



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
D(2011)

Opinion

Title **DG MARE - Impact Assessment on a proposal for amendments to the Council regulation on the removal of sharks' fins on board vessels.**

(draft version of 20 May 2011)

(A) Context

Council Regulation (EC) 1185/2003 bans the practice of severing and retaining sharks' fins while discarding the carcass at sea (finning). Member States can nevertheless issue special permits allowing the removal of fins on-board and their landing in a different port from where carcasses are unloaded. Since this makes the monitoring and enforcement of the regulation difficult, the Commission is considering amending it to better support shark conservation in line with the Community Plan of Action on Sharks. The regulation applies to all types of fishing in EU waters and to all EU vessels fishing in non-EU waters. Finning prohibitions have been decided or are discussed in various Regional Fisheries Management Organizations.

(B) Overall assessment

While the report contains a considerable amount of analysis to support decision making, it should be further improved in various respects. The nature of the problem should be clarified, either by providing more convincing evidence of the failures of the current regulation or by presenting alternative justifications for EU action. A wider set of policy options should be explored and the analysis of the impacts of the retained alternatives strengthened on the basis of greater evidence. Results should be qualified when a lack of relevant data impairs a precise assessment. Finally, the proportionality of the preferred option should be established more clearly given the opposing view of most of the industry. In its written exchange with the Board, DG MARE agreed to revise the report along the lines of these recommendations.

(C) Main recommendations for improvements

(1) Clarify the nature of the problem. The report should provide concrete evidence of the regulation's failure to stop finning by the EU and non-EU vessels falling under its scope. In the absence of such evidence, the report should qualify the reasons for EU action, for instance stressing its precautionary nature or the links with broader conservation efforts. Accordingly, the report would benefit from greater background information on conservation efforts at both EU and international level as well as from

recent data on trends in shark stocks/catches. The report should also provide information on current monitoring and enforcement efforts. In addition, it should clarify whether reporting requirements and the lack of specific justifications for the issuance of special permits in the regulation are considered problematic issues or not. Objectives should be adjusted accordingly. Building upon this strengthened analysis of the problems, a separate baseline scenario should be developed to show how the problems would evolve in the absence of any amendment to the regulation.

(2) Broaden the set of options considered. The report should discuss a broader set of options including discontinuing the regulation, imposing catch limits, requiring simultaneous landing in designated ports, strengthening control activities, and applying a more appropriate fin-to-weight ratio for the two types of sharks actively fished by EU vessels while restricting the fishing of other types. When properly justified, the report could discard these options without analysing their impacts in detail.

(3) Strengthen the analysis of impacts. The report should strengthen the analysis of impacts in several respects. First, it should clearly differentiate between different types of affected vessels: EU and non-EU vessels, surface longliners requesting a special permit and other types, vessels abiding by the regulation and vessels presumed to practice finning. Second, it should try to provide more evidence-based indications of the magnitude of the options' socio-economic impacts and of potential indirect effects on swordfish and tuna stocks. When this is not possible, the report should openly acknowledge the implications of current data limitations and consistently qualify throughout the text the results of the analysis of impacts. Third, criticisms about the effectiveness of differentiated fin-to-weight ratios should also apply to the evaluation of option 2 (5% fin-to-dressed carcass ratio) whenever relevant. Fourth, the report should better explain why option three (attached fins) would have no significant impact on the vessels processing shark catches under special permits. To this end, the report should systematically analyse the adaptations that would be needed for compliance and provide evidence of their marginal impact on producers' costs. This is particularly important to demonstrate that option 3 would be a proportionate answer given the nature of the identified problem and the sector's strong preference for maintaining the status quo. Finally, the report should clarify the reasons why option 3 would have no impact on the international competitiveness of EU fin exporters.

(D) Procedure and presentation

The report should clearly indicate that option 3 is the preferred one. An annex summarising stakeholder responses during the public consultation should be added and the reasons why stakeholders were not consulted on option 4 (and possibly some of the additional options suggested above) should also be provided.

(E) IAB scrutiny process

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| Reference number | 2010/MARE/005 |
| External expertise used | No |
| Date of Board Meeting | Written procedure |