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*****I**
REPORT

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
(COM(2011)0798 – C7-0431/2011 – 2011/0364(COD))

Committee on Fisheries

Rapporteur: Maria do Céu Patrão Neves

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT 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
(COM(2011)0798 – C7-0431/2011 – 2011/0364(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0798),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0431/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 28 March 2012¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0295/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Fish belonging to the taxon

Amendment

(2) Fish belonging to the taxon

¹ OJ C 181, 21.6.2012, p. 195.

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.

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 EU flagged vessels operating in EU and non-EU 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 the priority.

Amendment 3

Proposal for a regulation Recital 2b (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 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 captured by the European fleet, with blue shark accounting for circa 70 % of the total of reported shark landings. Other species, however, including hammerhead and silky sharks, are also subject to capture in EU and non-EU 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

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, ***however, following*** processing

(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. ***Serious control and***

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.

enforcement difficulties occur 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 variability of the fin size and weight of different shark species, they could allow finning to occur without being detected. 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) 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.

Amendment

(4) In 1999 the Food and Agriculture Organisation of the United Nations (FAO) adopted the International Action Plan for the Conservation and Management of Sharks, which was the basis for the **5 February** 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, *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 noting that this is the best way to prevent finning and will 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 called upon 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 (new)

Text proposed by the Commission

1a. Without prejudice to paragraph 1, and in order to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass.

Amendment

1a. Without prejudice to paragraph 1, and 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

2003/1185/EC

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 Regulations (EC) N° 1224/2009 establishing a community control system for ensuring compliance with the rules of the Common Fisheries Policy and (EU) N° 404/2011 laying down detailed rules for the implementation of the above regulation***, 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 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

– The number of inspections carried out;

Amendment

– 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

2003/1185/EC

Article 6 – paragraph 1 – indent 3

Text proposed by the Commission

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

Amendment

– 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

2003/1185/EC

Article 6 – paragraph 1 – indent 3a (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.

EXPLANATORY STATEMENT

Council Regulation (EC) N° 1185/2003 on the removal of fins of sharks on board vessels and the present proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) N° 1185/2003 on the removal of fins of sharks on board vessels are both concerned with preventing and combating a practice commonly known as 'finning'. This practice involves removing the fins from pelagic sharks, with the remaining parts of the animal's body being thrown into the sea.

The practice of finning is unacceptable from the environmental point of view, because it threatens the sustainability of some shark species targeted by this practice, from the social and economic point of view, because it involves squandering a source of food with commercial value, and also from the moral point of view, because it shows a total disrespect for animal life. The practice of finning should therefore be repudiated unequivocally, and appropriate measures should be taken to ensure that this practice is effectively banned in European waters and in the Community fleet.

It was against this background, with the express aim of preventing finning, that the Council adopted Regulation (EC) N° 1185/2003 on 26 June 2003, which prohibits the removal of shark fins on board vessels, as well as their retention on board and the transshipment or landing of shark fins (Article 3(1)). This Regulation provides for derogation (Article 4), but not as regards finning, which is absolutely prohibited, but as regards the removal of fins on board in highly specific situations, with special fishing permits. Accordingly finning is already banned in European waters and by the European fleet, and has been banned since 2003.

The report of 23 December 2005 from the Commission to the Council and the European Parliament on the operation of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels (COM(2005)700) and the own-initiative report of the European Parliament's Committee on Fisheries (INI/2054/2006) both conclude that finning is not practised in the European Union.

In spite of the lack of any evidence of finning being practised by the European fleet, the Commission as decided to present a proposal COM(2011)798 amending Regulation (EC) N° 1185/2003, which aim is to delete Article 4 of Regulation (EC) N° 1185/2003, i.e. to end the derogation from the ban on removing shark fins on board Community fishing vessels, a practice which, as noted above, is currently permitted provided that special fishing permits have been issued and subject to rules laid down by the regulation.

By ending the derogation, the Commission intends to “eradicate the horrendous practice of shark finning and protect sharks much better” (Maria Damanaki, official press release IP/11/1384), even though it should be stressed that the Commission has not put forward any evidence that the Community fleet is engaging in this practice. A further aim is to facilitate the gathering of data on which scientific advice is based and to promote the sound management and conservation of stocks. The Commission held a public consultation from 15 November 2010 to 21 February 2011 which led to the drafting of the current Commission proposal COM(2011)798 amending Regulation (EC) No 1185/2003.

These facts deserve the following comments from us:

– There is no data showing that finning is practised in European waters and/or by the European fleet, and the Commission proposal therefore contradicts the principle that it claims to follow, particularly in the current process of reforming the common fisheries policy, i.e. taking policy action on the basis of scientific data;

– The lack of data that the Commission might consider sufficient to prove that finning is not practised should be a reason for obtaining more data rather than for legislating without data, and much less for legislating precisely because there is no data. This inversion of the proper procedure as advocated by the Commission would constitute a serious precedent for the future, especially in view of the far-reaching changes that will result from the process of reforming the common fisheries policy;

– The Commission proposal is thus based on principles other than scientific principles, mainly international recommendations and public consultation;

– However, when international organisations discuss finning they do so in general terms, deploring its practice across the world. It is a fact that finning still goes on, but not specifically in European waters and/or by the European fleet, where any claims are based on no more than suspicions;

– Public consultation is an important indicator when policies are being drawn up but it should certainly not determine such policies, since this would be tantamount to an abdication of responsibility for political action; besides, the Commission's Impact Assessment Board has criticised the IA for not considering a broader range of options, such as strengthening control activities. The Commission has not undertaken any substantial assessment of the possible impacts for this option;

– Furthermore, in the Impact Assessment, the Commission has not attempted to make a *quantitative* assessment of the socio-economic impacts of the proposed policy options on the surface long-lining industry, which is the sector most concerned by the Regulation (that is the Commission's responsibility, and would also honor the commitment to always take into account the environmental, social and economic factors in the fisheries sector). The Commission justifies its purely *qualitative* assessment, by referring to deficiencies in available data and the mixed nature of many shark fisheries, making it difficult to make a meaningful quantitative assessment. Cost-benefit analyses have not been presented explicitly in the IA, but qualitative cost-benefit considerations are mentioned in the discussion of the above-mentioned impacts.

Taking the above into account, namely that (1) there is no evidence of finning being practised by the European fleet, (2) and that the Commission's proposal would heavily harm the European fleet that catches shark, I propose to address the real problem that is at stake, which is not the practice of finning but the control of the prohibition of finning, in order to wipe out any suspicious. I therefore propose:

– the obligation of transshipping and landing fins and carcasses always together in the same port;

– where local authorities can not assure due control, the vessels' masters should to hire an independent body to make the control;

– abolishing special fishing permits for the wet fish fleet;

– allowing special fishing permits only for the freezer fleet on condition that a traceability system is implemented making it possible to establish that the landed fins correspond to the trunks being landed.

A second aim of the Commission's proposal was to facilitate the gathering of data on which scientific advice is based what can never be achieved without the vessels owners' collaboration, and to promote the sound management and conservation of stocks. I therefore propose:

– the obligation for the vessels owners' to report the total number and total estimated weight of specimens retained by shark species;

– conduct self-sampling and reporting their shark catches by species.

This information would make possible a robust stock assessment and provide science-based effective conservation and management measures for sharks.

The overall proposals that are here put forward have the advantage to address positively the two concerns of the Commission – guarantee the compliance to the prohibition of finning, and to collect scientific data for good management -, and also the concerns of the sector - the legitimate economic and social interests - and of the NGOs – the protection of the sharks stocks.

27.4.2012

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

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 (COM(2011)0798 – C7-0431/2011 – 2011/0364(COD))

Rapporteur: Andrea Zanoni

SHORT JUSTIFICATION

The Commission's proposal

Regulation (EC) No 1185/2203 officially prohibits the harmful practice of finning, i.e. the removal of sharks' fins on board fishing vessels before throwing the shark bodies back into the sea, in the European Union.

The Regulation makes provision however for recourse to exemptions for which 'special permits' can be obtained. These exemptions have become the rule in two Member States, Spain and Portugal, in particular.

However, effective control of the complicated system whereby finning on board is permitted within the limits of the 5 % fin-to-carcass weight ratio has proved impossible. It is extremely difficult to check whether this ratio is being adhered to (the weight of the carcass varies depending on whether it has been gutted or not), especially when fins and carcasses are landed in different ports.

In the unanimous view of the scientific world, finning can only be stopped by making it mandatory for fins to be landed still naturally attached to the body.

Pursuant to this, and in keeping with FAO commitments, in 2009 the Commission presented the Communication on a European Community Action Plan for the Conservation and Management of Sharks, which led to this proposal amending Regulation (EC) No 1185/2003 by removing all the exemptions currently allowed.

A market in vulnerable species

Fish in the taxon *Elasmobranchii*, which includes sharks, skates and rays, have specific biological characteristics which make them particularly vulnerable to unregulated intensive

fishing. Their low reproduction potential, slow growth and slow population recovery rate are due to their reaching sexual maturity at an extremely late date: the male shortfin mako shark, for example, only becomes sexually mature at 7-9 years old, and the female at the age of 19-21. Furthermore, this species only reproduces every 3 years and the gestation period lasts 15/18 months, which restricts the number of young born.

The species fished the most are the blue shark (*Prionace glauca*), which comprises 1.8 % of the EU catch, and the shortfin mako (*Isurus oxirinchus*), comprising 10 %. The IUCN classes the shortfin mako as a vulnerable species and the blue shark as 'near threatened' in the world and 'vulnerable' in the Mediterranean.

Faced with the declining stocks in these species, the United States, eight Central American countries, Taiwan, Germany and the United Kingdom have already decided that finning on board fishing vessels will not be permitted any longer.

The EU has the second-highest shark catch globally: according to FAO Fishstat, in 2009 EU Member States recorded landings of 111 916 tonnes of ray, skate and shark, which equates to 16 % of landings worldwide.

The European Union is one of the biggest exporters of shark fins to Hong Kong and China, and this trade is one of the most profitable in the fishing sector: the fins are, in fact, the main ingredient in the much sought-after Chinese soup.

Position of the rapporteur for the opinion

The rapporteur strongly supports the Commission's proposal. The naturally attached fins method is the only valid way of restricting finning and ensuring that compliance with the regulation is controlled in a simple, effective manner that is not burdensome for Member States. The amendments tabled are intended therefore to clarify and strengthen the regulation.

In particular, it is important to state that inspections are to be extended to cover the whole scope of the regulation, meaning it is not just fishing vessels flying the flag of a Member State that are affected but also all fishing vessels in the Union's maritime waters. Japanese longliners, for example, quite often land shark fins in the port of Vigo, Galicia.

In view of the serious lack of scientific data on these species, the information on shark landings given to the Commission by Member States in their annual reports should be more detailed and include the name of the species caught, the number caught, the total weight per species and the fishing ground. This information can then be used to set up the scientifically reliable databanks needed to implement follow-up measures for the Community Action Plan on the Conservation and sustainable Management of Sharks.

The standard of the controls carried out should also be monitored more thoroughly, in order to provide the Commission with more precise and fuller information on the inspections and penalties imposed in the different Member States.

Next, it should be stated plainly in the body of the regulation as well that all fishing vessels are required to land sharks with their fins naturally attached, something that is only implied at present.

Finally, mention should be made of the strong political consensus of the majority of Members of the European Parliament in regard to the written declaration of 16 December 2010 in which the Commission was asked to ban all shark finning. The proposal constitutes the EU executive's specific response to the declaration: Parliament can do no other than give the proposal its full support.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) 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 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*, which includes sharks, skates, rays and similar species are generally very vulnerable to exploitation due to their life-cycle characteristics of slow growth, late maturity and small number of young. ***Non-sustainable shark fishing has endangered the balance of marine ecosystems and, in*** recent years, some shark populations have been severely targeted ***by vessels flying the flag of a Member State or third country in maritime waters under the sovereignty or the jurisdiction of Member States or in other maritime waters*** and put under serious threat as a result of a dramatic increase in demand for shark products, fins in particular. ***Growing demand for shark fin preparations and the high price they fetch have also led to an increase in illegal fishing.***

Amendment 2

Proposal for a regulation

Recital 2 a (new)

(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 the priority.

Amendment 3

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. ***However, the ratio is theoretical, because it is based on the weight ratio of shark fins to whole sharks, while sharks are usually landed 'dressed' (i.e., gutted and beheaded). Therefore, shark fins and carcasses cannot be directly compared against the ratio, and monitoring must rely on species-specific conversion factors, complicating enforcement. The ratio is also higher than the average fin-to-carcass weight for some species (e.g., shortfin mako, Isurus oxyrinchus). Furthermore***, following processing operations, fins and bodies can be landed in different ports. ***For these reasons***, 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 *and management* measures, *as well as the enforcement of the regulation and punishment for non-compliance, are* hampered.

Amendment 4

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The EU Member States are very concerned about environmental issues and the Union aspires to be one of the leaders in the conservation of ecosystems; however, the current Union legislation concerning the species belonging to the Elasmobranchii taxon is not as strong as in other countries and is insufficient to ensure the sustainable management and the conservation of those species, due to the high fin-to-carcass ratio, the lack of quotas for many species and the existing derogations.

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

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

(4) In 1999 the Food and Agriculture Organisation of the United Nations (FAO) adopted the International Action Plan for the Conservation and Management of Sharks, which was the basis for the **5 February** 2009 Commission Communication on a European Community Action Plan for the Conservation and Management of Sharks, whereby the Union committed itself to

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.

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 6

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, ***noting that this is the best way to prevent finning, and will facilitate the collection of data needed for stock assessments.***

Amendment 7

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Declaration of the European Parliament of 16 December 2010 on support for strengthening the European

Union ban on shark finning¹ is critical of the exemptions provided for in Regulation (EC) No 1185/2003 and calls on the Commission to consider the 'fins naturally attached' method in its amendment to this regulation.

¹ P7_TA(2010)0497.

Justification

In its written declaration adopted on 16 December 2010, Parliament called on the Commission to deliver a proposal to prohibit the removal of shark fins on-board vessels by the second anniversary of the Community Plan of Action for Sharks (February 2011).

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In 2010-2011, as part of the required impact assessment exercise, the European Commission held a public consultation in order to gather information on the most appropriate manner in which Regulation (EC) No 1185/2003 should be amended. The conclusion of the impact assessment is that the Regulation should be amended so that all sharks must be landed with their fins still attached. It is necessary and appropriate for the achievement of the basic objective of the conservation of shark stocks, and in view of the outcome of the public consultation, to amend Regulation (EC) No 1185/2003 accordingly;

Amendment

(7) In 2010-2011, as part of the required impact assessment exercise, the European Commission held a public consultation in order to gather information on the most appropriate manner in which 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.*** The conclusion of the impact assessment is that the Regulation should be amended so that all sharks must be landed with their fins still ***naturally attached to the body***. It is necessary and appropriate for the achievement of the basic objective of the conservation of shark stocks, and in view of the outcome of the public consultation, to amend Regulation (EC) No 1185/2003 accordingly;

Justification

It should be clearly and unequivocally stated that all sharks caught must be landed with their fins naturally attached to the body, to prevent recourse to improper practices such as placing

the fins in special bags then attaching these to the body.

Amendment 9

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1185/2003

Article 3 – paragraphs 1 a and 1 b (new)

Text proposed by the Commission

(2) The following ***paragraph 1a*** is inserted after paragraph 1 of Article 3:

"1a. Without prejudice to paragraph 1, and in order to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass."

Amendment

(2) The following ***paragraphs are*** inserted after paragraph 1 of Article 3:

"1a. Without prejudice to paragraph 1, and in order to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass.

1b. Without prejudice to paragraph 1a, all sharks caught shall be landed with their fins naturally attached to the body."

Justification

It should be clearly and unequivocally stated that all sharks caught must be landed with their fins naturally attached to the body. This provision is not mentioned anywhere else in the body of the text.

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,

Amendment

1. ***A Member State in which*** fishing vessels catch, retain on board, tranship or land sharks, ***and/or a Member State in which fishing vessels flying the flag of a third country tranship or land sharks*** 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

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

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, *pursuant to 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 policy¹ and to Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy²:*

¹ OJ L 343, 22.12.2009, p. 1.

² OJ L 112, 30.04.11, p. 1.

Justification

Article 1 of Regulation 1185/2003 defines the regulation's scope: it does not apply solely to fishing vessels flying the flag of a Member State, but also to all fishing vessels in maritime waters under the jurisdiction of a Member State. In addition, some Member States whose own fishing vessels do not catch, retain on board, tranship or land sharks do, however, have ports where vessels from non-EU States are able to land sharks. Finally, the two regulations referred to in the amendment have introduced specific rules to control fishing, together with detailed requirements for inspections and penalties.

Amendment 11

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – indent 1

Text proposed by the Commission

– The number of landings of sharks;

Amendment

– The number of landings of sharks *and, for each landing, the total number landed listed by species and fishing ground, and the total weight per species;*

Justification

According to analyses conducted by the Commission, Regulation No 1185/2003 does not make it possible to collect data (e.g. regarding species and population identification) underpinning scientific advice for the implementation of conservation and management measures. Member States therefore need to record which species of sharks are landed, how many are caught and in which fishing grounds, and the total weight per species, and to include this information in their annual reports.

Amendment 12

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – indent 2

Text proposed by the Commission

– The number of inspections carried out;

Amendment

– 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 13

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 1185/2003

Article 6 – paragraph 1 – indent 3

Text proposed by the Commission

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

Amendment

– The number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved ***and the penalties imposed for each case of non-compliance.***

Justification

Regulation (EC) No 1224/2009, which establishes a Community control system for ensuring compliance with the rules of the common fisheries policy, provides for appropriate measures (including administrative action or criminal proceedings in conformity with national law) to

be taken systematically against natural or legal persons suspected of having breached the rules of the common fisheries policy.

PROCEDURE

Title	Amendment of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels
References	COM(2011)0798 – C7-0431/2011 – 2011/0364(COD)
Committee responsible Date announced in plenary	PECH 30.11.2011
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 30.11.2011
Rapporteur(s) Date appointed	Andrea Zanoni 19.1.2012
Discussed in committee	29.2.2012
Date adopted	25.4.2012
Result of final vote	+: 50 –: 2 0: 0
Members present for the final vote	Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Lajos Bokros, Nessa Childers, Yves Cochet, Chris Davies, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Elisabetta Gardini, Gerben-Jan Gerbrandy, Nick Griffin, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Jolanta Emilia Hibner, Dan Jørgensen, Karin Kadenbach, Eija-Riitta Korhola, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Vladko Todorov Panayotov, Gilles Pargneaux, Antonia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Oreste Rossi, Daciana Octavia Sârbu, Horst Schnellhardt, Bogusław Sonik, Claudiu Ciprian Tănăsescu, Åsa Westlund, Glenis Willmott, Sabine Wils
Substitute(s) present for the final vote	Jacqueline Foster, Julie Girling, Judith A. Merkies, Vittorio Prodi, Michèle Rivasi, Struan Stevenson, Anna Záborská, Andrea Zanoni

PROCEDURE

Title	Amendment of the Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels		
References	COM(2011)0798 – C7-0431/2011 – 2011/0364(COD)		
Date submitted to Parliament	21.11.2011		
Committee responsible Date announced in plenary	PECH 30.11.2011		
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 30.11.2011		
Rapporteur(s) Date appointed	Maria do Céu Patrão Neves 20.12.2011		
Discussed in committee	26.1.2012	29.2.2012	24.4.2012
Date adopted	19.9.2012		
Result of final vote	+: 12	–: 9	0: 2
Members present for the final vote	Kriton Arsenis, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Marek Józef Gróbarczyk, Ian Hudghton, Iliana Malinova Iotova, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Ulrike Rodust, Raül Romeva i Rueda, Isabelle Thomas, Nils Torvalds, Jarosław Leszek Wałęsa		
Substitute(s) present for the final vote	Jean-Paul Basset, Luis Manuel Capoulas Santos, Diane Dodds, Julie Girling, Ana Miranda, Jens Nilsson, Nikolaos Salavrakos, Antolín Sánchez Presedo		
Substitute(s) under Rule 187(2) present for the final vote	Juan Andrés Naranjo Escobar, Nuno Teixeira		
Date tabled	1.10.2012		