



**COUNCIL OF
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REVISED NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)/Council
No. Cion prop.: 17486/11 PECHE 352 ENV 900 CODEC 2177 - COM(2011) 798 final
Subject: 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

This document contains the text in doc. 6719/12 PECHE 58 ENV 127 CODEC 434 INIT without trackchanges.

REGULATION (EU) No .../2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of ...****amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

Whereas:

- (1) Council Regulation (EC) No 1185/2003³ establishes a general prohibition of the practice of 'shark finning', whereby the fins are removed from sharks, with the remainder of the shark being discarded at sea.
- (2) Fish belonging to the taxon *Elasmobranchii*, including sharks, skates and rays are generally very vulnerable to overexploitation due to their life cycle characteristics of slow growth, late maturity and small number of young. In recent years, some shark populations have been severely targeted and put under serious threat as a result of a dramatic increase in demand for shark products, fins in particular.

¹ OJ C ...

² Position of the European Parliament of ...[(OJ ...)] [(not yet published in the Official Journal)] and decision of the Council of

³ OJ L 167, 4.7.2003, p. 1

- (3) The issuing of special fishing permits allowing processing on board, whereby shark fins can be removed from the bodies, as set out in Regulation (EC) No 1185/2003, has hampered the collection of data underpinning scientific advice for the establishment of fisheries conservation measures.
- (4) In light of the International Plan of Action for the Conservation and Management of Sharks adopted by the Food and Agriculture Organisation of the United Nations (FAO), it is desirable to adopt all measures necessary for the conservation of sharks and to minimize waste and discards from shark catches. In its conclusions of 23 April 2009, the Council endorsed the overall approach and specific objectives of the Union as set out in the related Commission Communication on a European Community Action Plan for the Conservation and Management of Sharks.
- (5) The Scientific, Technical, and Economic Committee for Fisheries (STECF) acknowledges the problem of shark finning and calls for its eradication without exemption, and advises that all elasmobranch species should be landed with fins /wings attached. Regional Fisheries Management Organisations are increasingly addressing the issue of shark finning and their scientific bodies are showing preference for the landing of sharks with their fins naturally attached to the body.
- (6) Regulation (EC) No 1185/2003 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 1185/2003 is hereby amended as follows:

- (1) in Article 2, point 3 is deleted;

- (2) the following paragraph is inserted after Article 3(1):
"1a. Without prejudice to paragraph 1, and in order to facilitate on board storage, shark fins may be partially sliced through and folded against the carcass.";
- (3) Articles 4 and 5 are deleted;
- (4) Article 6 is replaced by the following:

"Article 6

Reports

1. Where vessels flying the flag of a Member State catch, retain on board, tranship or land sharks, the flag Member State shall send to the Commission, by 1 May, a comprehensive annual report on the implementation of this Regulation during the previous year. The report shall describe how the Member States' monitoring and control measures encompass the compliance of vessels with this Regulation, and the enforcement measures taken by Member States in cases of non-compliance. In particular, the following information shall be provided:
 - the number of landing operations in which sharks were declared;
 - the number of inspections carried out during such landing operations; and
 - the number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved.
2. The Commission shall by 1 January [...] ^{*} report to the European Parliament and the Council on the operation of this Regulation and the international developments in this field."

* [OJ: insert the year which is four years later than the year of adoption]

Article 2

Entry into force

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament

For the Council

The President

The President
