The Netherlands has failed to comply with the EU requirements on the use of electric fishing under Articles 31a(2)(a) and 43(1) of Council Regulation (EC) No 850/1998. In particular the Netherlands did not respect the 5% threshold for the use of electric pulse trawl and did not comply with the rule permitting the use of this fishing method only when the fishing operations are conducted solely for the purpose of scientific research.

**Correspondence with the Member State (last events)**

**Referral 258**

**Letter of formal notice 260**

**Reasoned opinion 258**

**Additional letter of formal notice 258**

**Referred 260**

**Decision date: 19/05/2022**

**Application received:**

**Court ref.:**

**Ruling date:**

**Additional reasoning opinion 258**

**Referal 258**

**Closure**

**Decision date:**

**Application received:**

**Court ref.:**

**Ruling date:**

**Other adopted decisions:**

**Conclusion and proposal:**

**Prop. of the responsible service:**

**Legal service opinion:**

**Consulted services opinion:**

**Prop. validated by DG CAB:**

**Correspondence with the Member State (last events)**

**Ref. Ares(2022)5100881 - 13/07/2022**

**State of play on:** 1/04/2022

**Lead Unit:** MARE.E.4

**Associated services:** SG, SJ

**Member State:** NL

**EU financing:** No

**Additional letter of formal notice 260**

**Closure**

**Correspondence with the Member State (last events)**

**Referral 260**

**Lead Unit:** MARE

**Letter of formal notice 260**

**Lead DG:** MARE

**Pre-closure letter:** 29/07/2020

**29/07/2020 Pre-closure letter**

**5/05/2021 Closure letter**

**5/05/2021 Pre-closure letter**

**Pre-closure letter:** 29/07/2020

**History of the decisions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>6 April 2018</td>
<td>The Commission requested the Netherlands to provide additional information on the non-compliance issues alleged by the complainant, as well as on the measures they intended to take to solve them. On 28 June 2018, the Netherlands provided the requested information and indicated that they did not share the Commission’s reading of Article 31a of the Technical Measures Regulation. By letter of 10 August 2018, the Commission specified its reading of the concerned EU rule and requested further extensive and concrete data from the Netherlands. In their reply of 12 November 2018, the Dutch authorities provided the data requested and reaffirmed their understanding of Article 31a. Moreover, they indicated that they also did not share the Commission’s reading of Article 43(1) of the Technical Measures Regulation.</td>
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<tr>
<td>19/05/2022</td>
<td>Decision date</td>
<td>19/05/2022</td>
</tr>
<tr>
<td>14 January 2019</td>
<td>A draft letter of formal notice was prepared and approved by Commission services. The case was not included in the list of cases to be considered by the College of Commissioners on their meeting of 7 March 2019. This is because at that time the negotiations on the new Technical Measures Regulation, underpinning the main claims of the complaint and the EU Pilot procedure ended, entailing a change of the legislative framework (that included prohibition on fishing with electric pulse trawl in all Union waters as of 1 July 2021, with specific conditions established to be applied during the transition period). Therefore, no decision by the Commission was made on the case at that stage. Subsequently, the new Technical Measures Regulation (Regulation (EU) 2019/1241) repealing the above referred rules on pulse fishing entered into force in August 2019. Under the new regulation, pulse fishing is banned as of 1 July 2021. Currently Dutch licensed vessels no longer engage in pulse fishing and therefore the Netherlands are now complying with the current legislation in force.</td>
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