



EUROPEAN COMMISSION

Complaint – Infringement of EU law

Before filling in this form, please read «*How to submit a complaint to the European Commission*»:
https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/

All fields with * are mandatory. Please be concise and if necessary continue on a separate page.

1 Identity & contact details

	Complainant*	Your representative(<i>if applicable</i>)
Title* Mr/Ms/Mrs	Ms	
First name*	Jamie	
Surname*	Smith	
Organisation		
Address*	Your Address	
Town/City*	Your City	
Postcode*	Your Postcode	
Country*	United Kingdom	
Telephone	Your phone number, or not	
E-mail	my-email-address@mydomain.org	
Language*	English	
Should we send correspondence to you or your representative*	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 How has EU law been infringed?*

	Authority or body you are complaining about:
Name*	Ministry of Economic Affairs (Ministerie van Economische Zaken), in charge of Fisheries
Address	
Town/City	
Postcode	
EU Country*	The Netherlands
Telephone	
Mobile	
E-mail	

2.1 Which **national measure(s)** do you think are in breach of EU law and why?*

The number of derogations issued by the Netherlands to allow the use of electric pulse current largely exceeds the regulatory 5%-limit of the beam trawler fleet allowed by the EU during the transition period.

The national measure(s) under which the authorities of the Netherlands grant derogations in regard to the prohibition of trawling associated with electric pulse current during the transitional period, which expires on 30 June 2021, have not been identified.

The system for granting these derogations appears to be particularly opaque, which probably facilitates the granting of a number of derogations significantly higher than that allowed by Annex V, Part D of Regulation No 2019/1241.

2.2 Which is the **EU law** in question?

Annex V, Part D of Regulation No 2019/1241.

2.3 Describe the problem, providing facts and reasons for your complaint* (max. 7000 characters)

Regulation (EU) 2019/1241 came into force on 14 August 2019. By way of derogation from Article 7(1)(b) — and subject to compliance with the provisions of Annex V, Part D — this Regulation authorizes the use of electric current to catch marine species until 1 July 2021 by a maximum of 5% of each Member State's beam trawler fleet.

According to the EU fleet register, the Netherlands currently has 304 vessels registered as beam trawlers (as of 5 October 2020), but this country has officially granted 22 temporary derogations from this general prohibition, far more than the maximum limit of 5% of its beam trawler fleet (i.e. 15 vessels). This infringement of the rules governing the use of electric trawls has been validated by the DG-MARE services, which have acknowledged the exceeding of the legal framework in a letter addressed to BLOOM Association and dated 29 July 2020 (reference: Ares(2020)4005303; available at: <https://www.bloomassociation.org/wp-content/uploads/2020/08/Reponse-commission-30-juillet-2020.pdf>).

On the other hand, a study by BLOOM, published on 15 September 2020, based on data from 6 out of the 11 Dutch auctions, shows that at least 27 vessels reported using electric trawling in 2020, which is well above the official number of derogations. The actual figure is certainly higher than that (<https://www.bloomassociation.org/wp-content/uploads/2020/09/au-dela-illegal.pdf>). Vessels could thus operate electric trawls without derogations, or the Netherlands has failed to notify a number of derogations.

The European Commission justifies its decision by putting forward the establishment of a system to ensure that there will be no more than 15 beam trawlers using electric pulse current at the same time. This interpretation of Regulation 2019/1241 is totally erroneous. If such a possibility existed, the condition in paragraph 2(a) of Part D of Annex V would have read as follows: "no more than 5% of the beam trawler fleet per Member State simultaneously use electric pulse trawl".

2.4 Does the Country concerned receive (or could it receive in future) EU funding relating to the subject of your complaint?

Yes, please specify below No I don't know

The Netherlands has received substantial public subsidies for the development of electric fishing. BLOOM had filed a complaint on this topic with the Anti-Fraud Office on 13 June 2018. An analysis of the detailed files of the beneficiaries of the European Fisheries Fund (EFF) and the European Fund for Maritime Affairs and Fisheries (EMFF) had revealed that the Netherlands had received at least 21.5 million euros in public subsidies (<https://www.sciencedirect.com/science/article/pii/S0308597X18308819>)

In view of what has happened so far, it cannot be ruled out that subsidies may still be allocated to the vessels engaged in this fishing activity. This should be investigated.

2.5 Does your complaint relate to a breach of the EU Charter of Fundamental Rights?
The Commission can only investigate such cases if the breach is due to national implementation of EU law.

Yes, please specify below No I don't know

3 Previous action taken to solve the problem*

Have you already taken any action in the Country in question to solve the problem?*

IF YES, was it Administrative Legal?

3.1 Please describe: (a) the body/authority/court that was involved and the type of decision that resulted; (b) any other action you are aware of.

3.2 Was your complaint settled by the body/authority/court or is it still pending? If pending, when can a decision be expected?*

IF NOT, please specify below as appropriate

Another case on the same issue is pending before a national or EU Court

No remedy is available for the problem

A remedy exists, but is too costly

Time limit for action has expired

No legal standing (not legally entitled to bring an action before the Court) please indicate why:

No legal aid/no lawyer

I do not know which remedies are available for the problem

Other - specify:

4 If you have already contacted any of the EU institutions dealing with problems of this type, please give the reference for your file/correspondence:

Petition to the European Parliament - Ref.:

European Commission - Ref.:

European Ombudsman - Ref :

Other - name the institution or body you contacted and the reference for your complaint (e.g. SOLVIT, FIN-Net, European Consumer Centres)

5 List any supporting documents/evidence which you could - if requested - send to the Commission.

 Don't enclose any documents at this stage.

6 Personal data*

Do you authorise the Commission to disclose your identity in its contacts with the authorities you are lodging a complaint against?

Yes No

 *In some cases, disclosing your identity may make it easier for us to deal with your complaint.*