



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 12 June 2014
(OR. en)**

10836/14

PECHE 306

NOTE

From: European Commission
On: 10 June 2014
To: Working Party on Internal and External Fisheries Policy

Subject: Notification about new trade regime applying as from 14 September 2014 to sharks and rays included in CITES Appendix II.

Delegations will find attached the notification about new trade regime applying as from 14 September 2014 to sharks and rays included in CITES Appendix II.



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

INTERNATIONAL AFFAIRS AND MARKETS
**INTERNATIONAL AFFAIRS, LAW OF THE SEA AND REGIONAL
FISHERIES ORGANISATIONS**

Brussels

MARE/B1/VV/SV/ARES/2014

**NOTE TO MR. M. BIELECKI JANUSZ,
COUNCIL SECRETARIAT**

Subject: Notification about new trade regime applying as from 14 September 2014 to sharks and rays included in CITES Appendix II.

The letter attached concerns the new trade regime that will apply as from 14 September 2014 to the sharks and rays species included in CITES Appendix II. It has already been sent by the Commission's services to the Member States (MS) administrations dealing with Environmental issues. The Commission would kindly ask the Council Secretariat to transmit this letter to Member States for the transmission to the authorities in charge of fisheries.

In line with EU POA on sharks (COM (2009) 40 Final), this is an important issue for the EU also from the fisheries perspective. Therefore DG Mare encourages fisheries administrations to cooperate actively with their environment counterparts to ensure the timely and effective implementation of this new regime.

Please note that the link related to the methodology (currently under development by the German authorities) for issuing non detrimental findings for shark species listed in Appendix II of CITES has been altered following the conversion of the document to a pdf file. The correct link is the following:

<http://cites.org/sites/default/files/common/com/ac/27/E-AC27-Inf-01.pdf>

We would like also to inform you that the matter will be proposed for discussion during one of the forthcoming meetings of the WP on fisheries.

The contact person for additional information is Mr Stamatios Varsamos (stamatios.varsamos@ec.europa.eu; 0032 2 29 89465).

Veronika Veits
Head of Unit



EUROPEAN COMMISSION DIRECTORATE-GENERAL ENVIRONMENT

Directorate E - Global & Regional Challenges, LIFE

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Head of Unit

Brussels,
ENV.E.2 ARES (2014)

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NOTE FOR THE ATTENTION OF THE EU CITES SCIENTIFIC AUTHORITIES AND EU
CITES MANAGEMENT AUTHORITIES**Subject: New trade regime applying to sharks and rays included in
CITES Appendix II from 14 September 2014**

Eight shark and ray species were included in CITES Appendix II at the CITES CoP in March 2013 (porbeagle, oceanic whitetip shark, scalloped hammerhead, great hammerhead shark, smooth hammerhead shark and manta rays). The entry into force of those listings will occur on 14 September 2014. Those decisions have been implemented into EU law via the inclusion of those species in Annex B to Council Regulation 338/97 through Regulation 750/2013.

With the entry into force of those listings, export from the EU and import into the EU of products from those species will require the issuance by EU Member States of export or import permits, under the conditions laid down in Articles 4 and 5 of Council Regulation 338/97. It is key that the competent authorities of all EU Member States are fully ready to implement those requirements from 14 September 2014.

While those requirements are the same as those for other species included in Annex B of Council Regulation 338/97, their implementation raises specific challenges. This is indeed the first time that commercially important marine species are subject to the provisions of Council Regulation 338/97.

Available trade data suggest that EU Member States are likely to import products from those species (notably porbeagle) and it is also possible that some Member States will be exporting such products (this might in particular be the case for hammerhead sharks caught by vessels flagged to one EU Member State in areas where this is authorised, such as the Indian Ocean). The rules also apply in the cases where CITES-listed sharks are caught on the high seas by a vessel flagged to an EU Member State and subsequently landed in the EU ("introduction from the sea").

A number of initiatives have been undertaken in the last months to assist in the implementation of those listings. A large amount of information has been made available by the CITES Secretariat on a specific webpage, relating to all aspects of the implementation of the CITES-listed sharks, which can be accessed under that link: <http://cites.org/eng/prog/shark/index.phf>.

At its last meeting (28 April - 1 May 2014), the CITES Animals Committee agreed on a series of recommendations relating to the implementation of the sharks listing, which can be found under this link: http://cites.org/sites/default/files/cng/com/ac/27/wg/E-AC27-WG-07_1.pdf

In relation to the realisation of "non detriment findings" (NDF), we would like to draw your attention to the methodology currently under development by the German authorities for the realisation of NDF for shark species (see <http://cites.org/sites/default/files/common/com/ac/27/E-AC27-Inf-01.pdf>).

This methodology will be tested during a specific workshop in Berlin in August 2014 and refined afterwards. In addition, a working group has been set up by the Scientific Review Group (SRG) which has collected scientific and technical data and identified tools to assess the sustainability of possible future export and import operations involving products from the species concerned. The matter will be discussed further in the SRG.

We invite the management and scientific authorities of each Member State to take the following steps in the coming weeks:

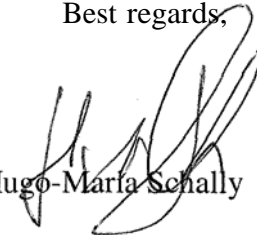
1. Identify, as far as possible, whether there are currently export from and import into your Member State of products from the sharks and rays included in Annex B of Regulation 338/97 and if they are expected to continue after the entry into force of the listing on 14 September 2014;
2. Ensure that the information mentioned above on the implications of the entry into force of those listings is circulated with all the relevant administrations in your country (scientific authority, management authority, fisheries department, enforcement agencies – in particular customs -), as well as, where relevant, with the fishing industry and trade operators;

3. Ensure as well that all procedures and tools are in place by September 2014 at national level to implement the requirements arising from the listings.

We recommend that the scientific and management authorities in each Member State consult and work closely with their counterparts from the departments in charge of fisheries to perform the tasks above. We also invite all Member States to report on those three points to the Commission, as well as the challenges that they are facing in addressing them, by **6 June 2014**. Those questions will be discussed at the meeting of the wildlife trade Management Committee on 11 June 2014.

This letter will also be sent by DG MARE to the national administrations in the EU Member States in charge of fisheries, via the Council Secretariat. It is also foreseen to list the issue for discussion on the agenda of one of the forthcoming meetings of the Council Working Party on Fisheries.

Best regards,



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