



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

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

Paris, 22 February 2019

Re. Electric fishing licenses and infringement procedure

Dear Director-General Aguiar Machado,

We welcomed on 13 February 2019 the completion of Trilogue negotiations on the Technical Measures Regulation and thank you for your willingness to conclude the file before the European elections. The total prohibition of electric fishing in June 2021 is a relief for citizens but it intervenes at too late a stage for small-scale fishers given their financial vulnerability, as we highlighted during our meeting on 28 January 2019. It is therefore of essential importance that institutions at EU and national levels organize an **urgent plan of support** to maintain the activities of small-scale fishers around the North Sea for if these small family businesses disappear, so will the best fishing practices in Europe.

Following the conclusion of Trilogue, we were extremely shocked by the blatantly false assertions by Dutch politicians, such as Peter Van Dalen or Minister Carola Schouten, claiming that 42 licenses would be authorized to continue electric trawling until 30 June 2021,¹ although this is far more than 5% of the Dutch beam trawl fleet. **This deliberate disinformation emphasises the need to urgently clarify the legal status of Dutch electric fishing derogations.**

Three series of derogations were given over the 2006-2018 period:

- 22 derogations through Article 31bis of Council Regulation (EC) No 850/98
- 20 derogations through Article 43 of Council Regulation (EC) No 850/98
- 42 derogations through Article 14 of Regulation (EU) No 1380/2013

This brings the total number of Dutch derogations to 84, while 5% of the beam trawl fleet currently correspond to 14 vessels (and even to 7 vessels if accounting only for beam trawlers targeting flatfishes). This discrepancy forms the basis of our complaint CHAP (2017)03012 on Dutch illegal licenses delivered to practice electric fishing. **The European Commission can no longer delay responding to our complaint and ruling on the legal status of the different derogations.** Very little time remains before the probable entry into force of the Technical Measures Regulation, before the European elections and the change of European Commission. We ask you to show leadership and will in order to leave a clear legacy on this file and to put a halt to the dual and harmful conduct of affairs. **We call on you, Mr. Aguiar Machado, to shed full light on the licenses delivered to practice electric fishing.**

We therefore **renew two crucial requests** and count on you to obtain a rapid answer:

¹ <https://nos.nl/artikel/2272588-veel-meer-nederlandse-vissers-dreigen-pulsvisvergunning-te-verliezen.html>



- 1) Can you please send us with no further delay **the comprehensive list of fishing vessels that have been equipped with electrodes** with the corresponding issuing date of the license and its legal base, i.e. a precise mention of which article was used in reference to grant the license?
- 2) Can you please indicate **the precise day in February when the 42 licences, delivered in 2014 through Article 14 of Regulation 1380/2013, will be removed?**

Furthermore, Dutch journalists announced on 12 February 2019 that the European Commission had decided *not* to open an infringement procedure against the Netherlands following our complaint CHAP (2017)03012 about Dutch illegal licenses.² This element has since been refuted by Fisheries Commissioner Mr. Vella, although he did not precise in the interview when the College of Commissioners would make its decision.³

We would therefore like to obtain a formal answer from your services: **when will the College of Commissioners decide whether or not to open a formal infringement procedure against the Netherlands?**

This decision is of paramount importance to ensure an **equal and fair treatment of Member States and economic sectors in the face of justice**. On the electric fishing file, the European Commission and Council of the EU have made biased decisions in favour of powerful industrial interests operating *illegally* without regard to the regulatory framework, the precautionary principle, the livelihoods of small-scale fishers, the Common Fisheries Policy and the UN Sustainable Development Goals objectives. The Commission's decision is therefore highly expected by citizens who demand transparency and probity.

Given the urgency of the situation, we would welcome, on top of the formal answers and elements requested in this letter, meeting with you as soon as possible to discuss these questions in detail.

We are putting our trust in European democracy and will keep fighting for the respect of European laws and of the precautionary principle.

Yours faithfully,

Claire Nouvian
Founder and Chair of BLOOM

² <https://www.omroepflevoland.nl/nieuws/168174/geen-inbreukprocedure-commissie-ziet-geen-overtreding-bij-pulskorvisserij>

³ <https://www.omroepflevoland.nl/nieuws/168250/eurocommissaris-vella-mogelijk-toch-inbreukprocedure-om-pulskor>