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Protecting The World's Oceans.

Fishy Business

How EU shark fleets escape regulation and undermine shark conservation around the world

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- The European Union, as a group of countries, is the second largest elasmobranch fishing nation in the world. Spain and Italy are home to some of the biggest global marketplaces for sharks. Spain alone is the largest exporter of frozen shark fins to Hong Kong, the principle market for this product.

- European vessels, in particular from Spain, catch sharks in targeted and unmanaged fisheries around the world. Research by Oceana has uncovered Spanish longliners unloading and transferring shark fins in the harbour of Papeete, French Polynesia, where this is prohibited. In addition, Spanish vessels carry out IUU (Illegal, Unregulated and Unreported) fishing in the Western and Central Pacific Ocean.

- European companies catch sharks in all the oceans under different legal frameworks: under EU management and with Joint Venture vessels with foreign flags or flags of convenience outside any EU control. Shark fisheries are poorly or not managed under these legal frameworks.

- European Union Regulation 1185/2003 on the removal of fins on board vessels uses extremely lenient enforcement standards and allows fins and carcasses to be landed separately. These loopholes are rendering this critical regulation ineffective and causing problems when EU vessels fish and trade in countries that have stronger laws to protect sharks, such as a prohibition on trading or exporting shark fins. In fact, the EU finning regulation undermines stronger shark protection laws of other countries.

- No catch limits or quotas for sharks are established by Regional Fisheries Management Organisations and sharks can be caught without limit by vessels holding tuna or swordfish licenses. These unlimited catches, along with the uncontrolled catches of deep-sea sharks and the illegal trade and export of shark fins are examples of how the European Union's shark fisheries are is out of control. As one of the wealthiest groups of nations in the world, the EU should instead strive to be a leader in sustainable fisheries.

1 Introduction

Shark fins drying on rooftop, near Callao harbour, Lima, Peru 2007

In 2006 and 2007, Oceana researchers carried out a year-long investigation into European Union shark fisheries and trade of shark products (meat and liver oil fins) around the world. These investigations are part of a major campaign to conserve sharks, threatened animals that are crucial to maintaining the health and stability of ocean ecosystems. As top predators, sharks prey on the sick and weak, ensuring that stronger and healthier individuals survive, and keeping the population sizes of their prey species in check.

Oceana researchers visited harbours in Europe, Africa and South America, talked to fishermen, scientists, processors and trade companies and collected further information, data and photographic material from other institutions, such as the photographs revealing the trade of shark fins by the Spanish longliner fleet in Papeete, French Polynesia although this is forbidden there. This report reveals the IUU fishing activities[1] of two Spanish shark fishing vessels in international waters of the Western and Central Pacific Ocean. Oceana's worldwide investigations also shows that fisheries and trade by the EU's shark longliner fleet is causing various problems in countries with vulnerable ecosystems and established laws to protect sharks.

Sharks are exceptionally vulnerable to fisheries overexploitation and slow to recover from depletion. Blue sharks, mako sharks, hammerhead sharks and thresher sharks are the species most targeted by EU longliner fleets.[2] Almost all shark species targeted by those vessels are considered threatened with extinction according to World Conservation Union (IUCN) Red List criteria.[3]

Because fish stocks in European waters are widely overfished and European fish consumption is still growing, EU vessels today travel further and further to find new fishing grounds. These vessels are fishing under various legal frameworks, but not all are covered by the European Union's Common Fisheries Policy. But even when vessels are operating under EU law, with few exceptions, shark fisheries are not restricted.

In 2005, a worldwide catch of 771,000 tons was reported for elasmobranches (the group of sharks, rays and skates) to the Food and Agricultural Organization of the United Nations (FAO). With catches approaching 100,000 tons, the European Union is the second elasmobranch-catching state in the world, behind Indonesia and ahead of India.

About 40 per cent of these sharks and rays were caught in distant waters by the EU. Vessels from Spain, France, Portugal, the United Kingdom, Lithuania and Estonia fished sharks in the South Atlantic Ocean, Indian Ocean, Pacific Ocean and even in the Southern Ocean.[4]

2 Overview of EU shark fisheries outside EU waters - little management and control

Shark fins in a fishing vessel, Azores, Portugal 2006

The demand for consumable fish in the European Union is growing, as is the demand for shark fins in Asia. Oceana researchers have found that EU vessels now travel further and further in the world's oceans to fill these needs. The map on page 6 shows the landing places for sharks by EU vessels as discovered by Oceana researchers.

Even though the European Union set structural measures to reduce fishing capacity[5], some fishing companies, in particular Spanish ones, built new boats and looked outside the EU in the hunt for new shark fishing grounds. In doing so, they found several legal arrangements to escape from European Union fisheries regulation and controls. Some of these arrangements are created under the legal framework of the European Union, while others are entirely outside of EU law.

The list below details these various legal frameworks under which European Union vessels are catching sharks around the world:

- In European Union waters under EU management
- On the high seas under the theoretical management of Regional Fishery Management Organisations (RFMOs) such as ICCAT, IATTC, WCPFC and IOTC, of which the European Union is a contracting party or cooperating member and whose vessels are therefore obliged to comply with the regulations
- In waters of third countries under bilateral fisheries agreements (or, Fisheries Partnership Agreements), which are negotiated between together European Commission officials and representatives of the third country concerned
- Under charter agreements, in which EU vessels that catch sharks are chartered to third countries under the rules of ICCAT or the other RFMOs
- With private agreements called Joint Ventures, between EU-based companies and third countries and, which are entirely outside of European Union control
- By flagging vessels with "flags of convenience", in which they are registered under the flag of a foreign country for purposes of reducing operating costs or avoiding government regulations

Some of these legal frameworks will be highlighted here in an effort to reveal how EU-owned vessels may escape EU regulations in their fisheries operations around the world.

3 Unfair EU Fisheries Partnership Agreements

French purse seiner and Spanish longliner, side by side at the docks of Antsiranana, Madagascar 2007

EU vessels participate in bilateral fisheries agreements with third countries. Under these agreements, negotiated and agreed by the European Union and the third countries, EU vessels obtain the rights to fish in the foreign national waters by offering a certain amount of money. Since 2003, these agreements have officially been called "Fisheries Partnership Agreements" (FPA's).

Although weak, controls for the EU vessels fishing under these agreements do in theory exist and a part of the funds paid by the EU for the fishing rights is usually reserved for control measures. The partner state together with the EU should be responsible for controlling the fisheries, and vessels must respect EU regulations. In some agreements, there is coverage by scientific observers, and all fishing vessels are supposed to be monitored by VMS (Vessel Monitoring System) systems.[6] However even though these controls exist in theory, third countries in general do not have the economic resources to carry out efficient fishery controls for the EU vessels.

Oceana's investigations in the shark fin trade show that the monies paid to the third countries in exchange for fishing rights are extremely unfair and do not take into account the high values of the shark fins that the vessels capitalise on. Valuable shark fins bring in more money than shark meat. In fact, fishermen benefit more from catching sharks than skipjack tuna, given the high price of the fins.

A quick calculation shows the unfair compensations under these so-called fisheries partnership agreements. In 2005, eight Spanish longliners caught 1,600 tons of sharks in the Western and Central Pacific area, meaning around 200 tons of sharks per vessel. Frozen shark fins usually comprise 13 per cent of the weight of the frozen shark catches, that consist of frozen fins and dressed shark carcasses, adding up to around 26 tons of shark fins per vessel.[7] The average price for shark fins in Vigo, the main trading place for fish of the Spanish fleet is 15 USD/Kilo.[8] This means an average turnover of around 390,000 USD or 270,000 Euro per vessel per year only for the fins. Added to this is the value of the shark meat and the swordfish catch. However, the actual compensation paid to the partner states for fishing rights lies between 3,000 (Solomon Islands FPA) and 4,200 Euro (Kiribati and Micronesia-FPA) per vessel per year.[9]

Storefront of company collecting shark fins in Antananarivo, Madagascar 2007

The catches of sharks in third countries under partnership agreements are indeed not managed or limited at all. This is problematic as all of the surface longliners operating under these agreements target sharks. In 2007, 357 FPA licenses were authorized for EU surface longliners to operate in 23 African, Caribbean and Pacific countries. These vessels take advantage of these "tuna agreements" to instead target sharks. Several scientific studies have corroborated the fact that these longliners predominantly catch sharks: 70 per cent of the catches in the Atlantic and roughly 50 per cent in the Pacific and Indian Oceans are comprised of sharks. In fact, tuna makes up less than 10 per cent of the total catch of these vessels.

Company collecting shark fins in Antananarivo, Madagascar 2007

It is impossible to ensure that shark finning is not happening on the EU vessels fishing under these agreements because of the loopholes in the EU finning regulation. As seen in the photographs here, there is an active trade of shark fins in Madagascar, led by Chinese companies who collect shark fins from fishermen. Oceana researchers have documented Spanish longliners in the harbour of Antsiranana, Madagascar. In fact, the harbour of Antsiranana is commonly used by EU shark longliners and purse seiners that have a high shark by-catch.

4 Joint Venture agreements outside of EU Control

A number of fisheries operators, mainly Spanish, have established, in addition to the official EU partnership agreements described above, private fishing Joint Ventures in at least 22 countries. Vessels operating under these private agreements generally fish under flags of the third country and in the third countries' Exclusive Economic Zones (EEZs). Thus they do not have to respect any EU fisheries laws and regulations, even though the vessels belong to Spanish companies and have been flagged out to the third countries with European Union subsidies.

Joint Venture agreements exist with a number of countries where the EU does not have fishery partnership agreements, or does not cooperate due in part to political reasons, such as Algeria, Togo, Cameroon, Congo and Angola.[10]

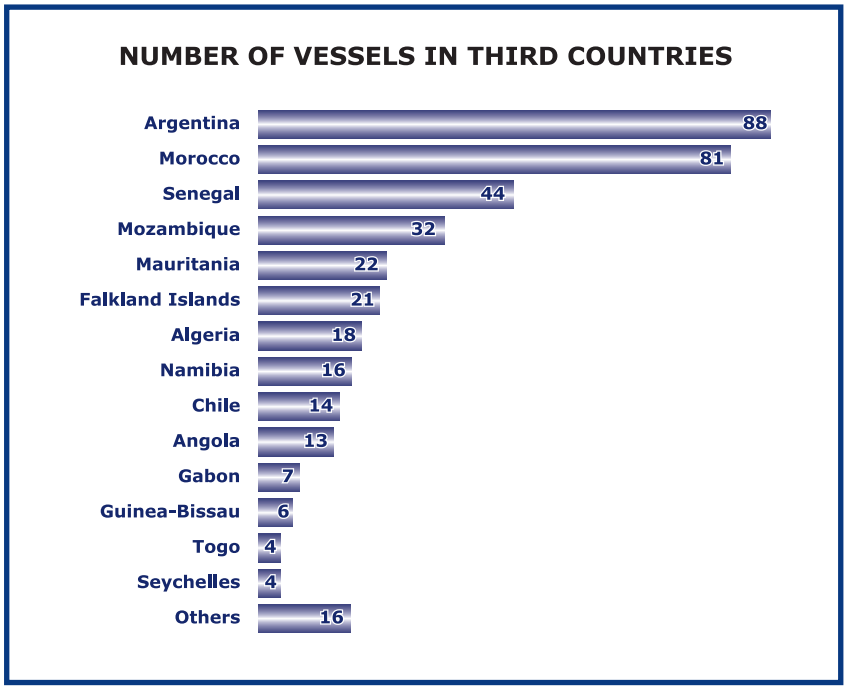


Figure 1: Overview of EU-owned fishing vessels operating under Joint Venture agreements with foreign flags in 2006. (Source: Cluster Pesca)

Figure 1, above, shows that in 2006 a total of 386 industrial fishing vessels operate under these Joint Ventures which are outside of official EU bilateral partnership agreements and also outside the control of the EU's Common Fisheries Policy. Oceana investigations showed, for example in the case of Namibia, that many of these vessels are industrial freezer longliners that target sharks. These industrial longliners predominantly belong to large Spanish fishing companies.[11]

Demonstration against finning and unloading of sarks private qais, Costa Rica
© Alexander Gaos/PRETOMA

Costa Rica: the fight to control shark finning

For Taiwanese longliners catching sharks in the Pacific Ocean, finning is common practice.[14] Some of the vessels used to land shark fins in the harbour of Puntarenas in Costa Rica. After local environmentalists protested against this wasteful practice, headed by the non-governmental organisation PRETOMA, the first total shark finning prohibition was enacted in Costa Rica from 2001 to 2003. The next few years saw continued debate, weak enforcement, and an amended regulation. In the end, the Costa Rican Congress approved a new Fisheries law in February 2005 that requires shark fins to be landed attached to their bodies.[15]

While Costa Rica wavered between finning regulations, some foreign vessels were still getting away with shark finning by landing their catches at private docks in Puntarenas. As customs and police officials do not have free access to inspect private docks, large quantities of fins were landed there. PRETOMA led a successful public campaign with the slogan, "No al Aleteo, Que se Cumpla la Ley en los Muelles Privados" (No to Finning, comply with Laws in Private Docks), and in November 2004 Customs halted the regular landings by foreign vessels at private docks. However, according to PRETOMA, there are still a lot of longliners unloading there illegally.[16]

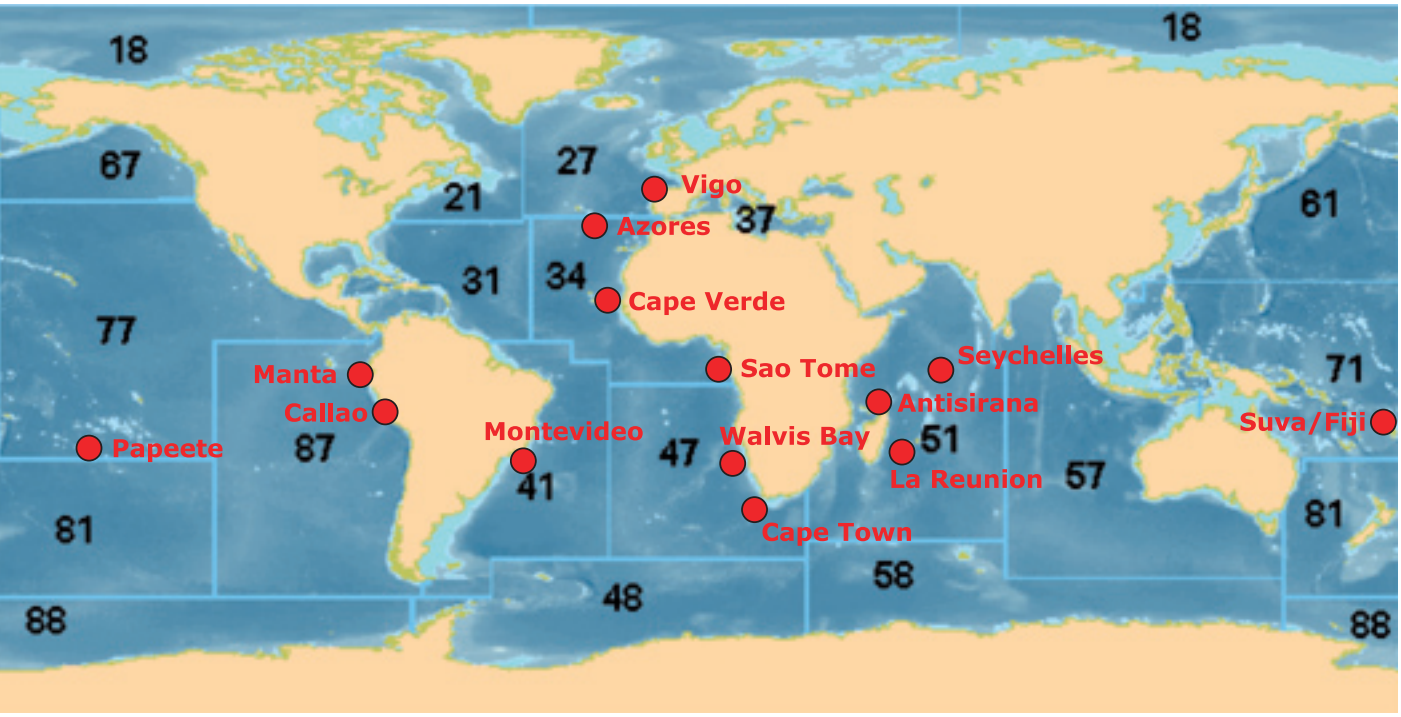
The complication presented with private docks is not only relevant to Costa Rica. Oceana researchers documented Spanish longliners legally landing frozen sharks and frozen fins separately at private landing sites all around the world. The photo on the next page shows the landing of shark bodies and fins in a private dock in Vigo, Spain.

4

Unloading of frozen shark bodies, Vigo, Spain 2006

Scientific research, management and control in these fisheries are weak, ignored or nonexistent, sometimes due to a lack of proper resources, especially in African countries such as Senegal, Mozambique, Mauritania, Algeria, Angola, Gabon, Guinea-Bissau and Togo. An attempt by Namibia to establish research and fisheries management regimes, and efforts to control the Joint Venture vessels fishing under its flag, failed, and massive overfishing and damage to fragile ecosystems has occurred there.[12]

Still other loopholes exist with these agreements. Namibia, the largest supplier of frozen sharks to the EU, is a contracting party to ICCAT and thus EU-owned vessels operating under its flag are required to comply with ICCAT´s shark finning prohibition. However, in other cases like Argentina, a country which is not an ICCAT member, EU Joint Venture vessels operating with its flag are not obliged to comply with such regulations.[13]



Map 1: FAO fishing areas and landing sites of pelagic sharks, Spanish fleet

The lack of management for EU shark fisheries in international waters

In 1999, the UN FAO adopted an International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) with the aim of ensuring the conservation, management, and long-term sustainable use of these species. The IPOA-Sharks calls for shark fishing nations to develop National Plans of Action (NPOA) for sharks that provide for sustainable catch, data collection, stakeholder consultation, waste minimisation, biodiversity protection, ecosystem preservation and special attention to threatened and vulnerable populations.[17] The European Union and all of its member states have failed to adopt national and regional shark action plans. Within the EU, the United Kingdom is the only country that has presented a draft shark management plan. Although one of the aims of the EU Common Fisheries Policy is to achieve sustainable fisheries, there have been very few management measures adopted on shark fishing in EU waters and for EU vessels. Those that do exist have not been effective in the management of shark stocks or the recovery of overfished commercial shark populations. Catch limits are only agreed for a few deep-sea species in the Northeast Atlantic, and yet they are routinely set in excess of scientific advice.[18]

European Union vessels often catch sharks on the high seas, outside the 200-mile EEZ of any country. Most of these fisheries are regulated by international agreements and/or managed by RFMOs like the Western and Central Pacific Fisheries Commission. However, they are usually poorly managed, and in the case of shark fisheries, not managed at all, except through finning regulations. For example, EU longliners on the high seas widely operate with tuna or swordfish quotas granted by RFMOs, but actually target various species of sharks.[19]

ICCAT is the RFMO covering the entire Atlantic Ocean and the Mediterranean Sea. In their last shark stock assessment in 2003, the ICCAT subcommittee on by-catches stated that data for shark catches is regularly missing. For example, the subcommittee reviewed catch information for thresher sharks (*Alopias* spp.) and oceanic whitetips (*Carcharhinus longimanus*), among others, and concluded that data on these less abundant species are virtually non-existent and insufficient to complete stock assessments.[20] This reflects the fact that shark-fishing nations, such as Spain, do not report their shark catches accurately by species. As there are no fishing quotas or management regimes for sharks on the high seas, catches are totally unregulated and often go unreported. Oceana researchers found that vessels, especially Spanish longliners, often land sharks and shark fins in private quays, instead in the official harbours. These private quays, often owned by large Spanish companies, are not freely accessible like the official fisheries harbours; effective control in these quays is therefore complicated and compromised.

5

Vessels in the harbour of La Coruña, Spain 2006

A group of fishing vessels is operating in European and international waters of the Northeast Atlantic Oceana (NEAT). Most of the vessels involved in this fishery are registered in the United Kingdom and Germany, as well as under flags of convenience. However, almost all of the boats belong to Spanish companies and operate out of the port of La Coruña. Some of the vessels are seen in the photo above. The high catches of deep-sea sharks by these fleets, particularly Portuguese dogfish (*Centroscymnus coelolepis*) and leafscale gulper shark (*Centrophorous squamosus*), have contributed to the depletion of these stocks which are currently on the verge of collapse.[21]

Prior to restrictive measures placed on this fishery in December 2005 and 2006, these vessels deployed a total of more than 6,000 kilometres of fixed gillnets ('rasco' or anglerfish nets) in Northeast Atlantic waters to catch anglerfish, king crab and deep-sea sharks. A single vessel could deploy up to 400 kilometres of net, much more than what a fishing boat can efficiently manage. Often, part of the nets ended up being lost at sea, generating more than 1,000 kilometres of wastage and "ghost nets" every year. Catches by these vessels partly took place in international waters and were neither controlled nor fully reported.[22]

Due to its extremely wasteful nature, in December 2005, the European Council of Fisheries Ministers temporarily closed this fishery, and then reopened it again in December 2006 under certain restrictive measures, including a depth limitation of 200 metres , but with special derogations for two types of fishing gear that could operate down to 600 metres. While this eliminates much of the damaging deep-sea shark fishery, the Council has continued to agree deep-sea shark fishing quotas in spite of scientific advice for no directed catches and a reduction of by-catch.[23]

The Common Fisheries Policy allows Member States to inspect their own fishing vessels outside their EEZs and lays out the conditions for this to occur. However, this fisheries control rule has still not been implemented in national laws five years later, and thus fishery inspectors from Germany and the United Kingdom cannot carry out these controls on their own vessels in Spanish, or any other, ports.[24]

6 Replacing overfished species and fishing grounds

Mako sharks at auction in Vigo, Spain 2006

Interview with a fisheries manager for a Spanish industrial fleet, Namibia

Where are you coming from?

My family lived in a small fishing village near Vigo in Spain. That was in the forties. Historically my family has been fishing around Vigo, but then we began following the fish.

Where did your family fish then?

First we went to the south of Spain, to Cadiz than further to the Canary Islands. After the Canary Islands, my father decided to go to South Africa, because the fishing opportunities there were really good.

How did you come to Namibia?

Originally fishing in South Africa, my father came up north and spent more and more time fishing in Namibia. The Benghuelas current is here, which is the reason for rich fishing grounds.

How are your vessels flagged?

Our vessels have a Namibia flag and the control is the responsibility of the Namibian authorities.

What are you fishing for?

We fish mainly hake but we also fish tuna, swordfish with an ICCAT quota and sharks without quotas.

More swordfish and tuna or more sharks?

Much more sharks - blue sharks and mako sharks.

The amount of sharks and rays caught by European Union vessels grew from about 75,000 tons in 1950 to more than 170,000 tons in 1997, and has now settled around 100,000 tons. The shark species caught by these vessels, along with the preferred fishing grounds, have changed throughout this time.

In the 1970s, spurdog (*Squalus acanthias*) and porbeagle (*Lamna nasus*) were the sharks most heavily fished by European fleets. Today, these species are considered critically endangered in some parts of the world according to IUCN Red List criteria, and the preferred shark species of the EU fleets has changed. Oceana researchers found that European Union surface longliners now land predominantly blue sharks (*Prionace glauca*), but also mako sharks (*Isurus* spp.) as seen in the photograph on this page, hammerhead sharks (*Sphyrna* spp.) and thresher sharks (*Alopias* spp.). French trawlers mainly focus on catsharks (*Scyliorhinus canicula*) and UK and Portuguese flagged gillnetters catch various deep-sea shark species. Spanish, Portuguese, and UK surface longliners overwhelmingly catch blue sharks, the world's most abundant pelagic shark but also the most heavily fished. Scientists noted declines of 50-70 per cent of this species in the North east Atlantic and concern is growing over the lack of conservation measures.[25]

The graphic below shows how catches of the threatened spurdog declined after the late 1980s and how catches of blue shark increased massively from the early 1990s.

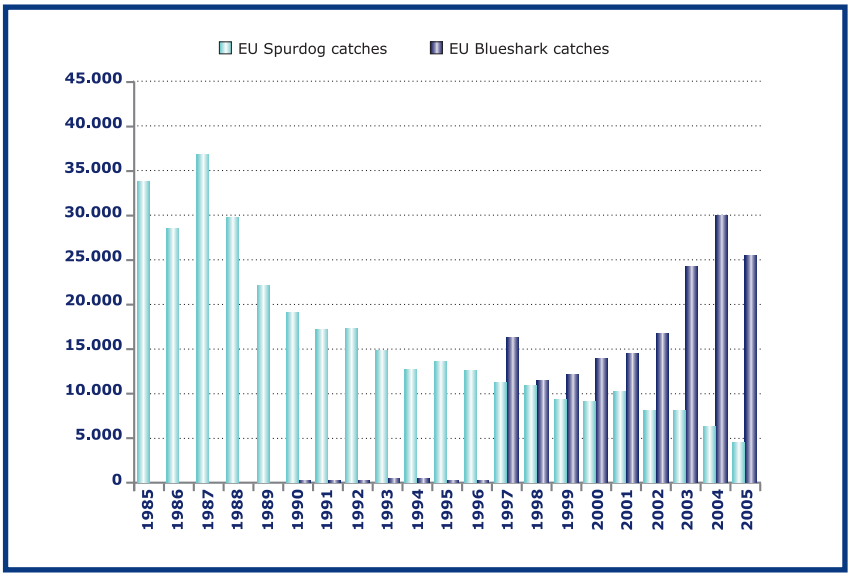


Figure 2: EU catchess of spurdog compared to blue shark, FAO, 2006.

As with the targeted species, the areas where European Union vessels catch sharks have also changed. Up to the early 1980s, more or less all sharks and rays caught by EU vessels were caught in the Northeast Atlantic and in the Mediterranean (in or near European waters). By 2005, only 55 per cent of the EU shark and ray catches came from the Northeast Atlantic and about 5 per cent from the Mediterranean. The rest of the sharks came from waters further away - mostly from waters off the west of Africa (15 per cent), the South Atlantic (9 per cent), the Indian Ocean (6 per cent), the West and Northwest Atlantic (7 per cent) and the Pacific (2.4 per cent).[26]

7 Uncovering illegal activities in the Pacific

Trade of shark fins in French Polynesia

Up to a few years ago, the Western and Central Pacific Ocean was home to some of the last remaining healthy fish stocks in the world - the reason why more and more European industrial fishing vessels are operating in these waters today.

Shark fisheries in the Western and Central Pacific area, like in other parts of the world, are in general not managed or regulated with fishing quotas. Vessels that fish in the international waters of the Western and Central Pacific region or have agreements to fish in the EEZ of the Pacific Island countries can take as many sharks as they want, limited only by rare national laws of the Pacific Island countries that have indeed taken measures to protect their natural resources. In French Polynesia, the government has taken such measures.

According to a French Polynesian decree from April 2006, the trade, sale or purchase of any part of a shark in French Polynesia is prohibited, except that for shortfin mako sharks: "fishing for sharks and retention on board of all or part of the animal is forbidden, whatever the intended end use. However, the mako shark is exempt from this rule. Accidental catches of those species where catches and retention on board is not allowed must be immediately discarded ...trade, sale or purchase of any part of a shark even in jewlery is forbidden. Trade or posession of shortfin mako shark is still authorized".[27]

However, Oceana has uncovered activities carried out by a Spanish longliner in the harbour of Papeete that compromise this regulation. The photographs on this page show the Nuevo Josmaru, a 43-metre long modern industrial fishing vessel that is part of the Spanish surface longliner fleet, in the harbour of Papeete, Tahiti, French Polynesia. The homeport of the Nuevo Josmaru is Vigo in Galicia, Spain. The Nuevo Josmaru is a rather new vessel, constructed in 2000 with European Community aid.[28]

As seen in the photographs, the Nuevo Josmaru is unloading frozen shark fins onto a small truck and later local workers unload them from the truck into a container, most likely to be shipped to Asia. The unloading of shark fins in Papeete is not the first incident of the Nuevo Josmaru ignoring fisheries laws. In 2002, the General Directorate of marine territories and marine trade of Chile declared that the Nuevo Josmaru operated unauthorised in its EEZ.[29]

The Nuevo Josmaru is not the only vessel using Papeete as a trading place for its shark fins. Since 2006, a fleet of at least 19 Spanish surface longliners has been fishing in the Western and Central Pacific region and unloading their catches in the harbours of Papeete on Tahiti, and Suva in Fiji.[30] According to 2005 data, this fleet is predominantly targeting blue sharks (*Prionace glauca*) mako sharks (*Isurus* spp.) and swordfish (*Xiphias gladius*).[31] Blue sharks make up over 75% of the shark catch, making it likely that the fins being landed in these photographs belong to this species, the landing and trade of which is prohibited under the French Polynesian decree.

This likely illegal landing and trade of shark fins in French Polynesia is not the only incident of concern the Spanish longliners are causing with their unmanaged fisheries in the Western and Central Pacific Ocean. On 27 March 2007 the Cook Islands Times reported that large Spanish vessels are fishing in international waters near the Cook Islands. They are accused by Tapi Taio, the Cook Islands Tuna Fishing Association president, of cutting in to their swordfish and *Mahi mahi* catch.[32]

"Nuevo Josmaru" in Papeete, 24/11/2006 © MM/DG

...unloading of sharkfins onto truck... 24/11/2006 © MM/DG

...loading of shark fins into container... 24/11/2006 © MM/DG

7

The EU finning regulation - and the loopholes

The only management tool specifically for shark fisheries in the European Union, besides catch limits for a few deep-sea species, is EU Council Regulation No 1185/2003 of 26 June 2003, concerning the removal of fins of sharks on board vessels, which consists of the following:

1. Finning is prohibited, but removal of fins is allowed in some cases.
2. Vessels must have a special permit in order to remove fins onboard.
3. The weight of fins landed cannot exceed 5 per cent of the live weight of the shark carcases.
4. Fins and bodies can be transhipped and landed separately at different ports.

These rules represent loopholes that leave room for finning practices to occur and make control measures weak. The five per cent rule is one the world's highest and complicated to control since the weight of the fins will vary depending on cutting and gutting techniques. In addition, different shark species have different fin to body ratios and species identification by fin (or trunk) alone is nearly impossible, resulting in guessing the correct ratio at best. These loopholes are rendering this regulation ineffective.

This is unacceptable because the European Union as a wealthy group of countries should lead conservation efforts by example. It also sets a poor example for other nations as they develop their own finning bans and protection laws in an effort to safeguard sharks.

Oceana strongly advocates a "fins attached" policy, leaving no possible room for finning and ensuring efficient control. This policy would be in line with the most effective "finning bans" from other nations, such as Costa Rica and Ecuador.

IUU fishing of sharks in the Pacific

At least two of the Spanish vessels that use the harbour of Papeete to land their catches, the Nuevo Pleamar and the Mariane, are not allowed to fish in the Western and Central Pacific Ocean. The Western and Central Pacific Fisheries Commission (WCPFC, the RFMO that manages fisheries in the Western and Central Pacific Ocean) maintains a record of authorized fishing vessels wanting to fish in the WCPFC convention area. Vessels must be on the WCPFC list in order to be authorized to fish in this area. However, the Nuevo Pleamar and the Mariane are not on that register, and harbour information reveals that these two vessels called into the harbour of Papeete as recently as November 2007. According to the FAO definition, these vessels are carrying out IUU fishing.[33]

The European Union, as a WCPFC contracting party, is responsible for this situation. These vessels fly Spanish flags and are part of the European Union fleet. In addition, France itself, on behalf of French Polynesia, is also a WCPFC member. Both of these IUU longliners are modern and were constructed with subsidies. The Nuevo Pleamar, whose homeport is Vigo, Spain, was built in 2004 in the same city. The vessel was constructed with European community aid and in 2005, Xesteira (the vessel owners) received an additional € 157,751 benefit from Spanish authorities for an unspecified investment. In 2003, the company has already obtained public grants of nearly € 1.3 million.[34]

The Mariane is even newer- it was constructed in 2006 in Cangas, Galicia. Pesquera Cadilla SL (the vessel owners) received € 375,000 in 2003, € 364,000 in 2004, and just under € 1.25 million in 2005 from public aid payments for an experimental fisheries pilot project.[35]

	Last calling in the harbour of Papeete	Calling in the port of Suva, Fiji	WCPFC list of authorized vessels	FFA vessel register
Arca Uno	22.10.2007		√	NO
Ecce Homo Divino	12.10.2007		√	NO
Novo Airinos	14.09.2007		√	NO
Oleaje	22.07.2007		√	NO
Sideral	19.07.2007		√	NO
Arca Uno	22.10.2007		√	NO
Ecce Homo Divino	12.10.2007		√	NO
Novo Airinos	14.09.2007		√	NO
Oleaje	22.07.2007		√	NO
Sideral	19.07.2007		√	NO
Nuevo Pleamar	**09.11.2007**		**NO**	**NO**
Rosu Tercero	13.06.2007		√	NO
Arnela	11.06.2007		√	NO
Ecce Homo Glorioso	17.04.2007		√	NO
Carmen Tere	31.03.2007		√	NO
Arca Dos	24.07.2007		√	NO
Mariane	**06.11.2007**		**NO**	**NO**
Mar de Maria	30.01.2007		√	NO
Radoche Primero	02.01.2007		√	NO
Maicoa Dos	06.12.2006		√	NO
Nuevo Josmaru	24.11.2006		√	NO
Puntal de Aguete	20.02.2006		√	NO
Baleairo Segundo		23.09.2006	√	√
Novo Xeixal		18.09.2006	√	√

Table 1: Spanish longliners in the Western and Central Pacific

Catching sharks is attractive because of the high prices that shark fins can reach on the market. Fins can be sold for up to 700 USD per kilo. The fins are used as the main ingredient for shark fin soup, an expensive Chinese delicacy highly appreciated by that county's growing middle class.

8 Undermining shark protection around the world

Unloading of sharks by local fisherman on beach of Manta, Ecuador 2007

Shark finning

The disparity between the exceptionally valuable shark fins and less valuable shark meat creates an economic incentive to catch sharks solely to profit from their fins. Shark finning - the practice of slicing off a shark's fins and discarding the body at sea - contributes to an extraordinary waste of resources, unsustainable shark mortality and dangerous declines in shark populations. Finning has been banned by many countries and regional fisheries management organisations in international waters. Most prohibitions use a fin-to-carcass weight ratio as a means of ensuring that the volume of fins landed corresponds to the volume of carcasses landed, and to guarantee that no bodies have been thrown overboard.

Shark finning is a common problem in the Western and Central Pacific. Predominantly Taiwanese fleets, but also local fishermen that catch sharks, remove the valuable fins and dump the bodies back to the sea. This allows them to catch masses of sharks, as only the fins are stored onboard. The practice of shark finning is one of the reasons that sharks are considered threatened globally according to IUCN. This is why French Polynesia decided to protect sharks in 2006 with the prohibition of shark finning, trade and the sale of shark fins.

The Spanish longliner association claims it does not fin sharks like the Taiwanese longliners, but instead uses the entire animal meat and fins.[36] However, the controls used in the EU finning regulation to prohibit this practice are difficult to enforce (see sidebar 1). The loopholes in the EU finning regulation make it ineffective and undermine the stronger conservation laws that some developing countries have established to protect their vulnerable ecosystems.

Last year Oceana requested the names of the vessels, that hold licences to remove shark fins on board vessels from all European governments. Nearly all governments failed or denied to send the vessel names.

The illegal trade of shark fins by Spanish longliners in Ecuador

French Polynesia is not the only place where the Spanish fleet, with its fervent shark fishing and trading activities, ignores local environmental and trade laws protecting sharks. An incident in 2006 revealed, like in French Polynesia, Spanish longliners unloading their catches in Manta, Ecuador and ignoring the fact that the trade of shark fins was forbidden there.

In April 2006, a large shipment of shark fins was landed from the Spanish longliner Costa Azul I and promptly seized in the Ecuadorian Customs Corporation's warehouses in Guayaquil. According to South African law, targeted shark fisheries were illegal at that time, as well as the exportation of shark fins, even those from sharks caught as bycatch. The eight-container Costa Azul I shipment included:

- 130 metric tons of swordfish,
- 41 metric tons of blue shark,
- 8 metric tons of mako shark,
- 9 metric tons of tuna,
- 9.5 metric tons of several other species and
- 9.23 metric tons of shark fins.

Under Ecuadorian law, which forbade the trade of shark fins from targeted shark fisheries, this was illegal shark trade. However, the Costa Azul I claims the fins were landed under the modality of an "international customs transit", noting Vigo, Spain as the final destination,

Removing of fins by local fisherman, Manta, Ecuador 2007

Measuring of shark fins by local traders, Manta, Ecuador 2007

and that it had an EU special fishing permit to remove the shark fins onboard.[37] The Spanish fleet's ambiguous justifications, and the loophole in the EU finning regulation allowing for special fishing permits, are examples of EU shark fishing activity lowering the environmental standards of developing countries that are indeed trying to implement genuine protections for their threatened wildlife.

Foreign fleets are not only compromising Ecuador's laws to protect sharks. During its investigations, Oceana documented the removal of shark fins and illegal fin trade by the local artisanal fleet in Manta, Ecuador in January 2007, as seen in the photographs on this page.

Unfortunately, in August 2007, the Ecuadorian law was changed, despite strong opposition from environmentalists and scientists, to legalise the trade of shark fins from sharks taken as a bycatch. According to the subsecretary of fisheries resources in Costa Rica, Miguel Moran, quoted in an article in the industries forum FIS.com from the 9th of November, 32,000 sharks have been fished in a targeted fishery in Ecuadorian waters since the legalisation of the fin trade.[38]

Landing shark fins in South Africa

Another example of EU fishing activity causing problems with the enforcement of stricter laws to protect sharks occurs in South Africa. In South Africa, in general, sharks must be landed with fins attached if they are caught in South African waters. However, fins from sharks caught in international waters, where Spanish surface longliners are active, may be landed separately from the carcasses. This is just what is happening, as Spanish surface longliners are using their special fishing permits to remove shark fins on board and land them in South Africa. Given the loopholes with the EU's finning regulation and the enforcement difficulties presented by the authorisation to land fins and carcases separately, there is really no way of ensuring where the sharks were caught.

Fins ready to be transported of the beach, Manta, Ecuador 2007

EU shark imports - how the sharks return to Europe

9

The European Union not only has a major fleet fishing for sharks in all the world's oceans, but it is also the most important marketplace for shark products worldwide. EU countries play a major role in the international trade of sharks and shark meat. Even if they only produced about 12 per cent of shark products worldwide in 2005, they were responsible for 56 per cent of global shark imports and 32 per cent of worldwide exports. In 2006, European Union companies imported more than 40,000 tons of shark products from more than 42 countries around the world. By far the shark product most commonly imported from third-countries are frozen sharks, making up 65 per cent of total imports, followed by fresh sharks and then fresh and frozen spurdog.

Oceana research and analysis of trade statistics show that Spain is the main EU importer of sharks and shark meat. In 2005, Spain was responsible for 42 per cent of total EU imports. The second biggest importer was Italy, accounting for another 25 per cent of the total.[39]

Figure 3 below, shows that most of the frozen sharks imported into the EU in 2006 came from Namibia, Vietnam, Japan, China and Panama.

Spanish, Portuguese and United Kingdom longliner fleets operating outside of Europe sometimes land their shark catches in foreign ports, and then import them back into the EU. The catches from those vessels are reflected as imports from these third countries, as reflected in the table with Namibia, Panama, Senegal and Ghana.

In other cases, the EU directly imports sharks from other countries that have their own shark fishing fleet. This can be seen in the table with the imports from China, Taiwan and Japan.

Shark finning is common practice on Chinese and Taiwanese vessels.

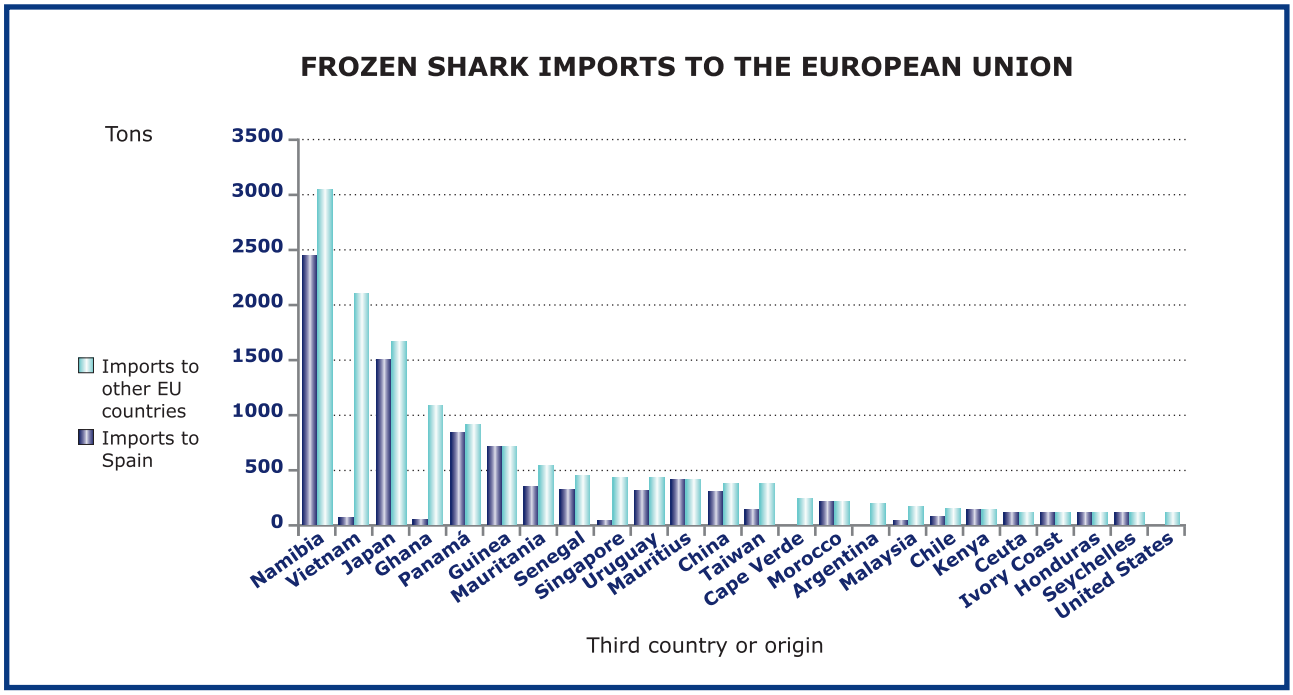


Figure 3: Frozen shark imports into the European Union.

10 Conclusions

Thresher sharks caught by artisanal fleet lined up on the beach of Manta, Ecuador 2007

Shark catches have to be controlled in international fisheries

Shark catches, targeted or as bycatch, are often underreported, misreported or not controlled or managed at all. The European Union must make immediate efforts to bring shark fisheries of European Union vessels and their catches under control: in European Union waters, in International waters, in third-Country waters, and for European Union chartered vessels.

All measures have to be taken to avoid any illegal activities in European Union harbours or facilities connected to shark catches or trade. Governments must take appropriate measures to guarantee that all shark catches are landed and reported on a species level.

Total coverage of independent observers on vessels with shark catches

The disparity between the exceptionally valuable sharkfins and the less valuable meat creates an economic incentive to take sharks solely for their fins.

In fisheries with high shark catches or shark bycatches, the risk of shark finning, the removal of fins onboard and the discard of the shark bodies, is still high given the fact that numerous European Union longliners and purse seiners unload their shark and sharkfin catches in international harbours or fish sharks under third country agreements or private Joint Ventures in countries with extremely weak fishery controls.

Observers on every fishing vessels is the only possible way to prevent shark finning and shark discards, control shark catches, collect scientific information and guarantee that shark catches are fully retained and reported on a species level.

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1_ **1.** According to the IUU definition of FAO, illegal fishing refers to activities:

1.1. conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

1.2. conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or 1.3. in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

2. Unreported fishing refers to fishing activities:

2.1. which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

2.2. undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3. Unregulated fishing refers to fishing activities:

3.1. in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

3.2. in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law. FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing. FAO 2001. Rome.

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Oceana's Recommendations for Effective Shark Management in the European Union

1 · Sharks must be landed with their fins attached.

2 · The capture of commercially exploited shark species by EU vessels must be regulated under the Common Fisheries Policy, with fishing limits and quotas.

3 · Shark fisheries must be controlled wherever the EU fleet operates – in European waters and worldwide.

4 · Migratory shark species exploited on the high seas must be regulated with catch limits and quotas by the relevant Regional Fisheries Management Organisations.

5 · Effective management measures for by-catch reduction must be introduced.

6 · Shark discards must be eliminated.

7 · Vessels taking sharks must have independent observer coverage on board.

8 · Distinct trade statistics for shark species (meat, fins and shark liver oil), differentiated by species, should be developed.

9 · Endangered shark species must be added to international conventions and national legislation that limit or prevent catches and trade.

10 · A European Plan of Action for Sharks must be implemented.