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

2011/0364(COD) - 21/11/2011 - Legislative proposal

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.