



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0364(COD)

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

PA_Legam

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-carcaass weight ratio has proved impossible. It is extremely difficult to check whether this ratio is being adhered to (the weight of the carcaass varies depending on whether it has been gutted or not), especially when fins and carcaasses 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)

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 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 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.

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

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 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) | ENVI |

| | |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date announced in plenary | 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, Antonyia 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 |