



**CONVENTION ON
MIGRATORY
SPECIES**

UNEP/CMS/COP15/Inf.25.1.2

24 November 2025

Original: English

15th MEETING OF THE CONFERENCE OF THE PARTIES
Campo Grande, Brazil, 23 to 29 March 2026
Agenda Item 25.1.2

**EXAMPLES OF DOMESTIC LEGISLATION ON CHONDRICHTHYAN SPECIES
ADDRESSING BYCATCH**

(Prepared by the Secretariat)

Summary:

This document contains a compilation of *Examples of Domestic Legislation on Chondrichthyan Species Addressing Bycatch* to assist Parties with addressing bycatch of Chondrichthyan species, in accordance with Decision 14.118.

EXAMPLES OF DOMESTIC LEGISLATION ON *CHONDRICHTHYAN* SPECIES ADDRESSING BYCATCH

Argentina (CMS Party)

Federal Fisheries Council Resolution 19/2022 (accessed online on: 6 November 2024)

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.”

Australia (CMS Party)

Fisheries Management Act 1991 (accessed online on: 6 November 2024)

Article 14. Regulation etc. of certain practices

“(1) For the purpose of conserving the marine environment, the regulations may prohibit, or make provision for the regulation of, the engaging in specified activities, or the use of specified practices, by:

- (a) persons engaged in fishing in the AFZ; and
- (b) Australian boats, and persons on Australian boats, engaged in fishing outside the AFZ.

(2) Without limiting the generality of subsection (1), regulations may be made in relation to:

- (a) the employment of specified fishing practices or methods; and
- (b) the use of specified fishing equipment; and
- (c) the taking, and treatment of, by-catches, and the making of returns in relation to by-catches taken; and
- (d) littering at sea.”

Cook Islands (CMS Party)

Marine Resources (Shark Conservation) Regulations 2012 (accessed online on: 6 November 2024)

Article 3. Interpretation

“(1) In these regulations, unless the context otherwise requires.

Act means the Marine Resources Act 2005.

Shark or sharks means an animal commonly known as a shark, including all elasmobranch such as rays, skates or chimacras. [...]”

Article 5. Prohibited acts

“(1) No person may:

- (a) catch, capture, target or otherwise intentionally engage in fishing (as that term is defined in Section 2 of the Act) for any shark;
- (b) remove the fins of, or otherwise mutilate or injure, any shark; or
- (c) chum for, or otherwise add substances to the water to attract, any shark.

(2) If any shark is caught or captured, it must be immediately released, whether dead or alive, whole with fins naturally attached. If the shark is caught or captured alive, it must be released in the manner that affords it the greatest opportunity for survival. No shark, or any part of a shark, may be retained even if caught as bycatch.

(3) No person may possess, receive, transfer, store, have on board, or transship any shark, or any part of a shark. For purposes of this subsection, there is a presumption that, if any

shark or any part of a shark is found aboard a vessel, the shark or shark part was possessed or transferred in violation of this subsection.

(4) No person may possess, sale, offer for sale, take, purchase, barter, transport, export, import, trade or distribute shark, shark tins or any part of a shark in the Cook Islands.”

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.”

European Union (CMS Party)

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 (accessed online on: 6 November 2024)

Article 2. Objectives

“[...] 5. The CFP shall, in particular:

- (a) gradually eliminate discards, on a case-by-case basis, taking into account the best available scientific advice, by avoiding and reducing, as far as possible, unwanted catches, and by gradually ensuring that catches are landed;
- (b) where necessary, make the best use of unwanted catches, without creating a market for such of those catches that are below the minimum conservation reference size; [...].”

Article 4. Definitions

“[...] (10) 'discards' means catches that are returned to the sea;

“[...] (12) 'selective fishing' means fishing with fishing methods or fishing gears that target and capture organisms by size or species during the fishing operation, allowing non-target specimens to be avoided or released unharmed; [...].”

Article 7. Types of conservation measures

“1. Measures for the conservation and sustainable exploitation of marine biological resources may include, inter alia, the following:

- (a) multiannual plans under Articles 9 and 10;
- (b) targets for the conservation and sustainable exploitation of stocks and related measures to minimise the impact of fishing on the marine environment;
- (c) measures to adapt the fishing capacity of fishing vessels to available fishing opportunities;
- (d) incentives, including those of an economic nature, such as fishing opportunities, to promote fishing methods that contribute to more selective fishing, to the avoidance and reduction, as far as possible, of unwanted catches, and to fishing with low impact on the marine ecosystem and fishery resources; [...].”

Article 14. Avoidance and minimization of unwanted catches

“1. In order to facilitate the introduction of the obligation to land all catches in the respective fishery in accordance with Article 15 (“the landing obligation”), Member States may conduct pilot projects, based on the best available scientific advice and taking into account the opinions of the relevant Advisory Councils, with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery.
2. Member States may produce a “discard atlas” showing the level of discards in each of the fisheries which are covered by Article 15(1).”

Article 15. Landing obligation

“1. All catches of species which are subject to catch limits and, in the Mediterranean, also catches of species which are subject to minimum sizes as defined in Annex III to Regulation (EC) No 1967/2006, caught during fishing activities in Union waters or by Union fishing vessels outside Union waters in waters not subject to third countries' sovereignty or jurisdiction, in the fisheries and geographical areas listed below shall be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas where applicable, except when used as live bait, in accordance with the following time-frames:

[...]

4. The landing obligation referred to in paragraph 1 shall not apply to:

(a) species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the CFP; [...]

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 92016/1139, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (accessed online on: 6 November 2024)

Article 3. Objectives

“[...] 2. Technical measure shall in particular contribute to achieving the following objectives:

(a) optimise exploitation patterns to provide protection for juveniles and spawning aggregations of marine biological resources;

(b) ensure that incidental catches of sensitive marine species, including those listed under Directives 92/43/EEC and 2009/147/EC, that are a result of fishing, are minimised and where possible eliminated so that they do not represent a threat to the conservation status of these species; [...]

Article 4. Targets

“1. Technical measures shall aim to ensure that:

(a) catches of marine species below the minimum conservation reference size are reduced as far as possible in accordance with Article 2(2) of Regulation (EU) No 1380/2013.

(b) incidental catches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation and international agreements that are binding on the Union. [...]

Article 9. General restrictions on the use of static nets and driftnets

“1. It shall be prohibited to have on board or deploy one or more driftnets the individual or total length of which is more than 2,5 km.

2. It shall be prohibited to use driftnets to fish for the species listed in Annex III.

3. Notwithstanding paragraph 1, it shall be prohibited to have on board or deploy any driftnet in the Baltic Sea.

4. It shall be prohibited to use bottom-set gillnets, entangling nets and trammel nets to catch the following species:

- (a) Albacore (*Thunnus alalunga*);
- (b) Bluefin tuna (*Thunnus thynnus*);
- (c) Ray's bream (*Brama brama*);
- (d) Swordfish (*Xiphias gladius*);
- (e) Sharks belonging to the following species or families *Hexanchus griseus*; *Cetorhinus maximus*; all species of *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*.

5. By way of derogation from paragraph 4, incidental catches in the Mediterranean Sea of no more than three specimens of the shark species referred to in that paragraph may be retained on board or landed provided that they are not protected species under Union law.

6. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel net at any position where the charted depth is greater than 200 m.

7. Notwithstanding paragraph 6 of this Article:

(a) specific derogations as set out in point 6.1 of Part C of Annex V, point 9.1 of Part C of Annex VI and point 4.1 of Part C of Annex VII shall apply where the charted depth is between 200 and 600 m;

(b) the deployment of bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 m shall be allowed in the Mediterranean Sea.”

Article 10. Prohibited fish and shellfish species

“1. The catching, retention on board, transshipment or landing of fish or shellfish species referred to in Annex IV to Directive 92/43/33C shall be prohibited except when derogations are granted under Article 16 of that Directive.

2. In addition to the species referred to in paragraph 1, it shall be prohibited for Union vessels to fish for, retain on board, tranship, land, store, sell, display or offer for sale the species listed in Annex I or species for which fishing is prohibited under other Union legal acts.

3. When caught accidentally, species referred to in paragraphs 1 and 2 shall not be harmed and specimens shall promptly released back into the sea, except for the purpose of allowing scientific research on accidentally killed specimens in accordance with applicable Union Law.

4. The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend the list set out in Annex I, where the best available scientific advice indicates that an amendment of that list is necessary.

5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in point (b) of Article 4(1) and may take into account international agreements concerning the protection of sensitive species.”

Article 14. Pilot projects for the avoidance of unwanted catches

“1. Without prejudice to Article 14 of Regulation (EU) No 1380/2013, Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on the best available scientific advice.

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches are significant, the Member States concerned shall endeavour to establish technical measures to reduce those unwanted catches in accordance with Article 19 of Regulation (EU) No 1380/2013.”

Article 21. Nature conservation measures

“A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to the protection of sensitive species and habitats, may in particular:

- (a) develop lists of sensitive species and habitats most at risk from fishing activities within the relevant region based on the best available scientific advice;
- (b) specify the use of additional or alternative measures to those referred to in Annex XIII to minimise the incidental catches of the species referred to in Article 11;

- (c) provide information on the effectiveness of existing mitigation measures and monitoring arrangements;
- (d) specify measures to minimise the impacts of fishing gear on sensitive habitats;
- (e) specify restrictions on the operation of certain gear or introduce a total prohibition on the use of certain fishing gear within an area where such gear represent a threat to the conservation status of species in that area as referred to in Articles 10 and 11 or other sensitive habitats.”

Annex I. Prohibited species

“Species for which there is a prohibition to fish for, retain on board, tranship, land, store, sell, display or offer for sale, as referred to in Article 10(2):

- (a) The following species of sawfish in all Union waters:
 - (i) narrow sawfish (*Anoxypristis cuspidata*);
 - (ii) dwarf sawfish (*Pristis clavata*);
 - (iii) smalltooth sawfish (*Pristis pectinata*);
 - (iv) largetooth sawfish (*Pristis pristis*);
 - (v) green sawfish (*Pristis zijsron*);
- (b) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all waters;
- (c) smooth lantern shark (*Etmopterus pusillus*) in Union waters of ICES division 2a and subarea 4 and in Union waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- (d) reef manta ray (*Manta alfredi*) in all Union waters;
- (e) giant manta ray (*Manta birostris*) in all Union waters;
- (f) the following species of Mobula rays in all Union waters:
 - (i) devil fish (*Mobula mobular*);
 - (ii) lesser Guinean devil ray (*Mobula rochebrunei*);
 - (iii) spinetail mobula (*Mobula japanica*);
 - (iv) smoothtail mobula (*Mobula thurstoni*);
 - (v) longhorned mobula (*Mobula eregoodootenkee*);
 - (vi) Munk’s devil ray (*Mobula munkiana*);
 - (vii) Chilean devil ray (*Mobula tarapacana*);
 - (viii) shortfin devil ray (*Mobula kuhlii*);
 - (ix) lesser devil ray (*Mobula hypostoma*);
- (g) Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions 6a, 6b, 7a, 7b, 7c, 7e, 7f, 7g, 7h and 7k;
- (h) white skate (*Raja alba*) in Union waters of ICES subareas 6-10
- (i) guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas 1-10 and 12;
- (j) angel shark (*Squatina squatina*) in all Union waters;
- (k) salmon (*Salmo salar*) and sea trout (*Salmo trutta*) when fishing with any towed net within the waters outside the six-mile limit measured from Member States’ baselines in ICES sub-areas 1, 2 and 4-10 (Union waters);
- (l) houting (*Coregonus oxyrhynchus*) in ICES division 4b (Union waters);
- (m) the Adriatic sturgeon (*Acipenser naccarii*) and common sturgeon (*Acipenser sturio*) in Union waters;
- (n) berried female crawfish (*Palinurus spp.*) and berried female lobster (*Homarus gammarus*) in the Mediterranean Sea except when used for direct restocking or transplantation purposes;
- (o) date shell (*Lithophaga lithophaga*), fan mussel (*Pinna nobilis*) and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean Sea;
- (p) hatpin urchin (*Centrostephanus longispinus*);
- (q) berried female European lobster (*Homarus gammarus*) in ICES divisions 3a, 4a and 4b.”

Annex V. North Sea – Part C. Closed or restricted areas

“[...] 6.2. Directed fishing for deepwater sharks as listed in Annex I to Regulation (EU) 2016/2336 of the European Parliament and of the Council in charted depths of less than 600 m shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this Regulation and other Union legislation shall be recorded, unharmed to the extent possible, and shall be promptly released. Deepwater sharks subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to Article 105(5) of Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations set out in point 6.1. [...]”.

Annex VI. North Western Waters – Part C. Closed or restricted areas

“[...] 9.2 Directed fishing for deepwater sharks as listed in Annex I to Regulation (EU) 2016/2336 in charted depths of less than 600 m shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this Regulation and other Union legislation shall be recorded, unharmed to the extent possible and shall be promptly released. Deepwater sharks subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situation where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to Article 105(5) of Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations set out in point 9.1. [...]”

Regulation (EU) 2023/2124 of the European Parliament and of the Council of 4 October 2023 on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area (accessed online on: 6 November 2024)

Article 98. Protected elasmobranch species

“1. Member States shall ensure a high protection from fishing activities for elasmobranch species listed in Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean.

2. Elasmobranch species which are included in Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean shall not be retained on board, transhipped, landed, transferred, stored, sold or displayed or offered for sale.

3. To the extent possible, fishing vessels that have incidentally caught elasmobranch species included in Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean shall promptly release them unharmed and alive.”

Article 99. Identification of sharks

“1. Without prejudice to Article 98, beheading and skinning of sharks on board and before landing shall be prohibited. Beheaded and skinned sharks shall not be marketed at the first sale markets after landing.

2. Without prejudice to Article 98, Member States shall ensure that sharks are kept on board, transhipped, landed and marketed at first sale in such a way that species are recognisable and identifiable, and that the catch, incidental catch and, whenever appropriate, release of those species can be monitored and recorded.”

Article 106. Recording of incidental catches of certain marine species

“1. Without prejudice to Article 15(5) of Regulation (EC) No 1224/2009, masters of fishing vessels shall record in the fishing logbook referred to in Article 14 of that Regulation the following information:

- (a) any event of incidental catch and release of seabirds;
- (b) any event of incidental catch and release of sea turtles;
- (c) any event of incidental catch and release of monk seals;
- (d) any event of incidental catch and release of cetaceans;

(e) any event of incidental catch and, where required, release of sharks and rays of the species listed in Annex II or Annex III to the Protocol concerning specially protected areas and biological diversity in the Mediterranean.

2. National reports intended to be analysed by the SAC should, in addition to the information recorded in the logbook, also contain:

(a) in relation to incidental catches of sea turtles, information on:

- (i) fishing gear type,
- (ii) times of the incidents,
- (iii) soak duration,
- (iv) depths and locations,
- (v) target species,
- (vi) sea turtles species, and
- (vii) whether the sea turtles have been discarded dead or released alive;

(b) in relation to incidental catches of cetaceans, information on:

- (i) characteristics of gear type,
- (ii) times of the incidents,
- (iii) locations (either by GSA, as provided for in Annex I to this Regulation, or statistical rectangles), and
- (iv) whether any such cetacean is a dolphin or another species of cetacean.

3. Member States shall establish the rules referred to in paragraph 1 on the recording of incidental catches by the masters of fishing vessels which are not subject to the obligation to keep a fishing logbook pursuant to Article 14 of Regulation (EC) No 1224/2009.

4. By 15 December of each year, the Member States concerned shall submit to the Commission, in the form of an electronic report, the rates of incidental catches and release of seabirds, sea turtles, monk seals, cetaceans, sharks and rays, as well as the information referred to in paragraphs 1 and 2. The Commission shall transmit that information to the GFCM Secretariat by 31 December of each year.”

Council Regulation (EU) 2024/257 of 10 January 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 (accessed online on: 6 November 2024)

Article 7. Conditions for landing catches and by-catches

“1. Catches that are not subject to the landing obligation under Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:

- (a) have been taken by fishing vessels flying the flag of a Member State that has a quota and that quota has not been exhausted; or
- (b) make up a share of a Union quota that has not been allocated among Member States and that has not been exhausted.

2. For the purposes of the derogation from the obligation to count catches against the relevant quotas, as provided for in Article 15(8) of Regulation (EU) No 1380/2013, the stocks of non-target species within safe biological limits referred to in that Article are identified in Annex I to this Regulation.”

Article 8. Conditions for landing catches and by-catches

“1. In order to take account of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, the quota exchange mechanism set out in paragraphs 2 to 5 shall apply to the TACs identified in Annex IA.

2. 6 % of each quota from the TACs for cod (*Gadus morhua*) in the Celtic Sea (COD/7XAD34), cod in the West of Scotland (COD/ 5BE6A), whiting in the Irish Sea (WHG/07A.) and plaice in ICES divisions 7h, 7j and 7k (PLE/7HJK.), and 3 % of each quota from the TAC for whiting in the West of Scotland (WHG/56-14), allocated to each Member State, shall be made available for a pool for quota exchanges (‘the pool’), which shall open on 1 January 2024. Member States without a quota shall have exclusive access to the pool until 31 March 2024.

3. The quantities drawn from the pool may not be exchanged or transferred to the following year. After 31 March 2024, any unused quantities shall be returned to the Member States that initially contributed to the pool.
4. Member States without a quota shall provide in return quotas for stocks listed in Annex IA, Part C, unless the Member State without a quota and the Member State contributing to the pool agree otherwise.
5. The quotas referred to in paragraph 4 shall be of equivalent commercial value, determined on the basis of a market exchange rate or other mutually acceptable exchange rates. In the absence of alternatives, the equivalent commercial value shall be determined on the basis of average Union prices from the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products.
6. Where the quota exchange mechanism set out in paragraphs 2 to 5 does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.”

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 alfonso (*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.”

Article 30. Toothfish fishery during the 2023-2024 fishing season

“1. In addition to the special requirements for exploratory fisheries set out in Article 7a of Regulation (EC) No 601/2004, fishing for toothfish in the period from 1 December 2023 to 30 November 2024 shall be limited to the Member States, subareas and number of fishing vessels set out in Table A in Annex VII, and the TACs and by-catch limits set out in Table B in that Annex shall apply.

2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.

3. Where applicable, fishing for toothfish in any small-scale research unit (SSRU) shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the fishing season.

4. Fishing shall take place over a geographical and bathymetric range as large as possible, so as to obtain the information necessary to determine fishery potential and avoid an overconcentration of catch and fishing effort. However, fishing in FAO subareas 48.6, 88.1 and 88.2 shall be prohibited in depths of less than 550 m.”

Article 38. Prohibition of fishing for oceanic whitetip sharks

“1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention area and to retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of oceanic whitetip sharks caught in that area.

2. When accidentally caught, specimens of oceanic whitetip sharks shall not be harmed and shall be promptly released by fishing vessel operators.

3. Fishing vessel operators shall record the number of releases with indication of status (dead or alive) and report that information to the Member State of which they are nationals. Member States shall transmit that information collected during 2023 to the Commission by 31 January 2024.”

Article 39. Prohibition of fishing for mobulid rays

“Union fishing vessels in the IATTC Convention area shall not fish for mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*) and shall not retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of mobulid rays caught in that area. As soon as they notice that mobulid rays have been caught, they shall promptly release them, where possible alive and unharmed.”

Article 48b. Protection of sharks in the NPFC Convention area

“1. Union fishing vessels fishing in the NPFC Convention area shall not fish for, retain on board, tranship or land sharks in the NPFC Convention area.

2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.”

Article 54. Conditions for landing catches and by-catches

“The conditions laid down in Article 7 shall apply to the catches and bycatches of third country fishing vessels fishing under the fishing authorisations referred to in Article 53.”

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.”

Kenya (CMS Party)

The Fisheries Management and Development Act, 2016 (accessed online on: 19 November 2024)

Part I - Preliminary, Article 5

“(2) The implementation of this Act shall be guided by the following principles—
[...]

(n) minimization of wastage, bycatch, discards, catch by lost or abandoned gear, pollution and the promotion of development and use of selective, environmentally safe and cost-effective fishing gear and techniques;”

Part X – Licensing and registration, Article 99.

“(1) In addition to the conditions specified in section 90, licences issued to industrial fishing vessels for fishing or fishing related activities shall be subject to the following conditions—
[...]

(j) the operator shall retain no more than thirty percent of the bycatch, or such other amount as maybe prescribed and the remaining portion of the bycatch shall be landed as required pursuant to subparagraph (k);”

New-Zealand (CMS Party)

Fisheries Act 1996 (accessed online on: 6 November 2024)

Table 2 – Stocks or species deemed to meet criteria in section 72A until a date no later than 30 September 2026

“Blue shark (*Prionace glauca*) in all New Zealand fisheries waters.

Requirements: A commercial fisher may return any blue shark to the waters from which it was taken

- (a) live, if the blue shark is likely to survive on return and the return takes place as soon as practicable after the blue shark was taken; or
- (b) dead or near-dead, if paragraph (a) does not apply.

For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.

[...]

Mako shark (*Isurus oxyrinchus*) in all New Zealand fisheries waters.

Requirements: A commercial fisher may return any mako shark to the waters from which it was taken—

- (a) live, if the mako shark is likely to survive on return and the return takes place as soon as practicable after the mako shark was taken; or
- (b) dead or near-dead, if paragraph (a) does not apply.

[...]

Porbeagle shark (*Lamna nasus*) in all New Zealand fisheries waters

Requirements: A commercial fisher may return any porbeagle shark to the waters from which it was taken—

- (a) live, if the porbeagle shark is likely to survive on return and the return takes place as soon as practicable after the porbeagle shark was taken; or
- (b) dead or near-dead, if paragraph (a) does not apply.

For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return. [...]

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; [...]"

Norway (CMS Party)

Regulation No. 1507 on ban fishing and hunting, basking shark, spiny dogfish, porbeagle and silky sharks (accessed online on: 6 November 2024)

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."

Section 2. By-catch

"Irrespective of the prohibition in section 2, first paragraph, Norwegian vessels fishing with gillnets and longlines are permitted to have up to 15% catch of dogfish.

Settlement in accordance with the first paragraph is calculated on the basis of the total catch in the entire period from January 1 to June 30 and the entire period from July 1 to December 31. The following catches are not included in the basis for settlement under the first sentence:

- Cod fished north of 62° N
- Haddock fished north of 62° N
- Pelagic species.

In the case of legal by-catches as mentioned in the first and second paragraphs, Regulations no. 57 of 22 January 2003 relating to the duty of disclosure when landing and selling fish apply correspondingly."

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 *Sphymidae*) (accessed online on: 6 November 2024)

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."

United Kingdom (CMS Party)

Wildlife and Countryside Act 1981 (accessed online on: 6 November 2024)

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. [...]

The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012 (accessed online on: 6 November 2024)

Article 7. Prohibition of landing specified species of shark, skate and ray

“(1) The landing of any specified species caught by rod and line or hand-line (wherever caught), from any fishing boat, is prohibited in Scotland.

(1A) The prohibition in paragraph (1) does not apply in relation to a specified species caught by a foreign fishing boat in waters lying outside British fishery limits.

(2) In this article, “specified species” means a species of shark, skate and ray specified in the Schedule.”

Fisheries Act 2020 (accessed online on: 6 November 2024)

Article 1. Fisheries objectives

“[...] (4) The “ecosystem objective” is that—

- (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed, and
 - (b) incidental catches of sensitive species are minimised and, where possible, eliminated.
- [...]

[...]

(6) The “bycatch objective” is that—

- (a) the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced,
 - (b) catches are recorded and accounted for, and
 - (c) bycatch that is fish is landed, but only where this is appropriate and (in particular) does not create an incentive to catch fish that are below minimum conservation reference size.
- [...]

Bahamas (CMS non-Party)

Fisheries resources (jurisdiction and conservations) Regulations (accessed online on: 6 November 2024)

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.”

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.”

Article 36E.

“A person who hooks or catches a shark while fishing shall promptly release the shark into the sea unharmed.”

Marshall Islands (CMS non-Party)

Fisheries Act, 1997 (accessed online on: 6 November 2024)

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; [...]”

Paragraph 230. Prohibition of taking of sharks, possession, sale and trade

“(1) No person shall catch, capture or intentionally engage in fishing for shark or any part thereof or intentionally remove the fins or tail of any shark or otherwise mutilate or injure any shark within the land or fisheries waters of the Republic of the Marshall Islands.

(2) Notwithstanding subsection (1):

(a) A person who holds a license or permit from the Marshall Islands Marine Resources Authority to conduct research on sharks and carries out activities in accordance with that license or permit;

(b) A person fishing for shark for subsistence use is permitted, provided that no person shall harvest shark that has been declared as protected species. The Authority may make Regulation imposing restrictions or catch limit on all or certain species;

(c) Any purse seiner, long-liner or carrier or other support vessels in possession of shark or shark fins or any other parts of shark, caught outside of the fishery waters of the Republic of the Marshall Islands, provided that the shark or shark fins or any other parts of shark shall be:

(i) validated by catch records or relevant transfer documentation, if transhipped; and
 (ii) reported together with an entry notice prior to the entry into the Republic of the Marshall Islands fisheries waters.

(d) In the case where a purse seiner inadvertently caught or captured any shark, the purse seiner shall act to immediately release, as soon as such event is recognized, whether the shark is dead or alive. For the purpose of this section, “such event” means the selective removal and release of sharks when visibly identified within the catch during transhipment.

(3) No person shall, receive, transfer, transship or trade any shark, shark fins or any other parts of shark, whilst in the RMI waters including ports. For the purpose of this subsection it shall be a rebuttable presumption that if any shark or any part of a shark is found aboard a vessel, the shark, or part of a shark, is deemed possessed or transferred in violation of this subsection.

(4) The presumption above may be rebutted upon satisfactory proof that shark or part of shark found onboard was caught outside RMI Fishery Waters, and validated in accordance with subsection (2), paragraph (c) above.

(5) No person, operator, or fishing vessel licensed to fish in the fishery waters of the Marshall Islands shall have fishing gear or equipment constructed or manufactured with trace wire, use or caused to use a trace wire. The Authority may make regulations and fishing license condition including restrictions on type of fishing gear in order to further reduce the mortality of sharks, in accordance with this Title.

(6) Any violations of the provisions of this Section including failure to provide validation reports and or failure to provide catch reports to the Director prior to entry into RMI fishery water shall constitute an offense and shall subject the vessel, the Master, the Operator and the Owners to the penalties prescribed under Section 231 of the 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.”

United States of America (CMS non-Party)

The Marine Mammal Protection Act of 1972 as amended through 2018 (accessed online on: 6 November 2024)

Taking of Marine Mammals Incidental to Commercial Fishing Operations 16 U.S.C. 1387 Sec. 118. (c) —

“(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A) (i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—

- (i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such exemption is valid;
- (ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;
- (iii) report as required by subsection (e); and (iv) comply with any applicable take reduction plan and emergency regulations issued under this section.”

Magnuson-Stevens Fishery Conservation and Management Act (accessed online on: 6 November 2024)

Section 202. International fishery agreements

“[...] (h) BYCATCH REDUCTION AGREEMENTS.—

(1) The Secretary of State, in cooperation with the Secretary, shall seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen for such purposes in any fishery regulated pursuant to this Act for which the Secretary, in consultation with the Secretary of State, determines that such an international agreement is necessary and appropriate. [...]”

Section 304. Action by the Secretary

“[...] (2) CERTAIN FISH EXCLUDED FROM “BYCATCH” DEFINITION.—

Notwithstanding section 3(2), fish harvested in a commercial fishery managed by the Secretary under this subsection or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act, that are not regulatory discards and that are tagged and released alive under a scientific tagging and release program established by the Secretary shall not be considered bycatch for purposes of this Act.[...]”

Section 316. Bycatch reduction engineering program

“[...] (b) INCENTIVES.—

Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council’s or Secretary’s jurisdiction, including—

- (1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and
 (3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery. [...]"

Shark Finning Prohibition Act (accessed online on: 25 November 2024)

Sec. 3. Prohibition on removing shark fin and discarding shark carcass at sea

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

- (1) by striking “or” after the semicolon in subparagraph (N);
- (2) by striking “section 302(j)(7)(A).” in subparagraph (O) and inserting “section 302(j)(7)(A); or”; and
- (3) by adding at the end the following:
 - “(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;
 - “(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or
 - “(iii) to land any such fin without the corresponding carcass.

For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.”.

Shark Conservation Act of 2010 (accessed online on: 6 November 2024)

Section 102. Amendment of High seas driftnet fishing Moratorium Protection Act

“(1) IDENTIFICATION.—Subsection (a) of section 610 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended—

- (A) in the matter preceding paragraph (1), by striking “607, a nation if—” and inserting “607—”;
- (B) in paragraph (1)—
 - (i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and
 - (ii) by moving clauses (i) and (ii) (as so redesignated) 2 ems to the right;
- (C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;
- (D) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;
- (E) by inserting before subparagraph (A) (as so redesignated) the following:
 - “(1) a nation if—”;
 - (F) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting “; and”; and
 - (G) by adding at the end the following:
 - “(2) a nation if—
 - “(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices in waters beyond any national jurisdiction that target or incidentally catch sharks; and
 - “(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.”

Magnuson-Stevens Act Provisions – Shark Fin Removal, Possession, Transfer and Landing (accessed online on: 25 November 2024)

Subpart N – Shark Fin Removal, Possession, Transfer and Landing, paragraph 600.1203. Prohibitions

- (a) It is unlawful for any person to do, or attempt to do, any of the following:
 - (1) Remove a fin at sea.

- (2) To have custody, control, or possession of a fin, aboard a fishing vessel, unless the fin is naturally attached.
- (3) Transfer a fin from one vessel to another vessel at sea unless the fin is naturally attached.
- (4) Receive a fin in a transfer from one vessel to another vessel at sea unless the fin is naturally attached.
- (5) Land a fin unless the fin is naturally attached.
- (6) Land a shark carcass without all of its fins naturally attached.
- (7) Possess, purchase, offer to sell, or sell fins or shark carcasses taken, transferred, landed, or possessed in violation of this section.
- (8) When requested, fail to allow an authorized officer or any employee of NMFS designated by a Regional Administrator, or by the Director of the Office of Sustainable Fisheries in the case of the Atlantic Highly Migratory Species, access to or inspection or copying of any records pertaining to the landing, sale, transfer, purchase, or other disposition of fins or shark carcasses.
- (b) For purposes of this section, it is a rebuttable presumption that:
 - (1) If a fin is found aboard a vessel, other than a fishing vessel, without being naturally attached, such fin was transferred in violation of this section.
 - (2) If, after landing, the total weight of fins landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of this section. taken, held, or landed in violation of this section.