



Directorate General for Maritime Affairs and Fisheries
To Mr. Aguiar Machado, Director General for Maritime Affairs and Fisheries
B-1049 Brussels

Copy to Mr. Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries

Paris, 4 February 2019

Re. Answer to our complaint CHAP (2017)03012 on illegal Dutch electric fishing licenses

Dear Sir,

We warmly welcomed on 1 February 2019 the answer of the Legal Affairs Unit of DG MARE to our complaint filed on 2 October 2017, one year and five months ago. We are relieved that the Commission services *"have the intention to propose to the Commission the opening of a formal infringement procedure against the Netherlands"*. Your answer confirms that the case we brought to light on the illegality of most electric fishing licenses is both solid and extremely serious.

Acknowledging the illegality of licences should have occurred much earlier during the reform of the Technical Measures Regulation to shed full light on the destructiveness of electric fishing. The absence of clarification has allowed the Dutch fishing industry to divert the legislative procedure and public subsidies to its advantage and to lobby decision makers with arguments which were plainly **false** as they concealed the legal fraud surrounding the development of this destructive fishing technique. **Fortunately, it is not too late to change the course of the Trilogue negotiations and to achieve the only rational outcome: the phase out of all illegal licences without further delay and a full and definitive ban on this destructive fishing practice.**

Given the social, environmental and political urgency to phase out all electric fishing in Europe, **we ask you to detail the specific steps you intend to take to communicate to Trilogue negotiators, European institutions and Member States, the fact that most licenses delivered to practice electric fishing are illegal.** All decision makers need to promptly know that 70 out of 84 derogations granted to use electric fishing are illegal, that is 83% of the total. With the upcoming European elections, time is of the essence. **Decision-makers should be informed of this ruling by the DG MARE's Legal Affairs Unit as soon as possible.**

Furthermore, **can you please indicate the deadline by which the College of Commissioners must decide to open or not a formal infringement procedure against the Netherlands?**

For more than 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 only. 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 to high-impact industrial gear such as electric trawling. Small-scale and traditional coastal fishermen have been put into an untenable situation; they do not have the financial means to further endure detrimental decisions by European institutions. **Our coalition of 30 small-scale fishers and environmental**



organisations 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 imperative from now on that decisions, which have outrageously favoured powerful industrial interests operating illegally without regards for the regulatory framework, the precautionary principle, the livelihoods of small-scale fishers, the Common Fisheries Policy and UN Sustainable Development Goals – radically change priorities to protect small-scale fishers, marine ecosystems and to restore citizens’ trust in institutions.

Time has come for the European Commission to fix this situation and to show its determination to bring justice in this dossier.

In this regard, we have contacted today the European Anti-Fraud Office to ask for the **prompt reopening of an investigation in the face of the irrefutable evidence of the unlawful use of public subsidies** and the confirmed illegality of most Dutch derogations. We are also requesting OLAF that the individuals in charge of conducting the investigation have no current or past links with the Dutch fishing industry, the Dutch government or the European Commission’s Directorate General for Maritime & Fisheries Affairs.

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.

Finally, during our meeting on Monday 28 January 2019, we discussed the 42 licenses delivered in 2014 within the framework of a “pilot project” related to the landing obligation. You confirmed that these licenses will end in February 2019. **Could you please indicate the precise day in February when these 42 licences will be removed?** We would appreciate if your services could share in full transparency the list of the 42 fishing vessels that are concerned by these derogations.

We thank you for your willingness to move forward and hope citizens and fishermen can count on you to ensure that Trilogue negotiations result in a ban on electric fishing no later than 31 July 2019.

Yours sincerely,

Claire Nouvian
Founder and Chair of BLOOM