



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

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

Paris, 6 May 2019

Re. Ares(2019)2615995

Dear Sir,

We hereby acknowledge receipt of your response dated 15 April 2019 to our letter of 1 April 2019. For your information we have now requested the detailed information on the list of equipped vessels to VisNed, IMARES, ICES, and the Dutch government (besides the Commission).<sup>1</sup> None of these actors have wished (or was able in the case of ICES)<sup>2</sup> to provide us with any data, and we now believe that such a list of detailed information does not exist. This is a very serious issue and your will "to ensure a climate of mutual trust between the Commission and the Member State concerned throughout the different stages of the procedure" is insufficient.

As detailed below — and only days before the 2019 European elections — your answer remains largely unsatisfactory, and we urge you to ensure a climate of mutual trust with *European citizens* in the first instance. You write in your letter that "as soon as the new technical measures legislation is adopted in the coming weeks, the number of licenses will be substantially reduced to no more than 5% of the beam trawl fleet". We know this is not true. *You* know this is not true.

### Extension of derogations under the guise of scientific research

Although what you state should be the case, the Dutch Fisheries Minister, Ms. Carola Schouten, has publicly stated that she did *not* intend to comply with the European law. In two letters dated 18 April 2019,<sup>3,4</sup> she announced that she had unilaterally decided to extend the transition period for 20 electric trawlers to 31 December 2019.<sup>5</sup> She justifies her decision by using the fallacious argument of scientific research once again. As a reminder, research activities should have started from day one, i.e. ten years ago, but instead, the development of electric fishing was a purely commercial venture, as highlighted by ICES in 2015.<sup>6</sup> Ms. Schouten herself publicly acknowledged the complete lack of research following an investigation by a Dutch journalist in March 2018.<sup>7</sup>

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<sup>1</sup> See our timeline, available at: [www.bloomassociation.org/en/requests-electric-fishing](http://www.bloomassociation.org/en/requests-electric-fishing)

<sup>2</sup> Based on Figure 5.2.1 of the 2018 WGELECTRA report, it appears that ICES does possess some data, but it may not be the detailed data we request.

<sup>3</sup> [www.rijksoverheid.nl/documenten/brieven/2019/04/18/brief-pulsvisserij](http://www.rijksoverheid.nl/documenten/brieven/2019/04/18/brief-pulsvisserij)

<sup>4</sup> [www.rijksoverheid.nl/documenten/kamerstukken/2019/04/18/kamerbrief-besluitvorming-in-de-europese-unie-over-de-nieuwe-verordening-technische-maatregelen-en-de-gevolgen-voor-de-pulsvisserij](http://www.rijksoverheid.nl/documenten/kamerstukken/2019/04/18/kamerbrief-besluitvorming-in-de-europese-unie-over-de-nieuwe-verordening-technische-maatregelen-en-de-gevolgen-voor-de-pulsvisserij)

<sup>5</sup> Equipped under Article 43 of Regulation 850/98.

<sup>6</sup> ICES (2015) Second interim report of the working group on electrical trawling (WGELECTRA). IJmuiden, the Netherlands, 10-12 November 2015 Copenhagen (Denmark).

<sup>7</sup> <https://nos.nl/artikel/2224621-schouten-brussel-gaf-zelf-toestemming-voor-vergunningen-pulsvisserij.html>



### **An inflated 5% threshold**

Furthermore, Ms. Schouten claims that 5% of the Dutch beam trawl fleet correspond to 22 vessels, which is supposedly based on the Dutch fleet as of 2006 (i.e. when the regime of derogations was created). Firstly, this figure is over-estimated, given that the European fleet register indicates that 356 Dutch vessels were using beam trawls as a primary gear and 23 as a secondary gear as of 1 January 2006.<sup>8</sup> Should 2006 be used as the reference year, which we strongly disapprove, this would mean that a maximum of 19 vessels could be equipped with electrodes, not 22. But most importantly, we believe that the reference year should be 2019 for the year 2019, 2020 for the year 2020 etc. On 1 January 2019, there were 283 Dutch vessels using beam trawls as a main gear and 25 as a second gear. Thus, no more than 15 vessels should currently benefit from an exemption to practice electric fishing. Furthermore, we urge you to make sure that the Netherlands are fully transparent with regards to the number of inactive vessels or vessels from other categories (such as small shrimp trawlers), which could (and will) be used to artificially inflate the number of derogations.

### **It is time to take actions**

We appreciate that you would rather "settle disputes in the framework of infringement proceedings, preferably without having to refer the case to the Court of Justice". However, the Netherlands clearly continue to trample the European law to serve the interests of a handful of industrials. This must stop now. It is high time European institutions responded effectively to the electric fishing scandal: small-scale fishers are going bankrupt and illegal fishing is taking place every day in the southern North Sea with detrimental impacts on marine ecosystems, coastal economies, and citizens' trust. We demand that the Commission, as Guardian of the Treaties, act proactively and stop waiting for the Netherlands' compliance, which is clearly not going to happen in the near future.

We stay at your disposal should you need further information.

Respectfully,

Frédéric Le Manach  
Scientific Director

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<sup>8</sup> <http://ec.europa.eu/fisheries/fleet/index.cfm?method=Download.Menu&country=NLD>