



HAND IN HAND

BEYOND THE SOCIAL & ENVIRONMENTAL DISASTER

**ELECTRIC FISHING:
A PERFECT CASE OF
MORAL CORRUPTION**

BLOOM STARTED FIGHTING ELECTRIC FISHING...

...because this destructive fishing technique jeopardizes marine life and ocean productivity. We soon realized that the radical efficiency of electric fishing was also quickly destroying jobs and livelihoods in the fishing sector around the North Sea, where electric fishing is currently permitted.

The social tragedy became as crucial to us as the environmental urgency. An additional, unexpected component of the electric fishing 'dossier' now occupies a central role: months of investigation and research have unveiled a series of scandalous public decisions, fraudulent behaviours and infringements of the EU law with the active complicity of public authorities, whether at EU or domestic level in the Netherlands.

Fighting the profound moral corruption of public institutions and decision-making has become of paramount importance to us.

Dysfunctional, morally corrupt or fraudulent public decisions harm far beyond the ocean and fishing sector. They destroy the trust citizens have in institutions. They threaten democracies.

On top of fighting for the ocean and for the survival of small-scale and coastal fishers, BLOOM is now also fighting electric fishing because it is a vast fraud, which is made possible by the moral corruption of public decision-making.

Below we expose how a series of scandalous and opaque public decisions came to be made, which have already had dire consequences for the sea and for livelihoods in small fishing businesses.

Banning electric fishing has become not only an environmental and socio-economic necessity but also a fundamental democratic need.

1. A POLITICAL SCANDAL

**MORAL
CORRUPTION**

Electric fishing was banned in Europe in 1998 along with other destructive fishing methods such as explosives or poison,¹ but was nonetheless authorized on an arbitrary proposal from the European Commission in late 2006 to make an exception for electric current under a derogation regime. This decision **went against the explicit advice delivered to the Commission** by its own scientific committee (the Scientific Technical and Economic Committee for Fisheries — STECF).

Since this initial dubious decision, which solely benefited the nearly bankrupt and environmentally destructive Dutch beam trawl fishing industry, electric fishing has been developed to commercial scale in the Netherlands, far beyond the regulatory framework.

Today, 84 trawlers are equipped with electrodes, which is a blatant violation of the EU regulation. The collusion between the fishing industry and public authorities has led to a wide-scale legal fraud with dire financial and social consequences.

In detail...

- The Commission's proposal to authorize fishing with electric current in the southern part of the North Sea in the limit of 5% of each member State's beam trawl fleet was swiftly adopted by Council in December 2006.
- Through sleight of hand, this authorization to practice a prohibited fishing method came as a legislative rider through the 'Total Allowable Catches (TACs) & quotas' Regulation, i.e. the text that allocates fishing opportunities to each Member State on a yearly basis. This covert trick was renewed in 2007 and 2008 for the years 2008 and 2009 respectively.
- As a result of this tailor-made exemption regime, the Dutch obtained 22 licenses in 2007 to conduct fishing activities with electricity, which was already in breach of the legal threshold allowing maximum 5% of licenses relative to national beam trawl fleets.
- But 22 licenses were not enough to save a fishing method (beam trawling) condemned by its fuel expenditure and absence of selectivity in a context of dwindling resources and expectations of higher environmental performance (restoration of fish stocks and marine habitats). The Netherlands therefore obtained from the European Commission an agreement to grant more licenses.

¹ The use of electric current to catch marine animals was banned in Europe in 1998 through Article 31 of Regulation (EC) 850/98.

2. A LEGAL FRAUD

The current European legal framework allows each Member State to equip up to 5% of its beam trawl fleet with electrodes to practice electric fishing in the southern part of the North Sea.² Any fishing with electricity has to fit within this clear legal threshold. But the Dutch government used various legislative routes in an attempt to increase the number of licenses, thus allowing the unlawful conversion of a whole beam trawl fleet to electricity for commercial proposes.

Today, the Netherlands holds 84 licenses to practice electric fishing instead of the maximum limit of 14 legal licenses there should be.

COLLUSION

2007 – 2010

The 1998 ban on electric fishing is trumped and **22 exemptions are granted** in the Netherlands to practice fishing with electricity.³

From the get-go, such an amount of electric trawlers is an infringement of the legal threshold.

2010

The Dutch government obtains **20 additional licences** from the European Commission under the guise of 'research purposes' (Article 43 of Regulation 850/98).

2014

The Netherlands intensely lobbies the European Commission and obtains **42 additional licences** for the implementation of a 'pilot project' on selectivity (using reference to Article 14 of Regulation 1380/2013).

2016

The European Commission proposes to mainstream electric fishing in the North Sea and therefore to authorize the use of electric current without limits. This scandalous proposal, which generates the wide-scale mobilization of fishers and NGOs, is a legislative attempt to overwrite and mask all past dubious legal subterfuges.

² Regulation (EU) 227/2013 amended Regulation (EC) No 850/98 and allowed to no longer require an annual renewal of the 5% exemption regime by inserting it in a general regulation.

³ When it granted 22 licenses in 2007, the Dutch administration was already breaching the legal limit of 5%, which equated to 19 vessels, according to the EU vessel registry as of 1 January 2007. Today, the beam trawl fleet having decreased, the number of legal licenses would be 14.

3. A SCIENTIFIC DECEPTION EQUIVALENT TO WHALING

All 84 electric fishing derogations granted to Dutch beam trawlers were supposed to seek a scientific objective, but in March 2018, **a Dutch investigative journalist revealed that no specific research had been done and that science was a mere excuse to cover commercial activities.** This forced the Dutch fishing industry, scientists and public authorities to publicly admit this was indeed the case.

In detail...

- The 22 licenses obtained by the Dutch in 2007 to fish with electricity were meant, according to the Council of the EU, to conduct scientific experiments.⁴
- The further 62 derogations allocated to the Dutch in 2010 and 2014 were granted in order to conduct "scientific research" on one hand and "scientific pilot projects" on the other.
- The *Nederlandse Omroep Stichting* (NOS) revealed that only 7 vessels in 2015 and 17 vessels in 2016 were required to transmit data to a research body.
- Data transmission was done automatically via an onboard computer installed by the Wageningen University & Research Centre and appears to have roughly corresponded to reporting obligations, already made mandatory by the European law.
- Scientists recognized that *"at this level, this is essentially permitting a commercial fishery under the guise of scientific research"*.⁵
- Dr. Adriaan Rijnsdorp from the Wageningen University & Research Centre and co-chair of the ICES working group on electric fishing (WGELECTRA) said: *"The Netherlands have gone beyond the legal framework in recent years by expanding the number of temporary permits. It seemed experimental, but researchers have never written a proposal for a research program that required 84 vessels [...] Fishing with electric 'pulse' trawlers is just more profitable"*.⁶
- Eluding political responsibility, Dutch Agriculture and Fisheries Minister Carola Schouten went as far as blaming the European Commission for having granted additional licenses: *"Even when it became clear that scientific research was not being carried out, the Commission granted a third series of exemptions"*.⁷
- Last but not least, even a representative of the Dutch electric fishing sector acknowledged on the BBC that the electric fishing fleet was not a scientific trial.⁸



⁴ The initial 22 licenses have unclear status. Although Regulation (EC) No 41/2007 does not specify any conditions associated to the exemptions, the Council provides explicit interpretation of the 'esprit de la loi' that accompanies these licenses: they were meant to be *"on an experimental basis"*. See the Council of the European Union (2006) Press release — 2774th Council Meeting, Agriculture and Fisheries, Brussels, 19 to 21 December 2006. C/06/354. Available at: <https://bit.ly/2KB5ixG>.

⁵ ICES (2015) Second interim report of the working group on electrical trawling (WGE-

LECTRA). IJmuiden, the Netherlands, 10-12 November 2015 Copenhagen (Denmark).

⁶ See BioNieuws, 27 January 2018: "Pulsvisseren: lopend onderzoek genegeerd".

⁷ See NOS, 28 March 2018: "Schouten: Brussel gaf zelf toestemming voor vergunningen pulsvisserij".

⁸ The interview is available at: www.youtube.com/watch?v=_7SjtpKofD8 (starts at 4:40).

4. A FINANCIAL SCANDAL

As things stood in early June 2018, the scale of the financial scandal could not be fully evaluated because the Netherlands had failed to publish the file of public subsidies allocated from 2007 to 2014, making it impossible to calculate the total subsidies granted to electric fishing since the introduction of derogations. However, as a result of BLOOM's complaint against the Netherlands about its non-compliance with transparency obligations⁹ and our collective request to the European Anti-Fraud Office,¹⁰ the Dutch government finally published in mid-June the missing subsidies file.

In the meantime, the information of public subsidies granted to the Dutch fishing sector after 2014 (under the "European Maritime and Fisheries Fund", EMFF) was publicly available and allowed us to calculate that, from August 2015 to October 2017 alone, at least 5.7 millions euros of public subsidies had been allocated to the development of electric fishing in the Netherlands.



CONCLUSION

The electric fishing case embodies the worst of what institutions can produce: government, administration and institutional officials at the service of the most destructive fishing practices. Instead of actively supporting the destruction of the marine environment and jobs in the fishing sector, public decision makers should be working towards protecting the general interest, our future, the resilience of fishing economies and a transparent, rational use of public financial resources. Following the European Parliament's position as voted on 16 January 2018 in favour of a full and definitive ban on electric fishing in Europe, is the only viable route to deliver on the legal obligations the

These financial transfers breach, or may be breaching, European laws in the following ways:

- Electric fishing expanded under the guise of "scientific research" that was never conducted;
- The granting of public monies should not lead to an increase in fishing effort, which electric fishing does; and,
- If commercial fishing activities occur during the conduct of scientific research, the value of the catch is to be paid back to public authorities to avoid scientific research being used to generate undue profits.

We have suspicion that the fishing boats that were granted licenses beyond legal threshold for research that was never conducted may have also not complied with EU reimbursement requirements. We have therefore asked the European anti-fraud office to investigate our suspicion of fraud in the electric fishery.

European Union has to restore its fish stocks, marine habitats and to preserve its fishing sector. Europe has also committed, under the Sustainable Development Goal n°14, to eliminate harmful fisheries subsidies and to end destructive fishing gears by 2020. Time has come to walk the talk and act in accordance to speeches, commitments and legal obligations.

This would not only save the fishing sector from an environmental and social disaster, it would also do good to democracy because biased decisions towards over-represented industrial lobbies are taking a worrying toll on the trust European citizens can have in their institutions.

⁹ www.bloomassociation.org/en/pulse-fishing-second-complaint-against-the-netherlands/
¹⁰ www.bloomassociation.org/en/fishers-and-environmental-organisations-call-on-the-european-anti-fraud-office-to-open-a-formal-investigation-about-electric-fishing/

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