



ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY IOTC

SUBMITTED BY : EUROPEAN UNION

EXPLANATORY MEMORANDUM

The European Union is proposing to amend Resolution 17/05 on the conservation of sharks to strengthen the implementation of the fins naturally attached obligation by applying it to both fresh and frozen shark landing.

The draft resolution also amends elements which are no longer relevant and promotes the cooperation between the IOTC Scientific Committee and the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU) which is currently working on the definition of a global shark compendium.

RESOLUTION ~~17/05-24/XX~~**ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY IOTC**

Keywords: sharks, finning, naturally-attached fins, NEAFC, NAFO, GFCM

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING Resolution 12/01 *On the implementation of the precautionary approach* calls on IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to apply the precautionary approach in accordance with Article V of the United Nations Fish Stocks Agreement;

CONCERNED by the continued failure of IOTC CPCs to submit complete, accurate and timely catch records for sharks in accordance with existing IOTC Resolutions;

RECOGNISING the need to improve the collection of species specific data on catch, discards and trade as a basis for improving the conservation and management of shark stocks and aware that identifying sharks by species is rarely possible when fins have been removed from the carcass;

RECALLING that United Nations General Assembly Resolution on Sustainable Fisheries, adopted annually by consensus, since 2007 (62/177, 63/112, 64/72, 65/38, 66/68, 67/79, 68/71, 69/109, 70/75 and A/RES/71/123) calls upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organisation or arrangement measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with fins naturally attached;

FURTHER RECALLING that the FAO International Plan of Action for Sharks calls on States to encourage full use of dead sharks, to facilitate improved species-specific catch and landings data and monitoring of shark catches and the identification and reporting of species-specific biological and trade data;

AWARE that despite regional agreements on the prohibition of shark finning, shark fins continue to be removed on board and the rest of the shark carcass discarded into the sea;

EMPHASISING the recent recommendations of IOTC and WCPFC Scientific Committees that the use of fin-to carcass weight ratios is not a verifiable means of ensuring the eradication of shark finning and that it has proven ineffective in terms of implementation, enforcement and monitoring;

NOTING the adoption of Recommendation 10:2015 *on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission (NEAFC)* and Article 12 of the North-West Atlantic Fisheries Organisation (NAFO), Conservation and Enforcement Measures, and GFCM Recommendation 42/2018/2 on fisheries management measures for the conservation of sharks and rays in the GFCM area of application, which establish the fins attached policy as exclusive option for ensuring the shark finning ban in the NEAFC, ~~and~~ NAFO and GFCM fisheries;

CONSIDERING the work being conducted by the Memorandum of Understanding on the Conservation of Migratory Sharks to publish a global compendium of sharks status and protection measures.

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. This measure shall apply to all fishing vessels flying the flag of a Contracting Party or Cooperating Non-Contracting Party (CPC) and on the IOTC Record of Authorised Vessels, or authorised to fish for tuna or tuna-like species managed by the IOTC.
2. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks, with the exception of species prohibited by the IOTC. 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.
3. ~~a) Sharks landed fresh:~~ CPCs shall prohibit the removal of shark fins on board vessels. CPCs shall prohibit the landing, retention on-board, transshipment and carrying of shark fins which are not naturally attached to the shark carcass until the first point of landing.

~~b) Sharks landed frozen: CPCs that do not apply sub-paragraph 3 a) for all sharks shall require their vessels to not have on board fins that total more than 5% of the weight of sharks on board, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.~~

~~e) CPCs are encouraged to consider to progressively implement the measures described in sub-paragraph 3 a) to all shark landings. Paragraph 3 will be revisited by the Commission in its 2019 Annual Meeting in light of recommendations from the Scientific Committee, using the best available science and case studies from other CPCs already prohibiting the removal of shark fins on board vessels.~~
4. Without prejudice to paragraph 3, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the shark carcass, but shall not be removed from the carcass until the first point of landing.
- 4.5. In fisheries in which sharks are unwanted species, CPCs shall, to the extent possible, encourage the release of live sharks, especially juveniles and pregnant sharks that are caught incidentally and are not used for food and/or subsistence. CPCs shall require that fishers are aware of and use identification guides (e.g. *IOTC Shark and Ray Identification in Indian Ocean Fisheries*) and handling practices.
- ~~5.1. Without prejudice to paragraph 3, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the shark carcass, but shall not be removed from the carcass until the first point of landing.~~
6. CPCs shall report data for catches of sharks no later than 30 June of the following year, in accordance with IOTC data reporting requirements and procedures in [Resolution 15/02](#) *mandatory statistical requirements for IOTC Members and Cooperating Non-Contracting Parties (CPC's)* (or any subsequent superseding resolution), including all available historical data, estimates and life status of discards (dead or alive) and size frequencies.
7. CPCs shall prohibit the purchase, offer for sale and sale of shark fins which have been removed on-board, retained on-board, transhipped or landed, in contravention to this Resolution.
- ~~8. The Commission shall develop and consider for adoption at its regular annual session in 2017 mechanisms to encourage CPCs to comply with their reporting requirement on sharks, notably on the most vulnerable shark species identified by the IOTC Scientific Committee.~~
- ~~9.8. In cooperation with the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU),~~ The IOTC Scientific Committee shall request that the IOTC Working Party on Ecosystems and Bycatch continue its work on identifying and monitoring the status of sharks until such time as

comprehensive assessments are possible for all relevant shark species/groups. In particular, the IOTC Working Party on Ecosystems and Bycatch will establish the Terms of Reference for the Commission to establish a long term-project on sharks in IOTC, with the aim to ensure the collection of data required for performing reliable stock assessments for key shark species. The project will include:

- a) the identification of data gaps for key shark species in IOTC;
- b) the collection of relevant data, including through direct contacts with CPC national administrations, research institutes and stakeholders;
- c) any other activity that could contribute to improving the collection of data required for performing stock assessments of key shark species in IOTC.

The IOTC Scientific Committee will incorporate results of the project in its reports on sharks and based on progress achieved will propose a timeframe for performing stock assessment of key sharks species. CPCs are encouraged to contribute financially to the implementation of the project. In doing so the IOTC Scientific Committee will take stock of the work being developed by the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU) on a definition of a global shark compendium.

10.9. The IOTC Scientific Committee shall review annually the information reported by CPCs pursuant to this Resolution and, as necessary, provide recommendations to the Commission on ways to strengthen the conservation and management of sharks within IOTC fisheries.

11.10. CPCs shall undertake research to:

- a) identify ways to make fishing gears more selective, where appropriate, including research into the effectiveness of prohibiting wire leaders;
- b) improve knowledge on key biological/ecological parameters, life-history and behavioural traits, migration patterns of key shark species;
- c) identify key shark mating, pupping and nursery areas; and
- d) improve handling practices for live sharks to maximise post-release survival.

12.11. The Commission shall consider appropriate assistance to developing CPCs for the identification of shark species/ groups and the collection of data on their shark catches.

13.12. This Resolution supersedes Resolution 17/05 On the conservation of sharks caught in association with fisheries managed by IOTC~~05/05 concerning the conservation of sharks caught in association with fisheries managed by the IOTC.~~