



June 23<sup>rd</sup>, 2023

President of the European Commission, Mrs Ursula von der Leyen  
Executive Vice-President of the European Commission, Mr Frans Timmermans  
Executive Vice-President & Commissioner for Trade, Mr Valdis Dombrovkis  
Vice-President for Values and Transparency, Mrs Věra Jourová  
Commissioner for the Environment, Oceans and Fisheries, Mr Virginijus Sinkevičius

Dear President,  
Dear Executive Vice-Presidents,  
Dear Vice-President,  
Dear Commissioner,

Over 1.1 million EU citizens have signed the European Citizens' Initiative (ECI) "Stop Finning – Stop the Trade" are calling on the European Union (EU) to ban the trade of detached fins of sharks and rays. The undersigning organizations fully support this demand and are calling to the Commission to heed this mandate given by its citizens when finalizing its reply to the ECI.

Having closely followed the political debates and arguments brought forward by fishery lobbyists, we are concerned that the Commission's reply may not fully consider all essential aspects for a balanced evaluation of:

- (1) the EU's leading role in the global shark fishing business,
- (2) the unsustainability of the EU's shark fishing operations,
- (3) the true environmental and socio-economic impact of these fisheries, and
- (4) the importance of this reply for sharks and healthy marine ecosystems

The ECI represents an important democratic tool allowing citizens to have their say and actively participate in forming future legislation. When demanding that the European Union acts against the fin trade by banning the import, transit, and export of detached fins in Europe, EU citizens show they care about our oceans and specifically about the fate of sharks and rays, with 37% of all assessed sharks and rays being threatened with extinction [1].

Industrial EU fisheries target sharks in their longline fisheries for swordfish and tuna, both within EU waters and in the High Seas, mostly for the value of the fins. The profits in the international fin trade [2] have been a main driver of between 63 to 273 million sharks being killed every year and many populations of oceanic sharks having been driven to the brink of collapse by industrial fishing over the last 50 years [3].

The EU fleet is required to comply with EU Regulation 605/2013 requiring all sharks to be landed with “*Fins Naturally Attached*” (FNA). However, detached fins can still be traded internationally, regardless of whether sharks have been landed in an EU port or elsewhere where FNA requirements mostly do not apply. In fact, none of the major tuna RFMOs have so far banned the cutting of fins at sea and therefore the presence of detached fins on board a vessel during one of the rare inspections on the High Seas or in a port outside of the EU, will not be considered an infringement of the ban on ‘*Finning*’. During 2015 - 2018 port controls were only performed in EU ports, although EU fleets also land sharks on a regular basis in ports outside of the EU and only about 20% of the 100,000 tons of sharks fished annually by the EU are caught in EU waters [4]. At an observer coverage of only 5 - 10%, monitoring of compliance with the EU’s FNA regulation at sea remains a major challenge and a series of severe cases of infractions have been documented (*Background information: [The poor compliance history of the EU’s shark fisheries](#)*).

Even fins of threatened and protected species continue to be widely traded illegally, as morphologic identification of dried, frozen, or chemically processed fins is often challenging [5], [6], [7]. Smaller fins are particularly difficult to differentiate without time consuming and expensive genetic analysis, but testing of all fins in a cargo of thousands of fins by DNA analysis is a virtually impossible task and provides plenty of leeway for illegally traded fins remaining undetected in a cargo of legally traded fins.

By prohibiting the trade of detached fins, the EU will move towards fulfilling its global obligation for the conservation of sharks and rays, secure a [sustainable blue economy](#) and safeguard food security for this and future generations (*Background information: [Why is the EU’s pelagic shark fishing operation not sustainable?](#)*). The EU thereby also joins the growing number of countries that have already placed shark conservation at the center of their marine conservation efforts, including the Bahamas, the Maldives, [Canada](#), [the United States of America](#), [the United Kingdom](#), and [Austria](#), showing that banning the trade of detached fins is technically possible, legally viable, and socioeconomically just.

In preparation for this, it is of utmost importance to evaluate all environmental and socio-economic impacts from this trade, not only on the shark fishing sector but also on all other communities that rely on marine ecosystem services, such as other fisheries, specifically the low impact small scale fisheries depending on fishing for their livelihoods, but also the supply chains for seafood, coastal and ocean-based tourism, marine based recreational sports, community health, climate change, and many more. Furthermore, not only the impacts on coastal communities in Europe (*Background information: [Why are EU shark fisheries socio-economically not important for coastal communities?](#)*) but on all coastal communities in the entire Ocean that EU shark fishing fleets operate in, must be evaluated. Coastal communities in the Global South particularly depend most heavily on a healthy ocean for food and income, and many countries there realized a long time ago how essential sharks are for their future

and therefore protect sharks in their own waters. However, they are unable to prevent the EU's far distant fleet continuing to overexploit shark populations on the High Seas of the Atlantic, the Indian Ocean, or the Pacific.

**The undersigning NGOs are therefore calling on the Commission to support the demand of the ECI by creating the preparatory groundwork for respective legislation to implement a fin trade ban for detached fins in the EU.**

**Over 1.1 million EU citizens and civil society are counting on you that their will is heard.**

The undersigning parties

**Aktionsgemeinschaft Artenschutz (AGA) e.V.**

Birgit Braun  
Executive Board Member

**DEEPWAVE e.V.**

Anna Groß  
CEO

**Deutsche Stiftung Meeresschutz (DSM)**

Ulrich Karlowski  
Board Member

**Gallifrey Foundation**

Antoinette Vermilye  
Co-founder

**Pro Wildlife e.V.**

Dr Sandra Altherr  
Co-Founder

**Seas at Risk**

Dr Monica Verbeek  
Executive Director

**Shark Guardian**

Brendon Sing  
Founder & Co-Director

**Whale and Dolphin Conservation (WDC)**

Chris Butler-Stroud  
Chief Executive Officer

**Blue Planet Society**

John Hourston  
Founder

**Deutsche Umwelthilfe e.V.**

Sascha Müller-Kraenner  
Bundesgeschäftsführer

**Environmental Justice Foundation (EJF)**

Steve Trent  
Founder & CEO

**GEOTA**

Helder Careto  
Executive Secretary

**SCIAENA**

Gonçalo Ferreira de Carvalho  
Executive Coordinator

**Sharks Educational Institute**

Fernando Reis  
Founder & Executive Director

**Sharkproject International**

Alex Smolinsky  
President

## Background Information

### (1) The poor compliance history of the EU's shark fisheries

- Spain, Portugal, and France are among the top 15 shark-fishing nations of the world [8] and their long-distant fishing operations are, in many cases, [subsidized with EU taxpayers' money](#) to target sharks in all oceans. Globally long distant fishing nations are responsible for 74% percent of all blue shark catches and this ratio increases to 89% for the Atlantic. In 2019 more than seven million blue sharks were landed globally based on reported tonnage. Spain and Portugal are among the world's top five largest blue shark catching nations, while Spain and Taiwan catch as many blue sharks as all other nations together, thereby further emphasizing the key role the EU fishing fleet plays in the global shark fishing business [9].
- Only 708 inspections were carried out for the Spanish fleet in 2018 for its 41,603 landings of 50,934 tons. Even at this low inspection rate of less than 2% two cases of non-compliance were identified for the Spanish fleet in 2018 [4].
- In December 2022 [a vessel was detained in Sesimbra, Portugal](#) for trying to land 1,000 kg of loose fins [10] and also in January 2021 [loose fins were found on board of a swordfish vessel in Sesimbra](#). [11]
- On December 22<sup>nd</sup> 2022 [the Spanish vessel, Playa del Ril](#), was detained in Peniche, Portugal for having more than 12 tons of shortfin mako on board, allegedly from the South Atlantic, but without the required CITES documentation. The same vessel had already been denounced for having landed shark fins separated from the shark bodies in the port of Montevideo, Uruguay in 2017 [12].
- The Sea Fisheries Protection Authority (SFPA) has confirmed that the fine of €2,500 and forfeiture of catch and gear worth €165,000 was imposed on the [Spanish vessel Virxen da Blanca, following a guilty plea in Cork circuit court on May 23, 2019](#). The vessel had been detained by the Naval Service about 150 nautical miles south of Ireland in August 2018 with 1,250 kg of shark fins on board [13].
- Offenses against the EU's 'Fins Naturally Attached' regulation as well as '*Finning*' continue to occur, both in international and EU waters, but remain often undetected due to inadequate surveillance at sea and few inspections in port. Without an FNA regulation in place offences outside of EU waters are even more difficult to detect and prosecute.

### (2) Why is the EU's pelagic shark fishing operation not sustainable?

- Most shark fishing by the EU fleet occurs outside EU waters on the High Seas and is therefore subject to management by the four big tuna Regional Fisheries Management Organisations (RFMOs). However, while tuna stocks, swordfish and some other species are managed increasingly sustainably by these RFMOs, neither scientific reference points nor Harvest Control Rules, or Harvest Strategies have been developed so for sharks, although many shark species are actively targeted by industrial fleets in those tuna Commissions. So far only the International Commission for the Conservation of Atlantic Tuna (ICCAT) has defined Total Allowable Catch (TAC) limits for blue sharks and has recently also adopted some management measures to limit mortality of overfished shortfin mako populations in the Atlantic [14], [15], [16], [17]. However, in the absence of binding allocations of the catch quota, the agreed TAC for blue sharks in the South Atlantic was exceeded by more than 4,000 tons each year without any consequences [18]. No management measures at all exist to limit catches of blue sharks and shortfin mako, the two most heavily targeted shark species by industrial fisheries in the entire ocean, at [Indian Ocean Tuna Commission](#) (IOTC), [Western Central Pacific Fisheries Commission](#) (WCPFC), or at [Inter-American Tropical Tuna Commission](#) (IATTC). Furthermore, equally globally threatened [silky sharks](#) and [hammerhead sharks](#) can still be caught and landed without any limits.

- Although blue sharks are arguably less susceptible to overfishing than most other pelagic sharks they are still at substantial risk of overfishing when fished at the current massive scale without any meaningful management while at the same time subject to poor reporting of catch efforts and discards at sea. Consequently, most stock assessments in the past have failed or were rated as being highly uncertain.
- ICCAT noted in 2019 that due to the large numbers of blue sharks caught and the uncertainty in data inputs and model structural assumptions it could not rule out that the stock in the North Atlantic was overfished and overfishing occurring while the model for the South Atlantic was even generally less optimistic suggesting that the stock could be overfished and overfishing could be occurring in some areas [19], [20]. ICCAT therefore established TACs for both parts of the Atlantic as a precautionary measure. However, as the TAC in the South Atlantic was not allocated it has been overrun substantially ever since then. A new stock assessment is due to be performed this year with results expected by September.
- IOTC performed a stock assessment for blue shark in the Indian Ocean in 2021 concluding that the stock is with a 99% probability not overfished nor experiencing overfishing. However, the Scientific Committee warned in its management advice, that based on stock projections increasing current catches over the estimated 43,240 tons is likely to result in decreasing biomass and the stock becoming overfished and subject to overfishing in the near future [19]. No management measures were proposed or adopted for blue sharks to ensure fishing induced mortality will not exceed the 2019 estimate.
- Unlike most other longline fishing nations the EU fleet continues to deploy highly unsustainable gear modifications with J-hooks, wire traces and shark lines, all of which increase bycatch mortality of non-target species, including marine turtles, marine mammals, and discarded sharks. Despite a retention ban having been in place in Spain for 2021, the overall mortality of shortfin mako by the Spanish fleet in the North Atlantic remained unchanged compared to the tonnage of mako sharks that had been retained in previous years. More than 90% of all discarded shortfin makos in 2021 were discarded dead. Yet, at the same time the Canadian and US longline fisheries achieved live release rates of 70% and 60% respectively for shortfin mako [18], using different gear modifications, which the EU has repeatedly refused to introduce [20]. While there is ample proof that shark bycatch can be greatly reduced when replacing wire traces (wire leaders) by monofilament leaders [21] there is also recent scientific knowledge available that a combined ban of wire traces and shark lines could reduce mortality of sensitive shark species caught as bycatch in the EU's blue shark fisheries (such as oceanic whitetip sharks or silky sharks) by up to 40%. [22] A change from J-hooks to large circle hooks would also increase post release survival rates of shortfin mako sharks substantially [23], yet the EU has so far vehemently resisted adopting such gear changes at both ICCAT and IOTC.

### **(3) Why are EU shark fisheries socio-economically not important for coastal communities?**

- While the fishing sector continues to claim a huge potential impact on livelihoods of fishers and coastal communities depending on shark fishing operations, it is important to note that for the Spanish fleet this would impact mainly those four producers of the [FIP BLUES](#) (opromar, OR.PA.GU, OPP-07 Burela, OPNAPA all based in Galicia) who together account for 90% of the EU catches of swordfish and blue shark. The 124 vessels of the six fleet sections catch 95% of blue sharks and swordfish of the EU fleet in the North Atlantic, South Atlantic, Indian Ocean, Western Pacific, and Eastern Pacific. Only 14 associated businesses make for about 80% of the EU's supply chain for blue sharks and swordfish [24]. Therefore, the biggest beneficiaries from the EU's shark fishing operations are only those four fishing operators plus the associated 14 supply chain actors all of them based in the EU, in Spain.
- Those fisheries should thus not be misconstrued as having a widespread socio-economic impact on coastal communities in the EU or on other coastal nations in the Atlantic, Indian

Ocean or Pacific. In fact, the largest of those four fishery producer organizations is the Galician [OR.PA.GU](#), the biggest surface longlining fleet in the EU targeting sharks in the entire ocean, currently with 42 vessels or one third of the total shark and swordfish EU fleet.

- Most shark meat is not consumed inside the EU but either ends up in fishmeal factories or is exported to Brazil [25], where shark meat often ends up on the menu of school canteens without the children or their families even knowing they are eating shark, nor being aware of the health risks they are exposed to when eating shark meat on a regular basis.

#### (4) Why is this so important?

- Healthy oceans support a blue economy of ocean-based tourism, fisheries, and food security, and provide many other ecosystem services.
- Sharks are vital for healthy marine ecosystems, and their extinction would have far-reaching negative impacts on marine ecosystems [26].
- Resilient marine ecosystems and biodiversity are essential carbon sinks and inevitable to combat climate change [27].
- Ocean health and stopping the loss of biodiversity are high priorities of the [European Green Deal](#) and the [EU Biodiversity Strategy](#).

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