



ASSOCIATION OF NATIONAL ORGANISATIONS
OF FISHING ENTERPRISES IN THE EU

UPDATED

EP(15)20

30th March 2015

Europêche comments on the Proposal for a Regulation laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97

Background

- **1992** the use of driftnets longer than 2.5km is prohibited in the EU (except Baltic Sea, the Belts and the Sound).
- **2002** all driftnets in the EU, no matter their size, are prohibited for highly migratory species.
- **2008** the use of all driftnets is prohibited in the Baltic Sea.
- **14th May 2014** the Commission puts forward a proposal for a regulation prohibiting the use of driftnets in all EU waters from January 2015 with no exception. The proposal also includes a new definition of driftnets to close any possible loophole in the existing legislation. The high number of by-catch, the effect on marine ecosystems and the lack of enforcement and monitoring by Member States are said to be the main reasons for the proposal¹. The Commission estimates that 840 vessels from Bulgaria, France, Italy, Portugal, Romania, Slovenia and the UK will be affected.

General remarks

After having analysed the Commission's proposal, Europêche would like to express its concern over the **'one size fits all' nature of the Regulation**. Whilst Europêche agrees with closing possible legislative loopholes in order to protect potential unauthorized catches, we are disappointed with the Commission's decision to impose a blanket ban instead of tightening up the current legislation in place.

¹ Part 1 'Context of the proposal' of the Proposal for a Regulation laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97

Given the seasonal nature of the driftnet fishery, **a blanket ban could wipe out many small scale vessels** such as the Galician xeito and others which have achieved MSC certification for their sustainable driftnet practices². It could also lead to fishermen targeting more pressurized fisheries.

This legislation could be **better implemented at regional level**, targeting the fisheries in those Member States which need enhanced monitoring and enforcement and allowing the fishermen who fish sustainably with driftnets to continue. Any vessel found practicing illegal fishing should be sanctioned appropriately.

The Commission impact assessment reporting was poor and lacked a deep analysis of the **socio-economic impacts of the proposal**. The Commission admits that the limited sampling effort from the consultations made it difficult to have a comprehensive view on current driftnet fishing activities and their actual environmental impact³. In addition, only 52% of respondents to the public consultation endorsed the decision for a blanket ban. Poor data and the administrative costs of enforcing existing legislation should not be a reason to opt for a precautionary yet disproportionate approach.

A lack of enforcement of current EU legislation is discriminatory against those Member States who have already implemented the driftnet ban but it is equally important not to target those who practice driftnet fishing legally. Europêche believes that the Commission should therefore focus on enforcing the current rules in place and initiating strict infraction procedures against those who do not comply. In addition, the Commission should provide an overview of the European driftnet fleets to give updated knowledge on any vessels circumventing the rules, allowing them to impose strict penalties. Guidelines could also be drawn up for Member States advising them how to further enhance monitoring and enforcement within their own fleets.

Comments on the Draft Report (Renata Briano, IT, S&D)

Europêche would encourage the withdrawal of the proposal in the first instance. In the event that this does not happen, a completely regional approach should be taken

Definition

The Commission's proposed definition of a driftnet would significantly widen the scope of gears which constitute a driftnet. It would cover gears such as trammel nets, including anchored gillnets or 'semi-driftnets,' which should not be included. The original definition of driftnets currently in place should be maintained⁴.

Amendment 9 - Conditions for driftnet fisheries

This amendment seeks to impose certain measures at an EU wide level, going against the regionalisation approach as included in the reformed Common Fisheries Policy. The one-net rule (prevention of other kinds of gear from being carried on board) when using driftnets would not be workable in smaller fisheries who may use multiple gears and who have very little impact on the environment. The designation of landing ports with a strict notification period would also be unworkable for small, artisanal boats who are, by

² For example the Hastings fleet pelagic herring fishery <http://www.msc.org/track-a-fishery/fisheries-in-the-program/certified/north-east-atlantic/hastings-fleet-pelagic-herring-and-mackerel/hastings-fleet-pelagic-fishery>

³ Part 2. 'Results of consultations with the interested parties and impact assessments' of the Proposal for a Regulation laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97

⁴ Council Regulation 809/2007 www.faolex.fao.org/docs/pdf/eur72746.pdf

nature, limited to fishing in certain areas and land at specific local ports. Keeping driftnets under constant visual observation is impractical given that certain driftnet fisheries fish after dark. The requirement to record in a logbook is also burdensome for many small vessels and should in any case be a regional measure.

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