

ITALIAN DRIFTNETTERS 2006: The OCEANA report



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© OCEANA/Juan Cuetos. Crew member of the driftnetter *Squalo*, defyingly showing an illegally captured swordfish (*Xiphias gladius*), 20 June 2006.

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Executive summary

Driftnetting has been condemned by the international community, banned in EC waters and on the high seas by EU flagged vessels by the European Union in 2002, and by the General Fisheries Commission for the Mediterranean (GFCM) in waters of the Mediterranean Sea since 2005. Years after the prohibition became effective, however, there are still various fleets from different countries using this fishing method. Within this context, the Italian driftnetting fleet is one of the most significant, not only due to the number of vessels that currently make-up the fleet, but also due to the fact that this fleet has received more than 200 million Euros, from European and Italian funding, in subsidies for its conversion or dismantling. The continued and unpunished activity of this illegal fleet, with the connivance of the Italian authorities and the apparent passive stance by the European institutions, is completely unacceptable.

During June and July 2006, Oceana has travelled 1500 nautical miles on board the *Oceana Ranger* in order to identify, document and report the vessels in this fleet engaged in Illegal, Unregulated and Unreported (IUU) fishing in the Tyrrhenian Sea, Sicily and the south of Sardinia. Similarly, this work has been complemented by the inspection of ports in the regions of Sardinia, Campania, Calabria and Sicily, where the presence and activities related to this illegal fishing fleet have been discovered in 14 of these ports. The results have also been complemented by those obtained during the 2005 campaign, presented in the Oceana report titled "The use of driftnets: a scandal for Europe, a mockery of the United Nations."

As a result of this investigation, 71 illegal driftnetters have been documented, either carrying out their fishing activities or set-up in order to do so, and of these, it has been proven that 22 have received subsidies for their conversion. The average length of the nets used by these vessels is an estimated 8 kilometres, 3 times the limit established by the European legislation, and sometimes reaching up to 20 kilometres in length.

During the observations made on the high seas, the capture of swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) has been filmed and photographed, a fishing activity which was banned by EC legislation regardless of net length, as well as the illegal landing of these species at port, and their subsequent introduction into the markets. Furthermore, an analysis has been conducted regarding the possible causes that have benefited not only the continuance of these vessels, but also the new additions to this fishery that were made after the EU ban in came into effect.

In the following document, Oceana makes recommendations to the Italian government in order for it to completely eliminate the use of driftnets on their coasts. Similarly, Oceana insists that the European Union take the necessary measures to enforce current legislation in all member states.



©OCEANA/Juan Cueros. Driftnets on a dock in Sorrento. 16 June 2006.

Introduction

The alarm was first raised concerning the use of large-scale driftnets on the high seas during the 1980s, and since then there have been many initiatives taken to remove this fishery from the global fisheries panorama. Oceana, the international organisation dedicated to researching and protecting the oceans, wanted to contribute to this effort and during the last few years has analysed the situation regarding this fishery, condemned by the international community, in the area that has become the last bastion for its indiscriminate use: the Mediterranean Sea.



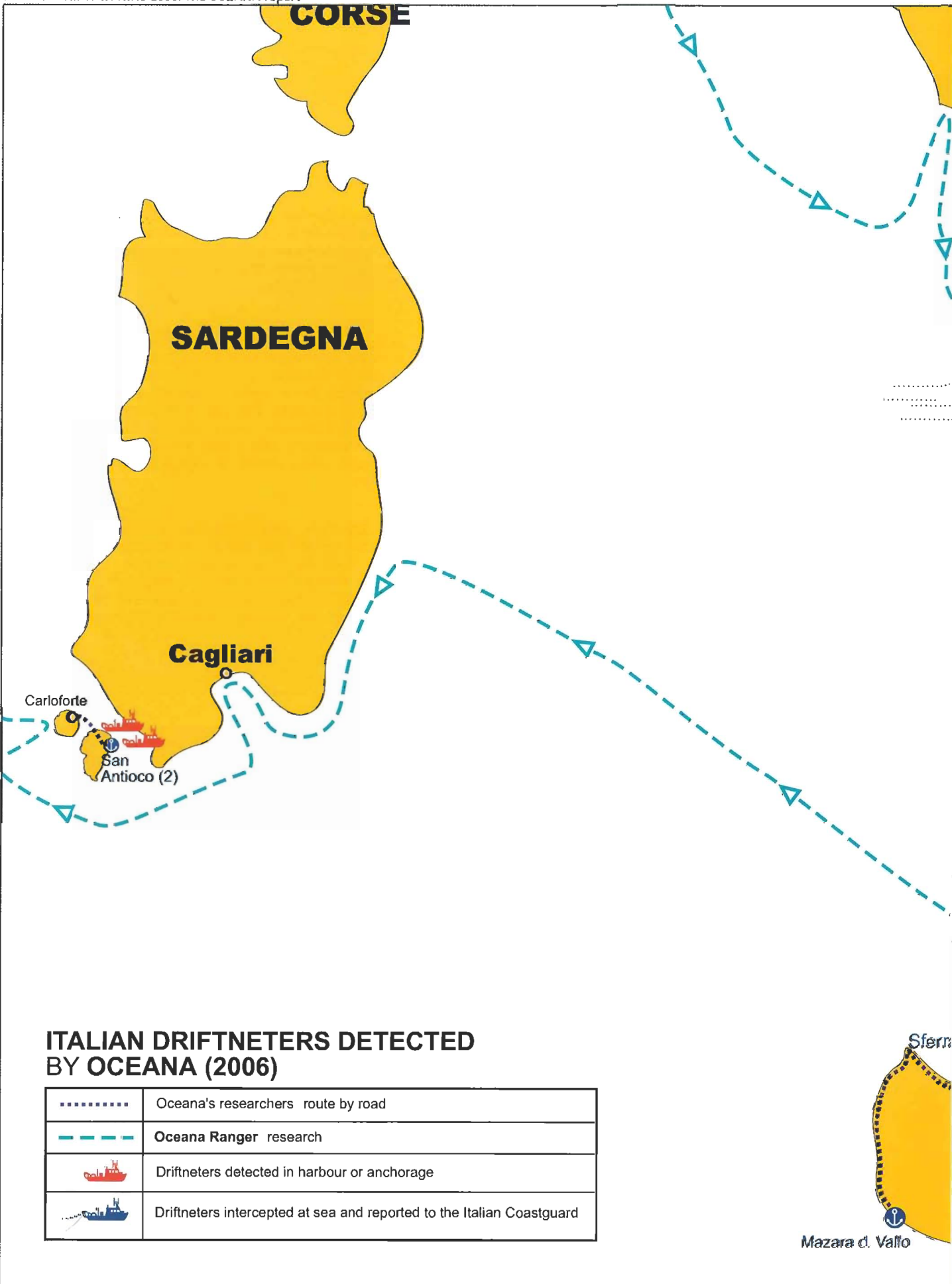
© OCEANA/Juan Cuetos. Crew member of the *Oceana Ranger*, watching the activity of two driftnetters. Southeast of Cetraro Marina, 21 June 2006.

Also known in Italy as "*spadara*" driftnets are fishing gear used for catching swordfish (*Xiphias gladius*), measuring dozens of kilometres in length, up to 30 metres in height and a mesh size between 150 and 500 mm (largest diagonal width of the net). The use of driftnets was banned in European Community waters and on the high seas by EU flagged vessels in 2002. These nets, also known as "curtains of death", are a threat to a large number of protected species.

This document presents information regarding the current situation of the driftnetter fleet on the waters of the Tyrrhenian Sea, based on data obtained by the Oceana Ranger during the two years of campaigns, as well as an analysis of the causes and consequences of the continuance of this illegal fishing activity in European waters.



© OCEANA/Juan Cuetos. Driftnets in Island of Ponza. 8 June 2006.





The legal framework for the use of driftnet in the UE

In 1989, the General Assembly of the United Nations (UNGA) approved a Resolution¹ establishing a moratorium for the use of large-scale driftnets on the high seas beginning 1992. This Resolution was later reinforced by consecutive resolutions approved in December 1990² and 1991³, where a 50% reduction in driftnet fleets was finally established at the beginning of June 1992, and a global moratorium for all oceans and seas, including enclosed and semi-enclosed seas, came into effect in December 1992.

According to these resolutions, the reasons for the moratorium were that driftnets "*can be a highly indiscriminate and wasteful fishing method that is widely considered to threaten the effective conservation of living marine resources, such as highly migratory and anadromous species of fish, birds and marine mammals*".

In fact, the studies carried out regarding Japanese vessels using this type of fishing method in the North Pacific to capture squid concluded that an estimated 41 million non-target species were caught each year, including all types of fish and various other species of cetaceans, pinnipeds, turtles and marine birds.⁴

From that moment, many resolutions, agreements, declarations and proposals have been approved around the world in order to eliminate the use of this fishery, including the International Whaling Commission (IWC)⁵; the General Fisheries Commission for the Mediterranean (GFCM)⁶; and the International Commission for the Scientific Exploration of the Mediterranean Sea (CIESM)⁷ as well as many other scientific and political bodies.

Unfortunately, some EU countries have been the main obstacle in the fight to eliminate this type of indiscriminate fishery from the oceans. Even though the Member States, in 1992, limited the length of the driftnets to 2.5 kilometres⁸; the EU did not approve a Regulation⁹ banning these nets until 1998. At that time, the driftnet fleet in the EU was comprised of 670 Italian vessels fishing for swordfish in the Mediterranean and approximately 100 French, British and Irish vessels fishing for white tuna in the North Atlantic, as well as approximately 350 Danish, Swedish and Finnish vessels in the Baltic Sea.¹⁰

The aforementioned legislation, however, did not come into effect until the 1 January 2002, and it did not apply to the Baltic Sea. Subsequently, and under new Regulation no. 812/2004 in 2004¹¹, it was agreed to extend the moratorium to the Baltic Sea. This prohibition will come into effect on the 1 January 2008.

In November 2003, and within the legal framework beyond the scope of the EU, a recommendation was made by the International Commission for the Conservation of the Atlantic Tuna (ICCAT)¹²; directed toward member countries, for the prohibition of large-scale driftnet fishing of large pelagic species. In February 2005, the GFCM¹³ transposed this recommendation, making the prohibition effective in the summer of 2005, at which time the Mediterranean became, for all legal purposes, an area completely free of driftnets.

From that moment, the use of driftnets for fishing highly migratory species became Illegal, Unreported and Unregulated (IUU fishing) within the parameters established by the FAO (see Appendix 1)



© OCEANA/Juan Cuetos. The driftnetter *Santa Rosa*, hauling in the net where an albacore (*Thunnus alalunga*) has been caught. Aeolian Islands, 22 June 2006.

Italy's case

A. The legal framework for the use of driftnets in Italy

In 1998, only three months after the Regulation to eliminate driftnets was published in the Official Journal of the European Communities, Italian authorities prepared a new Ministerial Decree¹⁴ allowing a new type of driftnet fishing gear called "*ferrettara*" to be used in the Mediterranean Sea. A new hole had been made in the EU's recently established prohibition of driftnets.

This new type of net was authorised for the capture of species included in Annex VIII of Regulation no. 894/97, and could measure up to 2 kilometres in length and have a mesh size of up to 100 mm, to be used less than 3 nautical miles from the coast, giving free rein to driftnets in the Mediterranean. During the subsequent years, many old driftnetters hid behind the name "*ferrettara*", without modifying their activity, and could continue with their fishing activities under a legal "veil." Nets measuring more than 10 kilometres continued to exist, capturing prohibited and vulnerable species.

Concurrently, the Italian government created a plan (*Piano Spadare*)¹⁵ for the voluntary conversion of existing driftnetters, including substantial compensation - an estimated 200 million Euros - as had been approved by the EU Fisheries Council of the European Union¹⁶. In June of 2000, 577 vessels of the estimated 680 accepted the conversion plan, and 103 of these vessels were scrapped.

Since not all of the fishing vessels accepted this regulation, Italy developed a new and mandatory conversion¹⁷ plan, after the end of the deadline established by the EU, in order to eliminate close to 100 vessels that had refused to accept the new legislation. Again, approximately 5 million Euros were made available for this new plan. The plan was approved by the EU by extending the MAGP IV (the Multi-Annual Guidance Programme) until the end of 2002¹⁸, allowing illegal driftnet conversion to be included in measures financed by the Financial Instrument for Fisheries Guidance (FIFG).

In 2003¹⁹ and 2005²⁰, new decrees gave free rein to illegal driftnetters once again. This time, the "*ferrettara*" became de facto the old "*spadara*". They were permitted to be set as close as 12 nautical miles from the coast and to have a length of 5 kilometres and a mesh size of up to 180 mm.



© OCEANA/Juan Cuctos. The driftnetter *Nettuno* at port. Island of Ponza, 8 June 2006.

The 29 April 2005 decree was revoked two months after it was issued due to evidence which established that it constituted a legal framework for driftnets. This revocation did not stop the driftnet fishing campaigns started under the protection of this decree, however. The Italian Guardia Costiera confiscated 800 kilometres of nets that year, and the majority were within the authorised areas established by the aforementioned decree, and from vessels that had already received financial aid for their conversion, as was emphasised by Member of Parliament Francesco Onnis²¹ during his participation in the Italian Chamber of Deputies, and made public by various media.

At the beginning of that same year, the Italian government declared to the Commission that fishing vessels using driftnets²² had ceased to exist as of 1 January 2003.

After the European Union and the Italian government invested more than 200 million Euros for the elimination of driftnets, reality has proven that the Italian government's initiatives have not eliminated driftnets, have actually and promoted their use in certain regions. Today, there are hundreds of driftnetters using nets of up to 20 kilometres in length, and the species caught by these nets are tunas, swordfish and common dolphinfish as well as other species that are prohibited by European legislation.

The Italian Guardia Costiera has confiscated 400 kilometres of driftnets²³ during the first few months of 2006 and almost 4 years after their prohibition.

B. The role of the Financial Instrument for Fisheries Guidance (FIFG) in the elimination of driftnets

Most of the funds used for the elimination of driftnets have been provided by the FIFG, even after the prohibition of 1 January 2002 came into effect. An intricate judicial labyrinth was established for the management of these funds, in order to silence the social and economic demands made by the sector, since the vessels that accepted the second "*Piano spadare*" received an average of 50% less compensation as compared to the financial aid given in the first conversion plan.²⁴

Once the prohibition came into effect, the Italian government began to make economic demands on the Commission, so they would co-finance the measures adopted for the elimination and conversion of a fleet that supposedly, should already have been eliminated.

Italy provided up to 5 million Euros from its treasury, as per legislation no.134 dated the July of 2002²⁵, for the establishment of the second "*Piano spadare*" plan geared toward the conversion of the fleet. Therefore, the 4 million Euros that were assigned for the three-year period from 2002 to 2004 came from the "Special" funds of the Italian Ministry of Economy and Finance and 1 million Euros came from the Ministry of Agriculture and Fishing²⁶ for the financial year 2002.

The Ministerial Decree of 25 July 2002, an articulation of the aforementioned law no.134 dated 6 July, included in its interpretation the possibility of co-financing by the EU within the terms geared toward minimising the²⁷measure's social and economic impact.

The source of funding is revealed more clearly in regards to the dismantling of the fleet. On 5 July, a notice from the Ministry announced that, due to the availability of FIFG funds within the 2000-2006 programmes, and more specifically for 2003, the July 2001 deadline established for the admission of applications for the "definitive cessation" would be extended and priority would be given to those vessels using the "*spadara*."

Both the Ministerial Decree dated 25 July and the official notice dated 5 July imply the use or future availability of FIFG funds for both the conversion and the dismantling of the driftnet fleet respectively, after it had already been prohibited.

Within this context, the Italian government asked the Commission for more funds in February 2003, so that the Commission would co-finance the ongoing conversion of the "*spadare*" fleet.



© OCEANA/Juan Cuetos. An unidentified driftnetter. Southeast of Cetraro Marina, 21 July 2006.

On 4 February 2003, the Direzione Generale per la Pesca e l'Acquacoltura issued an official note³² requesting that the Objective 1 Objective 1 regions are those whose per capita GDP is less than 75% of the EU's average, areas considered as priority in the European Structural Funds. regions co-finance, with FIG funds, the plans for the conversion and dismantling of the "spadare" fleet within measure no. 4.17b "Azioni realizzate dagli operatori del settore" for Objective 1 regions.

Similarly, another decree published in April 2003³³ provided financial aid to two new vessels, while at the same time included an economic contribution made by the regions of between 40 and 90% of the national measures.

Taking into account that all of the main regions implicated in driftnet fishing are Objective 1 regions (Calabria, Campania, Sardinia and Sicily), this measure could very well be a way of decentralising the management of European funds for driftnetting, in order to continue to use FIG funds to finance an illegal activity within the legal framework of the EU.

This leads us to conclude that the EU's economic contribution to the dismantling of the Italian driftnet fleet has not been limited to the initial 200 million Euros used for the first "Piano spadare" plan. New funds may have been used to eliminate a fishing method that is still being used by dozens of vessels, as proven by the data compiled by Oceana.

* Objective 1 regions are those whose per capita GDP is less than 75% of the EU's average, areas considered as priority in the European Structural Funds.

OCEANA'S WORK

A. 2005 Campaign

Oceana researchers covered the southern areas of the Tyrrhenian Sea aboard the *Oceana Ranger* research vessel during the summer of 2005. During the journey, and for the first time, they were able to verify that driftnetters which had supposedly been converted for other fishing methods and had received financial aid for these conversions were still implicated in illegal fishing activities.

Oceana researchers were able to document 37 vessels, 18 of which had benefited from the second "Piano Spadare" plan. The majority of these vessels were carrying out these activities around the Islands of Ponza and Sant Antioco.

Oceana's documenting and reporting of these illegal fishing activities in the Island of Ischia led to the pursuit and detention by the Italian Guardia Costiera of the illegal driftnetter, *Stella del Sud*.



© OCEANA/Xavier Pastor. The driftnetter *Stella del Sud* carrying out its fishing activities. Isla de Ischia, 24 June 2005.



© OCEANA/Juan Cuetos. Oceana researchers and cameramen, documenting the activities of illegal driftnetters on the high seas. June 2006.

B. 2006 Campaign

The journey

From the end of May to the beginning of July 2006, the *Oceana Ranger* research vessel travelled almost 1,500 nautical miles in the Ligurian, Tyrrhenian and Sardinian seas in order to verify the compliance with Regulation no. 894/97 (amended by Regulation no. 1239/98) and Regulation no. 88/98 (amended by Regulation no. 812/2004) where the European Union prohibits the use of driftnets measuring over 2.5 kilometres in length to capture large pelagic species, such as swordfish, fish in tuna family, etc. This journey, which took almost 30 days of sailing, was complemented by visits to various Italian fishing ports, covering another 2,000 kilometres by land through the coastal roads of Campania, Calabria and Sicily.

During weeks of sailing in this area, Oceana has documented the activity of 9 vessels on the high seas with driftnets on board that, in some cases, measured over 11 kilometres in length.

Graphic information has also been compiled, both in photograph and video formats where, apart from verifying the use of these illegal nets, the capture of species included in Annex VIII of Regulation no. 894/97 has also been documented, including swordfish (*Xiphias gladius*), albacore (*Thunnus alalunga*), atlantic bonito (*Sarda sarda*), frigate tuna (*Auxis* spp.) and various species of cephalopods.



© OCEANA/Juan Cuetos. An unnamed driftnetter, hauling in the net where a swordfish (*Xiphias gladius*) has been caught. 21 June 2006.

Species included in Annex VIII of (EC) Regulation no. 894/97 modified by (EC) Regulation no. 1239/98	
Common name	Scientific name
Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Bigeye tuna	<i>Thunnus obesus</i>
Skipjack	<i>Katsuwonus pelamis</i>
Atlantic bonito	<i>Sarda Sarda</i>
Yellowfin tuna	<i>Thunnus albacares</i>
Blackfin tuna	<i>Thunnus atlanticus</i>
Little tuna	<i>Euthynnus spp.</i>
Southern Bluefin tuna	<i>Thunnus maccoyii</i>
Frigate tuna	<i>Auxis spp.</i>
Oceanic sea bream	<i>Brama rayi</i>
Marlin	<i>Makaira spp. Tetrapturus spp.</i>
Sailfish	<i>Istiophorus spp.</i>
Swordfish	<i>Xiphias gladius</i>
Sauries	<i>Scomberesox spp.; Cololabis spp.</i>
Dolphinfish	<i>Coryphaena spp.</i>
Sharks	<i>Hexanchus griseus; Cetorhinus maximus; Alopiidae; Carcharhinidae; Sphymidae; Lamnidae</i>
Cephalopods	<i>All species</i>

Similarly, it has been verified that a high percentage of these captures was comprised of immature swordfish, measuring much less than the 140cm stipulated by the Italian legislation³⁴

In collaboration with the Italian Guardia Costiera, Oceana has reported the illegal fishing activities of these netters, always providing images and data regarding the activities being carried out, as well as their location. This work has often been hindered by the fishermen's attitude whilst documenting their activities, sometimes placing the *Oceana Ranger's* crew in danger.

Thanks to this collaboration, the Italian Guardia Costiera has confiscated dozens of kilometres of driftnets, taken away from the Calabrian fishing vessels fishing near the coasts of Campania, especially during the nights of 20 and 21 June 2006.

The final destination of these nets, however, is not known. In the past, and more often than not, these nets have been handed over "in custody" to the same fishermen, so they are immediately put back into use aboard the penalised vessels or other vessels.

During the filming and documenting of these fishing vessels from the *Oceana Ranger*, the fishing crews have deliberately hidden the vessel's registration numbers, making it impossible to identify them, and directly violating many sections of (EC) Regulation no. 1447/1999 (see Annex II)

Oceana has also been able to verify how the *Santa Rosa* and *San Giovanni* netters, one of which was caught while fishing, carried out negotiations with tuna seiners that provided bluefin tuna to a floating farm.



© OCEANA/José Peñalver. The *Oceana Ranger's* first officer informs the Italian Guardia Costiera about the position of the driftnetters fishing illegally. Southeast of Cetraro Marina, 21 June 2006.

Of the vessels documented on the high seas, only the *Tania*, which was found in the area surrounding the Island of Ponza while fishing, was included in the list of the second "Piano Spadare" plan, having received 27,644€ in 2002 for its conversion.



© OCEANA/Juan Cuetos. Driftnetters cooperating with seiners and bluefin tna fattening farms. Aeolian Islands, 22 June 2006.



© OCEANA/Juan Cuetos. Unidentified driftnetter, approaching the *Oceana Ranger*, putting both vessels in danger of collision. 21 June 2006.

This data seems to indicate that either the rest of the driftnetters were included in the first conversion plan, meaning they have continued to practice illegal fishing methods with help from European funding for more than four years, or that these vessels have been incorporated into the fleet after the last conversion plan, aided by the negligence of the Italian government in applying community legislation and enforcing compliance with international agreements.

Visited ports

On 14 June 2006, Oceana's research personnel began a journey of more than 2,000 kilometres by land in order to document the activity of the driftnetters in the ports of the regions of Campania, Calabria and Sicily.

During this three-day expedition by land, 46 driftnetters were documented and verified as being active in various ports, the majority with nets aboard measuring over 8 times the allowed length. Even if these vessels were tied up at port, the possession of this fishing gear is considered a violation of Regulation no. 1239/98 in its article 11bis.1.

Furthermore, large quantities of driftnets not identified with any specific vessel were documented on the docks of the inspected ports, as well as the transportation of these nets by truck to places outside the port, in order to hide them.

Oceana also has proof of how driftnetters such as the *Diomede II*, the *Padre Pio* or the *Cittá di Cetraro* unloaded illegal captures of swordfish at the port of Cetraro Marina, in broad daylight and with complete impunity, in direct violation of Regulation no.1239/98, article 11bis.2 which prohibits landing of swordfish caught by this fishing gear. The relative "calmness" with which this landing was carried out along with the fact that no authorities were seen in the area, lead us to confirm that this illegal activity is being carried out frequently and with a certain degree of connivance on the part of the fisheries sector and the competent authorities.

Oceana researchers were able to follow some of the refrigerated trucks as they left the port filled with illegal fish cargo, and observed how these were introduced in obviously fraudulent marketing channels.



© OCEANA/Juan Cuotos. Guardia Costera (Coast Guard) vessels gathering information from Oceana researchers in order to locate the reported driftnetters. 21 June 2006.



© OCEANA/Xavier Pastor. Truck transporting driftnets. Island of Ponza, 8 June 2006.



© OCEANA/Juan Cuotos. Typical vessel for fishing swordfish with harpoon. Bagnara Calabria, 16 June 2006.



© OCEANA/Juan Cuotos. The driftnetter *Padre Pio* illegally landing swordfish at the port in Cetraro Marina. 16 June 2006.

Both the carrying out of illegal fishing with driftnets and the landing and subsequent clandestine selling of the captured fish constitute a source of irreversible damage for the continuation of other more sustainable fishing methods, including traditional fishing of swordfish by harpoon, where catches are drastically declining as the activities of the driftnetters increase in their fishing areas.

C. Results

Characteristics of the vessels

The model illegal driftnetter is a vessel measuring approximately 15.5 metres in length (although in some cases they can reach almost 25 metres), weighing in at 25 gross registered tonnes (although some weigh more than 70 GRT) and with capacity to carry more than 10 kilometres of driftnet on board.

The nets are set and hauled in with the help of the typical net hauler located at the stern of the vessel, with a double or triple winch, which provide more traction than single winch systems used for other fishing nets.



© OCEANA/Angel Serrano. Typical net hauler. 29 July 2005.

During the *Oceana Ranger's* expedition, it was confirmed that some driftnetters do not use this system of net signalling in order to go unnoticed. This practice endangers maritime traffic.

In some cases, a floating anchor located at the bow of the vessel was observed, used in order to limit the movement of the vessel during the hauling-in of the nets.

The net is maintained at the surface thanks to a line of buoys. A characteristic cone-shaped buoy is placed every 0.5 miles and incorporates either a paraffin lamp in its centre or an electric light on top.



© OCEANA/Juan Cuotos. Typical buoy used with driftnets. 20 June 2006.

Characteristics of the fisheries

The area of the south Tyrrhenian Sea, along with the Alboran Sea, constitute the two most important swordfish fishing grounds in the Mediterranean.³⁵

This fishery is strongly conditioned by three parameters: the summer thermoclines that form in the Mediterranean, the phases of the moon and the meteorological conditions. For these reasons, driftnet fishing is carried out on the surface, when seas are calm, around the 1000m bathymetric line, and stops during full-moon phases, when catches are at a minimum. The nets are set at sundown and hauled in during the early hours of the morning.



© OCEANA/Juan Cuotos. Hauling in a driftnet with the help of a net hauler. 21 June 2006.

Vessels discovered

In total, 83 vessels were documented with driftnets aboard that are not authorised by the EU. The selection of these vessels was carried out conservatively, excluding all small sized vessels or those which could be using "ferrettara." Following this same criteria, any vessels with characteristics not clearly defined within those of driftnets were excluded from the list.

Of the selected vessels, 37 correspond to work done in 2005, and 46 were located during 2006, and 12 vessels were found during both years as such, the total number of vessels found both years added up to 71. In other words, 74% of the vessels documented during the past year are new additions to the list, while 26% had already been documented last year.

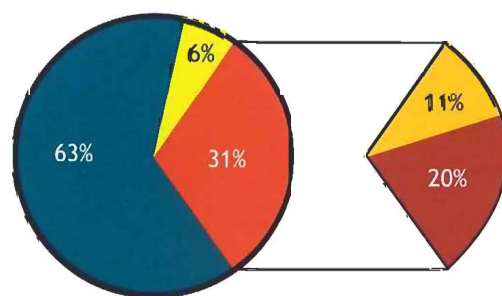


© OCEANA/Juan Cueto. The driftnetter *Dio Grande*, possibly using the "ferrettara". Santa Agata di Militello, 17 June 2006.

The rate of recurrence among the vessels that received financial aid for conversion is decidedly high, as it includes 8 of the 12 vessels located during both years; in other words 66.6%. Furthermore, 4 new vessels have also received financial aid to subsidise their conversion.

In total, 22 of the 71 vessels found (31%) have received financial aid in order to terminate the use of driftnets, while the remaining 69% did not appear on the list of driftnet vessels compiled by the Italian government listing those vessels in the process of conversion and for which the second "Piano Spadare" plan was approved. Evidently, these are vessels that have begun their illegal fishing activities after the European legislation became effective.

Driftnetters detected during the *Oceana Ranger* campaigns 2005 - 2006



- Vessels Not included in the Second "Piano spadare"
- Recurring vessels Not included in the Second "Piano spadare"
- Compensated
- Vessels compensated for their conversion
- Recurring vessels compensated for their conversion



© OCEANA/Juan Cuetos. A driftnetter's registration number, hidden by a cloth. Southeast of Cetraro Marina, 21 June 2006.

The vessels are based in ports located in Bagnara Calabria, Cagliari, Cetraro, Giardini, Ischia, Isola delle Femmine, Lipari, Marina di Camerota, Oristano, Palmi, Patti Marina, Ponza, Porticello, Portopalo di Capo Pasaro, Riposto, Santa Maria La Scala, Sant'Agata di Militello, Sant'Antioco, Scilla and Sorrento, and most of the registered vessels are to be found in Ponza and the surrounding areas.


Twice, the vessels discovered did not visibly display their registration numbers, either in part or completely, which directly violates various sections of (EC) Regulation no. 1447/1999 of 24 June 1999 (see Annex II).

Driftnetters identified by Oceana during the 2005-2006 campaigns

Vessel	Name	Number	Location	Date	Estimated length of the net	Registered for these types of gear	Subsidies received in euros
	?		39°26'39 N 15°45'20 E	20/06/06 20:00h	>5 Km	?	
	?		39°14'48 N 15°43'66 E	21/06/06	11 Km	?	
SIN FOTO	ACQUILA REALE		Bagnara Calabria	16/06/06	15 Km	?	
	SAN GIOVANNI		38°41'234 N 14°36'196 E	22/06/06		?	
	AFRICANO III	1-CT-719	Sant Antioco (Sardinia)	29/07/05		PS/LLS	
SIN FOTO	ANGELA	1-GT 275	Taureana	16/06/06	5 Km	PS/LLS	
	SANTA ROSA	1-MZ-903	38°42'58 N 14°52'84 E 38°41'027 N 14°35'929 E	22/06/06 06:00h 08:47'50h	7,4 Km	PS/LLS	
	MARLON	1-NA-2134	Isla de Ischia	24/07/05	4 Km	LLS/GND	
	FORTUNATA	2-CA-1042	Sant Antioco (Sardinia)	14/07/05	6 Km	GND/GNS	


















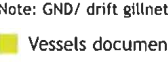
Note: GND/ drift gillnets; GNS/ fixed gillnets; LLS / surface longlining; OTB / net trawling ; PS / purse seine.

Driftnetters identified by Oceana during the 2005-2006 campaigns


Vessel	Name	Number	Location	Date	Estimated length of the net	Registered for these types of gear	Subsidies received in euros
	STELLA MADRE	2-CA-1062	Sant Antioco (Sardinia)	29/07/05		OTB/GNS	
SIN FOTO	STELLA POLARE	2-CA-1069	Calasetta (Sardinia)	14/07/05 29/07/05	4 Km 10 Km	OTB/GNS	
	MPS GIUSEPPE B	2-CA-1074	Sant Antioco (Sardinia) Sant Antioco/Pto. Rumanò	29/07/05 27/06/06		OTB/LLS	
SIN FOTO	ELISEO	2-CA-1086	Sant Antioco (Sardinia)	14/07/05 29/07/05	>3 Km	OTB/PS	11.850
SIN FOTO	ELISEO II	2-CA-1087	Sant Antioco (Sardinia)	14/07/05		OTB/PS	
	FRANCESCO PADRE	2-CA-1221	Calasetta (Sardinia)	14/07/05 29/07/05 04/08/05	>3 Km	?	
	ACQUA MARINA	0-CA-3867	Calasetta (Sardinia)	14/07/05 29/07/05 04/08/05		LLS/GND	35.392
	SAN GIORGIO	2-CA-852	Calasetta (Sardinia)	14/07/05	4 Km	OTB/LLS	
	NOE	2-GA-1017	Isla de Ponza Ponza Sorrento	21/07/05 08/06/06 10/06/06	>6 Km	PS/LLS	
	BURRASCA	2-GA-1040	Ponza	08/06/06	±18 Km	LLS/GND	
	SAN MICHELE	2-GA-1047	Ponza	08/06/06	4,7 Km	GND/GNS	
	GRANDE ELISA	2-GA-747	Isla de Ponza Ponza	21/07/05 08/06/06	4 Km ± 8 Km	LLS/GND	21.461
	S. CIRO	2-GA-889	Ponza	08/06/06	7 Km	LLS/GND	21.521
	FRANCHINA	2-GA-930	Isla de Ponza	21/07/05	4 Km	LLS/GND	23.522
	ANGELINA	2-GA-940	Ponza Isla de Ponza	08/06/06 21/07/05	> 4 Km 5 Km	LLS/GND	16.356
	NETTUNO	2-GA-964	Ponza Isla de Ponza	08/06/06 21/07/05	12 Km	LLS/GND	22.515















Note: GND/ drift gillnets; GNS/ fixed gillnets; LLS / surface longlining; OTB / net trawling ; PS / purse seine.

■ Vessels documented during both 2005 and 2006

Driftnetters identified by Oceana during the 2005-2006 campaigns							
Vessel	Name	Number	Location	Date	Estimated length of the net	Registered for these types of gear	Subsidies received in euros
	TANIA	2-GA-967	40°46' 157 N 12°57' 68 E	09/06/06 01:30 h	>4 Km	LLS/GND	27.644
	S. FRANCESCO	2-GA-984	Isla de Ponza 40°48' 13 N 13°00' 91 E	21/07/05 08/06/06 23:20h	>4 Km	PS/LLS	
	ALESSIO	3-CA-1139	Oristano (Sardinia)	01/08/05	12 Km	OTB/PS	
	CARMELINA MADRE	3-CS-796	Sorrento	10/06/06	12,9 Km	LLS/GND	26.892
	CARLO LUIGI	3-CS-799	Sorrento	18/07/05 10/06/06	11,8 Km 16 Km	LLS/GND	41 503
	MARINELLA	3-CS-805	Sorrento Sorrento	18/07/05 10/06/06	8,6 Km 8 Km	LLS/GND	35 259
	ROSA DEI VENTI	3-CS-828	Sorrento Sorrento	18/07/05 10/06/06	6 Km 12 Km	PS/LLS	31.416
	LUIGI PADRE	3-CS-836	Sorrento	18/07/05	5 Km	GND/GNS	
	GABRIELE PADRE	3-CS-840	Sorrento Sorrento	18/07/05 10/06/06	11 Km 8.6 Km	LLS/GND	
	ISABELLA DI CASTIGLIA	3-CT-450	Calasetta (Sardinia)	04/08/05		PS/LLS	26.674
	SAN DIEGO	3-CT-454	Calasetta (Sardinia)	04/08/05		LLS/GND	28.687
	ALESSIO	3-CT-468	Calasetta (Sardinia)	04/08/05		LLS/GND	28.917
	MARIA DI LOURDES	3-CT-472	Calasetta (Sardinia)	04/08/05		LLS/GND	65.851
	ROSS LUCY	3-CT-482	Calasetta (Sardinia)	04/08/05		LLS/GND	71.590
	TORNADO	3-SA-847	Porticello/P. Bagnara	17/06/06	7 Km	OTB/PS	
	STELLA MARIS	4-PA-1116	Sferracavallo	17/06/06	7 Km	LLS/GND	
	PAPERINO	5-RC-1063	Policastro/ Bussentino	15/06/06	16 Km	¿?	
	LEONE DI MARE	5-RC-1067	Policastro/ Bussentino	15/06/06	16 Km	¿?	

Note: GND/ drift gillnets; GNS/ fixed gillnets; LLS / surface longlining; OTB / net trawling ; PS / purse seine.

 Vessels documented during both 2005 and 2006

Driftnetters identified by Oceana during the 2005-2006 campaigns							
Vessel	Name	Number	Location	Date	Estimated length of the net	Registered for these types of gear	Subsidies received in euros
	PEPPE LABRAZZI	5-RC-1073	Bagnara Calabria	16/06/06	3,5 Km	PS/LLS	
	MADONNA DELLE GRAZIE	5-RC-1074	Bagnara Calabria	16/06/06	6 Km	PS/LLS	
	SQUALO	5-RC-1085	39°51'28 N 14°59'57 E	20/06/06 6:30h	5 Km	GND/GNS	
	SAMPEI	5-RC-1103	Policastro/ Bussentino	15/06/06	±20 Km	?	
	?	5-RC-1850	39°14'97 N 15°36'06 E 39°14'48 N 15°43'66 E	21/06/06 05:30h	9,8 Km	?	
	PERLA DEL TIRRENO	6-MZ-457	Santa Agata de Militello	17/06/06		PS/LLS	
	MARIA MADRE	6-MZ-479	Santa Agata de Militello	17/06/06	5 Km	PS/LLS	
	ROSALÍA	6-MZ-507	Santa Agata de Militello San Nicola	17/06/06	4 Km	GND/GNS	
	NICOLA PADRE	6-MZ-519	Sant Antioco (Sardinia)	29/07/05		GND/GNS	
	EMILIA	6-MZ-534	Sant Antioco (Sardinia)	29/07/05		PS/LLS	
	STELLA DEL SUD	6-NA-009	Isla de Ischia	24/07/05	5 Km	?	
	ORAZIO II	6-RC-307	Scilla Calasetta (Sardinia)	16/06/06 29/07/05	>10 Km	PS/LLS	56.271
	CITTA DI CETRARO	6-VM-224	Cetraro Marina	16/06/06	15 Km	OTB/NO	
	PADRE PÍO	6-VM-227	Cetraro Marina	16/06/06	8 Km	LLS/GNS	

Note: GND/ drift gillnets; GNS/ fixed gillnets; LLS / surface longlining; OTB / net trawling ; PS / purse seine.

■ Vessels documented during both 2005 and 2006

Driftnetters identified by Oceana during the 2005-2006 campaigns							
Vessel	Name	Number	Location	Date	Estimated length of the net	Registered for these types of gear	Subsidies received in euros
	AL CAPONE II	6-YM-361	Cetraro Marina	16/06/06	5 Km	?	
	B. COLLEONI	7-MZ-481	Sant Antioco (Sardinia)	29/07/05		PS/LLS	22.576
	ADELINA	7-MZ-506	Sant Antioco (Sardinia)	29/07/05		PS/LLS	
	GIOVANNI PADRE	7-MZ-537	Sant Antioco (Sardinia)	29/07/05		GND/GNS	
	MARIA SANTÍSSIMA DEL TINDARI	7-PA-1765	Porticello/P. Bagnara	17/06/06		OTB/PS	
	GIUSEPINA MADRE	7-PA-1889	Porticello/P. Bagnara	17/06/06	5 Km	OTB/LLS	
	ALESSANDRO	7-PA-1894	Porticello/P. Bagnara	17/06/06	7 Km	OTB/LLS	57.581
	LA MADRE SANTÍSSIMA DE LUME	7-PA-1956	Porticello/P. Bagnara	17/06/06	4 Km	LLS/GND	
	SAMUELE	7-PA-2061	Porticello/P. Bagnara	15/06/06	3 Km	LLS/GND	
SIN FOTO	?	9-MZ-12	38°40' 081 N 014°49' 264 E	21/06/06 20:00h		?	
	LORENA PAOLA	12-SA-275	Marina de Camerota	17/06/06	7 Km on deck, 3 Km on dock	PS/LLS	
	DIOMEDE II	14-ME-621	Cetraro Marina	16/06/06	17 Km	LLS/GND	
	ANTONIO I	CA-3868	Sant Antiocco Pto. Rumano Calasetta (Sardinia)	27/06/06 29/07/05		LLS/GND	60.338
	ALBA CHIARA	CA-3869	39°20 N 07°33 E	31/07/06	12 Km	LLS/GND	39.325

Note: GND/ drift gillnets; GNS/ fixed gillnets; LLS / surface longlining; OTB / net trawling ; PS / purse seine.

■ Vessels documented during both 2005 and 2006

The majority of these vessels are not registered to use driftnets, and only a few are authorised for fixed gillnet fishing. The rest of the vessels are, theoretically, fishing with other methods. Only 12 of the 49 new vessels (those not included in the second "*Piano spadare*") that are now part of this fishery are authorised by the Italian government to use any type of driftnet. The rest, in other words 75.5%, are vessels authorised for gear such as longlines, seines or trawling.

One of the loopholes in Italian legislation that aids in the fraudulent use of driftnets is the possibility offered to the vessels of having various different fishing gears aboard simultaneously. Thanks to this, many driftnetters carry a few hundred metres of longlines on board apart from the nets. This allows them to affirm that the fishing method used for the catch is the small longline found aboard, in the event that the authorities should question their activities when landing the swordfish caught by the driftnets.

Regarding the vessels that received compensation, 12 of the 46 vessels found in 2006 had received these subsidies, making a total of 418,752 Euros and an average of 34,986 Euros per vessel.

In total, and given that various vessels had been discovered both years, 22 of the 71 documented vessels had received subsidies for a total of 773,136 Euros and an average of 35,142 Euros per vessel.

Taking into account that the average subsidy received during the second "*Piano Spadare*" plan was 26,042 Euros, with a maximum of 72,000 Euros per vessel, the major beneficiaries of this conversion plan are to be found amongst those that use illegal driftnets. Take, for example, vessels such as the *Ross Lucy* (with 71.590€), the *Maria di Lourdes* (with 65.851€), the *Antonio I* (with 60.333€), the *Alessandro* (with 57.581€) or the *Orazio II* (with 56.271€).

Furthermore, during 2006 an important decline was observed in the number of vessels found in the areas of the Gulf of Naples, the Island of Ponza and Sardinia compared to the data obtained during 2005. The large number of vessels registered in 2005 may be a consequence of the aforementioned decree dated 29 April, when many of the vessels that had been converted for other fishing gear, including "*ferrettara*," began using driftnets once again, encouraged by the decree, in these areas.



© OCEANA/Soledad Esnaola. An Oceana cameraman cautiously documents a driftnetter in Sorrento, from one of the *Oceana Ranger's* portholes. 10 June 2006.



© OCEANA/Juan Cuetos. The driftnetter *Alessandro*, registered for trawling, has driftnets in the ship's hold. Porticello/Puerto Bagnara, 17 June 2006.

The subsequent cancellation of the decree on the 1st of July 2005, and the campaign to confiscate driftnets carried out by the Italian Guardia Costiera, centred mainly around the Sardinian coasts, could be an influencing factor in the decline in driftnetting activity observed by Oceana in these areas during 2006.

Furthermore, it should be noted that both the regional Sardinian authorities and the local fishing associations are progressively showing less and less tolerance toward the presence of Sicilian and Calabrian driftnetters in their ports.

Driftnets are a threat to biodiversity

Driftnets have been banned because they constitute a highly indiscriminate and wasteful fishing method.

During the 1990s, accidental captures of marine life by driftnets on the Italian coasts were estimated at 82% of the individual catch, equal to 50% in weight;³⁶ where cetaceans, elasmobranchs and loggerhead turtles (*Caretta caretta*) were most significantly affected by this fishery.

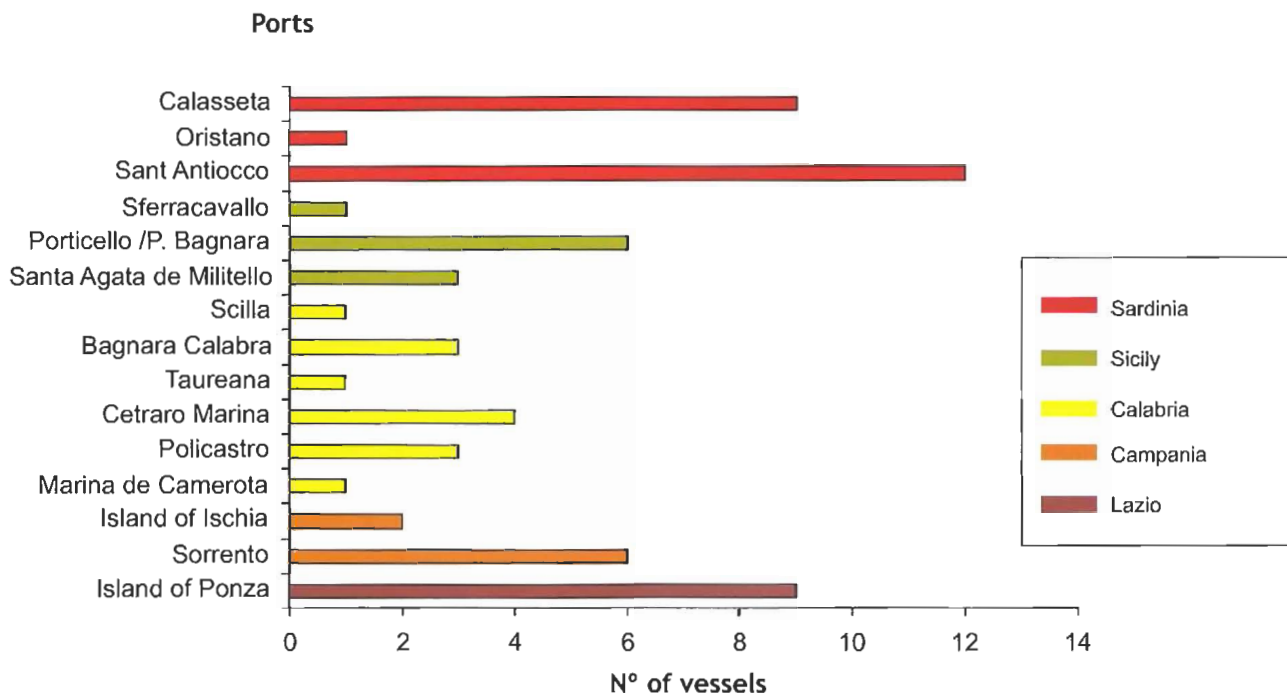
Various species of elasmobranchs have been documented as driftnet by-catches in the Ligurian Sea. The blue shark (*Prionace glauca*), the thintail thresher shark (*Alopias vulpinus*), the pelagic sting ray (*Pteroplatytrigon violacea*), the devil ray (*Mobula mobular*) and the basking shark (*Cetorhinus maximus*) are affected by this fishery.³⁷ Both the ray and the basking shark are listed in Annex II of the Bern Convention as "strictly protected species," while the blue shark is listed in Annex III as a "protected specie."

Regarding cetaceans, the population of sperm whales (*Physeter macrocephalus*) and striped dolphin (*Stenella coeruleoalba*) are the most affected by driftnetting activity, although other accidental by-catches include species such as the Cuvier's beaked whale (*Ziphius cavirostris*), the Risso's dolphin (*Grampus griseus*), the long-finned pilot whale (*Globicephala melas*), the bottlenose dolphin (*Tursiops truncatus*) and the common dolphin (*Delphinus delphis*).³⁸ Furthermore, other individual cases have also been documented of fin whales (*Balaenoptera physalus*) and minke whales (*Balaenoptera ancurotorostrata*) getting caught in driftnets.

Accidental by-catches of striped dolphins are estimated at 8,000 individuals per year of the Italian coasts alone.

Oceana has confirmed in their observations during 2005 and 2006 that most of the Italian driftnetting fleet is based in the areas around Island of Ponza, Gulf of Naples and Sardinia, as can be observed on the following graph.

Driftnetters detected in Italian ports
(2005-2006)

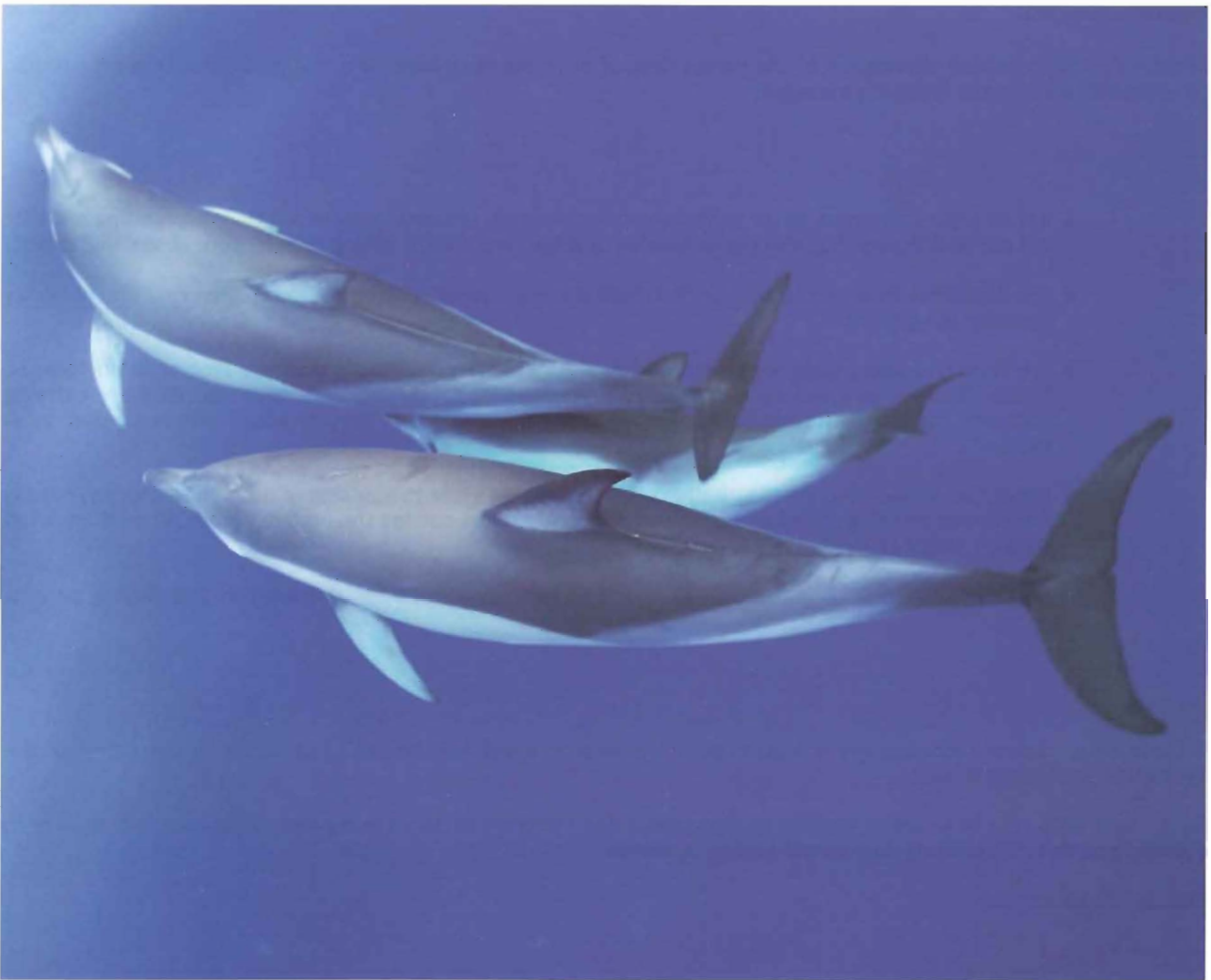


These areas are home to immensely rich ecosystems, important for various populations of cetaceans. Recent studies describe the northern area of Ischia and the 120 kilometres separating it from Island of Ponza as an especially important area for the feeding and reproduction of various species. In 2002, intense driftnetting activity was discovered in the area³⁹ (26 vessels from Calabria, 12 from Sicily and 2 without registration), related to three cases of striped dolphins beached and presenting injuries caused by the driftnets (amputated dorsal and caudal fins, marks on the skin, etc.)⁴⁰

Furthermore, the Aeolian Islands is another critical area for the use of driftnets, according to the Guardia Costiera, described as an area where the bottlenose dolphin has been endangered by this fishing method. By-catch mortality in driftnets has been identified as one of the main aggressions suffered by this species!⁴¹

The use of driftnets produces unsustainable damage to populations of cetaceans in the Mediterranean Sea; species that require special protection as it is. Species such as the common dolphin, listed as highly endangered by The World Conservation Union (IUCN), is just one more victim of the use of illegal driftnets.

According to the "ACCOBAMS plan for common dolphin 2004"⁴² regarding the use of driftnets: "[We are] convinced that if all such measures, invoked by the existing international, regional and national legal instruments for the management of the Mediterranean Sea, were to be fully implemented and enforced, the decline of common dolphins would likely cease."



© OCEANA/Juan Cuetos. Common dolphins (*Delphinus delphis*)

Conclusions

After investing millions of Euros of European taxpayer's money and four years after the prohibition, dozens of the vessels that make-up the Italian driftnet fleet are still active. The Italian government's negligent attitude in the application of Community legislation and the deficient national measures used to enforce compliance with effective legislation have, in part, caused this situation.

In June 2005, the European Commissioner for Fisheries, Joe Borg, declared⁴³: *"The Commission concludes that Italy is not satisfactorily controlling or inspecting community legislation regarding the use of driftnets"*.

In spite of all the evidence, Italy has still not been sanctioned.

Furthermore, European funds have been used to finance the activities of fishing vessels engaged in what is commonly known as "pirate fishing" (IUU fishing). However, the transparency of data regarding these activities is intentionally quite lacking. There is no evidence as to the total amount of funds used for the elimination of this fishery.

Oceana believes that this situation radically calls into question the operative effectiveness of the Common Fisheries Policy. Oceana works to ensure that the appropriate measures are put into practice, regarding both the application of the pertinent economic sanctions as well as control mechanisms, to definitively eliminate driftnetting activities and to put an end to the damage caused to swordfish stocks and populations of cetaceans and elasmobranchs in the Mediterranean Sea.

In order for the definitive elimination of the Italian fleet of driftnetters to become a reality, Oceana urges the Italian government to adopt the following measures:

- Italian legislation must be an unmistakable reflection of Community legislation, prohibiting not only the use of driftnets, but also the possession of these nets aboard fishing vessels, both at sea and at port.
- The decommissioned nets should be destroyed and not "deposited" with the same offenders, who obviously continue using them.
- The fishing vessels should not be allowed to simultaneously have more than one type of fishing gear on board, in order to avoid them mocking the authorities by stating that, although they are carrying driftnets, the illegal fish has been captured by the few hooks they keep on board, which are used as an excuse.
- Inspectors should be present at Italian ports in order to avoid the landing of prohibited species, quickly transferred to refrigerated trucks and subsequently taken outside the port to be placed on the market through illegal channels.
- Non-compliance with legislation should lead to the definitive withdrawal of the fishing permit.

If these basic control measures are not adopted, all efforts to eliminate the use of driftnets on the coasts of the Tyrrhenian Sea will be in vain.

On 11 June 2006, the new Italian Minister of Agriculture and Fisheries declared in a press conference:⁴⁴ *"It is time to put into practice measures against illegal fishing activities."*

Exactly, it's about time.

Annexes

Annex I

Implementation of the international plan of action to prevent, deter, and eliminate illegal, unreported and unregulated fishing: Relationship to, and potential effects on fisheries management in the Mediterranean / No. 76 2005 /GFCM Studies and reviews/ Rome, 2005

APPENDIX 2 DEFINITION OF IUU FISHING

Illegal fishing refers to fishing activities:

- (1) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- (2) conducted by vessels flying the flag of states that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the states are bound, or relevant provisions of the applicable international law; or
- (3) in violation of national laws or international obligations, including those undertaken by cooperating states to a relevant regional fisheries management organization.

Unreported fishing refers to fishing activities:

- (1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (2) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

Unregulated fishing refers to fishing activities:

- (1) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- (2) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.¹¹²

Annex II

COUNCIL REGULATION (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy

ANNEX

LIST OF TYPES OF BEHAVIOUR WHICH SERIOUSLY INFRINGE THE RULES OF THE COMMON FISHERIES POLICY

A. Failure to cooperate with the authorities responsible for monitoring

- Obstructing the work of fisheries inspectors in the exercise of their duties in inspecting for compliance with the applicable Community rules.
- Falsifying, concealing, destroying or tampering with evidence which could be used in the course of inquiries or judicial proceedings.

B. Failure to cooperate with observers

- Obstructing the work of observers in carrying out their duties, laid down by Community Law, of observing compliance with the applicable Community rules.

C. Failure to observe the conditions to be met when fishing

- Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing and issued by the flag Member State or by the Commission.
- Fishing under cover of one of the abovementioned documents the content of which has been falsified.
- Falsifying, deleting or concealing the identification marks of the fishing vessel.

D. Failure to comply during fishing operations

- Using or keeping on board prohibited fishing gear or devices affecting the selectiveness of gear.
- Using prohibited fishing methods.
- Not lashing or stowing fishing gear the use of which is prohibited in a certain fishing zone.
- Directed fishing for, or keeping on board of species from, stocks subject to a moratorium or a prohibition of fishing.
- Unauthorised fishing in a given zone and/or during a specific period.
- Failure to comply with the rules on minimum sizes.
- Failure to comply with the rules and procedures relating to transshipment and fisheries operations involving joint action by two or more vessels.

E. Failure to comply in connection with resources for monitoring

- Falsifying or failing to record data in logbooks, landing declarations, sales notes, takeover declarations and transport documents or failure to keep or submit these documents.
- Tampering with the satellite-based vessel monitoring system.
- Deliberate failure to comply with the Community rules on remote transmission of movements of fishing vessels and of data of fishery products held on board.
- Failure of the master of the fishing vessel of a third country or his representative to comply with the applicable control rules when operating fishing in Community waters.

F. Failure to comply in connection with landing and marketing of fishery products

- Landing of fishery products not respecting the Community rules on control and enforcement. Stocking, processing, placing for sale and transporting fishery products not meeting the marketing standards in force and, in particular, those concerning minimum sizes.

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