Basic information

2006/2054(INI) INI - Own-initiative procedure	Procedure completed
The operation of Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels **Subject** 3.15.01 Fish stocks, conservation of fishery resources	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	MIGUÉLEZ RAMOS Rosa (PSE)	31/01/2006

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	BORG Joe

Key events

Date	Event	Reference	Summary
23/12/2005	Non-legislative basic document published	COM(2005)0700	Summary
16/03/2006	Committee referral announced in Parliament		
28/08/2006	Vote in committee		Summary
30/08/2006	Committee report tabled for plenary	A6-0263/2006	
27/09/2006	Debate in Parliament		
28/09/2006	Decision by Parliament	T6-0391/2006	Summary
28/09/2006	Results of vote in Parliament		
28/09/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2006/2054(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/34534

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE371.815	03/05/2006	
Amendments tabled in committee		PE376.377	29/06/2006	
Committee report tabled for plenary, single reading		A6-0263/2006	30/08/2006	
Text adopted by Parliament, single reading		T6-0391/2006	28/09/2006	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2005)0700	23/12/2005	Summary

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.

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

2006/2054(INI) - 28/09/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report by Rosa **MIGUÉLEZ RAMOS (PSE, ES)** on the Commission report on the removal of shark fins on board vessels. The resolution was adopted by 458 votes in favour to 58 against with 21 abstentions. Whilst congratulating the Commission on the clarity and conciseness of its report, Parliament regretted that not all the Member States are complying rigorously with their obligations in respect of both monitoring their vessels and forwarding the mandatory reports. It called on the Commission for the following:

- a proposal for amending Regulation 1185/2003/EC, following a comprehensive review by the Commission of scientific studies on shark fin to carcass ratios covering the wide range of European shark species and fishing fleets taking sharks. Until such a review is completed, no increases in the fin to carcass ratio should be proposed;

- a proposal for amending Regulation 1185/2003/EC in line with the majority of scientific analyses of shark fin to carcass ratios for Atlantic sharks, including the blue shark (Prionacea glauca), which conclude that a 5% fin to dressed weight (approximately 2.0% of live weight) ratio is an appropriate upper limit for mixed shark fisheries;

- a proposal for amendments to Regulation 1185/2003/EC, in order to address the enforcement difficulties created by the provision for the landing of fins and carcasses at separate ports;

- no later than 1 January 2009, a report on the continued operation of that Regulation, taking into account international developments in this field, and, if appropriate, to propose amendments to the Regulation;

- 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.