Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction

Background document to the technical workshop on Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction (Geneva, April 2024)

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1. Introduction

CITES Parties face unique challenges when making non-detriment findings (NDFs) to issue permits and certificates required to authorize introduction from the sea (IFS) or import/export of CITES listed species harvested from areas beyond national jurisdiction (ABNJ), commonly referred to as the high seas. In particular, individual Parties need information on a regional basis to ascertain the impact of removals from a wild stock potentially exploited by multiple Parties and/or subject to threats occurring outside of the individual Party's jurisdiction.

Noting these challenges, CITES Parties adopted Decision 19.136 on ***Non-detriment findings for specimens of Appendix-II species taken from areas beyond national jurisdiction*** that directs the Secretariat to convene a technical workshop to consider how non-detriment findings might best be achieved for the introduction from the sea of specimens of CITES Appendix II-listed, commercially exploited aquatic organisms taken by multiple Parties in areas beyond national jurisdiction. The workshop is intended to review the level of trade in CITES-listed marine species taken from ABNJ, the difficulties encountered by Parties when making NDFs for specimens taken from ABNJ, and the possible role of regional fishery management organizations (RFMOs) and other regional fishery bodies (RFBs) in making data and information available to CITES Scientific Authorities in support of making NDFs.

The technical workshop will inform findings and recommendations on how NDFs might best be achieved for specimens taken from ABNJ to be submitted for consideration by the 33rd meeting of the Animals Committee (AC33, Geneva, July 2024).

2. Relevant provisions in the Text of the Convention

Article 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) defines:

"trade" to mean export, re-export, import and introduction from the sea; and

"introduction from the sea" to mean transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State.

Article IV sets out the requirements relating to the Regulation of Trade in Specimens of Species included in Appendix II and paragraph 2 (a) specifies the requirement relating to the advice from the Scientific Authority of the State of export that such export will **not be detrimental to the survival of the species** referred to as a **'non-detriment finding'**:

2. ***The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:***

   (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

Article IV, paragraph 3, requires the following in terms of monitoring and the need to maintain the species throughout its range at a level consistent with its role in the ecosystem:

3. ***A Scientific Authority of each Party to monitor both the export permits granted by that State for specimens of species included in Appendix and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to***

maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

The specific requirements relating to IFS are addressed in paragraph 6 and 7 of Article IV:

6. ***The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:***

    (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

    (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. ***Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.***

3. Relevant Resolutions

Several Resolutions are relevant for making NDFs for specimens of Appendix-II listed species taken from ABNJ and pertinent paragraphs from these Resolutions were extracted for ease of reference and are shown below.

- Resolution Conf. 16.7 (Rev. CoP17) on Non-detriment findings

  The Resolution provides overarching guidance on making NDFs for all Appendix-II listed specimens including concepts and non-binding guiding principles as well as resource assessment methodologies to base NDFs on and sources of information that may be considered when making a non-detriment finding. The Resolution specifies that:

  v) the data requirements for a determination that trade is not detrimental to the survival of the species should be proportionate to the vulnerability of the species concerned;

  …

  vii) the methodology used should be flexible enough to allow for consideration of the specific and individual characteristics of different taxa;

  viii) the implementation of adaptive management, including monitoring, is an important consideration in the making of a non-detriment finding;

  ….

  ix) the non-detriment finding is based on resource assessment methodologies which may include, but are not limited to, consideration of:

A. ***species biology and life-history characteristics;***

B. ***species range (historical and current);***

C. ***population structure, status and trends (in the harvested area, nationally and internationally);***

D. ***threats;***

E. ***historical and current species-specific levels and patterns of harvest and mortality (e.g. age, sex) from all sources combined;***

F. ***management measures currently in place and proposed, including adaptive management strategies and consideration of levels of compliance;***

G. ***population monitoring; and***

H. ***conservation status; and***

x) the sources of information that may be considered when making a non-detriment finding include but are not limited to:

A. relevant scientific literature concerning species biology, life history, distribution and population trends;

B. details of any ecological risk assessments conducted;

C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts; and

D. relevant knowledge and expertise of local and indigenous communities;

E. consultations with relevant local, regional and international experts; and

F. national and international trade information such as that available via the CITES trade database maintained by UNEP World Conservation Monitoring Centre (UNEP-WCMC), publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example; and

- Resolution Conf. 14.6 (Rev. CoP16) on ***Introduction from the sea***

The definition of the marine environment not under the jurisdiction of any States is defined in Resolution Conf. 14.6 (Rev. CoP16) on ***Introduction from the sea***:

1. AGREES that 'the marine environment not under the jurisdiction of any State' means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea;

It further reiterates the Convention text on consultation of national and international scientific authorities when making NDFs:

4. ***FURTHER RECOMMENDS** that, in the case of an export of Appendix-II specimens, the Scientific Authority of the State of export, in making its non-detriment finding, consult with other national scientific authorities or, when appropriate, international scientific authorities; and*

The Resolution includes an Annex with explanatory notes that aims to clarify implementation issues related to introduction from the sea.

- Resolution Conf. 12.6 (Rev. CoP18) on Conservation and management of sharks

The Resolution addresses data collection for shark fishing and specifically activities involving shared stock for making NDFs:

5. ***INVITES** Parties that engage in directed or non-directed shark fishing activities of shared stocks to collect and share, on a regional basis such as through RFMOs, RFBs or other regional collaborations, where they exist, data on effort, catches, live releases, discards, landings and trade (to species level and by gear type where possible), and make this information available to assist Scientific Authorities in the making of NDFs of such shared stocks;*

6. ***ENCOURAGES** Parties that are members of or Parties to other relevant international instruments, such as RFMOs, RFBs or CMS, to improve coordination between the respective national focal points, where appropriate, and work through the respective mechanisms of these instruments to strengthen research, training and data collection and improve coordination with activities under CITES;*

- Resolution Conf. 14.7 (Rev. CoP15) on ***Management of nationally established export quotas***

With regards to export quotas, this Resolution provides guidance on export quotas that applies to all specimens, but also include the following information in the Annex of the Resolution that are relevant to specimens taken from ABNJ:

2. ***In the context of CITES, an annual export quota is a limit on the number or quantity of specimens of a particular species that may be exported from the country concerned within a 12-month period. An annual export quota is not a target and there is no need for a quota to be fully used. It is recognized that there are some cases in which it is likely that the export of specimens removed from the wild will occur after the year in which the removal took place, as happens with hunting trophies.***

...

4. ***A well-implemented export quota system can be an advantage for any Party to CITES that authorizes exports. It eliminates the need for a non-detriment finding for each individual shipment of CITES specimens, provides a basis for monitoring the trade and may facilitate the issuance of export permits. In the case of species whose populations span international borders, the establishment of export quotas can be coordinated at a regional level, which is of particular relevance in the case of migratory species.***

The section on ***Establishment of national export quotas*** provides information on the relationship between export quotas and NDFs:

10. ***When export quotas are established, they should be set as a result of a non-detriment finding by a Scientific Authority, in accordance with Article III, paragraph 2 (a), or Article IV, paragraph 2 (a), of***

the Convention, and should ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs, in accordance with Article IV, paragraph 3. Export quotas for wild-taken specimens should be set at a level that takes account of the number or quantity of specimens that are taken from the wild legally or illegally. A non-detriment finding should be made whenever an export quota is established for the first time or revised, and reviewed annually.

4. Experiences of Parties with Specimens Taken from ABNJ

The present workshop was proposed to address the challenging situation of making NDFs for specimens taken from ABNJ, when multiple Parties harvest CITES listed marine species from ABNJ. In such cases, the exploited living marine resources may be encountered by fishing fleets of many flag nations, may be landed in ports of nations other than the flag nation, and may be imported into market states from exporting entities other than the flag nation of the harvesting vessel. Apart from the complicating factors of multiple parties potentially having responsibilities for issuing IFS certificates and export/import permits for a single stock, the basic scientific data and information needed to assess stock status, threats, and the effectiveness of current management measures may be inadequate or held diffusely by multiple Parties. That is, an individual CITES Party required to make an NDF may not have access to all of the necessary information to do so. Parties that have made NDFs for specimens of Appendix II marine species to be taken, or that potentially could be taken, from ABNJ have addressed the challenges and complexities in a variety of approaches.

Pursuant to Decision 19.135, the CITES Secretariat issued Notification to the Parties 2023/050 on 20 April 2023 to request information on NDFs for specimens taken from ABNJ, the difficulties encountered, and any suggestions for improvement. A total of seven Parties provided responses: Colombia, European Union, Indonesia, Japan, Republic of Korea, Peru, and the United States of America. Summaries of responses are provided in Annex 1.

Upon review of the responses to Notification to the Parties No. 2023/050, it is noteworthy that Parties have taken a variety of approaches to address the challenges of making NDFs for specimens from ABNJ:

- In some cases, sufficient information on local abundance and population trends informed the NDFs for harvest restricted to waters under the Party's jurisdiction (EEZ) and do not extend to ABNJ.
- In other cases, NDFs that extend to ABNJ were limited to small numbers of specimens based on historically reported bycatch and/or the collection of specimens for scientific research purposes.
- While many Parties considered population trends and the effectiveness of management measures outside their jurisdictional areas, not all included introduction from the sea within the scope of the NDF.
- Some Parties have applied more restrictive national measures than otherwise might be afforded by the body of NDF guidance materials, prohibiting harvest entirely or limiting harvest to domestic consumption.
- In some instances, harvest and/or trade prohibitions have been adopted by regional fisheries organizations to which the nation is also a party, and these measures were factored into the NDFs.
- Most Parties referenced the utility of using RFMO stock assessments, when available, to inform the NDF.

4.1. Experience in making NDFs

Parties' responses regarding the experiences in making NDFs for listed species harvested from ABNJ varied widely. Several Parties indicated that no NDFs were made with respect to specimens taken from ABNJ. However, reasons for these cases were diverse. One Party noted that making an NDF is not possible due to its national laws prohibiting retention and commercialization, including import, export, and re-export, of

products from sharks and marine rays. Another responding Party indicated it had successfully developed NDFs for CITES Appendix II-listed shark and ray specimens taken from its Exclusive Economic Zone (EEZ), but not ABNJ. Another Party indicated that no NDFs have been issued pending the establishment of a national-scale procedure for authorizing introduction from the sea.

Of those Parties responding that the process of making NDFs was undertaken, some issued negative findings while other Parties issued NDFs of limited scope. One Party issued negative findings for mako sharks that would be introduced from the sea or imported into its territory, while also setting zero export quotas for mako sharks landed from the EEZ or territorial waters. Another Party noted that some NDFs were issued in the past but not recently, owing to the low levels of listed species taken as bycatch in tuna longline fisheries. Other Parties noted that NDFs were issued only for IFS of scientific samples, noting that the NDFs acknowledged samples would be taken in very small amounts or via non-lethal methods.

With respect to the approaches for making NDFs, Parties also varied. One Party noted it applied the guidance of Mundy-Taylor (2014). Two Parties elaborated on their respective national procedures for making NDFs that were developed consistent with CITES guidelines. However, Parties were generally consistent in taking into account the effectiveness of current national and regional/international management measures including, as applicable, harvest quotas, minimum sizes, bycatch mitigation, gear prohibitions, time/area closures, safe handling and release, etc. Parties also consistently noted the importance of evaluating population status and trends at the appropriate stock level (local/regional/global) and to apply RFMO stock assessments when available.

4.2. Difficulties Encountered in making NDFs

Several Parties noted the difficulties in making NDFs for harvest of listed species from ABNJ. Consistently, Parties noted the need for information on the status of the relevant stock, including life history parameters and distribution information, and the levels of offtake, including illegal, unreported and unregulated (IUU) fishing and bycatch. Also noted were the differences in management/reporting provisions between CITES and RFMOs particularly on sharks and rays taken from ABNJ. Apart from regional data potentially collected by RFMOs, it was noted that catch/abundance information on fish stocks shared among adjacent countries must be available to make confident NDFs. One Party reflected that although regional organizations may have relevant data, it would be too burdensome to request them to make NDFs in every case of introduction from the sea.

Two Parties noted that for species not regulated under a regional regulatory framework or international agreement, the making of an NDF would be dependent on the availability of information used to determine sustainability of offtake from all sources. In particular, it is difficult to obtain species level information on catch and trade volumes for bycatch species that are not commercially exploited at high levels.

4.3. Suggestions for Improvement

A number of Parties suggested ways to improve or facilitate the process for making NDFs for listed species taken from ABNJ. All respondents noted that NDFs should be made for the relevant population or stock being harvested based on its distribution (global/regional/local). Further, considering the migratory and transboundary nature of the particular species, a regional approach by all harvesters could be developed to ensure consistency in applying the CITES requirements across the species range.

Several Parties noted that if a Scientific Authority does not have enough information to provide NDF advice for species managed by RFMOs, Parties should consult stock assessments and other relevant scientific reports developed by the RFMO in making their NDFs. To facilitate information exchange related to CITES listed species, a list of relevant RFMOs should be developed and made available to CITES Parties. This process could be facilitated by an agreement between the CITES Secretariat and the respective RFMOs to designate the point of contact for CITES within each RFMO.

It was recommended that CITES Parties that are also members of RFMOs seek to harmonize rules for catch reporting and management. The development of NDFs for CITES-listed species taken from ABNJ should also consider stock distribution within the boundaries of adjacent countries so that NDFs are made based on a regional perspective. For shared stocks, all Parties bordering the fishing area should ensure that harvesting the species from ABNJ will not be detrimental to the populations within their respective national jurisdictions. CITES could consider building a database of available information (stock assessment, population trend, total fishing mortality, etc.) for the making of NDFs by species of shared stocks.

It was also suggested that Parties adopt domestic regulatory frameworks and fisheries management measures to apply them as appropriate to ABNJ fisheries. This could facilitate consultation and coordination at the national level between CITES and fisheries authorities in the making of NDFs.Finally, it was suggested that Parties harvesting CITES Appendix II-listed species from ABNJ should share information on how they ensure traceability for specimens from ABNJ when they enter into trade.

5. Observations from Shared NDFs

The Secretariat has established the CITES NDF database to serve as a platform of information exchange in support of capacity building. Parties are encouraged in Resolution Conf. 16.7 (Rev. CoP17) on ***Non-detriment findings*** to share their respective NDFs with the Secretariat so that experiences and examples of making NDFs can be shared, including approaches, data sources used and analytical frameworks. Additionally, the **Sharks and Rays Portal** has been established to aid Scientific Authorities in addressing the unique challenges of making NDFs for these marine species listings. As of April 2024, 12 Parties have shared NDFs with the CITES Secretariat for posting to the Sharks and Rays Portal (Table 1). Complete information on these individual NDFs is available from the portal.

Table 1. NDFs shared with the CITES Secretariat posted on the Sharks and Rays Portal

Nation	Notes
New Zealand	Non-detriment finding for spinetail devil ray (***Mobula japanica***) – ***negative finding for NZ EEZ and ABNJ due to national protected status***
New Zealand	Non-detriment finding for smooth hammerhead shark (***Sphyrna zygaena***) ***– positive finding for NZ EEZ fishery bycatch only; small quota for ABNJ IFS contingent on enhanced reporting***
New Zealand	Non-detriment finding for silky shark (***Carcharhinus falciformis***) – ***negative finding for NZ EEZ and ABNJ due to requirements of WCPFC CMM 2013-08 (now CMM 2022-04)***
New Zealand	Non-detriment finding for porbeagle shark (***Lamna nasus) – positive finding for specimens legally obtained within the NZ EEZ under the Quota Management System; small quota for ABNJ IFS if taken within 100 miles of EEZ***
New Zealand	NDF for shortfin mako (***Isurus oxyrinchus***) (Notification 2020/016) – ***positive finding for specimens legally obtained within the NZ EEZ under the Quota Management System; small quota for ABNJ IFS if taken within 500 miles of EEZ***
United States	Export of wild scalloped hammerhead, great hammerhead, and smooth hammerhead shark harvested in the commercial fishery by U.S. fisherman in the Atlantic Ocean and Gulf of Mexico in the 2017 harvest season – ***positive finding for directed and incidental catch within the US EEZ given the quota management plan in place; no retention in the pelagic longline fisheries (EEZ and ABNJ) per the prohibition under ICCAT Rec. 10-08***
United States	Export of common thresher harvested in the commercial fishery by U.S. fisherman in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea in the 2017 and 2018 harvest

	season – ***positive finding for directed and incidental catch within the US EEZ given the quota management plan in place***
United States	Export and introduction from the sea of wild porbeagle shark harvested in the commercial fishery by U.S. fisherman in 2017 – ***positive finding for directed and incidental catch within the US EEZ and ABNJ given the quota management plan in place***
United States	NDF for three hammerhead species (***Sphyrna lewini***, ***S. mokkaran***, ***S. zygaena***) (Notification 2015/027) – ***positive finding for directed and incidental catch within the US EEZ given the quota management plan in place***
United States	NDF for the porbeagle shark (***Lamna nasus***) (Notification 2015/027) – ***positive finding for directed and incidental catch within the US EEZ and ABNJ given the quota management plan in place***
United States	General advice for shortfin mako (***Isurus oxyrinchus***) 2019-2020 in Pacific Oceans (Notification 2020/016) – ***positive finding for directed and incidental catch within the US EEZ and ABNJ given the fishery management plan in place***
United States	NDF for wild-caught bentfin devil ray (***Mobula thurstoni***) (Notification 2020/016) – ***positive finding for export of one live specimen taken within the US EEZ***
United States	NDF for wild-caught lesser devil ray (***Mobula hypostoma***) (Notification 2020/016) – ***positive finding for export of six live specimens taken within the US EEZ***
United States	NDF for wild-caught oceanic manta ray (***Manta birostris***) (Notification 2020/016) – ***positive finding for export of one live specimen taken within the US EEZ***
India	Non-Detriment Finding of India for Shark and Ray Species in Indian waters – ***positive finding for catch within the India EEZ for hammerheads and oceanic whitetip sharks; NDF for giant and reef manta ray catch within the India EEZ deferred pending information collection***
India	Non-Detriment Finding for Silky Shark, ***Carcharhinus falciformis,*** in the Indian Ocean (2019 to 2022) – ***positive finding for catch within the India EEZ with conditions for improved management and reporting of catch and trade***
India	Non-Detriment Finding for Thresher Sharks, ***Alopias*** spp., in the Indian Ocean (2019 to 2022) – ***positive finding for catch within the India EEZ with conditions for improved management and reporting of catch and trade***
Sri Lanka	Non-Detriment Finding of Sri Lanka for silky sharks – ***positive finding for catch within the Sri Lanka EEZ with conditions for improved management and reporting of catch and trade***
Sri Lanka	Non-Detriment Finding of Sri Lanka for hammerhead sharks – ***positive finding for catch within the Sri Lanka EEZ with conditions for improved management and reporting of catch and trade***
Australia	Non-detriment finding for the export of shark species listed in CITES and harvested from Australian waters – ***positive finding for catch within the Australia EEZ and ABNJ for hammerhead sharks; positive finding for catch within the Australia EEZ but not for export of porbeagle shark; negative finding for catch of oceanic whitetip shark***
Australia	Non-detriment findings for CITES-listed shark and ray species harvested in Australian export fisheries: Requiem sharks (Carcharhinidae), hammerhead sharks (Sphyrnidae), giant guitarfishes (Glaucostegidae), guitarfishes (Rhinobatidae), and wedgefishes (Rhinidae) – ***assessment considered 34 listed shark and ray species and made positive NDFs for catch and export for 29 species and conditional NDFs for 5 species; 4 species currently under protected status are not authorized for catch or trade***
Indonesia	NDF for silky shark 2018 (***Carcharhinus falciformis***) – ***positive finding for catch within the Indonesia EEZ with conditions for improved management and reporting of catch and trade***

Indonesia	Non-detriment Findings (NDF) for hammerhead sharks from Indonesian waters – ***positive finding for catch within the Indonesia EEZ with conditions for improved management and reporting of catch and trade***
Indonesia	Non-detriment Findings (NDF) for Mako Sharks from Indonesian waters – ***negative finding for catch within the Indonesia EEZ with conditions for improved management and reporting of catch and trade prior to reconsideration***
Indonesia	Non-Detriment Findings (NDF) for wedgefishes (family Rhinidae) from Indonesian waters – ***positive finding for catch within the Indonesia EEZ with conditions for improved management and reporting of catch and trade***
Costa Rica	NDF for ***Alopias*** spp. 2020 (Notification 2020/016) – ***positive finding for catch within the Costa Rica EEZ with conditions for improved management and reporting of catch and trade***
Costa Rica	NDF for ***Carcharhinus falciformi***s 2020-2021 (Notification 2020/016) – ***positive finding for catch within the Costa Rica EEZ with conditions for improved management and reporting of catch and trade***
Costa Rica	NDF for ***Sphyrna*** spp. 2020-2021 (Notification 2020/016) – ***negative finding for catch within the Costa Rica EEZ with conditions for improved management prior to reconsideration***
Costa Rica	Dictamen de Extracción No Perjudicial para el tiburón gris o sedoso (***Carcharhinus falciformis***), periodo 2021-2023 – ***positive finding for catch within the Costa Rica EEZ with conditions for improved management***
Costa Rica	Dictamen de Extracción No Perjudicial para las especies del género ***Alopias*** de Costa Rica, periodo 2022-2023 – ***positive finding for catch within the Costa Rica EEZ with conditions for improved management and reporting of catch and trade***
Costa Rica	Dictamen de Extracción No Perjudicial para las especies del género ***Alopias*** de Costa Rica 2023-2024 – ***positive finding for catch within the Costa Rica EEZ with conditions for improved management and reporting of catch and trade***
Costa Rica	Dictamen de Extracción No Perjudicial para el tiburón gris o sedoso (***Carcharhinus falciformis***) 2023-2024 – ***positive finding for catch within the Costa Rica EEZ with conditions for improved management and reporting of catch and trade***
Guatemala	NDF for ***Alopias*** spp. 2021 – ***positive finding for catch within the Guatemala EEZ with conditions for improved management and reporting of catch and trade***
Guatemala	NDF for ***Carcharhinus falciformi***s 2021 – ***positive finding for catch within the Guatemala EEZ with conditions for improved management and reporting of catch and trade***
Guatemala	Dictamen de Extracción No Perjudicial para las especies del género ***Alopias, Alopias pelagicus, Alopias vulpinus*** y ***Alopias supercilliosus – positive finding for catch within the Guatemala EEZ with conditions for improved management and reporting of catch and trade***
Guatemala	Dictamen de Extracción No Perjudicial para ***Carcharhinus falciformis – positive finding for catch within the Guatemala EEZ with conditions for improved management and reporting of catch and trade***
United Kingdom	Non-detriment Finding by the UK CITES Scientific Authority - ***Isurus oxyrinchus*** (Shortfin mako) – ***negative finding for catch from within all waters of the Atlantic and Indian Oceans with no imports from these stocks; imports of catches from the Pacific Ocean stocks possible under current catch levels***
Bangladesh	Non-Detriment Finding (NDF) of Mobulid Rays Mobula spp. in Bangladesh – ***negative finding for catch from within the Bangladesh EEZ due to species protection under the Wildlife Act***

Bangladesh	Non-Detriment Finding (NDF) of all Rhino Ray species in Bangladesh – ***negative finding for catch from within the Bangladesh EEZ due to species protection under the Wildlife Act***
Bangladesh	Non-Detriment Finding (NDF) of Silky Sharks (***Carcharhinus falciformis***) in Bangladesh ***– positive finding for catch within the Bangladesh EEZ with conditions for improved management and reporting of catch and trade***
Bangladesh	Non-Detriment Finding (NDF) of Smooth Hammerhead Sharks (***Sphyrna zygaena***) in Bangladesh – ***negative finding for catch from within the Bangladesh EEZ due to species protection under the Wildlife Act***
European Union	Non-detriment Finding for South Atlantic shortfin mako sharks (***Isurus oxyrinchus***) – ***negative finding for catches, imports, introductions from the sea, exports and re-exports***
European Union	Non-detriment Finding for North Atlantic shortfin mako sharks (***Isurus oxyrinchus***) – ***negative finding for catches, imports, introductions from the sea, exports and re-exports***
Brazil	Non-detriment findings of Brazil for the mako shark (***Isurus oxyrinchus***) – ***negative finding for catches and trade from the South Atlantic stock including Brazil's EEZ and ABNJ***

5.1. Approaches to making NDFs

A review of the sharks/rays NDFs shared via the CITES portal indicates the types of scientific data and/or technical information used when making non-detriment findings. In some cases, Parties encountered difficulties in obtaining the necessary information or when available information is spatially limited relative to the range of the species in question. Some general observations:

Information Needs and Data Sources

- Several Parties used multilateral (RFMO) stock assessments where available
- Where appropriate, some Parties used national stock assessments for distinct population segments rather than applying global assessments that were not necessarily indicative of the local/regional stock status
- Some findings were based on IUCN status assessments; others based on national status reviews

Approaches and Methods

- Several Parties used the Mundy-Taylor et al. (2014) guidance as a template for analysis
- Some parties used population or catch trend information where stock assessments are not available
- Several Parties based NDFs on the management regime in place (domestic and/or multilateral) to assess if threats are being effectively mitigated; key items included permitting, catch quotas, size limits, gear restrictions, catch monitoring and fishery closures
- Where necessary and appropriate, Parties developed conditional NDFs predicated on enhanced monitoring of fishing activity (target and incidental catch) especially to collect species-specific catch and effort data to better evaluate population status and trends in the near future
- Some NDFs were conditioned on enhanced monitoring of import/export trade (e.g., develop species-specific harmonized schedule tariff codes as needed)
- In some cases, NDFs were withheld due to: national protection status for the species; RFMO measures prohibiting retention, noted population declines without effective management measures globally or regionally; lack of data to assess population status

- In some cases, coordinated management by adjacent countries has helped to reverse recent population declines and was factor towards making an NDF
- While some NDFs were explicit in setting catch/offtake quotas for both the Party's EEZ and ABNJ (if IFS was authorized), some NDFs did not allocate specific quotas for directed take, bycatch, IFS, or for export
- In several cases, catch and export quotas were based on historical data were uncertain due to recording at a higher taxonomic level than species. In such cases, the NDF and export quotas were conditional on improved species-level data collection

Enhanced Management/Monitoring Needs Identified in Conditional NDFs

- Fishing permits and mandatory data collection are essential underpinnings to monitor fisheries
- Permitting fish dealers is necessary to enhance data collection and trade monitoring
- Public consultation activities involving fishers and dealers on CITES provisions and species identification guides are important aspects of enhanced monitoring and compliance

5.2. Information Needs for NDFs Applicable to ABNJ

Based on responses to Notification to the Parties No. 2023/050 and review of available NDFs, certain information gaps were encountered by Parties when making NDFs for specimens of CITES Appendix II-listed species that were being taken, or could be taken from ABNJ. Some important challenges/difficulties encountered by Parties and potential remedies are indicated in Table 2.

Table 2. Challenges when Making NDFs for Listed Species from ABNJ

Information Needs/Challenges for ABNJ NDFs	Potential Remedy/Solution
Available global stock assessments not necessarily reflective of regional subpopulations	Assess stocks on a scale appropriate for the fishing area of removal (EEZs/ABNJ, ocean basin or subarea)
High catch rate of immature animals may be contributing to stock decline	Monitor size distribution of catches and discards; manage fisheries for size selectivity through gear modifications, minimum sizes and closed areas
Lack of species-specific catch and mortality data to estimate current status and population trends	Collect catch and discard data at the species level via logbooks/observers; develop species identification guides; socialize reporting requirements with fishers and dealers
Population studies at a regional level are needed for shared and transboundary stocks	Adjacent countries could consider joint research and data-sharing
Species-specific export data is needed to assess effect of trade on stock status	Develop additional harmonized schedule codes to help monitor trade at species level
Mismatch of catches reported to RFMOs and FAO and discrepancies related to CITES trade data	Seek harmonized data collection for regional/global reporting systems to avoid discrepancies in reported catches
Mortality associated with incidental catch unknown or uncertain	Improve incidental catch monitoring, especially disposition of bycatch whether retained or, if released, condition (alive/dead/injured)

6. Potential Role of RFBs/RFMOs in supporting NDFs

Regional Fisheries Bodies (RFBs) are organized to facilitate sustainable management of migratory and/or transboundary fish stocks for the collective benefit of the organizations' members. More information on these bodies is available on the FAO RFB website. Some RFBs have an advisory role only and provide scientific advice or coordinating mechanisms that are not binding on members. Regional fisheries management organizations (RFMOs) have a management mandate in addition to the advisory role.

RFBs/RFMOs are established by conventions or agreements acceded to by members and have both a geographic scope (ocean basin or regional seas that may apply only to ABNJ or include adjacent EEZs of members) and a species scope (e.g., tuna-like fishes, non-tuna pelagic fish, bottom fish). RFBs that do not regulate may serve to coordinate data reporting/scientific research and advise members in coordinating their respective fishery management programs to enhance sustainable use of the subject fishery resources. In addition to data collection and research, RFMO members recommend fishery conservation and management measures that may be binding (compliance mechanisms pertain) or non-binding (members endeavour to comply and may seek capacity building assistance.

RFBs/RFMOs maintain science programs including data collection (e.g., catch reporting by species and size) and analysis (e.g., stock assessments and population trends/projections). Members contribute information collected through their national management and science programs and participate in joint scientific analyses. In some cases, the regional bodies undertake coordinated data collection such as regional observer programs and port sampling. Although the collective science programs focus on the principal target species of fisheries under the purview of the organization, most also collect data on ecologically-related species captured incidentally in the targeted fishing operations. This effort recognizes an ecosystem approach to fisheries management. In fact, a number of regional organizations have adopted measures to enhance data collection and to mitigate bycatch mortality of ecologically-related species. Some of these measures were adopted in response to concerns about ecologically related species affected by target fisheries managed by the organization and, in some cases, in recognition of CITES Appendix II listings of certain marine fishes, notably sharks and rays (e.g., WCPFC CMM 2022-04).

For CITES Scientific Authorities making NDFs, the data and analyses potentially available from RFBs/RFMOs may be a necessary addition to data and information collected and held at the national level. Estimates of the total level of offtake/removal from wild stocks and projected population trends are especially important when assessing threats and stock status for fish species harvested by vessels from multiple flag states, whether from within their respective EEZs or from ABNJ, or both. In support of the present workshop, the CITES Secretariat surveyed select RFMOs about management measures and data collection programs inclusive of Appendix II marine species, completed or planned analyses of that data, and the availability of the data and/or analyses to CITES Scientific Authorities.

6.1. Summary of Relevant RFB/RFMO Science and Management

Several RFBs/RFMOs collect information about catch/bycatch of CITES-listed species. In some cases, stock assessments or fishing-related risk assessments have been completed. Several organizations also have conservation and management measures to prohibit targeting or retention of CITES Appendix II species or to reduce fishing-related mortality through gear limitations and safe handling/release efforts. A summary of RFMO science efforts and conservation measures was generated from accessing the respective websites in February 2024 (Table 3). Additionally, the CITES Secretariat distributed a short survey to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the South East

Atlantic Fisheries Organisation (SEAFO), the South Pacific Regional Fisheries Management Organisation (SPRFMO), the Inter-American Tropical Tuna Commission (IATTC) and the Western Central Pacific Fisheries Commission (WCPFC) to gather information about data collection, assessments and management measures applicable to CITES Appendix II-listed species, including how Scientific Authorities could access the data and information. Responses were received from IATTC, ICCAT, WCPFC, NAFO, IOTC, SEAFO, SPRFMO and CCSBT prior to the workshop. Any additional responses received will be summarized in the document to be prepared and submitted for consideration by the 33rd meeting of the Animals Committee (AC33, Geneva, July 2024).

Table 3. Summary Responses from RFMO/RFBs with Science/Management Purview over Appendix II Species

RFMO	Scientific Assessments	Management and Monitoring Measures
IATTC	Public Domain Data Reporting on Whale Shark encounters Assessments for silky sharks and hammerheads Reporting on shark catches; handling and release; no shark lines Species-specific Mobulid ray data-collection program Catch data for oceanic whitetip Identify shark mating/pupping/nursery areas; life history/migration Coordinate with WCPFC/ISC on stock status assessment Public domain PS & LL shark catch data Central American artisanal fisheries shark data collection/sampling program South EPO blue shark assessment Purse seine silky shark indices Vulnerability assessment of 32 shark species **In process** Improving the monitoring and assessment of shark stocks in the Eastern Pacific Ocean: expansion to Ecuador, Mexico and Peru (C.4.c) Vulnerability assessment of elasmobranch bycatch in EPO tuna fisheries using the EASI-Fish approach (L.2.b) Identifying operational characteristics associated with mobulid bycatch in the eastern Pacific Ocean (J.2.b) Assessing the efficacy of potential management options on highly vulnerable shark species in the EPO (L.2.c) Pacific-wide vulnerability assessment of pelagic shark species caught as bycatch in tuna fisheries (L.2.d) Manta and devil ray post-release survival, movement ecology, and genetic population structure (M.2.c)	C-05-03 Sharks – finning prohibition; data collection C-11-10 Oceanic whitetip – no retention; careful release; catch reporting C-15-04 Mobulid rays – no retention (exception for subsistence consumption); careful release; data collection and reporting C-16-04 Sharks— gear research; handling/release C-16-05 Sharks - assessment work plan; catch reporting and release; no directed longline fishing C-19-06 Whale Sharks – no setting; release C-22 -06 – working group on bycatch; ecosystems C-23-07 Sharks -- gear research; handling/release; finning prohibition; catch data collection; assessment work plan; no directed longline fishing; Consolidates and replaces resolutions C-05-03, C-16-04, C-16-05 C-23-08 Silky sharks– prohibit retention/trade; sampling program; longline bycatch limit; surface longline shark size limit; life history research; steel leader 3-month closure; amends and replaces C- 21-06 See: Active IATTC Resolutions

	Developing and testing bycatch release devices in tuna purse seiners (M.1.d) Developing Best Handling and Release Practice Guidelines for Sharks Captured in IATTC Fisheries (SAC-15-11: 2024). Investigating post release survival of silky sharks captured in class 2-5 purse seine vessels (M.2.e)	
ICCAT	Blue shark – 2015/2023 stock assessment SCRS/2023/004 SCRS/2023/120 Shortfin mako - 2019 stock assessment SCRS/2019/008 Porbeagle – 2009/2020 stock assessment SCRS/2020/008 Data collected on bycatch and evaluated by Sharks Species Working Group and the Subcommittee on Statistics Report of 2022 Shark Species Group SCRS/2022/162	23-14 Mobulid Rays – no retention; safe release; discard reporting; life history research 23-12 Whale Sharks – no retention; avoid purse seine sets; safe release; discard reporting; safe release research 23-11 So Atl Blue Shark – catch limit; catch reporting; bycatch and life history research 23-10 No Atl Blue Shark – catch limit; catch reporting; bycatch and life history research 22-11 So Atl Shortfin Mako – retention limits pending a rebuilding plan; release of live animals beginning 2025; bycatch mitigation; catch data reporting 21-09 No Atl Shortfin Mako – no retention pending a rebuilding plan; when retention allowed, live release; catch reporting; bycatch and life history research 18-06 Shark Measures – implementation and reporting compliance 15-06 Porbeagle Shark -- live release; catch/discard data reporting; life history research 13-10 Biological Sampling – retention of scientific samples authorized when sharks dead on haulback 11-08 Silky Shark – no retention/trade except for local consumption; report catch and discards including condition upon release; promote careful handling and release 10-08 Hammerhead Sharks – no retention/trade except for local consumption and for ***S. tiburo***; report catch and discards including condition upon release; promote careful handling and release; life history research 10-07 Oceanic Whitetip – no retention/trade; data reporting on catch/discards

		09-07 Thresher Sharks – Bigeye Thresher retention prohibited (except Mexico quota); data reporting on catch/discards; life history research 07-06 Shark Conservation – catch reporting; mortality reduction for porbeagle and shortfin mako; life history research
WCPFC	Shark stock assessments: Oceanic whitetip, silky, North/South Pacific shortfin mako, bigeye thresher, southern porbeagle, whale shark, North/South Pacific blue shark Shark research plan Publicly available aggregated bycatch data and associated effort and observer data	CMM 2022-04 – Shark action plans; live release; finning prohibition; data collection; bycatch mitigation; no retention of oceanic whitetip/silky sharks; no setting on/retention of whale sharks CMM 2019-05 -- Conservation and Management Measure on Mobulid Rays caught in association with fisheries in the WCPFC Convention Area
NAFO	Bycatch data collected on sharks, skates and rays, including: dogfish, sand tiger, porbeagle, shortfin mako, dusky, blue, Greenland, basking 21B statistical data publicly available All 2021 shark catch reported as discarded/released	Article 12 – Conservation and Management of Sharks Reporting of catches; fins naturally attached; no retention of Greenland shark (exception does not allow sale); bycatch mitigation and live release; research of pupping/nursery grounds Skates subject to catch quotas
IOTC	Bycatch data collected on sharks Assessments available for: blue shark, oceanic whitetip, scalloped hammerhead, shortfin mako, silky shark, bigeye/pelagic thresher; uncertain status for all but blue shark; Species ID guide and guidance on handling/release practices Data sets publicly available	Parties required to report detailed shark catch information Res 19/03 – Conservation of Mobulid Rays; no targeting/retention of mobulid rays (exception for subsistence consumption and scientific samples); live release; mandatory reporting of disposition; proper mitigation and handling equipment; artisanal fishery sampling plans; satellite tag investigations; Res 17/05 – Conservation of Sharks; full utilization; finning prohibited; live release; research on life history and bycatch mitigation; Res 13/06 – Conservation of Sharks; retention of oceanic whitetip prohibited except for local consumption and scientific samples; review of other shark species for assessment of need for/practicality of retention bans

		Res 13/05 – Conservation of Whale Sharks; no intentional purse seine setting around whale sharks; safe handling and live release; exception for coastal artisanal fisheries Res 12/09 – Conservation of Thresher Sharks; retention of thresher sharks prohibited except for scientific samples; live release; research on life history and bycatch mitigation
SEAFO	Scientific Committee collects data on shark bycatch	Conservation Measures CM 01-08 Prohibits deep-water shark directed fisheries CM 04-06 Conservation of Sharks – prohibit finning; full utilization; catch/discard data reporting
SPRFMO	Bycatch information is reported and evaluated (SC11-Doc10) from an ecosystem approach, but stock assessments made only for main target species. Ecological risk assessments for South Pacific deepwater Chondrichthyans were completed in 2017 (SC5-DW10) and 2019 (SC7-DW10_rev1) Annex 14 of CMM 02 lists species of concern for which parties must report incidental captures, including CITES-listed manta and mobulid rays as well as great white, porbeagle, oceanic whitetip, basking, and whale sharks.	CMM 02-2022 -- Data Standards specifies monitoring of catches for all species, including discarded species. CMM 03-2023 – Bottom fishing requires ecological risk assessments including impacts on non-target species such as sharks and rays. CMM 08-2023 -- Gillnets are prohibited in the Convention area
CCSBT	Annual report on interactions with ecologically related species in Southern Bluefin Tuna fisheries Education pamphlets to mitigate bycatch of sharks Assessment of the risks to ecologically related species posed by fishing for southern bluefin tuna Public data specified in the ERSWG Data Exchange	Resolution to align bycatch measures: CCSBT Members to follow the Ecologically Related Species (includes sharks/rays) measures of other relevant tuna RFMOs when fishing for SBT in the area of competence of the other commission (updated October 2023) Recommendation to mitigate impacts: members to implement the International Plan of Action for the Conservation and Management of Sharks;

	Data Rules and Procedures	collect and report data on ecologically related species interactions in SBT fisheries (revised October 2019)

Table 4. Additional RFMO/RFBs with Science/Management Purview over CITES Appendix II Species

RFMO	Scientific Assessments	Management/Monitoring Measures
SIOFA	Scientific Committee to define appropriate fishing mortality and harvest levels for deep-sea sharks; advise Parties on the need for by-catch limits for relevant SIOFA deep sea shark species, including on scientific and data needs for the elaboration of advice Provisions for public access to appropriately aggregated vessel and catch/effort data and for release under confidentiality provisions and/or flag state consent	CMM 12-2023 Conservation of Sharks; no targeting of deep-sea sharks (no relevant sharks currently CITES listed); bycatch reporting required; quota for Portuguese dogfish with mandatory catch reporting and no retention upon closure; research on bycatch mitigation and migration/life history reported to Scientific Committee CMM 05-2016 Large scale pelagic driftnets prohibited; deepwater gillnets discouraged pending scientific advice
CCAMLR	Fishery and trade summaries for target species published annually in the Statistical Bulletin; STATLANT data include bycatch species: lantern sharks/Greenland shark; porbeagle; Rajidae; sleeper sharks; smoothhound; bigeye thresher; Bathyraja species	CM 32-18 Sharks – no directed fishing; live release CM 22-04 Gillnets – prohibited to avoid bycatch, especially of sharks and rays
NPFC	No CITES-listed species are currently under investigation by the commission as target or bycatch species. Recording of shark catches commenced in 2024.	CMM 2023-14 – Sharks: prohibition on finning; requirement to record catches and report to commission. Any new targeted shark fisheries must be developed according to Article 3(h) of the Convention.
PICES	Coordinates marine research in the northern North Pacific Ocean; promotes data exchange among parties to support ecosystem and fisheries research	n/a

ICES	Data Policy Catch Statistics NEAFC parties to submit all available data on basking shark NEAFC parties submit all data on deep sea sharks to ICES for further evaluation of the state of the stocks NEAFC parties submit all data on deep sea rays (no relevant rays currently CITES listed) to ICES for further evaluation of the state of the stocks NEAFC parties submit all data on porbeagle shark to ICES for further evaluation of the state of the stock	n/a

6.2. Scientific Data and/or Technical Information Available from RFMOs/RFBs

Based on a review of select RFMO websites, and the responses from the respective Secretariats to the survey distributed by the CITES Secretariat, the available data and operative conservation measures that could be applied in support of NDFs for specimens of CITES Appendix-II listed species taken from ABNJ are summarized in Table 5.

Of particular note are the mechanisms by which Scientific Authorities can access important data to facilitate NDFs for transboundary and highly migratory species taken from ABNJ. Most RFMO stock assessments are publicly available and are posted to the respective RFMO websites.

ICCAT has posted stock assessments for blue shark, shortfin mako, and porbeagle (see web links in Table 3). Additionally, many of the documents in support of the shark assessments (Shark Species Working Group, Standing Committee on Research and Statistics) are posted (see web links in Table 3). ICCAT statistical data (including catch, effort, and tagging data) are available to the public and posted on ICCAT's webpage. While some data are not posted (e.g., live and dead discards by year), they may be requested via the ICCAT Secretariat. Fine scale data such as vessel monitoring and observer reports are not generally publicly available but may be accessible via agreements with the ICCAT Secretariat under necessary confidentiality provisions.

Similarly, WCPF has made available stock assessments for oceanic whitetip, silky shark, North/South Pacific shortfin mako, bigeye thresher, southern porbeagle, whale shark, and North/South Pacific blue shark. Additionally, aggregated bycatch data and associated effort and observer data are publicly available. Non-public, fine scale data may be available pursuant to a measure on Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission.

As another example, Standard IOTC data sets are publicly available and include nominal landings, catch and effort data, and size frequency data stratified by fishing area and nation. These data can be directly downloaded from IOTC websites (see https://iotc.org/data/datasets). Access to non-public data may be shared if authorized by the organization members. Such data access can be coordinated by the IOTC

Secretariat subject to the data confidentiality policy and procedures as prescribed in Resolution 12/02. Details on the data availability and confidentiality policies of other RFMOs can be accessed via their respective websites. Select links are indicated in Tables 3 and 4.

Table 5. Summary of CITES-relevant information available from select RFMOs.

Actions Applicable to One or More CITES Listed Species	IATTC	ICCAT	IOTC	NAFO	SPRFMO	SEAFO	CCSBT*	WCPFC
Measure – no retention	X	X	X					X
Measure – catch/mortality limit		X						
Measure – no sale/trade		X	X	X				
Species-specific Data Collection	X	X	X	X	X	X	X	X
Regional Observer Scheme	X	X	X	X				X
Bycatch Mitigation (Gear)	X	X	X		X		X	X
Safe Handling/Release	X	X	X					X
Life History/Distribution Data	X	X						
Stock/Risk Assessment	X	X	X		X			X
Aggregate Data Publicly Available	X	X	X	X	X			X
Vessel Data - Possible Arrangement		X	X		X	X		X

*CCSBT members follow the Ecologically Related Species (includes sharks/rays) measures of other relevant tuna RFMOs when fishing for Southern Bluefin Tuna in the area of competence of the other commissions.

6.3 Mechanisms for Effective Collaboration

RFMOs may have different management objectives than CITES. While RFMOs may strive for maximum sustainable catches of target stocks under their purview, CITES seeks to ensure that the offtake/harvest of CITES listed species is sustainable and that the species is maintained throughout its range at a level consistent with its role in the ecosystem. For most target stocks, the population recovery/maintenance level set by RFMOs would be consistent with CITES objectives. However, there may be divergence between organizational objectives when the listed species are taken as bycatch in directed fisheries. However, several RFMOs have taken steps to minimize bycatch mortality and enhance data collection for CITES-listed species, in particular sharks and rays.

RFMOs/RFBs generally make aggregate catch data and assessments available to support researchers in the public domain. In cases where CITES Scientific Authorities need to access necessary scientific data and/or technical information that is not in the public domain, several RFMOs may be able to release data

subject to confidentiality provisions. Depending on RFMO data confidentiality rules, and available resources of the respective organizations and the individual members, it may be possible to coordinate the population assessments and offtake projections needed to make NDFs for specimens of CITES Appendix-II species taken from ABNJ. Ideally, Scientific Authorities could consider appropriate catch quotas or total removals from the entire stock or appropriate subpopulation (including accounting for release mortality) as set by RFMOs. Such catch quotas, if allocated to individual Parties, could be used to set export quotas and appropriate monitoring programs for export and import operations.

7. Assessment of Challenges and Needs

Although the requirements for making NDFs for listed marine species are basically the same regardless of the species range, there are challenges unique to making NDFs for specimens of CITES Appendix II species from ABNJ. These challenges largely are attributable to the range of the species across multiple jurisdictions and into areas beyond any national jurisdiction as well as the species being subject to harvest by multiple Parties across its range.

7.1. Challenges in making NDFs from ABNJ

Challenges that are unique to introduction from the sea, import, and export of CITES listed specimens (fish and derivative products) taken from ABNJ are directly related to the availability of information and the ability to manage threats effectively. In the case of ABNJ harvest of marine species, or even the harvest from multiple jurisdictional areas, information needed to fully assess the population status and trends relative to the fishing effort, directed fishery catch, bycatch, discard mortality, and unreported catch, wherever such mortality occurs, must be factored into assessments. If fishing mortality is the major threat contributing to stock decline, effective management measures must be applied consistently across the range of the species.

In cases where national Scientific Authorities do not have all of the information necessary for making NDFs, it is important to coordinate with adjacent countries, or for more widely distributed species, RFBs/RFMOs. It is the responsibility of each Party to decide which international scientific authorities have relevant information concerning the subject species and are most suited to contribute to the individual Party's finding. RFMOs with relevant information (life history and current population status) and that have taken conservation measures may be the most suitable partners for collaboration. Examples of such international organizations are discussed in Section 6 of the present document and are referenced on the FAO RFB website. Each Party's Scientific Authority will have to determine if formal mechanisms of cooperation are needed with any of the identified international authorities. It is possible that membership or cooperating membership in the fishery management body could facilitate the exchange of information.

In Resolution Conf. 14.7 (Rev. CoP15) on ***Management of nationally established quotas***, the Parties adopted guidelines to manage export quotas linked to NDFs. For Appendix II-listed species taken from ABNJ, international cooperation may also serve as a mechanism to set offtake/removal limits across multiple parties. Setting of such limits must consider all sources of mortality including (RFMO member harvest/RFMO non-parties/IUU fishing/bycatch/non-fishing-related mortality). Cooperation with a relevant RFMO may also assist individual CITES Party Scientific Authorities in long term monitoring of offtake/removal by multiple parties and account for non-reporting, as that information is often a key component of RFMO stock assessments. Additionally, updates to multiparty stock assessments will assist Scientific Authorities in their regular review of NDFs.

7.2. Guidance for Aquatic Species from the 2023 International Workshop

CITES convened an International Expert Workshop on Non-Detriment Findings in Nairobi, Kenya from 4-8 December 2023. An excerpt of the draft guidance document (Module 5) focusing on aquatics species has been posted to the website for the present workshop. Following is a summary of guidance/recommendations from the workshop that are pertinent to marine species harvested in ABNJ.

The workshop participants noted that NDFs should account for all types of mortality, whether from targeted fishing operations or bycatch/incidental catch. While it can be more challenging to make NDFs when specimens are captured incidentally, the provisions of the Convention fully apply to bycatch. Also, IUU fishing, ghost fishing and discarding are possible sources of mortality that may be hard to estimate but must be considered.

Where CITES-listed marine species are not the primary target of fisheries, data on bycatch may be unreliable or available only at higher taxonomic levels. NDFs for aquatic species can be difficult in such situations. Regardless, NDFs can be made in such data-limited situations, conditioned on improved data collection and applying adaptive management. Conditional NDFs can allow for precautionary levels of introduction from the sea or exports while further information is collected and new management measures are implemented. Comprehensive stock assessments can be used to support NDFs when sufficient data are available. Ecological risk assessments may be more informative for NDFs in situations of limited or highly uncertain data.

Introduction from the sea is an area of CITES that continues to present challenges to Parties. Depending on the separability of local/regional populations (e.g., within a single EEZ) a formal stock assessment of the entire population may be required. In the event available data can support a local/regional NDF, but ABNJ data are lacking or subject to uncertainty, a precautionary NDF for IFS may be warranted. For transboundary/straddling stocks/migratory species, the NDF must account for pressures and management occurring beyond national jurisdiction and it is important to consider where the specimens will be caught and landed. When appropriate, Scientific Authorities can partner with external stakeholders (academia, NGOs, etc.) to collect information and collaborate on NDFs. The NDF process should engage with RFBs/RFMOs where status of a species/population/stock has been evaluated at local, national, regional and/or global levels.

Many aquatic species listed in Appendix II are migratory and/or straddling stocks, therefore multiple Parties may be exploiting and trading the same populations both within EEZs and from ABNJ. Parties could consider the development of regional or 'whole stock' NDF advice. In such cases, it is important to enable consultations between Management Authorities of nations with adjacent EEZs to manage stocks effectively and equitably.

Parties that engage in directed or non-directed shark fishing on transboundary stocks should collect on a regional basis, data on effort, catches, live releases, discards, landings and make this information available, such as through RFMOs, to assist Scientific Authorities in the making of NDFs.

Monitoring offtake and trade will support adaptive management. Standardised data collection will allow effective monitoring of the stock and can detect emerging trends; catch and/or trade monitoring should be a condition of NDFs. Authorities can assess effectiveness of management measures by monitoring populations or catches over time for key indicators: distribution, relative abundance, biological parameters (e.g., mean size of animals, sex ratio). With regard to trade monitoring, it was noted that trade can be in whole animals or in parts and derivatives from a single animal (e.g., meat, fins, powders, shells). Conversion factors are essential to determine offtake in the units (number, weight, etc.) in which the species is assessed. Trade monitoring is particularly important to identify the linkages between international trade in shark fins and meat and IUU fishing.

In terms of process, it was noted that NDFs for marine species require cooperation between fisheries departments/agencies responsible for stock assessments and management plans, and CITES Management and Scientific Authorities. Geographically adjacent Parties could enhance research and assessments for straddling stocks by supporting common scientific institutions. CITES Parties that are also members of RFMOs, or other relevant international arrangements, could work through these instruments to strengthen research, training and data collection.

7.3. Proposals for Improvements Received from Parties

The proposals/recommendations for improved NDFs received from those Parties responding to Notification to the Parties No. 2023/050 are presented in Section 4 of the present document. In particular, responding Parties noted that:

- NDFs should be made for the relevant population or stock being harvested based on its distribution (global/regional/local).
- A regional approach by all harvesters could be developed to ensure consistency in applying the CITES requirements across the species range.
- Parties should consult stock assessments and other relevant scientific reports developed by the RFMO in making their non-detriment finding.
- CITES Parties that are also members of RFMOs seek to harmonize rules for catch reporting and management.
- Parties adopt domestic regulatory frameworks and fisheries management measures to apply them as appropriate to ABNJ fisheries.
- Parties harvesting CITES Appendix II-listed species from ABNJ should share information on how they ensure traceability for specimens from ABNJ when they enter into trade.

Annex 1
Summary of CITES Party Responses to Notification to the Parties No. 2023/050

Nation	Notes
Colombia	No NDFs are necessary due to management measures in place: marketing through national territory, including import/export/re-export, is prohibited; possession and transportation of chondrichthyan fish or derivative products is prohibited but for subsistence consumption occurring solely in coastal jurisdictions
European Union	Scientific Review Group created to, ***inter alia***, advise CITES Scientific Authorities; SRG members are active in RFMO working groups. CITES could create/circulate a list of RFMOs with purview over Appendix II spp; CITES should seek agreements with respective RFMO Secretariats to identify CITES expert contacts for each relevant RFMO. Scientific Authorities need access to RFMO information on stock status and harvest (incl. IUU fishing). NDFs should be made at the population/stock level. Parties should consider regional NDFs for populations/stocks to ensure adequate geographical coverage and international coherence across a species range. CITES parties should share information on traceability for Appendix II spp taken from ABNJ; current reporting under source code X is deficient. CITES needs a smooth process for scientific samples that are transshipped through multiple jurisdictions.
Indonesia	No NDFs have been issued for harvest in ABNJ, but NDFs for coastal EEZ shark/ray fisheries have been issued and shared with CITES. Difficulties encountered due to differences in provisions of CITES and RFMOs, especially variations in harvest data reporting and lack of information on shared fish stocks across adjacent countries. CITES/RFMO requirements should be harmonized to avoid divergence between single status parties; dual status parties should follow the stricter rules for data collection and reporting. ABNJ NDFs should be consistent with UNCLOS BBNJ requirements to consider impacts on adjacent coastal countries; Scientific Authorities should evaluate overlapping range of stocks shared between ABNJ and adjacent coastal states; ABNJ harvesting nations should base ABNJ NDFs on a regional perspective, with concurrence by adjacent coastal states that ABNJ harvest is not detrimental to populations or portions thereof occurring within national jurisdictions; developing regional NDFs that include both ABNJ and relevant adjacent countries requires sharing stock status and harvest information.
Japan	Most CITES-listed sharks harvested from ABNJ are consumed domestically, but small exports of shortfin mako are made according to CITES procedures; Japan has reservations on several listed shark species, incl. shortfin mako, but follows NDF guidance for shortfin mako exports. CITES requires NDFs for ABNJ harvests to be issued by state of introduction from the sea. It would be too burdensome for RFMOs to make NDFs for all IFS landings. It would also be impractical for international organizations to issue NDFs prior to landing the fish. If a CITES party Scientific Authority has insufficient information to make NDFs, the RFMO stock assessment, if available, should be used.

Republic of Korea	ROK issues NDFs for sharks taken in ABNJ; guidelines and data sources for NDFs are identified in national regulation; some assumptions are made for NDF if harvest/trade volumes are low relative to estimated stock size. A total of 47 NDFs were issued 2017-2020 for ABNJ shark catches by species: silky shark (10), thresher shark (9), scalloped hammerhead (16), shortfin mako (11), pelagic thresher (1); no NDFs were issued since 2021 as recent shark catch volumes are about 1% of total catch in the distant water tuna longline fishery; there is no recorded catch of rays. CITES should build a regional database with data from available sources; parties could then use available information to make NDFs by listed species; information collection on population size, conservation status is possible only through stock assessments at the RFMO level, and for non-RFMO regulated species there is lack of information to issue NDFs. For species that are commercially utilized at a low level, information on catch, trade, etc. is difficult to collect.
Peru	Peru has not yet issued any Non-Detriment Findings (NDFs) for Introduction from the Sea (IFS). The CITES Administrative Authorities have established a national-scale procedure for introduction from the sea (IFS), applying the provisions set forth by the Convention. A campaign will socialize these procedures, ensuring that stakeholders (harvesters) are aware of the complete process. To support NDFs, the authorities will collect statistical information on fishing catches outside national jurisdiction, average size of captured specimens, and information on the distribution and average densities of species subject to IFS.
United States	Issuance of NDFs for CITES-listed species from ABNJ has been limited to scientific collection of specimens or derived samples. Applicants for Introduction from the Sea (IFS) must submit detailed information on specimens proposed for collection, how they will be collected, reasons for collection, and evidence that the appropriate permits and/or licenses have been acquired authorizing the collection. The Fish and Wildlife Service (FWS) Management Authority (MA) receives CITES import, export, re-export, and IFS applications. For permit applications involving Appendix II marine species, the MA consults with National Marine Fisheries Service (NMFS) for information on the status of fishery stocks, regulatory measures, monitoring programs, and confirmation of permits. The MA and Scientific Authority use information from NMFS in making legal acquisition findings and NDFs. The U.S. has shared several NDFs for the export of CITES-listed shark and ray species. This includes general advice for exports and Introduction from the Sea of hammerhead, thresher, and porbeagle sharks harvested in commercial fisheries by U.S. fishermen in the northwest Atlantic Ocean. General advice was prepared in 2023 on the import, export and Introduction from the Sea of biological samples derived from Appendix-I and Appendix-II species encountered during research surveys or fisheries-related activities. The U.S. has not encountered difficulties when making NDFs for specimens of CITES-listed species taken from ABNJ. However, if specimens of CITES Appendix II-listed species taken in ABNJ are not under the purview of regional regulatory frameworks or international agreements, making NDFs would be more difficult depending on the availability of information used to determine sustainability of international trade in such species (e.g., population status and abundance across its range).

	For species managed by RFMOs, Parties should consult stock assessments and other relevant scientific reports developed by the RFMO in making their non-detriment finding. Parties should ensure coordination at the national level between their CITES and fisheries authorities in making NDFs for specimens of CITES Appendix II-listed species taken from ABNJ.