



Government of India
Ministry of Environment, Forests and Climate Change
(Wildlife Division)

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Ali Ganj, Jor Bagh Road
New Delhi 110003
Dated: 12th September 2014

F. No. 4-45/2014/ WL

CIRCULAR

Sub: Implementation of CITES CoP 16 Decision of listing of six species of sharks and rays in Appendix –II from 14th September 2014 – reg.

This is to inform that the Conference of Parties of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in its 16th meeting held at Bangkok from 3-14 March 2014 has decided to list six sharks and ray species on the Appendix – II of CITES with effective from 14th September 2014. The new six species of sharks and rays that will be listed in Appendix – II of CITES are a) Oceanic Whitetip Shark (*Carcharhinus longimanus*), b) Scalloped Hammerhead Shark (*Sphyrna lewini*), c) Great Hammerhead Shark (*Sphyrna mokarran*), d) Smooth Hammerhead Shark (*Sphyrna zigaena*), e) Porbeagle Shark (*Lamna nasus*) and f) Manta Rays (*Manta spp.*). The relevant amendment to CITES Appendices may be seen at URL: <http://cites.org/sites/default/files/eng/notif/2013/E-Notif-2013-012.pdf>. Also full text of CITES convention may be seen at www.cites.org.

In this regard, listing of new shark and ray species on CITES Appendix –II was brought to the notice of Department of Animal Husbandry, Dairy and Fisheries vide letter No. 4-28/2013/WL-I dated 20th January 2014 and also requested to conduct non-detrimental findings (NDF) study to know the sustainable harvest levels. The copy of the letter is enclosed.

With listing of these species of sharks and rays in CITES Appendix II, the specimens (parts and derivatives) of these species along with already listed a) Basking Shark (*Cetorhinus maximus*), b) Mackerel shark (*Carcharodon carcharias*), and c) Whale Shark (*Rhincodon typus*) shall be governed by Article IV of the Convention. Additionally trade in shark specimens of *Pristidae spp.* which is listed on Appendix I of CITES is not allowed.

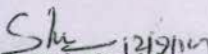
As per Article IV of CITES, the export of any specimen of a species included in Appendix II shall require prior grant and presentation of an export permit, which will be issued based on the advice of Scientific Authority that such export will not be detrimental to the survival of that species and on satisfaction of CITES Management Authority of the state of export.

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In view of these provisions, the trade of these shark specimens (parts and derivatives) requires prior CITES export permits. The exporter who wishes to undertake international trade in these Appendix –II species of sharks and rays may approach Office of Assistant CITES Management Authorities/Regional Deputy Directors, Wildlife Crime Control Bureau located at New Delhi, Kolkata, Mumbai and Chennai. The contact details and jurisdictions of Assistant CITES Management Authorities are available on www.wccb.gov.in.

In this regard, all the stakeholders are requested to abide by the provision of CITES while exporting or importing or re-exporting the species that are listed in the Appendices of CITES. This issues with the approval of CITES Management Authority of India and Director, Wildlife Preservation.

However, hunting of as well as trade in Whale Shark (*Rhincodon typus*) and Shark and Rays *Anoxypristis cuspidata*, *Carcharhinus hemiodon*, *Glyphis gangeticus*, *Glyphis glyphis*, *Himantura fluviatilis*, *Pristis microdon*, *Pristis zijsron*, *Rhynchobatus djiddensis* and *Urogymus asperrimus* listed is prohibited even though some species are listed in Appendices of CITES as these species are listed under Part IIA of Schedule I of Wild Life (Protection) Act, 1972.


(Shiv Pal Singh)

Joint Director (WL)

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Distribution:

1. The Secretary, Department of AHD&F, Ministry of Agriculture, New Delhi
2. The Director General, DGFT, Department of Commerce, Ministry of Industries and Commerce, New Delhi (with a request to incorporate the EXIM policy)
3. The Principle Secretary (Fisheries), All States/UT Governments
4. The Principle Secretary (Forests), All States/UTs Governments
5. The Director, WII, ZSI and CMFRI
6. The Joint Secretary (Fisheries), Ministry of Agriculture, New Delhi
7. The Additional Director, Wildlife Crime Control Bureau, New Delhi
8. Assistant CITES Management Authorities/Regional Deputy Director, Wildlife Crime Control Bureau, New Delhi, Kolkata, Mumbai and Chennai
9. NIC for uploading on the website
10. Guard file

Encl: As above.

**Government of India
Ministry of Environment and Forests
(Wildlife Division)**

**Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi-110003**

**F. No. 4-28/2013/WL-I
Dated: 20 January 2014**

**The Joint Secretary (Fisheries)
Department of Animal Husbandry, Dairy and Fisheries
Ministry of Agriculture, New Delhi**

**Sub: CITES Notification to the Parties on – Information to be submitted for the
21st meeting of Plants Committee and 27th meeting of the Animals Committee – reg.**

Dear Sir,

The Government of India is a party to Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) with this Ministry as Focal Point. The complete text of the convention may be seen on website: www.cites.org. Recently, 16th meeting of Conference of Parties of CITES was held at Bangkok, wherein a delegation headed by CITES Management Authority of India participated. During the meeting, it was agreed that the Sharks species *Carcharhinus longimanus*, *Sphyrna lewini*, *Sphyrna lewini* (Population of Costa Rica), *Sphyrna mokarran*, *Sphyrna zygaena*, *Lamna nasus* and *Manta spp.* will be listed in the appendix II of CITES with effect from 14th September 2014. The CITES notification No. 2013/056 dated 6th December 2013 on the above subject may be seen on the website of the CITES.

Once these shark species are listed in the Appendix of CITES, trade in specimen thereof will be subject to the provisions of the CITES, especially the Article IV.

The Article IV reads as under:

Article IV

Regulation of Trade in Specimens of Species Included in Appendix II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
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;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

- (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II 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.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
- (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

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.

The shark species referred above and listed under appendix II of the CITES with effect from 14th September 2014 are not listed in the Wildlife (Protection) Act, 1972 and have implication in respect of livelihoods options to the fishermen living in coastal areas. They are fished by the fishermen. In order to issue of CITES permit to facilitate the export of specimen of these species, after their listing in appendix II of the CITES comes into force, it will be essential to have completed the non-detrimental findings (NDF) study to know the sustainable harvest level.

Therefore it is requested that Department of Animal Husbandry, Dairy and Fisheries may consider instituting ~~an NDF study through~~ one of the Scientific Authorities designated by the CITES Management Authority of India which are competent to conduct such studies. The list of these authorities is available on the website of the CITES.

Further, it may be appropriate to note that Whale Shark (*Rhincodon typus*), Shark and Rays as *Anoxypristis cuspidata*, *Carcharhinus hemiodon*, *Glyphis gangeticus*, *Glyphis*

glyphis, *Himantura fluviatilis*, *Pristis microdon*, *Pristis zijsron*, *Rhynchobatus djiddensis* and *Urogymus asperrimus* are listed in the Part IIA of Schedule I of Wild Life (Protection) Act, 1972 (Wildlife Act) and capturing, killing, poisoning, snaring and trapping them are prohibited. Department of Animal Husbandry, Dairy and Fisheries may help increase awareness about the provision so that the full protection to the protected species of sharks may be ensured.

Yours faithfully,

Shiv 20/11/14
(Shiv Pal Singh)
Joint Director (WL)
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