



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

**The Director-General**

Brussels,  
MARE/JA

Mr Frederic Le Manach, Scientific  
director, Bloom association  
Avenue Parmentier, 62bis  
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75011-Paris  
France

Dear Mr. Le Manach

Thank you for your letter dated 1 April 2019 regarding the use of pulse fishing by the Netherlands.

According to the currently applicable EU rules, authorisations for fishing operations involving the use of electrical pulse (that is otherwise prohibited under Article 31 of Regulation 850/1998 on Technical Measures<sup>1</sup>) can be granted by the Member States under two separate legal bases, namely Articles 31a and 43 of Regulation 850/1998 on Technical Measures, including in the context of pilot project under Article 14 of Regulation 1380/2013 on the Common Fisheries Policy (CFP)<sup>2</sup>.

In the context of the recent EU pilot, the Commission has received information from the Netherlands authorities on the vessels authorised to use pulse gear.

Furthermore, whilst I understand your desire for more detailed information regarding this case and in particular on the authorisation of licences under the different legal bases, it is not possible to provide any further details as requested. As is the general practice, and in order for the Commission to be able to carry out its tasks and to settle disputes in the framework of infringement proceedings, preferably without having to refer the case to the Court of Justice, it is essential to ensure a climate of mutual trust between the Commission and the Member State concerned throughout the different stages of the

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<sup>1</sup> Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

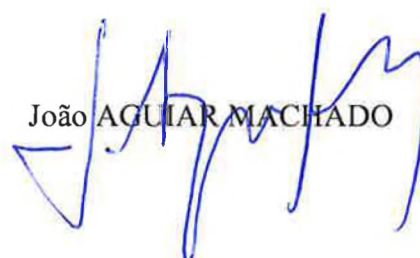
<sup>2</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

procedure until the investigation has been definitively closed. This also applied for the case at hand.

While the EU Fleet Register Implementing Regulation<sup>3</sup> requires that the Member States collect and record data concerning the main and subsidiary fishing gears, it does not require transmission of more specific data on gears, such as the use of beam trawls equipped with pulse technology: <http://ec.europa.eu/fisheries/fleet/index.cfm>. To obtain more detailed information on the basis under which individual licences have been granted and their duration, the Commission would advise that you consult the relevant national authorities.

The European Commission is aware of the Dutch government's decision to extend the licenses granted under Article 14 of the Basic Regulation, which allows Member States to conduct pilot projects to facilitate the introduction of the landing obligation. The issuing of licences is a matter for the national authorities and according to the information in our possession, these licenses were supposed to expire throughout this year. The Commission is following this matter very closely and will remain in close dialogue with the relevant authorities noting that as soon as the new technical measures legislation is adopted in the coming weeks, the number of licences will be substantially reduced to no more than 5% of the beam trawl fleet, followed by a complete prohibition from July 2021.

Yours faithfully,

  
João AGUIAR MACHADO

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<sup>3</sup> Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register

, OJ L 34, 9.2.2017, p. 9–17.