The operation of Regulation (EC) No 1185 /2003 on the removal of fins of sharks on board vessels

2006/2054(INI) - 23/12/2005 - Non-legislative basic document

PURPOSE : to present a report on the operation of Council Regulation 1185/2003/EC which prohibits the removal of shark fins on board vessels.

CONTENT : this evaluation report has been prepared by the Commission in accordance with Article 6 of Regulation 1185/2003/EC, which prohibits the removal of fins of sharks on board vessels (see **CNS/2002 /0198**). To recall, the Regulation prohibits the practice of fining within all Community waters and for all Community vessels, regardless of where they are fishing. At the same time the Regulation recognises the possibility for legitimate shark fishery in cases where full use is made of the catch. Before summarising its findings, the Commission notes that, generally speaking, the Member States did not respect the reporting deadlines in spite of several Commission reminders for them to do so. Thus, the present report has been prepared on the basis of information received from the Member States by 30 September 2005 at the latest. By this date, national reports were still missing for the year 2004 from five of the Member States (Ireland, Malta, Italy, the Netherlands and Slovenia).

Based on the information it did receive the Commission finds that the Regulation amounts to a confirmation that the Regulation is achieving its overall objective of reducing on-board fining practices. In any case, prior to the Regulation's adoption and its entry into force, fining was not in wide-spread use by the European fleet. The main aim of the Regulation was the prevention of any possible development of such a practice by the Community's fishing industry.

Thus, the practical consequences arising from this Regulation for the European fleet remains limited. What consequences there are tend to be of an administrative nature - such as the allocation of special permits by competent authorities and additional documentation required from some fishermen for reinforced traceability. This administrative obligation applies mainly to surface long-line fishing fleets of some of the Member States and tend to have a limited impact on fishing operations.

A couple of the Member States consider that the present maximum 5% ration between the weight of the fins and the total live weight of the shark catch does not reflect the reality in specific cases for which scientific data is available. In reality though, Member States did not provide enough information to suggest that the sector is having significant difficulties in coping with the present legislation, as also indicated by the outcome of controls.

Nor, does it appear that the Regulation, when properly implemented and enforced, creates loopholes whereby significant "legal" fining could take place within the 5% limit. Based on this conclusion the Commission does not intend to present any amendments to the existing Regulation. The Commission does suggest, however, that the Regulation's implementation, in particular as regards the criteria for allocation of special fishing permits or reporting, could be improved.

Finally, the Commission will continue to monitor this Regulation, on the basis of the annual reports from the Member States.