HUMANE SOCIETY INTERNATIONAL

Why does the EU need a new shark finning regulation?

Existing shark finning regulations

Twenty-seven countries and the European Union now ban shark finning. However, most of their regulations allow the on-board removal of fins from carcasses, but stipulate a specific weight ratio between the separated fins and carcasses. In most cases the fins, when landed at port, must weigh no more than 5% of the weight of the carcasses. This is meant to be fair reflection of the "average" weight of fins as a proportion of the "average" shark and compliance with the "5% rule" is therefore taken as evidence that a vessel has not finned any sharks.

However, this method of assessing compliance with finning bans is fraught with difficulty. Firstly, the weight ratio applied by different countries is not uniform. In some countries, the law stipulates that a vessel may not land shark fins that weigh more than 5% of the "dressed" weight of the sharks: that is, the weight of the carcass after the removal of the head and guts.

Others, including the European Union's Regulation (EC) No. 1185/2003 on the removal of fins of sharks on board vessels, allow the landing of fins that weigh 5% of the ***whole*** weight of the shark. While this may seem a minor point, it does, in fact, make a very great difference to the number of sharks that are actually finned, because a shark's liver and head are extremely heavy in relation to its whole body weight. Such is the difference that some have argued that the EU's rule still allows two sharks to be finned for every three that are caught.

The International Union for Conservation of Nature (IUCN) has recommended that sharks be landed with their fins attached. However, their advice - in cases where a weight ratio is applied - is that a weight ratio of 5% fins to 95% dressed weight is generous for a wide range of species, and that allowing 5% fins to 95% whole weight, as many States and regional agreements do, is excessive, leaving ample opportunity to continue finning sharks. For years, some countries have argued against applying the 5% rule to the dressed weight of sharks, arguing that the weight ratio is much higher in their fisheries. Shark experts, in turn, have argued that this is because they are leaving a great deal of meat on the fins when removing them.

Further problems with the 5% rule

Whether using whole or dressed weight, there are other, very serious problems with the 5% rule. Given that it is difficult (and often impossible) to identify individual shark species just by looking at detached fins or carcasses, many countries can gather only generalised data on their shark catches. Gathering accurate, species-specific data is imperative if sharks are to be managed properly, and the onboard removal of shark fins is a major obstacle to this.

A second problem with the 5% rule is that it is possible to cheat the system. A few shark species are caught for their meat, while many are caught for their fins. Prior to adopting "fins-attached" regulations, U.S. agencies reported that fishers had been

found to be circumventing the rule by retaining high-value fins and high-value carcasses and discarding the low-value fins and carcasses. This defeats the whole purpose of a finning ban, but it allowed fishers to land the fins and carcasses (from different species!) in the "correct" ratio, while finning large numbers of sharks.

Thirdly, the weighing of shark carcasses and fins at port is extremely time-consuming, particularly in countries where shark catches are high. Enforcement personnel in the U.S. fisheries agency reported in 2007 that they did not, in fact, weigh the fins or carcasses themselves. This task was left to the shark traders! If one of the world's best-resourced fisheries agencies was unable to enforce its own regulations, it seems highly unlikely that EU Member States are enforcing theirs.

The solution

Ten countries have adopted "fins-attached" regulations. Chile, Costa Rica, Colombia, Ecuador, El Salvador, Germany, Oman, Panama, the United Kingdom and the United States require that sharks must be landed with their fins still attached to the carcasses. In some of these countries the fin may be partially cut, leaving a certain proportion still attached to allow the fins to be flattened against the carcass to facilitate storage. In Panama, commercial (but not artisanal) vessels are required to land sharks with their fins attached.

And the EU?

Since the adoption of Regulation (EC) No. 1185/2003 in 2003, the EU has operated its shark fisheries under the 5% rule – allowing landed fins to weigh no more than 5% of the *whole* shark. This, in itself, leaves room for finning. In addition, shark carcasses may be landed at one port and fins at another, which makes a complete mockery of the 5% rule. Spain has admitted that enforcement depends entirely on logbook entries written by the crew.

On 16th December 2010, the European Parliament adopted a Resolution on shark finning that called on the European Commission to deliver a proposal to prohibit the removal of shark fins on-board vessels. This Resolution was passed after 423 MEPs signed Written Declaration 71/2010 on strengthening the EU ban on shark finning. Since then, the Commission has held a public consultation on the issue of onboard shark fin removal. A legislative proposal is anticipated in October 2011.

Humane Society International believes that the EU must adopt a fins-attached policy without exception. This is the only option if shark finning is to be stopped. Enacting such regulations will greatly enhance the EU's ability to adopt meaningful shark conservation measures, for the following reasons:

- Endless arguments about the "correct" weight ratio of fins to carcasses will be avoided.
- There are no opportunities for cheating on the part of fishers.
- It is far less time-consuming for port inspectors to verify compliance, since no weighing is required.
- As in the case of El Salvador and Costa Rica, any problems that fishers have with the storage of whole sharks can be solved by the partial cut.
- Landing sharks with their fins attached will provide the optimum conditions for collection of accurate landings data by species, and will therefore facilitate sound management.