



**To: Mrs Elisabeth Köstinger, Federal Minister for Sustainability and Tourism**  
 Federal Ministry for Sustainability and Tourism  
 Stubenring 1, 1010 Vienna  
 Austria

11 July 2018

Dear Minister,

Our coalition of small-scale and coastal fishers and environmental organisations welcomes the new Austrian Presidency of the Council of the European Union. The next six months will be a critical period as you will be charged to preside annual 'Total Allowable Catches (TACs) and Quotas' negotiations as well as deep-sea fishing opportunities for the next two years. Your Presidency also precedes a long phase of European elections and change of Commission, creating a legislative rush to conclude files.

In this context, our organisations are concerned that Trilogue negotiations on the Technical Measures Regulation have been suspended and have so far failed to tackle the issue of electric fishing. This Regulation governs *"how, where and when fishermen may fish"* to support the Common Fisheries Policy (CFP), and includes provisions for the status of electric fishing in Europe. Our organisations have joined forces to address this specific issue as we believe that the threat it poses to fishing economies and marine ecosystems is vastly under-estimated by policy makers. **Austria's Presidency offers the last opportunity to complete this important regulation and to bring about a swift ban on electric fishing in Europe before the end of 2018.**

**It should be a priority of the European Union to protect marine ecosystems and coastal livelihoods.** The European Parliament sent a clear message to that effect on 16 January 2018 by adopting, with a large majority (402 versus 232), an amendment putting an end to the unjustified derogation made to use electric current in marine fisheries.

As you know, Europe prohibited electric fishing in 1998 to protect juvenile fish and the future of fish stocks, but at the December 2006 Council it was decided, following a European Commission proposal and **against scientific advice**, to authorise the use of electric current to catch fish in the North Sea under a derogation regime. It allowed Member States to equip up to 5% of their beam trawl fleet with electrodes. This authorisation to practise a prohibited fishing method came as a legislative rider through the 'TACs and Quotas' Regulation and was renewed in the two following years. In 2013, this derogation regime was incorporated in the Technical Measures Regulation of 1998 (Regulation (EC) 850/98). In parallel, the Dutch government delivered 20 additional licences in December 2010 under the guise of "scientific research" and outside any formal procedure. In 2013, following a backdoor agreement between the Dutch authorities and the Commission, 42 additional "authorisations" were delivered by the Netherlands and presented as part of a "pilot project", although scientific advice was still against the expansion of this technique. In 2015, ICES warned that **the resulting 84 licences were a "commercial fishery [operating] under the guise of scientific research"**. Under pressure from revelations made during our campaign, Dutch scientists, fishers, and

government officials have admitted that **the conversion of the Dutch fleet to electricity was purely commercially driven.**

We have unveiled, against our own expectations, that electric fishing was much more than a destructive fishing method whose prohibition should have never been lifted. **This file now characterises a peculiar case of unfair and dysfunctional decision-making in the fishing sector which needs urgent fixing to restore citizens' trust in institutions and to protect the most vulnerable, albeit sustainable, fishing jobs in Europe.** The "status quo" general approach of the Council, which allows for a 5% exemption in the southern North Sea relative to each Member State's beam trawl fleet does not, in light of our revelations and in the face of the present social urgency, suffice to put an end to the ongoing environmental and social destruction. We therefore call on you to swiftly initiate a new round of negotiations between Member States to ensure that governments have a chance to reconsider the green light that was granted more than 10 years ago now on electric fishing. **Your role will be key in ensuring that public policies do not contribute to destroying marine life, livelihoods and the future of the European fishing sector.**

We also want to bring your attention to the scientific controversy that surrounds electric fishing. On 30 May 2018, the international scientific body ICES (International Council for the Exploration of the Sea) responded to the special request of the Dutch government to "*compare the ecological and environmental effects of using traditional beam trawls or pulse trawls when exploiting the TAC of North Sea sole*". The Dutch fishing industry and its ardent defenders dared to extrapolate the reply to this extremely narrow question, by concluding that electric trawling was 'sustainable'. However, the French Research Institute for the Exploitation of the Sea, IFREMER, published on 20 June 2018 an analytical note to decipher the ICES comparative opinion.<sup>1</sup> The IFREMER statement highlighted that "***this ICES advice was formulated to answer a specific question. It does not constitute as such an opinion on the use of electric pulse trawls***". Effectively, the request from the Netherlands was disingenuous as it compares electric fishing with one of the most impactful gear types (beam trawls). Despite a clear lack of knowledge on the impacts of electric current, as underlined several times by IFREMER in its "decoding" analysis,<sup>2</sup> **being 'better' than one of the most impactful fishing methods certainly does not make electric fishing 'good', let alone 'sustainable'.**

**The development of electric fishing goes against our international commitments to sustainable development, notably to eliminate destructive fishing techniques and harmful fisheries subsidies (Sustainable Development Goal 14). It also contradicts Europe's own principles of applying the precautionary approach, ecosystem-based management and ensuring equitable access to marine resources to all fishers, as laid out in the CFP.** Fishing in the EU should be conducted according to the highest environmental and social standards (habitat impact, selectivity, contribution to the local economy, etc.), and fishing opportunities should be allocated according to these guiding principles and objective criteria, as required under Article 17 of the CFP.

We cannot accept that the development of electric fishing repeatedly breached European regulations and commitments. Not only does electric fishing have disastrous environmental impacts, but it also has dire social consequences for small-scale and traditional coastal fishermen. These important scientific and socio-economic questions have still not been addressed despite a weight of evidence reported by fishermen and the desperation they express about their future livelihoods. **Electric fishing is a systemic threat to small-scale fishers. Not wrapping up the Technical Measures Regulation under the Austrian presidency would mean jeopardizing the future of these fishers around the North Sea.**

Member States, the European Commission and the European Parliament now have a collective responsibility to stop this fishery before it ravages coastal economies. **A status quo on electric fishing is not an option. We need to step up our collective ambition and not tolerate this European exception.** The current legal construction is misleading, and sends a worrying message to fishers, scientists and citizens. The 5% exemption,

---

<sup>1</sup> <https://www.ifremer.fr/content/download/118326/1599329/file/D%C3%A9cryptage+IFREMER+de+l%27avis+du+CIEM.pdf?version=1>

<sup>2</sup> <http://www.bloomassociation.org/en/ifremer-criticizes-scientific-advice-on-electric-fishing/>

allowed supposedly on an “experimental basis”, according to a press release of the Council<sup>3</sup>, is not relevant to the Technical Measures Regulation. **Scientific fishing has never been and will never be a percentage of a commercial fleet, nor should it be managed via exemptions, as is the case in this regulation.** Scientific research is already covered by Article 29 of the Commission proposal (COM/2016/134/FINAL) and was already included in the 1998 Regulation through Article 43 (Regulation (EC) 850/98). It is unacceptable that electric fishing, a purely commercial fishery, is being presented so far with impunity as a research activity. **Banning electric fishing will not prevent scientific research.** We hope that more attention will be given to the development of genuinely scientific research on fisheries. There is a clear need for Member States and the European Commission to better oversee these technological developments, but we strongly encourage innovation to enhance selectivity and minimize ecosystem impacts.

Please see attached our joint position from June 2018. In light of the urgency stressed here, members of our coalition would welcome meeting with you as soon as possible to discuss these questions in detail.

We look forward to collaborating with you to ensure a swift and successful outcome on the Technical Measures Regulation and count on you to ensure these crucial Trilogue negotiations are conducted in a transparent and open manner.

Thank you for your urgent attention of this matter.

Yours faithfully,

Claire Nouvian, Chair and Founder of BLOOM  
Charles Clover, Executive Director of the Blue Marine Foundation  
Alasdair Harris, Executive Director of Blue Ventures  
Howard Wood OBE, Chairman and Co-Founder of Community of Arran Seabed Trust (COAST)  
Valérie Cabanes, Spokesperson of End Ecocide on Earth  
Pádraic Fogerty, Campaign officer of the Irish Wildlife Trust  
Antonio García Allut, Chair of Fundación Lonxanet  
Marie Toussaint, Chair of Notre affaire à tous  
Nick Underdown, Spokesperson of Open Seas  
Valeska Diemel, Germany Director of The Black Fish  
Jeremy Percy, Director of the Low Impact Fishers of Europe (LIFE) platform  
Charles Millar, Executive Director of the Sustainable Inshore Fisheries Trust (SIFT)  
Nils Höglund, Fisheries Policy Officer of the Coalition Clean Baltic  
Stéphane Pinto, Representative of gillnetters of the “Hauts de France”  
Antonis Petrou, Member of the Board of Directors of the Pan Cypriot Association of Professional Fishermen  
James White, Fishermen United  
Jerry Early, Chair of the Irish Islands Marine Resource Organisation (IIMRO)  
Daryl Godbold, Leigh and Southend fishermen  
Tom Brown, Thanet fishermen / Queenborough fishermen  
Paul Lines, Lowestoft Fish Market Alliance  
Andrew Craig, Mersea Island Fishermen  
Ken Kawahara, Spokesperson of the Plateforme de la Petite Pêche Artisanale  
Wolfgang Albrecht, First Chairman of the Fischereischutzverband Schleswig-Holstein  
Ger de Ruiter, Director of C-LIFE  
Søren Jacobsen, Chairman of Foreningen For Skånsomt Kystfiskeri (FSK)

---

<sup>3</sup> Regulation (EC) No 41/2007 does not specify any motivation or condition associated to the exemptions. This means that, according to this Council regulation, it is a commercial fishery. In its press release, the Council stated that they were meant to be “on an experimental basis” - but this interpretation does not have legal value. 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>.