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| 2nd Draft Consolidated Text for the Conservation and Management Measures for Sharks  (see Endnote No.1) | Explanatory note |
| *The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), in accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);*  ***Recognizing***the economic ~~ecological~~ (see Endnote No.2) and cultural importance ~~significance~~ of sharks in the western and central Pacific Ocean (WCPO), the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries;  ***Recalling***that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt National Plans of Action for the conservation and management of sharks;  ***Recognizing***the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;  ***Recognizing further***that certain species of sharks and rays, such as basking shark; great white shark; whale shark; scalloped, smooth and great hammerhead sharks; oceanic whitetip shark; porbeagle shark; manta rays; silky shark; and bigeye, common, and pelagic thresher sharks; and mobulid (devil) rays have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);  Recognizing further that certain species of sharks and rays associated with fisheries in the Western and Central Pacific Ocean have been listed on Appendix I and II of the Convention for Conservation of Migratory Species of Wild Animals (CMS);  ***[Mindful*** that ~~conservation and management efforts are required specifically for oceanic whitetip shark, silky shark and whale shark~~ the Commission shall adopt (i) measures to minimize catch of non-target species and impacts on associated and dependent species, in particular endangered species; and (ii) adopt, where necessary, conservation and management measures and recommendations for non-target species and species dependent on or associated with the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;]  ***Adopts***, in accordance with Article 5, 6 and 10 of the Convention, that:  I. Objective and Scope  1. The objective of this Conservation and Management Measure (CMM) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long term conservation and sustainable use of sharks ~~caught in association with fisheries managed under the WCPFC Convention, and to sharks listed in Annex I of the 1982 Convention, including target species as well as non-target species.~~  2. For the purposes of this CMM, the term “shark” is taken to include all species of sharks, skates, rays and chimaeras (Class Chondrichthyes).~~, and the term “shark catch” is taken to include directed (targeted), non-directed (non-targeted), bycatch (discards), commercial, recreational and other forms of taking sharks.~~  ~~20~~3. This CMM shall apply to (i) sharks caught in association with fisheries managed under the WCPF Convention; (ii) ~~and to~~ sharks listed in Annex 1 of the 1982 Convention ~~as well as mantas and mobulas~~, including target species as well as non-target species; and (iii) any other shark species decided by the Commission, whether they are retained or discarded and whether the nature of the fishing activity is commercial, recreational or other forms.  II Application of the CMM  4. This measure shall apply to the high seas and exclusive economic zones of the Convention Area.  5~~12~~. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within area under their national jurisdiction. When Commission Members, Cooperating non-Members, and participating Territories (CCMs)~~CCMs~~ apply alternative measures, the CCMs shall annually provide to the Commission, in Part 2 of their annual reports, the description about the measures.  **III. Plan of action for conservation and management of sharks**  6~~1~~. Commission Members, Cooperating non-Members, and participating Territories (CCMs) [shall/should] implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).  7. For implementation of IPOA Sharks, each CCM shall, as appropriate, submit to the Commission a National Plan of Action for sharks that includes:  (1) details of NPOA objectives;  (2) species and fleet covered by NPOA as well as catches thereby;  (3) specific authorisations to fish such as a licence and a TAC or other measure to limit the catch of shark to acceptable levels;  (4) measures to minimize waste and discards from shark catches, maintain species at or recover it to sustainable levels and encourage the live release of incidental catches of sharks;  (5) measures to avoid or reduce catch and maximise live release of species whose retention is prohibited by the Commission; and  (6) work plan and a review process for NPOA implementation.  **~~I~~IV. Reporting requirements**  8~~3~~. Each CCM shall ~~should~~ include the WCPFC Key Shark Species[[1]](#footnote-1) for Data Provision, in their annual reporting to the Commission ~~of annual catch and fishing effort statistics by gear type, including available historical data,~~ in accordance with Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01)~~the WCPF Convention and agreed reporting procedures~~.  9~~4~~. CCMs shall advise the Commission (in Part 1 of their Annual Report) on~~:~~  ~~(1) the estimated number of releases of oceanic whitetip shark and silky shark caught in the Convention Area, including the status upon release (dead or alive), through data collected from observer programs and other means,~~  ~~(2)~~ any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the details required under paragraph 21(4)(b) below.  10~~5~~. CCMs shall ~~should~~ advise the Commission (in Part 2 of their Annual Report) on:  [(1) results of their assessment of the need for a National Plan of Action;  (2) the status of their National Plan of Action for the Conservation and Management of Sharks, including a reference to the Plan, if appropriate;  (3) other actions to support implementation of the IPOA Sharks;]  ~~(2) annual retained and discarded catches of the key shark species~~  (4) measures taken in accordance with paragraph 21. (3); and  (5) the implementation of this CMM and any alternative measures adopted under paragraph 16  **~~III~~V. Full utilization of shark ~~and safe release~~**  11~~7~~. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks, except those species prohibited for retention under Section VI Species Specific requirements Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing ~~or transshipment~~.  ~~8. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.~~  ~~9. As finer resolution data become available, the specification of the ratio of fin weight to shark weight described in paragraph 8 shall be periodically reviewed by the SC and the SC will recommend any appropriate revisions to the Commission for its consideration. The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give affect to paragraph 8 are required.~~  [Alt 1: proposal by SPC and the US  12. CCMs shall require their vessels to land sharks with fins naturally attached to the carcass.]  [Alt 2: proposal from Dr. Clark supported by EU and WWF  12. The Commission reaffirms its commitment to full utilization of sharks ~~and rays~~ in accordance with IPOA Sharks ~~the International Plan of Action for the Conservation and Management of Sharks~~. Where sharks are unwanted bycatch, sharks shall be released alive using techniques that result in minimal harm.  12 bis. ~~As it is inconsistent with full utilization and can contribute to excessive shark mortality,~~ Shark finning, i.e. the practice of removing and retaining all or some of a shark’s fins and discarding its carcass at sea, is prohibited within the WCPF Convention Area.  12 ter. In order to implement~~ing~~ a prohibition on shark finning as well as ~~there are irrefutable advantages for~~ ensure better monitoring, enforcement and scientific data collection, ~~to requiring that~~ fins shall remain naturally attached ~~to the shark until the first point of landing. Therefore, shark fins are required to remain naturally attached~~, fully or partially, to the shark until the first point of landing unless there are extenuating circumstances as described in paragraph 13.  13. CCMs with fleets which are not able to practice fins naturally attached as described in paragraph 12 ter, are required to apply for a waiver. The ~~WCPFC~~ Technical and Compliance Committee (TCC) will review the waiver application and draft a recommendation on each waiver application to be forwarded to the Commission for endorsement at the annual meeting. If the waiver application is approved by the Commission, the fleets covered by the waiver may handle sharks according to the procedures outlined in the waiver as an alternative to leaving the fins naturally attached.  13. bis The waiver application shall contain:  a. A detailed explanation of why the fleet is unable to practice fins naturally attached, including specific operational, economic or other constraints which prevent this practice, and a description of any steps being taken to overcome these constraints.  b. A description of the options considered by the CCM to implement a ban on shark finning, identification of the preferred option and justification for the preferred option over other alternatives.  c. Specification of the proposed system for implementing the ban on finning including:  i. A description of and rationale for any required quantitative standards such as ratios with a clear statement of the application of standards to live or dressed carcasses, full or partial fin sets, any species-specific considerations, wet or dry weights, any conversion factors, etc.  ii. A description of any required operational practices such as cutting, tying, tagging, bagging, etc.  iii. A description of record-keeping requirements at sea and upon landing, including species-specific reporting for the WCPFC key shark species.  iv. A description of the monitoring system used by the CCM to compile and check these records for the incidence of finning, including the number of annual landing events by location, annual total numbers and weight of sharks and fins by species, etc.  v. A description of the inspection system used by the CCM to verify (e.g. through random, periodic audits) that the monitoring system is functioning appropriately, and the number of audits conducted each year.  vi. A list of past incidences of shark finning detected and a description of the remedial actions taken by the CCM and the vessel(s) and crew(s) involved.  13. ter Those CCMs receiving a waiver must annually submit a report to TCC on the implementation and performance of the waiver conditions. TCC shall annually review these reports along with any other relevant information (e.g. national MCS programme data, WCPFC high seas boarding and inspection programme reports, Port State measures data, transshipment reports, etc.) and if any of the following concerns are identified TCC shall refer the matter to the Commission for possible revocation of the waiver:  a. There is insufficient reporting against the conditions in the waiver;  b. There is insufficient species-specific data on the number of shark carcasses and fins landed for the WCPFC key shark species;  c. There is inadequate performance data for the national monitoring, inspection and enforcement programme, including the number of landings monitored, the number of audits conducted and the number of non-compliances observed and actioned (if necessary);  d. There is reason to doubt that the national monitoring, inspection and enforcement programme is capable of preventing shark finning;  e. The CCM holding the waiver is found to have violated the ban on shark finning and has not taken sufficient corrective action.]  [Alt 3: recommendations from New Zealand   * Require all fins and carcasses to be offloaded at the first point of landing * Ban all transshipment of shark products * Implement species specific ratios where information is available based on advice from SC and TCC (New Zealand can provide some data.) * Specify which fins are included and must be landed as part of the “fins” for the purposes of calculating compliance with the ratio * Require fins to be landed “wet” (e.g. not having undergone any drying) * Require fins and carcasses of sharks to be stored onboard by species * Where frozen product is to be landed, require fins naturally attached]   14~~0~~. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board (including for crew consumption), transshipping, landing, or trading any fins harvested in contravention of this CMM.  ~~11. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.~~  ~~12. Nothing in this Section shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plans of action for the conservation and management of sharks, within areas under their national jurisdiction.~~  **VI. Minimizing harm and safe release**  15. <Minimizing harm and safe release definitions and objectives including minimizing harm/mortality to released sharks and ensuring crew and vessel safety>  16. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.  [17~~3~~. CCMs and the SC shall continue work on bycatch mitigation measures and live release guidelines to avoid the ~~initial~~ catch of ~~silky sharks and oceanic whitetip~~ sharks, and maximize the number of incidentally caught individual that can be released alive. CCMs should encourage their fishing vessels to use any Commission adopted guidelines for the safe release and handling of pelagic sharks.]  18. Until WCPFC guidelines for safe release of sharks are fully developed and agreed, especially taking into account the paramount importance of recognizing the health and safety of the crew, national release guidelines or regulations should not be developed and vessels should not suffer a violation for actions relative to the release of sharks.  [19. Following guidelines are adopted by the Commission;  - Safe release guidelines for whale sharks (WCPFC Key Document SC-10)  - Safe release guidelines for mantas and mobulid rays (WCPFC Key Document SC-XX)]  **~~I~~VII. Species specific requirements**  20~~13~~. Oceanic whitetip shark and silky shark  (1) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel, or landing and trading any oceanic whitetip shark, or silky shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.  (2) CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark or silky shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible, following any applicable safe release guidelines for these species.  (3) Notwithstanding (1) and (2), in the case of whitetip shark and silky shark that are unintentionally caught and frozen as part of a purse seine vessels’ operation, the vessel must surrender the whole whitetip shark and silky shark to the responsible governmental authorities at the point of landing. Whitetip shark and silky shark surrendered in this manner may not be sold or bartered but may be donated for purpose of domestic human consumption.  (4) Observers shall be allowed to collect biological samples from oceanic whitetip sharks and silky shark caught in the Convention Area that are dead on haulback in the WCPO~~, provided that the samples are part of a research project approved by the SC. In order to get approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion shall be presented to the SC.~~  ~~(4) CCM’s and the SC shall continue work on bycatch mitigation measures and live release guidelines to avoid the initial catch of silky sharks and oceanic whitetip sharks, and maximize the number of incidentally caught individuals that can be released alive.~~  (5) [This Section ~~paragraph~~ shall be reviewed periodically and amended as appropriate, taking into account relevant scientific information including stock assessment results.]  21~~14~~. Whale shark  (1) ~~This paragraph shall apply to the high seas and exclusive economic zones of the Convention Area.~~ CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.  (2) For fishing activities in Parties to Nauru Agreement (PNA) exclusive economic zones, the prohibition shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.  (3) Notwithstanding sub-paragraph (1) above, for fishing activities in exclusive economic zones of CCMs north of 30 N, CCMs shall implement either this measure or compatible measures that have been reviewed by the SC and the TCC and approved by the Commission to be consistent with the obligations under this measure.  (4) CCMs shall require that, in the event that a whale shark is not deliberately encircled in the purse seine net, the master of the vessel shall:  (a) ensure that all reasonable steps are taken to ensure its safe release.; and  (b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).  (5) [In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (4)(a) above, CCMs shall require the master of the vessel to follow the WCPFC Guidelines for the Safe Release of Encircled Whale Sharks (WCPFC Key Document SC-10)[[2]](#footnote-2). ]  (6) In applying steps under sub-paragraphs (1), (4)(a) [and (5)], the safety of the crew shall remain paramount.  (7) The Secretariat shall report on the implementation of this paragraph on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.  (8) CCMs Party to the Convention for Conservation of Migratory Species of Wild Animals should make provision to prohibit taking of whale sharks in line with Appendix I of the CMS Convention on Migratory Species.  22~~15~~. Manta and Mobulid rays  [(1) CCMs shall ~~should~~ give due consideration to ~~WCPFC’s~~ the Guidelines for Best Handling Practices for the Safe Release of Manta and Mobulid ~~Rays~~ (WCPFC Key Document SC-XX).]  (2) CCMs shall record where possible, through observer programmes following the Regional Observer Programme Minimum Standard Data Fields, the number of discards and release of Manta and Mobulid rays with indication of species (to the extent possible), length, sex, status (dead or alive) and location caught.  (3) Manta and Mobulid ~~rays~~ shall be considered WCPFC Key Shark Species for Assessment[[3]](#footnote-3) and thus incorporated into the WCPFC’s Shark Research Plan, noting the data gaps may preclude a traditional stock assessment approach.  (4) CCMs Party to the Convention for Conservation of Migratory Species of Wild Animals should make provision to prohibit taking of Manta and Mobula rays in line with Appendix I of the CMS Convention text on migratory species.  **VIII. Other measures**  23~~16~~. For longline fisheries targeting tuna and billfish, CCMs shall ensure that their vessels [comply with at least one of the following options:  (1) do not use or carry wire trace as branch lines or leaders; or/and]  (2) do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See Annex 1 for a schematic diagram of a shark line;  ~~17. For longline fisheries targeting sharks in association with WCPFC fisheries, CCMs must develop a management plan for that fishery that includes specific authorisations to fish such as a licence and a TAC or other measure to limit the catch of shark to acceptable levels. These plans must explicitly demonstrate how the fisheries aim to avoid or reduce catch and maximise live release of specimens of highly depleted species such as silky and oceanic whitetip sharks caught incidentally.~~  **~~V~~IX. Research**  24~~18~~. CCMs shall ~~should~~ as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and other ~~rare earth metal~~ shark deterrents), safe release guidelines, biology and ecology of sharks, identification of nursery grounds, gear selectivity, assessment methods and other priorities listed under the WCPFC Shark Research Plan.  25. The SC, if possible in conjunction with the Inter-American Tropical Tuna Commission, should periodically provide advice on the stock status of key shark species for assessment and maintain a WCPFC Shark Research Plan for the assessment of the status of these stocks.  26. CCMs shall support implementation of the WCPFC Shark Research Plan and efforts to progress assessment methodologies, including the development of innovative methods, for species on the WCPFC Key Shark Species for Assessment list.  **X~~VII~~. Capacity building**  27~~19~~. The Commission shall ~~should~~ consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.  28~~20~~. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including supplying species identification guides for their fleets and guidelines and training for the safe release of sharks, and including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.  **XI~~VIII~~. Final provision**  ~~20. This CMM shall apply to sharks caught in association with fisheries managed under the WCPF Convention, and to sharks listed in Annex 1 of the 1982 Convention as well as mantas and mobulas.~~  29~~21~~. On the basis of advice from the SC and/or the TCC, the Commission shall review ~~from time to time~~ the implementation and effectiveness of this CMM periodically/at least every X years, and amend it as appropriate.  30~~22~~. This CMM shall replace CMM 2010-07, 2011-04, 2012-04, 2013-08, and 2014-05.  Annex 1: Schematic diagram of a shark line | New Zealand suggests that the original sentence be replaced by text from UNGA 64/72 (Chair guesses that the appropriate text is 28th Preambular in UNGA 64/72.). New Zealand also suggests adding another preambular, “Recognizing that many shark species have biological characteristics that make them particularly vulnerable to fishing pressure”. Chair considers that the new text based on 28th Preambular of UNGA 64/72 covers the second element proposed by New Zealand.  New Zealand suggests adding at the end of the paragraph “and other international conservation instruments”. This comment is not reflected because the next sentence proposed by WWF seems to cover the intention of New Zealand.  Comments from WWF  Chair revised the text based on comments from Australia, Dr. Clark, EU, FFA, New Zealand and WWF. US suggests deletion. Sub-item (i) comes from Article 5 of the Convention whereas sub-item (ii) from Article 10. Some people may want to suggest a shorter version such as “the Commission shall adopt conservation and management measures for sharks”, but in that case the problem would be how to deal with “where necessary” which is in Article 10, but not in Article 5. Chair’s preference is deletion of the entire paragraph since summarizing the text of the Convention could cause interpretation problems. In addition, since CCMs are so mindful of Article 5, 6 and 10 that they are discussing this CMM for shark. The chapeau (the next line) would be enough.  Comment from EU  Comment from New Zealand.  Chair suggests that Para 1 be more general and the next two paragraphs be more specific on what sharks will be subject to this CMM.  Comment from Dr. Clark. Chair deleted and incorporated the last half into the next paragraph.  New Zealand suggests transferring Para 20 here.  Dr. Clark, EU and FFA suggest that the Commission should be able to add other shark species. Chair suggests adding “whether they are...” at the end. This was originally suggested by Dr. Clark in the previous paragraph, but Chair considers that this would sit better here.  Comments from PNA.  PNA suggests transferring the first sentence of old Para 14. (1) here for broader application.  PNA suggests transferring old Para 12 here for broader application.  Chair suggests a new sentence (When Commission Members...) based on advice from EU. Please see Para 10 (5).  EU, FFA and New Zealand suggest “shall”, whereas PNA suggests “should”.  New Zealand and WWF suggest developing management plan for all fishery that is likely to catch sharks within Convention Area or NPOA shark, instead of management plan for shark targeting longline only. New Zealand also suggests linking implementation of IPOA to national management plans.  Chair suggests producing new Para 7, taking into account old Para 2 and 17 and establishing a clear linkage between IPOA and NPOA. The question is whether the Commission wishes to delete “as appropriate” in Para 6 and 7.  Comments from Dr. Clark, EU, FFA, New Zealand, SPC and WWF are combined. US suggests deletion. Although this requirement is included in “Scientific Data to be Provided to the Commission”, Chair considers it useful to keep it here as general rules. WWF suggests adding “Information on estimates of discards and bycatch shall be included in accordance with “Scientific Data to be Provided to the Commission” where possible”. Chair believes that the revised text can accommodate the intention of WWF.  Dr. Clark, FFA and New Zealand suggest adding “following the Regional Observer Programme Minimum Standard Data Fields” after “observer programs. On the other hand, PNA and US suggests deleting this sub-paragraph because the Scientific Data to be Provided to the Commission already includes information on key shark species so this is duplicative. The same point is applied to old Para 5.(2) that New Zealand proposes to move here as Para 9 (3).  Chair believes that one of the objectives of this exercise is to streamline the process contained in the different shark-related CMMs. Therefore, Chair suggests deletion of old Para 4.(1) and old 5.(2).  PNA also suggests deleting sub-Para (2) for the same reason, however, Chair considers that this provision is not fully covered by the Scientific Data to be Provided to the Commission. Therefore, it remains here.  EU, SPC and WWF suggest that “should” be returned to ”shall”. New Zealand proposes new (1), (2) and (3). Chair considers that these new sub-paragraphs may be necessary, depending on the discussion on Chair’s new proposed text in Para 7.  New Zealand proposes to move old sub-Para (2) to new Para 9. (3), but Chair deleted it (see above).  Comment from WWF.  EU and SPC suggest deleting “transshipment”.  A number of IWG members suggest deleting old Para 8 and 9 and propose alternative texts.  Chair understands that SPC has the same idea as US.  Chair slightly modified the text, looking at other paragraphs.  Chair suggests deleting the first line as this is an explanation rather than a required action. This type of language should be a preambular if necessary.  Chair suggests several amendments so that it better fits in CMM.  Chair suggests deleting “WCPFC” as this is so obvious.  New Zealand provides elements instead of concrete language.  Comments from PNA.  Australia suggest moving old Para 11 to new Para 16.  PNA suggests moving this paragraph to new Para 5.  Australia suggests creating a new Section for Minimizing harm and safe release  Australia suggests creating a new paragraph, but not provided exact wording.  Australia suggests moving old Para 11 here.  US suggests moving old Para 13. (4) here and making it more general rather than species specific. Australia also suggests inserting some reference to safe release guidelines here. Chair put this paragraph in brackets as it is not clear whether Australia has in mind general guidelines or species-specific ones. Chair suggests deleting “initial” since the meaning is not clear.  Comments from American Tunaboat Association.  Comments from Australia  The IWG is invited to discuss whether these Guidelines should be here or in Section VI (Species specific requirements). Chair prefers the latter option as long as the guidelines are species specific. It should be noted that the Commission only has species specific guidelines, but WCPFC14 tasked SC14 to produce guidelines for other species or in general.  Comments from EU.  Comments from Dr. Clark, EU and New Zealand.  American Tunaboat Association, EU, and US suggest inserting a new sub-para as they have concern about unintentional brailed into hold by purse seines. The Para 2 of Resolution C-15-04 of IATTC is incorporated as per EU advice.  US suggests deleting the latter part of (4), because it is overly burdensome for researchers.  US suggests transferring old 13. (4) to new Para 17 and making it more general.  Comments from New Zealand and SPC. EU proposes deleting this sub-para because the content of this sub-para is covered by new Para 29, review provision. Chair prefers EU suggestion since the entire CMM should be subject to review.  EU suggests deleting the first sentence, whereas PNA suggests transferring it to new Para 4 for broader application.  Chair suggests adding some language based on a suggestion from FFA.  The IWG is invited to discuss whether (5) should be here or Section V (Minimizing harm and safe release).  WWF suggests creating new sub-Para (8).  Comments from Dr. Clark, EU, FFA, New Zealand and SPC are combined. The IWG is invited to discuss whether sub-Para (1) should be here or Section V Minimizing harm and safe release.  Comments from Dr. Clark and WWF.  Comments from Dr. Clark, FFA and WWF. Chair deleted “rays” for consistency.  Comments from WWF.  US suggests deleting the requirement to prohibit the wire trace. On the other hand, WWF suggests prohibiting both wire trace and shark line.  Please see new Para 7 for the reason for deletion.  Comments from EU and New Zealand.  Comment from US.  Comment from EU.  Comments from Dr. Clark, EU, FFA and New Zealand.  Comments from New Zealand.  Comments from EU.  Old Para 20 has been deleted as new Para 2 and 3 are created.  Comments from EU and SPC.  Comments from EU and SPC. |

**Note:**

1. Taking into account comments from IWG members, new Para 2 is created to indicate that the term “sharks” include all species of sharks, skate, rays and chimaeras, for the purpose of this measure, the term, Therefore, “sharks” is used throughout this measure instead of “sharks and rays”.
2. In the first draft, additions or amendments to the existing text were indicated in red. In this second draft, text in red indicates additions or amendments to the first draft.
3. Dr. Clark has several ideas for new elements, but consider that it would be better to hear from the other members of the IWG-Shark before making detailed suggestions. She would however like to very briefly highlight what she consider to be some areas of weakness in the existing measures which the IWG-Shark may wish to consider:

* More specific requirements from CCMs to report on whether a National Plan of Action-Sharks exists and to provide a reference;
* Where a CCM applies alternative measures, it should provide specific references to relevant domestic laws, regulations, etc;
* Require that estimates of discard/release rates and life status also provide an indication of the number of observed sets and the methods used in the calculation (not just the estimated numbers);
* While observer coverage in the longline fishery remains low (<5%) extend the requirement to report on discards/releases of shark species of special interest to logsheets rather than only estimating from, in some case, extremely low observer coverage;
* Clarify whether the requirements to prohibit wire leaders or shark lines can be applied vessel-by-vessel, fleet-by-fleet, or nationally, and require each CCM to report on which option applies to which vessels;
* Avoid the phrase “longline fisheries targeting sharks” unless a definition can be agreed
* If shark management plans are required, specify the contents of the plans and on what basis they should be reviewed
* Provide a definition of finning within the measure
* Consider setting fins naturally attached as the default means of verifying that finning has not occurred but alternatively allow the removal of shark fins from carcasses at sea (this is not finning) if CCMs can meet a sufficient performance standard for verification that finning has not occurred. (I have developed some language for this which I attach for reference).

1. The WCPFC Key Shark Species for Data Provision are designated per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08) and are listed in Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).~~The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks, and thresher sharks, porbeagle shark (south of 20S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), whale shark, and manta and mobuild rays.~~ [↑](#footnote-ref-1)
2. Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.” [↑](#footnote-ref-2)
3. The WCPFC Key Shark Species for Assessment are those species to be included in the WCPFC’s Shark Research Plan per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08). [↑](#footnote-ref-3)