

ANNUAL REPORT ON THE IMPLEMENTATION OF COUNCIL REGULATION (EC) NO 1185/2003

Member State: United Kingdom
Reference Year: 2011

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 2008 vessel owners were informally consulted on the proposal to withdraw shark finning permits (derogation Article 4). The Government policy decision within the UK was to cease issuing derogations to allow shark finning at sea from January 2009; at that time no permits were held by any UK registered vessel. The UK authorities remain committed to the conservation objectives of the regulation.

b) National legislation implementing the EC regulation is publicised to the fishing industry to increase awareness and understanding across concerned sectors.

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 shark finning permits were issued by the UK authorities in 2011.

Under the UK permit scheme, the separate landing and transshipment of fins and bodies has always been prohibited. In the years prior to 2009, shark finning permits were issued to individual vessels for periods of 12 months by the UK fisheries authorities. However, in 2008 they were issued quarterly to those vessels administered by the authorities in England.

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).*

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 in 2009.

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?*

No permits were issued from 2009 onwards. According to EC fishing logbooks and landing declarations, 3 vessels made a total of 10 landings where sharks comprised a component of the recorded catch. All these landings were outside ports in the Community.

- a) The non-Community coastal states were: South Africa (Durban), Mauritius (Port Louis) and Indonesia (Jakarta).
- b) In 2011 the total quantities of sharks landed outside the Community by the three UK registered vessels totalled 381.128 metric tonnes (live weight). No fins were recorded by any of these vessels.
- c) The two main species of shark in these landings were Blue shark and Shortfin Mako shark, with a small amount of Silky shark landed.
- d) All relevant EC fishing logbooks record these species. This year there has been no use of a generic species code for sharks on the EC logbooks and no fins recorded. Two of these vessels are now using the electronic logbook system, and one is still reporting manually.

4. Monitoring of compliance (Article 6)

Q7. How were the provisions of this Regulation enforced?

- a) The UK authorities enforce Council Regulation (EC) 1185/2003 and are taking steps to address compliance.
- b) The UK has a limited capacity to conduct inspections at sea and during landing because the three affected vessels fish outside the North East Atlantic and land predominantly in non-Community ports where we do not have an inspection presence. In view of this, we will 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).
- c) Efforts to encourage compliance with the regulations by these vessels have resulted in a significant improvement in the quality of catch information recorded on logbooks. For all three of these vessels, no shark fins were recorded during 2011. In addition, the recently introduced requirement to submit logbook information electronically will allow the fishing activities of these vessels to be monitored much more effectively. Also, application of the Control regulation obligations placing the responsibility for submission of sales notes on the Master of the vessel (or his representative) when landing outside of the Community will allow direct action to be taken to ensure correct submission of future sales notes.

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

The outcomes in this reference year have been positive and important points to note are:

- a) Improved quality in catch data and better awareness;
- b) Proactive efforts made by the UK from 2008, to inform those vessels affected as soon as possible of this regulation and similar legislation to protect elasmobranchs;
- c) No shark finning permits were issued by the UK authorities in 2011

For the three vessels registered in Scotland, it has proved difficult to sight sales notes for the voyages concerned. As a consequence, an insufficiency of corroborated evidence has prevented formal enforcement action under Scottish law.

A letter was sent 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 shark finning permits are no longer issued.

The legislation to control and monitor these UK fishing activities by vessels that land in non-Community ports 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.

Other comments

The only way to remove the potential for finning to occur under the existing regulations beyond any doubt and to simplify enforcement would be to adopt the 'fins naturally attached' approach to landing sharks. In the absence of such an approach suitable conversion factors for shark finning activities across the full range of shark species would need to be developed and harmonised for use in all Member States. This would be necessary to provide greater confidence in the accuracy of weight of fins against the total liveweight of the shark species landed and ensure that the requirements of article 4(5) of Council Regulation (EC) 1185/2003 can be met with certainty. At present it is only possible to make best estimates.

The UK looks forward to the forthcoming review of Regulation 1185/2003 so a full and thorough analysis of the regulation can take place, with consideration given to removing the complications noted in this report by mandating fin on landings of sharks.

**Marine Management Organisation
United Kingdom
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