



HSI's comments on the proposal to amend Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels

Humane Society International (HSI) warmly welcomes the European Commission's recent proposal to amend Council Regulation (EC) 1185/2003 on the removal of fins of sharks on board vessels. If adopted by the European Parliament and Council, this proposal would close the loopholes in the present legislation and greatly enhance the EU's ability to adopt meaningful shark conservation measures and fulfil its international commitments to protect sharks.

What are the loopholes in the present Regulation?

Council Regulation (EC) 1185/2003 prohibits the onboard removal of shark fins. However, Article 4 includes a derogation that allows Member States to issue special fishing permits to vessels so that they are able to remove fins from sharks on board and retain, tranship and land these *separately* from the remaining parts of the shark.

While, in theory, use of these permits should be considered an exception, it is treated in some countries as the norm. For example, in 2003, 2004 and 2005, Spanish vessels with these "special" permits caught an average of 87% of the total shark catch of the Spanish fleet.

5% fin-to-carcass weight allowance

Vessels with a special fishing permit are permitted to land fins that weigh up to 5% of the *whole* weight of the shark (i.e. before it has been gutted and decapitated). This is inherently problematic because a shark's liver and head are extremely heavy in relation to its whole body weight. Such is the difference that some have argued that the EU's rule still allows two sharks to be finned for every three that are caught.

The onboard removal of fins also creates an obstacle to the gathering of accurate, species-specific data on shark catches. It is often impossible to identify individual shark species on the basis of detached fins or finless dressed carcasses. Such data are crucial for the proper management and conservation of shark populations.

Landing fins and carcasses at separate ports

The fact that shark carcasses may be landed at one port and fins at another makes a complete mockery of the 5% rule; enforcement depends entirely on logbook entries written by the crew.

Reported breaches of the Regulation

According to the Commission's Impact Assessment, only a small proportion of shark landings are actually inspected. Since its entry into force, five Member States, which have issued special fishing permits, have reported numerous breaches of the Regulation. The majority of these infractions related to violations of the 5% fin-to-carcass weight allowance. As the Commission observes, this is likely to be only the tip of the iceberg.

Spain, Portugal and Cyprus are now the only Member States to issue special fishing permits. Both the United Kingdom and Germany have ceased granting such permits and now require that all sharks are landed with their fins naturally attached.



EU lagging behind in shark protection

The present EU shark finning ban is one of the weakest in the world. In 2009, the European Union made a commitment to adopt all necessary measures to conserve shark populations in its Action Plan for the Conservation and Management of Sharks, including strengthening the ban on shark finning.

The International Union for Conservation of Nature (IUCN) has recommended that sharks be landed with their fins attached. The scientific bodies of Regional Fisheries Management Organisations have also increasingly begun to advocate this policy and, in 2007, the UN General Assembly also suggested that sharks be landed with their fins naturally attached.

A growing number of nations have realised that a 'fins naturally attached' policy is the most effective and reliable way to implement a shark finning ban. This policy has already been widely adopted in Central American and most US shark fisheries. Some permit the partial severing of fins to allow fishers to store whole sharks efficiently and safely in freezers. Moreover, it is far less time-consuming for port inspectors to verify compliance, since no weighing or calculations of fin-to-carcass ratios are required.

The Commission's proposal

Humane Society International believes that the Commission's proposal to amend Regulation (EC) No. 1185/2003 is the only way to ensure that the EU ban on shark finning is fully enforceable. Below are a few comments on specific amendments.

Insertion of paragraph 1a, Article 3

HSI supports this provision, which permits a partial cut to fins to facilitate efficient onboard storage of sharks. Although partially severed in order to be folded against the carcass, the fins will still be naturally attached to the animals' bodies. This measure will also aid species identification.

Deletion of Article 4

We strongly support the deletion of Article 4 of the present Regulation since it would ensure that all sharks caught by EU vessels are landed with their fins naturally attached. A fins-attached policy without exception is the only measure that will preclude shark finning and help the EU to fulfil its international commitments to protect sharks.

Article 6

In the list of reporting requirements, it is stated that information should be provided on 'the number of landings of sharks'. This wording is rather ambiguous. HSI contends that Member States should record '*the number of sharks landed*', or the weight of sharks landed, rather than the number of times vessels land catches of sharks. Given that the present language is open to interpretation, this minor amendment would further strengthen and clarify the legislative proposal.

In addition, to facilitate the gathering of data on shark catches, we would suggest that these reporting requirements also include a responsibility to record data on the species and age-classes within each species that make up the catch.

Humane Society International strongly endorses the Commission's proposal to amend Regulation (EC) No. 1185/2003. We therefore urge Members of the European Parliament and EU Member States to support this important proposal, which would prohibit the onboard removal of shark fins by EU vessels without exception.