

Europe Calling to Save Sharks: Will the EU listen to the Request of its Citizens?

1.1 Mio EU Citizens have voted for an end of the trade with detached fins in Europe

An Analysis of the public hearing of the ECI by Sharkproject

1. Successful EU Citizens' Initiative to End the Trade of Shark Fins in EU

In January the EU Citizens' Initiative (ECI) handed over 1.1 million votes from EU citizens in support of a new regulation requiring that fins must be naturally attached to the carcass of the shark (sharks being all species of sharks and rays) when imported into, transiting through, or being exported from the European Union. Thereby EU citizens have clearly urged the European Union taking action against the global threat of more than one third of all shark and ray species going extinct within the next decades [1] and the imminent risk created by many shark populations being pushed to the brink of collapse due to commercial fisheries [2].

In EU waters and EU vessels no loose fins can be retained, and all retained sharks must be landed with all fins naturally attached, a regulation prohibiting since 2013 that fins must not be removed from the body of the shark (exempting however all rays) at sea. Fins may, however, be cut off after landing making it possible to trade and export detached fins.

In many other regions of the world, including the majority of the Atlantic, cutting of fins at sea is still allowed. In fact, finning is known to continue globally and in EU waters because the level of surveillance at sea is inadequate and offenses are difficult to detect and prosecute. It is evident that the fins of threatened and protected species, such as those listed on CMS [3] App I and CITES [4] App I or II, continue to be traded illegally on a regular basis, as it is nearly impossible to identify many thousand tons of detached fins down to the species level.

A legal market for shark fins creates a loophole for illegal fins, as origin and species are difficult to trace [5] and detached shark fins can mostly only be identified with the use of time-consuming and expensive DNA tests [6].

While the EU continues to allow the trade of detached fins other nations have already stepped ahead introducing effective trade measures to prevent the trade of loose fins. Canada has banned the import and export of detached shark fins already in 2019 [7], a bill to ban the import of shark fins and shark fin products in the United Kingdom has already passed the second reading in the House of Lords, [8], Austria unanimously decided in December 2022 to prohibit the import of all shark products [9], and the United States of America bans the trade and possession of shark fins and shark fin products [10].

2. Global Over-exploitation of Shark Populations by the International Shark Fin Trade

The international fin trade is fueling the global over-exploitation of shark populations to which also EU fisheries contribute by targeting vulnerable shark species both in national waters and the High Seas of the Atlantic, Indian Ocean and the Pacific.

Over 100 million sharks are killed by fisheries every year [11], often just for the value of their fins, which then end up on Asian plates as shark fin soup. And not only sharks, but also many species of rays are sought-after in the fin trade, sold at top prices of \$1,000 per kg on Asian markets. As a result of this massive over-exploitation, over one third of all shark and ray species worldwide are now threatened by extinction [12] Therefore, over two thirds of the nations have agreed at the last CITES Conference of the Parties (COP19) to list about 90% of shark species impacted by the global shark fin trade making them subject to trade regulations starting in 2024 [13].

3. Public Hearing in EU Parliament: Europeche Repeating False Claims about Sustainable Shark Fishing by EU Fleets

[On March 27th the Citizens' Initiative has presented its case in front of the EU parliament's PECHE Committee, in a joint public hearing](#) [14] with the ENVIRONMENT and PETITION Committees, as the successful initiative had been assigned to PECHE, the fisheries' Committee which are obviously interested in stopping this citizens' request from progressing into new legislation regulating the trade of fins in the EU when banning the trade of detached fins and requiring all fins to remain naturally attached to the carcass also for trading. As this reduces profits for the European shark fishing industry, representatives of the fishing industry were eager to claim that the EU shark fishing operations are the most sustainable fisheries in the world.

[Daniel Voces de Onaindi, Managing Director of Europeche, the political representation of EU fisheries in the PECHE Committee stated in his presentation several times that EU fleets condemn finning](#) and that they have never practiced finning, claiming also that there has never been any infringement or sanction on this in the EU.

3.1. No Infringements?

BUT he obviously forgot to mention that EU vessels have been found several times having loose fins on board which is an infringement of the EU Regulation 605/2013 that prohibits the cutting of fins at sea. In [December 2022 Sesimbra, a Spanish vessel, was detained for trying to land 1 ton of loose fins in Peniche, Portugal](#) [15]. On December 22nd 2022 [Playa del Ril another Spanish vessel was detained in Peniche for having more than 12 tons of shortfin mako on board, allegedly from the South Atlantic, but without the required CITES documentation](#). [16] The same vessel had already been denounced for having landed shark fins separated from the shark bodies in the port of Montevideo, Uruguay in 2017.

According to him shark fisheries are thoroughly regulated by the different countries in their waters and by the RFMOs in the different oceans and many legally binding international instruments to guarantee the sustainable management of the species. EU fleets don't target prohibited shark species and when caught incidentally the fisheries release them into the sea alive with a very high chance of survival.

3.2. Regulations?

BUT what he didn't mention is that so far only few shark species are really protected in EU waters and that protections or the existence of retention bans for threatened shark species differ largely in the different RFMOs. In the Indian Ocean e.g. even IUCN critically endangered, CITES App II listed hammerhead sharks may still be legally retained and also the IUCN endangered shortfin mako shark can still be retained in the Indian Ocean and in the Pacific and continues being caught by EU fleets in both oceans.

Furthermore, how can he call shark fishing being regulated by RFMOs when none of the four big tuna RFMOs, where most shark fisheries including the EU fleets operate in, have no shark management measures in place (with the exception of ICCAT which has recently adopted some management measures for shortfin makos and has at least catch limits for blue sharks, [which however constantly gets exceeded in the South Atlantic by several thousand tons without any further consequences](#). [18] And as a fact till to date none of these big tuna RFMOs does have a 'Fins Naturally Attached' policy in place and does therefore not prohibit vessels having detached fins on board or triggering an infringement with RFMO measures when loose fins are found during inspections.

Only two shark species, blue sharks and shortfin makos, are allegedly targeted in the swordfish longline fisheries by Spain, Portugal, and France. After the decision of the EU Scientific Review Group (SRG) rating the trade with shortfin mako from the Atlantic not being sustainable he claims that catches of shortfin mako by EU fleets in the Atlantic have gone down to zero nowadays.

3.3. Protection of threatened species?

BUT what he didn't mention is that in 2021 more than 1,000 tons of shortfin mako were killed in the North Atlantic by EU fleets [17] despite existing retention bans having been in place in Portugal and Spain for most of the year. This is almost the same quantity that had been landed by those fleets in the past. Not "*catching shortfin mako*" in fishery language therefore should be interpreted as no longer officially landing them but completely disregards the fact that fishery induced mortality of this endangered species has not decreased since longline fisheries continue using specific gear to target sharks that results in most sharks dying, whether landed or discarded by the EU fleets, [while Canadian and US longline fisheries in contrast achieve live release rates of shortfin mako of 70% and 60% respectively](#), by using different gear which EU ferociously refuses to introduce.[18] Also the Spanish government apparently continues to allow the [Spanish fleet to sell 301.7 tons of shortfin mako from the South Atlantic](#) [24] which is not really catching nothing as the allocated quota for the total EU fleet for 2023 as agreed by [ICCAT last year in Rec 22-11](#) [25] is 503 tons.

Europeche claims that blue shark is the most widely distributed and a fast-growing shark species and presented slides showing the latest scientific information claiming that the stock is abundant and in good health in all the oceans.

3.4. Healthy stocks?

BUT the speaker failed to explain that the latest scientific information he showed for the Pacific refers to a stock assessment for blue sharks in the North Pacific based on data up from 1971 to 2015 and thus almost 10 years old, that in [2019 CMM 19-08 from the latest stock assessment for the Atlantic notes that the estimates obtained with the state-space surplus production model formulation were generally less optimistic, predicting that the stock could be overfished and overfishing could be occurring in some areas](#) [19]. The CMM therefore established catch limits for both parts of the Atlantic, which however for the South Atlantic have been constantly exceeded since then by more than 10% as no catch allocation had been agreed. A new stock assessment is due to be performed this year and we expect seeing the outcome by September. And in the Indian Ocean IOTC performed a stock assessment in 2022 resulting in a 99% probability that the stock is not overfished nor experiencing overfishing However, the Scientific Committee noted in its report [20]that reported catches of blue shark and estimated catches differ by a factor of two and that catches may be even higher than estimated, as about 30,000 tons of sharks are not reported at species level on average and might also include blue sharks. Based on the stock projections from the stock assessment the Scientific Committee warns that a catch increase of more than 20% the probability of maintaining the stock at a level being able to sustain such fishing over the next 10 years will decrease. So, if an increase in current catches by only 20% will lead to the stock being overfished how can it then be justified to have no catch quotas established and calling this stock healthy as the true catches may already have been substantially underestimated in view of the poor compliance with reporting requirements?

Europeche also claims that the fins of blue shark can easily be distinguished from other fins even when separated from the body, while admitting that “perhaps not for some inspectors but the answer is yes, the fin of the blue shark is easily distinguishable even when separated from the body”....

3.5. Differentiating fins?

BUT who if not inspectors are to enforce existing trade restrictions?

He also refers to artificial intelligence (FAO iShark Fin App) and FAO fin identification guides to help identifying fins **BUT** he did not refer to what Bradley Soule had highlighted that all of these are not applicable to differentiate between restricted species when thousands of fins are piled together in customs’ routine and its characteristic metallic blue coloration is hardly visible any longer once dried.

According to Europeche fins are fully traceable as all EU fleets must land all sharks with fins naturally attached since 2013 and widely ratified port states measure agreements require the verification and inspections on fishing vessels entering port to ensure they comply with the law and once landed national authorities must issue a catch certificate that accompanies the fins and the body of the shark up until the point when they reach the final consumer.

3.6. Traceability?

BUT he fails to mention that in 2018 [21] only 708 inspections have been performed at port for 41,603 Spanish landings of 50,934 tons. Two cases of non-compliance with the EU’s fins Naturally Attached regulation were reported for Spanish vessels in 2018 and 14 cases were reported between 2014 and 2018 for all member states together. The 2% of all shark landings by Spanish vessels that were inspected at port in 2018 all were done at EU ports, with not a single inspection done in a port outside of the EU despite sharks being landed by EU vessels also in ports outside EU. While the EU has developed into one of the main providers of shark fins for the Asian hubs in Hong Kong, Singapore, and Taiwan with 45% of all reported fin imports there coming from EU countries in 2020 the total reported fin exports from EU between 2003 and 2020 has exceeded 50,000 tons with a total of 51,795.32 tons reported to be imported from Spain at an annual average of 2,877.52 tons. [22]

Following the CITES App II listing of an additional 100 species of sharks and rays last year trading of these species will require additional export permits for those listed species that must be issued by the CITES authority of the exporting country verifying that the export is not detrimental to the survival of the species and that the specimens have been obtained respecting the law.

3.7. Protection by CITES?

BUT he thereby ignores that most countries don't have the capacity to do their own scientific assessments of the conservation and stock status of shark species and that other than in the EU where a Scientific Review Group does a thorough analysis before granting any NDFs (note, that so called non-detriment findings or NDFs are also required for the introduction from the High seas not only for exports) those permits are often issued by a single person across different types of species groups. Thereby different outcomes can be observed for NDFs across a RFMO for the same stock fished by different fishing nations, e.g. shortfin mako from the Indian Ocean can still be imported from the High Seas or exported by most of the fishing nations including the EU fleets while Great Britain has recently issued a negative opinion [23] for a NDFs for this stock highlighting the lack of a valid stock assessment or management measures for this stock at IOTC while the stock is assumed to be declining. Therefore, UK recommends not accepting catch from all regions of the Atlantic and Indian oceans until the associated declines and trajectories are reversed and demonstrate stock recovery. EU so far accepts NDFs from the Indian Ocean while maintaining a negative opinion for mako from both Atlantic stocks, [while the Spanish Ministry for Ecological Transition at the moment allows the Spanish fleet to sell 301.7 tones of shortfin from the South Atlantic, 420 tons from the Eastern Pacific, 147 tons from the Western and Central Pacific and 139 tons from the Indian Ocean.](#) [24]

Claiming that the value from the shark trade is derived only to 40-35% from fins while 60-65% of the value comes from the meat and that therefore shark fishing would not be profitable without the profits obtained from the meat, he suggests that it is the value of the meat and not the value of fins making the business profitable and being the main reason for sharks being fished.

3.8. The value of fins?

BUT while admitting that fins accounting to only 5% of the total weight of the animal but achieve 35-40% of the total value from sharks he fails to conclude that fins therefore represent a huge driver for both fishing them in the first place and the incentive to illegally increasing profits from this most valuable part of the animal with the limited storage capacity available on board. Europeche also failed to inform the EU Parliament that EU Member States exported more than 53,000 tons of shark fins between 2003 and 2020 to Hong Kong, Singapore and Taiwan, averaging 28% of the total reported imports over the studied period and this share has increased to 45% in 2020 [22].

And towards the end he referred to the need of shark fishing to provide food security and a healthy and nutritious diet for Europeans, rich in vitamins and good as a heart disease diet and that *"banning is not the solution, it is not justified, and it is not an option for our fishermen"*.

3.9. Healthy shark meat?

BUT these claims clearly ignore the threats to human health associated with eating sharks due to the high levels of methylmercury and other contaminants accumulating over the food web in these long living top predators. Indeed, his colleague Javier Garat Pérez, the president of Europêche has admitted to those threats in a recent interview when challenged by Dr. Iris Ziegler, Sharkproject on similar claims of shark meat being nutritious. In the [Euronews Ocean Calls podcast](#) he had admitted that pregnant women and children should better refrain from eating sharks. Further claiming that no waste of ocean life occurs as when fishing sharks for meat and fins, also the liver oil, skin and other parts of the animals get fully utilized, is clearly misleading and ignoring that different shark species are targeted globally and by the EU fleets for different parts of their bodies. Some species such as endangered porbeagle and endangered shortfin mako are valued for their meat and are also consumed in Southern Europe, most meat of blue shark ends up on the Brazilian market as 'caçãõ' and often consumers there are not even aware of eating shark when eating this popular dish [27]. Fins go almost exclusively to Southeast Asian countries and many species are primarily fished for the value of their fins, as the value of shortfin mako fins e.g. clearly exceeds the value of blue shark fins on the market having a much higher value ratio between the meat and the fins than shown for blue sharks in the presentation. Yet, completely different species are targeted for their liver oil, most of which live either in the deep sea or in very cold waters, like Greenland sharks.

At the end he calls for the support of the European fishing sector as an end of the fin trade threatens the economic viability of the EU's fishing fleet unable to survive losses of 40%. This would leave this lucrative business to Chinese fleets operating at lower standards than the EU fleets, to meet the Asian demand for fins and must therefore not be considered as an alternative.

3.10. The future of EU fisheries?

BUT he failed to explain how shark fishing can provide meaningful socio-economic benefits when the main profits from e.g. 46,539 tons of sharks landed by the Spanish fleet in 2022 with a total value of 64.5 million € go to very few while the burden from the loss of biodiversity and overfished marine ecosystems has to be carried by all Europeans, in fact all mankind, and probably most imminently by small coastal nations in the Global South suffering most from overfished oceans and climate change? Demonstrating in his presentation that [4 producers are responsible for 90% of the EU catches made by 124 vessels catching 95% of the sharks of the EU fleets in the Atlantic, Indian Ocean and Pacific and a total of 14 associated businesses responsible for about 80% of the EU supply chain](#) [24] are the winners clearly answers this question, no there isn't any true socio-economic benefit from shark fishing. As a matter of fact these four fishery producer organizations including [OR.PA.GU](#), the main surface longlining fleet having at this time 42 vessels that target sharks in all oceans. The fishery had unsuccessfully tried to achieve MSC certification back in 2015/2016 and has also been the main driver behind the vocal oppositions over the last five years against a retention ban for shortfin mako in the Atlantic, even challenging ICCAT's SCRS advice on the outcome of the stock assessments published in 2019.[26] Simply blaming others, in this case the Chinese, of being even worse instead of addressing the real problems such as the unprecedented loss of biodiversity by overfishing and the illegal trade of threatened species for the value of their fins will certainly not resolve the problems. Stopping the trade of loose fins in EU aims to close down illegal over-exploitation and existing loopholes in a business driven by the massive overexploitation of sharks at a global level and should thus present a clear mandate for the EU to now walk the talk of its [EU Biodiversity Strategy for 2030](#), [Green Deal](#) and the other pledges of being a global leader in marine conservation.

4. The Political Debate of the Pros and Contras of the ECI's Request for a Trade Ban for Fins

The debate started with an emotional pledge for sharks and a healthy ocean by [Dr. Silvia Earle](#), the former NOAA scientific director and founder of Mission Blue, who is often called “Her Deepness” as having been one of the pioneers in female scuba diving and deep sea expeditions. She stressed, that a healthy ocean is needed by both sharks and humans but depends on healthy shark populations, de-mything the common fisheries’ claim that sharks are needed for food security. *“Isn’t it time to market hope for the ocean and for us by protecting life in the ocean for reasons beyond providing luxury dining and enterprises that commercially kill wildlife for money?”* she said and highlighted that the overall value of living sharks is much, much higher than the economic benefits from dead sharks.

[Stefanie Brendl, Shark Allies](#) who has supported successful shark fin bans in several US states over the last decade also emphasized that the value from the export of fins for shark fin soup is the main driver behind the massive targeting of sharks by industrial fleets and compared the mass killing with removing *“red blood cells off the ocean, take too many of them and the whole system suffers.”* She also linked the listing of an unprecedented number of shark species by CITES last year to *“how bad things really are when having to list so many species from one group of animals”* and reminded the EU of its legal obligations under CITES and CMS as fins of CITES species continue entering the markets illegally. Differentiating fins of different shark species in view of the little capacity existing for specialized training at a global level is an almost impossible task that will require decades to be addressed. At the end she called to the audience to take action when saying *“sharks need you, us, the Commission and the members of Parliament to make some courageous decisions and to not shy away from what is hard”* anticipating the counter arguments presented little later by the fisheries trying to prevent the Commission from agreeing to what is needed.

[Bradley Soule](#) shared his experience from 20 years of fisheries enforcement and disclosed that in all that time he has never met an enforcement officer who believed that the current system of trading detached fins is enforceable. He also highlighted the challenges those officer face in trying to enforce existing species restrictions for the trade of fins when having to tell apart from which species a specific fin comes from, even after having been specifically trained to differentiate the appearance of different fins. Identifying species via DNA testing is also very unfeasible in customs’ routines when having to decide which fins to test out of thousands of fins piled together and while having those tested holding up a container worth large amounts of money, *“while thousands of other shipments go by without inspections”*. Therefore, he emphasizes having fins naturally attached to the body of the animals will *“drastically simplify enforcement”* and will improve compliance rates, as species can be identified much easier by the inspectors on basis of the complete animal presented.

In the following debate several concerned Members of the European Parliament also voiced their concerns over the presentation from Europeche and supported the request of the ECI, while some Spanish MEPs clearly supported the interests of Spanish shark fisheries, ignoring the obvious.

Many MEPs thanked the initiators of the Citizens’ Initiative and openly stated their support. [Grace O’Sullivan](#), Greens, Ireland summarized that the only argument she has heard from fisheries in support of shark fishing is the profit of few and she called it *“absolutely careless”* to overfish shortfin mako sharks to the extent that it has become endangered and [Francisco Guerreiro](#), Greens Portugal asked which EU fisheries Europeche has been talking about. He called for the companies behind these fisheries being named and to disclose who is actually working on those vessels, referring to the fact that most fisheries rely on third country

workforces who are poorly treated. He also emphasized that the myth of these fleets being small scale fisheries.

[Angela Danzi](#), Italy requested the EU to disclose how many independent checks and monitoring the EU performs to verify and enforce that finning does not happen? She is concerned that the data are not there as an at sea observer coverage of only 1 to 3% and answers need to be provided.

[Ska Keller](#), Greens, Germany highlighted that shark meat mostly ends up in fish and chips and people are often not aware that they are eating sharks. *“We really should learn the lesson from ivory”*.

[Manuela Ripa](#), Greens, Germany reminded everybody that we are in the midst of an ecosystem crisis and that the Commission has to take the voice of more than 1 million of its citizens seriously and challenged the EU’s claim of global leadership in protecting biodiversity. In face of the dramatic loss of biodiversity She was extremely *“How can [Europeche] state that everything is just fine?” in face of the dramatic loss of biodiversity we are experiencing? “The decline of sharks is real and the loss of biodiversity is real” she closed her statement.*

[Peter van Dalen](#), Christian Democrats, Netherlands went even one step further in summarizing that such a ban should be seen as a first step while solutions are also needed to reduce catches of threatened sharks and this should be addressed by both, the EU and by all other countries.

[Peter Schmidt](#), President of the Agriculture, Rural Development and Environment Section of the European Economic and Social Committee (EESC) showed his tie (full of shark pictures) to demonstrate his bias in favor of shark conservation and reported that all but one of the EESC members were in full support of the ECI’s request for an end of the trade with detached fins. *“Europe really needs to answer to itself what we want to hand over, money or an intact planet”* he said, and he made it clear that we cannot leave this to the fisheries to make this decision, while obviously fair transitions need to be provided for fisheries. He shared his own experience as a scuba diver how he has witnessed the dramatic declines in the numbers of sharks over the last 40 years.

[Caroline Roose](#), Greens, France spoke last in support of the Citizens’ Initiative request and made it very clear that, as long as there is a legal trade with fins there is a perfect scene for the illegal practice too and that the EU is the remaining main hub for this trade. She even compared the fin trade to ivory trade stating that *“only outlawing the trade in ivory did put an end to the massacre”*.

Although not all members of the PECHÉ Committee were present at the hearing and only few added their views in support of the Europeche position, their arguments altogether sounded rather repeated, and overall weak in view of the strong arguments that had been presented by the supporters. Nevertheless, we should be aware that they will be strong lobbyists for the fishing industry in this regard and certainly able to exert a strong influence also on the EU Commission.

[Ana Miranda](#), Greens, Spain, Vice Chair of PECHÉ spoke for Galicia supporting its fleet confirming that finning has never been committed by the Galician fleet asking for precise incidents also claiming that the fleet has made huge efforts repeating the usual phrases and complaining that the Asian fleets have yet to adopt similar standards including fins naturally attached.

[Clara Aguilera](#), Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, Spain was worried about IUU and the discrepancies on import data referencing to the obligation of member states to provide annual reports on compliance and that not all

species are not threatened to the same extent in all oceans, admitting that she herself also likes eating blue sharks as they are cheap.

[Francisco Milan Mon](#), Christian Democrats, Spain, argued that the finning and overfishing by third countries like China is the real problem that must be addressed and that this problem would not be affected by the proposed regulations, while the “*EU fleets come under fire*” and added that there have been new rules introduced to protect sharks since the ECI has started in 2020 and that last year’s CITES listing of blue sharks on App II will make the requested measure superfluous without disclosing what measures he had referred to.

5. Waiting for the Commission’s Response

Virginijus Sinkevičius, the EU-Commissioner for the Environment, Oceans and Fisheries, responsible for both the conservation of our oceans and the (sustainable) exploitation of marine resources by EU fisheries delivered the final speech at the hearing but had unfortunately missed most of the debate as having arrived late. He therefore had not heard the powerful arguments provided by the ECI and the strong support for a trade ban presented by both, experts and many members of the EU Parliament, when stressing that the EU has to also meet its obligations within the community of nations. However, he admitted that gaps in reporting and enforcement of existing regulations clearly exist and must be addressed, while leaving it open what might be the response by the Commission to the ECI’s request for a fin trade ban, which he acknowledged has become much clearer during today’s debate.

He thanked the representatives of the ECI for having started this initiative and announced that the Commission will communicate its decision on how to progress this further, as required by the ECI statutes, by the end of July.

We certainly would have wished for a clearer statement from him at this point, especially as we are aware of the huge influence the fisheries have in trying to influence this decision, which really must be evaluated from a conservation perspective and in view of the non-enforceability of existing conservation regulations, and the EU’S obligation under CITES and CMS.

Fisheries fearing for their profits may still not be willing to accept the extent of the global decline of sharks and the loss of biodiversity our oceans are experiencing, when fighting vigorously against losing its extremely lucrative business, for a few rich fleet owners, but by now even those fisheries should be aware that it is only a matter of time until all shark populations will be overfished and stocks collapsing, generating much larger, negative impacts for all fisheries and the ability of marine ecosystems to provide food for this and future generations. However, as this will once again hit the global South first and hardest, the rich EU fisheries apparently prefer to ignore the facts, the existing science, and the clear demand of 1.1 million EU Citizens.

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