



Ms Lowri Evans

Director General
Directorate General Maritime Affairs
and Fisheries
Rue de la Loi 200
1049 Brussels
BELGIUM

Pelagic AC
Treubstraat 17
PO Box 72
2280 AB Rijswijk
The Netherlands

Tel: +31 (0)70 336 9624
Fax: +31 (0)70 399 3004
E-mail: info@pelagic-rac.org
<http://www.pelagic-rac.org>

Date: 15 August 2014
Our reference: 1314PRAC158
Subject: Proposal for a Regulation of the European Parliament and of the Council laying down a prohibition on driftnet fisheries – COM (2014) 265 final
CC: Evangelia Georgitsi (by email)

Dear Ms Evans,

Drift netting was the traditional way in which pelagic fish was caught and was probably one of the most sustainable forms of fishing devised. The use of drift nets has contracted greatly in the major pelagic fisheries in recent years, but there are small, regionally important fisheries in the North Atlantic still prosecuted by drift net fishermen.

The recent reform of the Common Fisheries Policy praises regionalisation as one of its main pillars. This is meant to allow for tailor-made management solutions which are necessary to transform European fisheries into an ecologically and economically sound sector while contributing significantly to Europe's blue growth strategy.

The Commission's proposal to ban all drift net fisheries, however, represents yet another top down approach neglecting the characteristics of individual fisheries. The Pelagic AC strongly opposes the proposed blanket ban on drift nets as it considers that this ban is contrary to the objectives of the CFP, discriminates against small scale fishermen and makes their economic survival less likely. Nor is it clear why, if the problem the Commission seeks to address is the illegal use of drift nets will a blanket ban succeed when current legislation has failed. It is not the method of fishing that should be judged, but the level of enforcement. The view expressed by the Commission that alternative methods of fishing could be adopted are not necessarily correct given the physical limitations of some of the vessels, but what is certain is that a change to trawling would be a retrograde step in small enclosed pelagic fisheries such as those currently fished.

While the Pelagic AC fully recognizes and supports the need to stop illegal drift net fishing it can under no circumstance accept the devastating consequences this ban would have on responsible small-scale fishermen using drift nets sustainably with little impact on the environment. Many of the small-scale drift net fisheries are MSC certified which proves the strict standards under which they operate as well as their sustainability.



While in absolute numbers the economic impact of a full ban might not be significant on an EU fisheries level, it is significant to all those responsible small-scale fishermen who depend on drift nets for an important part of their annual income. Extinguishing these sustainable fisheries due to inadequate control and enforcement cannot be justified.

Rather than banning all drift net fisheries, the Commission should ensure adequate control and enforcement and greatly penalize illegal drift net activities and lack of compliance.

Against this background the Pelagic AC unanimously supports the draft recommendations issued by the North Sea AC on the proposed drift net ban (see Annex I) and urges the Commission to revise its proposal accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Iain MacSween'.

Iain MacSween
Chairman of the Pelagic AC

Annex I

The North Sea Advisory Council



Response to: Proposal for a Regulation of the European Parliament and of the Council laying down a prohibition on driftnet fisheries – COM(2014) 265 final

1. On 14 May 2014, the Commission proposed a ban on small-scale drift net fishing throughout EU waters from 1st January 2015, subject to agreement by the Member States and the European Parliament.
2. The rationale behind this blanket ban is to address the major by catch impacts of such drift netting on vulnerable and protected species such as cetaceans, turtles and sharks, especially in the Mediterranean. The Commission also perceives a more widespread problem, characterising driftnet fishing as '*carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operate without any regular scientific control and monitoring*'. The key issue, however, is lack of enforcement, with fishermen exploiting loopholes in the law to conduct illegal drift netting, and this has already resulted in infringement action by the EU against Italy.
3. The NSAC supports curbs on damaging fishing practices, legal or illegal, and actively promotes measures to eliminate by catch of unauthorised and non-target species, especially as this impact can suffer from poor monitoring, control and enforcement and often goes unreported. We agree that here, if proven, is a strong case for stricter enforcement to halt illegal driftnet fishing in EU waters.
4. In the reform of the CFP, and indeed in the ongoing consultation on a new technical measures framework, openness and regionalization have been key words. The proposal for a driftnet ban, however, conforms to neither openness nor regionalization. The fact that the EU legislative framework has shown weaknesses because rules are easily circumvented is no justification for the proposed prohibition. Instead the legislator must design the legislative framework in such a way that it corresponds to what it aims to achieve. To prohibit existing, problem-free fisheries in any way just because there are some loopholes in the overall framework and the totality of the driftnet fishery across Europe is against the principle of proportionality and simply not acceptable.

Chairman – Niels Wichmann, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 77 02 75 58 21, email admin@nsrac.org
NSAC is a company limited by guarantee, registered in Scotland No 273189
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA



NSAC is supported by the European Union



5. We oppose a blanket, EU-wide ban on small-scale drift-net fishing on this and other grounds, as follows:
 - it is disproportionate by penalising the responsible small-scale fishermen who use driftnets fish sustainably with negligible adverse environmental impact
 - it has potential to promote gear-switching in some regions into other damaging fishing methods which may pose an even greater threat to by catch of marine wildlife
 - it will not be foolproof against the deficit in control and enforcement which is manifestly the main problem under current legislation
 - it runs counter to the new CFP which seeks to set measures derived from a results-based approach and regionalised decision-making
6. In the NSAC region, small-scale drift netting is a locally important metier, notably in Denmark, Sweden, the UK and France.
7. There is a long history of seasonal small-scale driftnet fishing for mackerel in the Skagerrak. To prohibit these fishermen from conducting this traditional clean fishery, which has very limited (if any) environmental issues at all is not acceptable and could lead to the loss of at least 80 jobs in Sweden alone.
8. In the UK (mainly England), typical target species of small-scale driftnets (which are generally highly selective for both species and size of targeted fish) are herring, mackerel, sole, sea bass, salmon, sardine, sprat and mullet. Regarding the UK's NSAC coastline, there are small-scale drift-net fisheries in the north-east coast of England and Outer Thames Estuary. Notable is a traditional Hastings (SE England) driftnet fishery for herring comprising four under-10m boats launched off the beach, each using nets only 35m long with a soak time of less than 3 hrs. The Hastings fishery has no adverse environmental impact, as evidenced by its MSC-certification since 2005. The loss of this and other MSC-certified driftnet fisheries as the result of an EU-wide ban is one of the most evident inequities of the proposed blanket prohibition.
9. In France, a ban could undermine the activity of nearly 600 nation-wide traditional, mainly coastal or estuarine small-scale drift-net enterprises. Of these, about 60 operate in the NSAC region, of which six target mullet, the rest herring.
10. All such inshore, artisanal fishermen operate on very tight financial margins. They are also typically polyvalent, fishing with different gear for different target species depending on the time of year. As such, drift netting is one of the vital seasonal activities needed to support a year-round livelihood.
11. Compared with other fishing methods in the polyvalent mix, profitability of driftnet fishing scores high and fuel consumption/carbon footprint low, both of which commend drift-netting, other things being equal.

Chairman – Niels Wichmann, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 77 02 75 58 21, email admin@nsrac.org
NSAC is a company limited by guarantee, registered in Scotland No 273169
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA



NSAC is supported by the European Union



12. In regard to socio-economic impacts of a potential ban, we found the following statement (p. 7) in the Impact Assessment (SWD(2014)154) accompanying the Commission's proposal to be contradictory and flawed:

'Nonetheless this [small scale driftnet] type of fishery may represent a significant source of income integration for some local community of fishers though, during the past years, the numbers of vessels as well as the number employees have been substantially decreasing. While it cannot be excluded that the ban may affect some of the vessels carrying out these fisheries, the overall socio-economic impact of the total ban is therefore considered irrelevant at national and sub-regional level. The total prohibition to use driftnets according to option 4 is not expected to result in a corresponding reduction of fishers which will continue to operate with other gears as already authorised in their fishing licence.'

In NSAC's view, small-scale drift-net fishing cannot both 'represent a significant source of income' and at the same, if prohibited, be 'irrelevant at national and sub-regional level'. Given that the frame of reference for small-scale drift netting is predominantly the viability of inshore operators and local fishing communities, we strongly reject the IA's conclusion that overall socio-economic impact is 'irrelevant'. In polyvalent artisanal fisheries, the loss of one licensed fishing activity such as seasonal drift netting can undermine the operator's overall viability and have the same adverse knock-on effects for the local community.

13. Also in the IA (p. 9) we do not accept that the Score ("–") for Policy Option 4 (Total ban) should be less than the score ("–") for Option 3 (Selected ban on some driftnet fisheries). We find it counter-intuitive that the socio-economic impact of a total ban is less than for a selective ban.

14. Rather than a blanket ban on small-scale driftnets, the NSAC recommends:

- a risk-based, regional approach to conflicts between small-scale driftnets and non-target or unauthorised species, ensuring that the Member States and the Commission act swiftly to address conflicts on a case-by-case basis;
- that the necessary steps are taken to introduce and enforce a ban where needed, and that lack of compliance is penalised. For that purpose, the Commission could complement their analysis in the impact assessment, to account for the change in the definition of driftnet between the consultation and draft regulation.
- that all drift net fisheries should be adequately monitored to ensure that any bycatch is within acceptable limits. The issue of appropriately defined bycatch limits applies more broadly than drift net fisheries and should therefore be taken up within the context of the new technical conservation regulation framework, which is currently under development. In this context it will be important to take into account the ongoing shift towards results-based management and reversal of the burden of proof.

See footnote 1.

Chairman – Niels Wichmann, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 77 02 75 58 21, email admin@nsrac.org
NSAC is a company limited by guarantee, registered in Scotland No 273189
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA



NSAC is supported by the European Union



- that these initiatives should be led by regionalised-decision making, in collaboration with the relevant Advisory Councils, and be evaluated and adapted using a results-based approach;
- that where damaging interactions with seabirds and other marine wildlife occur, Member States should prioritise EMFF aid to support (a) research and development of mitigation measures; (b) transition as appropriate to alternative fishing gears and methodologies where proven to be less damaging than small-scale drift netting.

Subject to the necessary support from Council and Parliament, we urge the Commission to revise the proposal in line with the above NSAC recommendations.

Note 1. Executive Committee member CNPMEM does not agree with this statement and proposed alternative wording "that all drift net fisheries continue to be adequately monitored and controlled to assure the application of European regulations, notably in terms of by catch of protected species".

Chairman – Niels Wichmann, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 77 02 75 58 21, email admin@nsrac.org
NSAC is a company limited by guarantee, registered in Scotland No 273169
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA



NSAC is supported by the European Union

