

February 20, 2011

Maria Damanaki
European Commissioner for Maritime Affairs and Fisheries
European Commission
B – 1049 Brussels
BELGIUM



Dear Commissioner Damanaki:

Shark Advocates International appreciates this opportunity to comment on the European Commission's proposed options for amending the Council Regulation (EC No. 1185/2003) which prohibits shark finning (slicing off a shark's fins and discarding the body at sea).

We are deeply concerned about the loopholes in the existing regulation that not only may allow this wasteful practice to continue undetected, but also set a poor example for other countries, lower the standards of international rules, and thereby undermine anti-finning efforts on a global scale. It is important to recognize that this regulation is still the sole EU safeguard for dozens of shark species. This factor, along with the inherent biological vulnerability of these animals, makes proper enforcement of the finning regulation imperative.

We offer the following specific remarks on the options proposed:

Option 1: Maintain the 5% fin to "live" weight ratio

(i) A 5% fin to carcass "live" weight ratio limit without a requirement to land shark carcasses and fins simultaneously

Option 1(i) represents the status quo and is therefore, in our view, not acceptable.

As the consultation document points out, under these lenient standards, it is difficult to ensure finning has not occurred as inspectors must rely on information recorded in fishermen's logbooks. This "business as usual" option will also not fulfil commitments to close loopholes in the EU finning regulation made by the Commission, and supported by the Council, the European Parliament, and tens of thousands of European citizens.

(ii) A 5% fin to carcass "live" weight ratio combined with a requirement for landing shark carcasses and fins simultaneously

Shark Advocates International also opposes Option 1(ii) as it is extremely difficult to ensure that all landed shark fins correspond to landed shark bodies, and much essential, species-specific data cannot be collected from processed sharks.

The EU 5% fin to carcass “live” weight ratio is among the highest and therefore most lenient in the world. Atlantic and Indo-Pacific fisheries data reviewed for a recent publication from the European Elasmobranch Association (EEA) and the International Union for Conservation of Nature (IUCN) Shark Specialist Group (SSG) (*Shark Fins in Europe: Implications for Reforming the EU Finning Ban*; available at <http://www.iucnssg.org/index.php/shark-fins-in-europe>) reveal that average fin to carcass weight ratios for most shark species taken in European fisheries are lower than the current 5% “live” weight EU limit. High weight ratios stem from crude fin cutting techniques and can be three times higher than ratios associated with other pelagic fishing fleets that use clean cuts and the most valuable fins. Excessive ratios leave room for fishermen to fin a significant number of sharks while staying within legal weight limits. The EU fin to carcass “live” weight ratio cannot be properly measured and thereby enforced as shark carcasses are dressed (not “live” or “whole”) upon landing. Fin removal reduces inspectors’ ability to identify sharks to the species level and may therefore hinder the collection of data that are vital to population assessment and fishery management.

Option 2: A 5% fin to *dressed* carcass ratio with a requirement for landing shark carcasses and fins simultaneously

We are concerned about the suggestion in the consultation document that this option might be subject to exemptions that would allow for the continued use of the 5% fin to “live” weight ratio. Such exceptions would equate to the status quo situation and are therefore unacceptable, in our opinion.

Assuming no exemptions, Option 2, by substantially reducing the fin to carcass weight allowance, could significantly reduce the possibility to fin sharks while the requirement for simultaneous landings of fins and bodies would enhance inspectors’ ability to measure the weight ratio and thereby enforce the regulation. The ability to collect essential, species-specific data (from processed carcasses), however, would still be limited.

Reducing the EU fin to carcass ratio to 5% of dressed weight would create consistency with other nations and may represent the fastest route for tighter finning bans under Regional Fishery Management Organizations (RFMOs), given that RFMOs employ 5% fin to carcass ratios without specifying if these ratios apply to dressed or whole weight. Overall, however, fin to carcass ratios remain difficult to enforce and can hamper species identification. As a result, many governments are moving toward requirements for shark fins to remain attached.

In our view, Option 2 could equate to progress only if the 5% dressed weight ratio is applied to all EU vessels and to all EU waters as an interim step toward a ban on at-sea shark fin removal and/or as a back-up means for onshore, post-processing enforcement.

Option 3: Fins Remain Attached

Shark Advocates International strongly favors Option 3, a *fins naturally attached* policy. This method has earned support from the vast majority of conservationists and scientists as it is clearly the most reliable means for enforcing a shark finning ban.

As detailed in the IUCN SSG/EEA report mentioned above and in *Strengthening European Fisheries Management: Options for Enforcing the Shark Finning Ban* (http://www.lenfestocean.org/publications/shark_finning.html), under such a policy:

- Calculation, decisions and alterations of ratios are unnecessary
- Enforcement burden is reduced
- Information on species and quantities of sharks landed is vastly improved
- “High-grading” (mixing bodies and fins from different animals) is impossible
- Value of the finished product can be increased.

More specifically, a fins naturally attached policy eliminates the need for different rules, ratios, and conversion factors to be debated and applied in different situations because weighing and/or matching of shark parts is not required. Enforcement under such a rule is limited to ensuring that no detached fins are present on board. Opportunities to gather valuable, species-specific data are enhanced because sharks are more readily identifiable to the species level when their fins are still attached. When done on shore, cutting of fins be more precise (as preferred by most buyers), thereby maximising the value of final shark products.

As mentioned in the consultation document, the technique of making a partial cut (that allows fins to be folded flush against the body) can address the main industry concerns about safely and efficiently storing sharks on board. Costa Rican fishermen have demonstrated that this practice can be used effectively for frozen as well as fresh sharks.

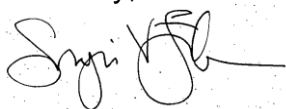
Because of the numerous practical advantages associated with the fins naturally attached method, the policy has been mandated for most Central American and U.S. fisheries, and is gaining acceptance in international arenas, as reflected in:

- The 2007 United Nations General Assembly Sustainable Fisheries Resolution
- The 2008 IUCN *Global Policy against Shark Finning*
- The 2010 Fish Stocks Agreement Review Conference on the Law of the Sea relating to Straddling and Highly Migratory Fish Stocks
- A 2010 European Parliament Resolution

In summary, we urge the Commission to promptly issue a proposal to the Council and European Parliament for prohibiting *without exception* the removal of shark fins on board vessels (Option 3). This method is clearly the best choice to close EU regulation loopholes, reduce enforcement burdens, improve shark catch data collection, and establish the EU as a world leader in the battle to end shark finning.

Thank you for considering our views.

Sincerely,



Sonja V. Fordham
President