



## **EU public consultation ‘Better protecting sharks through sustainable fishing and trade’**

16<sup>th</sup> May 2024

### **Introduction**

Through the ‘Stop Finning – Stop the Trade’ European citizens’ initiative (ECI) submitted on 11 January 2023, 1.1 million European citizens requested the European Commission to stop EU trade in loose shark fins. In its response to the Initiative published on 5 July 2023, the Commission committed to examine the opportunity of taking measures that would require sharks to be placed on the market – be it for consumption within the EU or for export – only with their fins naturally attached.

The following is the response of the WCS EU Office on behalf of the Wildlife Conservation Society (WCS), a global conservation organization to which we are affiliated.

WCS has the largest, widest ranging shark conservation program of any NGO – with shark conservation projects in more than 14 countries spanning the world – From Argentina, to Gabon, to Madagascar, Bangladesh and Papua New Guinea. The WCS EU Office, a Belgian NGO based in Brussels, draws upon WCS’s global field, technical and scientific expertise and experience to identify, formulate, and articulate EU policy positions on issues impacting biodiversity globally and share this information with EU decision-makers. WCS works on the impacts of the trade in shark products around the world, and the regulation of that trade via international bodies such as Convention on the International Trade in Endangered Species of wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS). As such we are providing our views on the EU’s role in the protection and management of these vulnerable species.

Analysis of potential policy options:

**1. No new action beyond what was announced in the Commission Communication of 5 July 2023: Under this scenario, the EU’s shark Fins Naturally Attached policy continues to apply. Finning is not allowed on board and shark species protected under existing fishing prohibitions are returned to the sea. Other existing policies and measures are maintained and implemented in the most efficient possible manner, including concerning control and traceability of imports and exports (against CITES status and as prevention of IUU fishing); reporting of shark catches; traceability of trade in shark products and consumer information within the EU market. At international level, the Commission will be reaching out to international partners with a view to**

*achieving a worldwide finning ban, filling in the gaps in adoption and implementation of conservation and fisheries management measures within the RFMOs, promoting effective implementation of the CITES, reducing global shark (fins) consumption.*

**WCS response:** We do not consider this option to be sufficient. The EU ban on finning onboard aimed to end the wasteful fisheries practice for EU vessels of cutting off a shark's fin while at sea and throwing the body back into the water. However, finning measures do not reduce overall mortality (Worm et al 2024 – <https://www.science.org/doi/10.1126/science.adf8984>), and not all fins come from finning- many fins are removed from the shark once it is brought to shore and then sold into the international fin trade, with the EU one of the largest fin traders on the planet as per FAO records: <https://www.fao.org/in-action/globefish/publications/details-publication/en/c/338282/>

Considering the alarming state of many shark species due to dramatic declines in the last 50 years, the aim should be to reduce the overall mortality of sharks, no matter how the fin has been sourced. The high and unsustainable levels of catch are driven largely by the international demand for shark fins, but there is an existent and growing market for meat as well.

Two decades after the first finning bans went into place, shark populations, especially pelagic species, have continued to decline dramatically due to unsustainable catch and trade (Worm et al 2024, Pacoureaux et al 2021 - <https://www.nature.com/articles/s41586-020-03173-9>). It is clear that other measures are needed to safeguard shark species from extinction by limiting catch and trade to sustainable levels, creating higher standards of catch recording and traceability (such as measures that only allow trade in attached fins, or prohibit trade in fins completely to remove a high value driver) and putting into place management that actively reduces the amount of targeted catch and bycatch in a precautionary manner.

Given that finning regulations do not reduce mortality and there is a clear and noted need (Pacoureaux et al. 2021) to reduce the targeted or incidental mortality of most, if not all pelagic sharks before widescale prohibitions and trade bans are needed, we stress that maintaining the status quo for the world's most threatened group of marine species is not acceptable.

Much of the continued take of sharks traded for their fins conducted by EU vessels is in Regional fisheries management organisation (RFMO) waters where no species-specific management is in place. For example, only the International Commission for the Conservation of Atlantic Tunas (ICCAT) has put in place catch limits for blue sharks – leaving the rest of the world's high seas blue shark fisheries, in which EU vessels participate, completely unmanaged. Considering that change occurs very slowly in RFMOs, and shark populations are collapsing on a global scale, the status quo for the EU given its outsized role in the shark fin trade is clearly unacceptable.

***2. Unilateral EU trade measures in the form of a certification scheme for import and export of shark and shark products, complementing the existing CITES and IUU fishing certifications.***

**WCS response:** An additional certification scheme besides the permitting system of CITES will complicate procedures and exchanges with trade partners outside the EU, as this will only add to the already challenging administrative burden of authorities. Compliance will be almost impossible to monitor besides putting an extra burden on authorities, and in the worst case it will create a fatigue with all certification and permit procedures. Existing CITES and EU rules should be implemented and monitored effectively.

**3. Bilateral agreements with a selection of trade partners (incl. main shark product consumers and traders) aiming at securing their commitment to legal and sustainable supply of shark products.**

**WCS response:** Bilaterals with trading partners will not have sufficient impact on the ground set against the effort of putting up agreements and ensuring these agreements are fully implemented. There is a system in place under CITES where 184 Parties (and all shark capturing and trading countries) are already required to adhere to both legal and sustainability requirements in order to continue trade in Appendix II listed species (and post CoP19 over 90% of the shark fin trade is in CITES listed species). Current CITES and EU rules should guarantee the legal and sustainable origin of Appendix II CITES-listed species if properly implemented, which steps under option 4 can help guarantee. Bilateral agreements that are not specific to trade in sharks, other fish, or other wildlife, could however be contingent upon effective CITES implementation and enforcement (e.g., free trade agreements).

**4. An EU ban on loose shark fins within the EU market and for international trade: This would consist in making it illegal to import, export, land and sell loose shark fins within the EU market. The EU operators would also not be allowed to participate in the international trade in loose shark fins, as requested by the ECI.**

**WCS response:** In our view this is the most appropriate step, with the highest probability of reducing shark mortality and fostering shark conservation. This would be consistent with actions of other high capacity nations globally, and allow ongoing catch and trade and the proper implementation of CITES and RFMO measures, but only with a higher bar of oversight and regulation than the status quo which has led to the collapse of shark populations globally and completely ruling out any possibility of ongoing wasteful shark finning.

As noted above, most high capacity nations, including Canada, the United Kingdom and the USA have removed themselves from the trade in detached fins in recent years, to reduce the challenges associated with the identification of shark products at the point of trade and ensure compliance with expanding CITES listing of almost all species traded for their fins. Extending the fin-attached policy to traded products, as Canada and the United Kingdom have adopted will ease the burden on authorities when checking CITES permits and compliance with RFMO regulations, while allowing continued traceable, sustainable trade in some shark species.

Details can be found here:

<https://www.gov.uk/government/news/government-introduces-law-banning-international-shark-fin-trade>

<https://usa.oceana.org/press-releases/senate-passes-historic-legislation-banning-the-u-s-shark-fin-trade/>

<https://www.bbc.com/news/world-us-canada-48714320>

This step would build on the obligation that sharks already have to be landed when caught by EU vessels under fins naturally attached regulations, the “Shark Finning Regulation” (Regulation (EU) No 605/2013), expanding this fins attached approach to the point of trade and ensuring compliance with CITES non-detriment finding (NDF) and trade inspection steps.

This would be a sensible and timely step to ensure EU compliance with international law, given that CITES at CoP19 adopted listings that bring over 90% of the shark fin trade under Appendix II trade regulation: <https://cites.org/eng/news/delayed-cites-listings-of-sharks-and-straw-headed-bulbul-2023>

The EU has the capacity to act in this way, and a responsibility to, if it is to continue to heavily exploit vulnerable, CITES Appendix II listed species in the high seas and around the world.

***5. An international prohibition of trade in loose shark fins: under this scenario, the EU will reach out to countries involved in trade in shark products proposing adoption of an international ban on trade in shark fins. It will strive for adoption of such a ban by a coalition of interested trading partners and pursue efforts to extend the agreement to all partners involved in shark fishing, trade and consumption.***

**WCS response:** This step would be best undertaken via or in parallel with the CITES Appendix I listing of all species found in the global fin trade, a measure that could be considered given the biological vulnerability and declines of so many shark species globally. We are not aware of any other legal vehicle that could be utilized to adopt a legally binding prohibition on trade in shark fins.

If such a measure (a full ban on all fin trade as suggested in the text of point 5) is deemed appropriate, as the EU doesn’t feel it can undertake the sustainable, traceable regulation of fisheries and trade outlined in option 4 in a timely and effective manner, a full ban coupled to CITES Appendix I listings would be the sensible alternative step.

**For more information:**

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