives with the overarching aim of managing elasmobranch stocks sustainably so that depleted stocks recover and that those faring better can be sustainably fished. The UK Conservation Plan was reviewed in 2013¹³. This review highlighted notable achievements in the conservation of elasmobranchs, including:

- The listing of a further five species of shark, two species of manta ray on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and that all species of sawfish were listed on Appendix I.
- Agreeing an ambitious Conservation Plan, providing for a UK scientist to sit on the expert panel, and acting as co-chair of the Intersessional Working Group with the USA, under the Conservation of Migratory Species (CMS) Shark Memorandum of Understanding (MoU).

¹²<http://webarchive.nationalarchives.gov.uk/20130505040140/http://archive.defra.gov.uk/environment/marine/documents/interim2/shark-conservation-plan.pdf>

¹³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224294/pb14006-shark-plan-review-20130719.pdf

- An amendment to the EU Finning Ban to require all sharks caught by the EU fleet to be landed with their fins still naturally attached to their body.
- Mandatory data reporting for shark species in the International Commission for the Conservation of Atlantic Tunas (ICCAT) i.e. no data, no fish.
- An amendment to the EU Finning Ban to require all sharks caught by the EU fleet to be landed with their fins still naturally attached to their body.
- Launching a collaborative project with South-west fishermen to establish a scientific bycatch fishery for elasmobranchs in order to collect important fisheries data (NEPTUNE).
- Increasing the use of species codes in landings data and the introduction of electronic logbooks.
- Provision of financial and policy support to the Shark Trust for the production of the annual Commercial Fisheries Advisories and for the production of best practice guidelines by the MMO and Cefas.

The Shark, Skate and Ray Conservation plan is expected to be updated during 2016.

Research

The UK has also initiated and engaged in a number of research projects focused on elasmobranchs. In particular, we have been funding work with Centre for Environment, Fisheries and Aquaculture Science (Cefas) to address gaps in our understanding of the ecology, life history and population status of selected elasmobranch species and to improve our understanding of their survivability following discarding in fisheries. This has been particularly important in light of ongoing reform of the EU Common Fisheries Policy (CFP) and the implementation of a discard ban in EU waters. Further information on these projects is included below.

Fish and Multilateral Environmental Agreements (MEAs). Further developing a risk assessment framework for fisheries species, and application of the framework to fished shark species¹⁴¹⁵

In 2013 the UK funded TRAFFIC to carry out work to develop a novel method for quantifying the risk posed to shark stocks from over-exploitation. This built on previous work funded by the UK which assessed the intrinsic vulnerability of shark species in order to identify which had the greatest potential risk from over-exploitation. The new work included an assessment of the management measures in place to protect shark species (M-Risk) in order to conclude where the application of multi-lateral environmental agreements such as CITES or CMS, alongside fisheries management measures, might make a tangible difference to their conservation and sustainable use. 46 medium or high risk species were chosen for this study and the result is a blueprint for a transparent, repeatable risk assessment framework suitable for application to a variety of marine species.

¹⁴ <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=18800&FromSearch=Y&Publisher=1&SearchText=TRAFFIC&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

¹⁵ <http://www.traffic.org/home/2014/4/23/shark-fisheries-management-traffic-develops-new-risk-assessm.html>

National Evaluation of Populations of Threatened and Uncertain Elasmobranchs (NEPTUNE)¹⁶

This project was completed in March 2015 and facilitated decision makers, fisheries scientists, commercial fishermen, regulators, and NGOs to work together in the south-west of England to collect more robust data for a number of species including spurdog, porbeagle, and common skate (i.e. through increased bycatch monitoring and tag and release). This has helped improve the availability of fishery-dependent information for assessing the fishery and status of the stocks and ensured that the knowledge and views of the fishing industry are incorporated into the development of practical regional and national management strategies.

Shark By-Watch UK and Shark By-Watch UK 2¹⁷

These projects were funded through the European Fisheries Fund (EFF). Their aim has been to work with industry to improve knowledge of shark, skate and ray bycatch and discarding patterns in inshore fisheries and improve fishing and handling practices in order to support more sustainable shark and ray fisheries. An important component of these projects has been the incorporation of workshops to share and develop knowledge, and the tagging and sampling of local shark, skate and ray species.

Spurdog By-catch Avoidance Programme¹⁸

This project built on an earlier project: Common Fisheries Policy reform implementation: aligning zero quota species and improving fisheries management – a spurdog case study¹⁹. An innovative by-catch avoidance tool has been developed and is currently being trialled in the UK. This tool allows fishers to report, in near real time, their encounters of spurdog which are then used to create daily advisory notes in the form of a gridded map with a traffic light system. Fishers can then use this information and their knowledge of spurdog seasonal behaviours to avoid certain areas, thus reducing the risk of large bycatches and decreasing overall fishing mortality.

Common Skate Survey

This project continues previous surveys (2011, 2014, and 2015) and aims to improve our knowledge of abundance, distribution, catches, and discard survival of common skate in relation to mixed demersal fisheries, whilst also increasing our biological understanding of the species.

We also expect to fund further collaborative research projects through Cefas with the fishing industry, such as a Fisheries Science Partnership on undulate ray and Applied

¹⁶<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=17020&FromSearch=Y&Publisher=1&SearchText=neptune&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

¹⁷ <http://www.sharkbywatch.org/>

¹⁸<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=19658&FromSearch=Y&Publisher=1&SearchText=spurdog&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

¹⁹<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=18966&FromSearch=Y&Publisher=1&SearchText=spurdog&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

Science to Support the Industry in delivering an end to discards (ASSIST)²⁰. Currently we are in the process of commissioning research to address important data gaps in our current ability to assess and manage elasmobranch stocks whilst ensuring the sustainability of their fisheries, and will provide scientific evidence to influence emerging policy.

Legislation

The [Wildlife and Countryside Act](#) (1981) is an important part of UK legislation. This legislation consolidates a range of conservation commitments in England and Wales, including the Bern Convention and the EC Habitats Directive. Listing of a species under the Act makes it an offence (subject to exceptions) to intentionally kill, injure, take, possess, or trade in that animal in English and Welsh Waters. The angel shark, white skate and basking shark are already listed in the Act due to their conservation status. These species are also listed within the Common Fisheries Policy (CFP) as prohibited species which means that they cannot be landed by commercial fishers. Listing under the Act also extends this prohibition to other activities, including recreational fisheries, out to 12nm.

Additional species can be added to the Act as part of a five yearly review, whereby the Joint Nature Conservation Committee (JNCC), adviser to the UK Government on nature conservation issues, propose species in need of protection. Through this process the listing of additional shark species on the Act can be considered, where these listings would be in line with scientific advice and offer a real conservation benefit. Details on the review can be found on the JNCC website²¹.

In Scotland, the [Nature Conservation Act \(Scotland\) 2004](#)²² reformed the 1981 Act to offer similar protection for wildlife species in Scotland. In particular, it extends the protection offered to basking shark by strengthening the offence provision in relation to this species.

Equivalent provisions for Northern Ireland are contained within the [Wildlife \(Northern Ireland\) Order 1985](#) and the [Nature Conservation and Amenity Lands \(Northern Ireland\) Order 1985](#)²³.

Other legislative measures have been introduced where required, an example of this is the [Tope \(Prohibition of Fishing\) Order 2008](#)²⁴. Following reports of plans to develop a targeted commercial tope fishery, measures were introduced to protect tope, a vulnerable European continental-shelf and coastal shark species. The Tope Order prohibits fishing

²⁰<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=18902&FromSearch=Y&Publisher=1&SearchText=MF1232&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

²¹ <http://jncc.defra.gov.uk/page-1377>

²² http://www.legislation.gov.uk/asp/2004/6/pdfs/asp_20040006_en.pdf

²³ <http://jncc.defra.gov.uk/page-3175>

²⁴ <http://www.legislation.gov.uk/uksi/2008/691/introduction/made>

for tope other than by rod and line, and sets a 45kg per day tope by-catch limit in commercial fisheries for other species. Tope landed by commercial vessels must have their head and fins still attached. Rod and line anglers fishing from boats are not allowed to land their catches ashore alive or dead. In this way both commercial and recreational fishermen share responsibility for the conservation of tope.

Additionally, the Scottish Government introduced the [Sharks, Skates and Rays \(Prohibition of Fishing, Transshipment and Landing\) \(Scotland\) \(Order\) 2012](#)²⁵. Like the UK Tope Order, the Scottish Order provides protection for tope from both commercial and recreational fishermen. The Scottish Order also identifies a further 21 species of elasmobranch which are currently protected from commercial fishing at EU level, and extends this protection to prevent landing by the recreational sector in Scottish waters. Recreational fishermen are still permitted to fish using the ‘catch and release’ method.

We also continue to keep in mind the effectiveness and value of existing legislation and continue to seek ways of improving species protection without the need to regulate, for example, by inducing behavioural change and establishing codes of conduct for commercial fishers and recreational anglers. One such example is the Shark Trusts series of ‘Fisheries Advisory’ leaflets²⁶. These advisories provide information for fishermen on prohibited/protected elasmobranchs, in line with the European Union Total Allowable Catches (TACs) and Quota Regulations. These advisories have been well received by the UK fishing industry and work is underway to translate these into other languages.

Marine Protected Areas for Elasmobranchs

Marine Protected Areas (MPAs) can be put in place in the UK if sufficient evidence exists to show their creation will be of particular benefit to the species, for example in protecting crucial breeding or juvenile grounds. This can be done through the designation of Marine Conservation Zones (MCZs) in England, Wales and Northern Ireland or through Nature Conservation Marine Protected Areas (NCMPA) in Scotland. To date one NCMPA has been designated in Scotland to protect common skate. Further designations are also being considered for basking shark

UK involvement within the European Union

Common Fisheries Policy

The EU Common Fisheries Policy (CFP) provides the framework for the protection and management of commercial fish species, including some sharks, for EU vessels in all waters. The UK supports the establishment of scientifically justified catch limits where these are supported by evidence. Several species such as angel shark, basking shark, white skate, white shark, and porbeagle shark are listed as prohibited species whilst others such as spurdog have zero Total Allowable Catches (TACs).

²⁵ http://www.legislation.gov.uk/ssi/2012/63/pdfs/ssi_20120063_en.pdf

²⁶ http://www.sharktrust.org/en/fisheries_advisories

Fins Naturally Attached

In 2009 the UK Government implemented regulation that required all sharks be landed with their ‘fins naturally attached’ to ensure shark finning cannot take place on UK-registered vessels. Since that time the UK has continued to promote this practice, strongly supporting an amendment to the EU Finning Ban (Regulation (EU) No 605/2013 amending Council Regulation (EC) No 1185/2003)²⁷ to require all sharks caught by the EU fleet to be landed with their fins still naturally attached to their body. We continue to speak out for this practice to be adopted globally.

OSPAR (Regional Seas Convention)

The UK proactively engages in OSPAR (The Convention for the Protection of the marine Environment of the North-East Atlantic) to ensure greater protection of sharks is afforded. OSPAR has undertaken work to determine those species that occur within the convention area and may need protection. This work resulted in the development of the List of Threatened and/or Declining Species and Habitats²⁸, which includes 10 elasmobranch species, in order to steer priorities for further work on the conservation and protection of marine biodiversity.

UK involvement in international fora

The UK engages actively in international fora where we consider the most benefit will arise for the conservation and management of sharks. In particular within Regional Fisheries Management Organisations (RFMOs), CITES, CMS and the CMS Sharks MoU.

Regional Fisheries Management Organisations (RFMOs)

The UK²⁹ considers involvement within RFMOs as an important step in ensuring that appropriate management and protection is in place. Much has been achieved to date in the RFMOs, especially within the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Indian Ocean Tuna Commission (IOTC). However, the UK continues to support further measures be implemented within RFMOs, specifically catch limits for commercially exploited elasmobranch species such as blue shark and shortfin mako shark, prohibitions on landings for vulnerable species such as porbeagle, and Fins Naturally Attached.

Convention on International Trade in Endangered Species (CITES)

The UK considers CITES to be an important means of regulating trade in vulnerable marine species, complementing current fisheries controls. It also provides crucial data on the utilisation of species of commercial interest and supports their sustainable use. The UK will continue to press for appropriate management of trade in elasmobranchs under

²⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0605&from=EN>

²⁸ <http://www.ospar.org/work-areas/bdc/species-habitats/list-of-threatened-declining-species-habitats>

²⁹ As part of the EU Delegation and on behalf of its overseas territories.

CITES and build on the successes of the last CITES Conference of the Parties (CoP) where we worked hard to help secure the protection of five species of shark and two species of manta ray. Of these species, the oceanic whitetip shark and the three species of hammerhead shark make up a significant proportion of the shark fin trade. This Appendix II listing means that these species will be given more protection from unmanaged and unsustainable trade in their fins.

Convention on the Conservation of Migratory Species (CMS)

CMS provides a global platform for the conservation of migratory animals and their habitats. The UK supports the listing of shark species on CMS which compliment fisheries management efforts within the Regional Fisheries Management Organisations (RFMOs). The UK championed the listing of 3 species of thresher shark on Appendix II of CMS in November 2014. This now provides the impetus for international cooperation on their conservation and management.

CMS Shark Memorandum of Understanding

The UK views the CMS Shark MoU as an important forum for working with other likeminded countries to improve global conservation and management of sharks and develop shared understandings and objectives to take into other important fora such as CITES. The UK signed the Shark MoU in June 2012 (also on behalf of a number of our Overseas Territories and Crown Dependencies). At the first Meeting of Signatories, the UK worked to secure an ambitious Conservation Plan and continue to be actively involved intersessionally.