

Department for Environment, Food and Rural Affairs

**Annual Report on the implementation
Of Council Regulation (EC) No 1185/2003**

Date: June 2011

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Annual Report on the implementation of Council Regulation (EC) No 1185/2003

Member State: United Kingdom

Reference Year: 2010

1. General Implementation of the Regulation (Article 3)

Q1. Did the competent authorities (or the professionals) take some initiatives to inform the concerned sector about this Regulation?

Yes. a) In 2009 vessel owners were informally consulted on the proposal to cease issuing special fishing permits under the Regulation (derogation Article 4). The Government policy decision within the UK was to cease issuing derogations to allow shark finning at sea from October 2009, at that time no permits were held by any UK registered vessel, and none had been issued in 2009. However, the UK authorities remain committed to the conservation objectives of the regulation and a letter reiterating the obligations under the regulation was sent in August 2010.

b) National legislation implementing the EC regulation is publicised to the fishing industry. By way of example, for England and Wales the national implementing legislation is The Sea Fishing (Prohibition of Removal of Shark Fins) Order 2007.

2. Special Fishing Permits (Article 4)

2.1 Special Fishing Permits

Q2. Have any special fishing permits been delivered and/or renewed for the reference period?

No. As a result of the above policy decision, no special fishing permits were issued by the UK authorities in 2010.

2.2 Theoretical correspondence between weights of fins and shark

Q3. What is (are) the correspondence between weights of fins and shark bodies that has (have) been established for the purpose of controlling the application of Article 4(4). Provide the technical basis or other reasons for such value(s).

The UK's policy is that fins should be attached, wherever sharks are caught to ensure any potential loopholes associated with ratios and conversion factors are closed, to aid enforcement action, and to ensure the best, species specific data is always available to shark fishery managers, so they in turn can insure all fisheries are sustainable.

On landing and transshipment, shark fins are now required to be attached to the body as a result of the policy decision to cease issuing permits from 2009. Further information on historic ratios and conversion factors used by UK authorities is available on request, and included in previous annual reports.

3. Records (Article 5)

3.1 Vessels removing fins on board but not subject to logbook requirements (Art 6(1) of 2847/93)

Q4. Have some vessels flying the MS flag received a special fishing permit for the purpose of Regulation 1185/2203, while not being subject to the general logbook requirements?

No.

3.2 Possibilities for separate landings of carcasses and corresponding fins

Q5. Were the vessels holding a special fishing permit allowed not to land simultaneously the shark fins and the remaining parts of the sharks?

No. The UK has never permitted the landing and transshipment of fins and bodies separately.

3.3 Landings outside Community ports

Q6. Were the vessels holding a special permit allowed to land the shark catch outside the Community?

Vessels were permitted to land outside the Community, but no special permits have been issued to them since 2009.

According to EC fishing logbooks and landing declarations, three UK registered, Spanish owned vessels made a total of eight landings of sharks, four of which showed fins as a component of the catch in the EC fishing logbooks. All these landings were outside ports in the Community.

- a) The non-Community coastal states of landing were: South Africa (Durban), Mauritius (Port Louis) and Singapore (Jurong).
- b) In 2010 the total quantities of sharks and shark fins by landed weight in these 4 landings was as follows:

total sharks –	141.51 tonnes;
fins –	4.39 tonnes.

- c) The two main species of shark in these landings were Blue shark and Mako shark. A small quantity of Silky shark was also landed. All relevant EC fishing logbook sheets record these species. This year there has been no use of a generic species code for sharks on the EC logbooks. This generic code has only been used for the purposes of entering fins onto the fisheries database.

4. Monitoring of compliance (Article 6)

Q7. How were the provisions of this Regulation enforced?

The UK authorities enforce Council Regulation (EC) 1185/2003 and are taking steps to address compliance issues. Because of the sensitivity of shark fisheries, all these vessels are given a high priority for monitoring. However, the UK is heavily limited in its ability to conduct inspections at sea and on landing, because the three relevant vessels fish outside the North East Atlantic and land predominantly in non-Community ports, where we do not have an inspection presence. In addition, the three vessels are administered in Scotland and this means there is often a lack of corroborated evidence sufficient to support formal enforcement action under Scottish law.

In view of these practical difficulties, the UK authorities pursue enforcement opportunities and exchange of information with the relevant non-Community fisheries authorities. We support the use of the co-operative enforcement provisions within the resolutions of Regional Fishery Management Organisations (RFMOs) and within EU Fishery Partnership Agreements (FPAs). Through the IUU team based in London, we take every opportunity to work with Marine Scotland and third countries to verify compliance by these vessels. As a result of such co-operative liaison by the UK authorities, one of the UK registered vessels was inspected on landing by the Singapore authorities in 2010.

Q8. What was the outcome of the controls during the reference year?

Efforts to ensure compliance with the regulations by these vessels have resulted in an improving situation in 2010.

As a result of the inspection in Singapore it was confirmed that fins were attached to the sharks on landing, which is in line with the UK's policy not to issue special fishing permits. This was further confirmed in respect of two of the landings, where fins were recorded, by entries made on the landing declarations which state that fins are attached to the sharks at the point of landing. We are currently working to verify the details of the fourth landing where fins were recorded as a component of the catch.

A letter was sent in August 2010 by relevant UK fisheries administrations to vessels which can land sharks, skates and rays to remind them of the requirements of the regulations, including the requirement to record different species of sharks individually and to explain that special fishing permits are no longer issued.

In addition, the recently introduced requirement to submit logbook information electronically will support more effective monitoring of the fishing activities of these vessels. The application of the Control Regulation obligation, which places responsibility for submission of sales notes on the Master of the vessel (or his representative) when landing outside the Community, will assist enforcement action to ensure the correct submission of sales notes. The application of relevant legislation that supports the monitoring and enforcement of activity by these vessels is summarised below.

a) Legislation to ensure compliance on catch certificates

Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

b) Legislation to ensure compliance with electronic reporting of fishing logbooks landing declarations and sales notes

Council Regulation (EC) 1966/2006 and Commission Regulation (EC) 1077/2008 laying down detailed rules for the implementation of CR 1066/2006 on electronic recording and reporting of fishing activities and on means of remote sensing.

The UK submitted a detailed response to the consultation on the review of Regulation 1185/2003, stressing our desire to see a fins naturally attached policy adopted Europe wide. We look forward to working with yourselves and other Member States on this review in more detail later in 2011.

**Marine Management Organisation
United Kingdom
June 2011**