

Cover sheet to accompany new proposals

(submitted by the European Union)

Title of the Proposed Draft Recommendation/Resolution: *Draft Recommendation by ICCAT on the conservation and management of sharks caught in association with ICCAT fisheries*

Title of currently in force recommendation(s) or resolution(s) addressing the same or related issues: *Numerous ICCAT recommendations.*

1. Does it create new **reporting obligation(s)** for CPCs? Yes No

Brief description of new reporting obligation(s):

2. Does it require additional input or **work by the SCRS**? Yes No

Is this work already included in the current SCRS workplan Yes No

Brief description of new scientific work required (i.e. stock assessment, analysis, external consultant):

The proposal includes a task for the SCRS to advise the Commission on the extension of certain provisions to certain shark species, which are currently out of their scope.

3. Does it involve the creation of a **new working group or intersessional process**? Yes No

4. Does it require a new **programme or additional activities to be managed by the Secretariat**?

Yes No

Brief description of new Secretariat work required:

5. What is the proposed timeframe for implementation, and are there different specific timeframes for certain CPCs, fisheries, regions, etc.:

Entry into force 2025.

6. Is there any other relevant information regarding the resource and workload implications of the proposal:

**Draft Recommendation by ICCAT on the conservation and management
of sharks caught in association with ICCAT fisheries**
(submitted by the European Union)

RECALLING the United Nations Food and Agriculture Organization (FAO) International Plan of Actions for Sharks;

FURTHER RECALLING that the Commission has adopted several management measures for the protection of shark species caught in association with fisheries managed by ICCAT, either in a general or species-specific manner;

CONSIDERING that many shark species, including species with high degrees of risk in an ecological risk assessment, are captured in ICCAT Convention area fisheries;

NOTING that, according to SCRS advice precautionary management measures should be considered for shark stocks where there is the greatest biological vulnerability and conservation concern and for which there are few data and/or greater uncertainty in assessment results;

RECOGNIZING the need to collect species-specific data on catch, effort, discards, and trade, as well as information on the biological parameters, to enable effective shark conservation and management;

FURTHER RECOGNIZING the need for an efficient review process of implementation of and compliance with the shark conservation and management measures, while minimizing the reporting burden on CPCs;

DESIRING to streamline ICCAT conservation and management measures for sharks, including for eliminating redundancies, clarifying key obligations, and facilitating their implementation, as well as, monitoring of compliance;

NOTING the list of species in paragraph two of the *Recommendation by ICCAT on fishes considered to be tuna and tuna-like species or oceanic, pelagic, and highly migratory elasmobranchs* (Rec. 19-01);

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNA (ICCAT) RECOMMENDS THAT:

Definitions

1. For the purpose of this Recommendation:
 - a. "CPCs" means Contracting Parties, Cooperating Non-Contracting Parties, Entities or Fishing Entities.
 - b. "SCRS" means ICCAT Standing Committee on Research and Statistics.
 - c. "Full utilisation" means retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
 - d. "Sharks" means all species of sharks caught in association with ICCAT fisheries.
 - e. "Bigeye thresher sharks" means the species *Alopias superciliosus*.
 - f. "Thresher sharks" means the species *Alopias superciliosus* and *A. vulpinus*.
 - g. "Oceanic whitetip sharks" means the species *Carcharhinus longimanus*.
 - h. "Hammerhead sharks" means all the species of the family Sphyrnidae (except for the *Sphyrna tiburo*).
 - i. "Silky sharks" means the species *Carcharhinus falciformis*.
 - j. "Whale sharks" means the species *Rhincodon typus*.
 - k. "Porbeagle sharks" means the species *Lamna nasus*.
 - l. "Basking sharks" means the species *Cetorhinus maximus*.
 - m. "Great white sharks" means the species *Carcharodon carcharias*.
 - n. "Finning" means the practice of removing any fin from a shark's body and discarding its body prior to landing.
 - o. "Fin" means any shark fin (including the tail) or a portion thereof.

Application

2. Contracting Parties, and Cooperating non-Contracting Parties, Entities or Fishing Entities (hereafter referred to as CPCs) shall implement the following measures regarding sharks caught in association with ICCAT fisheries.

[Full utilisation and finning ban

3. CPCs shall take the necessary measures to require that their fishers fully utilise the entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
4. CPCs shall prohibit the practice of finning and shall require that all sharks be landed with their fins naturally attached (fully or partially) through the point of first landing of the shark. CPCs shall prohibit vessels from retaining on board, transshipping, or landing shark fins harvested in contravention of the aforementioned.]

Sharks whose retention is prohibited

5. CPCs shall prohibit retaining on board, transshipping, or landing any part or whole carcass of the following sharks:
 - a. Bigeye thresher sharks
 - b. Oceanic whitetip sharks
 - c. Hammerhead sharks
 - d. Silky sharks
 - e. Whale sharks

[5.bis. CPCs shall prohibit storing, selling, or offering for sale any part or whole carcass of bigeye thresher sharks, oceanic whitetip sharks, and hammerhead sharks.]

6. By derogation from paragraph 5, the collection of biological samples during commercial fishing operations (e.g. vertebrae, tissue, reproductive tracts, stomachs, skin samples, coil valves, jaws, whole fish or skeletons for taxonomic studies and fauna inventories) by scientific observers or individuals duly permitted by the CPC to collect biological samples is authorised under the following conditions:
 - a. The biological samples are collected only from animals which are dead at the haulback.
 - b. Where appropriate, the biological samples are taken in the framework of a research project notified to the SCRS and developed taking into consideration the recommended research priorities of the SCRS Shark Species Group. The research project should include a detailed document that describes the objective of the work, the methodologies to be used, the number and type of samples to be collected, the time-area distribution of the sampling and a chronogram of the activities to be carried out.
 - c. The biological samples must be kept on board until the port of landing or transshipment.
 - d. The authorisation of the flag CPC or, in the case of chartered vessels, of the chartering CPC and the flag CPC, must accompany all such samples collected according to this paragraph until the final port of landing. Such samples and other parts of the shark specimens sampled may not be marketed or sold.

The sampling campaign can only start once the authorisation by the relevant State has been issued.

7. An annual report of the results achieved by the research project mentioned in paragraph 6 should be presented to the Shark Species Group and the SCRS. The SCRS should review and assess this report and provide advice on follow up.

Bycatch mitigation and safe release

8. In fisheries that are not directed at sharks, CPCs shall encourage the safe release of live sharks, especially juveniles, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
9. CPCs shall require vessels flying their flag to promptly release unharmed, to the extent practicable and giving due consideration to the safety of crew members, sharks listed in paragraph 5 and porbeagle sharks, that are alive when brought alongside for taking on board the vessel. CPCs shall require that when a whale shark is incidentally encircled in the purse seine net, the master of the fishing vessel shall take all reasonable steps to ensure its safe release. For the release of whale sharks, CPCs should require their flag vessels to apply the guidelines outlined in the **Annex 1**.

Species-specific rules and exemptions

10. Thresher sharks
 - a. Paragraph 5 shall not apply to a Mexican small-scale coastal fishery with a catch of less than 110 bigeye thresher sharks.
 - b. CPCs should strongly endeavour to ensure that vessels flying their flag do not undertake a directed fishery for thresher sharks.
11. Hammerhead sharks
 - a. Hammerhead sharks that are caught by developing coastal CPCs for local consumption are exempted from the measures established in paragraphs 5 and 9, provided these CPCs submit Task 1 and Task 2 data according to the reporting procedures established by ICCAT. If it is not possible to provide catch data by species, they shall be provided at least by genus *Sphyrna*.
 - b. Developing coastal CPCs exempted from these prohibitions pursuant to paragraph 11a should endeavour not to increase their catches of hammerhead sharks. Such CPCs shall take necessary measures to ensure that hammerhead sharks will not enter international trade and shall notify the Commission of such measures.
12. Silky sharks
 - a. Silky sharks that are caught by developing coastal CPCs for local consumption are exempted from the measures established in paragraphs 5 and 9 provided these CPCs submit Task 1 and Task 2 data according to the reporting procedures established by ICCAT. Any CPC that does not report Task 1 data for silky shark, in accordance with SCRS data reporting requirements, shall be subject to the provisions of paragraph 5 until such data have been reported.
 - b. Developing coastal CPCs exempted from these prohibitions pursuant to paragraph 12a shall not increase their catches of silky sharks. Such CPCs shall take necessary measures to ensure that silky sharks will not enter international trade and shall notify the Commission of such measures.
 - c. Purse seine vessels engaged in ICCAT fisheries shall endeavour to take additional measures to increase the survival rate of silky sharks incidentally caught.
13. Whale sharks
 - a. CPCs shall prohibit their flagged fishing vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.
 - b. In regard to whale sharks, paragraphs 5, 9, 13a and 16 shall not apply to fishing vessels operating exclusively North of 40° N or South of 40° S (i.e., outside the core geographic range of whale shark in the Atlantic Ocean).

13.bis. Porbeagle

In the event that catches of porbeagle caught in association with ICCAT fisheries increase beyond 2014 levels, the Commission will consider additional measures.

13.ter. Geographical exemption

Upon request from a CPC, the SCRS shall periodically advise on the geographic range of the species listed in paragraph 5. CPCs with vessels operating exclusively outside the geographical range of the recommended range shall subsequently, upon Commission decision based on the SCRS advice, be exempted from the measures under paragraph 5.

Recording and reporting

14. CPCs shall annually report Task 1 and Task 2 data for catches of sharks (including estimates of dead discards and size frequencies), in accordance with ICCAT data reporting procedures, including available historical data.
15. CPCs shall report the number of discards and releases of sharks with indication of status (dead discards and live releases) to ICCAT in accordance with ICCAT data reporting requirements.
16. CPCs shall ensure that, consistent with the requirements of *Recommendation by ICCAT to establish minimum standards for fishing vessel scientific observer programs* (Rec. 16-14), interactions with whale sharks during purse seine operations are recorded through their domestic observer programmes. The following information will also be collected:
 - a. Details of how and why the encirclement occurred;
 - b. The number of individuals involved during the interaction;
 - c. Location of the interaction;
 - d. Steps taken to ensure safe handling and release of the specimens encircled in the purse seine;
 - e. An assessment of the life status of the whale shark specimen(s) upon release (alive/dead/moribund/uncertain).

CPCs shall report these data and information in their Annual Reports and, in the case of data collected through observer programmes, to the Secretariat in accordance with ICCAT data reporting requirements.

Implementation and compliance

17. All CPCs shall submit to the ICCAT Secretariat, with their Annual Reports, details of their implementation of and compliance with this Recommendation and *Recommendation by ICCAT on the conservation of the North Atlantic stock of shortfin mako caught in association with ICCAT fisheries* (Rec. 21-09), *Recommendation by ICCAT on the conservation of the South Atlantic stock of shortfin mako caught in association with ICCAT fisheries* (Rec. 22-11), *Recommendation by ICCAT to replace recommendation 19-07 on management measures for the conservation of North Atlantic Blue shark caught in association with ICCAT fisheries* (Rec. 23-10) and *Recommendation by ICCAT to replace Recommendation 19-08 on management measures for the conservation of South Atlantic blue shark caught in association with ICCAT fisheries* (Rec. 23-11) using the check sheet as developed by the ICCAT Secretariat following the template in Annex 2 and in consultation with the Compliance Committee (COC) Chair and the Chair of Panel 4 to reflect changes of this Recommendation adopted by the Commission.
18. If there are no changes from the previous year in a CPC's implementation of the requirements of the check sheet mentioned in paragraph 17 and no additional reporting fields have been included to reflect new requirements, the CPC shall not be required to submit a check sheet, provided that it affirms in its Annual Report that there are no changes. If there are changes from the previous year in a CPC's implementation, or additional reporting fields have been included in the check sheet to reflect new requirements, the CPC shall only be required to submit such updates regarding implementation or responses to new reporting fields with their Annual Reports. However, CPCs shall submit updated check sheets in full in the years when the Compliance Committee is scheduled to prioritize review of the shark check sheets in accordance with paragraph 20.

19. CPCs may be exempted from the submission of the check sheet when vessels flying their flag are not likely to **interact with** any shark species covered by the Recommendations mentioned in paragraph 17. The concerned CPCs **shall obtain** a confirmation by the SCRS Shark Species Group **using the following procedure**:

 - a. CPC shall submit its request at least 45 days before the beginning of the SCRS Shark Species Group.
 - b. Using the guidelines in **Annex 3**, the SCRS Shark Species Group shall review the request and advise the Commission on whether the exemption can be granted;
 - c. At its next session, the Commission shall confirm the exemption.

20. The Compliance Committee meeting shall prioritize review of CPC check sheets on an ICCAT meeting cycle as determined by the Committee, without prejudice to the competency of the Committee to consider implementation issues of this Recommendation at annual meetings during other years as appropriate.

Scientific work and Recommendations

21. CPCs shall, where possible, undertake research:
 - a. To identify ways to make fishing gears more selective.
 - b. To identify potential shark mating, pupping, and nursery areas, and other high concentration areas. Based on this research, CPCs shall consider time and area closures and other measures, as appropriate.
 - c. To close gaps, at a stock level, in key biological data.
 - d. On handling and release practices ensuring high post release survival rates for all sharks required to be released unharmed under paragraph 9.
22. By 2026, the SCRS shall update the 2012 shark Ecological Risk Assessment and advise the Commission on the population status of relevant shark species, such as basking sharks and great white sharks, and their vulnerability to overfishing, and whether precautionary management of these species through the application of the measures in this Recommendation, in particular paragraphs 5 and 15, is recommended.

[...]

23. The SCRS should continue joint work with ICES Working Group on Elasmobranch Fishes on evaluation species of common interest such as the porbeagle.

Assistance

24. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.
25. As appropriate, the Commission and the CPCs should, individually and collectively, engage in capacity building efforts and other cooperative activities to support the effective implementation of this Recommendation, including entering into cooperative arrangements with other appropriate international bodies.

Cooperation with FAO; National Action Plans

26. FAO continues to be the focal point for programs to collect, on a global scale, the necessary biological data, including stock abundance and the magnitude of bycatch, and trade data on shark species, and to serve a coordination function among regional or sub-regional fisheries management organizations for said activities.
27. The Contracting Parties of ICCAT shall provide FAO with the information, and financial assistance where possible, to conduct the work required.

28. International or regional/sub-regional fisheries management organisations are encouraged to cooperate with FAO in providing the necessary information and advice in response to requests made, including in regard to the Resolution of the CITES on the “Status of International Trade in Shark Species” (adopted at the Ninth Meeting of the Conference of the Parties).
29. Each CPC should fully implement a National Plan of Action in accordance with the 1999 FAO International Plan of Action for the Conservation and Management of Sharks.

Final provisions

30. This Recommendation repeals and replaces:
 - a. *Resolution by ICCAT on Cooperation with the Food & Agriculture Organization of the United Nations (FAO) with regard to study on the status of stocks and bycatches of shark species* (Res. 95-02),
 - b. *Resolution by ICCAT on the shark fishery* (Res. 03-10),
 - c. *Recommendation by ICCAT concerning the conservation of sharks caught in association with fisheries managed by ICCAT* (Rec. 04-10),
 - d. *Supplemental Recommendation by ICCAT concerning sharks* (Rec. 07-06),
 - e. *Recommendation by ICCAT on the conservation of thresher sharks caught in association with fisheries in the ICCAT Convention area* (Rec. 09-07),
 - f. *Recommendation by ICCAT on the conservation of oceanic whitetip shark caught in association with fisheries in the ICCAT Convention area* (Rec. 10-07),
 - g. *Recommendation by ICCAT on hammerhead sharks (family sphyrnidae) caught in association with fisheries managed by ICCAT* (Rec. 10-08),
 - h. *Recommendation by ICCAT on the conservation of silky sharks caught in association with ICCAT fisheries* (Rec. 11-08),
 - i. *Recommendation on biological sampling of prohibited shark species by scientific observers* (Rec. 13-10),
 - j. *Recommendation by ICCAT on porbeagle caught in association with ICCAT fisheries* (Rec. 15-06),
 - k. *Recommendation by ICCAT to replace Recommendation 16-13 on improvement of compliance review of conservation and management measures regarding sharks caught in association with ICCAT fisheries* (Rec. 18-06), and
 - l. *Recommendation by ICCAT for the conservation of whale sharks (Rhincodon typus) caught in association with ICCAT fisheries* (Rec. 23-12).
31. Any references to these repealed measures in other active management measures shall be presumed to refer to this new Recommendation, as applicable.

Guidelines for safe handling and release of whale sharks

1. In the ICCAT Convention area, the following practices should be used when releasing whale sharks incidentally caught in ICCAT fisheries:
 - Use the sail brail or dip net to lift and release the whale sharks, an operation also defined as “brailing”. This operation is to be used when specimens smaller than 2 meters are caught, to release them directly in open water, without bringing them on board; or
 - Sink the cork line so the whale shark rolls out of the net. If the individual does not go out of the net by itself, place a rope under the animal and attach it to the float line to help it roll out of the net; or
 - Cut a few meters of the net in front of the whale shark.

2. In the ICCAT Convention area, the following practices should be avoided when releasing whale sharks incidentally caught in ICCAT fisheries:
 - Lifting whale sharks by tail;
 - Pulling whale sharks by a loop hooked around its gill or holes bored into a fin;
 - Gaffing;
 - Leaving towing ropes attached to the trunk of whale sharks;
 - Brailing whale sharks larger than 2 meters;
 - Brailing whale sharks onto the deck;
 - Starting the brailing process while whale shark is still in the purse seine net.

Shark Implementation Check Sheet**Name of CPC: XXX**

Note: Each ICCAT requirement must be implemented in a legally binding manner. Just requesting fishermen to implement measures should not be regarded as implementation, **except where the ICCAT provision is non-binding (e.g., "CPCs should")**.

Note that "non-applicable" or "N/A" may only be recorded in the table when a response is not required. In these situations, "N/A" will be provided as an option in the Status of Implementation column.

| <u>Rec. # / Species</u> | <u>Para #</u> | <u>Previously</u> | <u>Requirement</u> | <u>Status of Implementation</u> | <u>Relevant Domestic Laws or Regulations</u> <i>(As applicable, include text references or links where this information is codified)</i> | <u>Notes</u> |
|----------------------------------|---------------|-------------------|--------------------|---------------------------------|---|--------------|
| <u>##- ##</u> / <u>XXX</u> | <u>#</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> |
| <u>##- ##</u> / <u>XXX</u> | <u>#</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> |
| <u>##- ##</u> / <u>XXX</u> | <u>#</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> | <u>XXX</u> |

Annex 3**Guidelines to assess the CPs requests for exemptions from the Shark Check Sheet**

CPCs requesting for exemptions from the Shark Check Sheet shall present the following to the SCRS Shark Species Groups:

1. For CPCs that do not have active fleets targeting tuna and tuna-like species in the ICCAT area of competence:
 - a. Declaration/evidence that the CPC does not have active fleets on fisheries targeting tuna and tuna-like species in the ICCAT area of competence.
2. For CPCs that have active fleets on fisheries targeting tuna and tuna-like species in the ICCAT area of competence:
 - a. List of species of ICCAT shark species recorded in the area of fishing activities of the CPC;
 - b. Evidence (e.g., report of scientific surveys or report of onboard observer programme) that clearly demonstrates the level of interactions of ICCAT sharks species with gears used in the CPCs fisheries targeting tuna and tuna-like species in the ICCAT area of competence:
 - a) Such surveys should cover all seasons with multiple trips to ensure that relatively rare events of catches of some rare bycatch species can be detected;
 - b) Such surveys should include a high degree of spatial coverage of fishing effort by gear type; Such observer programmes shall have a high degree of spatial-temporal coverage in terms of annual effort by gear.
 - c. Present a plan of periodic review of the need for reporting shark species, including the calendar years when such periodic review should be undertaken.