

To

Mr. Virginijus Sinkevičius
European Commissioner for Environment, Oceans and Fisheries
European Commission
B-1049 Brussels, Belgium

Copy to

Ms. Ursula von der Leyen, President of the European Commission
Mr. Frans Timmermans, Executive Vice-President of the European Commission for the European Green Deal
Mr. Bernhard Friess, Acting Director-General, Directorate-General for Maritime Affairs and Fisheries (DG MARE)

Paris, 19 March 2020

Re: Action requested against the Netherlands' illegal licences for electric fishing

Dear Commissioner,

BLOOM is a non-profit organization founded in 2005 that works to preserve the marine environment and species from unnecessary destruction and to increase social benefits in the fishing sector. As you may be aware, BLOOM has been leading a European campaign for a ban on electric fishing in Europe for the past three years, as we believe that the uncontrolled development of this fishing gear has posed a systemic threat to marine ecosystems and coastal communities who depend on them. As part of this campaign — conducted in collaboration with small-scale fishers from across Europe — we have requested that the European Commission act as Guardian of the Treaties on several occasions. In particular, we have filed two complaints to the Commission about serious infringements committed by the Netherlands.

Illegal licences under former regulation

On 2 October 2017, we filed a first complaint to the Commission with regards to an important number of licences being illegally granted by the Netherlands to practice electric fishing.¹ At that time, this Member State had indeed issued 84 licences, which was in breach of Article 31a of Regulation (EU) 850/98.² This regulation allowed a maximum of 5% of each Member State's beam trawl fleet to use electrified fishing gears. Based on the EU fleet register, Dutch authorities should thus have issued a maximum of 18 licences in 2007 (not 22 as was the

¹ Reference CHAP(2017)03012(EUP(2018)9298). Our press release is available at: www.bloomassociation.org/en/pulse-fishing-bloom-files-a-complaint-against-the-netherlands/.

² See our advocacy document for detailed timeline: www.bloomassociation.org/wp-content/uploads/2018/11/plaidoyer-peche-electrique-v3.pdf.



case) and should have reduced that number to 15 by 2017 (see Annex), instead of finding illegal ways to go beyond this clear legal framework. **By 2017, 82% of Dutch licences (i.e. 69 out of 84) were illegal.**

Without any response from the Commission in due time, we referred the matter to the European Ombudsman on 6 November 2018. Following this process, DG MARE's services eventually acknowledged on 1 February 2019 that the Netherlands was indeed in breach of EU laws and indicated that it was now up to the College of Commissioners to decide whether to open a formal infringement procedure.³ Over a year later, **we are still awaiting a decision from the College of Commissioners.**

Continued arrogance and illegal licences

Not only has the Netherlands imposed its will over the past ten years — trampling EU laws, and willingly and openly threatening the very survival of coastal communities in the North Sea — but it has also continued to do so despite new Regulation (EU) 2019/1241 being implemented. Although the Netherlands has reduced its number of electric fishing licences from 84 to 22 over the last few months, this current figure is still in breach of the new law, according to the EU fleet register. **On 18 September 2019, we therefore filed a new complaint to the Commission with regards to this continued violation.**⁴ On 24 September 2019, we were informed that our complaint had been transferred to the EU Pilot system but have received no further information since then. The EU Pilot's 20-week deadline having now largely expired, we demand prompt action.

For the sake of the EU, please take this matter seriously

Despite the clear illegality of the expansion of electric fishing in European waters and the massive impact it has had on the livelihood of small-scale, coastal fishing communities, the Netherlands pretends to be the victim of a cabal and has decided to challenge the ban on electric fishing before the Court of Justice of the European Union. Given the above and the track record of the Netherlands on this case, this is anything but preposterous. But should this country succeed in its endeavour, EU institutions should not be surprised to be rejected by citizens. Therefore, we demand that you take this matter very seriously by urging your fellow Commissioners to act accordingly: **do unbury the file, and do open a formal infringement procedure against the Netherlands.**

Provided your exemplary record since the beginning of your term, we do believe in your will to strengthen the credibility of EU institutions, most notably by making those that do not play by the rules accountable for their misdemeanours. Not only outside the EU, e.g. through the yellow/red card system, but also *within* the EU. Even if this means taking a Member State to court. We would like to remind you that during your hearing at the Parliament on 3 October 2019, you rightfully emphasized the need to effectively enforce EU regulations:⁵ “Legislation is only as good as its implementation. I would work closely with the Member States to improve that implementation in all policy areas. Using every tool at my disposal, that includes dialogue, the Environment implementation review, infringement proceedings and the EU court [our emphasis]. We need laws that work for our citizens, for environment and for oceans and fisheries and for businesses across the EU.” We urge you to implement this powerful speech with no further delay. **It is high time European institutions responded effectively to this scandal, which characterises a peculiar case of unfair and dysfunctional decision-making in the fishing sector. Urgent action is needed to restore citizens’ trust in institutions.**

³ The Commission's response is available at: www.bloomassociation.org/en/wp-content/uploads/2019/02/reponse-commission-licences-illegales.pdf.

⁴ Reference CHAP(2019)02717. Available at: www.bloomassociation.org/wp-content/uploads/2020/01/Ares20195935902-Information-to-complainant.pdf.

⁵ Available at: www.europarl.europa.eu/resources/library/media/20191004RES63404/20191004RES63404.pdf.

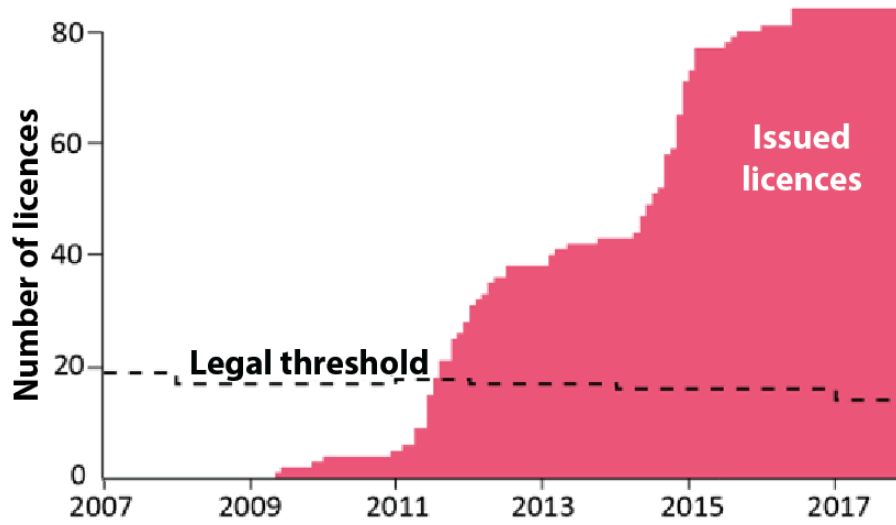


We expect a prompt response and a strong signal from you within three weeks, i.e. by 10 April 2020, otherwise we will refer the matter to the European Ombudsman once again. In the meantime, please accept, Commissioner, the assurances of my highest consideration.

Sabine Rosset
Director of BLOOM



ANNEX: Number of licences issued by the Netherlands to conduct electric fishing,⁶ compared to the EU legal threshold⁷



⁶ Based on Figure 5.2.1., ICES (2018) Report of the Working Group on Electric Trawling (WGELECTRA). Available at: <http://ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/EOSG/2018/WGELECTRA/WGELECTRA%20Report%202018.pdf>.

⁷ Based on data from the EU fleet register, available at: https://ec.europa.eu/fisheries/cfp/fishing_rules/fishing_fleet_en.