

Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels'

COM(2011) 798 final — 2011/0364 (COD)

(2012/C 181/34)

Rapporteur: **Mr Espuny MOYANO**

On 30 November and 13 December 2011, the European Parliament and the Council decided to consult the European Economic and Social Committee, under Article 43(2) of the Treaty on the Functioning of the European Union, on the

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels

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The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 14 March 2012.

At its 479th plenary session, held on 28 and 29 March 2012 (meeting of 28 March), the European Economic and Social Committee adopted the following opinion by 103 votes to 30 and 22 abstentions.

1. Conclusions

1.1 The Committee roundly rejects the practice of finning by any fleet in the world.

1.2 The EESC agrees with the Commission that abolishing temporary permits and introducing an 'attached fins' policy would prevent finning from being practised in the EU. However, the Committee is concerned about the economic and social consequences of these measures and feels that, alternative methods should be sought to ensure compliance with the ban on finning without seriously affecting the profitability of businesses and the safety of crew members, even though these alternatives will not eliminate the problems of monitoring and enforcement that have been documented by the Commission.

1.3 The EESC suggests the following alternative measures:

1.3.1 An obligation to land bodies and fins in the same port;

1.3.2 Abolishing special permits for the wet fish fleet;

1.3.3 Authorising special permits for freezer vessels provided that they use a traceability mechanism which guarantees the link between bodies and fins that are landed;

1.3.4 The introduction in all Regional Fisheries Organisations (RFOs) of a statistical document programme for the shark fin trade.

1.4 The Committee recommends that plans to manage shark catches be adopted in all RFOs, which should establish, among other things, measures to restrict fishing effort, closed seasons/areas and a ban on high seas transshipment.

1.5 The Committee calls on the European Commission to do everything possible to ensure compliance with the ban on finning in those third country fleets where this deplorable practice still persists, and with the obligations concerning the referral of reliable data on catches of these species by third country fleets within the framework of RFOs.

1.6 The EESC calls on the European Commission to guarantee in writing that the process of cutting off the fin completely, which would have to be carried out in the third country where the catch is landed, be regarded as 'simple cutting', thus not altering the Community origin of the product.

2. Introduction

2.1 Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels⁽¹⁾ establishes a general prohibition to the practice of 'shark finning', whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea.

2.2 It also allows Member States to issue special fishing permits allowing processing on board, whereby shark fins can be removed from the bodies without the body of the shark being thrown back into the sea. In order to ensure the correspondence between the weight of fins and bodies, a fin-to-live weight ratio has been established.

2.3 The Commission believes that these special permits do not ensure control of finning and thus proposes, on the one hand, that they be abolished and, on the other, that shark fins could be partially sliced through and folded against the carcass.

⁽¹⁾ OJ L 167, 4.7.2003, p. 2.

3. General comments

3.1 The Committee roundly rejects the practice of finning by any fleet in the world.

3.2 The EESC has noted that many scientists, Member States, NGOs and the fishing sector believe that there is no proof that finning exists in the EU ⁽²⁾. It is clear, however, that finning does occur in other countries outside the EU.

3.3 The Committee feels that, in order to understand why special fishing permits should be maintained, it is important to be familiar with the activities of the surface-set longline fleet which catches pelagic sharks and which until now has used these permits.

3.3.1 The Community surface-set longline fleet which catches sharks comprises some 200 vessels ⁽³⁾. Each vessel needs between 12 and 15 crew members on board.

3.3.2 These vessels specialise mainly in catching swordfish and also catch species of pelagic shark: blue shark (*prionace glauca*) accounts for approximately 87 % and shortfin mako shark (*isurus oxyrinchus*) around 10 % of the total catch of pelagic sharks. Both species are very common in the epipelagic ocean system and have broad geographical distribution in the Atlantic, Indian and Pacific Oceans. According to the most recent assessments by ICCAT, stocks of *prionace glauca* and *isurus oxyrinchus* are in a good situation from a biological point of view and from the point of view of exploitation rates. Their respective biomasses were identified as exceeding or being around the same level as the Maximum Sustainable Yield.

3.3.3 The presentation by the EU fleet of all fins at first sale differs from the approach of other fleets from non-European Western countries, in which only some of them are used or they are discarded.

3.3.4 It is essential to distinguish between the activities of wet fish and freezer vessels:

3.3.4.1 Wet fish or mixed vessels (freezer vessels with some fresh catch): these operate in the Atlantic and usually land their catches in the port of Vigo or other Community ports with the fins uncut. Fishing trips usually last just over one month.

3.3.4.2 Freezer vessels: they operate in the Atlantic, Indian and Pacific Oceans, with fishing trips usually lasting at least three months. On board these vessels, after the shark has been caught, the head is removed, it is gutted and all fins are

removed. All parts of the shark are washed with abundant water and put in the tunnel freezer. The livers are placed in a bag and then in a plastic box. Once the freezing process is complete, the bodies are packaged, first in plastic raffia and then in cotton sacking (in order to protect the product and achieve better quality).

The fins and livers are placed in boxes. Before storing the products in the hold of the vessel, all parts are labelled, indicating the type of product, how it is presented and the area in which it was caught. Catches are usually landed in Vigo, in other Community ports or in foreign ports:

— North Atlantic: Cape Verde (Praia), Azores (Horta), the Canaries (Las Palmas);

— Indian Ocean: South Africa (Durban), Mauritius (Port Louis), Indonesia (Jakarta);

— Pacific Ocean: Peru (Callao, Chimbote, Puerto Pischo), Panama (Vacamonte), New Zealand (Napier), French Polynesia (Papeete - Tahiti).

— South Atlantic: Uruguay (Montevideo), Namibia (Walvis Bay), South Africa (Cape Town);

3.3.5 Bodies and fins are usually landed in the same ports. However, the sale of shark fins and bodies usually follows different routes. For example, once they have been landed, bodies are sent to Vigo or to South America (mainly Brazil, Peru and Columbia). Those which are sent to Vigo are usually sold in Italy, Greece, Romania, Ukraine, Poland, Russia, Portugal, Andalusia and South America. Fins, on the other hand, are normally sent to Vigo and, subsequently, to Japan, Hong Kong, China, California, etc., or are sent directly to those countries from the place in which they were landed.

3.3.6 In terms of price, the reality is that shark bodies are usually sold at first sale for a price of between 0.5 and 2 EUR/kg, whereas the fins of blue and shortfin mako sharks are sold at first sale for between 10 and 15 EUR/kg.

3.3.7 Currently, the revenue obtained by ship owners for the sale of shark bodies accounts for around 55 % of total revenue, while sale of fins accounts for some 45 %.

3.3.8 From a nutritional point of view, the shark, which is bone-free, provides around 130 calories for every 100 grammes. Its meat is partially fatty – 4.5 grammes of fat for every 100 grammes – and very rich in high-quality proteins – 21 grammes for every 100 grammes of meat –, containing all the essential amino acids. Its fat is mainly unsaturated, which means that its consumption is suitable for prevention diets and for treatment of cardiovascular diseases, provided that it is cooked in the right oils, such as olive or seed oil. It is easy to digest and although it contains smaller quantities of group B vitamins than other fish, it is rich in the fat-soluble vitamins A and E. The main minerals it contains are phosphorous, potassium, magnesium and iron.

⁽²⁾ Report from the Commission to the Council and the European Parliament on the operation of Council Regulation (EC) No 1185/2003, 23.12.2005 (COM(2005) 700); own-initiative report of the European Parliament Fisheries Committee, INI/2054/2006; position of the Long Distance Fleet Regional Advisory Council (LDRAC) on the consultation of the Commission on an EU shark action plan and the LDRAC minutes of the joint meeting on the public consultation of the amended regulation on removing the fins of sharks, 18.2.2011.

⁽³⁾ Excluding Mediterranean vessels, which do not require special permits.

3.3.9 At present, the whole of the shark is used in accordance with FAO recommendations. Apart from the body and fins being used, the pharmacological and cosmetics industry uses the liver to extract vitamin A and squalene, and the skin is used to make leather goods.

3.4 The Committee believes it is important to know the reasons why the European fleet needs special permits:

3.4.1 Safety. When the animal is frozen, attached fins are like sharp knives, which means that handling them on board vessels which are subject to a constant swaying movement poses a serious risk for crewmembers during the handling and landing process.

3.4.2 Quality. Storing fins when attached naturally to the trunk of the shark causes the quality of the catch to deteriorate, both in respect of the fins and the body, since it causes grazes and cuts to them. A product which has just been caught and frozen offers high quality from both the nutritional and the health/hygiene points of view. Cutting off the fins before freezing the body means that at no point is the cold chain broken.

3.4.3 Use of space. Storing shark bodies and fins separately (or between the spaces created when the shark bodies are stowed) enables the space available in the hold to be used more effectively, thus making vessels more profitable.

3.4.4 Different sales channels for shark fins and bodies. This would mean that when the product is landed in a third country, the fins would have to be cut off on land, with the following consequences:

3.4.4.1 Handling them in a foreign port may mean that the origin of the product would change if this procedure were not considered to be 'simple cutting' ⁽⁴⁾, in which case it would no longer be a Community product and would come under the category of products exported into the EU, with all the health and customs requirements and conditions this entails.

3.4.4.2 It would also introduce new risk factors for the unloading of the catch which would become more complicated, in addition to increasing the time needed for this particular action.

3.4.4.3 At the same time, this increase in the time taken for unloading reduces the quality of the products by causing a significant loss in the cold chain. It poses a health risk, since it might cause histamines to appear and an increase in the total number of volatile bases containing nitrogen, with the product deteriorating as a result.

3.4.4.4 Furthermore, the main ports for landing frozen catches are normally in third countries which lack the appro-

priate infrastructure. What is more, the vast majority are in tropical areas, something which accelerates the loss of cold, making the consequences highlighted in the previous point even worse.

3.5 Finning is practised by non-European vessels which, despite not having systems for freezing, operate in distant waters and for prolonged periods and thus preserve only the fins (using dehydration) while discarding the bodies which otherwise would cause them to decay. For European freezer vessels which would be affected by the Commission proposal, practising finning would involve throwing overboard a valuable source of revenue based on the sale of bodies, which does not make any business sense.

3.6 The EESC agrees with the Commission that abolishing temporary permits and introducing an 'attached fins' policy would ensure that finning is not practised in the EU. However, taking account of the abovementioned factors and the potential negative consequences of those measures for fishermen, feels that alternative methods should be sought to ensure compliance with the ban on finning without seriously affecting the profitability of businesses and the safety of crew members, even though these alternatives will not eliminate the problems of monitoring and enforcement that have been documented by the Commission.

3.7 The EESC suggests the following alternative measures:

3.7.1 An obligation to land bodies and fins in the same port;

3.7.2 Abolishing special permits for the wet fish fleet;

3.7.3 Authorising special permits for freezer vessels provided that they use a traceability mechanism which guarantees the link between bodies and fins that are landed;

3.7.4 The introduction in all RFOs of a statistical document programme for the shark fin trade, such as the one that exists for bluefin tuna in the International Commission for the Conservation of Atlantic Tuna (ICCAT).

3.8 In addition, the Committee recommends that plans to manage shark catches be adopted in all RFOs, which should establish, among other things, measures to restrict fishing effort, closed seasons/areas and the ban on high seas transhipment.

3.9 The Committee believes that the European Commission should step up its efforts to ensure compliance with the ban on finning in those fleets where this deplorable practice still persists, and with the obligations concerning the referral of reliable data on catches of these species by the third country fleet within the framework of RFOs.

⁽⁴⁾ Commission Regulation (EU) No 1063/2010, 18 November 2010 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 307, 23.11.2010, Art. 78(1)(i)).

4. Specific comments

4.1 The Committee welcomes the initiatives taken by certain Member States to protect the most vulnerable species of shark, in particular Spain's ban on catching thresher (Alopiidae family) and hammerhead sharks (Sphyrnidae family) ⁽⁵⁾; therefore calls for appropriate measures to be adopted in all RFOs to protect and manage the most vulnerable species of shark.

4.2 The Committee believes that the current model based on ratios is appropriate and effective. However, various scientific studies on the subject carried out by European research bodies lead to the conclusion that the ratio of 5 % is not suitable (too low) either for the fishing practices of the European fleet, which are based on the full and maximised use of the weight of the fins, or for the main species of shark caught (blue shark and shortfin mako). It is therefore also not suitable for all species combined. The EESC believes that, in view of the studies already carried out, the maximum admissible ratios, established by using realistic criteria with an adequate technical and scientific basis, should be redefined. The new ratio should refer explicitly to the live weight of sharks in order to avoid the current problems of interpretation.

Brussels, 28 March 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON

⁽⁵⁾ Order ARM/2689/2009, 28 September, banning the capture of thresher sharks (Alopiidae family) and hammerhead and winghead sharks (Sphyrnidae family). Spanish Official Gazette No 240, Monday 5 October 2009, p. 84098.