Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels

COUNCIL REGULATION (EC) No 1185/2003

of 26 June 2003

on the removal of fins of sharks on board vessels

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Parliament[(2)],

Whereas:

(1) According to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(3)], the Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions, and the Council is to establish Community measures governing access to waters and resources and the sustainable pursuit of fishing activities.

(2) Fish belonging to the taxon *Elasmobranchii*, which includes sharks, skates, rays and similar species are generally very vulnerable to exploitation due to their life-cycle characteristics. Most of these species are often caught as by-catch in Community fishing activities directed to other more valuable species.

(3) Current scientific knowledge, generally based on the examination of catch rates, indicates that many stocks of sharks are seriously under threat.

(4) Until more is known about the population dynamics of sharks and their response to exploitation, which would allow the drafting of well-tailored and comprehensive management plans, any measure preventing the development of unsustainable practices or leading to decreased exploitation of sharks will have positive effects on their conservation.

(5) The practice of 'shark finning', whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea, may contribute to the excessive mortality of sharks to such an extent that many stocks of sharks are depleted, and their future sustainability may be endangered.

(6) Measures to restrict or prevent the further development of the practice of shark finning are urgently required, and the removal of shark fins on board vessels should therefore be prohibited. In view of the practical difficulties involved in the identification of species

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 1185/2003. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

based on removed fins, this prohibition should apply to all *Elasmobranchii*, except for the removal of ray wings.

(7) However, the removal of fins from dead sharks on board may be allowed if the removal aims at a more efficient use of all shark parts by the separate processing on board of fins and of the remaining parts of the sharks. In this case, the flag Member State should issue and manage, with associated conditions, a special fishing permit in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits[(4)].

(8) In order to ensure that all the remaining parts of sharks are kept on board, after the removal of fins, masters of vessels which hold a valid special fishing permit should keep records of the amounts of shark fins and of the remaining parts of sharks after evisceration and beheading. Such records should be kept in the logbook as provided for by Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[(5)], or in a special register as appropriate.

(9) The problems resulting from the practice of shark finning extend well beyond Community waters. It is appropriate that the Community shows equal commitment towards stock conservation in all maritime waters. This Regulation should therefore be applicable to all Community vessels.

(10) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of conservation of shark stocks to lay down rules on the removal of shark fins on board vessels. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to the removal of shark fins, retention on board, transhipment and landing of sharks or shark fins:

1. by vessels in maritime waters under the sovereignty or the jurisdiction of Member States;

2. by vessels flying the flag or registered in Member States in other maritime waters.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. ‘shark fins’ means any fins of sharks including caudal fins, but excluding the pectoral fins of rays, which are a constituent part of raywings;

***Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 1185/2003. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

2. 'shark' means any fish of the taxon *Elasmobranchii*;

3. **[**F1. . . . .**]**

Textual Amendments

F1 Deleted by Regulation (EU) No 605/2013 of the European Parliament and of the Council of 12 June 2013 amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels.

Article 3

Prohibitions

1 It shall be prohibited to remove shark fins on board vessels, and to retain on board, tranship or land shark fins.

[F2 1a Without prejudice to paragraph 1, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before landing.**]**

2 It shall be prohibited to purchase, offer for sale or sell shark fins which have been removed on board, retained on board, transhipped or landed in contravention of this Regulation.

Textual Amendments

F2 Inserted by Regulation (EU) No 605/2013 of the European Parliament and of the Council of 12 June 2013 amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels.

F1 *Article 4*

[F1**Derogation and associated conditions**

. . . . . .

Textual Amendments

F1 Deleted by Regulation (EU) No 605/2013 of the European Parliament and of the Council of 12 June 2013 amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels.

F1 *Article 5*

Records]

. . . . . .