

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2002/0198(CNS)	Procedure completed
Fish stock conservation: prohibition of removing fins of sharks on board vessels		
Amended by 2011/0364(COD)		
Subject 3.15.01 Fish stocks, conservation of fishery resources		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		30/09/2002
		ELDR ATTWOOLL Elspeth	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health, Consumer Policy		02/10/2002
		ELDR DAVIES Chris	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2516	25/06/2003
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries		

Key events			
05/08/2002	Legislative proposal published	COM(2002)0449	Summary
23/09/2002	Committee referral announced in Parliament		
20/02/2003	Vote in committee		Summary
20/02/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0043/2003	
27/03/2003	Decision by Parliament	T5-0124/2003	Summary
25/06/2003	Act adopted by Council after consultation of Parliament		
26/06/2003	End of procedure in Parliament		
04/07/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0198(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2011/0364(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/5/16601

Documentation gateway

Legislative proposal		COM(2002)0449 OJ C 331 31.12.2002, p. 0121 E	05/08/2002	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0043/2003	20/02/2003	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0124/2003 OJ C 062 11.03.2004, p. 0019-0156 E	27/03/2003	EP	Summary
Non-legislative basic document		COM(2005)0700	23/12/2005	EC	Summary
Follow-up document		COM(2016)0207	15/04/2016	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2003/1185](#)
[OJ L 167 04.07.2003, p. 0001-0003](#) Summary

Fish stock conservation: prohibition of removing fins of sharks on board vessels

PURPOSE : to end a practice which results in the death of large quantities of sharks by prohibiting shark finning which involves the removal of fins and the discarding of the remainder of the shark at sea. **CONTENT** : the effects of this practice, encouraged by the strong international market that exists for shark fins, is having serious effects on several shark populations. The Commission proposes, therefore, to prohibit this practice within all EU waters and for all EU vessels wherever they fish beyond EU waters. It recognises, however, the possibility for a legitimate targeted shark fishery involving full use of the catch. Given the problems involved in the identification of species on the basis of removed fins, the Commission proposes to apply this prohibition to all Elasmobranchs (which include sharks, skates, rays...). The practice of cutting ray wings would not be covered by this prohibition, however, as it aims at using the most important part of the fish flesh and ray wings are easily recognisable. This prohibition would apply to all types of fishing in EU waters. In line with the EU commitment to stock conservation in all waters where its vessels operate, this practice would also be banned for all EU vessels fishing beyond EU waters. The Commission believes that this approach will encourage the adoption of the measure in Regional Fisheries Organisations. Finning would, however, be allowed if the removal of fins were part of a process to make more efficient use of all the shark parts on board. In this case, the Member States concerned would be required to issue and manage a special fishing permit for this purpose. To ensure that all parts of the shark are kept on board, those issued with special permits would also be required to enter all relevant data in a logbook. According to scientific knowledge, many stocks of shark are under serious threat. Until more detailed scientific data on these species become available to allow for the establishment of appropriate rules to protect them, this measure would contribute to their conservation. There is a strong international demand for shark fins. However, the relative low value of shark meat, combined with the practical constraints of its conservation on board, have encouraged the practice of finning. This proposed Regulation would form part of the implementation by the EU of a plan of action for the conservation and sustainable use of sharks in line with the FAO Code of Conduct for Responsible Fisheries and the FAO International Action Plan for sharks.?

Fish stock conservation: prohibition of removing fins of sharks on board vessels

The committee adopted the report by Elspeth ATTWOOLL (ELDR, UK) broadly approving the proposal under the consultation procedure,

subject to a number of amendments. It made a number of drafting changes aimed at clarifying the text and introducing a catch certification system, similar to that used for *Dissostichus*. Whereas the Commission proposal provided for shark products to be transhipped or landed "at the same time", MEPs pointed out that in order for these products to be marketed profitably, it must be possible to land and market each of them separately in different ports, since the markets were different and were to be found all round the world. Pointing out that this was a preventive Regulation without a precedent, the committee called for its implementation to be carefully monitored and for these findings to be presented to the Member States and the European Parliament no later than two years after the Regulation's entry into force. Lastly, it wanted the Regulation to be incorporated into fishing agreements between EU Member States and non-EU countries.?

Fish stock conservation: prohibition of removing fins of sharks on board vessels

The European Parliament adopted a resolution drafted by Elspeth ATTWOOLL (ELDR, UK) on the Commission's proposal. (Please refer to the document dated 20/02/03.) Parliament went to state that the Commission should develop by 31/12/03 a comprehensive action plan for the conservation and sustainable exploitation of elasmobranchs, in line with the FAO Code of conduct for Responsible Fisheries and the international plan of action for the conservation and management of sharks. It also specified that all vessels must keep logbook records detailing, species by species, weights of sharks retained on board, transhipped, landed or discarded as bycatch.?

Fish stock conservation: prohibition of removing fins of sharks on board vessels

PURPOSE : to lay down measures restricting the practice of shark finning. COMMUNITY MEASURE : Council Regulation 1185/2003/EC on the removal of fins of sharks on board vessels. CONTENT : Fish belonging to the taxon Elasmobranchii, which includes sharks, skates, rays and similar species are generally very vulnerable to exploitation due to their life-cycle characteristics. Most of these species are often caught as by-catch in Community fishing activities directed to other more valuable species. Current scientific knowledge, generally based on the examination of catch rates, indicates that many stocks of sharks are seriously under threat. The practice of 'shark finning', whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea, may contribute to the excessive mortality of sharks to such an extent that many stocks of shark are depleted and their sustainability endangered. This Regulation prohibits the removal of shark fins on board vessels and the retention on board of shark fins, their transshipment or landing. It also prohibits the purchase, offer for sale or selling of shark fins, which have been removed on board, retained, transhipped or landed as above. There are, however, derogations: - the removal of fins from dead sharks on board may be allowed if the removal aims at a more efficient use of all shark parts by the separate processing on board of fins and of the remaining parts of the sharks. In this case, the flag Member State should issue and manage, with associated conditions, a special fishing permit in accordance with Council Regulation 1627/94EC. - in order to ensure that all the remaining parts of sharks are kept on board, after the removal of fins, masters of vessels which hold a valid special fishing permit must keep records of the amounts of shark fins and of the remaining parts of sharks after evisceration and beheading. Such records should be kept in the logbook as provided for by Council Regulation 2847/93/EC establishing a control system applicable to the common fisheries policy, or in a special register as appropriate. This Regulation applies to vessels in maritime waters under the sovereignty or the jurisdiction of Member States as well as to vessels flying the flag or registered in Member States in other maritime waters. ENTRY INTO FORCE : 02/09/03.?