NGO POSITION ON BEHALF OF

OCEANA, WWF, BIRDLIFE INTERNATIONAL, SEAS AT RISK, GREENPEACE

REGARDING THE

EUROPEAN COMMISSION CONSULTATION PAPER FOR A

COMMUNITY PLAN OF ACTION FOR SHARKS

JANUARY 2008

General remarks

The European Union (EU) pledged to develop a Community Plan of Action (CPOA) for sharks in 1999 with the adoption of the United Nations Food and Agricultural Organisation International Plan of Action (IPOA) for the Conservation and Management of Sharks[1]. While long overdue, the European Commission's CPOA consultation document contains the necessary elements for a comprehensive and meaningful action plan.

A sound Shark CPOA has the potential to benefit some of the most endangered and neglected species under the Commission's purview. At present, however, most EU shark fishing is unregulated, with much catch unreported. The majority of European shark populations are in decline yet still officially un-assessed, and most key shark habitats remain unprotected. Sharks' general life history characteristics (slow growth, late maturity, long gestation, small litters) leave them exceptionally vulnerable to overexploitation and long-lasting depletion. According to the IUCN, European waters have the highest percentage (greater than 30%) of threatened sharks in the world. Meaningful initiatives are urgently needed to stem declines and begin a new chapter of recovery and sustainability. To that end, we stress the need for the CPOA to set the stage for:

- Full implementation of advice for shark catch from ICES and other relevant authorities
- Precautionary limits on shark catch in the absence of scientific advice
- Minimisation of shark bycatch
- An effective finning ban that requires sharks be landed with fins attached, without exception
- Special and immediate attention to shark species considered by IUCN as *Threatened*
- Study and protection of critical shark habitats
- Collection and analysis of product and species-specific data on shark catches and trade, and
- Greater public and industry awareness of shark status and restrictions

The Community has pledged to act in accordance with principles of the precautionary and ecosystem-based approaches to fisheries management. Sharks, given their inherent vulnerability and serious declines to date, warrant an especially cautious approach. Sharks' role as apex predators makes them highly relevant to ecosystem-based fisheries management. The Commission, therefore, should propose and implement science-based options for sharks promptly while erring on the side of caution. In particular, at the regional level, the Community should not only encourage improved shark data collection and stock assessment, but also promote precautionary limits while information is gathered. Along these lines, the CPOA should address the requirements for recovery and management plans under the Common Fisheries Policy (CFP) and identify such plans for endangered spurdog and porbeagle sharks as priority actions.

We envision a comprehensive CPOA that serves as an umbrella document for all EU shark conservation initiatives. The scope of the CPOA should be expanded to cover the substantial contributions to shark conservation offered through relevant biodiversity and environmental instruments and tools, such as the Convention on International Trade in Endangered Species (CITES) and the Convention on Migratory Species (CMS). Text within the 2007 United Nations General Assembly Fisheries Resolution, which calls on countries to strengthen shark fisheries management and finning bans, should be referenced in the next CPOA document.

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[1] The term "shark" to describe all cartilaginous fishes: sharks, skates, rays and chimaeras.

Comments on the objectives of the plan:
The intention to address fisheries in EC and international waters, by EU boats as well as non-EU vessels, and all types of fishing activity (commercial and recreational, targeted and incidental) is sound. The scope should be broadened to cover threats from environmental degradation and direct interference.

We are generally supportive of the three proposed objectives, aimed essentially at ensuring:

1. A deeper understanding of sharks, their role in the ecosystem, and the take of sharks in fisheries.
2. Sustainable directed shark fisheries and properly regulated bycatch.
3. A coherent approach between internal and external Community fishery policies for sharks.

Overarching economic and social impacts: Whereas fishing restrictions necessary to safeguard some shark species may have negative economic impacts in the short-term, sustainable fisheries depend on healthy shark populations. Moreover, the life history characteristics of most sharks make them prone to rapid population decline that can take many decades (or even several lifetimes) to repair. The only prudent course of action for sustainable economic benefits from shark fishing over the long-term, therefore, is one of tight, science-based restrictions and caution in the absence of certainty. In our opinion, the long-term economic and social benefits of conserving sharks outweigh the short-term financial costs. More specific economic and social benefits are discussed under several of the proposed fields of action.

The social and economic impacts of <u>not</u> collecting information and restricting shark catches are likely be substantial for fishermen targeting sharks as well as for those taking sharks as bycatch (as severe depletion could necessitate severe restrictions). The longer it takes to implement scientific advice and precautionary measures, the worse the economic hardships will be. Negative economic impacts can also result from associated declines in the health or abundance of prey/competitor populations, as a consequence of removing top predators from ecosystems. Mismanagement and resulting depletion of sharks rob future generations of potential sources of sustainable seafood, commercial enterprise, and recreational opportunities.

Overarching environmental impacts: Most sharks serve as top predators and are thereby key to keeping marine ecosystems in balance. Scientists warn that the consequences of eradicating top predators from marine ecosystems are likely to be negative, cascading and often counter-intuitive. Precautionary, science-based programs to limit shark mortality are essential for preventing population depletion and species extinction, and thereby safeguarding ecological integrity and proper functioning of entire ocean ecosystems.

Comments on the fields of action:

<u>Field of Action #1</u> - *Facilitate improved* ***species-specific shark catch information***
Species-specific data on shark catches is sorely lacking, yet key to effective shark fisheries management. The Commission should clarify that increased "investment in shark data collection" will apply to all shark catch (landings and discards) and *at sea* as well as at landings sites. We support systems to verify catch information. Considering that most sharks remain unregulated and substantial shark catches go unreported, measures akin to those contained with the proposal to combat illegal, unregulated and unreported (IUU) fishing, such as restricting the landing of sharks to dedicated harbours, should be considered. The CPOA must provide for species-specific reporting of shark catches as well as penalties and incentives to encourage compliance are also needed. We support the promotion of Regional Plans of Action and cooperation between RFMOs and CITES, although international decisions must not be used as an excuse for weakening shark initiatives within the EU. Improved shark catch data can also be promoted through the developing global agreement for migratory sharks under CMS.

Is it appropriate to take such initiatives? Yes. Species-specific information on shark catches is urgently needed for shark population assessment and management, and already requested in numerous international agreements, such as the IPOA and resolutions/recommendations from CITES and RFMOs.

Are the proposed actions properly distributed across jurisdictional levels? Emphasis is placed on RFMOs, whereas Community and national level action also has an important part to play. It is the latter two levels, where programmes should begin and where success is most likely.

Additional economic and social impacts: We expect the economic and social impacts of collecting shark catch data to be minimal. EU commercial fishermen will have to implement new EU data collection rules by 2009.

Additional environmental impacts: Species-specific data are needed not only for shark landings but also for discards. Sharks are often depleted as a result of being taken as bycatch in what may otherwise be sustainable fisheries.

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Field of Action #2 – *Facilitate collection of* ***species-specific biological and trade data***

We support increased coverage by scientific observers and improved reporting of shark trade by species. The proposed vessel length threshold for full observer coverage (24m), however, excludes the vast majority of EU vessels and should be lowered. Sampling schemes for representative coverage for smaller vessels should cover all fleet sectors and include a minimum target of 10% observer coverage. For the larger vessels, we do not object to reducing observer coverage (from full to partial) once basic information is obtained and statistically appropriate levels are determined. The vulnerability of sharks and the well-known problems with catch reporting argue for opting for the lower end of the proposed shark bycatch threshold prompting observer coverage. We propose a threshold of no greater than 10 %. On-board video monitoring of fishing and industry funded observer programs should also be considered.

Proposals to report "all landings and trade of shark fins, meat and oil be recorded separately by commodity and to the species level" must apply to landings from all vessels in EU waters and all EC vessels, wherever they fish as well as internal EU trade. Moreover, all shark products and whole specimens should be covered. CITES commitments to improve customs codes for shark products and identification tools should be addressed.

Is it appropriate to take such initiatives? Yes. Enhanced monitoring of shark catches and trade, long requested by experts and relevant international bodies, are essential for assessing specific threats and threat levels to shark populations.

Are the proposed actions properly distributed across jurisdictional levels? Increased observer coverage should be encouraged at the national level. National and international options for improving shark trade data should be added.

Additional economic and social impacts: The economic and social impacts of reporting shark trade data should be small and heavily out-weighed by the benefits of collecting such information. Most traders are already adept at identifying sharks by species or at least species groups. We anticipate that Member States will offset the cost for increased observer coverage, thus lessening economic impacts. Video monitoring systems are especially cost-effective.

Field of Action #3 – ***Assess threats*** *to populations, identify & protect critical* ***habitats***

We consider it highly important to study and protect key habitats where sharks tend to be concentrated and vulnerable to fishing. Proposed determinations of fishing mortality must be accompanied by the determination of sustainable levels of fishing and catch, wherever possible. Means to apply the precautionary approach to develop scientific advice for fishing restrictions in data-poor situations are also urgently needed and should be replicated at the national and regional levels.

Is it appropriate to take such initiatives? Yes, as amended. The development of population threat assessments for sharks has lagged far behind that of other, more resilient fish species for far too long and with disastrous consequences. Myriad experts, nations and international bodies have long highlighted shark stock assessment and research as key needs.

Are the proposed actions properly distributed across jurisdictional levels? Yes.

Additional economic and social impacts: There is potential for positive economic and social impacts from assessment of shark populations and research into critical shark habitats. Cooperative research programmes linking scientists with resources users can build trust and beneficial relationships among diverse interests. Development of technical expertise in these fields can raise the profile of EU scientists.

Field of Action #4 – ***Research*** *threats, associated with* ***biology and bycatch,*** *to shark populations*
We strongly support the investigation of means to reduce shark bycatch. Initiatives should strive to minimise (not simply reduce) shark bycatch. Experiments should be aimed not only at reducing/minimising shark bycatch and discards, but also at minimising discard mortality. Conservation targets should include unwanted and non-commercial species, as well as protected, threatened and/or sharks not currently managed through fisheries rules. Research and expertise should be promoted at regional and national levels.

Is it appropriate to take such initiatives? Yes. Whilst sharks are now increasingly targeted in fisheries, bycatch and discard mortality remain primary causes of excessive shark mortality. Reducing bycatch/discards is an important and broadly supported EU initiative. Gaps in knowledge of shark life history hamper assessment and conservation. Further research should be aimed at documenting and predicting the ecological impacts of shark depletion.

Are the proposed actions properly distributed across jurisdictional levels? No. The CPOA should also aim to foster bycatch reduction research at the Member State level and regionally (see above).

Additional economic and social impacts: Bycatch reduction studies linking researchers with fishermen and conservationists can build trust and beneficial relationships. Development of technical expertise in these fields can raise the international profile of European researchers. Fisheries that minimise shark bycatch have a higher chance of being labelled "sustainable" or "environmentally friendly" by seafood evaluation programs, thus potentially increasing profits as well as consumer confidence in associated seafood.

Field of Action #5 – *Improve* ***stakeholder*** *consultation and awareness*
We strongly support these actions and encourage interpretation of the term "stakeholder" to include not only commercial and recreational fishermen, but also conservationists, scientists, consumers, divers, tourists and interested members of the public.

We support the suggestion that Member States allow public access to shark permit information and programs aimed at educating fishermen and the public about shark status and restrictions. We propose to also include best practice examples for the safe handling and release of sharks. The proposed consultation of Regional Advisory Councils (RACs) and international bodies should be expanded to also include advice on the best means to *minimise* bycatch of protected, threatened and/or unregulated shark species (not simply "unwanted" animals).

Is it appropriate to take such initiatives? Yes. EU fishermen, citizens and tourists generally have insufficient information on the ecological status of sharks and relevant rules and regulations, with resulting difficulties for effective sharks conservation. In addition, increased public access to fisheries information, as proposed, is warranted given that EU citizens contribute financially to fishing subsidies.

Are the proposed actions properly distributed across jurisdictional levels? Yes.

Additional economic and social impacts: The RACs, amongst others, should be able to help design workable regulations; their input should improve the chances that regulations will be effective and minimally cumbersome. In addition, fishermen who are aware of the rules are less likely to break them; educational programmes can therefore reduce the Commission's and/or Member States' costs of imposing penalties, and the fishermen's costs in fines. Familiarity with safe release techniques for sharks improves fishermen's safety at sea. EU initiatives to promote best practices for shark conservation have the potential to raise the international profile of EU fishermen, managers and conservationists. Informed citizens are more likely to support shark conservation initiatives.

Additional environmental impacts: Public understanding of ecotourism guidelines (such as those for basking shark watching off coast of the United Kingdom) can help to prevent harm to individual animals.

Field of Action #6 – *Adjust **fishing effort** to ensure sustainability*
Elimination of excess fishing capacity in EU fisheries ranks among the most crucial initiatives for preventing further depletion and ensuring long-term sustainability of marine resources. We strongly support the options to limit/prohibit fishing in key habitats of endangered sharks and to improve the strength and enforcement of effort restrictions at Community and international levels. Member States should be encouraged to close areas for endangered sharks. The economic and social benefits of non-consumptive "effort" through shark ecotourism should be also be considered at the EU level .

Is it appropriate to take such initiatives? Yes; excess fishing capacity undermines efforts to achieve sustainable fisheries; sharks are particularly vulnerable to excessive fishing pressure. Effort reduction is necessary to ensure the conservation of many shark species. Such action is also in line with the FAO Code of Conduct for Responsible Fisheries, the 1999 FAO IPOA for the Management of Fishing Capacity, and the Commission's fishing capacity reduction goals.

Are the proposed actions properly distributed across jurisdictional levels? Options for encouraging meaningful and enforceable effort reductions and closed areas should also be promoted at the national level, in addition to EU and RFMO level named.

Additional economic and social impacts: Overcapacity hampers sustained economic benefits and promotes the depletion of food sources. In some cases, shark ecotourism can provide the greatest economic and social benefit from shark resources through long-term revenue for coastal communities.

Field of Action #7 – *Adjust **catches** to ensure sustainability*
Limits on catch are paramount to preventing further shark population decline. We strongly support the establishment of shark catch limits according to scientific advice at Community and regional levels. Responsible timelines should be added. Given the limited capacity of the International Council for Exploration of the Sea (ICES) and RFMOs to promptly offer advice for the vast array of shark species currently at risk, precautionary restrictions are necessary to safeguard shark populations while scientific advice is developed. Complementary action should be promoted through RFMOs and various wildlife treaties, particularly the CMS.

We favour exceptions to the discard ban for shark species with a good chance to survive, as well as for legally protected species and those considered by IUCN as *Threatened (Critically Endangered, Endangered or Vulnerable)*. Trawl fisheries with high ray bycatch should be prioritized for new discard ban rules. We support measures to increase gear selectivity and *minimize* discards of sharks. Options should not be reserved for "undersized" and "unwanted" sharks.

We strongly support the establishment of time/area closures in areas where sharks aggregate and are vulnerable to targeted fishing. In addition to closed areas and Total Allowable Catch (TAC) limits, we further recommend the consideration of size limits (minimum, maximum, and slot) and restrictions on fishing gear.

Is it appropriate to take such initiatives? Yes. Limiting catch of sharks is the most urgently needed EU action for guarding against shark population decline, fishery collapse, and species extinction.

Are the proposed actions properly distributed across jurisdictional levels? We agree that catch limitation and bycatch minimisation programmes are needed at Community and international levels, but we also urge that related programmes and expertise are promoted within Member States.

Field of Action #8 – *Minimise **waste & discards** of sharks by improving finning bans*
We support strengthening the EU finning regulation and, in turn, finning bans by RFMOs. The proposed measures, however, do not go far enough. In particular, the derogation that allows fins to be removed on board vessels should be eliminated, thereby requiring that all sharks are landed with their fins attached. This straight-forward strategy is by far the best method for ending finning and also facilitates collection of

species-specific data. Long recommended by scientists, enforcement officers, and the IUCN, the fins-attached approach is being applied in parts of Central America and Australia, and planned for the U.S. Atlantic. Governments should be and are moving away from implementing finning ratios because of difficulties with species identification, enforcement and potential for abuse. At a minimum, the Commission should facilitate pilot programmes for implementation of a fins-attached rule in EU waters.

Short of eliminating the derogation, we urge measures to toughen the requirements for justification of fin removal at sea, as well as strict measures to require that any exempted vessels land their shark fins and carcasses in the same port. In this context, a reduced fin to carcass ratio to 5% of the dressed weight, as proposed, would be a substantial improvement over the current, exceptionally lenient standard of 5% of whole weight. We object to the proposed exception that allows Member States to maintain ratios above 5% dressed weight, as it carries unacceptable risk of undermining any improvements to the finning regulation and leaves sharks at great risk for excessive mortality from finning. Such exceptions also threaten the consistency of rules among Member States and possibilities for strengthening finning bans in RFMOs.

Is it appropriate to take such initiatives? Yes, as amended. Current implementation standards are too lenient and complicated to ensure that this wasteful practice is not continuing. The weak EU finning regulation serves as the lowest common denominator RFMOs, thereby undermining the effectiveness of finning bans on a global scale. Last year, the UNGA specifically encouraged measures to ensure sharks are landed with their fins attached. Given the general lack of safeguards for sharks, it is imperative that existing measures are fully and properly implemented.

Are the proposed actions properly distributed across jurisdictional levels? Member States and their overseas territories should be encouraged to adopt and enforce effective, consistent finning bans.

Additional economic and social impacts: The economic impacts of a fins-attached rule may well be minimal as the feasibility of this strategy is being demonstrated around the world. In fact, because traders prefer well-trimmed fins, careful cutting practices in port (encouraged by a fins-attached rule) could result in higher value products. Experts suggest that ratios of roughly 5% dressed weight result in valuable fins and full "logs", while higher ratios are associated with deep cuts into the meat and extra (unwanted) flesh on the fins that takes time and effort to later remove.

Field of Action #9 – *Provide special attention to* ***threatened shark populations***

We support proposals to afford special protection for threatened shark species and endorse prioritised actions for those species considered by IUCN as *Endangered* or *Critically Endangered*. A zero TAC, protected status (through which fishing, retention, and landing are banned), and year-round protected areas must be included as possible tools. We further support the publicising threatened status to reduce demand as suggested in the consultation document. International initiatives should include complementary protection for threatened sharks by RFMOs, as well as wildlife treaties.

Is it appropriate to take such initiatives? Yes. One third of European shark populations are threatened with extinction. These highly vulnerable species warrant special and immediate attention.

Are the proposed actions properly distributed across jurisdictional levels? Priority protection for these exceptionally imperilled species should be promoted at EU, national (Member States and their territories) and international level.

Additional economic and social impacts: Protection for threatened sharks may have negative economic impacts in the short-term and the economic benefits from sustainable fisheries on recovered populations may take many years to realize. The associated economic hardship for fishermen, however, only gets worse if protection is further delayed.