



European Commission
To the College of Commissioners
B-1049 Brussels, Belgium

Paris, 4 February 2019

Re. Requesting your support to open a formal infringement procedure against the Netherlands about illegal electric fishing

Dear Commissioners,

BLOOM is a non-profit organisation based in Paris that works to preserve the ocean and the most sustainable practices and jobs in the fishing sector. Two years ago, BLOOM started highlighting how electric fishing harms the environment and undermines the economic and social balance of fishing communities across the southern North Sea. Today, we form a coalition of 31 environmental and fishers organisations. In order to protect juvenile fish and the future of fishery resources, electric fishing was prohibited in Europe in 1998, along with other destructive methods such as fishing with explosives and poison. Despite its proven destructiveness, the European Commission and Council nonetheless made an exemption to authorise the use of electricity to catch fish in late 2006, via a derogation regime. This derogatory regime allows each EU Member State to equip up to 5% of its beam trawl fleet with electrodes in the southern North Sea. **However, the Netherlands has violated this rule by equipping 84 vessels with electricity instead of 14. Therefore, 83% of licences currently in use in the Netherlands are illegal.**

On 2 October 2017, BLOOM filed a European Commission complaint against the Netherlands about the illegal granting of licences.¹ On 1 February 2019 — thanks to the fruitful intervention of the European Ombudsman —² the 'Legal Affairs' Unit of the Directorate-General for Maritime Affairs and Fisheries (DG MARE) finally informed us that the Commission services had "***the intention to propose to the Commission the opening of a formal infringement procedure against the Netherlands***" with regards to the illegality of most electric fishing licences.

The letter from DG MARE mentions that "*it is up to the College of Commissioners to decide to open or not such a procedure*", without mentioning a deadline by which the decision will be made and communicated. **We therefore ask you to fully support the DG MARE proposal and to swiftly accept the opening of a formal infringement procedure against the Netherlands. We would also appreciate if you could clarify when the College of Commissioners will make its decision and announce it.**

For a year and a half, we have been calling on the European Commission to completely overhaul its questionable decision to authorise the use of electricity in marine fisheries. This initial decision has already had very real and dire consequences on the livelihoods of artisanal fishers in France, the UK, Belgium and the Netherlands: many fishers and family businesses have already gone bankrupt. In northern France, fishers have lost more than 60% of their catch since 2014 alone. Concretely, this means public policies are letting down those that perform truly sustainable fishing practices, with very few discards of unwanted fish and very high employment ratio compared

¹ Reference CHAP (2017)03012.

² On 13 April 2018, the European Commission told us our complaint was transferred to the EU Pilot system (reference EUP (2018)9298). On 6 November 2018, having received no answer from the Commission, we turned to the European Ombudsman who swiftly answered on 23 November 2018 that her services were opening an investigation and formally asked DG MARE to inform us on the status of our complaint by 31 January 2019.



to high-impact industrial gear such as electric trawling.³ **We cannot insist enough on the state of utter social urgency in the small-scale fishing sector and the responsibility borne by European institutions for this situation.**

The electric fishing dossier has revealed profoundly unfair and dysfunctional decision-making, which has benefitted industrial lobbies and devastated the most desirable fishing practices. This is not the European Union citizens want. Industrial lobbies have portrayed electric fishing as 'innovative' but innovation should lead to everything but the destruction of the environment, the fast demise of an economic sector and the disappearance of sustainable fishing jobs.

It is high time the European Commission fixed this situation and made it a priority to protect small-scale fishers and to restore citizens' trust in institutions. It is urgent to show your determination to bring justice in this dossier.

We count on you to allow justice to do its deed about illegal licences and to support the DG MARE's request to start the infringement procedure against the Netherlands.

We are also available to provide any information you may require.

Respectfully yours,

Claire Nouvian
Founder and Chair of BLOOM

PS: The 5% derogatory regime could come to an end soon through the adoption of the Technical Measures Regulation, currently discussed in Trilogue negotiations. The debate is no longer whether electric fishing should be banned but when. NGOs and artisanal fishers plea for the adoption of a complete phase out of electric fishing by 31 July 2019.

³ Electric trawlers generate up to 70% discards and catch less than 450g of fish per liter of fuel consumed. On the other hand, artisanal fishers generate very low discards and have a much higher catch:fuel ratio. See our fully-referenced advocacy document at: www.bloomassociation.org/wp-content/uploads/2018/11/plaidoyer-peche-electrique-v3.pdf