



# **Mediterranean Driftnets: A History of (In)Action**

"Driftnet": [noun] any gill net held on the sea surface or at a certain distance below it by floating devices, 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.

# — European Union Council Regulation (EC) No 809/2007

# Background

Driftnets have been banned within national waters by many countries and on the high seas by international bodies, including the United Nations, in large part because of the sheer waste associated with this fishing method. In addition to the species they target, driftnets kill large numbers of animals as bycatch—marine species not intended for capture—including whales, sea turtles, dolphins, and sharks.

However, an active—and often illegal—driftnet fleet continues to operate from Italy. Vessels with driftnets are targeting Atlantic bluefin tuna and swordfish, even though the International Commission for the Conservation of Atlantic Tunas (ICCAT), the body responsible for management of these vulnerable species, has banned the use of driftnets to capture them. The European Union is a member of ICCAT, so Italy is required to comply with all ICCAT decisions. Recent investigations in Italy have revealed that authorities are taking no action to enforce the driftnet ban. In July 2011, a widespread illegal trafficking ring was uncovered, along with evidence that bluefin catch documents were regularly being falsified or withheld, allowing tuna caught by driftnets to enter the market illegally.

## **Action Needed**

The Pew Environment Group urges the EU and ICCAT to take firm action to address Italy's continuous flouting of the driftnet ban. As an immediate first step, any Italian operators known to have engaged in prohibited driftnet activities should be placed on ICCAT's vessel blacklist. This would prohibit them from landing bluefin tuna or swordfish and would discourage importers and other sectors from purchasing fish from these vessels. ICCAT countries also should implement an electronic catch documentation system to address the fraud, misinformation, and delays associated with the current paper-based tracking system.

# A History of (In)Action

# 2002

The European Union bans driftnets in fisheries targeting large pelagic species (such as tuna and swordfish) and restricts the use to the capture of small coastal species, such as anchovies and the length to 2.5 km (1.5 mi).

■ Italian driftnet fishermen and vessel owners receive more than €100 million from national and EU funds to convert to alternative fishing methods.

2003

**NOVEMBER 2003** 

**ICCAT** bans driftnets targeting

large pelagic species, such as

**Recommendation 03-04**.

2004

swordfish and bluefin tuna, under

# 2006

# Italy relaxes *ferrettare* regulations after strong objections from fishermen.

- The maximum length is increased to 2.5 km (1.5 mi), the mesh size is increased to 180 mm (7 in), and the nets now can be used up to 10 miles from shore.
- These regulations essentially endorse the use of driftnets to catch tuna and swordfish, because coastal species are found closer to shore, and a mesh size of 180 mm will catch only larger marine species.

### OCTOBER 2009

# The European Court of Justice rules on the 2004 infringement procedure.

- The court finds that Italy has failed to observe, control, and inspect driftnet fishing.
- Italy is required to pay the legal costs of the infringement procedure.
- Despite the ruling, the most stringent sanctions (such as suspension of driftnet fishing authorization) are not imposed. Sanctions include administrative fines (€2,000 or US\$2,600) and some driftnet seizures. In only one documented case is a fisherman required to return funds that were paid to facilitate the transition to a different fishing method.

#### **OCTOBER 1998**

**The United Nations General** 

Assembly bans driftnets on

1993

1993

the high seas.

Italy restricts use of *ferrettare*, a type of coastal driftnet, to target coastal species within three miles of shore by limiting the length to 2 kilometers (1.2 miles) and the mesh size to 100 millimeters (4 inches).

 Penalties for illegal use of ferrettare are in place but are not imposed by the Italian authorities.

### 2004

#### The European Commission files an infringement procedure against Italy for failing to comply with the EU driftnet ban.

- An infringement procedure is an initial step in the EU legal process allowing a Member State to "conform voluntarily" with EU law.
- The EU, dissatisfied with the information provided by Italy, refers the case to the European Court of Justice.

# JANUARY 2009

2006

The United States identifies Italy as a country engaged in IUU (illegal, unreported and unregulated) fishing.

- Under the Magnuson-Stevens Fishery Conservation and Management Act, the United States can impose economic sanctions if the country takes no action to correct the IUU fishing.
- No sanctions or other measures are imposed on Italy.

## **NOVEMBER 2009**

2009

# The ICCAT Compliance Committee issues a letter of identification for the EU.

- A letter of identification is an official notice from the Compliance Committee that a country has violated one or more of ICCAT's conservation and management measures.
- If the country does not address the issue, penalties such as quota reductions or trade sanctions can be imposed.
- The letter of identification was issued because of Italy's continued violation of ICCAT Recommendation 03-04. No information is available about actions taken after the letter was issued.

#### JANUARY 2011 The U.S. again names Italy as one of six countries engaged in IUU fishing.

- Specific violations include Italy's failure to observe the 2003 ICCAT driftnet ban.
- Sanctions or other measures have not been imposed.

## MAY-JULY 2011

EU inspectors visit the Italian island of Ponza and nine ports in the Campania and Calabria regions of Italy.

- The inspections are intended to determine whether a second referral to the European Court of Justice is necessary, given Italy's failure to effectively enforce the EU legislation on driftnets.
- In all locations inspected, driftnets are observed on fishing vessels, most appearing longer than the 2.5 km permitted length.
- In Ponza, local authorities tell the inspectors that they have not conducted any onboard investigations since the start of the driftnet season, even though the vessels—with illegal driftnets in plain sight—are moored just 100 meters (328 feet) from the Italian Coast Guard's offices.

### SEPT. 21, 2011

# Under pressure from the EU, Italy revises its *ferrettare* regulations.

- Use is limited to three miles from shore and the mesh size to 100 mm (4 in), but the permitted length of 2.5 km is unchanged.
- This is the latest attempt by the Italian ministry to take minimal steps to address identified problems and avoid heavy EU sanctions.

### **APRIL 2011**

### EU inspectors are sent unannounced to three Italian ports in Sicily: Lipari, Porticello, and Cefalu.

2011

- Inspectors find 35 vessels with driftnets or gear typical of driftnet fishing. They also find nets and mesh sizes larger than permitted by Italian law.
- The inspectors conclude that fishermen are using illegal driftnets with "full tolerance of the Italian authorities."

### JULY 2011

The Italian Coast Guard in Sardinia reveals a widespread, well-organized operation of falsifying and avoiding bluefin catch documents (BCDs).

- The BCD is meant to accompany legally caught bluefin tuna to market.
- Violations worth €3.6 million (US\$5 million) are identified, and 70 wholesale and retail operators are under investigation.
- Authorities and conservation groups believe that much of the tuna uncovered during this investigation was caught by driftnets.

# SEPT. 29, 2011

# The EU announces a second infringement procedure against Italy.

- Italy has two months to take meaningful action indicating to the EU that it is addressing the driftnet problem.
- If the EU is not satisfied after reviewing Italy's actions over the next months, the country could be fined up to €120 million (US\$160 million).

COVER PHOTO: CARLOS SUÁREZ/OCEANA, BACKGROUND PHOTO: JUAN CUETOS/OCEANA



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