



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2011/0364(COD) Procedure completed
Fish stock conservation: removal of fins of sharks on board vessels Amending Regulation (EC) No 1185/2003 2002/0198(CNS)	
Subject 3.15.01 Fish stocks, conservation of fishery resources	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		20/12/2011
		PPE PATRÃO NEVES Maria do Céu	
		Shadow rapporteur	
		S&D ARSENIS Kriton	
		ALDE DAVIES Chris	
		Verts/ALE ROMEVA I RUEDA Raúl	
		ECR STEVENSON Struan	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety		19/01/2012
		ALDE ZANONI Andrea	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	3244	06/06/2013
	Agriculture and Fisheries	3155	19/03/2012
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	DAMANAKI Maria	
European Economic and Social Committee			

Key events			
21/11/2011	Legislative proposal published	COM(2011)0798	Summary
30/11/2011	Committee referral announced in Parliament, 1st reading		
19/03/2012	Debate in Council	3155	Summary
	Vote in committee, 1st reading		

19/09/2012			
01/10/2012	Committee report tabled for plenary, 1st reading	A7-0295/2012	Summary
21/11/2012	Debate in Parliament		
22/11/2012	Results of vote in Parliament		
22/11/2012	Decision by Parliament, 1st reading	T7-0449/2012	Summary
06/06/2013	Act adopted by Council after Parliament's 1st reading		
12/06/2013	Final act signed		
12/06/2013	End of procedure in Parliament		
29/06/2013	Final act published in Official Journal		

Technical information

Procedure reference	2011/0364(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1185/2003 2002/0198(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/07848

Documentation gateway

Legislative proposal		COM(2011)0798	21/11/2011	EC	Summary
Document attached to the procedure		SEC(2011)1391	21/11/2011	EC	
Document attached to the procedure		SEC(2011)1392	21/11/2011	EC	
Economic and Social Committee: opinion, report		CES0833/2012	28/03/2012	ESC	
Committee opinion	ENVI	PE480.798	27/04/2012	EP	
Committee draft report		PE483.760	25/06/2012	EP	
Amendments tabled in committee		PE494.505	25/07/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0295/2012	01/10/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0449/2012	22/11/2012	EP	Summary
Commission response to text adopted in plenary		SP(2013)73	23/01/2013	EC	
Draft final act		00076/2012/LEX	12/06/2013	CSL	

Follow-up document		COM(2016)0207	15/04/2016	EC	Summary
Additional information					
National parliaments		IPEX			
European Commission		EUR-Lex			
Final act					
Regulation 2013/605 OJ L 181 29.06.2013, p. 0001 Summary					

Fish stock conservation: removal of fins of sharks on board vessels

PURPOSE: to amend Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels in order to ensure proper management and conservation of shark stocks.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels establishes a general prohibition to the practice of 'shark finning', whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea. In recent years, some shark populations have been severely targeted and put under serious threat as a result of a dramatic increase in demand for shark products, fins in particular.

The EU has made several international commitments to protect sharks, in line with the Organisation of the United Nations (FAO) Code of Conduct for Responsible Fisheries, and in particular under the International Plan of Action on Sharks (IPOA-Sharks) adopted by the FAO in 1999. The FAO IPOA was the basis for the 2009 [Commission Communication on a European Community Action Plan for the Conservation and Management of Sharks](#), whereby the Union committed itself to adopt all necessary measures for the conservation of sharks and to minimize waste and discards from shark catches.

IMPACT ASSESSMENT: the European Commission held a public consultation of stakeholders and the general public, between 2010 and 2011, in order to gather information on the most appropriate manner in which Council Regulation (EC) No 1185/2003 should be amended. The results of the consultation show that the 'fins-remain-attached' approach is regarded as the preferred option.

LEGAL BASIS: Article 43 (2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: Regulation (EC) No 1185/2003 allows Member States to issue special fishing permits allowing processing on board, whereby shark fins can be removed from the bodies. In order to ensure the correspondence between the weight of fins and bodies, a 'fin-to-carcass' weight ratio is established. However, given that such processing takes place on board vessels, fins and bodies can be landed in different ports. Inspectors must rely on logbook records to determine whether or not the fin allowance has been respected. In such cases, and given the varying levels of control and enforcement in ports around the world where such landings take place, 'shark finning' can and does occur, and is often difficult to detect, let alone prove in legal proceedings. Under these circumstances, the collection of data (e.g. species identification, population structure) underpinning scientific advice for the establishment of fisheries management and conservation measures is hampered.

The Scientific, Technical, and Economic Committee for Fisheries (STECF) acknowledges the problem of shark finning and calls for its eradication without exemption, and advises that all elasmobranch species should be landed with fins /wings attached. Regional Fisheries Management Organisations are increasingly addressing the issue of shark finning and their scientific bodies are showing preference for the landing of sharks with their fins naturally attached to the body.

Therefore, in order to ensure proper management and conservation of shark stocks, it is appropriate to amend Regulation (EC) No 1185/2003.

BUDGETARY IMPACT: the proposal has no impact on the EUs budget.

Fish stock conservation: removal of fins of sharks on board vessels

The Council adopted a general approach supporting the landing of all sharks with their fins attached, as proposed by the Commission ([doc 6719/2/12](#)).

The Council will now await the European Parliament's position at first reading before formalising its own position.

Fish stock conservation: removal of fins of sharks on board vessels

The Committee on Fisheries adopted the report by Maria do Céu PATRÃO NEVES (EPP, PT) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels.

The parliamentary committee recommends that the European Parliaments position at first reading under the ordinary legislative procedure should be to amend the Commission proposal as follows:

A necessary element of the Unions marine ecosystem: Members wish to underline that shark fins do not constitute a traditional ingredient of

the European diet, but sharks do constitute a necessary element of the Unions marine ecosystem. Therefore, their management and conservation, as well as in general, the promotion of a sustainably managed fishing sector for the benefit of the environment and of the people working in the sector, should be the priority.

Special fishing permit: this is defined as a prior fishing authorisation issued and managed in accordance with Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy. The text has been recovered from the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1185/2003 and altered following the two main options of this report, i.e. to strengthen control and to narrow the present derogation.

On-board storage of shark fins: to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass or, in the cases indicated in Article 4 (derogations), completely removed from the carcasses. According to Members, completely removing the fins from the carcasses can save room on board, working hours, and also fuel because vessels have a longer autonomy at sea.

Reports: where fishing vessels flying the flag of a Member State catch, retain on-board, tranship or land sharks, the flag Member State shall send to the Commission, annually, by 1 May at the latest, a comprehensive annual report on the implementation of this Regulation during the previous year. The report shall describe the monitoring of compliance with the Regulation of vessels in the EU and non-EU waters, and the enforcement measures taken by Member States in cases of noncompliance.

In particular, the following information shall be provided:

- the number, date and place of inspections carried out;
- the number and nature of cases of noncompliance detected, including a full identification of the vessel(s) involved and the penalty applied for each case of noncompliance;
- the total landings by species (weight/number) and by port.

Fish stock conservation: removal of fins of sharks on board vessels

The European Parliament adopted by 566 votes to 47, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels.

Parliaments position at first reading under the ordinary legislative procedure amends the Commission proposal as follows:

A necessary element of the Unions marine ecosystem: Parliament underlines that shark fins do not constitute a traditional ingredient of the European diet, but sharks do constitute a necessary element of the Unions marine ecosystem. Therefore, their management and conservation, as well as, in general, the promotion of a sustainably managed fishing sector for the benefit of the environment and of the people working in the sector, should be the priority.

A new recital stresses that current scientific knowledge, based on the examination of shark catch rates, generally indicates that many stocks of sharks are under serious threat, although the situation is not the same for all of the species or even for the same species in different maritime zones. According to the International Union for Conservation of Nature (IUCN), more than 25 % of all pelagic shark species, of which over 50 % are large oceanic-pelagic sharks, are threatened.

On-board storage of shark fins: Members want to do away with the derogations to the European ban on removing shark fins and throwing their carcasses over board. The amended text stipulates that to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass but that they must not be removed from the carcass before landing.

Reports: where fishing vessels flying the flag of a Member State catch, retain on-board, tranship or land sharks, the flag Member State shall, in accordance with Council Regulation (EC) N° 1224/2009 establishing a community control system for ensuring compliance with the rules of the common fisheries policy and Commission Implementing Regulation (EU) N° 404/2011 laying down detailed rules for the implementation of Regulation (EC) N° 1224/2009, send to the Commission, annually, by 1 May at the latest, a comprehensive report on the implementation of this Regulation during the previous year. The report shall describe the monitoring of compliance with the Regulation of vessels in the Union and non-Union waters, and the enforcement measures taken by Member States in cases of non-compliance. In particular, the following information shall be provided:

- the number, date and place of inspections carried out;
- the number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved and the penalty applied for each case of non-compliance;
- the total landings by species (weight/number) and by port.

Fish stock conservation: removal of fins of sharks on board vessels

PURPOSE: to put an end to the exemptions in place as regards the removal of shark fins.

LEGISLATIVE ACT: Regulation (EU) No 605/2013 of the European Parliament and of the Council amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels.

CONTENT: Council Regulation (EC) No 1185/2003 establishes a general prohibition of the practice of shark finning, whereby a sharks fins are removed and the remainder of the shark is discarded at sea. However, it currently allows Member States to issue special fishing permits allowing sharks to be processed on board by removing their fins from their bodies.

This Regulation deletes this exemption. It states that in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before landing.

Where vessels flying the flag of a Member State catch, retain on-board, tranship or land sharks, the flag Member State shall send to the Commission, annually, by 1 May, a comprehensive report on its implementation of this Regulation during the previous year. In particular, the

flag Member State shall provide all of the following information:

- the number of landings of sharks,
- the number, date and place of the inspections that have been carried out,
- the number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved and the penalty applied for each case of non-compliance, and
- the total landings by species (weight/number) and by port.

The Commission shall, by 1 January 2016, report on the operation of this Regulation and the international developments in this field.

The Regulation recalls that the Scientific, Technical, and Economic Committee for Fisheries (STECF) acknowledges the problem of shark finning, calls for its eradication, without derogations, and advises that all elasmobranch species should be landed with their fins/wings naturally attached to their bodies.

ENTRY INTO FORCE: 06/07/2013.

Fish stock conservation: removal of fins of sharks on board vessels

The Commission presents a report on the operation of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels, as amended by Regulation (EU) No 605/2013, and on the international developments in this field.

To recall, Council Regulation (EC) 1185/2003 established a general prohibition of the practice of shark finning, which consists of the removal of a shark's fins and the discarding of the remaining carcass at sea. Under the Regulation, Member States could issue special fishing permits for the processing of sharks on board. To prevent finning, the Regulation established a fin-to-carcass ratio for processed sharks.

[Regulation \(EU\) 605/2013](#) states that where vessels flying the flag of a Member State catch, retain on-board, tranship or land sharks, the flag Member State shall send to the Commission, annually a comprehensive report on its implementation of the Regulation.

The Member State particularly provided information on:

- the number of times sharks were landed,
- the number, date and place of the inspections,
- the number and nature of cases of non-compliance as well as the penalty applied, and
- the total landings by species (weight/number) and by port.

Member States' reporting: the Commission notes that Member States' submission of annual reports has been incomplete in that only 14 out of 23 coastal Member States submitted full reports on their implementation of the Regulation in both 2013 and 2014, while three coastal Member States - Croatia, Romania and Italy - did not submit any report, in spite of numerous reminders by the Commission.

However, all Member States that in the past had issued special fishing permits for on-board processing of sharks submitted at least one report on their implementation of the Regulation. Member States reported the data also to different extents and in different formats.

Seven Member States report landings of more than 50 tonnes in 2013, with two Member States standing out (Spain, with over 60,000 tonnes, and France, with over 15,000 tonnes). Half of the Member States that previously had issued special fishing permits to allow on-board processing of sharks did not report any catches of sharks by their fleets.

Spain and Portugal have the highest ratios of volumes per landing. In the specific case of blue shark - a species for whose fins there is a market - the Spanish and Portuguese fleets have the largest shares in volumes.

The number of infringements identified during the inspections carried out by the Member States that provided the required data to the Commission, appear to be a very limited. Over 4,400 inspections were reported for 2013, during which four cases of infringements were found.

Concerns raised: the Commission is aware of the concerns raised in one of the Member States reports, which are similar to those raised by some Member States and stakeholders during the previous public consultation, that the implementation of the Regulation complicates the handling of the carcasses and imposes additional costs on the vessels concerned. The Commission will continue monitoring the situation and its economic consequences. Such difficulties may be addressed to a certain extent by existing instruments, including those of the [European Maritime and Fisheries Fund](#) (EMFF) to help find practical solutions to the alleged difficulties.

International developments: the Commission also believes that it is important to pursue the active promotion of fins-naturally-attached policies at the international level in line with the request of the Council to increase international support that contributes to a more level playing field, even if the EU proposals are not adopted.

The EU is also a key promoter of the UN General Assembly Resolution on Sustainable Fisheries, which calls upon states to take immediate and concerted action to improve the implementation of and compliance with existing RFMO or arrangement measures that regulate shark fisheries and incidental catch of sharks.