

31 May 2011

Maria Damanaki
European Commissioner
Maritime Affairs & Fisheries
European Commission
B - 1049 Brussels



Dear Ms. Damanaki:

We are writing to convey our views with regard to the European Commission's consultation on the 2012 European Union (EU) fishing opportunities as they relate to the Community Plan of Action (CPOA) for Sharks, particularly the goal to adjust catches to available resources. Specifically, we appreciate your consideration of our requests for Total Allowable Catch (TAC) limits and prohibited species status for a suite of shark and ray species, many of which are threatened with extinction.

Existing EU Shark TACs

Shark Advocates International¹ and the Shark Alliance² applaud the Commission's recent record for proposing, securing and maintaining zero TACs for **spurdog** (*Squalus acanthias*) and **porbeagle** shark (*Lamna nasus*). Both of these species have been seriously overfished and remain classified as Critically Endangered by the International Union for Conservation of Nature (IUCN). TACs of zero are in line with advice from the International Council for Exploration of the Sea (ICES) and are necessary to remove all incentive to catch, directly or indirectly, these vulnerable sharks. We urge the Commission to follow up these essential safeguards with prompt development of overdue recovery plans for these species, as a matter of priority.

Deep-sea sharks are among the slowest growing and most depleted species of all European fishes. The IUCN classifies European populations of leafscale gulper shark (*Centrophorus squamosus*) and Portuguese dogfish (*Centroscymnus coelolepis*) as Endangered and the gulper shark (*Centrophorus granulosus*) population as Critically Endangered. We are concerned about delays associated with the phased in implementation of ICES advice and the many years taken to reduce TACs to zero and eliminate bycatch allowances.

Whereas we were pleased that the Commission proposed and won the addition of four species (frilled shark *Chlamydoselachus anguineus*, six-gill shark *Hexanchus griseus*, sailfin roughshark *Oxynotus paradoxus* and knifetooth dogfish *Scymnodon ringens*) to the list of deep-sea sharks regulated under these TACs, we continue to strongly urge inclusion in this list for the **lowfin gulper shark** (*Centrophorus lusitanicus*). This species is commonly confused and caught along with the gulper shark, and deep-sea sharks labelled as lowfin gulper sharks continue to be landed, particularly in Portugal. The IUCN warns that lowfin gulper shark's limited range, large size, and extremely low fecundity (one pup every two years) may make the species as if not more vulnerable to depletion than other *Centrophorus* species. Its protection is clearly warranted and increasingly urgent.

We urge the Commission to propose that 2012 TACs be set at zero (with no bycatch allowance) for all deep-sea sharks, including the lowfin gulper shark.

¹ Shark Advocates International is a project of The Ocean Foundation formed to provide leadership in shark conservation.

² The Shark Alliance is a coalition of more than 100 groups dedicated to improving shark policies.

New EU TACs

We believe it is high time to establish EU TACs for increasingly targeted **shortfin mako** (*Isurus oxyrinchus*) and **blue sharks** (*Prionace glauca*), especially considering that the EU has proposed international catch limits for these species through the International Commission for Conservation of Atlantic Tunas (ICCAT). Shortfin mako sharks have been classified by IUCN as Vulnerable Globally. The species has been included under CMS Appendix II, reflecting international interest in cooperative conservation efforts. A reduction of North Atlantic shortfin mako fishing mortality has been recommended by ICCAT scientists and agreed by ICCAT Parties, and yet EU mako catches remain unlimited. Whereas blue sharks are not currently considered overfished, population declines and EU catches are significant enough to justify at least a cap on landings.

New EU TACs are also in order for a variety of European cartilaginous fish species, including **smoothhounds** (*Mustelus spp.*), **catsharks** (particularly *Scyliorhinus canicula*), and **chimaeras** (particularly *Chimaera monstrosa*) which are commercially important and/or increasingly targeted in some regions.

Existing Species-specific Prohibitions

We continue to strongly support fishing, retaining, transshipping, and landing prohibitions for:

- **basking sharks** (*Cetorhinus maximus*) in all EU & non-EU waters,
- **white sharks** (*Carcharodon carcharias*) in all EU & non-EU waters,
- **angel shark** (*Squatina squatina*) in all EU waters,
- **common skate** (*Dipturus batis*) in EU waters of zones IIa, III, IV, VI, VII, VIII, IX & X,
- **undulate ray** (*Raja undulata*) in EU waters of zones VI, VII, VIII, IX & X,
- **white skate** (*Rostroraja alba*) in EU waters of zones VI, VII, VIII, IX & X, and
- **porbeagle** in international waters.

Such protection is clearly justified by these species' threatened status, and, in the case of basking and white sharks, their inclusion on the Appendices of the Convention on International Trade in Endangered Species (CITES) and the Convention on Migratory Species (CMS). We are deeply concerned, however, that the above protections for skates and rays do not cover the Mediterranean Sea, where these species are highly threatened. We urge the Commission to propose and press for extension of bans on common skate (Critically Endangered), undulate ray (Endangered), and white skate (Critically Endangered) to the Mediterranean. Also, angel shark protection should be extended to sawback (*Squatina aculeate*) and smoothback (*Squatina oculata*) species (Critically Endangered).

We congratulate the Commission on the success of its 2010 proposal to add **guitarfishes** (*Rhinobatidae*) to the list of prohibited shark and ray species, although we urge extension of the affected areas to all EU waters and non-EU waters in order to include the Mediterranean Sea. Two species of these warm water rays -- common guitarfish (*Rhinobatos rhinobatos*) and blackchin guitarfish (*Rhinobatos cemiculus*) -- are found in EU waters from Portugal south, including the Mediterranean, and south along west Africa where they are targeted for their particularly valuable fins; both species are classified by the IUCN as Endangered. In the Mediterranean, guitarfish were once common, but are now assumed locally extinct in some areas. ICES has noted these regional extirpations, the species' vulnerable life history characteristics, and intense fishing pressure in much of their inshore habitat (including off Greece), and has advised that "precautionary management measures are required." Full protection by the EU is therefore clearly warranted and urgently needed.

Additional Species-specific Prohibitions

ICES states that “precautionary management measures are certainly required” for the **giant devil ray** (*Mobula mobular*). This Endangered species is found primarily offshore in the Mediterranean and adjacent parts of the Northeast Atlantic along the Iberian Peninsula to Senegal, including the Canary Islands, Madeira, and the Azores. Giant devil rays are subject to unsustainable bycatch in tuna and swordfish fisheries and are reported in the landings of Spain. Females of the species have only 1-2 pups per reproductive cycle. The giant devil ray has been listed on Annex II of the Barcelona Convention and Appendix II of the Bern Convention for more than a decade, and yet Malta and -- just recently -- Spain are the only EU Member States to follow through with associated commitments to protect the species. For these reasons, we urge the Commission to propose *this year* full EU protection for giant devil rays in all EU waters, as has been granted to angel sharks.

ICES also states that “protective management measures are required” for **sawfish** (*Pristis* spp.), in light of their Critically Endangered status, and recommends that all species be made prohibited species to protect both vagrants in EU waters and animals encountered by EU fisheries in non-EU waters. Although the main range of sawfish in the eastern Atlantic is south of Europe, the northern limits of two species once extended to EU waters of the southern Iberian Peninsula and Mediterranean. Sawfish are among the most endangered fish in the world and CITES listings alone are not sufficient to prevent their extinction. We urge full EU protection for these species.

We applaud the Commission for promptly securing protections for **oceanic whitetip shark** (*Carcharhinus longimanus*) and **thresher sharks** (family Alopiidae), in line with measures agreed at ICCAT and the Indian Ocean Tuna Commission (IOTC), but urge their expansion from beyond ICCAT and IOTC areas to EU waters and all EU vessels. The ICCAT and IOTC measures were based on ecological risk assessments and the precautionary approach, not regional population assessments; therefore their application throughout the species’ ranges is justified and appropriate.

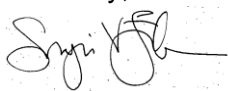
Whereas we recognize the limited scope of the ICCAT Recommendation regarding **hammerhead sharks** (to prohibit retention, transshipment, and landing of sharks from the family Sphyrnidae, except for *Sphyrna tiburo*, in association with fisheries in the ICCAT Convention Area), we urge the Commission to propose expansion of the resulting EU measures to include all EU waters and vessels, in line with the 2009 protections adopted by Spain. In particular, great and scalloped hammerhead sharks are considered the most threatened of the world’s highly migratory sharks; they urgently need domestic conservation measures as these species are more coastal than oceanic.

Conclusion

We believe these actions are fully consistent with the CPOA and available scientific advice, and will serve to position the EU as a global leader in the conservation of sharks and closely related species.

Thank you for your consideration.

Sincerely,



Sonja Fordham
President
Shark Advocates International



Sandrine Polti
Policy Advisor
Shark Alliance