

**AMENDMENTS 001-013**

by the Committee on Fisheries

**Report****Maria do Céu Patrão Neves****A7-0295/2012**

Removal of fins of sharks on board vessels

Proposal for a regulation (COM(2011)0798 – C7-0431/2011 – 2011/0364(COD))

**Amendment 1****Proposal for a regulation****Recital 2***Text proposed by the Commission*

(2) Fish belonging to the taxon *Elasmobranchii*, including sharks, skates and rays are generally very vulnerable to overexploitation due to their life cycle characteristics of slow growth, late maturity and small number of young. 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.

*Amendment*

(2) Fish belonging to the taxon *Elasmobranchii*, including sharks, skates and rays are generally very vulnerable to overexploitation due to their life cycle characteristics of slow growth, late maturity and small number of young, **although biological productivity is not the same for all species. Generally**, in recent years, some shark populations have been severely targeted **including by Union flagged vessels operating in Union and non-Union waters**, and put under serious threat as a result of a dramatic increase in demand for shark products, fins in particular.

*Justification*

*The generalization presented in this recital is not acceptable in terms of the scientific accuracy which is necessary for introduction of additional protection and conservation measures. This kind of generalization generates misunderstandings mainly when a large variety of species are put together: “Elasmobranchii, including sharks, skates and rays”. Just within the almost 400*

*species of sharks there is a wide range of biological productivity.*

*Generalizations leading to ambiguities continue also in the second paragraph where it is written that “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 shark populations under serious threat are not identified nor are the fleets responsible for that situation clearly mentioned. This regulation applies only to the vessels in maritime waters under the sovereignty or jurisdiction of Member States and to vessels flying the flag or registered in Member States in other maritime waters.*

*EU nations combined catch the second-largest share of sharks globally – 17% of the world’s reported shark catches in 2009, according to the Food and Agriculture Organization of the United Nations (FAO). These catches are mainly realized by Spanish and Portuguese fleets operating in the Atlantic Oceana, Pacific Ocean and Indian Ocean.*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Shark fins do not constitute a traditional ingredient of the European diet, but sharks do constitute a necessary element of the Union’s 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 a priority.***

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2b) 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. In recent years, the capture, retention, transshipment, or landing of a growing number of shark species has been prohibited under Union law or in the framework of Regional Fisheries Management Organisations, including that of sharks whose fins are highly valuable in trade.*

#### *Justification*

*The proposed amendment is grounded on the justification of Amendment 1.*

*For decades, sharks have been caught as target species and/or bycatch by the EU fleet without catch limits for the majority of species. Such long term unregulated fisheries have led to the severe decline in many populations. Figures mentioned are from Dulvy et al., 2008, Aquat. Conserv. 18, 459-482 (IUCN Shark Specialist Group <http://www.iucnssg.org/>)*

#### **Amendment 4**

##### **Proposal for a regulation**

##### **Recital 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*(2c) Blue shark (*Prionace glauca*) and shortfin mako (*Isurus oxyrinchus*), classified by the IUCN as "near-threatened" and "vulnerable" respectively, are currently the predominant species of shark captured by the European fleet, with blue shark accounting for approximately 70 % of the total of reported shark landings. Other species, however, including hammerhead and silky sharks, are also subject to capture in Union and non-Union waters and contribute to the economic viability of fisheries.*

#### *Justification*

*Blue shark, classified as near threatened by IUCN, and shortfin mako, classified as vulnerable under IUCN, are currently the predominant species in EU shark fisheries but this fishing pattern could evolve anytime. The EU fleet is operating in all oceans worldwide, in fishing grounds where other shark species are captured, such as silky sharks, classified as near threatened by IUCN, hammerhead sharks, classified as endangered by IUCN and where it is known that data collection and reporting are lacking. Along with blue shark and shortfin mako shark fins, those of hammerhead, and silky shark fins, are most valued in the global shark fin*

market. Limiting the reference in the regulation to one species does not do justice to the greater objective of this regulation. Based on latest available reported catch data (FAO 2010), blue shark corresponds to circa 70% of the total EU shark catch.

## Amendment 5

### Proposal for a regulation

#### Recital 3

##### *Text proposed by the Commission*

(3) 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' ratio is established, **however, following** processing operations, fins and bodies can be landed in different ports. **In such cases the use of the ratio becomes ineffective and gives scope for shark finning to occur.** Under these circumstances, the collection of data, e.g. species identification, populations structure, underpinning scientific advice for the establishment of fisheries conservation measures, is hampered.

##### *Amendment*

(3) 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' ratio is established. **There are serious control and enforcement difficulties with the use of 'fin-to-carcass' ratio systems. Such systems do not eliminate the practice of high-grading and, due to differences in fin-cutting techniques and the variability of the fin size and weight of different shark species, their use could lead to finning going undetected.** Following processing operations, fins and bodies can be landed in different ports. Under these circumstances, the collection of data, e.g. species identification, populations structure, underpinning scientific advice for the establishment of fisheries conservation **and management** measures, is hampered.

##### *Justification*

*There are control and enforcement difficulties associated with the use of a fin to carcass ratio that need to be stressed as simultaneous landings at the same port do not solve them.*

## Amendment 6

### Proposal for a regulation

#### Recital 4

##### *Text proposed by the Commission*

(4) In 1999 the Food and Agriculture Organisation of the United Nations (FAO)

##### *Amendment*

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adopted the International Action Plan for the Conservation and Management of Sharks, which 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. The Council endorsed the overall approach and specific objectives of the Union as set out in that Communication.

adopted the International Action Plan for the Conservation and Management of Sharks, which was the basis for Commission Communication on a European Community Action Plan for the Conservation and Management of Sharks *of 5 February 2009*, whereby the Union committed itself to adopt all necessary measures for the conservation of sharks and to minimize waste and discards from shark catches. The Council endorsed the overall approach and specific objectives of the Union as set out in that Communication, *and encouraged the Commission to pay particular attention to the question of the removal of fins and to present, as soon as possible, amendments to Regulation (EC) No 1185/2003, notably with reference to the exemptions and the associated conditions laid down therein.*

#### *Justification*

*The Council conclusions make explicit reference to Regulation No 1185/2003 and to the necessity of amending the exemptions to the ban on removing fins provided for therein.*

#### **Amendment 7**

##### **Proposal for a regulation**

##### **Recital 6**

###### *Text proposed by the Commission*

(6) 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.

###### *Amendment*

(6) 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 *and are noting that this is the best way to prevent finning and to facilitate the collection of data needed for stock assessments. The annual Resolutions on sustainable fisheries issued by United Nations General Assembly since 2007, the 2008 IUCN Global Policy against shark finning and the 2010 Meeting of the Fish Stocks Agreement Review Conference have all called on nations to take measures requiring that all sharks be landed with*

*their fins naturally attached.*

*Justification*

*There is a growing international momentum towards the use of 'fins naturally attached' policies to enforce finning bans. US fisheries, and most recently 8 Central American countries (Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama) have adopted a fins naturally attached policy. In addition, Taiwan, often accused of shark finning, has recently banned finning and is in the process to shifting from a fin to carcass ratio limit to a mandate that fins remain attached. Adopting such a policy in the EU, as well as taking the EU from lagging to leading, would allow the EU to join those advocating for similar measures in RFMOs and other international fora.*

**Amendment 8**

**Proposal for a regulation**

Article 1 – point 1

Regulation (EC) No 1185/2003

Article 2 – point 3

*Text proposed by the Commission*

***(1) Point 3 of Article 2 is deleted.***

*Amendment*

***(1) Point 3 of Article 2 is replaced by the following:***

***"3. "special fishing permit" means a prior fishing authorisation issued and managed in accordance with Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy."***

*Justification*

*We recovered the text from the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1185/2003 and altered it following the two main options of this report, as mentioned above, that is to strengthen control and to narrow the present derogation.*

**Amendment 9**

**Proposal for a regulation**

Article 1 – point 2

Regulation (EC) No 1185/2003

Article 3 – paragraph 1a

*Text proposed by the Commission*

1a. Without prejudice to paragraph 1, and

*Amendment*

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in order to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass.

in order 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, completely removed from the carcasses.*

#### *Justification*

*Different ways of processing fins have different impact in onboard storage. To completely remove the fins from the carcasses can save room on board, working hours, and also fuel because vessels have a longer autonomy at sea.*

### **Amendment 10**

#### **Proposal for a regulation**

##### **Article 1 – point 5**

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. 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, 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 of vessels with the Regulation, and the enforcement measures taken by Member States in cases of non-compliance. In particular, the following information shall be provided:

#### *Amendment*

1. 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:

#### *Justification*

*EU shark catches are often unreported or misreported (for instance, recorded under a different species name or under a general category name, such as “sharks”). Poor species-specific catch statistics hamper shark population assessments and fishery management. Control Regulation (EC 1224/2009), and Regulation (EU 404/2011) laying down detailed rules for the control*

*regulation, provide specific reporting requirements for fishing catch and effort in the EU, as well as requirements for inspections and sanctions. This amendment brings this Regulation into line with those existing requirements and further enhances the accessibility of information to scientists, decision-makers, industry, and public in order to improve conservation and management of shark populations.*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 1 – point 5**

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – indent 2

*Text proposed by the Commission*

*Amendment*

– The number of inspections carried out;

– The number, ***date and place*** of inspections carried out;

#### *Justification*

*Having precise data on the inspections carried out by the authorities concerned is important in order to gain a full picture of how correctly Member States are applying this regulation.*

## **Amendment 12**

### **Proposal for a regulation**

#### **Article 1 – point 5**

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – indent 3

*Text proposed by the Commission*

*Amendment*

– The number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved.

– 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.***

#### *Justification*

*EU shark catches are often unreported or misreported (for instance, recorded under a different species name or under a general category name, such as “sharks”). Poor species-specific catch statistics hamper shark population assessments and fishery management. Control Regulation (EC 1224/2009), and Regulation (EU 404/2011) laying down detailed rules for the control regulation, provide specific reporting requirements for fishing catch and effort in the EU, as well as requirements for inspections and sanctions. This amendment brings this Regulation into line with those existing requirements and further enhances the accessibility of information to scientists, decision-makers, industry, and public in order to improve conservation and management of shark populations.*



## Amendment 13

### Proposal for a regulation

#### Article 1 – point 5

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – indent 3 a (new)

*Text proposed by the Commission*

*Amendment*

***– the total landings by species  
(weight/number) and by port;***

#### *Justification*

*EU shark catches are often unreported or misreported (for instance, recorded under a different species name or under a general category name, such as “sharks”). Poor species-specific catch statistics hamper shark population assessments and fishery management. Control Regulation (EC 1224/2009), and Regulation (EU 404/2011) laying down detailed rules for the control regulation, provide specific reporting requirements for fishing catch and effort in the EU, as well as requirements for inspections and sanctions. This amendment brings this Regulation into line with those existing requirements and further enhances the accessibility of information to scientists, decision-makers, industry, and public in order to improve conservation and management of shark populations.*