

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Constitutional and Legislative Affairs Committee**

**Maria Damanaki
European Commissioner for Maritime Affairs and Fisheries
European Commission
B - 1049 Brussels**

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



16 July 2014

Dear Commissioner

Draft driftnets regulation COM(2014)265

As Chair of the Constitutional Affairs Committee at the National Assembly for Wales, I am writing to draw to your attention concerns that we have with the proportionality of the proposed ban on use of driftnets set out in the draft regulation COM(2014)265 published on 14 May 2014.

The Committee discussed these draft proposals at its meeting on 30 June 2014 taking into account information provided by the Welsh Government, the UK Government, and reactions to the proposals from Welsh fishing organisations and other stakeholders.

Whilst we understand the concerns that the European Commission has with regard to the existing legislation on driftnets, and whilst we support the overarching aims of the Common Fisheries Policy reform to achieve sustainable fishing practices in EU waters, we do not consider the draft regulation represents a proportionate response to the problems identified. Indeed, there is evidence that the introduction of a blanket-ban on use of all driftnets in EU waters could result in small-scale artisanal fishers, who operate in sustainably certified fisheries in Welsh waters, being forced out of business. We note that UK environment organisations whilst supporting the tighter regulation of driftnets in some fisheries have concluded that a blanket-ban will disproportionately penalise responsible small-scale fishers in the UK who have negligible adverse environmental impact.

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There are approximately 70 vessels operating in in-shore fisheries around the Welsh coast which use driftnets, and these bear no resemblance to the large scale driftnet fisheries in operation in the Mediterranean that is the primary focus of the revised legislation. Furthermore, driftnet operations often represent a high proportion of the income of the Welsh fisheries affected, meaning that some fishing operations in Wales could be forced to go out of business as a result of the introduction of a blanket ban.

The UK Government in its Explanatory memorandum (EM) on the proposals notes that the driftnets used by UK fisheries are short nets of around 200 metres in length and are used to target schooling fish for a short period of time. It also notes that by-catch in driftnets in UK fisheries has not been a problem relative to that associated with other types of gears (e.g. bottom set gill and entanglement nets) and, consequently, questions whether a shift to alternative gears would result in better by-catch rates.

Both the UK and Welsh Governments have described the proposals as a 'blunt instrument', and both reject a complete ban on the use of driftnets in EU waters, which is a view we concur with. We agree with the UK Government that the European Commission should look at how the regionalisation provisions of the Common Fisheries Policy could be used to address the problem, and that mitigation measures should be targeted at non-compliant fisheries.

We look forward to receiving your response to the concerns outlined.

Yours sincerely

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

**David Melding AM
Chair**