



**CONVENTION ON
MIGRATORY
SPECIES**

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**BYCATCH OF CHONDRICHTHYAN SPECIES
(SHARKS, RAYS, SKATES AND CHIMAERAS)**

(Prepared by the Secretariat)

Summary:

This document reports on progress to implement Decisions 14.117 and 14.118 *Chondrichthyan Species (Sharks, Rays, Skates and Chimaeras)*. It proposes the deletion of these Decisions.

BYCATCH OF CHONDRICHTHYAN SPECIES (SHARKS, RAYS, SKATES AND CHIMAERAS)

Background

1. COP14 adopted Decisions 14.117 and 14.118 *Chondrichthyan Species*:

Decision 14.117 Directed to the Parties

Parties are requested to review their existing legislation and enact new legislation, as required, with a view to addressing the prohibition of the taking of Appendix I-listed chondrichthyan species.

Decision 14.118 Directed to the Secretariat

The Secretariat shall subject to the availability of resources and in the context of the National Legislation Programme: i. prepare legislative guidance materials and model laws, and ii. provide technical support to assist Parties in drafting adequate national legislation to support the implementation of Article III (5) of the Convention regarding the prohibition of the taking of Appendix I-listed chondrichthyan species.

2. Article III (5) of the Convention obliges Parties that are Range States of migratory species listed in Appendix I “to prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if: (a) the taking is for scientific purposes; (b) the taking is for the purpose of enhancing the propagation or survival of the affected species; (c) the taking is to accommodate the needs of traditional subsistence users of such species; or (d) extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.”
3. To assist the Parties in the development of national legislation for prohibiting the taking of all CMS Appendix I-listed species, the Secretariat prepared the ‘Legislative Guidance Materials relating to Implementation of Article III.5’ and the ‘Model Law for the Implementation of Article III.5’. Both documents apply to all CMS Appendix I-listed species, including *Chondrichthyan* species. CMS COP13 took note of these documents, which were presented as Annexes 2 and 3 of [UNEP/CMS/COP13/Doc.22](#).
4. However, the legislative guidance presented to COP13 may not be sufficient to address the threats to *Chondrichthyan* species, such as unintentional capture (hereinafter referred to as ‘bycatch’). The guidance focused on the prohibition of intentional forms of taking and is, therefore, not designed to address the issue of bycatch, which is the main threat for many aquatic CMS-listed species. *Chondrichthyan* species in particular, many of which are subject to commercial exploitation, are still being caught and internationally traded in unsustainable numbers. The 2024 *Global Status of Sharks, Rays, and Chimaeras* report¹ by the International Union for the Conservation of Nature (IUCN) states that 99.6 per cent of the 1,093 *Chondrichthyan* species assessed face threats from capture in fisheries, with unintentional capture (bycatch) being the main factor. Despite being unintended, this bycatch is retained for nearly all species (99 per cent).

¹ Jabado Rima W., Morata Alexandra Z.A., Bennett Rhet H., Finucci Brittany, Ellis Jim R., Fowler Sarah L., Grant Michael I., Barbosa Martins Ana P., Sinclair Sally L., (eds) (2024). The global status of sharks, rays, and chimaeras. Ref. ISBN: 978-2-8317-2318-1. IUCN-2024-024, En. IUCN. <https://doi.org/10.59216/ssg.gsrsrc.2024>, <https://archimer.ifremer.fr/doc/00925/103722/>

5. Article III (5) itself does not specify Party obligations regarding the handling of Appendix I species caught as bycatch, resulting in legal uncertainty. This lack of clarity prompted Parties at COP14 to instruct the Secretariat to examine how Parties are implementing the Appendix I-listing for the oceanic whitetip shark (*Carcharhinus longimanus*), which continues to be found in international trade and landings reports, including by CMS Parties. The findings of this investigation were documented in [UNEP/CMS/COP15/Doc.25.6.3](#) *Sharks and Rays*.

Implementation

6. To assist Parties in addressing this threat and to implement the mandate in Decision 14.118, the Secretariat carried out an analysis of national legislation and compiled a list of common practices to minimize and tackle bycatch found in domestic legislation of Parties and non-Parties. The *Key Elements found in Domestic Legislation* can be found in Annex and *Examples of Domestic Legislation on Chondrichthyan Species addressing Bycatch* are compiled as [UNEP/CMS/COP15/Inf.25.1.2](#).
7. The Secretariat developed a summary of the types of approaches commonly found in such domestic legislation, as set forth below. Further details can be found in the Annex.

Summary of approaches found in domestic legislation

8. *Bycatch minimization* is the most prevalent element found in the legislation examined. It refers to the strategies, practices and technologies used in fishing to reduce the incidental capture of non-target species. The examined samples focus on minimizing harm to the non-target species through the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.
9. The *release of non-target species* is the second-most dominant element found in the compiled legislation. This refers to the practice of returning alive into the ocean non-target species that are caught incidentally while fishing for target species, with the aim of minimizing bycatch mortality. Effective release practices can significantly reduce post-release mortality, which can occur due to injuries sustained during capture or handling stress. The examined samples centre on immediate or prompt release of caught non-target species, as one of the practices to maximize survival rate of bycaught individuals and minimize stress.
10. The prohibition to *land* certain *Chondrichthyan* species is a legal requirement found in several examined pieces of legislation. It aims to encourage more selective fishing methods so as to avoid bycatch and landing of non-target species. The compiled examples reflect the possible phrasing that can be used to prohibit the landing of some *Chondrichthyan* species.
11. The obligation to *report* bycatch was found in a few pieces of the examined legislation. Bycatch reporting is crucial for marine conservation and involves documenting the incidental capture of non-target species. Accurate reporting helps to assess the impact that fishing practices have on the non-target populations and to inform decision-making on the conservation efforts that are needed. Moreover, reporting contributes long-term to the development of mitigation strategies and policy and regulatory frameworks. The sampled legislation provides some of the options on phrasing the reporting obligation on *Chondrichthyan* species.

12. The prohibition to *sell Chondrichthyan* species or any part or product of it was found in a couple of legislative examples. The regulation of sale is part of a broader strategy to protect vulnerable species and promote sustainable fishing practices that minimize the catch of non-target species that are subject to the sale prohibition. The compiled legislation outlines some of the possibilities for regulating the prohibition of sale of *Chondrichthyan* species and their parts and products.
13. *Penalties* for shark bycatch were found only in a couple of pieces of legislation. These refer to the legal consequences imposed on individuals or entities that unlawfully capture non-target species during fishing activities. These penalties can vary significantly depending on the jurisdiction and the severity of the offence. Common consequences include substantial fines, which can be multiplied for repeat offenders. In some cases, fishing licences may be suspended or revoked, effectively barring offenders from engaging in future fishing activities.

Discussion and analysis

14. Parties are encouraged to review the examples provided in the compilation of domestic legislation addressing the bycatch of CMS-listed species. It is suggested that Parties draw on the key elements and approaches identified in national frameworks, to strengthen efforts to mitigate the unintentional capture of these vulnerable aquatic species.
15. To assist Parties to incorporate recommendations on addressing bycatch in the context of Art III (5) – not only for *Chondrichthyans*, but for all aquatic species subject to bycatch – the Secretariat has prepared an amended version of Resolution 12.22 *Bycatch*. A much needed streamlining and update of the text was also undertaken to improve clarity, coherence and readability. The proposed amendments to Resolution 12.22 can be found in [UNEP/CMS/COP15/Doc.25.1.1](#) *Bycatch and Other Fisheries-induced Mortality*.

Recommended actions

16. The Conference of the Parties is recommended to:
 - a) note the summary *Bycatch of Chondrichthyan Species: Key Elements Found in Domestic Legislation* contained in the Annex of this document and
 - b) delete Decisions 14.117 and 14.118.

BYCATCH OF CHONDRICHTHYAN SPECIES: KEY ELEMENTS FOUND IN DOMESTIC LEGISLATION

1. Bycatch minimization

Bycatch minimization is the most prevalent element found in the legislation examined. It refers to the strategies, practices, and technologies used in fishing to reduce the incidental capture of non-target species. The examined samples focus on minimizing harm to the non-target species through the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.

- New-Zealand (CMS Party) - Fisheries Act 1996, Schedule 1A. Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stock and highly migratory fish stocks, article 5. General principles: *“In order to conserve and manage straddling fish stocks and highly migratory fish stocks, coastal States and States fishing on the high seas shall, in giving effect to their duty to cooperate in accordance with the Convention: [...]*
(f) minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques; [...]”
- Marshall Islands (CMS non-Party) – Fisheries Act, Paragraph 203. Conservation, management and sustainable use of the fishery resources: *“[...] The Authority shall as appropriate adopt and apply the following general principles in relation to fisheries management: [...]*
(c) minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost effective fishing gear and techniques; [...]”

2. Release

The *release of non-target species*, along with bycatch minimization, is the second-most dominant element found in the compiled legislation. The release of non-target species refers to the practice of returning alive non-target species that are caught incidentally while fishing for target species back into the ocean, with the aim of minimizing bycatch mortality. Effective release practices can significantly reduce post-release mortality, which can occur due to injuries sustained during capture or handling stress. The examined samples center on immediate/prompt release of caught non-target species, as one of the practices to maximize survival rate of bycaught individuals and minimize stress.

- European Union (CMS Party) – Council Regulation (EU) 2024/257, article 20. Prohibited species:
 - “1. *Union fishing vessels shall not fish for, retain on board, tranship or land the following species:*
 - (a) *starry ray (Amblyraja radiata) in United Kingdom and Union waters of ICES subarea 4 and division 7d; United Kingdom waters of division 2a; and Union waters of division 3a;*
 - (b) *splendid alfonsino (Beryx splendens) in NAFO subarea 6;*
 - (ba) *sand tiger shark (Carcharias taurus) in all waters other than the Mediterranean;*
 - (g) *common skate (Dipturus batis) complex (Dipturus cf. flossada and Dipturus cf. intermedia) in United Kingdom and Union waters of ICES subareas 4 and 6 to 8; United Kingdom waters of division 2a and subarea 5; and Union waters of subareas 3, 9 and 10;*
 - (h) *great lanternshark (Etmopterus princeps) in United Kingdom and Union waters of ICES subarea 4; United Kingdom waters of division 2a; and international waters of ICES subareas 1 and 14;*
 - (i) *tope shark (Galeorhinus galeus) when taken with longlines in United Kingdom and Union waters of ICES subareas 4; United Kingdom waters of division 2a; United Kingdom and international waters of subarea 5; United Kingdom, Union and international waters of subareas 6 to 8; and international waters of subareas 12 and 14;*
 - (j) *porbeagle (Lamna nasus) in all waters;*
 - (k) *thornback ray (Raja clavata) in Union waters of ICES division 3a;*
 - (l) *undulate ray (Raja undulata) in United Kingdom and Union waters of ICES subarea 6; and Union waters of ICES subarea 10;*
 - (m) *whale shark (Rhincodon typus) in all waters;*
 - (n) *common guitarfish (Rhinobatos rhinobatos) in the Mediterranean.*
 2. *When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.”*
- Spain (CMS Party) – Order ARM/2689/2009, of 28 September, which prohibits the capture of thresher sharks (family Alopiidae) and hammerhead or horned sharks (family Sphyrnidae), article 2. Release of sharks and recording of the information:
 - “1. *Notwithstanding the provisions of the preceding Article, when sharks of the Families Sphyrnidae (genera Sphyrna and Eusphyra) and Family Alopiidae (single genus Alopias) are accidentally caught, vessels shall release them alive when they reach the side of the vessel alive or are inside the codend of the fishing net. This fact shall be recorded in the logbook of the European Communities indicating the estimated weight, position and date of release of the shark.*
 2. *Likewise, the specimens of sharks of both families that arrive dead on the side of the ship must be noted in the logbook, indicating the estimated weight, date and position.*
 3. *The fishing vessels subject to this order shall comply with the notification obligations laid down in Article 13 of Regulation (EC) No 1006/2008 of 29 September 2008 on the authorisation of fishing activities by Community fishing vessels outside Community waters and access to Community waters by third-country vessels, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 331/94.”*

3. Landing

The prohibition to *land* certain *Chondrichthyan* species is a legal requirement found in several examined pieces of legislation. It aims to encourage more selective fishing methods so as to avoid bycatch of non-target species and landing them. The compiled examples reflect the possible phrasing that can be used to prohibit the landing of some *Chondrichthyan* species.

- European Union (CMS Party) – Council Regulation (EU) 2024/257, article 55. Prohibited species:
 - “1. *Third country fishing vessels shall not fish for, retain on board, tranship or land the following species where they are found in Union waters:*
 - (a) *starry ray (Amblyraja radiata) in Union waters of ICES divisions 3a and 7d; and Union waters of ICES subarea 4;*
 - (aa) *sand tiger shark (Carcharias taurus) in all Union waters;*
 - (b) *common skate (Dipturus batis) complex (Dipturus cf. flossada and Dipturus cf. intermedia) in Union waters of ICES subareas 3, 4 and 6 to 10;*
 - (c) *tope shark (Galeorhinus galeus) when taken with longlines in Union waters of ICES subareas 4 and 6 to 8;*
 - (e) *porbeagle (Lamna nasus) in all Union waters;*
 - (f) *thornback ray (Raja clavata) in Union waters of ICES division 3a; (g) undulate ray (Raja undulata) in Union waters of ICES subareas 6 and 10;*
 - (h) *common guitarfish (Rhinobatos rhinobatos) in Union waters of the Mediterranean;*
 - (i) *whale shark (Rhincodon typus) in all Union waters.*
 2. *When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.”*
- Bahamas (CMS non-Party) – Fisheries resources (jurisdiction and conservations) Regulations, article 36A:

“Subject to regulation 36D, no person shall possess, fish for or land, any shark or shark parts within The Bahamas or within the exclusive fishery zone of The Bahamas.”

4. Reporting

The obligation to *report* bycatch was found in a few pieces of the examined legislation. Bycatch reporting is crucial for marine conservation and involves documenting the incidental capture of non-target species. Accurate reporting helps to assess the impact that fishing practices have on the non-target populations and to inform the decision-making on the needed conservation efforts. Moreover, reporting contributes long-term to the development of mitigation strategies and policy and regulatory frameworks. The sampled legislation provides some of the options on phrasing the reporting obligation on *Chondrichthyan* species.

- Argentina (CMS Party) – Federal Fisheries Council Resolution 19/2022, article 1:

“Article 7 of Annex I of Resolution No. 8 of the Federal Fisheries Council No. 8, dated June 3, 2021, shall be replaced by the following text: ‘Article 7.- Specimens of sharks caught incidentally, which do not correspond to the species dogfish (Galeorhinus galeus), gatuzo (Mustelus schmitti), angelfish (Squatina spp.), spiny shark (Squalus spp.) and catshark (Schroederichthys bivius), should be returned to the sea quickly and in the least traumatic way possible, in order to maximize their

survival. In the event that the specimens arrive dead on deck, they must be declared, preserved, disembarked and their transfer must be coordinated exclusively to a research institute in order to be studied, unless an Observer on board takes the necessary data for the study of the species, with which this obligation will be considered fulfilled.”

- Norway (CMS Party) – Regulation No. 1507 on ban on fishing and hunting basking shark, spiny dogfish, porbeagle and silky sharks, section 2. General prohibition: *“It is prohibited to fish for and land basking shark (Cetorhinus maximus), spurdog (Squalus acanthias), porbeagle (Lamna nasus) and silky shark (Carcharhinus falciformis). The ban also applies to recreational fishing. It is also forbidden to cut the fins off tusk and porbeagle before the catch is landed. If a vessel catches a by-catch of porbeagle, porbeagle or silky shark while fishing for other species, the viable fish must be released into the sea immediately. There is no obligation to land dead or dying bream and porbeagle. However, all catches must be reported.”*

5. Sale regulations

The prohibition to *sell Chondrichthyan* species or any part or product of it was found in a couple of legislative examples. The regulation of sale is part of a broader strategy to protect vulnerable species and promote sustainable fishing practices that minimize the catch of non-target species that are subject to the sale prohibition. The following examples outline some of the possibilities of regulating the prohibition of sale of *Chondrichthyan* species and their parts and products.

- United Kingdom (CMS Party) – Wildlife and Countryside Act 1981, article 9. Protection of certain wild animals:
“[...] (4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—
 - (a) a dolphin or whale (cetacea), or*
 - (b) a basking shark (cetorhinus maximus),**he shall be guilty of an offence.*
(5) Subject to the provisions of this Part, if any person—
 - (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or*
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence. [...]*”
- Bahamas (CMS non-Party) – Fisheries resources (jurisdiction and conservations) Regulations, article 36B:
“No person shall sell any shark, shark parts or shark products within The Bahamas or within the exclusive fishery zone of The Bahamas.”

6. Penalties

Penalties for shark bycatch were found only in a couple of pieces of legislation. It refers to the legal consequences imposed on individuals or entities that unlawfully capture non-target species during fishing activities. These penalties can vary significantly depending on the jurisdiction and the severity of the offense. Common consequences include substantial fines,

which can be multiplied for repeat offenders. In some cases, fishing licenses may be suspended or revoked, effectively barring offenders from engaging in future fishing activities. Below are some of the examples found on regulating the penalties for bycatch:

- Cook Islands (CMS Party) – Marine Resources (Shark Conservation) Regulations (2012), article 7. Penalties:
 - “(1) Where any provision of these regulations is contravened or violated with respect to any vessel to which it applies, the master and owner of the vessel commits an offence against these regulations and are jointly and severally liable on summary conviction to a fine of not less than \$NZ 100,000 and not more than \$NZ 250,000.*
 - (2) Each shark constitutes a separate offence. If the fins of a shark have been removed, or a shark has otherwise been cut up, separated or dismembered in violation of Section 5 of these regulations, each piece of the shark constitutes a separate offence.*
 - (3) If the master or owner of any vessel is found liable for committing an offence against any provision of these regulations for a second or subsequent occurrence, any license to conduct commercial fishing or transshipment of fish or fish products must be revoked and canceled pursuant to Section 41 of the Act. In addition any vessel involved in a violation of these regulations must be prohibited from operating in waters within the jurisdiction of the Cook Islands.”*
- Marshall Islands (CMS non-Party) – Fisheries Act, Paragraph 231. Penalties:
 - “(1) Contravention of provisions of this Part or a regulation promulgated pursuant to this Part, is an offence punishable by a fine of not less than twenty five thousand (\$25,000) and not exceeding two hundred thousand (\$200,000), in addition to an amount equivalent to the current retail value of any confiscated shark fin in the market for which it was destined.*
 - (2) Shark fins seized and forfeited pursuant to this Title shall be destroyed by incineration, dumping at sea or any other appropriate means.”*