

**38th ANNUAL MEETING – SEPTEMBER 2016****Amendment of Article 12 of the NCEM on shark management****Explanatory memorandum**

Article 12 of the NCEM contains provisions on the conservation and management of sharks. The main objective of these provisions is to make sure that sharks are not killed for the sole purpose of keeping their fins on board. To this end the NAFO CEM prohibit vessel operators to have shark fins onboard that total more than 5% of the weight of sharks onboard.

However, the current limit of fin-to-carcass weight ratio has not proven effective as a conservation measure for sharks. Current scientific evidence clearly indicates that the fins-to-carcass weight ratio varies widely among species, as does the fin types used in calculations, the type of carcass weight used (whole or dressed), and the method of processing used to remove the fins (fin cutting technique). Species and/or fleet-specific ratios are not a practical solution mainly due to difficulties associated with accurate species identification.

Recent studies have shown that the generalised 5% fin-to-carcass weight ratio used in existing regulations provides an opportunity to harvest additional fins from sharks without retaining all of the corresponding shark carcasses. Based on the most recent scientific evidence, the most effective way of avoiding the wasteful practice of shark-finning is to require all sharks to be landed with their fins still naturally attached. This also makes data collection and monitoring more straightforward and accurate. On this basis, NEAFC adopted in 2015 Recommendation 10:2015 on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission (NEAFC).

Therefore it is suggested that NAFO Contracting Parties support this measure and adopt a fins-naturally-attached at first landing policy as outlined below.

The NAFO Contracting Parties:

Considering that the United Nations General Assembly adopted consensus Resolutions every year from 2007 (62/177, 63/112,64/72, 65/38, 66/6, 67/79, 68/71, 69/109 and 70/75) calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangements 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 each fin naturally attached;



Recalling that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States to cooperate through Regional Fisheries Organizations to ensure the sustainability of shark stocks;

Also recalling that the FAO International Plan of Action for Sharks calls on States to encourage full use of dead sharks, 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;

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

Conscious that the fin-to-carcass weight ratio as a means of ensuring that sharks are not finned has proven ineffective in terms of implementation, enforcement and monitoring, in particular due to the lack of reliable data and of appropriate species/fleet specific methodology;

Noting, the recent adoption of Recommendation 10:2015 on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission (NEAFC), which establishes the fins attached policy as exclusive option for ensuring the shark finning ban in the NEAFC Convention area;

Aware that identifying sharks by species is very difficult when the fins have been removed from the carcasses;

Proposed amendments

To modify Article 12 of the NAFO Conservation and Enforcement Measures as follows:

Article 12 - Conservation and Management of Sharks

- 1) Contracting Parties shall report all catches of sharks, including available historical data, in accordance with the data reporting procedures set out in Article 28.
- ~~2) 2. Up to the point of offloading, no fishing vessel shall discard any part of shark retained on board except the head, guts or skin.~~
- 2) Contracting Parties shall prohibit the removal of shark fins on-board vessels. Contracting Parties shall also prohibit the retention on-board, transshipment and landing of shark fins separate to the carcass.
- ~~3) Contracting Parties shall require their vessels not to have onboard shark fins that total more than 5% of the weight of sharks onboard, up to the first point of landing. Contracting Parties 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% fin-to-body weight ratio through certification, monitoring by an observer, or other appropriate measures.~~
- 3) Without prejudice to paragraph 2, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before the first landing.

- 4) No fishing vessel shall retain on board, tranship or land any fins harvested in contravention of these provisions.
- 5) In fisheries that are not directed at sharks, each Contracting Party shall encourage every vessel entitled to fly its flag to release ~~live~~-sharks alive, and especially juveniles, that are not intended for use as food or subsistence.
- 6) Contracting Parties shall, where possible, undertake research to identify ways to make fishing gear more selective for the protection of sharks.
- 7) Contracting Parties shall where ~~en~~ possible, conduct research on key biological and ecological parameters, life-history, behavioural traits and migration patterns, as well as on the identification of potential mapping, pupping and nursery grounds of key shark species. Contracting Parties shall provide the results of such research to the NAFO Secretariat. ~~to identify shark nursery areas.~~