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**EU Social Partners in the fisheries sector 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.
- **14<sup>th</sup> 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 proposal<sup>1</sup>. The Commission estimates that 887 vessels from Bulgaria, France, Italy, Portugal, Romania, Slovenia and the UK will be affected.

General remarks

After having analysed the Commission's proposal, the EU social partners would like to express their concern over the **'one size fits all' nature of the Regulation**. Whilst we agree 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.

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.

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<sup>1</sup> 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**, some of which have achieved MSC certification for their sustainable driftnet practices<sup>2</sup>. 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 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 impact<sup>3</sup>. In addition, only 52% of respondents to the public consultation endorsed the decision for a blanket ban. In the Impact Assessment, both Member States and fishermen stated the total ban would have a 'negative' or 'substantially negative' impact whereas only NGOs stated positive or substantially positive impact<sup>4</sup>.

### Socio-economic impact

The Commission impact assessment reporting was poor and lacked a deep analysis of the **socio-economic impacts of the proposal**. In fact, the Commission admits in this assessment<sup>5</sup> that *'it has not been possible to collect accurate landings data from driftnet fisheries apart from Italy and UK, which made it almost impossible to identify the economic importance of the gear at the European level.'*

Whilst the Commission acknowledges that *'this type of fishery may represent a significant source of income integration for some local community fishers'*<sup>6</sup>, the fact that there have been signs that the number of vessels partaking in driftnet fishing has seen a decrease, has led them to conclude that *'the overall socio-economic impact of the total ban is therefore considered irrelevant'*<sup>7</sup>.

However, they go on to state that despite this 'irrelevance', for the three policy options<sup>8</sup> under analysis, all three scenarios are considered to have a negative or a **substantially negative socio-economic impact** on the fisheries concerned. The Commission claims that these socio-economic impacts will be mitigated by carrying out other types of fisheries and where necessary, through accompanying measures to support the adaptation to other fishing methods, although what methods exactly is not stated.

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<sup>2</sup> 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> and the Cornwall Sardine fishery <http://www.msc.org/track-a-fishery/fisheries-in-the-program/certified/north-east-atlantic/cornwall-sardine/cornwall-sardine>

<sup>3</sup> 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

<sup>4</sup> SWD(2014) 153 final Page. 46, Comparison of Options

<sup>5</sup> SWD(2014) 153 final Page. 27

<sup>6</sup> 5. Assessment of Impacts, Executive Summary of the Impact Assessment SWD(2014) 154 Final

<sup>7</sup> 5. Assessment of Impacts, Executive Summary of the Impact Assessment SWD(2014) 154 Final

<sup>8</sup> introduction of technical and control measures, selected ban or total ban of driftnet fisheries

Coastal communities such as those in Catania will experience the devastating effects of the total ban, where vessels deploying the 'menaide' fishing method are almost exclusively using driftnets, which represent 91% of the quantity and the value landed by these vessels<sup>9</sup>. Similarly in Galicia 472 vessels have been using the 'ó xeito' method for centuries and would be subsequently forced out of the sector if the ban is implemented.

In light of these findings, the social partners consider the proposal unacceptable since it lacks accurate data, minimal support from stakeholders and Member States and will completely destroy sensitive coastal communities who rely on this method of fishing.

### Conclusion

A lack of data and the administrative costs of enforcing existing legislation should not be a reason to opt for a precautionary yet disproportionate approach. The EU social partners for sea-fisheries believe 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, we urge the Commission to source accurate and up-to-date data on the socio-economic consequences of its proposal on the European driftnet fleets and the EU fishing sector as a whole.

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<sup>9</sup> SWD(2014) 153 final Page. 27