



ASSOCIATION OF NATIONAL ORGANISATIONS OF
FISHING ENTERPRISES IN THE EU

Attn Mr. Jean-Claude Juncker
European Commission
1049 Brussels

12th September 2014

Re: EU fishing sector demands responsible and committed future Commissioner

Dear Mr. Juncker, President-elect of the European Commission,

The new College of Commissioners-designate has recently been announced with the extended portfolio of Environment, Maritime Affairs and Fisheries being allocated to Karmenu Vella. It is essential that this candidate meet the requirements to take the helm against a backdrop of a recently reformed and highly complex Common Fisheries policy. They will have the difficult task of successfully balancing the competences of both DG MARE and DG ENVI and the particular interests that lay within each department e.g. the implementation of the ambitious Marine Strategy Framework Directive.

According to the oath taken by each Commissioner before the Court of Justice of the European Union¹, the duty of a Commissioner is to be completely independent in carrying out their responsibilities, not to take instructions from any government, body, office or entity and to refrain from any action incompatible with their duties or the performance of their tasks.

Under this pledge, for the current Commissioner to actively promote a one-sided and distorted view of European fisheries is not only dishonest but has demonised an entire sector. Commissioner Damanaki's time in office has been characterised by an unhealthy obsession with media-oriented policies rather than proposals that will support a sector already burdened with thick regulation and red tape.

Her overzealous fixation with imposing one-size-fits-all bans instead of a more targeted approach is irresponsible and negligent. The Commissioner has justified such bans by stating they were to close legislative loopholes more efficiently and were less financially burdensome than identifying and tackling specific fisheries. To legislate in terms of what is simple and painless for the Commission but which shuts down entire sustainable fisheries is nothing short of scandalous.

This irresponsible approach to legislating can be seen back in 2011 when the Commissioner proposed a blanket ban relating to the removal of shark fins on board vessels, a common

¹ Article 17, Treaty of the European Union and Article 245, Treaty of the Functioning of the European Union

practice in on-board processing. The aim of this proposal was to ensure that the current EU ban on shark finning (removing the fin onboard and discarding the carcass), in place since 2003, was watertight. There is no evidence to suggest finning has even taken place in European waters since the introduction of this ban yet the new proposal means that an economic and efficient way of processing the catch has now been prohibited. The Commissioner was misleading in presenting the ban to the world as an action against finning, making this impossible to oppose. Disproportionate legislation based on the *suspicion* of finning was adopted, setting a dangerous and highly irresponsible precedent.

The following year, the Commissioner proposed a blanket ban on deep sea fishing which would have wiped out a huge chunk of the EU fleet. The proposal was published before the two publically-funded Commission research projects² were complete. The proposal failed to reflect scientific advice³ and is actually inconsistent with international best practice and the standards that the EU itself has promoted through the Regional Fisheries Management Organisations and international bodies such as the FAO and the UN.

Consistent with her sweeping approach, the Commissioner's final offering to her radical supporters to round off her legacy was a ban to end all driftnet fishing in May this year. This ban even surprised some of the NGOs themselves given it will eradicate small-scale traditional drift netters, many of whom have achieved MSC certification for being entirely sustainable⁴. This is again a grossly unfair and heavy-handed approach affecting all drift netters in Europe. Such oppressive legislation based on sensationalist hyperbole is not only unfairly affecting the image of the sector but is putting the future of the sector itself in jeopardy.

In August this year, a blog-post from the Commissioner herself appeared urging holiday-makers to avoid buying fish caught by a variety of legally sanctioned methods including drift netting and bottom trawling and to refrain from eating 'endangered' blue fin tuna, since 'the fishing season is already over for this year'⁵. It was shocking that a Fisheries Commissioner should firstly, openly advise against consuming fish caught by entirely legal operations in the EU, secondly, advise against eating species that are actually experiencing a recovery and thirdly, dismiss entirely the farmed species that can be consumed all year round. Having the highest authority on fisheries advising against purchasing or consuming certain species or fish caught by drift nets or bottom trawls, the latter being the most widely used fishing method in the EU, will no doubt be taken seriously by the reader and would have damaging consequences for the sector. To suggest these operations are irresponsible and that these products should not be bought by EU consumers when the sector is acting entirely within the legal framework of the EU is deplorable and a huge abuse of power.

² DEEPFISHMAN and CORALFISH

³ from the International Council for the Exploration of the Seas 2014 assessments

⁴ 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>

⁵ <http://blogs.ec.europa.eu/damanaki/pocket-guide-to-your-beach-holidays/>

The Commissioner's reporting of the health of the EU fish stocks to the wider world is greatly misleading. Huge progress has been made by the industry itself to make stocks healthy and abundant. The definition of overfishing has evolved from meaning stocks below the safe minimum to meaning stocks not yet at maximum. The misleading terminology has led to a deep-rooted critique of the sector. What would once be considered healthy is now considered overfished. Even by the new definition, a decline in the number of 'overfished' stocks could be seen well before her arrival, going from 32 in 2005 to 19 in 2014 in the North East Atlantic⁶, an area that has seen a substantial reduction in its exploitation rate and an improvement in stock status⁷. The number of stocks within safe biological limits almost doubled in the last decade⁸.

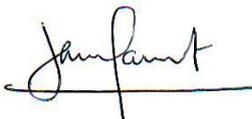
The Commissioner has always championed the small-scale fishing industry, which Européche also represents. Yet, her clear contempt for all other forms of fishing was accompanied by a total lack of engagement with the industry. Her close relationship with the Green lobby was not only reflected in her policy making but has allegedly led her to take up a job post-Commission with an environmental NGO. The sustainability of fisheries relies on social, environment and economic pillars. Promoting only the environmental pillar on the basis of biased information, the Commissioner has not only forsaken her responsibilities towards fishermen and their image, but also its statutory task to promote a sustainable and competitive fishing industry.

On behalf of the fishing industry in Europe, we believe the Commissioner has defined her period in office by implementing unbalanced and incoherent legislation, demonising perfectly legal fishing practices, promoting a biased, one-sided view of European fishing practices and irrevocably harming the entire image of thousands of fishermen across the EU.

We trust that you will ensure the next Commissioner for Environment, Maritime Affairs and Fisheries will act in a responsible and independent manner, engaging with all relevant stakeholders and supporting policies based on science and facts and not on emotive, sensationalist, media-fuelled initiatives which have most unfairly devastated the entire European fishing sector.

Yours sincerely,

Javier Garat,

A handwritten signature in blue ink, appearing to read 'Javier Garat', with a horizontal line underneath.

President of Européche

⁶ Commission communication concerning a consultation on Fishing Opportunities for 2015

⁷ 'Reversal of Fish Stock Decline in the Northeast Atlantic', Paul G Fernandes and Robin M Cook (2013)

⁸ Commission communication concerning a consultation on Fishing Opportunities for 2015