

Shark finning and the EU

Sharks are highly vulnerable to overexploitation, due to the fact that they grow slowly, mature late, and have low rates of reproduction. Many shark species are considered threatened,ⁱ but sharks worldwide are nevertheless under significant and ongoing pressure from fisheries that are essentially unmanaged. The practice of shark finning (i.e., cutting of a shark's fins and discarding the body at sea), which is driven by the discrepancy in value between high-value shark fins and lower-value shark carcasses, has been recognised as one factor that contributes to this pressure on shark populations.

Within Europe, the principle measure to prevent shark finning from occurring is Regulation 1185/2003, on the removal of fins of sharks on board vessels (referred to here as "the Regulation"). The Regulation was adopted in 2003 with the objective of banning shark finning, but is deeply flawed, and fails to meet its stated aim. The system through which fins are removed on board and subsequently landed under special fishing permits (SFPs) is extremely difficult to monitor and control. As a result, the Regulation is effectively unenforceable, and it is difficult to identify whether or not finning occurs, or to hold any vessels that engage in finning responsible for this illegal practice.

In response to the European Commission's public Consultation on the amendment of the Regulation, **Oceana strongly recommends that it be made compulsory for sharks to be landed with their fins still naturally attached.**



© OCEANA/LX. Shark fins loaded from a drifting longliner. Las Palmas, Canary islands, Spain.

Benefits of landing sharks with fins naturally attached

1. Simpler and more effective monitoring and enforcement

The existing Regulation is unenforceable for several reasons:

(a) It is monitored using a ratio that compares the weight of shark fins to the whole-body weight of sharks, despite the fact that sharks are not usually landed whole – they are usually already beheaded and gutted. Therefore, when shark fins and carcasses are landed, their weights cannot be assessed against the ratio directly. Instead, monitoring must rely on conversion factors. These are complicated to determine, because ratios vary according to species, particular fins retained, cutting and processing methods, and the specific practices of individual vessels.

(b) The ratio is too high for some species. The ratio used (5% of whole weight) is among the highest and most lenient in existence globally, and creates the possibility that finning may occur undetected. For example, the average ratio of fins-to-whole weight for shortfin mako sharks (*Isurus oxyrinchus*), one of the most commonly caught species by EU fishers, is estimated at 4%.ⁱⁱ Therefore, the existing Regulation leaves room for finning of this species to occur, yet for weights of landed fins and carcasses to produce an 'acceptable' ratio.

(c) Unlike almost all other regulations on shark finning, the existing Regulation permits shark fins and carcasses to be landed separately. This means that regardless of what the ratio is, the Regulation is

impossible to enforce because fins and carcasses cannot be weighed and compared directly. Instead, enforcement relies on information contained within vessel logbooks, which may not be complete, and cannot be verified.

The simplest and most effective means of monitoring and enforcing the Regulation is to require that sharks be landed with their fins naturally attached. This approach would eliminate the difficulties with the existing, unenforceable ratio and the separate landing of fins and carcasses.

2. Improved collection of species-specific data to inform management

The existing Regulation creates additional difficulties for shark management, because removing fins onboard, and landing them separately from carcasses precludes the collection of critical data about shark catches, particularly species identification, and species-specific estimates of maturity, length, and sex. These data are essential for assessing population status and trends and informing management. Unfortunately, these data are also largely non-existent; shark catches are often misreported or not reported at all, and experts have repeatedly called for better information to inform shark management. *Oceana strongly believes that a fins-attached approach would be a significant step towards gathering important data for management, because species identification and measurement are greatly facilitated if fins are still attached.*

3. Elimination of high-grading

Because the existing Regulation permits fins to be removed onboard vessels, it creates the possibility that fishers may not only engage in shark finning, but may do so in a way that is even more wasteful: high-grading (mixing carcasses and fins from sharks of different species or sizes). Specifically, some fishers may aim to maximise their profits by combining higher-value fins with smaller-bodied carcasses that occupy less space in the hold. The EU has prohibited high-grading in all ICES zones,ⁱⁱⁱ and *a fins-attached approach is the only means of guaranteeing that high-grading of shark fins and carcasses is eliminated.*

4. Increased value of fins cut on land

A fins-attached approach may also help to increase the economic value of fins, in comparison with fins that are cut onboard vessels. When cut on land, fins can be removed more precisely than at sea. Cutting is also most easily controlled when the shark carcass is frozen.^{iv} *As a result, through a fins-attached approach, fins may be cut in a way that maximises their potential value.*

Addressing the fishing sector's concerns

1. Potential loss of EU origin if sharks are removed after landing.

It is a misperception of the fishing sector that if shark fins are removed on land in non-EU ports, the EU origin of the products will be lost. According to EU Customs officials, cutting off shark fins (or even cutting and then drying fins) is considered 'simple processing', and is insufficient to change the EU origin of goods.^v *For sharks landed in non-EU ports with their fins naturally attached, if the fins are then removed, both meat and fins will still be EU products.*

2. Potential burden of health certification requirements

The fishing sector has raised concerns about meeting EU health requirements for imports under a fins-attached policy. More than half of EU shark landings occur in EU ports,^{vi} for which a fins-attached approach involves no change in health requirements. For sharks landed in third-country ports (in order for fins to be removed on land), EU import regulations require a health certificate to be issued by the third

country authority. EU-authorized facilities are present in many foreign ports where EU fleets land sharks, and so the infrastructure is already in place for obtaining required certificates. To avoid any such additional procedures, there is a simple option: to ship the frozen shark back to the EU with its fins still attached. Shark meat and fins are frequently shipped together to EU ports (e.g., Vigo, Spain),^{vii} and shipping frozen sharks with fins attached would involve no additional health requirements.

3. Potential difficulties because shark fins and meat are destined for different markets

The fishing sector has argued that it is necessary to land shark meat and fins in different ports, because they are destined for different markets. In fact, while shark fins and carcasses are indeed sold to different markets, this usually occurs after they have already been landed together. Even from distant ports, such as Montevideo, Uruguay, shark meat and fins are often shipped back to the EU together, before entering different trade channels.^{vii} In general, fins and carcasses from frozen sharks are frequently landed together, while fresh sharks are often landed whole with their fins attached anyways. *Landing fins and carcasses together is not only possible but already occurs.*

4. Potential difficulties in handling and storing sharks

The fishing sector has suggested that freezing sharks with their fins attached may make it difficult to handle them safely, store them efficiently in the hold, and remove fins after landing. However, all of these potential challenges have already been faced – and solved – elsewhere. Following the introduction of a fins-attached policy in Costa Rica, longline fishers there developed a simple technique: by partially cutting the fins (about 3/4 of the way through) before freezing, they are able to fold them flat against the carcass, and to tie the fins in place. *In this way, frozen sharks may be safely handled and storage space is maximised.* Once landed, the frozen fins are unfolded and cut completely off the frozen carcass. Within Europe, fishers may also learn from techniques used by the French fishing sector, which also catches significant quantities of sharks, and handles, freezes, and lands them with their fins attached.

5. Potential spoilage of shark meat

Fishers have claimed that removing fins at sea is necessary to prevent shark meat from spoiling. However, landing sharks with fins attached does not prevent gutting and beheading the shark at sea as is currently done. If the Costa Rican partial-cut technique is used, then fins may later be removed while the shark is still frozen. *A fins-attached approach is unlikely to impact the quality of shark meat.*

Global support for a fins-attached policy

Increasingly, shark scientists, conservationists, and other experts have recognised that landing sharks with their fins still naturally attached is the most straightforward, reliable, and effective approach for implementing finning bans. In addition to individual countries that have adopted fins-attached policies (e.g., CNMI, Colombia, Costa Rica, El Salvador, Oman, and USA), support for the fins-attached approach has gained momentum within international fora in recent years:

2006: An ICCAT SCRS paper on fin ratios stated that “the only guaranteed method to avoid shark finning is to land sharks with all fins attached.”^{viii}

2007: The United Nations General Assembly specifically encouraged consideration of the fins-attached approach.^{ix}

2008: The IUCN World Conservation Congress adopted a resolution calling on shark fishing states to require that sharks be landed with their fins naturally attached.^x

The IOTC Working Party on Ecosystems and Bycatch recommended that the IOTC fin-to-carcass ratio be replaced with a requirement for sharks to be landed with their fins naturally attached.^{xi}

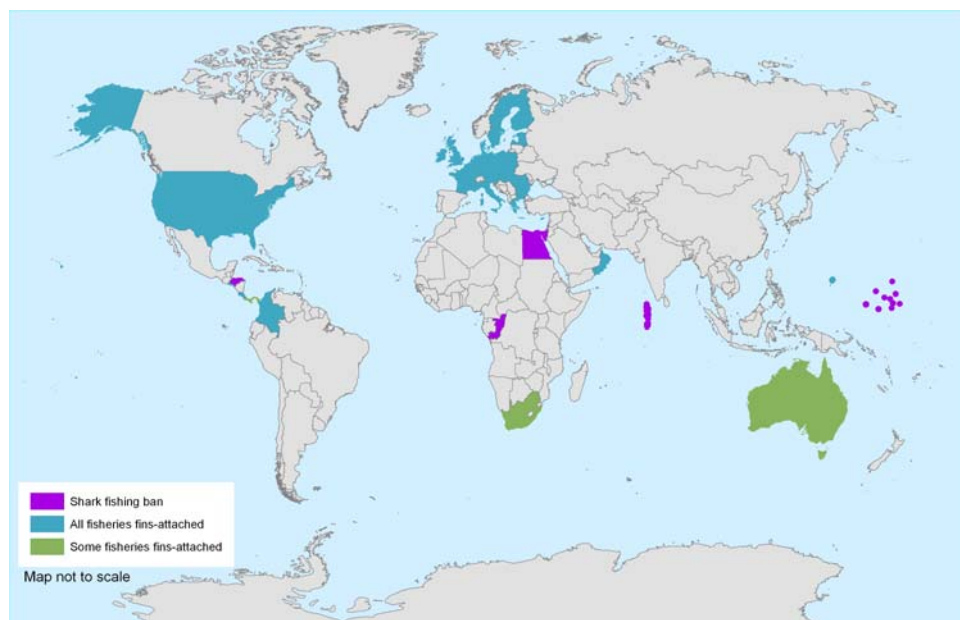
2009: The European Commission noted that, according to experts, “an effective and practical ‘finning’ Regulation should make it compulsory to land sharks with fins attached.”^{xii}

2010: The resumed Review Conference on the Agreement for the Implementation of the United Nations Fish Stocks Agreement recommended strengthening enforcement of existing prohibitions on shark finning by requiring that sharks be landed with their fins naturally attached or through other means that are equally effective and enforceable.^{xiii}

The Convention on Migratory Species adopted an MoU on the Conservation of Migratory Sharks, which recognises that signatories should prohibit shark finning, taking measures, as appropriate, to require that sharks be landed with “each fin naturally attached.”^{xiv}

The European Parliament endorsed a resolution to strengthen the EU ban on shark finning, which calls on the Commission to deliver a proposal prohibiting the removal of shark fins on board vessels.^{xv}

Countries with regulations requiring sharks to be landed with their fins naturally attached^{xvi}



Additional considerations

An amended Regulation must be accompanied by effective monitoring and enforcement. The enforcement challenges are considerable, given the number of Community ports where sharks are landed (by Community and third-country vessels), and the global range over which Community vessels catch and land sharks. Clear guidelines and training must be provided to those responsible for enforcing the Regulation, and observer coverage on shark-fishing vessels must be improved, as outlined within the EU Plan of Action on the Conservation and Management of Sharks.

Further, while an effective ban on finning is a significant and necessary step to prevent this wasteful practice from occurring, *it does nothing to address the broader issue of the complete lack of existing management measures for most shark species*. By themselves, finning bans are not sufficient to ensure that levels of shark fishing are sustainable. Sharks are commercially targeted species in the EU; for example, catches by Spanish longliners in the Atlantic Ocean comprise more than 67 percent sharks.^{xvi} The EU has a responsibility to manage sharks as commercial species, through the use of science-based, precautionary measures, such as catch limits (based on stock assessments) and long-term management plans. Currently, neither of the two main species caught by EU vessels (shortfin makos and blue sharks) is subject to catch limits. Shortfin mako (*Isurus oxyrinchus*) is considered to be Vulnerable by the IUCN.^{xviii}

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Blue shark

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Finally, the Regulation is likely to have far-reaching, positive implications for shark fisheries management and data collection. The EU is home to four of the largest shark fishing nations in the world: Spain, France, Portugal, and the United Kingdom. Together, EU Member States account for the second-highest level of reported shark catches globally

(14%),^{xix} which are caught in European, high seas, and third-country waters. Along with this global impact on shark populations comes a global responsibility for developing and implementing sound shark fisheries management. The EU is an influential member of many RFMOs (e.g., IATTC, ICCAT, IOTC, and WCPFC). Amending the Regulation to require that sharks be landed with their fins still naturally attached may set an important precedent that can be followed within these international fora.

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