

European Commission
DG MARE – Unit A2
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Belgium

By email: MARE-SHARK-FINNING-CONSULTATION@ec.europa.eu

18 February 2011

Re: Consultation on the amendment of Council Regulation (EC) 1185/2003 on the removal of shark fins on board vessels.

Members of Wildlife and Countryside Link¹, as signed below, strongly support the Commission's Option 3: the fins-remain-attached approach.

Background

The adoption of the EU Finning Regulation (EC) 1185/2003 was a significant step towards regulating the European fishing fleet's contribution to the international shark fin trade by banning shark finning activities on European vessels worldwide. Conservation NGOs welcomed the regulation and particularly *Article 3 (1)* of the regulation which clearly states that *it shall be prohibited to remove shark fins on board vessels, and to retain on board, tranship or land shark fins*. However, concern was raised as the original intent of the regulation was then undermined by *Article 4* which permits derogation from *Article 3* through the provision of *Special Fishing Permits (SFP)* which allow the removal of shark fins at sea in accordance with the 5% live weight (LW) fin:carcass ratio.

This ratio (5%LW), is amongst the most lenient in the world and as such open to abuse. Enforcement of the regulation is further complicated by the ability of SFP holders to tranship or land fins and carcasses in separate ports. The resulting regulation is weak and extremely difficult to effectively enforce.

With the 2009 adoption of the Community Plan of Action for Sharks, members of Wildlife and Countryside Link supported the Commission's prioritisation of a review of the shark finning regulation and welcome this opportunity to contribute to the review process.

The Consultation

We recognise the Commission's appreciation of: the intrinsic vulnerability of sharks; the disparity between the value of fins to carcasses which provides the economic incentive to fin sharks; and the recognition that sharks are especially vulnerable to over exploitation.



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We also appreciate the Commission's recognition that on-board processing seriously reduces the potential for collecting accurate species-specific data, thereby hindering population assessment. And that the Commission acknowledges that despite the 2005 review concluding that the regulation was achieving its general objectives - that in fact the current regulation actually allows room for substantial shark finning as well as impeding control and hampering data collection.

**1. Which option/sub option do you consider the most appropriate:
Option 3: Fins-remain-attached**

We believe that requiring sharks are landed with their fins naturally attached is straight forward to enforce and by far the simplest method to ensure an end to shark finning. In addition a number of expert studies have concluded that a fins attached policy would result in:

- A reduced enforcement burden as there is no requirement for ensuring compliance with the fin:carcass ratio and the associated complicated conversion factor calculations.
- The ability to secure the species-specific landings data required for population monitoring and associated species specific management measures.
- The removal of the opportunity for 'high grading'.
- Landing of sharks with their fins naturally attached would enable careful processing of the carcass resulting in high quality products which maximise landings value.

**2. Which option/sub option do you consider the least appropriate
Option 1: Maintaining the 5% fin to live weight ratio.**

It is recognised by the Commission that the regulation, in its current form, is open to abuse and could allow substantial finning activities, hamper enforcement and make no contribution to securing the species specific landings data championed within the CPOA-Sharks. As such maintaining the *status quo* is unacceptable and does not correspond with the Commissions intention to improve the finning regulation.

3. Assuming that vessels were obliged to land fins and carcasses simultaneously at the same port, what would be the effects on commercial operators and the associated trade?

It is the carcasses rather than the fins which are bulky and require refrigeration. The requirement to land the fins at the same port at which the carcasses are currently landed is therefore of minimal inconvenience, especially when considering that fin traders are ubiquitous.

4. Assuming that vessels were obliged to land fins and carcasses simultaneously at the same port, what would be the effects on the conservation of shark stocks?

The effect of simultaneous landings on the conservation of shark stocks would be negligible as simultaneous landings would not prevent high grading; landing of additional fins sets (within the lenient 5%LW ratio) i.e. shark finning; or facilitate species-specific recording.

In January 2010 the UK ceased the provision of SFPs enforcing a mandatory requirement for sharks to be landed with their fins naturally attached. Since 2009 only two EU Member States, Spain and Portugal, continue to issue SFPs derogating from the original intent of the finning regulation.

In January 2011 Richard Benyon the UK Minister for Environment and Fisheries endorsed the Department of Environment, Fisheries and Food (Defra) *Shark, Skate and Ray Conservation Plan* within which Defra reiterates its support for fins naturally attached, and their intention to pursue this as a European policy as well as in International fora. We can only support these actions and **urge the European Commission to follow this example by adopting Option 3 and delivering an effective shark finning regulation** which acts as an example to other nations and influences the policy of Regional Fisheries Management Organisations.

Yours sincerely



PP

Cathy Williamson
Chair of Link Wildlife Trade Working Group

This joint response is supported by the following 11 organisations;

- Amphibian and Reptile Conservation Trust
- Buglife – The Invertebrate Conservation Trust
- International Fund for Animal Welfare
- Marine Conservation Society
- People's Trust for Endangered Species
- Shark Trust
- The Wildlife Trust
- Royal Society for the Prevention of Cruelty to Animals
- Royal Society for the Protection of Birds
- Whale and Dolphin Conservation Society
- WWF - UK

ⁱ Wildlife and Countryside Link (Link) brings together over 30 voluntary organisations concerned with the conservation and protection of wildlife, the countryside and the marine environment. Taken together our members over 690,000 hectares of land, collectively employ 10,000 full time staff, have the help of 170,000 volunteers and the support of over 8 million people in the UK.