

Basic information	
<p><b>2002/0198(CNS)</b></p> <p>CNS - Consultation procedure Regulation</p>	Procedure completed
<p>Fish stock conservation: prohibition of removing fins of sharks on board vessels</p> <p>Amended by <a href="#">2011/0364(COD)</a></p> <p><b>Subject</b></p> <p>3.15.01 Fish stocks, conservation of fishery resources</p>	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">PECH</span> Fisheries		ATTWOOLL Elspeth (ELDR)	30/09/2002
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">ENVI</span> Environment, Public Health, Consumer Policy		DAVIES Chris (ELDR)	02/10/2002
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Agriculture and Fisheries		2516	2003-06-25
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Maritime Affairs and Fisheries			

Key events			
Date	Event	Reference	Summary
05/08/2002	Legislative proposal published	COM(2002)0449 	Summary
23/09/2002	Committee referral announced in Parliament		
20/02/2003	Vote in committee		Summary
20/02/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0043/2003	
27/03/2003	Decision by Parliament	T5-0124/2003	Summary
25/06/2003	Act adopted by Council after consultation of Parliament		

26/06/2003	End of procedure in Parliament		
04/07/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0198(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by <a href="#">2011/0364(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/5/16601

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0043/2003</a>	20/02/2003	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0124/2003</a> OJ C 062 11.03.2004, p. 0019-0156 E	27/03/2003	<a href="#">Summary</a>
<b>European Commission</b>				
Document type	Reference	Date	Summary	
Legislative proposal	<a href="#">COM(2002)0449</a>  OJ C 331 31.12.2002, p. 0121 E	05/08/2002	<a href="#">Summary</a>	
Follow-up document	<a href="#">COM(2005)0700</a> 	23/12/2005	<a href="#">Summary</a>	
Follow-up document	<a href="#">COM(2016)0207</a> 	15/04/2016	<a href="#">Summary</a>	

Additional information		
Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

Final act
-----------

## **Fish stock conservation: prohibition of removing fins of sharks on board vessels**

2002/0198(CNS) - 26/06/2003 - Final act

**PURPOSE** : to lay down measures restricting the practice of shark finning. **COMMUNITY MEASURE** : Council Regulation 1185/2003/EC on the removal of fins of sharks on board vessels. **CONTENT** : 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. Most of these species are often caught as by-catch in Community fishing activities directed to other more valuable species. Current scientific knowledge, generally based on the examination of catch rates, indicates that many stocks of sharks are seriously under threat. The practice of 'shark finning', whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea, may contribute to the excessive mortality of sharks to such an extent that many stocks of shark are depleted and their sustainability endangered. This Regulation prohibits the removal of shark fins on board vessels and the retention on board of shark fins, their transshipment or landing. It also prohibits the purchase, offer for sale or selling of shark fins, which have been removed on board, retained, transhipped or landed as above. There are, however, derogations: - the removal of fins from dead sharks on board may be allowed if the removal aims at a more efficient use of all shark parts by the separate processing on board of fins and of the remaining parts of the sharks. In this case, the flag Member State should issue and manage, with associated conditions, a special fishing permit in accordance with Council Regulation 1627/94EC. - in order to ensure that all the remaining parts of sharks are kept on board, after the removal of fins, masters of vessels which hold a valid special fishing permit must keep records of the amounts of shark fins and of the remaining parts of sharks after evisceration and beheading. Such records should be kept in the logbook as provided for by Council Regulation 2847/93/EC establishing a control system applicable to the common fisheries policy, or in a special register as appropriate. This Regulation applies to vessels in maritime waters under the sovereignty or the jurisdiction of Member States as well as to vessels flying the flag or registered in Member States in other maritime waters. **ENTRY INTO FORCE** : 02/09/03.

## **Fish stock conservation: prohibition of removing fins of sharks on board vessels**

2002/0198(CNS) - 27/03/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Elspeth ATTWOOLL (ELDR, UK) on the Commission's proposal. (Please refer to the document dated 20/02/03.) Parliament went to state that the Commission should develop by 31/12/03 a comprehensive action plan for the conservation and sustainable exploitation of elasmobranchs, in line with the FAO Code of conduct for Responsible Fisheries and the international plan of action for the conservation and management of sharks. It also specified that all vessels must keep logbook records detailing, species by species, weights of sharks retained on board, transhipped, landed or discarded as bycatch.

## **Fish stock conservation: prohibition of removing fins of sharks on board vessels**

2002/0198(CNS) - 23/12/2005 - Follow-up document

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. 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.

## Fish stock conservation: prohibition of removing fins of sharks on board vessels

2002/0198(CNS) - 05/08/2002 - Legislative proposal

**PURPOSE** : to end a practice which results in the death of large quantities of sharks by prohibiting shark finning which involves the removal of fins and the discarding of the remainder of the shark at sea. **CONTENT** : the effects of this practice, encouraged by the strong international market that exists for shark fins, is having serious effects on several shark populations. The Commission proposes, therefore, to prohibit this practice within all EU waters and for all EU vessels wherever they fish beyond EU waters. It recognises, however, the possibility for a legitimate targeted shark fishery involving full use of the catch. Given the problems involved in the identification of species on the basis of removed fins, the Commission proposes to apply this prohibition to all Elasmobranchs (which include sharks, skates, rays...). The practice of cutting ray wings would not be covered by this prohibition, however, as it aims at using the most important part of the fish flesh and ray wings are easily recognisable. This prohibition would apply to all types of fishing in EU waters. In line with the EU commitment to stock conservation in all waters where its vessels operate, this practice would also be banned for all EU vessels fishing beyond EU waters. The Commission believes that this approach will encourage the adoption of the measure in Regional Fisheries Organisations. Finning would, however, be allowed if the removal of fins were part of a process to make more efficient use of all the shark parts on board. In this case, the Member States concerned would be required to issue and manage a special fishing permit for this purpose. To ensure that all parts of the shark are kept on board, those issued with special permits would also be required to enter all relevant data in a logbook. According to scientific knowledge, many stocks of shark are under serious threat. Until more detailed scientific data on these species become available to allow for the establishment of appropriate rules to protect them, this measure would contribute to their conservation. There is a strong international demand for shark fins. However, the relative low value of shark meat, combined with the practical constraints of its conservation on board, have encouraged the practice of finning. This proposed Regulation would form part of the implementation by the EU of a plan of action for the conservation and sustainable use of sharks in line with the FAO Code of Conduct for Responsible Fisheries and the FAO International Action Plan for sharks.

## Fish stock conservation: prohibition of removing fins of sharks on board vessels

2002/0198(CNS) - 15/04/2016

The Commission presents a report on the operation of Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels, as amended by Regulation (EU) No 605/2013, and on the international developments in this field.

To recall, Council Regulation (EC) 1185/2003 established **a general prohibition of the practice of shark finning**, which consists of the removal of a shark's fins and the discarding of the remaining carcass at sea. Under the Regulation, Member States could issue special fishing permits for the processing of sharks on board. To prevent finning, the Regulation established a fin-to-carcass ratio for processed sharks.

[Regulation \(EU\) 605/2013](#) states that where 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, annually a comprehensive report on its implementation of the Regulation.

The Member State particularly provided information on:

- the number of times sharks were landed,
- the number, date and place of the inspections,
- the number and nature of cases of non-compliance as well as the penalty applied, and
- the total landings by species (weight/number) and by port.

**Member States' reporting:** the Commission notes that Member States' submission of annual reports has been **incomplete** in that only **14 out of 23 coastal Member States** submitted full reports on their implementation of the Regulation in both 2013 and 2014, while three coastal Member States - Croatia, Romania and Italy - did not submit any report, in spite of numerous reminders by the Commission.

However, all Member States that in the past had issued special fishing permits for on-board processing of sharks submitted at least one report on their implementation of the Regulation. Member States reported the data also to different extents and in different formats.

**Seven Member States** report landings of more than 50 tonnes in 2013, with two Member States standing out (Spain, with over 60,000 tonnes, and France, with over 15,000 tonnes). Half of the Member States that previously had issued special fishing permits to allow on-board processing of sharks did not report any catches of sharks by their fleets.

**Spain and Portugal** have the highest ratios of volumes per landing. In the specific case of blue shark – a species for whose fins there is a market – the Spanish and Portuguese fleets have the largest shares in volumes.

The number of infringements identified during the inspections carried out by the Member States that provided the required data to the Commission, appear to be a very limited. Over 4,400 inspections were reported for 2013, during which four cases of infringements were found.

**Concerns raised:** the Commission is aware of the concerns raised in one of the Member States' reports, which are similar to those raised by some Member States and stakeholders during the previous public consultation, that the implementation of the Regulation **complicates the handling of the carcasses and imposes additional costs on the vessels concerned**. The Commission will continue monitoring the situation and its economic consequences. Such difficulties may be addressed to a certain extent by existing instruments, including those of the [European Maritime and Fisheries Fund](#) (EMFF) to help find practical solutions to the alleged difficulties.

**International developments:** the Commission also believes that it is important to pursue the active promotion of 'fins-naturally-attached' policies at the international level in line with the request of the Council to increase international support that contributes to a more level playing field, even if the EU proposals are not adopted.

The EU is also a key promoter of the UN General Assembly Resolution on Sustainable Fisheries, which calls upon states to take immediate and concerted action to improve the implementation of and compliance with existing RFMO or arrangement measures that regulate shark fisheries and incidental catch of sharks.