



Mr. Karmenu Vella
 Commissioner for Environment, Maritime Affairs and Fisheries
 European Commission
 200 Rue de la Loi
 B-1049 Brussels, Belgium

Re. Electric 'pulse' fishing in Europe

8 January 2018

Dear Commissioner Vella,

We are writing to raise an issue of paramount importance and to seek urgent action from the European Commission in light of new information that has come to our attention in relation to electric 'pulse' fishing derogations in European waters. We now understand the context in which the use of electric current came to be authorized in Europe. On the basis of the information outlined below, **the undersigned organizations formally request the European Commission to urgently withdraw all provisions concerning electric fishing from its legislative proposal on the Technical Measures Regulation COM(2016) 134 final.**

In 1998, Article 31 of (EC) Regulation No. 850/98 prohibited the use of destructive gears such as electric fishing: "*The catching of marine organisms using methods incorporating the use of explosives, poisonous or stupefying substances or electric current shall be prohibited*".

However, on 5 December 2006, the European Commission proposed¹ "*In the light of advice from STECF*", to allow "*By way of derogation from Article 31(1) of Regulation (EC) No 850/98 fishing with beam trawl using electrical pulse current (...) in ICES zones IVc and IVb south under certain conditions*". Annex III of the Commission proposal establishes that "*no more than 5 % of the beam trawler fleet by Member State shall be allowed to use the electric pulse trawl*".

The Commission proposal was swiftly adopted by Council, on 21 December 2006.² As a result, a prohibited, destructive fishing gear was deployed on a wide scale by the Dutch Fishing Industry, well beyond the specified regulatory threshold.

In an attempt to understand how scientists could advise the Commission to use electric current to catch fish, our organizations have searched, and found, the aforementioned piece of advice. To our great surprise, the 23rd Report of the Scientific, Technical and Economic Committee for Fisheries, dated 6-10 November 2006, i.e. just a month before the Commission

¹ COM(2006) 774 final

² COUNCIL REGULATION (EC) No 41/2006 of 21 December 2006.

released its proposal, did not approve such derogations. It even explicitly advised the European Commission **against** granting any: "*Taken into account in particular the unknown effect of pulse trawl fisheries on non target species and the potential impact on vertebrates and invertebrate species, STECF concludes that although the development of this technology should not be halted, there are a number of issues that need to be resolved before any derogation can be granted*".

The European Commission's decision to ignore its own committee of experts and to revoke the ban on electric fishing to satisfy the restricted interest of a pressure group (the Dutch fishing industry) is a shocking violation of the Code of Conduct for Commissioners³ which states that "*The Members of the Commission must indeed discharge their duties in the general interest of the Union, without seeking nor taking instructions from any government or from any other body*". Whether the Commissioner or the Commission's services were responsible for this proposal and subsequent proposals to grant derogations is not relevant to us. However, European citizens and fishers do not have to undergo the consequences of an arbitrary decision that violates the precautionary approach, although it is an elementary guiding principle that EU institutions have to comply with before making a decision where scientific uncertainty remains.

Electric fishing is widely recognized as destructive and has already been banned in most fishing nations throughout the world, including in China. Electric 'pulse' fishing combines flaws: electric trawls are towed along the seafloor and cause high impact on habitats. They also cause ecosystem damage by indiscriminately sending an electric current into the marine environment. Electric trawling also generates very high discard rates, from 50 to 70%,⁴ i.e. over 10 times more than the discards generated by artisanal gillnetters.⁵ China, which used electric fishing in the 1990s, banned it in 2000⁶ because of its serious harmful effects for biodiversity.⁷ Hong Kong had already banned it in 1999⁸ because of its damaging consequences: "*Electric fishing harms or even kills most fish, including fish fry and other marine life. Such methods of fishing have a long-term deleterious effect on fisheries resources and the marine ecosystem*".⁹

Defenders of electric trawling claim that this fishing gear is sustainable only because they compare it to some of the most damaging gear there is – beam trawling – but neither are acceptable fishing methods for the future of sustainable European fisheries.

Electric fishing contradicts the objectives of the "Marine Strategy Framework Directive"¹⁰ which dictates the "*conservation of the marine ecosystems*", and those of the Common Fisheries Policy to maintain fish stocks in the long term, to minimize the impact of human activity on the ecosystem, including by making fishing fleets more selective in order to phase out the practice of discarding unwanted fish. Using electric current to catch fish also blatantly

³ https://ec.europa.eu/info/sites/info/files/code-of-conduct-for-commissioners_april2011_en.pdf

⁴ See Cappell et al. (2016) MSC sustainable fisheries certification — Off-site surveillance visit — CVO pulse sole and plaice fishery — Public comment draft report. Acoura Marine Ltd, Edinburgh (UK). 261 p. Also see Baarseen et al. (2015) Verkenning economic impact aanlandplicht op Nederlandse kottervloot. Flynth & LEI Wageningen UR. 69 p.

⁵ Kelleher (2005) Discards in the world's marine fisheries: an update. Fisheries Technical Paper 470, Food and Agriculture Organization of the United Nations (FAO), Rome (Italy). 152 p.

⁶ Article 30 of the Fisheries Law of the People's Republic of China of January 20, 1986, amended on October 31, 2000.

⁷ Yu (2007) The rise and fall of electrical beam trawling for shrimp in the East China Sea: technology, fishery, and conservation implications. ICES Journal of Marine Science, 64(8): 1592–1597.

⁸ Fisheries Protection (Specification of Apparatus) Notice, Cap. 171B, regulation 4A.

⁹ Legislative Council brief, fisheries protection ordinance (Chapter 171).

¹⁰ 2008/56/EC.

contradicts the UN Sustainable Development Goals to which the EU has fully subscribed: to "end overfishing" and "destructive fishing practices" by 2020 (SDG 14.4).

The 2006 Commission and Council decision is generating large-scale environmental and social damage. It has already had serious socio-economic consequences, affecting the livelihoods and economic survival of many small-scale fishing communities. Additionally, allowing electric fishing has also had substantial financial implications. Since 2015 alone, millions of euros of public money have been granted to the Dutch fishing industry, notably to equip their beam trawl fleet with electrodes.¹¹ Providing financial aid to environmentally and socially destructive fishing gears goes against the primary objective of the European Maritime Fisheries Fund (EMFF), which is to promote "*competitive, environmentally sustainable, economically viable and socially responsible fisheries and aquaculture*". In total contradiction with explicit transparency requirements laid out in Commission Regulation (EC) No 498/2007, the Netherlands also fails to publish the European Fisheries Fund (EFF) file of public subsidies allocated from 2007 to 2014. Because of this lack of compliance with EU transparency standards, it is impossible to calculate the total subsidies granted to electric fishing since the introduction of derogations.

On all aspects, the December 2006 Commission proposal was arbitrary, harmful and illegitimate.

Today, the European Commission has a duty to repair the problems it has created.

We call on you, Commissioner Vella, to consider the environment and social justice in this matter. The dysfunctional decision-making of the Commission in this particular case puts the credibility of the Common Fisheries Policy and European institutions at stake.

Best regards,

Claire Nouvian, Chair, BLOOM

Jerry Percy, Director, Low Impact Fishers of Europe (LIFE)

Stéphane Pinto, Representative of gillnetters of the "Hauts de France"

Jerry Early, Chair, Irish Islands Marine Resource Organisation (IIMRO)

Ken Kawahara, Spokesperson, Plateforme de la Petite Pêche Artisanale

Howard Wood OBE, Spokesperson, The Community of Arran Seabed Trust (COAST)

Charles Clover, Executive Director, Blue Marine Foundation

Pádraic Fogerty, Campaign Officer, The Irish Wildlife Trust

Valeska Diemel, Germany Director, The Black Fish

¹¹ BLOOM has estimated that since August 2015, at least 5.7 million euros of public subsidies had been allocated for the development of industrial electric fishing fleets in the Netherlands, of which 3.8 million euros come from European funds (67% of the total). Data from the European Maritime and Fisheries Fund (EMFF) for the period 2015-2020.

Rebecca Hubbard, Program Director, Our Fish

Valérie Cabanes, Spokesperson, End Ecocide On Earth

Marie Toussaint, Chair, Notre Affaire à Tous

Paul Lines, Lowestoft Fish Market Alliance

Tom Brown, Thanet fishermen / Queenborough fishermen

James White, Fishermen United

Daryl Godbold, Leigh and Southend fishermen

Andrew Craig, Mersea Island Fishermen