



Brussels, 5.7.2023
C(2023) 4489 final

COMMUNICATION FROM THE COMMISSION

on the European Citizens' Initiative (ECI) "Stop Finning - Stop the Trade"

1. INTRODUCTION: THE CITIZENS' INITIATIVE

By means of a European citizens' initiative (ECI) under Article 11(4) of the Treaty on the European Union, a million or more nationals of at least seven EU Member States may invite the European Commission, within the framework of its powers, to submit any appropriate proposal on a matter on which they consider that an EU legal act is required for the purpose of implementing the Treaties.

'*Stop Finning – Stop the Trade*'¹ is the eighth ECI to reach the thresholds required by the Treaty and Regulation (EU) No 2019/788 on the European citizens' initiative (the ECI Regulation)². It calls on the Commission to take action on ending the trade of loose shark fins in the EU, including the import, export and transit of fins, in the following terms:

Although the removal of fins on board of EU vessels and in EU waters is prohibited and sharks must be landed with their fins naturally attached, the EU is among the biggest exporters of fins and a major transit hub for the global fin trade.

EU is a major player in the exploitation of sharks and as inspections at sea are scarce fins are still illegally retained, transhipped, or landed in EU.

We aim to end the trade of fins in the EU including the import, export and transit of fins other than if naturally attached to the animal's body.

As finning prevents effective shark conservation measures, we request to extend REGULATION (EU) No 605/2013 also to the trade of fins and therefore ask the Commission to develop a new regulation, extending "fins naturally attached" to all trading of sharks and rays in the EU.

The Commission registered the ECI on 17 December 2019³. As the initiative was collecting statements of support during the COVID-19 pandemic, it could benefit from an extension of 12 months to the regulatory 12-month collection period (i.e. it was thus possible to collect signatures from 31 January 2020 until 31 January 2022)⁴. After Member States' authorities verified the collected signatures, on 11 January 2023 the organisers submitted their initiative to the Commission.

¹ Commission registration number ECI(2020)000001 (https://europa.eu/citizens-initiative/initiatives/details/2020/000001_en)

² Regulation (EU) No 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ L 130, 17.5.2019, p. 55)

³ Commission Decision (EU) 2019/2252 of 17 December 2019 on the proposed citizens' initiative entitled Stop Finning — Stop the trade (notified under document C(2019) 9203) (OJ L 336, 30.12.2019, p. 312)

⁴ Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak (OJ L 231, 17.7.2020, p. 7); Commission Implementing Decision (EU) 2020/2200 of 17 December 2020 on the extension of the periods for the collection of statements of support for certain European citizens' initiatives pursuant to Regulation (EU) 2020/1042 of the European Parliament and of the Council (OJ L 434, 23.12.2020, p. 56); Commission Implementing Decision (EU) 2021/360 of 19 February 2021 on the extension of the periods for the collection of statements of support for certain European citizens' initiatives pursuant to Regulation (EU) 2020/1042 of the European Parliament and of the Council (notified under document C(2021) 1121) (OJ L 69, 26.2.2021, p. 9)

The organisers explained in detail the initiative’s objectives in a meeting with the responsible member of the Commission on 6 February 2023 and in a public hearing in the European Parliament on 27 March 2023.

The European Parliament held a plenary debate on the initiative on 11 May 2023. During the debate, the Commission confirmed that it shares the concerns of citizens and is very active, both within and outside the EU, to protect and sustainably fish sharks. The Commission recalled the international context – where the EU actively promotes the conservation and sustainable management of sharks in the relevant international fora – as well as the EU rules already in place to enforce a “fins-naturally-attached” policy.

This Communication sets out the Commission’s legal and political assessment of the initiative, the action it intends to take, its reasons for doing so and the envisaged timeline, in accordance with Article 15(2) of the ECI Regulation.

2. CONTEXT

2.1. Overview of the global situation

Sharks encompass about 500 different species with various ecological and biological features. They form an important group in marine biodiversity and as top predators, they play a vital role in maintaining the balance of marine ecosystems, which are essential for climate mitigation and adaptation. Given their generally long life span and low reproduction rate, sharks are vulnerable to human activities, in particular fishing and habitat loss.

They are also a source of food similar to other fish and many people depend on sharks for their livelihoods. People have caught and consumed sharks for many hundreds of years, but in recent decades increasing demand and economic globalization have created a truly global market for shark fishing and consumption. Today, industrial and artisanal fleets from all over the world supply traditional Asian markets with shark fins, while the meat of the same captured sharks is increasingly being diverted along separate supply channels to growing markets such as Brazil.

Despite efforts to improve shark conservation in recent years, many shark populations are in a critical situation. Global assessments are difficult to make given the high number of shark species and because populations differ in different regions. However, shark population assessments for many regions are becoming increasingly robust. The most recent global IUCN Red List of Threatened Species™ assessment estimated that over one third of shark species are threatened with extinction (i.e. considered critically endangered, endangered, or vulnerable)⁵.

Therefore, the ECI rightly points out that it is important to urgently address the worrying situation of sharks globally and the role that demand for shark fins plays in increasing fishing pressure and compromising conservation efforts for these species.

⁵ [IUCN Red List of Threatened Species](#)

2.2. Fishery and trade in shark fins

According to FAO data⁶, global shark catches have tripled since 1950 reaching an all-time high in 2000 with 868 000 tonnes. Since then, there has been a downward trend with catches falling to 665 622 tonnes in 2020. According to the same data, the value of global trade approached USD 1 billion per year for shark commodities, and around 7100 tonnes in 2021 for shark fins.

Regarding the EU, it registered few imports of shark fins between 2017 and 2021, while EU exports were significant, averaging around 2300 tonnes and EUR 170 million per year⁷. In 2021, the average price of shark fins exports was EUR 16 per kg, while it was EUR 1.43 per kg for shark meat⁸. Spain is by far the main player among the EU Member States, both for imports and exports of fins, representing more than 99% of total EU exports, around 96% of these exports being frozen shark fins⁹.

During the same period, the main destination countries for EU's exports of shark fins¹⁰, in annual average, were Singapore (985 tonnes, EUR13 million), China (893 tonnes, EUR 11 million), Hong Kong (194 tonnes, EUR 7 million). Around 82% of EU exports go to Singapore and China, while other relevant trade flows happen with Hong Kong, and, recently, Japan. Around 85% of exports of frozen shark fins go to Singapore and China.

Regarding EU fisheries, between 2019 and 2021, EU vessels reported a total of catches amounting to 248 392 tonnes of sharks¹¹, an average of 82 797 tonnes per year. The single most important species was Blue Shark (*Prionace glauca*) which made up 56% of catches during this period. It was followed by Small-spotted Catshark, Thornback Ray and Shortfin Mako (*Isurus oxyrinchus*) which made up 7%, 6% and 3% of the total catches respectively. For many other species, the total catches were less than 100 kg during this period, suggesting only incidental catches.

Most catches are from EU longliners in international waters in all oceans, especially South Atlantic and South Pacific. Catches in international waters represent 60% of the volume of catches. Blue shark and Shortfin Mako are almost exclusively caught in international waters under the remit of regional fisheries management organisations (RFMOs), for 87% and 88% of their catches respectively¹².

Sharks fished by EU vessels or in the EU waters must be landed with their fins attached to the carcass (see section 2.3). They are processed on land and, as shown in the above statistics, the fins and carcasses are subsequently shipped to different markets. The vast majority of shark fins are destined for consumption in countries in East and Southeast Asia. Meanwhile, the meat and other parts of the carcasses are consumed in the EU, and some is exported to third countries, in particular to Latin American countries.

⁶ [Sharks | International Plan of Action for Conservation and Management of Sharks | Food and Agriculture Organization of the United Nations \(fao.org\)](#)

⁷ See Annex

⁸ Source: EUMOFA European Market Observatory for Fisheries and Aquaculture Products (EUMOFA)

⁹ Source: EUMOFA European Market Observatory for Fisheries and Aquaculture Products (EUMOFA)

¹⁰ Source: EUMOFA European Market Observatory for Fisheries and Aquaculture Products (EUMOFA)

¹¹ Source: Eurostat Fisheries Statistics

¹² Source: Member States' reports to the Commission. Ray species do not fall under the Shark Finning Regulation, however, are caught almost exclusively in EU waters.

2.3. Current EU and international policy and legal frameworks

The ECI specifically requests that Regulation (EU) No 605/2013 be extended to cover the trade of fins. It therefore asks the Commission to extend the “fins naturally attached” requirement to all trading of sharks and rays in the EU. The ECI claims that fins are the main driver behind shark fishing given their value in the Asian market. It further argues that worldwide, enforcement and compliance systems are too weak, including in the EU, because the control tools and resources deployed as well as the training and coordination of the relevant authorities are not sufficient to identify species based on their fins only and to ensure compliance with relevant regulations along the value chain. Therefore, to facilitate customs checks and help deter trade in shark fins, the proponents request that only the whole shark be traded, de facto banning trade of loose parts of sharks (fins or carcasses) in the EU.

The EU implements a rich policy and legal framework as regards trade in sharks and shark fisheries.

The **Convention on International Trade in Endangered Species of Wild Fauna and Flora** (CITES) aims to protect wild animals and plants against over-exploitation due to international trade. The EU is party to CITES and actively promotes protection of marine species. At the last Conference of the Parties in November 2022, nearly 100 additional species of sharks and rays were added to the CITES appendices. Amongst the sharks, the EU co-sponsored Panama’s proposal to list the family of Requiem Sharks in Appendix II of CITES, including the Blue Shark. This listing will enter into force on 25 November 2023. In total, there are currently 174 species of sharks and rays listed under CITES, most of them in Appendix II, which means trade must be controlled in order to avoid a utilization level which is incompatible with their survival.

In the EU, trade of protected and endangered species, including marine species, is regulated through a set of regulations that implement the CITES. Regulation (EC) No 338/97 on the **protection of species of wild fauna and flora by regulating trade therein**¹³ establishes a set of provisions for import, export and re-export of specimens of species, including parts or derivatives, listed in its four Annexes. The Annexes of the Regulation include all CITES listed species as well as non-CITES species.

Shark finning¹⁴ is one of the main threats to the conservation of sharks and the EU was the first to consider it as an unacceptable fishing practice. Since 2003, Regulation (EC) No 1185/2003 (**Shark Finning Regulation**)¹⁵ forbids shark finning on board of all fishing vessels in EU waters and everywhere for vessels under an EU Member State’s flag. This Regulation was strengthened by a strict “fins-naturally-attached” policy (FNAP) through Regulation (EU) No 605/2013¹⁶. It prohibits to remove shark fins on board vessels and to retain on board, transship or land shark fins. This means that the fins can be removed only upon landing.

¹³ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1)

¹⁴ ‘Shark finning’ is the practice whereby the fins are removed from sharks on board fishing vessels, with the remainder of the shark being discarded at sea.

¹⁵ Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels (OJ L 167, 4.7.2003, p. 1)

¹⁶ Regulation (EU) No 605/2013 of the European Parliament and of the Council of 12 June 2013 amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels (OJ L 181, 29.6.2013, p. 1)

Monitoring and control activities are conducted by EU Member States to ensure the full implementation of the Shark Finning Regulation. Member States must report on the monitoring of their compliance with the Regulation in EU and non-EU waters. The report must include information on the: (i) number of landings of sharks; (ii) number, date and place of the inspections carried out; (iii) number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved and the penalty applied for each case of non-compliance; (iv) total landing by species (weight/number) and by port.

In 2016, the Commission reported on the implementation of the Shark Finning Regulation¹⁷. The Commission concluded that there appeared to be a very limited number of infringements, implementing the FNAP incurred additional costs on vessels concerned, and it was important to pursue the FNAP in international fora. The most recent review of the Shark Finning Regulation and the EU Action plan on sharks was carried out in 2019, upon the Commission's request, by the Scientific, Technical and Economic Committee for Fisheries (STECF)¹⁸. The STECF concluded that non-compliance by Member States who reported was at a low level and that progress has been made in implementing conservation and management measures for sharks. Nevertheless, it noted that better information was needed on activities carried out by the EU fleets outside EU waters.

The EU actively promotes the FNAP at international level, and more generally the minimization of impacts of fisheries on sharks. Through the years, the **Regional Fisheries Management Organisations** (RFMOs) of which the EU is a member have implemented specific binding measures for conserving and managing shark species.

Shark finning was initially regulated through the adoption of a fin-to-carcass ratio (FCR), meaning fins on board up to the point of first landing cannot count for more than 5% of the whole carcass landed. Over the years, the FCR's scientific basis and effectiveness were challenged and the EU has been consistently pushing to adopt the FNAP in all RFMOs to which it is a member as the most effective means to end finning. These efforts have led to the adoption by some RFMOs of the FNAP as the only option¹⁹ or as one of the options²⁰ for enforcing the finning ban. The EU continues its efforts to eliminate the FCR requirement where it still applies²¹ and replace it with the FNAP across all RFMOs.

While many species of sharks require strict protection including through a retention ban, others can be fished in accordance with internationally agreed rules, in particular with rules adopted by RFMOs. RFMOs take management measures, such as total allowable catches, on the basis of stock assessments and scientific advice provided by their respective scientific bodies, and vessels report their catches. Fishing activities that involve interactions with sharks must also be reported in line

¹⁷ Commission report to the Parliament and the Council on the implementation of the Shark Finning Regulation (COM (2016) 207 final)

¹⁸ [SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES \(STECF\), Review of the implementation of the shark finning regulation and assessment of the impact of the 2009 European Community Action Plan for the Conservation and Management of Sharks \(CPOA\) \(STECF-19-17\)](#)

¹⁹ North East Atlantic Fisheries Commission (NEAFC), General Fisheries Commission for the Mediterranean (GFCM), Northwest Atlantic Fisheries Organisation (NAFO)

²⁰ International Commission for the Conservation of Atlantic Tuna (ICCAT), Indian Ocean Tuna Commission (IOTC), Inter-American Tropical Tuna Commission (IATTC), South East Atlantic Fisheries Organisation (SEAFO), CCSBT, Western and Central Pacific Ocean Fisheries Commission (WCPFC), North Pacific Fisheries Commission (NPFC)

²¹ South Pacific Regional Fisheries Management Organisation (SPRFMO), Southern Indian Ocean Fisheries Agreement (SIOFA), Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)

with the corresponding RFMO data reporting procedures (including estimates of dead discards and size frequencies). These data are available on the databases of the various RFMOs and support the scientific advice underpinning the management decisions taken on the various species. However, there is uneven requirements among the different RFMOs and there are weaknesses in data reporting on the by-catch of non-targeted sharks, particularly species-specific data.

To strengthen scientific advice in RFMOs, the EU supports scientific work through voluntary financial contributions aimed at developing suitable methodologies to assess the conservation status of key shark species and improving the regulatory framework on shark conservation.

3. EVALUATION OF THE PROPOSAL IN THE INITIATIVE

3.1. Response to the initiative

The ECI raises important issues that are relevant to the EU's policy of protecting the marine environment, protecting and conserving fisheries resources and ensuring sustainable fishing in the EU and globally. Maintaining the status quo would result in the same products continuing to be traded and in preserving the activities for EU fleet and operators. However, it would not represent yet another major step forward in restoring global shark populations and, more specifically, in countering the negative effects the trade in shark fins has on the situation of sharks' populations.

The prohibition of trade in loose shark fins in the EU would apply to those species that are fished by the EU fleet in accordance with internationally agreed rules, in particular with rules adopted by RFMOs. The trade of shark fins is the main outlet of the EU fleet fishing sharks in international waters and the EU is an important actor globally. A ban on the trade of loose fins could mean that the EU fleet concerned would fish less sharks in international waters, thus raising concerns about its socio-economic impacts. In addition, due to the nature of separate markets for shark fins and shark meat and logistical issues, as these species are predominantly caught by the EU fleet in international waters, regulated under the remit of RFMOs, such reduction of activity could pave the way for less sustainable practices of non-EU fisheries. Therefore, any action taken at EU level needs to be supplemented by action at international level to ensure a level playing field and positive environmental effects.

An EU ban of trade in loose shark fins must be compatible with the EU's international commitments, including the World Trade Organisation's (WTO) rules. The WTO does not question the right of countries to take actions with respect to concerns such as the conservation of exhaustible natural resources or animal welfare, provided certain conditions are met. In particular, such measures need to (a) genuinely pursue one of the objectives listed in Article XX of the GATT 1994, (b) satisfy the so-called necessity test, meaning that no less trade restrictive measure is available to achieve the said objective, and (c) ensure that the measure is even-handed in design and does not result in unjustifiable or arbitrary discrimination or a disguised restriction to international trade.

The ECI Regulation requires the Commission to set out its legal and political conclusions as well as the action that it intends to take within a period of six months from the receipt of the initiative. Within that timeframe, the Commission has not been able to collect all the data needed and to carry out all the appropriate analysis to fully evaluate the pertinence of initiating a measure such as that

requested by the ECI. Moreover, any legislative proposal would need to be preceded by an impact assessment on its possible environmental, social and economic effects.

Therefore, **the Commission will launch, by the end of 2023, an impact assessment** on the environmental, social and economic consequences of **applying the “fins naturally attached” policy to the placement on the market of sharks in the EU**, whether for consumption within the EU or for international trade (imports and exports). The assessment will allow for a well informed and facts-based possible future action²². This will comprise analysing the economic, environmental and social impacts for the EU stakeholders and third countries that might be affected, potential change in global market dynamics, the environmental and socio-economic benefits of better protected shark populations, and an evaluation of possible alternative means to achieve the aimed objective as well as a detailed assessment of the most appropriate legal basis and instrument. The impact assessment should frame the Commission’s way forward in line with its priorities, particularly regarding the European Green Deal, an economy that works for the people, a stronger Europe in the world and the European way of life.

The Commission recognises that tracing commercial routes and intersections is difficult due to the insufficient disaggregation of data on landings and trade in shark meat and fins at species level. This lack of standardisation in taxonomy makes it challenging to analyse trends in catch and trade dynamics on a global scale. The Commission has identified that there is room to supplement the information on exports and imports submitted by operators to the national customs systems. The information generated by customs declarations would help analysing trends in catch and trade dynamics at a more granular level and investigating the alleged high levels of fraud identified by the ECI organisers.

Therefore, the Commission will examine, by the end of 2023, the best legal means to **request more detailed information to identify species of sharks and their respective products at import and export**. It will take a decision with a view to entry into force by 1st January 2025 at the latest.

3.2. Accompanying actions at both EU and international level

The EU deploys a wide range of actions which directly or indirectly target shark conservation and sustainable management. In this respect, the ECI has highlighted a number of important topics that can be addressed by further efforts in enforcing the EU law and by strengthening action at international level.

3.2.1. Enforcement of existing EU law

The **Common Fisheries Policy (CFP)** provides the tools and the framework to adopt science-based measures to minimise negative impact of fishing activities on marine species and habitats²³.

²² See Commission Staff Working Document; Better Regulation Guidelines, SWD(2021) 305 final

²³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p22). The CFP aims at ensuring that fishing activities are environmentally sustainable and managed according to economic, social, and employment targets (Article 2(1)). It applies precautionary and ecosystem-based approaches to fisheries management (Article 2(2) and 2(3)).

It must be coherent²⁴ with the objective of the **Marine Strategy Framework Directive**²⁵ to ensure EU seas achieve Good Environmental Status, which includes ensuring healthy abundance levels and allowable bycatch of all marine species²⁶, including non-commercially exploited fish such as elasmobranchs. The Commission monitors the state of sharks and, in line with the CFP objectives, ensures a coherent approach between the internal and external fishery policy for sharks.

Since 2009, an **EU Plan of Action for the Conservation and Management of Sharks** (EUPOA sharks)²⁷, inspired by the International Plan of Action for Conservation and Management of Sharks (see section 3.2.2), aims to broaden the knowledge on shark fisheries and shark species as well as their role in the ecosystem, ensuring that shark fishing is sustainable and that by-catches of shark resulting from other fisheries are properly regulated. It informs the action taken both at EU (fishing opportunities, technical measures, effort and capacity limits, data collection) and international level (RFMOs, CITES, CMS, regional sea conventions).

For several shark species, even a limited fishing activity could pose a serious risk to their conservation. Such species are protected under EU measures. The successive annual regulations on fishing opportunities, such as Regulation (EU) No 2023/194, ban EU fishing vessels and vessels from non-EU countries fishing in EU waters from fishing, retaining on board, transshipping or landing **species listed as prohibited**, including shark species²⁸. The specimens caught have to be promptly released unharmed, thus further preventing fins of at-risk species ending up on the market place. The same provisions apply to deep-sea sharks.

While some species of sharks require strict protection, some can be fished sustainably when supported by science. For these stocks, landings are managed through a series of **Total Allowable Catches** (TACs) under the regulations on the annual fishing opportunities in EU waters and for EU vessels in non-EU waters. TACs, proposed by the Commission and adopted by the Council, are based on scientific advice and the precautionary principle and take into account biological and socio-economic aspects.

Regulation (EU) No 2019/1241 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (**Technical Measures Regulation**)²⁹ contains a general prohibition on fishing for certain rare/sensitive shark and rays (Article 10(2) and Annex

²⁴ Article 2(5) j of the CFP Regulation

²⁵ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p 19)

²⁶ MSFD Descriptor D1C1 of the Commission Decision 2017/848 on the mortality rate by bycatch of marine species

²⁷ Communication from the Commission to the European Parliament and the Council on a European Community Action Plan for the Conservation and Management of Sharks (COM/2009/0040 final)

²⁸ Recitals 19 and 20 of Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1)

²⁹ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105)

I)³⁰ and provisions restricting the use of static nets and driftnets to catch several shark species or families (Article 9(4) and Annex III).

The ECI organizers have highlighted difficulties in tracing sharks and products thereof at species level throughout the trade and market chains. Traceability of shark products and transparent consumer information plays a pivotal role in the EU's shark policy. To ensure traceability, Regulation (EC) No 1224/2009³¹ established a **Community control system** for fisheries, imposing traceability rules on EU operators. Each lot of fishery product landed by EU vessels has to include the following minimum traceability information: i) identification number, external identification number and name of the fishing vessel; ii) the FAO alph-3 code of each species; iii) the commercial designation and Latin name of the species; and iv) the relevant geographical area, the production method, the date of catch, and the quantities of each species. Such information should be made available at any stage of the value chain to the authorities in charge of control and enforcement and business operators. An ongoing revision of the EU fisheries control system³², for which a political agreement between the European parliament and the Council was reached in May 2023, includes additional provisions on traceability information. It sets out improvements in the reporting of catches, fisheries activities and in checks of the supply chain, including of preserved and prepared products as well as imported products, namely: the electronic recording of catch data, including the reporting of discards of sensitive species; and the monitoring of fisheries activities with the use of remote electronic means including CCTVs.

Regarding consumer information, Regulation (EC) No 1169/2011 on the provision of **food information to consumers**³³ sets out that food information must not be misleading. In addition, specific provisions in the fisheries sector ensure a high degree of consumer information. Regulation (EU) No 1379/2013 on the **Common Market Organisation (CMO) in fishery and aquaculture products**³⁴ sets out that shark products that are not prepared or preserved, including fillets and fins, may be marketed only with their commercial designation of the species and its scientific name. There are indications pointing at uneven implementation of the mandatory information requirements under Article 35 of the CMO Regulation, as reported by the Commission

³⁰ Species for which there is a prohibition to fish for, retain on board, transship, land, store, display or offer for sale.

³¹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1)

³² Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control (COM/2018/368 final)

³³ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18)

³⁴ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1)

following an open public consultation on the implementation of the CMO Regulation³⁵. This concerns the identification of the scientific and commercial name of a species. As such, this potential issue is not directly relevant in the context of finning, but improvements in the implementation of the labelling requirements could help to better identify shark products more generally.

The ECI pointed to the existence of illegal trade. Apart from limited data on seizures of CITES listed species³⁶, the Commission did not collect evidence on the extent to which the alleged illegal trade of threatened species occurs in the EU. Nevertheless, it recognises that wildlife trafficking is a major issue and has put forward a new EU Action Plan against Wildlife Trafficking³⁷ to strengthen EU action against this widespread phenomenon.

More generally, the ECI points to the fact that improving traceability of catch, landings, imports and exports of sharks and fins at EU and international levels along the entire value chain requires:

- 1) **strengthening the enforcement of EU law** on: i) **monitoring** fishing and market activities, ii) **control measures** regarding processing, marketing, transport and storage, iii) **import and exports** of shark products, including in particular fins, for the concerned shark species, and iv) **traceability and labelling** rules in place across the Member States, and
- 2) **ensuring complete and reliable information** on fisheries and trade is collected.

To this end, the Commission:

- calls on Member States to ensure appropriate control of CITES permits and certificates and invites them to ensure capacities are sufficient in the area of control and traceability of protected sharks and products thereof, such as: i) trainings in identification of relevant shark species and products thereof; ii) developing and using technologies, tools (including digital) and DNA analysis protocols for sharks' species identification; iii) appropriate traceability systems; and iv) sharing of good practices³⁸;
- will send, by the end of 2023, a mutual assistance request to Member States under Regulation (EC) No 1005/2008 against illegal, unreported and unregulated fishing³⁹ to draw their attention to shark products;
- will liaise, by the end of 2023, with Europol to examine the extent of illegal trade of shark fins into and from the EU;

³⁵ Report from the Commission to the European Parliament and the Council on Implementation of Regulation (EU) No 1379/2013 on the common organisation of the markets in fishery and aquaculture products (COM(2023) 101 final), Revision of the EU action plan against wildlife trafficking (COM(2022) 581 final)

³⁶ In 2021, 3 seizures were reported by the EU Member States, with a total of 8 fins or parts thereof.

³⁷ Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, Revision of the EU action plan against wildlife trafficking (COM(2022) 581 final)

³⁸ See [Identification materials on sharks | CITES](#)

³⁹ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1)

- will swiftly start working on the implementation of the revised control regulation, as soon as it is adopted, to ensure that the improvements it includes become applicable as soon as possible;
- calls on Member States to strengthen the monitoring and enforcement of the EU Control and Shark Finning regulations and the RFMOs rules, an essential step being to improve the recording and reporting of catches and incidental catches of sharks. This applies equally to EU vessels fishing in EU waters and in international waters;
- calls on Member States⁴⁰ to set threshold values by the end of 2023 for the maximum levels of by-catch of non-commercially exploited fish, such as elasmobranch species, in EU waters under the Marine Strategy Framework Directive and adopt appropriate fisheries management measures to comply with those thresholds;
- will put in place, as of 2024, data quality control measures and cross-checks between monthly catch reports sent by Member States under the Control Regulation, on the one hand, and annually reported shark landing data and information required under the Shark Finning Regulation, on the other hand; and
- will analyse, by the end of 2023, the Member States' replies to a recently launched survey on the implementation of labelling requirements under the CMO regulation, paying particular attention to the specific issue of mislabelling of commercial name of a species.

Other ongoing initiatives and actions are important supportive frameworks for an improved EU shark policy.

The “**Marine Action Plan**” under the **2030 Biodiversity Strategy**⁴¹, adopted by the Commission on 21 February 2023, includes calls for action addressed to Member States to improve the protection of sensitive species, including certain vulnerable shark species, by aiming to reduce incidental catches in fisheries, protecting their feeding and nursery grounds, improving monitoring systems to identify the extent and distribution of incidental catches.

The Commission’s proposal for a **regulation on nature restoration**⁴², adopted in June 2022, aims, among other things, to restore degraded marine habitats and the habitats of iconic marine species such as dolphins and porpoises, sharks and seabirds. The list of shark species concerned is provided in Annex III of the proposal and it is based on Annex I (List of prohibited species) of the Technical Measures Regulation No 2019/1241.

The **EU Mission to restore our Ocean and Waters**⁴³ aims to protect and restore the health of our ocean and waters by 2030. As part of its first pillar, protection and restoration, it will look at habitats restoration and supporting assemblage of species, including predators that support them,

⁴⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries (COM/2023/102 final)

⁴¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries (COM/2023/102 final)

⁴² Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration (COM/2022/304 final)

⁴³ [Restore our Ocean and Waters \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?pid=101&tid=102)

like sharks. Specific research for faster and cheaper DNA-based identification of species from shark fins is necessary to enforce controls, and an Horizon Europe project⁴⁴ on fighting illegal fishing and discards already includes rapid DNA-based assay for fisheries control.

The **Farm-to-Fork strategy** under the European Green Deal recognises the strong link between healthy people, healthy societies and a healthy planet and the need to ensure the livelihood of primary producers to successfully transition to a sustainable EU food system.

3.2.2. Stepping-up action at global level

Trade in shark fins is global, as is shark fishing and the dramatic deterioration of shark populations. This is why the **International Plan of Action for Conservation and Management of Sharks** (IPOA – Sharks⁴⁵) was adopted in 1999 under the auspices of the UN Food and Agriculture Organisation (FAO). Its main objective is the sustainable conservation and management of sharks. The IPOA provides a framework that helps develop national, sub-regional, and regional plans of action for conserving and managing sharks. It banned for the first time shark finning and it served as a model for other international plans of action such as the European one.

The **Convention on the Conservation of Migratory Species of Wild Animals** (CMS) is a United Nations' environmental treaty. It contains provisions for conserving and managing migratory species, their habitats and their migratory routes. CMS contracting parties commit to abide by the Convention's principles (i.e. acknowledging the importance of migratory species, and working to conserve such species and their habitat) and take immediate action to protect species by signing international agreements or Memoranda of Understanding. The EU is a signatory of the **Memorandum of Understanding on the Conservation of Migratory Sharks** and advocates research, sustainable fishing, habitat protection and international cooperation in this context.

While the EU exports shark fins from managed shark fisheries, this is often not the case for many of the fins exported by other countries into the biggest consumer markets. Although most RFMOs and many countries have adopted and implemented conservation and management measures for sharks, much improvement is needed to ensure that trade practices do not undermine the efforts and progress achieved in the conservation of several shark species. Therefore, it is necessary to further promote the **effective ban of shark finning** worldwide, ensure effective **controls of trade flows** of shark products globally, and seek to **curb demand** of these products.

To that end, the Commission will, all along 2023 and beyond:

- encourage relevant third countries to effectively implement sharks' listings following the recent CITES CoP19 decisions of including nearly 100 additional species of sharks and rays (and products thereof) in Appendix II of CITES;
- support the CITES Secretariat in building up the capacities of range States⁴⁶ to implement the CITES listings of sharks and other marine species;

⁴⁴ CL6-2023-FARM2FORK-01-8

⁴⁵ [1. INTERNATIONAL PLANS OF ACTION - SHARKS \(fao.org\)](https://www.fao.org/3/a/i2502e.pdf)

⁴⁶ A State whose territory is within the natural range of distribution of a species.

- step up EU’s efforts in regional fisheries management bodies to adopt new and/or to strengthen and effectively implement current conservation and management measures for shark species, as well as to assess the effectiveness of the measures adopted and strengthen control measures to ensure current rules are properly applied and enforced. This includes adopting the fins-naturally-attached policy as the most effective means to end finning;
- in all other relevant international bodies and organisations, propose to Member States to start a discussion about new and/or strengthened current conservation and management measures for sharks species, as well as their effective implementation through reinforcing controls. The Commission will propose to Member States to raise the issue in the 19th session of the FAO Sub-Committee on Fish Trade that will take place in September 2023 in Norway; and
- engage with non-EU countries to encourage, including by means of funding projects, the reduction of demand for illegally sourced shark fins, and support key third countries to build capacities to fight wildlife trafficking.

4. CONCLUSION AND OUTLOOK

The European citizens’ initiative “*Stop Finning – Stop the Trade*” reflects societal and environmental concerns about the worrying situation of sharks globally and the role played by demand for shark fins. The Commission sees it relevant to the EU’s policy of protecting the marine environment, protecting and conserving fisheries resources and ensuring sustainable fishing in the EU and globally. This initiative aligns with the EU Green Deal and the EU’s commitment towards protecting marine ecosystems and endangered species globally and promoting international ocean governance.

The EU was the first to consider shark finning as an unacceptable fishing practice. According to EU law, sharks fished by EU vessels or in the EU waters must be landed with their fins attached to the carcass.

A ban on the trade of loose fins could mean that the EU fleet concerned would fish less sharks in international waters, thus raising concerns about its socio-economic impacts. In addition, as the species concerned are predominantly caught by the EU fleet in international waters, regulated under the remit of RFMOs, such reduction of activity could pave the way for less sustainable practices of non-EU fisheries. However, further assessment on the wider economic, social and environmental impacts for the EU stakeholders and third countries that might be affected is necessary. In order to take informed decisions, the Commission needs a set of fuller and more detailed data and statistics to analyse trends in catch and trade dynamics.

Therefore, the Commission will:

- start without delay preparatory work with a view to launch, by the end of 2023, an impact assessment on the environmental, social and economic consequences of applying the “fins naturally attached” policy to the placement on the market of sharks in the EU, whether for EU consumption within the EU or for international trade (imports and exports).
- examine, by the end of 2023, the best legal means to request more detailed information to identify species of sharks and their respective products at import and export, and take a decision with a view to entry into force by 1st January 2025 at the latest.

The ECI also highlighted a number of important topics that can be addressed by further efforts in enforcing EU law and by strengthening action at international level. Therefore, the Commission will, in parallel:

- strengthen the way EU law is enforced as regards monitoring fishing and market activities, control measures regarding processing and marketing as well as import and exports of shark products, and traceability and labelling rules.
- take further action at international level and advocate for increased action to protect endangered sharks and ensure that the commercial shark populations remain healthy. It will aim for an effective ban of finning worldwide, ensuring effective controls of trade flows of shark products globally, and curbing the demand for shark products deriving from unsustainable fisheries.

