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DRAFT REPORT

on the application of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels
(2006/2054(INI))

Committee on Fisheries

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the application of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels (2006/2054(INI))

The European Parliament,

- having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹,
 - having regard to Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels²,
 - having regard to its resolution of 27 March 2003 on the proposal for a Council regulation on the removal of fins of sharks on board vessels³,
 - having regard to the report from the Commission to the Council and the European Parliament on the application of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels (COM(2005)0700),
 - having regard to Rule 45 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 (A6-0000/2006),
- A. taking into consideration the information and facts contained in the above Commission report,
- B. taking into consideration the information supplied by the Member States relating to their fleets' activities as regards 'finning', which is no longer practised in Community fisheries,
- C. taking into consideration the scientific reports submitted to the working parties of the International Council for the Exploration of the Sea (ICES) and of the International Commission for the Conservation of Atlantic Tunas (ICCAT), which challenge, in the case of certain species, the 5% ratio of equivalence of fin weight and body weight, and to which the Commission's own aforementioned report makes reference,
- D. whereas in the specific case of the blue shark (*Prionace glauca*) the maximum 5% live weight ratio of fin weight to body weight does not correspond to its morphology, as a pelagic shark, making it unnecessarily difficult for the Community longline fleet to respect fisheries legislation,
1. Congratulates the Commission on the clarity and conciseness of its report;
 2. Agrees with the Commission in its assessment that Council Regulation (EC) No

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 167, 4.7.2003, p. 1.

³ OJ C 62 E, 11.3.2004, p. 156.

1185/2003 is achieving its objectives, and encourages the Commission to continue monitoring its application, based on the annual reports drawn up by the Member States or any other relevant information;

3. Encourages the Commission to continue submitting proposals at an international level for similar measures, basing them as always on the corresponding scientific reports, with the objective of working towards the adoption of specific regulations by the regional fisheries organisations that regulate highly migratory species;
4. Calls on the Commission to put before the European Parliament and the Council within the next six months a proposal for amending Council Regulation (EC) No 1185/2003, in which theoretical ratios of fin weight to live weight, particularly in respect of the species *Prionace glauca*, are revised, in accordance with the criteria set out in the scientific reports, so that these percentages correspond to the morphological characteristics of this species;
5. Instructs its President to forward this resolution to the Council and Commission.

EXPLANATORY STATEMENT

I. General considerations

Fish belonging to the taxon Elasmobranchii are generally highly vulnerable to exploitation given their life-cycle characteristics. The practice known as *finning*, involving the removal of fins and disposal of the body, is prohibited on board Community vessels, both in maritime waters under the sovereignty or jurisdiction of Member States and in international waters and those of third countries.

However, given that these species are often caught as by-catch in Community fishing activities directed towards other more valuable species, on 26 June 2003 the European Union adopted Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels for commercial use, which allows this practice to be carried out on board the vessel following the shark's capture, if the removal of fins is designed to achieve greater efficiency in the use of the entire shark through the separate processing on board of fins and the remaining body parts.

In these cases, the Regulation requires the flag Member State to issue a special fishing permit, stipulating, among other conditions, that masters of vessels should keep appropriate records of the weight of shark fins in the logbook, or in a special register as appropriate. These special fishing permits may only be issued to fishing vessels which have demonstrated a capacity to use all parts of the shark, and have justified the need for processing them on board.

Other requirements (Article 4, paragraphs 4 and 5) relate to the theoretical correspondence between weights of fins and bodies, which must not exceed 5% of the live weight of shark catch.

The Regulation also highlights the obligation of Member States to submit an annual global report to the Commission detailing its application during the previous year, to be followed by the Commission's own report on the implementation of the Regulation and international developments in this area.

Similarly, if considered appropriate, the Commission might submit proposals for amendments to the Regulation, which, if related to the theoretical correspondence between weights of fins and bodies, would be drawn up in light of advice from the Scientific, Technical and Economic Committee for Fisheries.

On 22 December 2005, the Commission drew up a report on the application of this Regulation, which it submitted to Parliament and to the Council (COM(2005)700 final).

II. Draftswoman's comments

The draftswoman welcomes the Commission's report in which it clarifies that *finning* is prohibited within the Community. However, she disputes the Commission's conclusion that the percentages of equivalence of fins/body do not need to be adjusted.

In fact, the two Member States whose fleets capture and process the greatest number of sharks have outlined on several occasions the difficulties created by the 5% weight ratio of fins to

carcass (dressed or otherwise) of this species for their fleets, a ratio originally based on regulations governing the United States' fleet, established for different circumstances and relating to different species and presentations.

The EU's longline fleet is forced to discard a portion of the fin in order to comply with the regulation, owing to the fact that more than 80% of sharks captured belong to the species *Prionacea glauca*, possessing a ratio of fins/live weight of 6.5%. As the Commission itself has indicated, scientific reports drawn up by the ICES and the ICCAT support the existence of a different ratio for this species, whilst other species fall within the current allowance of 5%. Given that we are dealing with a very specific and identifiable fishery, acknowledgement of this will help to avoid any incidences in which Community vessels are found to be in contravention of the regulation.

On the other hand, to not employ realistic conversion rates in the above calculation would pose a risk to the EU itself, resulting in incorrect estimations of catch size, indirectly obtained from the international shark fin market in Asia, and representing European figures. At the same time, amending the percentage figure in light of the scientific data would enable the EC, as recommended by its own Scientific Committee, to head the forthcoming review within ICCAT, with other RFOs most likely to follow suit.

The draftswoman therefore calls on the Commission, in accordance with Article 6.2 of the aforementioned Regulation, to set up a technical meeting with both scientists and industry representatives as soon as possible for the purpose of examining the issue and submitting a motion to amend the aforementioned Regulation, safeguarding the fleet by adapting the Regulation so that it respects the morphological characteristics of the species.

Furthermore, although the Commission asserts that Member States¹ failed to meet the deadlines set for the submission of annual reports, some countries point out that they have indeed sent the information requested, but since they did so after 30 September 2005, could not be included. The Commission also highlights the need for the national reports to specify the criteria used in granting permits, whilst pointing out that it is open to discussion and to reviewing the situation with the Member States.

The draftswoman considers it understandable that there have been problems, given the short period of time that has elapsed since this Regulation came into force, yet these must be resolved as quickly as possible.

The Commission sends a positive message by indicating that proposals supporting similar measures have been submitted at an international level and that several RFOs have adopted specific regulations relating to highly migratory species. However, it does not indicate whether these proposals were based on the scientific reports, and attention is therefore drawn to the need to adapt the percentages of equivalence of fins/body to the morphology of the *Prionacea glauca*.

¹ Spain and Germany were the only countries to issue permits to remove fins in 2003. The United Kingdom and Portugal did so in 2004, followed by Lithuania in 2005.