



European Anti-Fraud Office (OLAF)
European Commission
Mr. Ville Itälä, Director General
1049 Brussels
Belgium

Paris, 4 February 2019

Re. Request to re-open the investigation on the fraudulent subsidization of electric fishing

Mr. Director General,

We write to express our profound indignation about your decision not to open an investigation about the illegal subsidization of electric fishing in Europe.

Your decision is highly questionable both in substance and form. First of all, in terms of form, **you have chosen to communicate your decision to the Dutch press¹ and not to the 23 co-applicants although the Dutch fishing industry is the one targeted by our complaint of suspicion of fraud.** To this day, none of the 23 environmental and fishers organisations has yet received a direct notification of your decision, but your choice allowed the Dutch fishing industry to claim "legally sound" licences.² This situation is all the more deplorable in light of the fact that the Directorate-General for Maritime Affairs and Fisheries (DG MARE) — following our request to the European Ombudsman —³ has just answered our formal complaint against the Netherlands on 1 February 2019 and found that the case we brought to its attention about illegal licences granted to the Dutch fishing industry was founded. **As a result, DG MARE is currently requesting the approval from the college of Commissioners to start an infringement procedure against the Netherlands** (see letter attached).

The decision by the Legal Affairs Unit of DG MARE confirms that most licences (70 out of 84) delivered to practice electric fishing are illegal. This implies that **subsidies allocated to these licences are also illegal.**

Your decision therefore appears unjustified, biased and unacceptable, and your way of proceeding extremely shocking. The timing you have chosen for your selective communication intervenes in a tense political context of final Trilogue negotiations on the Technical Measures Regulations and the future ban of electric fishing. Institutions have less than two months to find a political agreement on the phase out of all electric fishing in the EU before the European Parliament's last Plenary session. Negotiations are currently focusing on the transitional period of the phase out. Giving the Dutch fishing industry political ammunition in this sensitive period of time is lamentable.

Your iniquitous and incomprehensible decision pushed us to carry out our own cursory investigation into your motivations. This exercise has revealed a conflict of interests in your services⁴ that should be dealt with seriously. How can you claim independence from the European Commission when the person in charge of the investigations on structural funds (Directorate B), was Head of Unit at DG MARE between 2011 and 2015, i.e. precisely when the European Commission organized the major expansion of electric fishing in Europe?

¹ <https://nos.nl/artikel/2267993-bureau-eu-nederland-pleegde-geen-fraude-met-pulsvissubsidies.html>

² Quote from *Nederlandse Vissersbond* (Dutch Fishermen's Association), available at: www.vissersbond.nl/olaf-doet-geen-onderzoek-naar-pulsvergunningen

³ <http://www.bloomassociation.org/en/european-ombudsman-commission/>

⁴ <http://www.bloomassociation.org/en/corruption-commission-olaf/>



We request that the obvious case of fraud we have unveiled be thoroughly investigated in the most urgent manner. We also request that the individuals in charge of conducting the investigation have no current or past links with the Dutch fishing industry or the Dutch government, nor with the European Commission's DG MARE.

The massive case of legal and financial fraud we have brought to light should lead to the reimbursement of illegal public subsidies allocated to the support and illegal development of electric fishing.

Full light must be shed on the unlawful use of European money and the potentially associated misconduct of public staff. We now expect an irreproachable treatment of this serious case.

Yours sincerely,

Claire Nouvian
Founder and Chair of BLOOM