

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0263/2006

30.8.2006

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

Rapporteur: Rosa Miguélez Ramos

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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 (A6-0263/2006),
- A. taking into consideration the information and facts contained in the above Commission report,
- B. taking into consideration the very poor quality of the information supplied by the Member States relating to their fleets' activities as regards 'finning',
- 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. conscious, however, of evidence from the US and Canadian fishing fleets that when the fins of blue sharks (*Prionace glauca*) are cut without meat or vertebrae left attached, then the ratio of fin weight to dressed weight is under 4%, and that the failure to trim excess flesh results in fins imported into Hong Kong from Europe commanding a lower average price per kilogram than those from the USA,
- E. whereas in the specific case of the blue shark (*Prionace glauca*) the maximum 5% live

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.

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 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. Regrets, however, that not all the Member States are complying rigorously with their obligations in respect of both monitoring their vessels and forwarding the mandatory reports; calls on the Commission to ensure that these obligations are met without exception;
4. 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;
5. 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 the theoretical ratios of fin weight to live weight are revised in accordance with the criteria set out in the scientific reports, and especially the 2005 ICCAT report, particularly in respect of the species *Prionacea glauca*, for which ICCAT's Standing Committee on Research and Statistics recommends the fin-to-live weight ratio of 6.5%, so that these ratios correspond to the morphological characteristics of species;
6. Calls on the Commission to propose amendments to Regulation (EC) No 1185/2003, in order to address the enforcement difficulties created by the provision for the landing of fins and carcasses at separate ports;
7. Calls on the Commission to report to the European Parliament and the Council no later than 1 January 2009 on the continued operation of that Regulation or any amended version thereof, taking into account international developments in this field, and, if appropriate, to propose amendments to the said Regulation;
8. Calls on the Commission to present to the European Parliament and the Council no later than 30 June 2007 a Community Plan of Action for the conservation of sharks and seabirds, as proposed in its Communication (COM(2006) 0216) entitled 'Halting the Loss of Biodiversity by 2010 – and Beyond';
9. 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 *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.

PROCEDURE

Title	The application of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels
Procedure number	2006/2054(INI)
Committee responsible Date authorisation announced in plenary	PECH 16.3.2006
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 16.3.2006
Not delivering opinion(s) Date of decision	ENVI 24.4.2006
Enhanced cooperation Date announced in plenary	
Rapporteur(s) Date appointed	Rosa Miguélez Ramos 31.1.2006
Previous rapporteur(s)	
Discussed in committee	18.4.2006 20.6.2006
Date adopted	28.8.2006
Result of final vote	+:14 -: 0 0: 3
Members present for the final vote	Iles Braghetto, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Alfred Gomolka, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Philippe Morillon, Willi Piecyk, Dirk Sterckx, Struan Stevenson and Margie Sudre
Substitute(s) present for the final vote	Dorette Corbey and Carl Schlyter
Substitute(s) under Rule 178(2) present for the final vote	Alfonso Andria
Date tabled	30.8.2006
Comments (available in one language only)	...