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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL 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

Delegations will find attached document COM(2016) 207 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

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sharks on board vessels, as amended by Regulation (EU) No 605/2013, and on the
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REPORT TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL

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

1. BASIS FOR THIS REPORT

Council Regulation (EC) 1185/2003¹ on the removal of fins of sharks on board vessels established a general prohibition of the practice of shark finning, i.e. the removal of a shark's fins and the discarding of the remaining carcass at sea. Under this Regulation Member States could issue special fishing permits for the processing of sharks on board. To prevent finning, the Regulation established a so-called *fin-to-carcass* ratio for processed sharks.

This Regulation was amended by Regulation (EU) 605/2013.² Article 6 of the latter stipulates: "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 this Regulation [...]. After the submission [...] of their second annual report [...], the Commission shall, by 1 January 2016, report to the European Parliament and to the Council on the operation of this Regulation and the international developments in this field." This report fulfils the reporting requirement.

2. MEMBER STATES' REPORTING

USE OF SPECIAL FISHING PERMITS UNTIL 2013

Under Regulation (EC) 1185/2003, Member States that allowed the removal of fins from dead sharks on board had to report to the Commission the number of special permits they issued for this purpose each year. An overview of the permits issued by Member States that made use of this possibility under the old Regulation is presented in Table 1 and in Figure 1 in the Annex.

MEMBER STATES' REPORTING FOR 2013 AND 2014

Where vessels flying the flag of a Member State catch, retain on-board, tranship or land sharks, each year the flag Member State has to submit a report to the Commission on its implementation of the Regulation during the previous year. This includes a description of its monitoring and enforcement of the compliance with the Regulation and, in particular, 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.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003R1185>

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0605>

Three coastal Member States – Croatia, Italy and Romania – did not submit any reports for either 2013 or 2014;³ several others only submitted a report on their implementation of the Regulation in either 2013 or 2014. An overview of the information reported by all Member States is given in Table 2 in the Annex; these reports are available online if the Member State concerned did not object the publication.⁴

In volume, 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 (Table 3, Figure 2). For 2013 a breakdown of reported volumes by species and Member States is given in Table 4. Looking specifically at blue shark – a species for whose fins there is a market – the Spanish and Portuguese fleets have the largest shares in volumes (Figure 3).

Regarding the frequency of inspections, there is some heterogeneity between Member States (Table 5, Figure 4). For instance in 2013 Malta reported an average of 84 inspections per 100 landings while France reported 0.2. Among Member States who previously had issued special fishing permits for the on-board processing of sharks, Lithuania and Estonia did not report any inspections of fishing vessels.

Over 4,400 inspections were reported for 2013, during which four cases of infringements were found: Cyprus reported a case of a blue shark without fins found on a vessel, France a case of shark finning by a Venezuelan vessel, Spain a case of shark finning by a Portuguese vessel, and the United Kingdom a case of skinning of two sharks on sea.

Spain submitted additional information with an assessment of the financial impacts of the Regulation on the Spanish longline fleet.⁴ Using the reported adaptation costs to the requirements of the new Regulation, an analysis of the relevant fleet segments by the Commission services indicates that the largest fleet segment (in terms of number of vessels and employment) can continue operating with reasonable profit margins. For segments currently already operating with losses, the adaptation costs may exacerbate their financial problems.

3. INTERNATIONAL DEVELOPMENTS

To improve the conservation of sharks and to promote a level playing field for the Union fleets, the Commission has been and continues to promote fins-naturally-attached policies in regional fishery organisations and bodies, such as the North-east Atlantic Fisheries Commission (NEAFC), and relevant international fora.

³ However, Italy included in its *Annual report for 2013 on the protection of cetaceans against incidental catches* an indication that its monitoring programme also covered by-catches of sharks, reporting a “high number” in the northern and central Adriatic Sea.

⁴ http://ec.europa.eu/fisheries/marine_species/wild_species/sharks/member-states-reports/index_en.htm

The EU is also a key promotor of the UN General Assembly Resolution on Sustainable Fisheries,⁵ 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.

4. CONCLUSION

Member States' submission of annual reports as stipulated by the Regulation 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 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.

With the caveat that the data are incomplete, the reporting can be useful for drawing some limited conclusions. The submitted reports suggest that large-scale shark fisheries are mainly done by vessels of two Member States. The number of infringements identified during the inspections carried out by the Member States that provided the required data to the Commission, including the two key Member States, appear to be a very limited.

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,⁶ that the implementation of the Regulation complicates the handling of the carcasses and imposes additional costs on the vessels concerned.⁷ It 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 EMFF,⁸ to help find practical solutions to the alleged difficulties. 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.

⁵ Adopted annually by consensus since 2007: A/RES/62/177, -63/112, -64/72, -65/38, -66/68, -67/79, -68/71 and -69/109: <http://www.un.org/documents/resga.htm>

⁶ <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52011SC1392>

⁷ Article 3 of the Regulation allows "to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass."

⁸ <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32014R0508>