Prohibition on driftnet fisheries

2014/0138(COD) - 14/05/2014 - Legislative proposal

PURPOSE: a full prohibition to take on board or use any kind of driftnets as of 1 January 2015 in all EU waters.

PROPOSED ACT: Regulation of the European Parliament and Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: following concerns about the environmental impact of large-scale driftnets bigger than 2.5 km, that resulted in significant amounts of incidental mortality of protected species, the United Nations General Assembly adopted in 1989, 1990 and 1991 three resolutions in favour of a moratorium on large-scale pelagic driftnet fishing on the high seas.

In the early 90s, **following the United Nations General Assembly resolutions, the EU developed legislation on driftnets fisheries**. Consequently,

- the keeping on board or use of driftnets longer than 2.5 km is prohibited in the EU since June 1992 (except in the waters of the Baltic Sea, the Belts and the Sound);
- since 2002 all driftnets, no matter their size, are prohibited when intended for the capture of unauthorized species;
- it is also prohibited to land unauthorized species which have been caught in driftnets.

The current EU legislative framework on driftnets has however shown weaknesses since the rules have proved to be easy to circumvent and ineffective in meeting the conservation concerns linked to this type of fishing. Despite these provisions on driftnets, **the illegal use of driftnets continues to be reported in EU waters**. Serious non-compliance by some Member States has also been addressed by **two rulings of the European Court of Justice** against France (C-556/07; C-479/07) and Italy (C-249/08).

Against this background, it is clear that serious environmental and conservation concerns linked to the use of these fishing gears still persist. This is why the Commission intends to address this situation and to comply with EU international obligations to properly regulate driftnet fisheries.

IMPACT ANALYSIS: **the Commission's preferred option is a total ban of driftnet fisheries** as it satisfies to the largest extent the relevance, effectiveness, efficiency and coherence criteria while providing the best result in terms of environmental impact and less administrative burden. This option is supported by more than 52% of the respondents to the public consultation including fishermen associations and NGOs.

CONTENT: the proposal for a Regulation aims to introduce:

- **a full prohibition to take on board or use any kind of driftnets as of 1 January 2015**, applicable to all EU vessels and in all EU waters;

- **a revised and more comprehensive definition of driftnets**, to close any possible loophole in the existing legislation.

For reasons of clarity of Union legislation, it is also necessary to delete all other provisions related to driftnets by amending Council Regulation (EC) No 850/98, Regulation (EC) No 812/2004, Regulation (EC) No 2187/2005 and Council Regulation (EC) No 1967/2006, and repealing Regulation (EC) No 894 /97.