

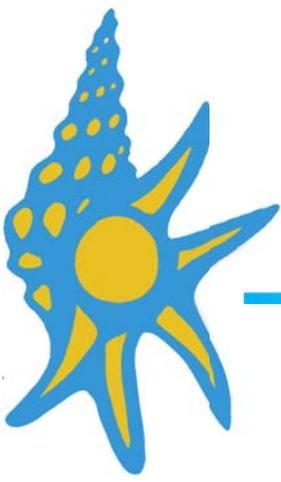
# SR673; Report on the Current State of DriftNet Fisheries in the UK; June 2014

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Pelican's Foot Associates Ltd.

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# Report on the Current State of Driftnet Fisheries in the UK

Commissioned by the Sea Fish Industry Authority

Author: Jim Masters

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## Executive Summary

Small scale driftnet fishing is widespread around the coasts of the UK, with around 250 boats reported as using driftnets on a yearly basis. Fluctuations in this number are due to various factors but include: markets, opportunities, weather, fish movements and availability as well as other economic considerations. This figure does not, however, capture all the un-registered and non-sector boats who may also be using driftnets to make a living.

Driftnetting is more widespread and important in certain areas than in others. For example there is very little small scale driftnetting in Scotland, whereas the South East coast of England has extensive fisheries for bass and herring.

Driftnet fishing in the UK is highly seasonal, representing anything from a few weeks a year up to a full-time occupation depending on location and weather. It may even be the only form of fishing undertaken by some boats, being 100% of fishing effort in some places. Income represents perhaps 0.14% of the total value of UK landings in 2011, but this hides the fact that this equates to an *average income* of £40,000 per boat per year from driftnetting. At the small scale this can be the mainstay of income from fishing, and its removal might render fishing unviable in economic terms for many, who are already operating at subsistence levels.

The European Commission wants to ban driftnets completely regardless of scale, season or size, as a simple means of reducing issues related to bycatch of endangered, threatened and protected (ETP) species such as turtles, cetaceans and seabirds. Environmental issues with large scale driftnets are well known, but the case against smaller scale fishing of this type is harder to prove. For example, there are relatively few sightings of turtles around the UK, and interactions with cetaceans are minimised by driftnets being 'tended' at all times - which greatly reduces the problems of bycatch in the majority of cases. Bird entanglement can be an issue, but again more research is needed to show where and how these interactions are taking place.

The spirit of the ban is aimed at those Member States still flouting international law in regard to large-scale driftnetting in the Mediterranean, and the significant issues of bycatch in those fisheries. The proposal to ban driftnets of all sizes is based on the results of an EU consultation on this issue conducted in 2013. Only 40 responses were lodged, and only 52% of these were in favour of an outright ban. Only one Member State responded (NL) and most responses came from either individuals or Non-Governmental Organisations with a clear focus on the Mediterranean. Small scale fisheries in the UK



failed to register as an issue. The consultation also fails to take account of the EU's own research on the nature and extent of driftnet fishing in the EU – as this research was incomplete at the time of the announcement.

A ban on driftnet fishing within the UK has the potential to effectively wipe out small scale and subsistence fishing around our coasts. Carrying this type of gear would also result in a reduction in the use of gill and set nets, as these also have the 'potential' to drift as seen in the wording of the ban. Greater clarification of this matter is needed from the EU.

The Impact Assessment associated with the consultation treats the economic significance of driftnet fisheries with contempt, dismissing the socio-economic impacts of the ban as being 'irrelevant' at the national and sub-regional level. It further undermines the value of these fisheries by stating that fishers can simply diversify using European Union funds. This ignores all understanding of how and why driftnetting occurs at this scale – or even the implications a call to diversify might have. This is often not an option due to a lack of other fishing opportunities, and could be seen as pushing fishers towards more environmentally damaging practices, as well as heaping greater pressure on other stocks.

The IA also recognises the 'polyvalent' nature of these types of fishing boats, but its own analysis stops there. It does not look for further refinement in economic terms, nor was clarification from Member States sought whose submission of data was less than adequate. Only two Member States (UK and Italy) were deemed as submitting data of sufficient detail and quality. The ban has been proposed despite this uncertainty, and before the EU has completed its own research on the nature and extent of driftnetting in EU waters.

When viewed in fisheries-management terms, small scale driftnet fisheries are some of the most fuel efficient and cost-effective forms of fishing, with the highest profit margins in the sector as a whole – second only to hook and line fishing. They also represents the best value for money in terms of costs to the taxpayer, as they often receive the lowest levels of EU subsidy.

The fisheries are considered to be very 'clean' in wider environmental terms, and it has yet to be shown to what extent the seasonal nature of these fisheries brings them in to close contact with the endangered, threatened and protected species in question. The most significant and potentially damaging interactions are with harbour porpoise, although threats to this species have reduced since the demise of the salmon fishery in the North of England. It is undisputed, however, that driftnetting in the Mediterranean brings ETP species in to close contact with potentially damaging fishing gear.



More research is needed to better define just how damaging these fisheries are in the UK - in terms of bycatch and discards. This research is likely to show, however, that the fishers that deploy them are amongst the most conscientious and conservationally-minded of all fishers, and the gear itself the least damaging to the wider marine environment when deployed within a well-managed fishery.

The Common Fisheries Policy requires a Regionalised approach to decision-making, seeks to steer the availability of fishing opportunities towards the lowest impact gears, requires all decisions to be proportionate and is guided by other EU legislation such as the Aarhus Convention (which places a burden of consultation on any organisation wishing to enact new environmental legislation in order to ensure those that are to be effected by any changes have the opportunity to influence and better understand the implications this will have on their own lives). This proposal fails to meet all four of these requirements. It may also fail to address the need to ensure coastal waters meet 'Good Environmental Status' indicators by ignoring the potential for unforeseen circumstances and the law of unintended consequences.

All fishermen, fisheries managers and fishermen's representatives interviewed for this report commented that the ban would be disastrous for small scale fishers. It is seen as being unnecessary, heavy-handed, disproportionate and inappropriate for UK waters. The problems the ban seeks to address do not exist here.

Ensuring all fisheries are managed effectively and bringing all stocks under formal scientific assessment will do as much to minimise the environmental impacts of driftnet fishing as any ban might have. Strengthening legislation around monitoring and reporting of catches will also help reduce the incidents of unlicensed 'hobby-fishers' undermining legitimate fishers through a reduction in unregulated catches being landed and sent to market.

The proposed ban is almost universally unwelcome in the UK, to the extent that the Government Department responsible for such issues – the Department for Food, Agriculture and Rural Affairs (or Defra) has authored a Letter of Consultation counselling against a full ban – a highly unusual event. This has had the effect of generating some unusual alliances across fishing interests in the UK. Fishermen, managers, legislators, campaigners and Non-Governmental Organisations are all opposed to this ban as it stands and are calling for exemptions, at the very least, in order to ensure this low-impact, versatile and iconic form of fishing can continue in to the future. Small scale fishing would be safeguarded, better fisheries management would result and more fishers would be attracted to diversify away from more damaging towed gear – precisely the outcomes defined as being desirable through the reformed Common Fisheries Policy.





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## Introduction:

The European Commission has proposed to impose a full ban on the use of driftnets within all European waters over concerns about the threat posed to protected species (1). The ban would come in to effect from the 1<sup>st</sup> January 2015 and would include **all** EU waters and vessels.

Restrictions on driftnet fishing in EU waters already exist, with a full ban on any nets over 2.5km in length, as well as restrictions on targeting migratory species such as tuna and swordfish.

Concerns persist, however, over the use of drift nets and their impacts on protected species such as cetaceans, sharks, turtles and birds. There are continued reports of fishermen using driftnets illegally or taking advantage of legislative loopholes to continue to use these nets and to target restricted species.

The case for the full ban has been built almost entirely on concerns for the fisheries in the Mediterranean, and the issue went to an online consultation in March of last year. There were only 40 respondents to this consultation, the majority of which were environmental organisations as well as interests focused on the Mediterranean. Only one UK interested party responded.

52% of consultation respondents agreed with the proposal to implement a full ban on drift nets, but since the announcement of their intentions to implement this ban, the EU Commission has been lobbied by nearly all Member States that this is an overly heavy-handed approach to a very specific and regionally-focused issue (Jim Portus – pers. comm.)

The UK Administration has put forward a general statement about the ban, which can be found in Appendix IV, which state that *“the UK negotiating position on this proposal will be to seek alternatives such as the application of a risk-based regional approach, particularly in waters around the UK – the North Sea, Channel, and Western waters – an approach which will ensure that the right fisheries are monitored and required to take appropriate mitigation action where needed.”*



## Context

Driftnet fishing has been used as an effective form of fishing throughout the ages. Drift and gill nets are thought of as the 'original' fishing tools - the first nets to be set for entangling and trapping fish at sea – and there is strong evidence that nets were used by hunter gatherers in southern Europe from Upper Palaeolithic times (2). Their precise origin is hard to pinpoint, however, as it is likely that they were developed in parallel by a number of different indigenous populations as a means of catching seafood without a common 'ancestral' net type.

One of the earliest recorded uses of a driftnet is 1662 (3) but it is clear that herring driftnet fishing was commonplace in the North Sea from the 11<sup>th</sup> and 12<sup>th</sup> centuries onwards, and went on to become one of the most economical of all gillnet fishing methods (23). This North Sea fishery was expanded further by the Dutch in the 16<sup>th</sup> century and these can be seen as the first such industrial fishing vessels able to process their catch at sea. There were 2000 Dutch vessels driftnetting in the North Sea by 1620 (23) and many of these boats would be classed as >15m vessels by today's standards (24). The use of driftnets was certainly wide-spread by the 1880's, being used to catch the large shoals of herring and other migratory fish sweeping along our coasts at that time (4). The fisheries expanded throughout the centuries and by 1908 there it has been estimated that there were more than half a million tonnes of herring being caught annually by these driftnet fleets (25).

The rise in mechanisation and the resulting boom in high-seas fisheries by the mid-1970's and early 1980's gave cause for increasing concern, however, with massive fleets of boats deploying nets of immense length (up to 50k in extreme cases), which were left to indiscriminately fish across the high-seas, catching much of the marine life in their path (5) (6). The primary issues were that it was felt that these methods were not compatible with sustainable fisheries management practices and that they also caused much harm to unintended by-catch species such as cetaceans, sharks, turtles and birds. Many of these species are now protected by international and European law (7).

The debate raged throughout the 1980's but eventually most maritime states reached a consensus about the negative impacts of large-scale drift-netting. This resulted in an international United Nations (U.N.) Resolution being passed to the General Assembly in 1989 calling for a moratorium on the practice (8).

There were a variety of responses to this Resolution, one of the most influential being the development of a *Code of Conduct for Responsible Fisheries* by the Food and Agricultural



Organisation (F.A.O.) (9). They accompanied this with an education programme for member states of the UN about the selection of appropriate fishing gear.

Large scale drift nets were defined as being over 2.5km in length under these conventions, and in June 1992 the European Union banned such driftnets and fishing from European waters, including the storing of such nets which individually or together reached a length of greater than 2.5km. This included all EU vessels outside EU waters, apart from the Baltic Sea, the Belts and the Sound, where a total ban was introduced on all driftnetting (10).

The implementation of this 2.5km rule posed considerable practical control problems, and their use remained prevalent under the pretence that they were bottom-set gill nets. High financial incentives were compounded by low-risk of detection – there was no real incentive to change and the 2.5km ruling did not stop the expansion of large scale pelagic drift nets particularly in the Mediterranean (11).

As a result of this, the EU banned the use of all driftnets regardless of their length in the Mediterranean when intended to catch large pelagic species including tunas, swordfish, billfish and sharks and cephalopods. This regulation was accompanied by Council Decisions (12) that aimed to encourage diversification away from such damaging practices and towards more sustainable forms of fishing, which came in to force on 1<sup>st</sup> January 2002.

These changes in legislation led to a global reduction in large scale pelagic driftnet fishing to such an extent that in 2002, the Secretary General of the FAO was able to announce:

*"It is becoming increasingly evident that the problem of large-scale pelagic drift-net fishing is abating owing to the continued resolve by the international community to ensure implementation of the global moratorium on the use of large-scale pelagic drift-net fishing on the high seas." (13)*

The Mediterranean fared worse than many of these other oceans and regions, however, and it is widely understood that large scale pelagic driftnet fishing continued due to the large financial incentives for the capture of large pelagic species such as swordfish and blue fin tuna.



It has been estimated that there are potentially up to approximately 600 illegal driftnet vessels operating in the Mediterranean (14) spread across several coastal countries, including Italy (100+ boats), France (70-100 vessels), Morocco (150-300 vessels) and Turkey (100+ vessels).

Interestingly, the original United Nations General Assembly Resolution from 1991 gave credence to the fact that there was a large and critical distinction to be made between the immense “walls of death” of these large scale operations, and the small-scale artisanal operations where such practices have their roots – which have been the focus of this current driftnet ban proposal.

It is well known that large scale driftnetting causes immense environmental damage, with an annual by-catch of over 8,000 cetaceans for Italian seas alone between 1986 and 1990 with up 10,000 dying across the Mediterranean as a direct result of drift net fishing (14). But the original wording of the UN resolution states that it was not addressing issues within the small scale traditional artisanal fisheries conducted in coastal waters, which can provide an important contribution to the subsistence of these communities.

## Ongoing Concerns

Whilst the *original* UN and EU legislation has been widely welcomed and broadly accepted, EU Member States’ application of the requirements within the wording has not been consistent. Implementation of the large-scale driftnet ban remains poor and not entirely coherent (14) and, despite numerous additional rafts of legislation and amendments to the original Resolution, there is still evidence of difficulties of applying the EU driftnet rules, particularly in the Mediterranean.

A combination of weak enforcement and loopholes in French and Italian fisheries legislation has meant that large fleets of pelagic driftnetters have remained active in the Mediterranean, flouting international law for more than a decade. This has gone hand-in-glove with what might be seen to be a complicit attitude amongst enforcers who have failed to punish these clear infractions of the Common Fisheries Policy (14).

The issues seen within the EU have attracted international attention, with the United States of America threatening commercial sanctions against EU Member States not complying with international law (e.g. Italy). The issue has even been taken to the



European Court of Justice (EJC) with cases being brought against France and Italy for the lack of effective control and enforcement of the EU rules on this issue (11).

The combined historic situation and ongoing problems with enforcement, together with international recognition that driftnetting still poses a large and significant environmental risk has prompted this latest attempt at developing a clear, unequivocal and practical legal framework that is in line with international, European and Common Fisheries Policy requirements. Significant concerns remain, however, over the nature of the proposal and its proportionate or appropriate impacts on small-scale operators.

## Current practices in the UK

Driftnet fishing is now restricted in the UK to mainly small scale and inshore vessels less than 10m in length, as well as a few larger vessels drifting in the North Atlantic for pelagic species such as mackerel. The fishing prosecuted ranges from highly opportunistic short-lived fisheries that swing in to action if the target species begin showing along the coast to those where driftnetting represents their main or sole fishing effort. These fisheries may only last for a couple of weeks, whereas at the other end of the scale, there are fishermen for whom driftnetting represents 90-100% of their catch-based income all-year-round. One example of this would be the drift-netters in East Anglia, which can be seen as the birth place of driftnetting in the UK.

The boats using this gear are often 'polyvalent' in nature, and make a living from deploying a range of fishing gear at different times of the year. Each fishing opportunity is critical, however, and has evolved to suit both the target species and the season. These patchwork fisheries are very vulnerable economically. If one form of fishing opportunity is removed then their business becomes unviable. Remove one brick and the entire structure comes tumbling down. Diversification is also not always the simple option as suggested by the current EU Commissioner for Maritime Affairs, Maria Damanaki, because fishing at this scale is finely tuned to both location and species – if other suitable opportunities existed then these would already be exploited, and if they are being exploited they might already be at carrying capacity. For example, it is not a simple case of just setting static potting gear instead. Many areas where drifting works don't have a viable shellfish fishery, or potting may already be at capacity.



## Environmental Impacts of small scale driftnetting in the UK

There are very few environmental impacts associated with driftnets that are not already managed through byelaws for 'fixed engines' (or nets). The personal communications with fishermen, their representatives and fisheries managers have indicated that any bycatch is very small, easily released and in no-way equitable with the issues seen in the Mediterranean. For example, in his recent letter to Maria Damanaki, Jerry Percy of the New Under Tens Fishermen's Association (NUTFA) asserts that:

*"As an inshore fisherman, I, along with thousands of others have used drift nets for many years in pursuit of a range of species and can honestly say that I have had an almost zero mortality rate for anything other than the target species, usually Herring, Mackerel, Salmon or Sprat.*

*The key elements of this lack of impact have been the relatively short lengths of net involved and the fact that they are almost exclusively accompanied at all times. So even in the event that a non-target species did come into contact with the nets, it was almost always possible to remove it without damage or mortality."*

Jerry goes on to attest that:

*"I am therefore concerned to read your recent comments such as **"drift net fishing with vertical nets is an irresponsible practice"** – this is certainly not the case in our waters and I have watched fishermen take significant care and dare I say gentleness in carefully removing any unintended catch from the nets to ensure no harm came to it, or;*

***"It is a non-selective fishery which leads to non-targeted catches. It threatens marine wildlife and species which are protected under EU legislation."** To the contrary, responsibly fished drift nets are entirely selective, not just in terms of species but also the size of the individual fish. Like passive netting generally, by setting the mesh size, one can ensure that juveniles are neither caught nor harmed in the fishing operation. At the same time and for the reasons provided above, the methods used traditionally in the UK and other adjacent countries pose no threat to 'marine wildlife and species which are protected under EU legislation'. Like*



*many pelagic fisheries, drift netting is a clean fishery, with only the target species being taken.”*

The cumulative impacts of these combined fishing efforts, however, are not known and caution remains over just how much damage is being done by small scale fishers in the absence of strong science. It has been shown, in the case of the Peruvian small scale fisheries (26), for example, that their combined net-lengths and effort represent a significant risk to the environment, particularly with regard to sustainable fishing itself as well as interactions with threatened and protected species, and therefore require strong fisheries management tools to combat any environmental risks. It is recognised that more research is urgently needed to define the environmental risks posed by small scale fisheries in the UK, however it is likely that the current management regimes within UK waters mitigate for any problems at least adequately, and these won't be the same as for unregulated fishing in developing countries.

The impacts of fishing gear on cetaceans has been addressed previously by Council Regulation (EC) 812/2004 (27), which looks to suggest ways in which different technical measures, such as acoustic 'pingers', can be used to reduce cetacean interactions with fishing gear. It mentions that driftnetting in the Baltic has been banned due to impacts on cetaceans. The technical measures in this Regulation refer mainly to boats over 12m in length, and does not specify driftnets in its technical application Annex in any fishery area apart from the Baltic Sea. This omission may be an oversight, but it implies that perhaps problems with cetaceans and nets are more common in bottom-set gillnets and entangling nets and in these instances it recommends the need for acoustic 'pingers' to deter cetaceans away from the nets.

The subsequent reports associated with this Council Regulation, as compiled by St. Andrews University (28) indicates that the Regulation is being well applied in the UK, dramatically reducing cetacean bycatch associated with set nets. Most vessels have been fitted with acoustic pingers, especially those in the South West. The report states that the large scale pelagic fleet show that by-catch is low in these fisheries. But the whole report mentions only by-catch associated with set-nets. This implies that the bycatch issue with small scale driftnets in the UK is minimal and has not merited a specific Council Regulation to mitigate against any impacts. Driftnets are also not mentioned in Council Regulation (EC) No 850/98 (29), which seeks to conserve fishery resources through technical measures for the protection of juvenile marine organisms.



The primary environmental concern with the fisheries being targeted by this gear type are, perhaps, more related to the health and management of the fish stocks themselves than the damage the gear does to bycatch. Establishing quota and other management measures for stocks to ensure they remain within safe biological limits will do as much as anything to mitigate against significant environmental impacts and will help ensure these stocks are sustainably fished in the long-run.



## The Consultation Process

The European Commission rightly sought to undertake a broad stakeholder consultation prior to the proposal to ban all driftnetting in EU waters and by EU vessels, however the manner of this consultation has attracted significant criticism.

The consultation was launched in March of 2013 (15), and followed a period of supposed data gathering within the agreed Multi-Annual Framework for Data Collection. However, the eagerly anticipated "Study in Support of the Review of the EU Regime on Small Scale Drift Net Fisheries" is still currently in production and has not influenced the Commission's current proposal on this matter in any transparent way (F. Biagi, DG-MARE pers. comm.).

It appears that the consultation was compromised from the outset because they failed to alert any Member States as to the importance of the process, only requesting information on driftnet fishing activities in the UK. This sentiment is borne out by the fact that only one EU Member State Administration (NL) was accounted for in the responses to the consultation (Roy Smith, Defra. pers. comm.) It needs to also be borne in mind that no Regional Advisory Councils contributed to the consultation, or discussed the issues prior to the release of the proposed ban.

The Impact Assessment of the consultation process attests that it has followed 'due process', however, in line with its duty to consult with Member States as it claims there was sufficient awareness amongst important stakeholders, and that the Scientific Technical and Economic Committee for Fisheries (STECF) was duly informed (16).

## The content of the consultation

The consultation itself considered four potential options and scenarios as a means of gathering opinion:

1. **Status Quo** (maintenance of baseline scenario)
2. **Introduction of technical control measures**
3. **Selected ban on some driftnet fisheries**
4. **Total ban of driftnet fisheries**



Stakeholders were invited to provide their knowledge of the existing driftnet fisheries in their region, to appraise current control measures and to evaluate and comment on the policy options above.

## Consultation Responses

40 appropriate responses were received to this consultation from 12 Member States with most responses (27.5%) coming from Italy. The other major respondents were from countries with a Mediterranean coastline, or from organisations with a specific interest in the issues surrounding large scale driftnetting in the Mediterranean.

Only 52% of respondents were in favour of a total or full ban of driftnet fishing in EU waters and by EU vessels, whereas the majority of respondents focused on the need for technical measures as well, such as the need for a “one net rule” together with improved on-board vessel monitoring systems. Other technical measures suggested included the need for the establishment of compulsory fishing authorisations in order to better identify the vessels involved in these fisheries and to reduce by-catch of restricted and prohibited species. It was also confirmed that the majority of the fisheries in question were prosecuted within the 3nm limit and could be seen as being artisanal in nature. **It was not possible to obtain any estimation for the total number of driftnet vessels operating in this way across EU waters.**

Of the 52% in favour of a full ban, the majority were from NGOs, with 14 out of all 28 respondents in favour making specific mention of a need for a full ban in the Mediterranean.

Analysis within the aforementioned Impact Assessment remains unclear as to just how representative this consultation process has been of the various sectors as there were very few representations from the fishing industry. No Regional Advisory Councils (RACs) commented, despite several reminders apparently, and it is noted within the IA that:

*“The participation to the public consultation can be considered as acceptable in terms of representation of sectoral and environmental interests, accepting that the number of industry responses is relatively low.”*



## Response from the UK

The UK Administration was contacted with a request for information about the nature of driftnetting around UK coastal waters, and the Department responsible for this information (Defra – Department for the Environment, Agriculture and Rural Affairs), submitted the following table:

**Table 1: UK Administration response to EU consultation – submission of data**

*(Thanks to Roy Smith, Defra, for providing us with this information):*

Area	DCF	Gear	Target species	No. of vessels involved in the fishery for target species	Value of target species	Total Value of fishery	Landings of target species (tonnes)		Other species taken in fishery and related comments
English Channel (Area VIIde)	GND	Driftnets	Pilchards, Bass, Herring, Mackerel	94	£262,229	£331,565	Pilchards Bass Herring Mackerel	335 7 95 17	Anchovy, Bycatches of demersal stocks
Central North Sea (ICES Area IVb)	GND	Driftnets	Sea trout Salmon	4	£50,367	£51,694	Sea trout Salmon	3 5	Haddock
Southern North Sea (ICES Area IVc)	GND	Driftnets	Bass, Cod, Herring, Sole, Skates & Rays	88	£286,527	£317,175	Bass Cod Herring Sole Skates & Rays	14 14 31 15 12	Black seabream, Brill, Mackerel, Mullet, Smoothhound, Whiting

***Landings attributed to driftnets in the Celtic Sea are minimal (2t by 8 vessels). Raw data for the Irish Sea suggests very low landings of 3 species. No landings are attributed to driftnets in the West of Scotland.***

Other than this, there was no direct contribution to the consultation process by the UK Administration.



## The Impact Assessment

The [Impact Assessment referred to throughout this section](#) can be found [here](#), as an *EU Commission Staff Working Document*.

The characteristics of the EU driftnet fishing fleet are as follows, which makes for an accurate definition of the number of vessels using this gear type difficult to measure in space, time and number:

- Vessels are 'polyvalent'
- Licensed to carry more than one gear
- Operate within a transitional area – between island and marine waters
- Some are not recorded on the fleet register (island waters)

The UK has reported that the number of boats registered as using driftnets has been relatively stable for a number of years around 140 vessels, this does not include non-sector boats, however, and the total is widely accepted as being more likely around 250 boats depending on the economic climate and price of the target species (Roy Smith, Defra pers.comm and Jerry Percy, NUTFA, pers.comm.):

*"The UK currently has 13 distinct driftnet fisheries exploiting 9 species as primary or secondary targets: target species include Atlantic herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Atlantic salmon (*Salmo Salar*), sea trout (*Salmo trutta*), European sea bass (*Dicentrarchus labrax*), mullet (*Mugilidae spp.*), common sole (*Solea solea*), European pilchard (*Sardina pilchardus*), and Atlantic Cod (*Gadus morhua*). These fisheries operate in a number of ICES region including IVb and IVc, in the North Sea, VIIId, VIIe in the English Channel, and VIIf in the Bristol Channel. Driftnet fisheries also operate in a number of rivers and estuaries (i.e. herring are targeted in the Thames estuary (ICES division IVc), salmon and sea trout are targeted in the Ribble and Lune estuary (ICES division VIIa), and driftnet fisheries targeting salmon operate in close proximity to estuaries in ICES division IVb (North Sea). The number of vessels involved is approximately 250 for approximately 502 fishers accounting for around 4% of employment." (13)*



A recurring theme throughout the IA is the polyvalent nature of the boats undertaking driftnetting, and how this makes it very difficult to develop an accurate economic assessment of the value/impacts of driftnetting. There are also references to the fact that only the UK and Italy submitted adequate landing statistics for drift-netting, and included statements from drift netters about the economic viability of this type of small scale fishing.

The 'invisible' nature of these vessels can make tracking them nearly impossible, as well as monitoring or regulating their practices. This is one of the main rationales given for forwarding a total ban, as it cuts out these potential difficulties and leaves everyone in "no doubt" as to where they stand. There is still clarity needed, however, over the definition of the gears that will be effected by this proposed ban, as UK 'trammel nets' might well be exempt under the current EU definition of a driftnet.

## Control and Monitoring issues

The lack of compulsory reporting and fishing authorisation is seen as a major weakness of the current regime, together with the fact that these boats are able to land in to many small venues and the rules about storage of nets allow for the exploitation of these weaknesses with little concern for detection. Added to this is the lack of regulation over mesh-sizes, thus making their monitoring and enforcement more difficult for migratory species.

There are also 'subjective' elements to the legislation where the statement that gear must not be "intended" to catch prohibited target species, thereby creating an element of vagueness which would be difficult to prove should case be brought to court.

It is stated within the IA that such a range of difficulties might be responsible for the proliferation of legislation on the management of such gear. This reflects the fact that, on top of the original resolutions and legislation, Member States have enacted their own fisheries management legislation which have, perhaps unintentionally, created new and more usable loopholes which can be exploited by fishermen should they so wish. Once again, this is an issue of chief concern within the Mediterranean and does not apply to small scale artisanal fisheries in UK waters. Far from clarifying and simplifying a complex legislative landscape, these Member States, namely France and Italy, have created sufficient ambiguity that their fleets are able to fish almost with impunity.



## Environmental Issues

The case against large scale pelagic driftnetting has been proven beyond doubt and is not at issue here. The case against truly small scale fisheries is less clear, amongst other things for the reasons quoted above and for the nature of difficulties associated with research on these issues.

The EU Commission IA is, significantly, vague on this issue as well, stating that small scale vessels “might” have the “potential” to interact with strictly protected and unauthorised species. The scientific studies used to underpin the IA do not in themselves provide sufficient evidence of recurrent incidental takings of protect and unauthorised species apart from some French fisheries where the issue appear to focus on sea turtles.

Of the cetaceans studied, the harbour porpoise is by far the most at risk from driftnetting, especially in the Baltic Sea. The IA sites only some evidence for interactions with driftnets in the UK, which does include the harbour porpoise populations of the North Sea.

It must be borne in mind, however, and is stated within the IA, that a lack of data on by-catch issues within the fisheries in question does not indicate a lack of impact *per se*. It is more indicative of the difficulties associated with monitoring and researching this kind of fishing. The IA lists the most important and significant issues associated with small scale driftnetting as being:

- *fisheries with a high risk of incidental takings of strictly protected species, with nets operating close or at the water surface which is a sensitive area for several air-breathing animals, such as the marine mammals, sea turtles and some sea-birds*
- *lack of common standardized technical specifications in terms of gear characteristics and spatial range of fishing operation that create different treatments among fishers*
- *no specific obligations to ensure a proper control and scientific monitoring of the fisheries concerned (no vessels position systems; no log-book; no designated ports; no compulsory fishing authorizations)*
- *high-demanding costs, both financially and in human resources and means, to ensure a proper control and monitoring of these small-scale atomized and seasonal fisheries*
- *high risk of resurgence of problems of non-compliance with UNGA resolutions and RFMOs binding obligations with negative effects on the activities of legal fishing fleets and the image of Europe.*



Most of the infractions of this legislation are, significantly, associated with the high economic returns of large pelagic species (i.e. tunas in the Mediterranean), and not the low economic returns associated with artisanal fisheries in UK waters.

Whilst driftnetting might well pose some environmental risks at this scale, they are not felt to be significant enough on occasion to prohibit certain fisheries from becoming certified as sustainable by the Marine Stewardship Council (MSC).

One of the first certified fisheries in the UK was the Thames and Blackwater Herring Fishery, which operates solely as a driftnetting practice. There are concerns about the rigour with which MSC undertook this certification but it remains certified to this day.

Other driftnet fisheries have been certified, such as the Hastings Pelagic Fleet Driftnet Fishery and the sardine fishery in Cornwall. The MSC has also undertaken a pre-assessment in all but name of all inshore fisheries around the UK, through **Project Inshore** and this has shown that, of the 16 driftnet fisheries operational within the sector, 6 would be put forward as recommended to go for a full assessment. This suggests that environmental concerns associated with small scale driftnetting can be minimised and mitigated for where possible.

Research quoted by the FAO in their world-wide review of the impacts of driftnet fishing pointed towards some potential interactions with harbour porpoise (23) in the UK, but this refers to a time when there were over 100 boats operating a salmon fishery in Northern England, a fishery which is a fraction of this size now. Even in its heyday, entanglement rates were thought to be in the order of up to 6 porpoises a year, most of which were returned alive to the sea (23).

It has also been stated that the spatial and temporal nature of the protected species – i.e. their residence in any one location, may mean that they are never present when driftnets are being deployed. Certain concerns remain in this area, however, and it should be noted that the MSC has suggested that there are significant challenges facing some driftnet fisheries that might prohibit them from receiving full certification. Of the environmental concerns that it mentions, Project Inshore (17) states that conditions are likely to be placed on fisheries to comply with before certification could be made on issues surrounding Endangered, Threatened and Protected (ETP) species interactions e.g.:



Table 2: Extract from **Project Inshore** on concerns associated with driftnet gears and their interactions with Endangered, Threatened and Protected (ETP) species

#### 2.3.1 ETP Status

Very few data are available and these gears are not very species selective. There are known interactions with a wide range of fish, skate and ray, invertebrate and bird species. Cetaceans and seals may also suffer from interactions. Difficult to determine whether fishery impacts are highly likely to be within national and international requirements for the protection of ETP species.

#### 2.3.2 ETP Management

A small number of measures are in place to manage impacts on ETP in some IFCA's and at a higher national / EU level. However, no ETP management strategies (using the MSC definition) are in place for any fisheries. Management strategies should be designed to manage the impact of the fishery on the ETP component specifically (GCB3.3).

#### 2.3.3 ETP Information

Poor understanding of the precise level of impact in terms of outcomes. There is general understanding of the potential of gears to interact with ETP species however it is quite likely that this is very variable depending on many factors including temporal and spatial issues, gear characteristics, manner of deployment etc. Accordingly these uncertainties are likely to make scoring of issues SG8ob complex and will require specific information.

*Taken from the Project Inshore [MSC Pre-Assessment Database Report](#) for North Sea Autumn Spawning Herring fisheries*



## A Critique of the Impact Assessment

The Impact Assessment puts forward some interesting arguments for the imposition of a full ban, but this may be seen as a misinterpretation of their own research and legislation. The primary baseline for a lot of their thinking is the revised Common Fisheries Policy (although not necessarily the new requirement for Regionalised decision-making).

The IA refers frequently to the Treaty on the Function of the European Union (TFEU), particularly Article 11 which calls for the integration of the environment in to the definition and implementation of policy. They also site the need to apply the Precautionary Approach as defined through the CFP (18), together with the need for an ecosystems based approach to fisheries management. Also of importance and a driver for change is the Marine Strategy Framework Directive (MSFD) (19).

The specific objectives of the proposal are drawn as being:

1. To address and eliminate any possible persisting environmental and conservation problems related to the use of small-scale driftnets in relation in particular to marine mammals, marine reptiles and seabirds.
2. To address and eliminate shortcomings in the EU legal framework that may undermine implementation and weaken control and enforcement putting at risk proper implementation by Member States (e.g. scope including the newly described trammel-driftnets) and EU compliance with international obligations.
3. To contribute to the objectives and targets for "good environmental status" as established under the Marine Strategy Framework Directive (MSFD) as well as other conservation legislation such as the Habitats Directive

It can be argued that objectives 1 and 3 are not necessarily served by the proposal as they simply treat this issue in isolation and do not adequately consider any wider impacts of gear diversification for fishermen forced to change their habits. It is clear, however, that they would deliver significant benefits if applied solely to the Mediterranean.

## Precautionary Approach

The precautionary approach is applied through a full ban, but the application of this principle needs to be proportionate if the ecosystem-based approach is also going to be applied, as well as the need for Regionalisation as defined within the CFP.



## Ecosystem-based approach

Little understanding has been applied about the nature of the UK fisheries where, operating under a patchwork of fishing methods, this way of life – delivering sustainable seafood through low-impact small-scale operations – is threatened should one element of their fishing opportunities be removed. These fisheries are analogous with the small scale and artisanal fisheries found at subsistence levels within developing countries. An opportunistic approach is taken to fishing but the economic and environmental impacts of these fisheries is minimal. The social implications of undermining these fisheries is of far greater concern and therefore the application of the ecosystems-based approach is, in this case, perhaps flawed.

## Policy Option 3 – Selected ban

The IA appears to admit in this section that it needs a full and detailed assessment and description of driftnet fisheries across the EU – something that perhaps needs to be done before such a ban can be justified in order to more accurately assess the true impacts that such fishing is having, and consequently, such a full ban would have. During interview, some fishermen have stated this as a concern as they have never been properly studied with regard to their practices (Steve Perham, pers.comm.)

## Policy Option 4 – total ban

It appears to be a simple conclusion to make to say that a full ban addresses all the current inherent weaknesses of the system. It states that persisting environmental issues will be addressed, but makes no attempt at assessing the knock-on impacts such a ban would have in smaller fisheries where effort might focus on more threatened stocks or cause a great pressure on fisheries when it has been widely accepted that diversification is a key component to sustainable fisheries.

A ban would undermine the inshore fleets of the UK to such an extent that, just as such fishing vessels are being held up as models for sustainable practice within the CFP, one of the key fishing methods at their disposal is potentially being taken away. This does not represent joined-up thinking on the support and promotion of inshore fishing.



## Economic impacts

The IA directly states that the potential socio-economic impacts of the proposed ban **are so small as to be irrelevant**, which again flies in the face of the spirit of both the CFP, the need for Good Environmental Status of the MSFD and the requirement for participative justice on environmental issues as enshrined through the Aarhus Convention of 1998 (21).

The Commission's Explanatory Memorandum accompanying the proposal states that: "*For the fleets where the data are available such as the UK vessels the total value of small scale driftnets, for around 250 vessels, represent 0.14% of the total value of UK landings in 2011.*" and then later asserts that "*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.*" Ideally, however, the impact would need to be disaggregated to port/community and fully understood before such a conclusion can be drawn (Roy Smith, pers.comm.).

The wording of the IA could be seen as being insensitive and inflammatory as the income generated by small scale polyvalent fishing methods is anything but irrelevant to those fishers who prosecute such methods. Remove one element of these fisheries, especially in areas where other legislation has already significantly reduced fishing opportunities, and the whole operation is jeopardised.

## Environmental Impacts

The case for the ban has been based largely on the need to reduce environmental impacts associated with driftnets, regardless of their scale. The impacts of the small scale fishers has never been adequately proven – largely due to the issues outlined above about the difficulties with monitoring these fleets in general, so to make the assumption that a ban would improve environmental conditions towards "Good Environmental Status" seems to be an as-yet unproven assumption.

Communication with Defra (Roy Smith) has shown that these suppositions are not entirely well founded. I have reproduced a personal communications from Roy Smith in full below in order to clarify this as he sums the issues up as well as is needed here:

*"For the waters around the UK (North Sea and western waters) the current EU cetacean by-catch regulations (812/2004) target controls on bottom set*



*gill and entanglement nets, which is where the related by-catch has been an issue, rather than driftnets per se. Banning all driftnets in this context presupposes that the resulting move to alternative gears in these fisheries will present a better by-catch profile, which is not necessarily the case. While all métiers need ongoing management measures to mitigate unwanted cetacean and other protected species by-catch, a complete ban on driftnets is only one potential mitigation option – the Commission has not explored alternatives. Further, UK fisheries cetacean by-catch monitoring and reporting suggests a move from driftnets to alternative gillnet/trammel net fishing methods would not necessarily result in lower overall cetacean by-catch.”*

Whatever the extent of environmental issues with small scale driftnets in the UK, it is well understood - and was often repeated by interviewees - that the UK fisheries of interest here for bass, herring and salmon etc. do not have the serious by-catch issues present in the Mediterranean and other fisheries that the Commission is looking to address.

### Assessment matrix – SWOT analysis of policy options

The IA undertook an assessment matrix of the different policy options based on a Strengths, Weaknesses, Opportunities and Threats (or SWOT) type approach. Policy Option 4 – the total ban – comes out as a clear winner in this analysis but then Policy Option 3 also comes out as a clearly positive approach to take whilst embodying the need for a more regional approach to fisheries management as enshrined within the reformed Common Fisheries Policy.



## Statistical Analysis of Current UK Drift and Fixed Net Fisheries

The EU Commission's consultation and subsequent Impact Assessment commented that small scale driftnet fishing is "irrelevant" in economic terms. Statistically this may be the case when compared to fishing effort and income overall in the EU, but at the regional and local scale this is far from the case.

We have extracted data from various UK data sets to help illustrate the significance of drift and fixed net fisheries to the UK small-scale sector, but the fact that these closely related yet separate fishing methods are often lumped together for recording purposes makes any definitive statistical analysis difficult at this stage.

It is surprising, therefore, that the EU is prepared to make a judgement call on the nature, extent and value of driftnet fishing when it has so far been impossible to adequately define these characteristics.

We are using information supplied to Europe by Defra, and data gathered by both the Marine Management Organisation, the Sea Fish Industry Authority as well as local Inshore Fishing and Conservation Authorities to build a clearer picture of the extent and nature of driftnet fishing in the UK.

It will be useful to set the scene by re-showing the data submitted by Defra to the EU consultation process in 2013. This is reproduced in full below with kind permission of Defra (Roy Smith, pers.comm.)

In addition to the figures above, for registered sector boats, further communication with Roy Smith of Defra has shown that, for the purposes of a complete statistical analysis, the under 10m driftnet fisheries in 2012 can be considered as being:

<b>Total vessels drift and fixed nets (Under 10m) 2012:</b>	250
<b>Total Catch drift nets 2012:</b>	914 tonnes
<b>Total value of drift net landings 2012:</b>	£830,600



Table 3: UK Administration response to EU consultation – submission of data  
(Thanks to Roy Smith, Defra, for providing us with this information):

Area	DCF	Gear	Target species	No. of vessels involved in the fishery for target species	Value of target species	Total Value of fishery	Landings of target species (tonnes)		Other species taken in fishery and related comments
English Channel (Area VIIde)	GND	Driftnets	Pilchards, Bass, Herring, Mackerel	94	£262,229	£331,565	Pichards Bass Herring Mackerel	335 7 95 17	Anchovy, Bycatches of demeral stocks
Central North Sea (ICES Area IVb)	GND	Driftnets	Sea trout Salmon	4	£50,367	£51,694	Sea trout Salmon	3 5	Haddock
Southern North Sea (ICES Area IVc)	GND	Driftnets	Bass, Cod, Herring, Sole, Skates & Rays	88	£286,527	£317,175	Bass Cod Herring Sole Skates & Rays	14 14 31 15 12	Black seabream, Brill, Mackerel, Mullet, Smoothhound, Whiting

*Landings attributed to driftnets in the Celtic Sea are minimal (2t by 8 vessels). Raw data for the Irish Sea suggests very low landings of 3 species. No landings are attributed to driftnets in the West of Scotland.*

Of the fisheries above, a few are certified as sustainable by the Marine Stewardship Council (MSC). For example the Hastings Pelagic Fishery for herring, the Mourn fishery for herring and the Cornish sardine or pilchard fishery. The Cornish pilchard fishery made up 2/3 of the total tonnage in 2012 from UK driftnet landings of 660 tonnes and £200,000 value (Defra, pers.comm.). The other fisheries, although not tremendously financially significant (commercially), remain central to the communities and their way of life.

Driftnet fishing often represents a critical piece in a patchwork of methods used to make a living, and take one piece of this patchwork away and the whole way of life becomes unviable. Jobs are lost, communities are jeopardised and the whole continuum needed to



support the low-impact fisheries is drastically and perhaps –irreparably damaged. These are the very fisheries that the Commons Fisheries Policy (CFP) seeks to support and promote so this proposed ban appears to be counter to the spirit of the reformed CFP on this issue.

Income is also undermined from the knock-on impacts associated with wider tourism to an area, for example the herring and seafood festivals that occur around the coast rely on a thriving local fleet to supply the flavour and atmosphere in more ways than one. Without a herring fleet, the Clovelly and Hastings herring festivals respectively would be no longer, and the tourism ‘offer’ of these places would be damaged.

### Driftnetting for pelagic, demersal and shellfish

Drift and fixed-netting take place across a range of zones with the marine environment – both pelagic and demersal. They are also used to catch shellfish. Fisheries statistics from the Marine Management Organisation for the UK show that driftnetting for pelagic species outweighs 3:1 driftnet fisheries for demersal species, however, but that demersal species are nonetheless an important component of this fishery. This can be seen in **table 4** below.

**Tables 5 – 8** are reproduced as extracts and summaries of information found within the 2011 Economic Survey of the Fishing Fleet (2), where it can be seen that small scale drift and gill nets represent one of the most profitable, economic and sustainable (in the broadest sense) forms of fishing in the UK, with an average income per boat deploying these gears types as being around £40,000. This is not an “irrelevant” income for the families that rely on every penny in these coastal communities.

Undermining this segment of the industry would be to remove the ‘jewel in the crown’ of our fishing effort and the segment most applauded across Europe as being an example of how sustainable fisheries can be pursued.

Throughout the statistical analysis below, it needs to be borne in mind that disaggregating data for driftnetting from gill and other fixed-netting efforts is very difficult as the two types of gear are often deployed by the same boats, and the same nets might be used, just in a different fashion. The data are therefore aggregated together at source and are almost impossible to separate. It can be taken, however, that driftnetting represents a fundamental part of the incomes for the majority of these boats – this is often small in total but critical to the economic viability of such fisheries.



Table 4: Landings into the UK and abroad by UK vessels by gear used: 2012

Source: Fisheries Administrations in the UK

	Pelagic:		Demersal:		Shellfish:		Total :	
	Quantity ('000t)	Value (£ million)						
Beam trawl	17.9	39.2	..	..	5.2	10.6	23.1	49.8
Demersal trawl/seine	128.2	176.4	294.8	203.1	46.2	117.0	469.2	496.5
Dredge	..	1.1	..	..	53.6	66.7	53.9	67.8
Pelagic seine	..	..	0.7	0.6	..	..	0.8	0.6
Other mobile gears	..	..	..	..	2.3	1.9	2.3	2.0
<b>Total Mobile Gears</b>	<b>146.4</b>	<b>216.7</b>	<b>295.5</b>	<b>203.7</b>	<b>107.3</b>	<b>196.3</b>	<b>549.2</b>	<b>616.6</b>
Drift and fixed nets	9.3	28.1	4.4	1.3	0.8	1.6	14.5	31.0
Gears using hooks	6.3	16.1	2.1	3.4	..	..	8.5	19.7
Pots and traps	..	..	..	..	52.7	98.1	53.0	98.4
Other passive gears	..	..	..	..	1.8	4.6	1.8	4.6
<b>Total Passive Gears</b>	<b>15.8</b>	<b>44.5</b>	<b>6.6</b>	<b>4.7</b>	<b>55.5</b>	<b>104.5</b>	<b>77.8</b>	<b>153.7</b>
<b>Total All Sectors</b>	<b>162.2</b>	<b>261.2</b>	<b>302.1</b>	<b>208.4</b>	<b>162.8</b>	<b>300.8</b>	<b>627.0</b>	<b>770.3</b>



Table 5: Average income for <10m fishing vessels reliant on drift and fixed nets

Segment	Number of vessels		Average fishing income (£)		Average days at sea	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	286	246	41,000	39,600	87	86

These incomes represent an average for the year per boat, and are a critical component of the small scale fleet. Often a boat will be operated by up to three fishermen and each will need to make a living wage. All three fishermen will represent families and social cohesion within surrounding communities and their existence must not be trivialised as was evident in the Impact Assessment quoted earlier in this report.

Table 6: Average landings and income per day for <10m driftnet boats in the UK

Segment	Landings per day (tonnes)		Price per tonne (£)		Income per day (£)	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	0.24	0.22	1,964	2,093	471	460

There is a higher price premium placed on the catches from these boats as the fish are often felt to be of better quality with less damage as a result of the way they are caught. This price premium is one reason for the good profit margins seen from the tables below.



Table 7: Average operating profits for small-scale boats reliant on driftnetting

Segment	Operating profit		Operating profit margin		Net profit margin	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	14,300	13,800	32%	32%	24%	-

Small scale driftnetting boats bring in the second highest profit margins of all 28 segments of the fisheries that were included in this study. This compares very favourably with the loss-making beam trawlers of the North Sea, who have negative operating profit margins of -46%. Bearing in mind the wider environmental impacts associated with beam trawling it seems unwise, from a sustainability point of view, to undermine small-scale fishers by removing the option to driftnet.

Table 8: Fuel consumption and relative efficiency of fishing operations

Segment	Annual operating costs		Operating costs as % of income		Fuel costs as % of income	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	30,800	29,700	68%	68%	11%	12%

The very low operating costs as a percentage of income compared to the rest of the fleet should be noted. 12% is the second-lowest percentage of income, bettered only by hook and line fishers, as the driftnet boats are not towing large and fuel-costly nets. Again the sustainability credentials of this type of fishing needs to be borne in mind if the precautionary approach to fisheries management as enshrined within the CFP is to be taken in its fullest meaning.



Table 9: Fuel costs per day for small scale driftnet boats.

Segment	Fuel costs		Fuel costs per day (£)		Litres per day	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	5,000	5,100	57	59	104	105

The overall environmental credentials of driftnet fishing show that they are responsible for lower carbon emissions, have a better carbon footprint and more economical engines than their larger counterparts.

### Detailed statistical analysis of UK driftnetting

Using data from the Marine Management Organisation, as submitted to Eurostat, an even more compelling case for the economic importance of driftnet fishing can be built up.

**Table 10** show how many small scale boats are in operation around the coasts of the UK, with a combined total of **5,032 vessels under 10m** being deployed compared to an overall fishing fleet in the UK of **6,406** in 2012.

Drift and gillnetting occurs at a range of scales across the UK, however, and **table 11** shows the total value of all drift and gillnet boats to the UK across all size categories. This approximates to **£31million in 2012**. Of this, **table 12** shows that approximately **£12million** can be attributed to vessels under 10m in length.

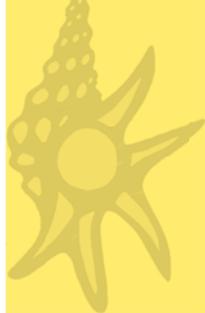


Table 10: EU fishing fleet by vessel length and member state: 2012 (a)

Number of vessels							
Overall length	8.00m and under	8.01 - 10.00m	10.01 - 15.00m	15.01 - 18.00m	18.01 - 24.00m	Over 24.00m	Total
Belgium	-	-	11	19	65	117	212
Denmark	1,713	437	306	119	96	72	2,743
Finland	2,395	589	210	13	13	21	3,241
France	3,672	1,524	1,186	252	314	195	7,143
Germany	980	170	137	120	90	54	1,551
Greece	11,159	3,383	863	129	263	213	16,010
Ireland	1,297	383	336	24	95	114	2,249
Italy	6,497	1,441	3,107	504	824	383	12,756
Netherlands	220	88	67	25	199	251	850
Portugal	6,451	721	591	138	162	206	8,269
Spain	5,336	1,302	1,458	429	738	852	10,115
Sweden	631	344	294	31	47	47	1,394
United Kingdom	3,474	1,558	695	193	243	243	6,406
<b>Total EU15</b>	<b>43,825</b>	<b>11,940</b>	<b>9,261</b>	<b>1,996</b>	<b>3,149</b>	<b>2,768</b>	<b>72,939</b>
Bulgaria	2,006	179	125	25	20	11	2,366
Cyprus	698	284	74	6	5	8	1,075
Estonia	999	230	93	3	4	31	1,360
Latvia	565	57	13	11	3	66	715
Lithuania	87	10	11	-	1	39	148
Malta	812	93	75	10	36	11	1,037
Poland	259	214	182	47	47	49	798
Romania	157	11	24	-	1	2	195
Slovenia	130	18	21	4	1	-	174
<b>Total EU27</b>	<b>49,538</b>	<b>13,036</b>	<b>9,879</b>	<b>2,102</b>	<b>3,267</b>	<b>2,985</b>	<b>80,807</b>

Source: Eurostat, Marine Management Organisation

(a) No data available for member states Austria, Czech Republic, Hungary, Luxembourg and Slovakia



**Table 11: Total value of all drift and gillnet fisheries in the UK 2012**

Gear type	Total Months effort	Sum of Value (£)
Beam trawl	70638	49,769,821
Demersal trawl/seine	339579	496,479,600
Dredge	25380	67,791,784
<b>Drift and fixed nets</b>	<b>69789</b>	<b>30,988,148</b>
Gears using hooks	23194	19,705,957
Other mobile gears	550	1950,388
Other passive gears	3233	4,601,278
Pelagic seine	55	612,819
Pots and traps	51060	98,439,121
Unknown	56	8,067
<b>Grand Total</b>	<b>583534</b>	<b>770,346,989</b>

(Source: Marine Management Organisation table ICES rectangle 2012)

**Table 12: Landings by gear type and vessel size for the UK in 2012**

Gear type	Total Months	Sum of Value (£)
<b>10m&amp;Under</b>	<b>135670</b>	<b>97,187,685</b>
Beam trawl	1238	264117
Demersal trawl/seine	41033	14,306,735
Dredge	6785	6,999,021
<b>Drift and fixed nets</b>	<b>37053</b>	<b>12,055,191</b>
Gears using hooks	16225	4,399,499
Other mobile gears	39	27
Other passive gears	2423	3,301,212
Pelagic seine	22	1,612
Pots and traps	30852	55,860,268
<b>Over10m</b>	<b>447864</b>	<b>673,159,304</b>
Beam trawl	69400	49505704
Demersal trawl/seine	298546	482172865
Dredge	18595	60,792,763
<b>Drift and fixed nets</b>	<b>32736</b>	<b>18,932,957</b>
Gears using hooks	6969	15,306,458
Other mobile gears	511	1,950,360
Other passive gears	810	1,300,065
Pelagic seine	33	611,207
Pots and traps	20208	42,578,853
Unknown	56	8,067
<b>Grand Total</b>	<b>583534</b>	<b>770,346,989</b>

(Source: Marine Management Organisation table ICES rectangle 2012)

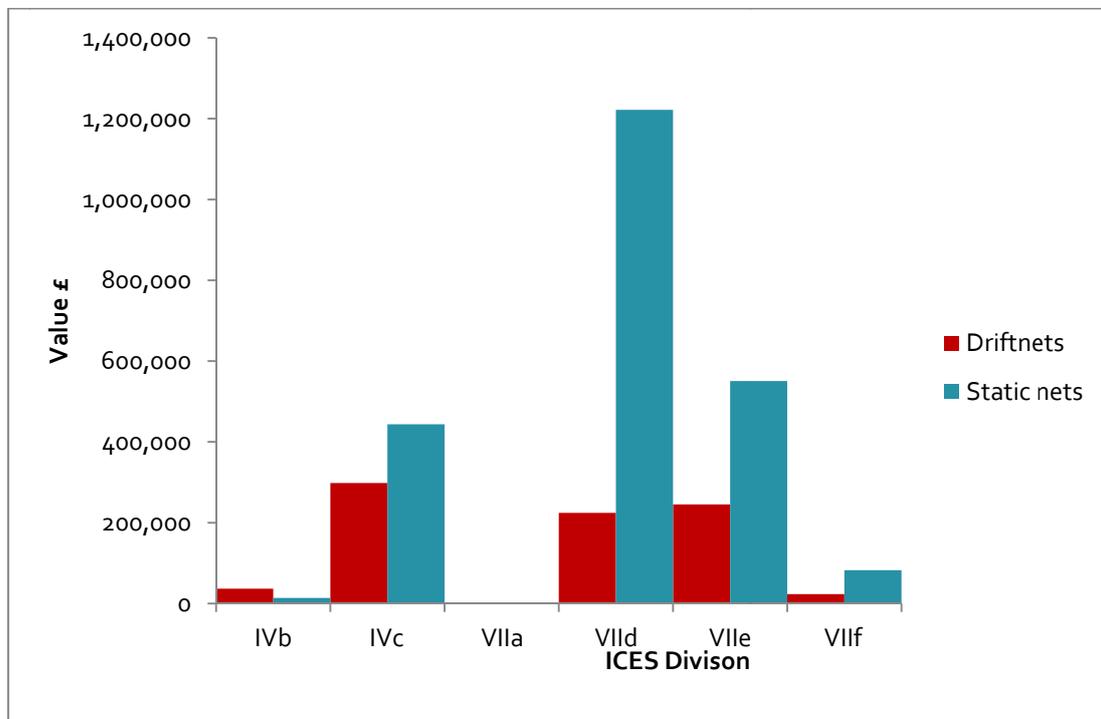


## Driftnet fisheries by ICES fishing area

When considering which areas of the UK fishing fleet are going to be most impacted by a total ban, analysis of catch value by fishing area and season is useful. The following tables and figures work on original data supplied by the MMO and show clearly those areas around our coasts that are going to be most impacted by such a ban.

**Table figure 13** shows those ICES areas most at risk from this ban, and it needs to be borne in mind that gillnets might also be impacted as the ban includes the intention to prohibit the “*stowing of all nets that have the potential to drift*”. Greater clarification on this matter is needed. **Table figure 14** shows how the impacts might be felt in all ICES areas, when considering all potential landings from drift and gillnets. It can be seen that these types of nets and this type of fishing can capture a very wide range of species when used appropriately.

Table figure 13: Drift and gillnet landing values by ICES Area in the UK 2012 for vessels that report some driftnetting

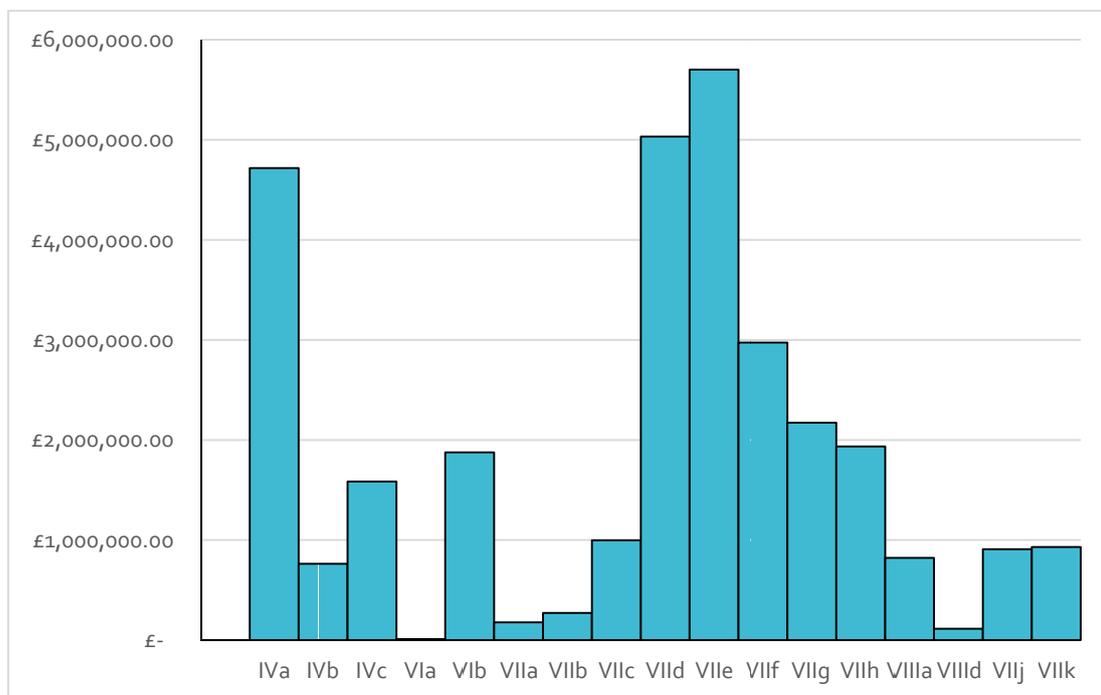


Source: Marine Management Organisation ICES rectangle 2012)



Driftnet fisheries are also highly seasonal. **Table figures 18(a) – 18(e)** show just how seasons these fisheries are, and aggregates driftnets alongside other gears. These species have been selected to illustrate seasonality but do not represent an exhaustive list.

**Table figure 14:** Combined Value of UK landings for drift and gillnets by ICES area; pelagic, demersal and shellfish in the UK 2012



Source: Marine Management Organisation ICES rectangle 2012)

### Segment-specific data

Looking at segment-specific data economic data as supplied to the Scientific, Technical and Economic Committee of the European Union (STECF), it can be seen just how significant UK small scale drift and fixed net fishing is. Unusually, the EU Commission will have had access to this information during the consultation process and subsequent proposal – but it appears to have been ignored or discounted. **Tables 15(a) to 15(c)** show in detail the relative economic performances of this type of fishing in the UK up to 2012.



Table 15(a): Segment data for under 10m drift and/or fixed nets in the UK  
(estimated for 2013 – combined data)

Segment : Under 10m drift and/or fixed nets							
	2007	2008	2009	2010	2011	2012	2013
Active vessels	215	228	238	248	286	256	247
Power (kW)	17,391	18,048	19,193	20,777	21,866	21,159	19,240
Registered Tonnage (GT)	1,109	1,159	1,221	1,301	1,365	1,245	1,228
VCU	11,916	14,130	15,516	16,058	17,227	16,199	15,467
Landings (Tonnes)	4,872	5,317	4,918	5,534	5,976	4,679	4,463
Fishing Income (£)	8,776,900	9,474,300	9,852,700	10,312,300	11,728,800	10,109,600	9,759,800
Days at Sea	21,956	23,334	22,341	22,535	24,880	21,745	20,750

Table 15(b): Segment data for under 10m drift and/or fixed nets in the UK  
(estimated for 2013 – average per vessel)

Segment characteristics - Average per vessel							
Segment : Under 10m drift and/or fixed nets							
	2007	2008	2009	2010	2011	2012	2013
Length (m)	8.0	8.0	8.0	8.0	7.8	8.0	8.0
Power (kW)	81	79	81	84	76	83	80
Registered Tonnage (GT)	5	5	5	5	5	5	5
VCU	55	62	65	65	60	64	63
Landings (Tonnes)	23	23	21	22	21	18	18
Fishing Income (£)	40,800	41,600	41,400	41,600	41,000	39,500	39,500
Days at Sea	102	102	94	91	87	85	84
Vessel Age	18	17	19	18	19	19	21
Average Fuel Consumption per Day at Sea (Litres)	94	105	109	110	104	105	98
Landings per Day at Sea (Tonnes)	0.22	0.23	0.22	0.25	0.24	0.22	0.22



Table 15(c): Segment data for under 10m drift and/or fixed nets in the UK  
(estimated for 2013 – income average per vessel)

Income, costs, profit (£) - Average per vessel							
Segment :	Under 10m drift and/or fixed nets						
	2007	2008	2009	2010	2011	2012	2013
Active vessels	215	228	238	248	286	256	247
Fishing Income	40,800	41,600	41,400	41,600	41,000	39,500	39,500
Non Fishing Income	5,400			2,500	4,000	3,300	3,300
<b>Total Income</b>	<b>46,200</b>	<b>41,600</b>	<b>41,400</b>	<b>44,100</b>	<b>45,000</b>	<b>42,700</b>	<b>42,800</b>
Fuel	3,500	4,900	3,600	4,000	5,000	5,000	4,500
Crew share	12,100	14,400	14,900	13,700	11,800	8,400	8,500
Other Fishing Costs	5,700	3,300	3,600	6,500	6,700	6,800	6,800
Total Fishing Costs	21,300	22,500	22,200	24,200	23,500	20,200	19,900
Total Vessel Costs	9,000	6,800	7,900	7,300	7,300	6,700	6,700
Total Costs	30,200	29,300	30,100	31,500	30,800	26,900	26,600
<b>Gross Value Added</b>	<b>28,100</b>	<b>26,700</b>	<b>26,200</b>	<b>26,300</b>	<b>26,100</b>	<b>24,200</b>	<b>24,700</b>
<b>Operating Profit</b>	<b>16,000</b>	<b>12,300</b>	<b>11,300</b>	<b>12,600</b>	<b>14,300</b>	<b>15,800</b>	<b>16,200</b>
Depreciation	1,900	2,700	1,500	2,200	2,000	2,500	
Interest	800	1,400	500	400	400	200	
Other Finance Costs			500	1,300	1,100	1,800	
<b>Net Profit</b>	<b>13,300</b>	<b>8,200</b>	<b>8,900</b>	<b>8,700</b>	<b>10,800</b>	<b>11,200</b>	



# Views of the EU proposal to ban driftnet fishing in the UK

## Summary

It is fair to say that there is near universal condemnation of the proposed ban with the UK, and the small scale fishermen as well as NGOs and fisheries managers are mobilising to lobby for it to be removed. There are a range of current actions ongoing, but amongst these are:

- Online e-petition at [e-petitions.direct.gov.uk](http://e-petitions.direct.gov.uk) (Wales)
- Lobbying MPs and MEPs, writing to EU Commissioner (West Mersea)
- Writing to MPs and MEPs (North Devon)
- Convening meetings with UKIP and fishermen to lobby against the proposal (West Mersea)
- A Letter of Consultation from Defra seeking alternatives and exemptions within the ban

When interviewing all concerned with small-scale fishing, one statement has been repeated again and again, that the ban is "...a sledgehammer to crack a nut". The ban is viewed as being entirely inappropriate and disproportionate for small scale fishermen – it would mean the end of many fishermen's livelihoods. It does not meet the EU's own guidelines for proportionality.

It is also being viewed as a poorly considered piece of legislation by the Commissioner Maria Damanaki (Jim Portus, pers.comm.) as she leaves office, and confirms people's worst fears about how decisions in Brussels are made. One saving grace is that the ban needs to go through the EU Parliament and therefore has the opportunity of being watered down. "*This is everything that is bad about the EU*" (Paul Trebilcock, pers.comm.)

It is important to remember, however, that as soon as the proposal was released by the EU, it cannot be changed in any substantive way unless and until they receive such instruction from the Council of Ministers and the EU Parliament. It will be "...interesting to see how the Member States square up to [the legislation] in Fisheries Council" (Euan Dunn, RSPB, Pers.comm.)



## Views from the Inshore Fisheries Conservation Authorities

We have been in contact with each individual Inshore Fisheries Conservation Authority (IFCA) in order to examine as closely as possible the inshore small scale driftnet fisheries under their jurisdiction. The following tables and descriptions capture those conversations and correspondences to this end and we are grateful to each IFCA for letting us reproduce this information here.

With the exception of the Isles of Scilly, driftnetting is prevalent around all areas of our coastline. Some areas rely on this type of gear more than others, and there are few such small scale fisheries in Scotland, but other than this driftnetting represents an essential tool for generating income through targeted catches at various times of the year.

**Table 16** compiles the overview of information from each IFCA area. Landings data have been impossible to compile with any great consistency and this information is included in the detailed assessments from each IFCA as it has been made available to us. This highlights on the main issues associated with driftnet fishing – the difficult to monitor and research extent and impacts due to inconsistent and inadequate recording techniques. Some IFCA have not had the resources to allow them to properly look at this type of fishing and trust to the application of various byelaws for 'fixed engines' (or nets) to ensure that the appropriate fisheries are being well managed.

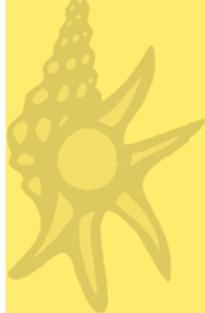


Table 16: Combined Inshore Fisheries Conservation Authority (IFCA) figures for Driftnetting in their regions 2012

Region (by IFCA where appropriate)	Number of Boats (approx.)	Fisheries	Months	Comments
Isles of Scilly	0	N/A	N/A	No driftnetting in the waters of the Isles of Scilly
Cornwall	6	Bass Grey mullet Mackerel Sardines	All year round  July - September	Driftnetting is very small scale and opportunistic – sardine fishery is MSC certified
Devon and Severn	20 boats	Grey mullet Bass Herring mackerel	Seasonal	Focused on estuaries and within 2nm. Small mesh nets with any by-catch easily removed
Southern	16 boats approx'			Very small fishery along the west Dorset coast and in Poole Harbour. People rely on driftnetting at certain times of the year.
Sussex	20 registered	Bass Herring Mackerel	All fisheries very seasonal	Enforcement wise they have detected no by-catch issues
Kent and Essex	50 different vessels	Herring Sprat Bass Cod Skate	seasonal	Thames and Blackwater herring fishery is MSC certified, as is Hastings herring fishery
Eastern	65 registered (Suffolk) 18 (essex) 2 (Norfolk) 100+ un-registered	Herring Sprat Mackerel Pilchard Bass Sea trout Horse mackerel Sole Cod Thornback ray	52 weeks a year Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal	For some fishermen driftnetting is their only form of fishing
North Eastern	10	Salmon and sea trout	1 <sup>st</sup> July through to September	Driftnets are being phased out by 2022
Northumberland	12	Salmon Sea trout	1 <sup>st</sup> June – 31 <sup>st</sup> August	Net limitation will end driftnetting in 2022
North Western	30 boats registered	Bass Cod Skate mullet	Summer Winter Winter summer	Operate a patchwork of methods to fill-in all fishing effort



Table 17: A summary of information received from the English Inshore Fishery Conservation Authorities on the subject of driftnet fishing

Isles of Scilly IFCA		
<b>Chief Officer</b>	Steve Watt	<b>Comments</b>  "I would like to confirm that there is no drift netting activity within the Isles of Scilly district. All our local boats are potters with three that combine potting with occasional static netting." (Steve Watt, pers.comm.)
<b>Number of Boats</b>	0	
Cornwall IFCA		
<b>Chief Officer</b>	Simon Cadman	<b>Comments</b>  There are approximately 6 with vessels driftnetting, with slight variation from year to year depending on fishing opportunities. They target mainly bass and grey mullet. Occasionally sardines. This happens at any time of year is possible for bass and grey mullet. Sardine (pilchard) fishing is more likely July to September. The Cornish IFCA does not collect fin fish statistics, however, whilst the number of boats which currently deploy drift nets is very low, the boats themselves are small, and the value of fish taken by drift nets will be miniscule in the overall value of commercial fish landings, it must not be forgotten that drift netting may contribute a significant proportion of the earnings of those fishermen involved. Regulation should be proportionate and targeted towards the real issue in the Mediterranean.
<b>Number of Boats</b>	Approx 6	
Devon and Severn IFCA		
<b>Chief Officer</b>	Tim Robbins	<b>Comments</b>  Best guess around 20 boats mainly for grey mullet, herring and mackerel. These are mainly summer months for grey mullet, same for herring when the shoals appear. There is currently a ban on the use of nets in the Exe Estuary but no other control measures at present. Most boats are under 6m and therefore don't show on many statistics, sales info from the MMO would be the best bet. The small artisanal fleet using drift nets in this area have very little impact on species other than the targeted fishery, their ability to use this method of fishing for a couple
<b>Number of Boats</b>	Approx 20	



		<p>months of the year allows them to continue to be profitable, the removal of this fishery could tip the balance for small inshore fishing businesses forcing the fishermen to either give up and get out of the industry or to change to other methods for longer periods in the year putting greater pressure on other stocks through displacement. The stocks being targeted are non-quota species, the stocks appear healthy and there is little bye-catch, a total ban on this fishery would be highly damaging to some fishing businesses.</p>
Southern IFCA		
<p><b>Chief Officer</b></p>	<p>Neil Richardson</p>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• There are 475 registered vessels in the Southern IFCA District in total at this moment in time</li> <li>• 311 of these fishers 'net' in the District (netting may not be their primary gear type)</li> <li>• I'm afraid our database does not currently detail drift netting – however we hope to develop a more specific gear-type database in the near future</li> <li>• Mainly targeting: Sea bass, Pollack, Sole, Mullet, Herring</li> <li>• Other species caught include: Mackerel, Thornback Rays, Sea Breams, Cuttlefish</li> <li>• Throughout the year (but locations and species depends on target species' life cycles)</li> </ul>
<p><b>Number of Boats</b></p>	<p>Approx 16</p>	
Sussex IFCA		
<p><b>Chief Officer</b></p>	<p>Tim Dapling</p>	<p><b>Comments</b></p> <p>a very seasonal fishery with about 20 boats possibly; for bass, some for epipelagic species such as herring and mackerel; there is a restriction on mesh sizes for drift nets; we rely on MMO on license conditions, so in terms of bycatch we are aware of research by Aberdeen looking at bycatch - cetacean bycatch and birds but they have detected no bycatch issues; significant fishery for bass basically had historic fishery near shore, but now this has gone offshore outside 6 miles so changes have happened.</p>
<p><b>Number of Boats</b></p>	<p>Approx 20</p>	



Kent and Essex IFCA		
<b>Chief Officer</b>	Jane Heywood	<b>Comments</b>
<b>Number of Boats</b>	Approx 20	We have observed 50 different vessels between 2008 and 2013 fishing with drift nets in our district. Drift net fishing is of great economic importance with the majority of fishing in Essex and the Thames estuary being drift net fishing. In recent years, many vessels have changed from trawling to drift net fishing due to the increased cost of fuel to operate trawl boats and the decreased price of sole. The drift net fisheries operate all year round, with different species targeted at different times. The main species targeted are cod, herring, bass, skate, thornback ray and sprat. Harwich would be affected by an EU drift net ban.



Eastern IFCA		
<b>Chief Officer</b>	Ron Jessop	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• “Many boats are set up and only capable to be netting boats (lack of horsepower KW)</li> <li>• Many will go out of business as they are unable to diversify by selling boats for trawling boats (to many boats on the market will decrease value of boats)</li> <li>• Many fishermen have never trawled and have no idea how to its like chalk and cheese.</li> <li>• Could the sea sustain 65 extra trawlers trawling over the same ground?</li> <li>• Many grounds are only capable of being drift netted rather than other methods.</li> <li>• Many fishermen could be made redundant and many boats have a crew.</li> <li>• Has anyone thought on the savings on CO2 emissions? Trawling costs are mainly the diesel used whereas drift netting is emission friendly</li> <li>• Fishermen’s present response is – Its EU gone mad again they were told that the EU stated fishing was being controlled locally in the future and this has gone in reverse with this outrageous statement. They firmly believe it will not happen and are watching the articles appearing in Fishing News with interest believing this will be rescinded before the need for action.</li> </ul>
<b>Number of Boats</b>	Approx 60	<ul style="list-style-type: none"> <li>• Many have read the articles and say that what gets caught in the nets may happen in the Mediterranean but species such as turtles are not in UK waters and so this proposed should not occur in the UK. (There words not mine)</li> <li>• Investing in your business - One example is a full time fisherman has £24,000 worth of drift nets on order at the moment –what is he to do?</li> </ul>



		<ul style="list-style-type: none"> <li>Fishermen also have the threat of trawling being banned in our area</li> </ul>
North Eastern IFCA		
<b>Chief Officer</b>	David McCandless	<b>Comments</b>  NEIFCA has an emerging sea bass fishery which has increased in recent years. I would estimate 10 vessels are actively drift netting as part of a seasonal gear rotation targeting mainly sea bass within our district. There are also a couple of legacy salmon netters licensed within the district, and I would suggest you contact the Environment Agency for data on their landings. Effort is currently low and sporadic, however interest in the fishery is increasing with several operators looking at this fishery as a viable opportunity for diversification. NEIFCA doesn't currently segregate and record landings from drift netting, so I'm unable to provide any economic estimates
<b>Number of Boats</b>	Approx 10	
Northumberland IFCA		
<b>Chief Officer</b>	Alastair Browne	<b>Comments</b>  Here in Northumberland from the River Tyne to Holy Island we have 9 driftnet fishermen, who are entitled once they have paid for their licence to prosecute the Salmon and Sea Trout Fishery between 1 <sup>st</sup> June - 31 <sup>st</sup> August, Monday to Friday (fishing banned at weekends), Mon –Thurs 06.00 – 20.00 and Fri 06.00 – 18.00. They have to stay with their nets at all times, their nets cannot exceed 550m. The Environment Agency regulate the fishery, issuing licences, collecting and imputing log-sheet returns, issuing tags. All of the NIFCA Officers are cross-warranted and can enforce the EA's Byelaws as well as our own 'Fixed Engine' Byelaw 4. The EA have the landing figures. Regarding target species and non-target species in our experience's very little by-catch is caught in the fishermen's nets and what is caught if not wanted i.e. 'Cetaceans', Birds are released immediately, alive. Regarding catching as a by-catch small amounts of Bass if sized they are retained if undersize returned alive. A number of the 9 driftnet fishermen prosecuting this type of fishery up in Northumberland rely heavily on this short period of time to make up a large percentage of their yearly catch. Banning this completely will no doubt put extra pressure on other types of fisheries like potting. Lastly I'm not sure if the EU Commission has any idea
<b>Number of Boats</b>	Approx 12	



		that in 2012 Government through the 'Net Limitation Order' decided to put an end date of 2022 on the driftnet fishery on the North East Coast, and in the meantime any person wanting to retire or any person who dies whilst holding a licence, cannot transfer it to a next of kin or endorsee. drift netting, so I'm unable to provide any economic estimates
North Western IFCA		
<b>Chief Officer</b>	Steve Atkins	<b>Comments</b>
<b>Number of Boats</b>	Approx 30	<ul style="list-style-type: none"> <li>• There has been a universally negative response to the proposed ban</li> <li>• In almost all cases the basis for the objection is that the ban is aimed at a by-catch problems in a fishery in the Med that do not exist in the fisheries in the NW</li> <li>• The drift net fisheries main target species is Bass</li> <li>• The bass fishery is predominantly a summer fishery</li> <li>• The industry have indicated that the bass drift net summer fishery is an essential component of the annual cycle of fisheries that the vessels prosecute</li> <li>• In terms of byelaws we currently have old NW Sea fisheries committee and Cumbria Sea fisheries committee legacy byelaws which are currently under review. I have attached the current suite of byelaws.</li> </ul>

The seasonal nature, and the dependence on driftnet fishing at certain times of the year for those vessels using them, can be borne out further by **tables 18(a) – 18 (e)**. They show the proportion of catch per species that can be attributed to driftnets. Each table follows the same format, and shows how these catches change over the course of a year, from data accumulated over a 5 year period. We have only used ICES Division IVc to illustrate the seasonal dependence on driftnets but it can be assumed that a similar pattern would emerge for other ICES areas as well.

These tables have been generated from original Marine Management Organisation data, and source data can be provided on request.



Table figure 18 (a): Bass mean monthly catch

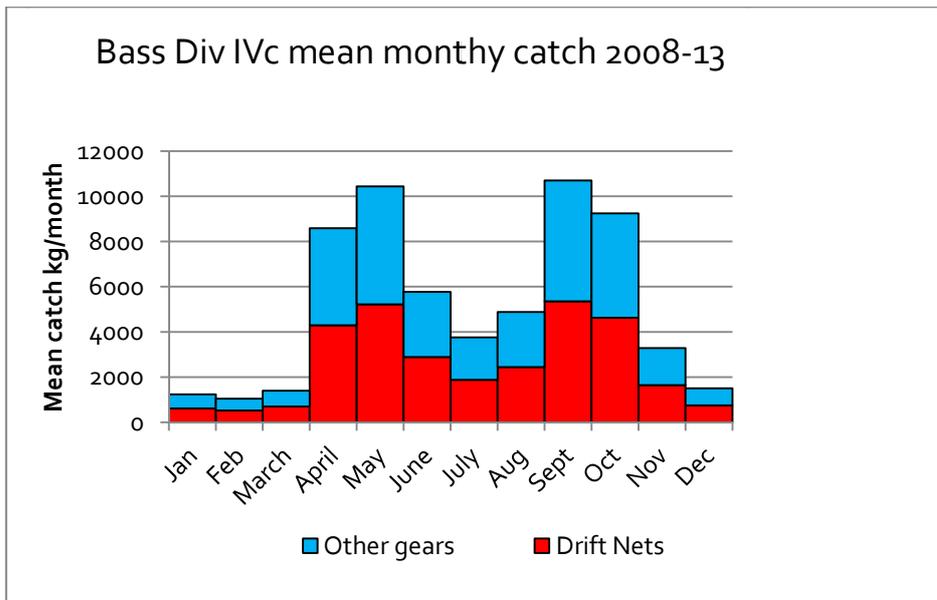


Table figure 18 (b): Cod mean monthly catch

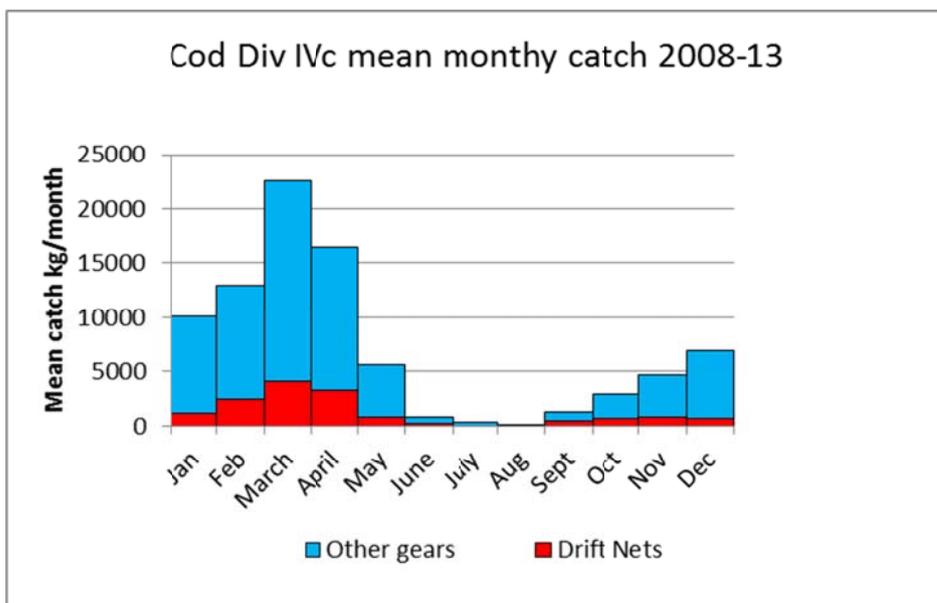




Table figure 18 (c): Skates and rays mean monthly catch

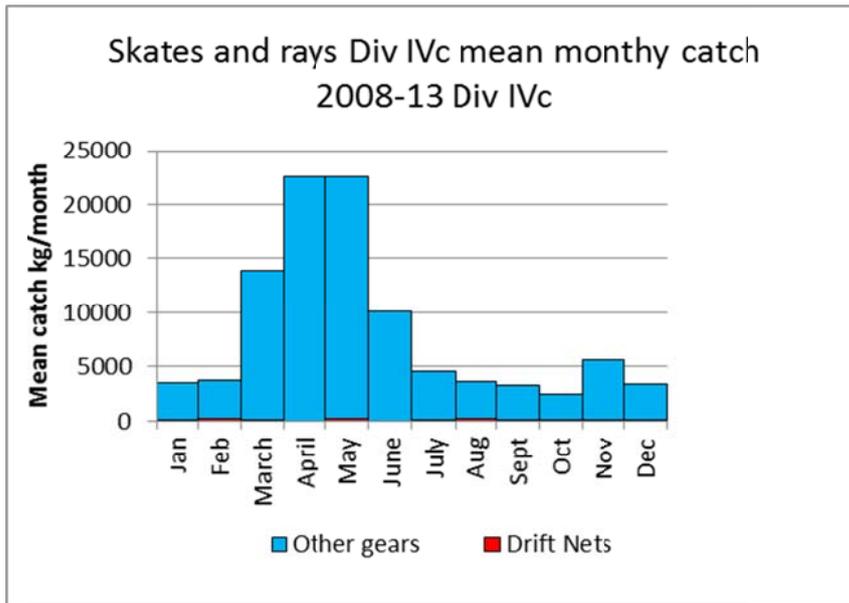


Table figure 18 (d): Herring mean monthly catch

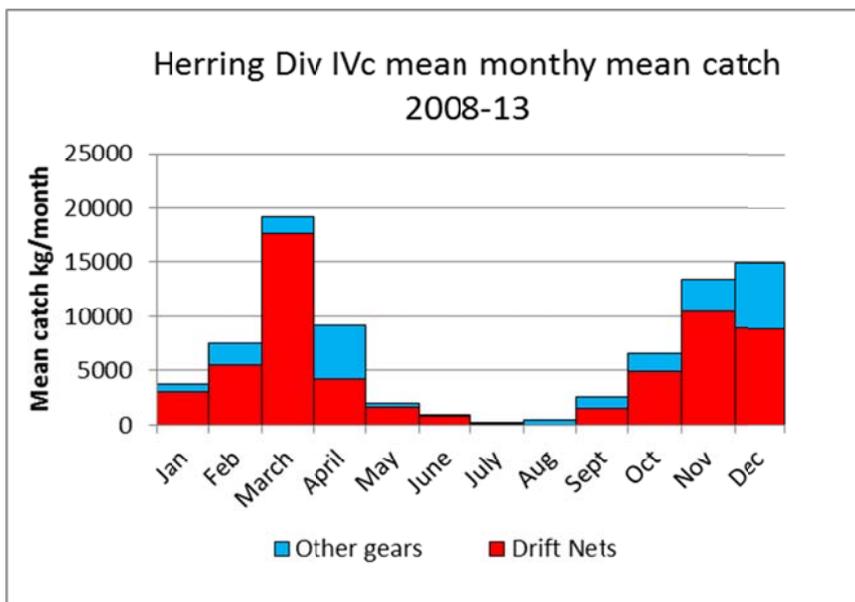
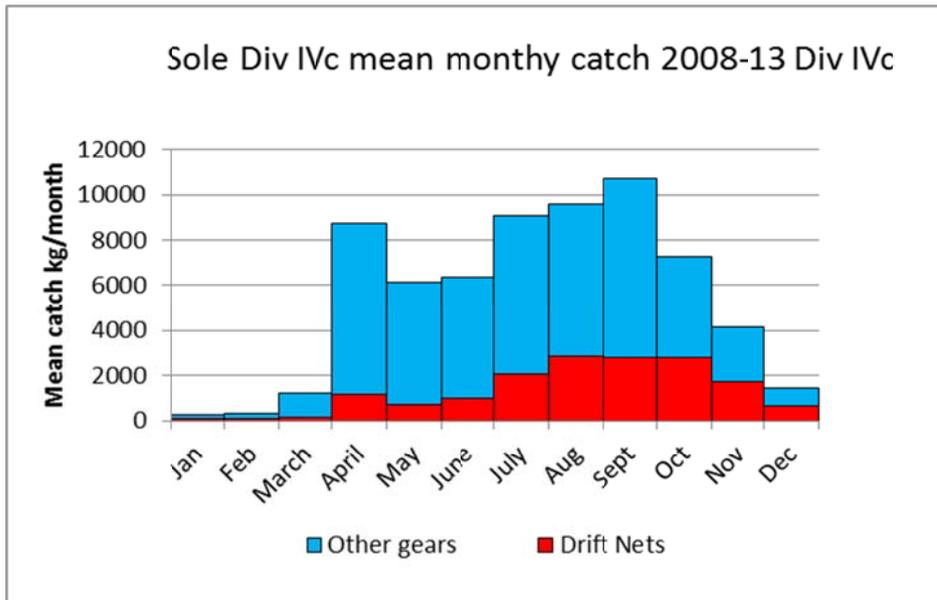




Table figure 18 (e): Sole mean monthly catch





## Views of the Fishing Industry

### 1. National Federation of Fishermen's Organisations (NFFO):

(With thanks to Barry Deas, Chief Executive of the NFFO):

*"The blanket nature of the ban has thrown up a surprising coalition of fishermen, scientists and conservationists looking to overturn this proposal, or at least recommend amendments and exemptions. The consultative process was flawed, and awareness of the consultation was almost nil in the UK. It needs to be scrutinised to see if EU has followed their own due process and executed best practice.*

*The main driver for the Commission's proposal for a blanket ban on drift-net fisheries appears to be the failure of Italy and perhaps other EU States in the Mediterranean, to enforce existing legislation prohibiting the use of drift nets for specific species like swordfish. Drift nets in some fisheries have high levels of bycatch of turtles, and cetaceans. Other drift net fisheries have insignificant levels of bycatch; The blanket ban, proposed by the Commission, if adopted, would close all of the UK small scale drift-net fisheries for herring, mackerel, sole, bass, salmon, sardine and mullet, some of which are certificated by the Marine Stewardship Council. None of these fisheries has a significant unwanted bycatch problem.*

*When the UK in the past has failed to implement EU legislation, the Commission has not been slow to instigate infraction procedures against the UK Government. We are at a loss therefore, to understand why the Commission is now reaching for additional legislation to address a specific problem in the Mediterranean, before it has exhausted the legal means available to it through infraction proceedings; especially when it is quite clear that this course will extinguish legitimate and sustainable small-scale fisheries in a number of member states.*

*The maximum financial penalties are not minor – up to £256,000 per year for each area of non-compliance. We have written elsewhere why moving away from this kind of blanket, one-size-fits-all-approach was one of the main strands in the recent CFP reform, yet here we are again having to fight off exactly the kind of legislation that has in the past delivered little, caused*



*massive collateral damage, created perverse incentives and generally earned the Common Fisheries Policy an appalling reputation for being ineffectual.*

*Although the EU Commission says that it launched a "web based consultation" on the proposed ban, very few people seem to have heard about it. Certainly the advisory councils have not had an opportunity to express an opinion. This in itself is a failure of good governance, in a matter of profound significance for a large number of small-scale fisheries."*

And, a regional perspective from the NFFO is:

(With thanks to Ned Clarke; NFFO North East Regional Chairman)

*"Our main Drift net fishery on the North East England coast are for Salmon and Sea Trout, with a total of 13 vessels that employ around 30 men from June 1st to Aug 31st. Seasons vary, and first sales landing for the fleet can be from around £200k to £400k. These are worth at least double that in sales to the ports involved.*

*The fisheries are characterized mostly by <10mtr inshore vessels, many of which are only used for this fishery. The fishery is highly regulated and licenced, with all fish tagged and log books policed. It has no bycatch issues and is considered a very clean fishery.*

*These fisheries are already subject to mandatory phase out and will close in 2022, which is more to do with politics and 'interceptory' netting policy.*

*It is an important cornerstone fishery for the fishermen involved, there are no other easy alternatives. It is also synchronised and is part of other beach based salmon and trout fisheries in the area. Given the licensing criteria and dynamics of the fishery it would not be possible to adapt fishing methods away from drift netting nor is it feasible for these vessels to move to other fisheries. The impact of a closure would have a detrimental effect on the whole NE coast fishing infrastructure. It is also important in a Cultural sense, as these fisheries have been going on for 100s of years."*



## 2. Fish Producer Organisations:

(With thanks to Jim Portus, Chief executive, South Western Fish Producers Organisation)

*"It needs to be pointed out to the EU that the environmental impacts associated with these fisheries are negligible compared to those seen in the Med. To suggest that the same focus is now needed on small scale fisheries in the UK is ludicrous. It appears that the Commission has misinterpreted its own research on this matter, with information on their own website suggesting that the initial proposal for a ban against large scale fishers was the correct one. Remnants of artisanal fishing around the EU are not causing a problem with charismatic species and responses need to be proportionate to the issues at hand. There needs to be due regard made to the social and economic impacts of the proposed legislation. Small scale driftnetting is well regulated by IFCA byelaws and other fishery management instruments where all nets must be attended at all times. There is an understanding that this ban cannot go ahead without the agreement of the Council of Ministers and Europeche are leading on influencing these ministers to get the ban reversed."*

(With thanks to Paul Trebilcock; Chief Executive Cornwall Fish Producers Organisation)

*"Drift netting tends to be small cove men or fishing off the beaches in open boats for bass, mackerel, herring and sardines. It is very dependent on what turns up along the coast, and there are no larger boats doing this....the decision will need to go through the EU parliament and will be no doubt watered down. I don't know the legislative timetable for this but the wider National Federation of Fishermen's Organisations (NFFO) is working to ensure that all UK and other MEPS that they have contact with will understand the issues at stake here."*

(With thanks to Dick James; Chairman Anglo-Northern Ireland FPO):

*"There is genuine drift netting for salmon – which is mainly a hobby – as well as various set net fisheries (bottom fixed gear) - there is a distinction in the draft legislation. We also have a small gill net fishery for cod and lythe, with perhaps 2 boats as well as a limited mullet fishery in Strangford Loch. There is a fleet of "paying hobby" fishers,*



*with the biggest fishery off the South Down coast. This is herring skiff fishery, with bottom set gill nets with a mesh size of 50mm, less than 12.4m. People cherish the tradition, anchored to the bottom with house bricks, designed not to drift. Herring swim in to the nets. A definition of driftnets will decide how big the impacts are going to be for us."*

(With thanks to Alan McCulla; Chief Executive Anglo-Northern Ireland FPO):

*"There is a small drift net fishery in autumn for herring, which is conducted off the County Down coast with small boats < 12m. 4-5 boats operate this fishery, with a total catch up to 130 tonnes of fish. This is a lucrative fishery that depends on the value of fish from year to year. If there is a lower price, then fewer boats follow this fishery. The fishery is clean and targeted at mature fish – there are no bycatch issues. The Irish Sea herring may be MSC certified finfish – there are no bycatch issues associated with trawl or drift net fishing. Discussions between Member States show that most are against a universal ban. There is not an issue with small scale driftnet fishing."*

(With thanks to Drew Collins, Anglo-Scottish FPO):

*"Fishing with driftnets is more an English thing than Scottish. It does appear, however, that this proposal is a "sledgehammer to crack a nut". We believe the Regional Advisory Councils (RACs) could have a better legislative impact, and already work on a regional basis.*

(With thanks to Richard Hards; North Sea FPO):

*"We are concerned that we haven't seen the original consultation document. There are significant fishing interests in the North Sea, especially around Ramsgate in Kent and West Mersea in Essex. Driftnetting for bass might be as much as 70% of people's income. There are also fisheries for sole."*



### 3. New Under tens Fishermen's Association:

(With thanks to Jerry Percy; Chief Executive, New Under Tens Fishermen's Association)

*"This is a 'sledgehammer to crack a nut'. These driftnets are attended, reducing bycatch. They are also not letting miles and miles of net down. I have sent a letter to Marie Damanaki (see Appendix III) and this ban would shut down small scale fishermen across the UK."*

Please see Appendix III for a complete transcript of the letter from NUTFA to the Commissioner Maria Damanaki on this subject.

## Views from Non-Governmental Organisations (NGOs):

### 1. Marine Conservation Society (MCS)

(With thanks to Samuel Stone; Fisheries Officer Marine Conservation Society)

*"It is rare for the Commission to offer such hard-line support for conservation needs, and some NGOs want to seize the opportunity. Others don't necessarily want the outright ban (there were 3 NGOS respondents to the consultation who were not for an outright ban) but at the same time don't want to be too aggressive as they might want a hard-line ban on other gears in the fullness of time. MCS is essentially opposed to the outright ban partly because of the MSC certified fisheries in the UK and will be looking for exemptions for fisheries that are demonstrably well managed."*

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## 2. Royal Society for the Protection of Birds (RSPB)

(With thanks to Euan Dunn, Principle Marine Advisor, Royal Society for the Protection of Birds)

*"The RSPB is against a blanket ban, for the following reasons:*

*"Firstly, we think an EU-wide ban is disproportionate in that it would penalise the many responsible small-scale fishers for the sins of the few (the latter especially in the Mediterranean).*

*Secondly, given that the malpractice and resulting environmental damage we see is essentially a failure of monitoring, control and enforcement, the focus should be on addressing that deficit and in any case there is no guarantee that a blanket ban will eliminate such malpractice in the absence of better enforcement.*

*Thirdly, we fear the risk of unintended consequences, namely the potential - in some regions - for a shift from drift-netting to bottom-set gill-nets which pose an even greater threat to seabirds. Such a shift would echo the widespread switch to unmitigated long-line fishing in the southern oceans following the UN moratorium on high seas drift-netting.*

*We are not minded to reject the Commission's whole proposal but to amend it, although exactly how we do that is still under discussion. But some sort of risk-based approach would seem a more measured response to the problem.*

*We will discuss the proposed ban in the NSAC ExCom. in Brussels so I will be able to gauge the breadth of stakeholder opposition to a blanket ban"*





## Case studies and testimonials

Driftnetting occurs around the coast of England to a greater or lesser degree, with some areas being dependent on this type of fishing throughout the year. In many places driftnetting is an opportunistic yet vital part of their fishing effort, where the economics involved may be small by comparison to other fisheries, but are hugely significant to those involved. We present below the content of interviews conducted with fishermen around the coast, to illustrate the different ways in which driftnetting is used, how it is used and the role it plays in people's livelihoods.

### Cornwall

Driftnetting happens at a small scale in the waters around Cornwall, with some boats being 'trailed' in to the area to fish when the opportunities are good (Simon Cadman; pers.comm.) The main fisheries are for bass, mullet, sardines and herring under currently legal fisheries with appropriate byelaws for their management. The sardine fishery has reduced dramatically, with only a few boats operating out of Mevagissey at the moment. There are some fisheries in the Camel for bass and mullet, and a few boats out of Looe and Newlyn, but numbers are impacted by the fact that the market is being met by 'ring-netters' mainly (Robert Preston, pers.comm.).

*"Most of the guys operate from small coves or off the beaches in open boats and they are very dependent on what turns up along the coast. It is entirely opportunistic and needs to be flexible to the changing situations within each fishery. The main targets are for bass, mackerel, herring and sardines." (Paul Trebilcock, pers.comm.)*

### Devon

Driftnetting is still important in Devon and the Severn Estuary, but with a reduced number of boats now evident. Most of the boats are under 6m which means data about them is very hard to verify. The fisheries in the North of the county for herring ('Silver Darlings') would be completely wiped out by the ban. Markets for these herring are on the increase and this income remains entirely essential for these fishermen during the winter months. (John Butterwith pers.comm.) . The Clovelly Shellfishermen's Association has been in discussions with Morrisons and a 'smokehouse' in Newton Abbot about setting up new markets for their herring. A ban would cripple this new industry just as it is looking to set up a profitable enterprise.



Diversification is difficult in these areas as there are no other fisheries suited to these small boats in winter, and this loss of income would destabilise the fisheries, making them financially unviable. Income for one fishermen from Clovelly herring was estimated at around £4,000 – *“not a large sum of money but a good living during the winter when other forms of fishing are not viable.”* (Steve Perham, pers.comm.)

Other fisheries in Devon and Severn are focused on the estuaries and within 2nm of the coast, with a good bass fishery and mullet in the summer months. There is some fishing for mackerel as well but the IFCA sees no significant by-catch issues of concern with any of these small-scale fisheries.

Fishing for spurdogs and other species has stopped now and there are *“a few ‘youngsters’ coming in to the North Devon bass fishery who are doing no harm – a blanket ban makes no sense at this scale.”* (John Butterwith, pers.comm.)

Clovelly in North Devon has a herring festival, where once 9,000 herrings a day were landed but now numbers are far reduced from this. Having said that, a driftnet ban would entirely wipe out the fishery. (Steve Perham, pers.comm.) Steve has been driftnet fishing for 30 years since 1984 and notes that there are already restrictions on surface nets in the Bay (*Bideford Bay*).

*“I make £4,000 from herring in the winter, and can’t diversify at this time of the year. I can’t afford to lose this income and cant adopt different gear because of the size of my boat and the weather in the winter. I have only ever caught one basking shark – 13ft long and it was returned un-harmed to the sea. I have never seen or caught a turtle. I see harbour porpoises but haven’t ever caught any as they stay away from me because I make so much noise when I am fishing. Seals do come in but they are clever at steeling fish from the nets. We have little representation up here, so I have written to my MP, my MEP and to Roy Smith at Defra to make sure they understand the impacts this ban would have and the need for an ‘opt out’ option for small boats like mine. The driftnet ban will wipe our fishery out completely, our customer base will be destroyed. I use nylon net - 300 yards long. It is never left nets alone. ON the issue of bycatch, seals eat fish out of the nets sometimes but there are no issues with harbour porpoise. I have seen lots around and they swim close by but they don’t come near nets.”* (Steve Perham, pers.comm.)



## Southern

There are a few small boats doing driftnet fishing, mainly in Poole harbour. This might be as many as 7 – 10 boats, alongside some ring-netting, but there are also boats who drift close to the shore in the open sea. Some fishers rely on driftnetting at certain times of the year and they can't diversify to fixed nets as there is a ban on these as well.

*The following table provides landings data for drift netting within the Southern IFCA District between 2000 and 2012*

Year	Live Weight (t)	Value	Main Landing Port
2012	4.436	£25,636	Isle of Wight
2011	4.907	£30,885	Isle of Wight
2010	2.111	£6,126	Isle of Wight
2009	2.445	£14,851	Isle of Wight
2008	4.649	£23,424	Portsmouth
2007	6.048	£18,294	Portsmouth
2006	4.888	£13,680	Portsmouth
2005	30.976	£102,582	Portsmouth
2004	24.85	£77,965	Portsmouth
2003	25.213	£84,662	Portsmouth
2002	29.254	£83,591	Portsmouth
2001	24.256	£78,752	Portsmouth
2000	14.383	£46,791	Portsmouth

### Netting Code of Practice

To avoid the by-catch of diving seabirds, the points listed below should be followed by any person carrying out fixed netting activities for sea fisheries resources within the District of the Southern Inshore Fisheries and Conservation Authority (IFCA):

- If seabirds are seen gathering or are known to gather to prey on fish in any area where you want to use nets, only shoot and haul them in the dark when birds are not diving below the surface of the sea;
- If there is a high chance that weather conditions may prevent retrieval of nets before daylight in an area where birds are feeding, do not shoot nets there;
- If you find that you cannot a net before daylight, ask for assistance from other fishermen who may be in a position to help. If nets cannot be hauled before daylight, contact Southern IFCA



(01202 721373) to report the situation and Southern IFCA may be able to assist with or coordinate the recovery of the nets;

- If you do accidentally catch birds in your nets, ensure that other net fishermen in the area and officers of Southern IFCA are informed as soon as possible;
- If you are informed of an area where accidental capture of sea birds in nets has just occurred, any nets you may have there during daylight must be hauled as soon as possible. No nets should then be used in the affected area during daylight until sea birds have moved away;
- If seabirds are seen to be fledging from a breeding colony, avoid using nets in the area until the sea birds have moved away.

#### *EXPLANATORY NOTE*

*This Code of Practice (CoP) aims to protect diving seabirds including Razorbills, Guillemots, Puffins and Gannets from becoming entangled and dying in static fishing nets.*

*This Code of Practice was developed as a first alternative to a byelaw because the conflict between netting and feeding birds can potentially be addressed through small changes in fishing practice. Should the CoP prove ineffective, Southern IFCA will consider the introduction of regulatory measures to address the issue of seabird mortality.*

*Interactions between sea birds and nets within the Southern IFCA District have historically been low. However, incidents in December 2012 whereby Auks were caught and killed by nets have prompted the need for a code of practice.*



## Kent and Essex

Driftnetting in the Kent and Essex area is a considerably more widespread affair. With a concentration on herring and bass, the ban would be devastating for all concerned. There are lots of small boats following this type of fishing that would be “wiped out at the stroke of a pen”. (Rodney Bowers, pers.comm.).

Fisheries take place for cod, skate and small bass inside the Blackwater and Thames estuaries, with larger bass coming in the spring, the fishery is lucrative with no bycatch issues to be concerned with. “*What happens here has nothing to do with the Med, the Med does not apply to East Anglia.*” (Rodney Bowers, pers.comm.)

Comments from Francis French, wife of a driftnet skipper from West Mersea, Essex:

*“This is quite sad because it’s going to destroy so much. We supply fresh catch to restaurants and London, and if this comes in it will effect fishermen and all the people they supply with fish. I have no idea what my husband will do – he uses driftnets to catch everything including bass, cod and skate. The driftnet ban would totally destroy our business. We can’t plan for the future, and our two boats won’t be worth anything. I have no idea how easy it will be to diversify – but I do know that it would cost money and I’m not sure it will work.*”

*“We are going to write to the European Commissioner and to our local MP who asked for assistance, this thing has been approached wrongly as it was announced on social media such as face book. There was no real consultation as no-one knew what was going on. Surely this should be discussed and even fisheries people didn’t know anything about it? ...How can one person make such a decision? Nobody is taking on board that this form of fishing is centuries old. We just don’t have the same issues as the Med with bycatch – but we are being tarred with the same brush as them. There are no turtles here, we don’t get dolphins, but I am not sure about sea birds. We are seeking “voice for Mersea Fishermen”, but the NUTFA are going to assist as well.”*



Comments from Andrew French, a drift net skipper in West Mersea, Essex:

*"This will put those [driftnetters] out of business and they will oppose this with all their strength. We will be seeing our local MP, as well as trying to see the [UK] Fisheries Minister – but with no luck as yet. We are going to talk to UKIP because they are willing to help. It seems there has been some secrecy surrounding the whole affair, there must have been talking and planning, and it could be being driven by conservationists. I know that they have had a big problem with dolphin in Bay of Biscay - this has given it a bad press. ...Blanket bans have been ineffective in the past.*

*"I have an Income up to £100K a year and drifting about is 90% of my business. I have £50 – 60,000 worth of nets. The gear is selective and fuel efficient because we are not towing big nets. I haven't seen a diving bird in our nets since the wind-farms have been put in."*

Comments from Robert Mole, driftnet skipper, West Mersea, Essex:

*"Our boat was built for driftnetting, we did try some trawling but it was not profitable, and we also tried to go on the oysters. Some years its [drifting] is up to 90% of our income for bass and soles. Herrings is a waste of time – there are loads around but there is no market for them. A driftnet ban would finish us. I have contacted 30 skipper-owners between West Mersea and Orfordness in Suffolk to come to a meeting with UKIP. Many skippers are known to rely on it [driftnetting] for a living. There are some other smaller ones [boats] in the rivers. This meeting with UKIP will be hopefully within a week or two. We are hoping to have some MEPs who can lobby for our cause over there. I calculate that there are 6-800 boats that driftnet around the UK. The corner of UK waters from Ramsgate in Kent to Orford in Suffolk will be very badly hit. I have made £100,000 from bass in one year on the, taking £40,000 between March and April march. Our fish goes all over the place, to Lowestoft for good money. Some goes to Dubai and even as far afield as San Francisco – especially the large bass of 5kg and over. On our best day we took best over 60 stone of bass."*



Comments from Terry Haggis, driftnet skipper from Walton-on-the-Naze, Essex:

*"The proposed driftnet ban would be a major blow. It would put us out of business. There are boats in Walton, Clacton, Harwich and Mersea that are only set up for drifting. These boats employ people, they represent loads of investment, and all will be lost. Nets of 1000m per run are allowed to be used and we have been monitored for bycatch of red throated diver by our IFCA. They found no problems with driftnetting. The new electronic beam trawlers are now much more of a problem and a hazard to cetaceans. Boats under 10 metres have very little impact on bycatch and the wider marine environment. The ban will also impact on restaurants and others. We can't diversify, there are no other ways of fishing round here sometimes. We have tried lobsters, but there are not enough to make a living. We don't catch undersized cod or any other bycatch. We sometimes see some seals, porpoise. I estimate we earn about £70 – 80,000 gross per year. I employ 3 people on the boat."*

## Eastern

Driftnet fishing is a big issue on the east coast of the United Kingdom. Nowhere is this more typified than around East Anglia. We haven't been able to track any fishermen down from this area as yet, but we are reliably informed by the IFCA Chief Fisheries Officer Ron Jessop that many boats rely almost entirely on drifting for their income. It happens nearly 52 weeks a year, with a number of different species being targeted.

There hasn't been much effort on monitoring driftnetting to date in this area as the IFCA has concentrated on the shellfish fisheries mainly. But it is known that there are a number of small boats that target herring, bass and mackerel. It is difficult to scale up the numbers. Herring are the largest target species, but the others are significant as well and will happen all year round weather permitting.

*"For some fishermen, particularly those from Caister, this is their only form of fishing. On top of the registered boats [approximately 80 altogether] I have a further 100+ small boats not registered using driftnets in my area. Some will*



*even be catching sole, cod and rays with driftnets. Most fishermen from around here would speak out against the ban. Many boats are only set up for netting, they would not be able to diversify due to a lack of horse power. Many will go out of business and if loads of boats flood the market, it will lower the price for them.*

- Many fishermen have never trawled and have no idea how to its like chalk and cheese.*
- Many grounds are only capable of being drift netted rather than other methods.*
- Has anyone thought on the savings on CO<sub>2</sub> emissions? Trawling costs are mainly the diesel used whereas drift netting is emission friendly*
- Fishermen's present response is – Its EU gone mad again they were told that the EU stated fishing was being controlled locally in the future [in the reformed CFP] and this has gone in reverse with this outrageous statement. They firmly believe it will not happen and are watching the articles appearing in Fishing News with interest believing this will be rescinded before the need for action.*
- Many have read the articles and say that what gets caught in the nets may happen in the Mediterranean but species such as turtles are not in UK waters and so this proposed should not occur in the UK. (Their words not mine)*
- Investing in your business - One example is a full time fisherman has £24,000 worth of drift nets on order at the moment –what is he to do?*
- Fishermen also have the threat of trawling being banned in our area, making the picture even harder for fishermen and their businesses" (Ron Jessop, pers.comm.)*



## North Eastern / Northumberland

Driftnetting in the North East and Northumberland focuses on salmon and sea trout, with a ban being faced by these fisheries from 2022 onwards. These fisheries are a shadow of their former selves when there were around 147 licences 15 year ago, but the 13 licensed boats still represents a significant and lucrative fishery.

### Comments from Ian Wakenshaw (Beano), skipper in North East England:

*"I will be driftnetting for the next 3 months [July, August and September] and have the potential to earn about £100,000 on salmon and trout. This will be about 50% of my yearly earnings, and pays for three people on the boat. This ban will mean the end of the fishery and of my business. The fishery was due to finish in 2022 anyway so I see no point in closing fishery, it's clean with no bycatch issues that I can see. We suspect that the 2022 closure has everything to do with Riparian rights as sport fishermen don't like us catching salmon before they get up the river. I reckon there are about 13 licences left, which spans from Yorkshire to Scotland. We are a close bunch and always keep in touch with each other. At the moment, the thought is that they don't believe it [the driftnet ban] can happen. We are patrolled on a regular basis and only allowed to fish certain times of the week. We set 550m of net, with no weekend or night-time fishing. The Environment Agency monitor our fishery and all fish are weighed, tagged and logged. We believe we are a well regulated and managed fishery. With our class of boats, there are no other type of fishing we could do in the summer, but we do use set nets in the winter."*

### Comments from Steven Moss, driftnet skipper in North East England:

*"[The Ban] is absolutely absurd. I can earn £40-45,000 for 12 weeks, paying for 3 fishermen. I will be tied up for the rest of the year. I also own a 16.5m trawler but the driftnetting is a very important part of my income. I have to maximise my days at sea due to effort control of boats over 15m so I string out my days at sea and my quota. Locally, the 2022 closure is also being fought all the way, this is a date that just slipped in. The Whole EU ban is just ludicrous. We run a fully licensed boat – we don't use lobster pots, too many of these now, and we would need to be refitted out with gill nets and would cost loads if we had to stop the drifting. Cod can be a nuisance with reduced*



*TAC, meaning there is very little [quota] to play with. Driftnetting for salmon is a good job, salmon are a wild fish."*

## North Western

Concern about the ban runs high in the North West of England, where there is a strong and diverse artisanal, small scale approach to much of the fishing. These are seen as subsistence fishermen in many cases, who know their grounds and the yearly changes between fishery seasons, with driftnetting playing a vital role in what are important incomes in an often deprived and very rural part of England. We spoke to a number of fishermen, but the local IFCA was extremely helpful in collating opinion and information about the various fisheries that take place here in the North West. Tellingly, there is a strong feeling that more needs to be done to understand the fisheries in this area, and more quota is needed to provide a better living from species such as cod, who are deemed to be under-exploited by these small scale fishers.

### Comments from fishermen (collated by the IFCA Fisheries Officers):

- *"Fishery is clean with no turtle by catch*
- *Ban aimed at by catch of turtles*
- *We use short gear which is not what the ban is aimed at*
- *It is disgusting*
- *The ban is aimed at turtle by-catch*
- *Some boats are involved in a DEFRA non-by catch system*
- *This type of clean fishery should be protected not banned*
- *Target bass, skate and cod when they have the quota*
- *Also do a bit of potting and fixed nets"*

The main target species is Bass with some incidental catches of Cod, Skates and Mullet. One skipper at Barrow provided a break-down of **bass** catches using 1200 yards of Drift net, reproduced in the table below:



Year	May		June		July		August		September		October		December	
	Kg	days	Kg	days	Kg	days	Kg	days	Kg	days	Kg	days	Kg	days
2002	-	-	235	5	295	3	160	2	975	6	755	5	101	2
2003	265	4	50	2	79	2	855	5	3037	14	535	4		
2004	2184	12	264	3	334	4	58	1	1048	9	287	4	-	-

There are significant byelaws being used to regulate the use of driftnets in North Western waters in England, and these have been reproduced below with thanks to the North Western IFCA:

SFC Byelaw 3	Regulation
<b>Byelaw 3</b>	Prohibits anchor seining
<b>Byelaw 10</b>	Set and Drift nets Uses council Reg 850/98 annex 6 to define mesh sizes –i.e. gomm for Bass No net should be less than 200m from another There are also marking requirements
<b>Byelaw 11</b>	Gear marking requirements
<b>Byelaw 26</b>	Prohibits fixed engine fishing in estuarine boxes between 1 <sup>st</sup> May and 30 <sup>th</sup> Nov – requires a permit. - with some exceptions for whitebait filter nets etc.
<b>Byelaw 27</b>	Prohibits the use of drift nets in estuarine boxes from 1 <sup>st</sup> May to 30 <sup>th</sup> Nov unless with SAFA licence
<b>Cumbria Byelaw 10</b>	Restricts use of fixed engines in Upper Solway and estuarine boxes from 1 <sup>st</sup> Dec to 31 <sup>st</sup> March Prohibits beach nets from 1 <sup>st</sup> Dec to 31 <sup>st</sup> May

There were a number of fishermen who wished to talk to us about this issue, and these have been included below in edited form for ease of reading. Sincere thanks go to these fishermen who gave their time to contribute to this research and it is clear they are very passionate about this subject.



Comments from Gary Piddock, driftnetting skipper from Morecombe:

*"Our driftnet fishery is very seasonal, it starts when the peeler crab start to peel and the bass move in to feed on them. They also come in when there are shrimp in the Fishing goes from April until November, using 3058 drift gear, with gomm mesh sizes to target the bass. We fish '5 mesh deep' down to '30 mesh deep', and use 4" occasionally for bigger fish which bounce off the smaller mesh. Our targets are bass and mullet – and you can say that if you take the driftnet fishing out of the equation, you will be taking a massive percentage of our earning potential away.*

*Who's to say we can diversify? There are £1000s of pounds locked up in fishing gear, and other fishing opportunities aren't as lucrative since the wind farms came in. Our Association has 12 or 13 boats and nearly every boat is under 10m. You can guarantee that at some stage of the year they're all driftnetting or using nets to target bass. The EU driftnet ban will impact on everyone in the fleet. We have been monitored for static gear impacts on cetacean and 'Council Regulation 812 2004'. It is very very rare for us to catch a mammal of any description.*

*How can someone write off all these fisheries with the stroke of a pen? Every fishery in the UK is different and you can't 'tar every fishery with the same brush'. If this ban comes in, you might as well write us off and we can sign on the dole.*

*The price for bass is good, with an average of £4.20 - £13.60 kg – we are talking £50 for one fish! This is a lot of money to individual fishermen. Some have caught up to 127 stone in one day. The mullet are also valuable; they never used to be but now we are getting up to £3.80 per kg for mullet."*

Comments from Steve Brown, Fisheries Officer with the NWIFCA:

*"Driftnetting is a very considerable part of people's fishing incomes. We have professional driftnet boats working out of Lytham, and the bass fishery is 'pay-dirt' for their annual income. The fisheries flip from one season to another but drifting for bass represents 2/3 of their income. The ban would be disastrous, but the fishing industry in the North West has declined dramatically. Those fishermen left are just hanging on. The bass fishery has emerged over last 20 years and wages carry them through the winter. The*



*shrimp fishery is neither here nor there and the ground is too flat for potting. Vessels aren't suited to trawling and couldn't afford the licenses anyway, as licenses are sold to the highest bidder. Driftnetters are subsistence fishermen. This is almost medieval technology in some cases. As far as issues around marine mammals go, there are tales of one turtle once in 40 years from here to Scotland."*

There are several comments in this vein, with a focus on the fact that fishing with driftnet gear in this part of the world is a small-scale and specialised enterprise, with only a handful of boats operating in closely-knit communities.

Comments from Margaret and Trevor Owen from Heysham Fishermen's Association, Morecombe:

*"I am the only remaining salmon nets-woman in England, certainly in this area. I also sit on the local IFCA and Fishermen's Association. With the ban, we are hoping to get dispensation for fishermen in the Bay, because our men don't drop the nets, they stay with them all the time. We are also prepared to keep net sizes down to 600m. We are struggling this year, and wonder if it has anything to do with the wind-farm. A driftnet ban would kill the fishing here completely – it would be catastrophic as most fishermen rely on the mullet and bass to make a living...we are conservationists at heart and don't have the same issues as the Mediterranean. This is a pointless exercise. Those that do get about 80% of their income from driftnetting. We are not greedy like the pair trawlers, who Hoover up everything they can find. The UK is the only country in the EU where we do as we are told when it comes to fishing."*

Comments from Fran Schap, skipper, owner and driftnet fisherman in the Fleetwood area of the North West:

*"I have a bigger boat and have invested over £120,000 over the last couple of years in this fishery. My house and livelihood are at risk from this ban. 5 other people work on the boat for me, and we did really well last year. I do go drifting, but I also target fixed nets as well on cod quota, as well as some skate. In general these small boats are making a living in the summer. The boat next to me turned over £20,000 in 4 months. And for the last several years this has been averaging around £10-15,000 in a summer season. We typically land 40-50Kg of fish."*



There was one voice of dissent in this area that thought the driftnet ban would be a good thing in this area, stating that it “*won't have the impact some people are claiming because these fishermen will just diversify to gillnets set higher in the water*” (source withheld). These nets will then be left to fish on their own, where they have similar environmental issues as with driftnets. There is also a problem with licensing and monitoring, and monitoring what is being caught as these ‘hobby fishermen’ are going out and catching lots of fish using driftnets but no-one knows how many fish they are taking.

#### Comments from Steve Newsham, under 7m boat owner and fisherman, Fleetwood

*“This [ban] would totally devastate our fishery. CEFAS have been out on our boat, and they can't believe it's such a clean fishery, I can honestly say that I have never caught a turtle, dolphin or porpoise. Discards are minimal, I have caught only one small undersized bass in 10 years. The mesh size we use is 100mm so big fish bounce off and the breeding stock is left intact. I like to think of myself as an eco-friendly fisherman. If anything, we need more monitoring if at all possible in order to show what a clean fishery this really is. I am 100% reliant drift and bottom set tangle nets, which sometimes drift even though they are anchored. The proposal says that any net that 'has the potential' to drift is banned. The boats we use are very valuable, if you ban this then these boats is worthless and all my hard work saving up for the last 15 years will have gone, it would will wipe out the whole thing and would be even worse down south. Currently we would love more cod quota – we are picking up so many fish and how can you make a living from 50kg of cod a month? We are seeing 15-20lb fish on ground the trawlers can't reach. Driftnetting is such a clean way of fishing and it's not wrecking the bottom like towed gear is.”*

## Wales

It was difficult to get responses to actual fishermen in Wales, but it is understood that there are considerable driftnet fisheries in Wales, focused mainly on the estuary areas. We did manage to speak to one representative, Dai Hutton, representative of the Connor Quay Fishermen's Association, whose comments are below:

*“If this ban is implemented it's going to have a devastating effect on the little guys, some who catch maybe 100kg of fish a trip if they are lucky. Any ban*



*would do no good whatsoever in the UK where we don't have the by-catch issues experienced in the Med. Make no mistake, the EU are sacrificing UK jobs, and for no other purpose than to be seen as creating a level playing field. If they leave the UK fishermen out of this ban, they face legal action on the grounds of unfair discrimination by the Mediterranean fishermen who are causing the problem. It will affect 50 - 60 vessels and fishermen on the River Dee alone, and guys all down the west coast, where it is not easy to convert to other forms of fishing as the boats are designed specifically for this.*

*There was no consultation on the ban here in Wales. The Welsh Assembly didn't even know about the consultation. When it comes to diversification, if there is no shell-fishing entitlement in their area then the driftnetters can't do this, and it may also be the case that the ground is not suited to lobster or crab fishing anyway. Many of the boats can't trawl so driftnet fishing is the only form of fishing they can do.*

*We have started an e-petition on Face Book this week, and NUTFA have taken up this case as well. We are meeting Defra next week and some are hoping to meet Maria Daminaki next week as well [June 2014]. We think that a total ban is impossible to enforce, it would be a 'total nightmare' even though enforcement was one of the major reasons for suggesting the ban in the first place. There are no environmental issues, the gear is proven to be selective, and this can be seen because both herring and sardines have got MSC certification in some places. 100kg of fish = a good day."*



## Summary and conclusions

### Overview

Driftnet fishing is the 'father' of all modern fishing techniques. Drift and gill or tangle nets were the first type of net to be deployed and remain central to many small-scale fishermen as an efficient and effective means of catching fish. The use of driftnets has become ever more specialised, yet remains essentially a simple technique. Nets and practices are highly evolved to suit a number of factors, including the season, the target fish, the ground being fished and boats being used. This is far from a haphazard and careless undertaking used by fishermen to extract the most fish they can in the shortest period of time. Driftnetting takes care, deliberation and a finely-tuned relationship with the marine environment.

### Fishing

Most fishermen using driftnets in the UK – of which registered vessels number close to 250 – do so at the small scale, from small boats well-adapted to this type of gear. The use of driftnets varies from a couple of weeks a year up to a full-time occupation with 100% reliance on driftnets. It is impossible, therefore, to generalise about the nature of these fisheries, as the opportunities to deploy driftnets varies from county to county, from season to season, and even from bay to bay. Whatever the season or reason for using driftnets they are all universally well-suited to the ground, the target species and the opportunities that present themselves.

The boats deploying these nets use a 'polyvalent' strategy to making a living from fishing. That is to say that they may well pursue other types of fishing at certain times of the year, operating in a flexible and responsive manner to the conditions and opportunities as they arise. They may even operate on a part-time basis, but are no-less professional for this.

Like any 'portfolio career', these fishers live through a patchwork of fishing methods – remove one element of this and the whole way of life is jeopardised. All strands of fishing are important at this scale.

Analysis of the data shows that, whilst the value of fish being landed is small compared to overall figures, the value of landings per boat are highly significant, with an average of £40,000pa being made from driftnets for each boat that uses them. This is a critical part of the income for these fishers. Apart from anything, it allows them to continue a way of life that has been little changed for generations.



The use of driftnets also represents one of the most profitable forms of fishing per unit effort. Profit margins compare as the second highest (second only to hook and line) in all fishing sectors, as well as the most cost-effective from the point of view of carbon footprint and fuel economy.

The fishing is highly-targeted, with mesh sizes reflecting best-practice from an environmental point of view and a discard/bycatch rate that would be both the envy of many towed gear fishers and the stuff of dreams for fishery managers. Many small fish swim through mesh that is too large, but also too small to catch big fish, which just 'bounce-off' of the nets thereby protecting the highly valuable (ecologically speaking) brood stock.

Bycatch is very limited – both because the species of concern to this ban are rarely present in the waters around the UK and because the nets are tended all the time. This means that any trapped animals are quickly released unharmed. If anything, the fact that the nets are manned results in many potential bycatch species staying well clear. This really is a world away from the vast 'walls of death' left to fish indiscriminately with no thought to bycatch or other environmental damage.

Impact on the wider environment is minimal – fuel emissions are low, seabed interactions are small and entanglement of other species is very limited. The main concern arises because of the effectiveness of this type of gear to catch fish that are currently Data Limited such as bass. Perhaps the biggest environmental wins might come from better data and management of fish stocks as a whole.

Indeed, the environmental concerns surrounding these gears at this scale have so far avoided the attention of the European Union. Council Regulations (EC) 812/2004 and 88/98 both look to bottom-set static gillnets as a focus for technical measures that are needed to reduce cetacean bycatch through the use of acoustic 'pingers'.

### The Consultation

The European Union has made great strides in improving the nature and effectiveness of its consultation processes. The Aarhus Convention of 1992 saw to it that the public would be better involved in all environmental decisions that impact on them. The consultation that led to this decision, does not meet these high standards, however.

The proposal is based on 40 respondents to the consultation, and the input of only one Member State (NL). And even of these respondents, only 52% (a very small majority) were in favour of a total ban – and these were often caveated in responses as being important



for the Mediterranean. Small scale fishers in UK waters were of little concern during this consultation as a whole. The EU deems the consultation to have been sufficient based on these figures, and on the fact that the Scientific, Technical and Economic Committee for Fisheries (STECF) was alerted to the consultation itself.

The Impact Assessment makes light of the economic value of these fisheries and brushes them off as being 'irrelevant'. It also claims that they can always diversify to other forms of fishing – which shows little understanding of the nature of most of these fishing opportunities and does not join up with the fact that nets that 'have the potential to drift' will be banned. This will remove further opportunities to diversify as gillnets and other set nets might be included in this description.

It appears from the IA that the results from the consultation were perhaps a foregone conclusion. The EU has been determined to enact this ban, the detriment of due-process. They have even failed to wait for their own research in the nature and extent of small scale driftnetting before declaring that it should be banned wholesale. This shows a disregard not only for the fishers and the communities they support, but also for their own processes as set out within EU legislation.

### Economics

Driftnet fishing often occurs within a patchwork of other fishing methods, performed by small boats with limited resources and less than stringent reporting requirements. As a result, the part-time and polyvalent nature of this type of fishing income makes research and statistical analysis very difficult. Landings data are often aggregated together with gill or static nets and defining precisely the reliance on driftnets is compromised.

Bearing this in mind, however, the number of boats and families reliant on driftnetting around the UK is sufficiently extensive as to be highly significant. Add to this the seasonal nature of many of these fisheries and a picture emerges of near-subsistence level fishing, where every fish counts, and a practice that is largely in tune with the environment.

### Policy

The reformed Common Fisheries Policy was a major piece of legislation whose job it is to deliver better fisheries management as well as sustainable fisheries for future generations. There are two central themes within this new legislation which appear entirely at odds with the proposed driftnet ban – but the ban is touted as enshrining the precautionary approach.



1. Regionalised decision-making

One of the major reforms within the CFP is the move away from centralised solutions to a more responsive legislative framework that allows for each Region to define the best way of managing fisheries and fish stocks using an ecosystem-based approach. Announcing a blanket ban across the EU is directly counter to the spirit of this Regional approach, and perhaps represents the EU falling at the first hurdle. It finds it hard to relinquish control and this sets a worrying precedent for the future application of the CFP as a whole

2. Low-impact fishing to be rewarded

Fishing opportunities are to be more closely linked to demonstrable best-practice and low environmental impact as a means of incentivising the uptake of the least damaging fishing methods – and or innovating for new technologies to come through. The wider environmental impacts of driftnets are minimal, perhaps as low as they can be, and this ban undermines one of the key components of the CFP as a whole.

If the small scale fishers become financially unviable as a result of this ban, then who is going to be around to promote low-impact methods? A generation of highly environmentally-aware fishers will be wiped out and their knowledge lost to the industry. Small scale fishing would perhaps never recover and pressure from towed gear might increase as a result.

The legislation does not also meet the EU requirements for 'proportionality' neither has it considered the potential for 'unforeseen consequences' that might arise from diversification to more environmentally damaging fishing methods, and an increase in pressure on already vulnerable stocks.

## Finally

The EU has not 'joined-up' its thinking on this at all. This is a rushed, heavy-handed piece of legislation that needs closer attention at Ministerial level. At the very least exemptions for the UK must be considered as a minimum for the legislation, short of a retraction of the proposal altogether. These exemptions might come with certain caveats and there is an opportunity to improve many aspects of the small-scale fleet. Not least of which would be reporting and licensing of vessels, as well as the development of appropriate on-board monitoring techniques. This might also act as a driver to ensure that the stocks in question are moved towards full ICES assessment and thereby bring them under better and more effective fisheries management from a sustainability point of view.



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## Appendix I

### Questions and answers on full driftnet ban

The European Commission wants to prohibit the use of any kind of driftnets for fishing in all EU waters as of 1 January 2015. Although rules are already in place to forbid using driftnets to catch certain migratory fishes, the practice continues to be a cause of concern due to the incidental catching of marine mammals, sea turtles and sea birds which are mostly protected under EU legislation. To fight circumvention, the Commission proposal includes a full ban of driftnets fishing in the EU as well as the prohibition of keeping driftnets on board of fishing vessels. Furthermore, to avoid ambiguity, the proposal refines the current definition of a driftnet.

#### Which does this ban seek to achieve?

By proposing that fishing with driftnets be prohibited, the European Commission is seeking to address persisting environmental and conservation problems, in particular to marine mammals, sea turtles and seabirds.

It will further aim to eliminate shortcoming in the legal framework and close any possible loopholes to strengthen control and enforcement and ensure that the rules on implementation are observed. By doing so it will contribute to the EU's targets for "good environmental status" for Europe's seas as established under the Marine Strategy Framework Directive (MSFD)

#### What will change with this ban?

All small-scale driftnets irrespective of their length and targeted species will be banned, as is already the case for the Baltic Sea.

Currently EU vessels are allowed to keep on board and use small-scale driftnets, except in the Baltic, provided that their individual or total length is equal to or smaller than 2.5 km and that their use is not intended for the capture of listed species.



### **Who will have to stop fishing following the driftnet ban?**

The majority of driftnets fisheries identified are seasonal, and the participating fleets are comprised of polyvalent vessels (i.e. carrying out multiple fisheries by using more than one fishing gears). For some fishers driftnetting represents only a few months of fishing activity in any year with some fishers using driftnets for less than half a month per year. The total prohibition to use driftnets is not expected to result in a corresponding reduction of vessels and fishers which will continue to operate with other gears as already authorised in their fishing licence whilst it avoids an increased administrative burden if other policy options had been chosen.

### **Which EU countries will be affected?**

Currently, fishing with small-scale driftnets in marine waters and river mouths is actively carried out in Bulgaria, France (both mainland and DOM), Italy, Portugal, Romania, Slovenia and UK.

### **Does the ban include only marine fisheries?**

The proposal concerns driftnet fisheries carried out in marine waters as well as in the deltas and estuaries of rivers until the upstream spatial limit where those areas are considered marine waters according to national legislations.

### **Can the new European Maritime Fisheries Fund be used to support the transition towards a total ban of the small-scale driftnet fisheries?**

The European Maritime Fisheries Fund (EMFF), depending on each Member State's needs and inclination, could be used to support the transition towards a total ban of the small-scale driftnet fisheries. For instance it could be used to substitute currently legal driftnets with other fishing gears in the fishing licence provided that the new fishing gear is more selective and that the substitution is done before the entry into force of the driftnet ban.

The European Fisheries Fund (EFF) could also be used, under certain conditions, to support the transition towards a total ban of the small-scale driftnet fisheries provided that eligible expenditures are executed by the beneficiary until 31 December 2015.



## Appendix II

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 /\* COM/2014/0265 final - 2014/0138 (COD) \*/**

### EXPLANATORY MEMORANDUM

#### 1. CONTEXT OF THE PROPOSAL

Driftnet fishing has traditionally been carried out with nets of limited lengths and relatively small mesh size to catch different small/medium size pelagic species mostly living in or migrating through coastal areas. More substantial problems began in the late 1970s and 1980s, when driftnets with large mesh sizes and net lengths of tens of kilometres began to be used. These large-scale driftnets resulted in significantly increased amounts of incidental mortality of protected species including, in particular, cetaceans, sea turtles and sharks and lead to international concerns about their environmental impacts.

In the early 90s, following specific United Nations General Assembly (UNGA) Resolutions[1], which called for a moratorium on large-scale pelagic driftnet[2] fishing on the High Seas, 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 Baltic Sea, the Belts and the Sound). Since 2002 all driftnets, no matter their size, are prohibited when intended for the capture of species listed in Annex VIII of Council Regulation (EC) No 894/97 (unauthorized species). It is also prohibited to land species listed in Annex VIII which have been caught in driftnets. Additionally, since 1 January 2008 it is prohibited to keep on board or use any kind of driftnets in the Baltic Sea, the Belts and the Sound.

The current EU legislative framework on driftnets has however shown weaknesses since existing rules are easy to circumvent. The absence of EU rules on gear characteristics (e.g. maximum mesh size, maximum twine thickness,



hanging ratio, etc.) and gear use (e.g. maximum distance from the coast, soaking time, fishing season etc) combined with the possibility to keep on board other fishing gears, made it possible for fishermen to illegally use driftnets to catch species prohibited to be caught with this fishing gear, while declaring that they have been caught for example with another gear (e.g. longlines, etc).

Furthermore 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).

Control and enforcement efforts are not producing the necessary results since the small scale nature of the activity makes it easy to adapt and find strategies to escape controls. Small scale driftnets are still allowed and the loopholes in the EU legislation facilitate their illegal use. This makes it extremely difficult for control authorities to have robust evidences of illegal activities and to finally enforce the rules.

Against this background, it is clear that serious environmental and conservation concerns linked to the use of these fishing gears still persist.

In order to address this situation and to comply with EU international obligations to properly regulate driftnet fisheries, the proposed Regulation, on the basis of a precautionary approach, stipulates a full prohibition to take on board or use any kind of driftnets as off 1 January 2015 in all EU waters. It also introduces a revised and more comprehensive definition of this fishing gear, to close any possible existing loophole.

## 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

An Impact Assessment (IA) has been conducted, taking into account information from different sources: a web-based public consultation, two coordinated studies[3], information provided by Member States and comments from the IA Steering Group (IASG).

The IA has explored the following policy options: 1) status quo; 2) actions on technical and/or control measures to enhance controllability and environmental compatibility; 3) selected ban of driftnet fisheries identified as being still most harmful to the strictly protected species and/or not able to avoid by-catches of unauthorised species; 4) total ban of driftnet fisheries.



However, the lack or poor monitoring of these fisheries by Member States, both for control and scientific purposes, together with the limited sampling effort by the two studies made it extremely difficult to have a comprehensive view on current fishing activities and their actual environmental impact and it was therefore not possible to assess impacts of the different policy options through an indicator led analysis.

Options 4 has been preferred over the options 1, 2 and 3, 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. It is supported by more than 52% of the respondents to the public consultation including fishermen associations and NGOs. Thus option 4 has been retained as the most adequate, based on the application of the precautionary principle towards fisheries which might have a high risk of incidental takings of strictly protected species while being poorly or not at all monitored by Member States.

The majority of the driftnet fisheries identified are seasonal and the participating active fleets are comprised of polyvalent vessels, totalling at least 840 vessels (excluding the Baltic Sea), dispersed over a wide area. For most of the fishers driftnetting represent only a few months of fishing activity in any year with some fishers using driftnets for less than half a month per year. Thus the total prohibition to use driftnets 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. On the basis of the information collected for the impact assessment the economic performance and importance of the gear for the vessels and fleets is highly variable though limited at national level. For the fleets where the data are available such as the UK vessels the total value of small scale driftnets, for around 250 vessels, represent 0.14% of the total value of UK landings in 2011. For Italy, where a smaller number of around 100 active vessels has been detected, the economic importance of driftnets is low at national level (0.8% in value and 1.3 % in weight of landing) though the value landed ranges from around 20% to 55% (up to 90% in one fishery) of the turnover generated by these vessels; however the profit generated by the use of driftnets is highly variable ranging from 1 % to 54% of the turnover generated by the vessels, with an average of 22% across all Italian driftnet fisheries. 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.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

- Summary of the proposed action



Introduce a full prohibition to take on board or use any kind of driftnets as off 1 January 2015, in all EU waters and by all EU vessels. Introduce a revised and more comprehensive definition of driftnets, to close any possible loophole in existing legislation.

· Legal basis

Article 43(2) of the Treaty on the Functioning of the European Union.

· Subsidiarity principle

The proposal falls under exclusive competence of the European Union.

· Proportionality principle

The proposal is necessary and appropriate for the implementation of the ecosystem-based approach to fisheries management. The proposal does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.

· Choice of instrument

Proposed instrument: Regulation of the European Parliament and of the Council.

Other means would not be adequate for the following reason: the act is repealing and amending existing Regulations, which must be amended by another Regulation.

#### 4. BUDGETARY IMPLICATION

This measure does not involve any additional Union expenditure.

2014/0138 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL



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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[4],

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[5] establishes a management framework for the conservation of marine biological resources and the management of fisheries targeting them.
- (2) Sustainable exploitation of marine biological resources should be based on the precautionary approach, which derives not only from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty on the Functioning of the European Union but also from the Union's international undertakings as reflected in the United Nations Fish Stocks Agreement[6], and in particular its Article 6, and on the best scientific evidence available.
- (3) The Common Fisheries Policy should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council[7].
- (4) 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, several United Nations General Assembly (UNGA) Resolutions 44/225 of 22 December 1989, 45/197 of 21 December 1990 and 46/215 of 20 December 1991[8] called for a moratorium for these fishing gears.

(5) Accordingly, Council Regulation (EC) No 894/97[9] establishes a management framework for the conservation of fishery resources through technical measures in the form of a general overall length limitation of driftnets to maximum 2,5 km, as well as a prohibition to use or keep on board driftnets intended for the capture of certain species.

(6) Moreover, Council Regulation (EC) No 2187/2005 [10] prohibits using or keeping on board driftnets from 1 January 2008 in the Baltic Sea, the Belts and the Sound.

(7) The conservation objectives, regarding incidental mortality of protected species, pursued by the abovementioned Union rules on driftnets are still valid and should be strengthened.

(8) The definition of driftnets should be refined for reasons of clarity and in order to ensure uniformity in the understanding and implementation by Member States of rules on driftnets.

(9) Moreover it is necessary to extend the scope of this definition so as to cover any newly identified types of drifting fishing nets other than drifting gillnets developed in certain fisheries. It is particularly important to cover by this definition gears that unlike drifting gillnets are made up of two or more walls of netting hung jointly in parallel on the headline(s) yet they operate close to the water surface in the same manner as drifting gillnets do and have similar impact on marine resources, hence should be coherently regulated.

(10) The current Union legislative framework on driftnets has shown weaknesses and loopholes in that rules proved easy to circumvent and ineffective in terms of addressing the conservation concerns linked to this fishing gear.

(11) The driftnet fishing is carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operating without any regular scientific and control monitoring. Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with regard to certain protected species.



(12) Illegal driftnet activities carried out by Union fishing vessels, in particular for the purpose of targeting species listed in Annex VIII of Regulation (EC) No 847/97, continue to be reported and have been cause of criticism regarding the Union compliance with applicable international obligations in this respect.

(13) Moreover, the driftnet fishing by operating close to or at the water surface continues to be cause of high concern for incidental takings of air-breathing animals such as marine mammals, sea turtles and sea birds, which are mostly classified as species to be strictly protected under Union legislation.

(14) Additionally, monitoring and reporting systems established under Council Directive 92/43/EEC (Habitats Directive)[11] have proven to be not effective for the identification and recording of the anthropogenic causes of death of strictly protected species due to fishing activities.

(15) The ecosystem-based approach to fisheries management makes it a requirement that negative impacts of fishing activities on the marine ecosystems be minimised and unwanted catches be avoided and reduced to the extent possible.

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

(17) 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[12], Regulation (EC) No 812/2004, Regulation (EC) No 2187/2005 and Council Regulation (EC) No 1967/2006[13], and repealing Regulation (EC) No 894/97.

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. This Regulation should therefore enter into force on 1 January 2015.

HAVE ADOPTED THIS REGULATION:

Article 1



## Scope

This Regulation shall apply to all fishing activities within the scope of the Common Fisheries Policy as set out in Article 1(2) of Regulation (EU) No 1380/2013.

## Article 2

### Definition

1. For the purpose of this Regulation the definitions set out in Article 4(1) of Regulation (EU) No 1380/2013 shall apply.
2. In addition, a 'driftnet' means a net made up of one or more walls of netting, hung jointly in parallel on the headline(s), held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift such as a sea-anchor or an anchor on the bottom attached at one single end of the net.

## Article 3

### Prohibition of driftnets

It shall be prohibited:

- (a) to catch any marine biological resource with driftnets; and
- (b) to keep any kind of driftnet on board of fishing vessels

## Article 4

### Amendments of related Regulations

1. In Article 20 of Regulation (EC) No 850/98, paragraph 3 is deleted.
2. Regulation (EC) No 812/2004 is amended as follows:



- (a) Article 1a is deleted;
  - (b) in Annex I, points A (b) and E (b) are deleted;
  - (c) in Annex III , point D is deleted.
3. Article 2(o), Article 9 and Article 10 of Regulation (EC) No 2187/2005 are deleted.
4. In Annex II (a) of Regulation (EC) No 1967/2006, the words "and drifting nets" are deleted.

#### Article 5

#### Repeal

Regulation (EC) No 894/97 is repealed.

#### Article 6

#### Entry into force

This Regulation shall enter into force on 1 January 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

[1] United Nations General Assembly Resolutions: 44/225 of 22 December 1989; 45/197 of 21 December 1990; 46/215 of 20 December 1991

[2] Large-scale driftnets were defined as nets over 2.5 Km in length under the Convention for the prohibition of fishing with long driftnets in the



South Pacific (Wellington Convention); Wellington, 24 November 1989) which entered into force on the 17th May 1991. <http://www.mfe.govt.nz/laws/meas/wellington.html>; <http://www.jus.uio.no/english/services/library/treaties/08/8-02/large-driftnets.xml>.

[3] - MAREA-Specific contract 8 (SI2.646130). "Identification and characterization of the small scale driftnet fisheries in the Mediterranean (DriftMed)

- Specific contract 5 (SI2.650655). "Study in support of the review of the EU regime on the small-scale driftnet fisheries".

[4] O J C , , p. .

[5] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision (EC) No 2004/585 (O J L 354, 28.12.2013), p. 22.

[6] O J L 189, 03.07.1998, p. 16

[7] Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (O J L 164, 25.6.2008, p. 19).

[8] United Nations General Assembly Resolutions A/RES/44/225 of 22 December 1989 on Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, p. 147. United Nations General Assembly Resolution A/RES/45/197 of 21 December 1990 on Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, p.123. United Nations General Assembly Resolution A/RES/46/215 of 20 December 1991 on Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, p. 147.

[9] Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources (O J L 132, 23.5.1997, p. 1) as amended by Regulation (EC) No 1239/98.



[10] Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound (OJ L 349, 31.12.2005, p. 1).

[11] COUNCIL DIRECTIVE 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7)

[12] Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

[13] Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 409, 30.12.2006, p. 11);



## Appendix III

**Letter from Jerry Percy, NUTFA, to Maria Damanaki following announcement of the proposed ban:**

**Date: 18.5.14**

**Reference: Proposal for a Blanket Ban on Drift Nets in EU Waters**

Dear Ms Damanaki,

*Many have recognised that one of the numerous disasters in European fisheries management under the Common Fisheries Policy in the past has been the broad brush, one size fits all approach that fundamentally failed to distinguish between the activities and impacts of the huge range of fishing gears and methods in use across the Union. We had hoped that the latest CFP Reform would have addressed this issue head on but your recent statement with regard to the imposition of a blanket ban on the use of drift nets in EU waters clearly illustrates that this is not the case.*

*Whilst all concerned recognise and revile the use of driftnets in the well-publicised Mediterranean fisheries where extensive lengths of deep nets take an apparently massive by catch of cetaceans, turtles and other non-target species, this form of drift netting is distant, both geographically and metaphorically from the far smaller scale and environmentally acceptable use of drift nets in UK and adjacent waters.*

*As an inshore fisherman, I, along with thousands of others have used drift nets for many years in pursuit of a range of species and can honestly say that I have had an almost zero mortality rate for anything other than the target species, usually Herring, Mackerel, Salmon or Sprat.*

*The key elements of this lack of impact have been the relatively short lengths of net involved and the fact that they are almost exclusively accompanied at all times. So even in the event that a non-target species did come into contact with the nets, it was almost always possible to remove it without damage or mortality.*



*This form of activity has been a widespread and traditional part of coastal fishing for hundreds of years and has not had, almost without exception, any appreciable environmental impact at all. I am therefore concerned to read your recent comments such as **"drift net fishing with vertical nets is an irresponsible practice"** – this is certainly not the case in our waters and I have watched fishermen take significant care and dare I say gentleness in carefully removing any unintended catch from the nets to ensure no harm came to it, or;*

***"It is a non-selective fishery which leads to non-targeted catches. It threatens marine wildlife and species which are protected under EU legislation."** To the contrary, responsibly fished drift nets are entirely selective, not just in terms of species but also the size of the individual fish. Like passive netting generally, by setting the mesh size, one can ensure that juveniles are neither caught nor harmed in the fishing operation. At the same time and for the reasons provided above, the methods used traditionally in the UK and other adjacent countries pose no threat to 'marine wildlife and species which are protected under EU legislation'. Like many pelagic fisheries, drift netting is a clean fishery, with only the target species being taken. So we would ask that you urgently review your aspirations with regard to the introduction of any unnecessary and damaging blanket ban to drift netting in general. This method has been and continues to be a vital part of the seasonal fishing activities for a large number of coastal fishers and one that has been carried out for centuries without any significant adverse impact on non- target species.*

*Whilst no one would pretend that human activities generally do not have some form of often negative impact on the environment, we are after all busily messing up the planet on a collective basis, fishing particularly does appear to be an easy target for the naysayers.*

*Although we were not aware of the previous consultation on drift netting, (and I note no responses from any other UK based organisations so perhaps the way that these are publicised should be reviewed?) not least as like so many other organisations, we suffer from 'consultation overload' and often just do not have the time or resources to respond to every one of them, I note from the responses listed at:*

*([http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/driftnet/contributions/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/driftnet/contributions/index_en.htm)) that a number of respondents were clearly against such a blanket ban. The moving response from the Cheekpoint Association in Ireland that so clearly illustrates the massive socio economic impacts of the loss of fishing on their local community that should by itself give you pause for thought in relation to EU fisheries management generally, as well as the drift net proposals in particular and its effects on small and vulnerable coastal groups and even Greenpeace Europe's response makes it abundantly clear that they disagree at a basic*



*level with the proposed ban and recognise the adverse impact it would have on coastal communities. These comments have been echoed more recently by Xavier Pastor, Executive Director of Oceana in Europe so there is clearly a widespread and diverse agreement that the proposals are entirely misplaced.*

*There are of course a number of responses from those that agree with your view but with the greatest of respect, some of those responses illustrate an almost complete lack of understanding, or at least the lack of will to understand the wider issues. We would therefore ask that you urgently reconsider the blanket ban proposals that you currently espouse and take note of our comments and concerns in this respect.*

*We would welcome the opportunity to discuss this issue with you at your convenience as we are confident, and it is vital, that you can deal with the real issue of uncontrolled Mediterranean drift netting without unduly and unnecessarily impacting traditional activities that fall under the same name but differ so much in both operation and impacts.*

*Yours sincerely,*

*Jerry Percy"*



## Appendix IV

Defra position statement circulated to all interested parties by Roy Smith, 12<sup>th</sup> June 2014

### ***"European Commission proposal to prohibit all EU driftnet fishing***

*"As many of you will be aware, the European Commission proposes a full prohibition on the taking on board or use of any kind of driftnet in EU waters, as well as applying a more detailed definition of driftnets with the aim of closing loopholes encountered with enforcement of the current legislation (mainly in the Mediterranean). The proposed prohibition is intended to apply from 1 January 2015, subject to agreement with Member States and the European Parliament. [http://europa.eu/rapid/press-release\\_IP-14-563\\_en.htm](http://europa.eu/rapid/press-release_IP-14-563_en.htm) (Commission proposal press release).*

*"The Defra position will be supportive of adequate measures to address the enforcement of the current prohibition on driftnet fishing for highly migratory species where this has been a problem, such as in the Mediterranean. But Defra is very aware that the Commission's problem definition underpinning the proposal does not readily relate to UK driftnet fisheries targeting herring, bass, salmon and other species. These represent an important part of the fishing year and livelihoods of relevant inshore fishermen and, most significantly, do not have the serious by-catch or enforcement issues that the Commission is trying to address. Our liaison with the Devolved Administrations indicates this view is representative of a UK position.*

*"Rather than the proposed blanket EU measures, therefore, the UK negotiating position on this proposal will be to seek alternatives such as the application of a risk-based regional approach, particularly in waters around the UK – the North Sea, Channel, and Western waters – an approach which will ensure that the right fisheries are monitored and required to take appropriate mitigation action where needed. This approach is in line with the existing requirements of the EU cetacean by-catch regulation (812/2004) which targets controls on bottom set gill and entanglement nets in ICES Areas IV (North Sea) and VII (western waters), which is where the related by-catch has more typically been an issue in these areas, rather than driftnets, particularly in consideration of the way driftnets are typically deployed and attended in UK waters. We consider a ban of any kind is inappropriate in the context of our UK driftnet fisheries.*



*"The next step is for Member States to make representations in Council working group in Brussels – where we anticipate discussions will probably commence from July onwards.*

*In the meantime we would welcome any comments or views on our intended approach in responding to this proposal as described above, or any additional perspective you can offer to inform our position. These should be returned to the above mailbox address - [Marine.CommonFisheries@defra.gsi.gov.uk](mailto:Marine.CommonFisheries@defra.gsi.gov.uk) - for the attention of my colleague Iain Glasgow – such views would be most helpful before the end of June."*



***Report compiled for the Sea Fish Industry Authority***

*By Jim Masters (Msc.) June 2014*

*Pelicans Foot Associated Ltd.*

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