

DRIFTNETS AND LOOPHOLES



THE CONTINUED FLOUTING OF EU LAW BY THE ITALIAN GOVERNMENT IN ITS DRIFTNET FISHERY



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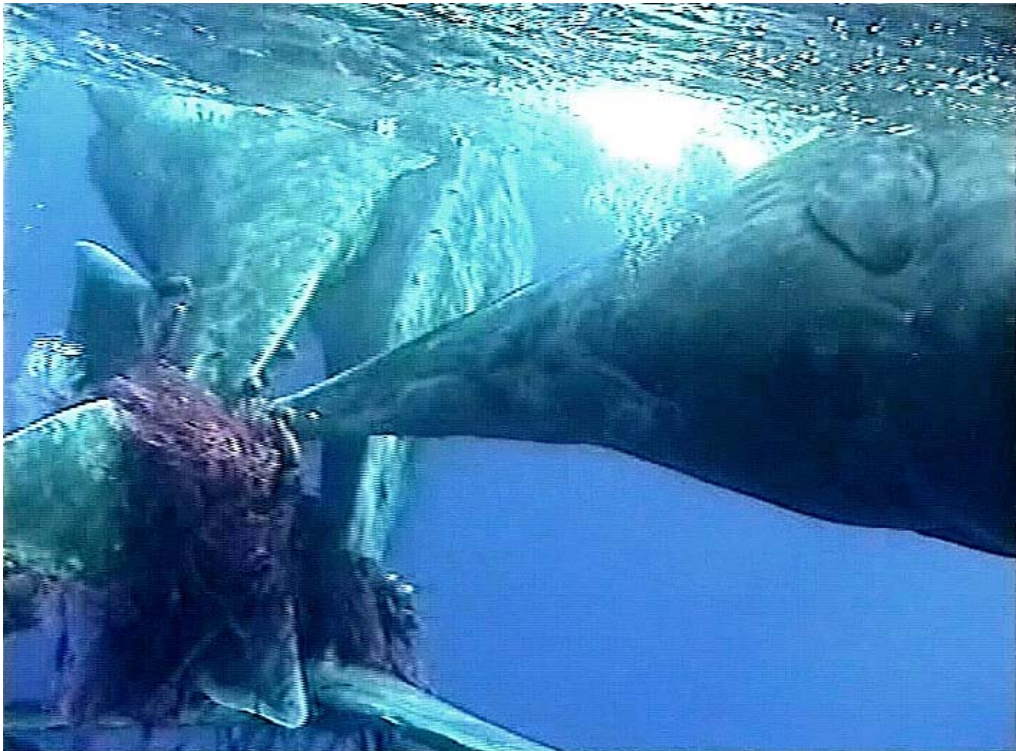


Fig 1 sperm whale caught in an illegal driftnet off the Italian coast

INTRODUCTION

The RSPCA, Humane Society International and the Whale and Dolphin Conservation society (WDCS) have campaigned for many years against the use of driftnets in the Mediterranean Sea, culminating in an EU prohibition on their use to catch tuna, swordfish and similar species in 2002. Since then monitoring of compliance with the prohibition has been undertaken in four successive fishery seasons.

In 2002 monitoring was done in conjunction with Greenpeace Italy off the coast of Sardinia. This identified five driftnet vessels in three harbours in Sardinia. The information was passed on to the Commission. This was followed up in 2003 by further monitoring of the Italian fisheries which drew attention to the loopholes created by the Italian conversion of driftnet vessels into other fisheries. In 2004, the Italian cetacean organisation DELPHIS, was commissioned to undertake an investigation into the use of driftnets in southern Italy and to assess the continuing impact on cetacean species. This found nine driftnet vessels illegally fishing, 15 vessels in port that had illegal driftnets to target prohibited fish species and illegal landings of swordfish and tuna. This information was handed over to the Commission in March 2005. In 2005 DELPHIS undertook a second year of investigations which found 17 driftnet vessels in Ischia and seven in Filicudi. Both sets of results were handed over to the Commission but no action has been taken against the Italian authorities for not abiding by European legislation nor any action by the Italian authorities against the illegal boats or fishermen.

A further season's monitoring of the Italian fishery was then undertaken in 2006 to assess what has been happening at sea since the first two investigations revealed the scale of the problem. This report presents information from the 2006 research programme showing how the EU's driftnet legislation continues to flouted five years after a total ban had come into effect.

LEGISLATIVE HISTORY OF THE USE OF DRIFTNETS

A driftnet is a gillnet that is set at or near the sea surface to catch pelagic fish such as herring, tuna or mackerel. Its mesh could range from 15 to 50 cm. It is left to drift in the water. With the advent of synthetic nets in the 1980s much larger and less visible nets were used than before and numbers of by-caught fish and marine mammals rose. In response, the UN passed a Resolution in 1989 agreeing a moratorium on the use of all large-scale pelagic driftnets. The EU responded by adopting Regulation 345/92 in 1992 which established a maximum length limit of 2.5 km for driftnets used in EC waters and by EC vessels. This allowed certain fisheries to continue. At this time the main EU driftnet fleets were based in Ireland, France and the UK targeting species in the northeast Atlantic and in France and Italy in the Mediterranean Sea.

The Mediterranean driftnet fleet, targeting both albacore tuna and swordfish was mainly exploited by the Italian fleet which consisted of some 600 vessels. For some years after Regulation 345/92 was adopted, the Italian driftnet fleet continued to use nets up to 12 km in length. Concern at the scale of this illegal driftnetting led to an agreement in 1997

that decommissioning would occur in 1997-1999. Decommissioning proceeded and it is thought that all but 90 vessels involved in driftnet fishing accepted the voluntary plan in 1997. Those which didn't were mainly Calabrian vessels.¹

In 1998 EU fisheries ministers, concerned at the continued conservation issues arising from the use of driftnets of even less than 2.5 km, adopted Regulation 1239/98. This banned the carriage or use of driftnets of any length in EC waters and by EC vessels even beyond these waters (except in the Baltic Sea) when intended to target ten specific fish species and seven fish families. The species covered included tuna, marlin, swordfish, sharks and cephalopods. The Regulation also prohibits the landing of these species if they have been caught in driftnets. The area covered included the Mediterranean Sea and the northeast Atlantic Ocean. This came fully into effect on 1st January 2002. A further Regulation 812/2004 was agreed on 26th April 2004, which extended the ban on driftnets used for any species to the Baltic Sea by 2008. Negotiations are underway on a further Regulation which will introduce a specific definition for a driftnet.

SITUATION IN ITALY

In the Mediterranean Sea, the Italian driftnet fishery, where both nets and vessels are usually called “*spadare*” was traditionally targeted on swordfish (*Xiphias gladius*) and albacore tuna (*Thunnus alalunga*) (see box below for detailed information on the different Italian fishery nets).

In order to comply with the EU Regulation, the Italian Government started a conversion plan which aimed to shift fishery effort from *spadare* to trawlers or purse seiners. Under the terms of the conversion plan, contained in Decree DM 25/7/2002, fishermen were offered compensation.

However, as there was never a record of the number and length of driftnets owned and used by Italian fishermen before the EU ban, it is impossible to be sure that all the driftnet fishing gear that was to be returned has actually been handed back to the relevant authorities as part of the reconversion plan. Consequently, even fishermen who officially accepted and complied with the ban, could have in fact retained part of the gear for the purpose of either selling it to non-EU countries or continuing operations illegally. The Italian environmental organisation, Gaia Italia, also reports that some Italian fishing vessel owners are known to have created fishing co-operatives in Mediterranean countries outside the EU in order to continue their driftnet fishing undisturbed.²

According to data posted on the Italian Ministry of Agriculture website until the beginning of October 2003, as of 31 July 2003 there were still 22 driftnet (*spadare*) vessels in the Italian fleet. This corresponds to a total gross tonnage of 604.69, against a total tonnage of 8,980 of 31/12/2001.³ However, new data posted on the same site

¹ Elba Oggi, 5 July 2003 (www.elbaoggi.it).

² Gaia Italia, *Mare: Pesca e Spadare*, 22 June 2003 (<http://gaiaitalia.it>)

³ <http://www.politicheagricole.it/PESCA/FLOTTA/Objective.asp>

recently, updated the figure to no vessels as of 30 September 2003. ⁴ In 2004 the RSPCA/HSI investigation found twenty different vessels operating at sea or in port. ⁵

A new small driftnet fishery (called “*ferrettara*”) whose nets have a mesh size of 15 cm and a length of 2 Km, was introduced by law D.M 14.10.1998 n.281 in 1998. The status of this fishery was reconsidered by the Italian Fishery Ministry in 2003. On March 27th and April 4th 2003 under decrees DM 27/03/03 and DM 4/4/2003 fishermen were allowed to convert the *Spadare* into *ferrettare* and to use anchored gillnets up to a maximum length of 5 km. This change in the fishery even benefited those fishermen that had benefited from the EU conversion plan and received compensation. The issuing of new licenses under this scheme has produced unrestrained fishing activities since vessels have started to use different kind of nets (not only *ferrettare* but also anchored gillnets).



Fig. 2 A driftnet moored in the centre of Ischia harbour

An explanation to the different nets

Spadara: It is a wide mesh driftnet used almost exclusively for swordfish fishing. EU regulations permitted a maximum length of 2.5 Km until use of this fishing gear was banned in EU waters beginning in 2002, based on a EU regulation adopted in 1998.

Ferrettara: Also a driftnet, a *Ferrettara* has a smaller mesh (by law no more than 100mm), has a maximum legal length of 2Km and can only be used within three miles of the coast. This net targets smaller pelagic fish species (amberjack, seabream, mackerel, salena, bogue, round sardinella, anchovy, sardine, Atlantic bonito, mullet and sauries, *Scomberesox* species).

Rete da posta fissa: *Rete da posta* literally describes a net that is launched and then sits there waiting for the fish to get trapped into its mesh. This generic definition includes also *spadare* and *ferrettare*. The *rete da posta fissa* is anchored and targets mostly non pelagic species (lobster, mullet, gilthead seabream, European seabass, cuttlefish). According to the new decrees, the *reti da posta fisse* have to be placed no closer than 200m from the coast, their mesh cannot be wider than 2.5cm and the net itself not higher than 5m.

of Regulation 1239/98 are illegal. So, the *spadare*, is illegal under European law. This has been implemented by Decree and is illegal under Italian law. The *Ferrettara* is legal under Italian law but only when used to target certain species within three miles of the Italian coast. Authorities have to verify the type of the net onboard, the length and, potentially, the way in which they are used at sea. However there is overlap between the species allowed to be targeted under Decree DM 14.10.1998 n 281 by the *ferrettara* and those prohibited by the driftnets Regulation 1239/98. In particular the fish *Scomber scomber*. This would mean that it is illegal under the EU driftnet ban to use the *ferrettara*, which is a type of driftnet, to target this species and also to land this species if caught in the ferrettara.

Three years after Decree 4/4/2003 was introduced enforcement is poor and impact on cetacean species unknown. Prior to the adoption of the EU driftnet ban in 1998, several species of cetacean were known to get entangled in Italian driftnets. These included fin whales, minke whales, sperm whales and bottlenose dolphins. Conservative estimates of annual dolphin mortalities were in the region of 8,000 animals, mostly striped dolphins⁶.

The change in legislation has received support from the Italian fishing industry mainly as the fishermen were complaining that they had received less compensation under the 2002 plan than those that converted in 1997 had received. It has been strongly questioned and criticised by environmentalists, conservationists and members of the political opposition. There is also wide spread concern among conservationists that Decree DM 27/03/03 and DM 4/4/03 created a loophole which will enable fishermen to mask the old *spadare* as *reti da posta fisse* by simply anchoring them.

USE OF DRIFTNETS 2002-5

In August 2002 a monitoring operation by Greenpeace Italy in Sardinia found the following driftnet vessels:

- Torregrande Harbour where two vessels were identified (Alession IS 3CA 1139 and San Marco ID 3CA 1149)
- Carloforte and Calasetta where three driftnets vessels were identified (Principe, Nuoca Tethis and Maleno)
- Arbatax where three driftnet boats were identified in the local press

In 2003 enforcement by the Italian authorities resulted in:

- 28 May: 6 vessels are confiscated in the South Tyrrhenian Sea (between Capo Palinuro and Marina di Camerota in Southern Campania). They had about 20 Km of driftnets with meshes much larger than allowed by law.⁷

⁶ Di Natale and Notarbartolo-di Sciara 1994 A review of the passive fishing nets and trap fisheries in the Mediterranean Sea and of the cetacean bycatch. Special issue 15 of the International Whaling Commission.

⁷ Atti Parlamentari.

- 28 July: 146 *spadare*, for a total of 80 Km, were confiscated in Sicily. Some of the nets were up to four times the allowed height for *reti da posta* (5m). The police operation extended to the whole island and the vessels were confiscated in Catania, Giardini Naxos, the Eolian Islands and Trapani. The report states that further investigations were planned in order to assess whether any of the ship owners involved had received the reconversion subsidy.⁸
- 2 August: 12 vessels from Calabria and Sicily were caught in Villaputzu, on the Sardinian East coast, with 60km of *spadare*. The police had been waiting for the vessels in port, after having been tipped off by local fishermen and fishing industry representatives. The vessels and gear were immediately confiscated, and the captains charged and fined a total of €2,000.

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In 2004 the RSPCA/HSI investigation by Delphis found

- eight illegal landings of swordfish with a total of 237 swordfish and 73 tuna by vessels using driftnets.
- 15 boats observed in Ischia harbours using driftnets of which two had no registration details and three had boat names and details obscured by buoys
- Nets on board the vessels ranged in total length from 8.75 km to 84 km in total length
- Nine boats observed at sea with illegal driftnets
- Of the twenty vessels with illegal driftnets five boats had received compensation for conversion from driftnets to other fishery methods
- Two cases of sperm whales caught in driftnets were observed

In 2005 the RSPCA/HSI investigation by Delphis found

- 17 boats were recorded in Ischia harbours of which several boats were modified to hide nets.
- Nets on board ranged from 2.5 km to 42.9 km in length
- Seven driftnet boats seen in Filicudi harbour, whose nets ranged from 11 to 22.5 km in length
- Seven driftnet vessels were detected while operating within Italian waters
- illegal landings of swordfish in Ischia and Filicudi, where a total of 127 swordfish and several tuna and sunfish were observed
- two dead striped dolphins were found, one with near Ischia harbour with net marks on it and one completely entangled in a driftnet

⁸ Agenzia Giornalistica Italiana, *Pesca: GdF sequestra 80 km. Reti Spadare in Sicilia*, Palermo, 28 July 2003 (<http://www.agi.it>).

THE 2006 SURVEYS

The aim of 2006 survey was the same as the ones in previous years, namely to monitor the waters around the Phlegrean Islands of Ischia and Procida in order to investigate the possible driftnet fishery trend in the region and to assess its potential impact on the local cetaceans community and to look at Filicudi island in the southern Tyrrhenian Sea.

METHODS:

The study area is well known for its high pelagic biodiversity. The region is also important for cetacean species, being described as a feeding site for fin whales (*Balaenoptera physalus*)⁹, feeding and breeding ground for striped (*Stenella coeruleoalba*) and Risso's dolphins (*Grampus griseus*)¹⁰ and transient zone for nursery groups of sperm whales (*Physeter macrocephalus*)¹¹. Furthermore, the area has been listed in the last IUCN Cetacean Action Plan (Reeves *et al.*, 2003) as critical habitat for the locally endangered short beaked common dolphins (*Delphinus delphis*).¹²

Boat surveys

Data were collected by trained observers during daily standardized boat-based, photoidentification surveys conducted for 122 days (from 5 June to 7 October, 2006) within the study area. The routes covered the waters around Ischia (within 2000 m bathymetric line), with a main effort where fishery activities occur.

All surveys were made using a 17,7 m. sailing vessel (Figure 2). Fishing boats were detected by the means of radar instrumentation and in the harbour by binoculars and cameras. The camera used in this study was a digital camera Canon Eos 10D digital auto-focus and auto-exposure (pixel 6.30 mega pixel, 3088 x 2056) with a high performance telephoto zoom lens 100-400mm F4.5-56L Image Stabilizer, Ultrasonic Motor. Memory stick: 1 Gigabyte. All the relevant information related to the shots were automatically saved (data, time shutter speed, objective aperture, focal distance, f number, exposure, etc.). Shots were digitised in JPEG format (12 bit, 2.4 MB, 3072 x 2048 pixel).

⁹ Mussi, B., Miragliuolo, A., Monzini, E., Diaz Lopez, B. and Battaglia, M., (1999). Fin whale (*Balaenoptera physalus*) feeding ground in the coastal water of Ischia (archipelago Campano). *European Research on Cetaceans* 13:63-65.

¹⁰ Mussi B. and Miragliuolo A. (2003). I cetacei della costa nord occidentale dell'isola d'Ischia (Canyon di Cuma). Pp. 213-232. In: *Ambiente marino e costiero e territorio delle isole Flegree (Ischia, Procida e Vivara – Golfo di Napoli). Risultati di uno studio multidisciplinare*. Editori M. C. Gambi, M. De Lauro e F. Jannuzzi. Memorie dell'Accademia di Scienze Fisiche e Matematiche, Società Italiana di Scienze, Lettere e Arti in Napoli. Liguori Editore. Pp 425.

¹¹ Mussi, B., Miragliuolo, A. and Pace D.S., 2005. Acoustic and behaviour of sperm whales' nursery groups in the waters of Ischia, Italy. *European Research on Cetaceans* 19.

¹² Reeves, R.R., Smith, B.D., Crespo, E. and Notarbartolo di Sciarra, G. (2003). *Dolphins, whales, and porpoises: 2000–2010 conservation action plan for the world's cetaceans*. IUCN, Gland, Switzerland



Fig. 3 Jean Gab, the research vessel

Towed single and stereo hydrophones: microphones were ceramic piezoelectric sensors; impedance 50kohm; frequency response 3 Hz to 32 kHz. Recorder: Sony TCD- D100 DAT.

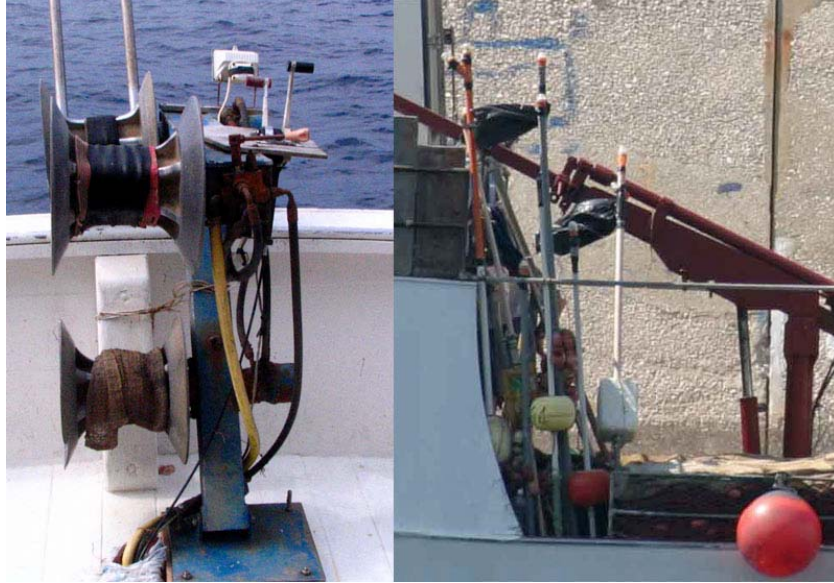
Cetaceans software was used in order to locate cetaceans during the boat surveys: navigation and data storage were controlled by “Logger 2000”; cetacean’s clicks detection were monitored by “Rainbow Clicks” and dolphin’s whistles were detected by “Whistle Detector”. Real time analysis was performed using SIA SmartLive 5. Post processing was made with SpectraLab and Cool Edit software.

Position data of each encounter (collected during each survey) and time spent by the animals and the fishing boats in the study area were used for the analysis of the distribution, and, for cetaceans, habitat preference. The GIS software SURFER 7.0 and ArchView 3.1 were used to plot the information into maps.

Land observations

During the June-August fishing season, boats carrying driftnets were distantly detected at Ischia harbours by the means of binoculars and cameras. Several boats hid their driftnets (see Fig 6). The length of the driftnets was calculated through a method routinely used by fishermen and authorities. This corresponds to the ratio of volume of visible coils on the deck to length of net (1 m³ of coil is equivalent to 0,7 km of net length). Driftnetting boats were identified as they used standard equipment consisting of:

Winch to set nets: it is more powerful than winches normally used for setting gillnets. The most efficient model has 3 “wheels”, with a typical triangular arrangement (Fig.3)



Figs 4 and 5, Typical winch and light system for driftnets

Lights: the net represents a dangerous obstacle to the navigation; it was constantly check by the boat's crew who continuously monitor the net's margins. For this reason the net is always signaled by floating bright signals anchored to the net (Fig. 4 and 5).



Fig. 6 Light system for driftnets

RESULTS

Cetacean sightings

A total number of 99 sightings of 5 cetacean species were recorded during 73 survey trips, with 5,146 photoidentification shots. The commonest species was sperm whale (60 sightings), followed by striped dolphins (29 sightings). Five sightings of the locally endangered short beaked common dolphins were also recorded. Pilot whales (twice) and Risso's dolphins (once) were also detected.

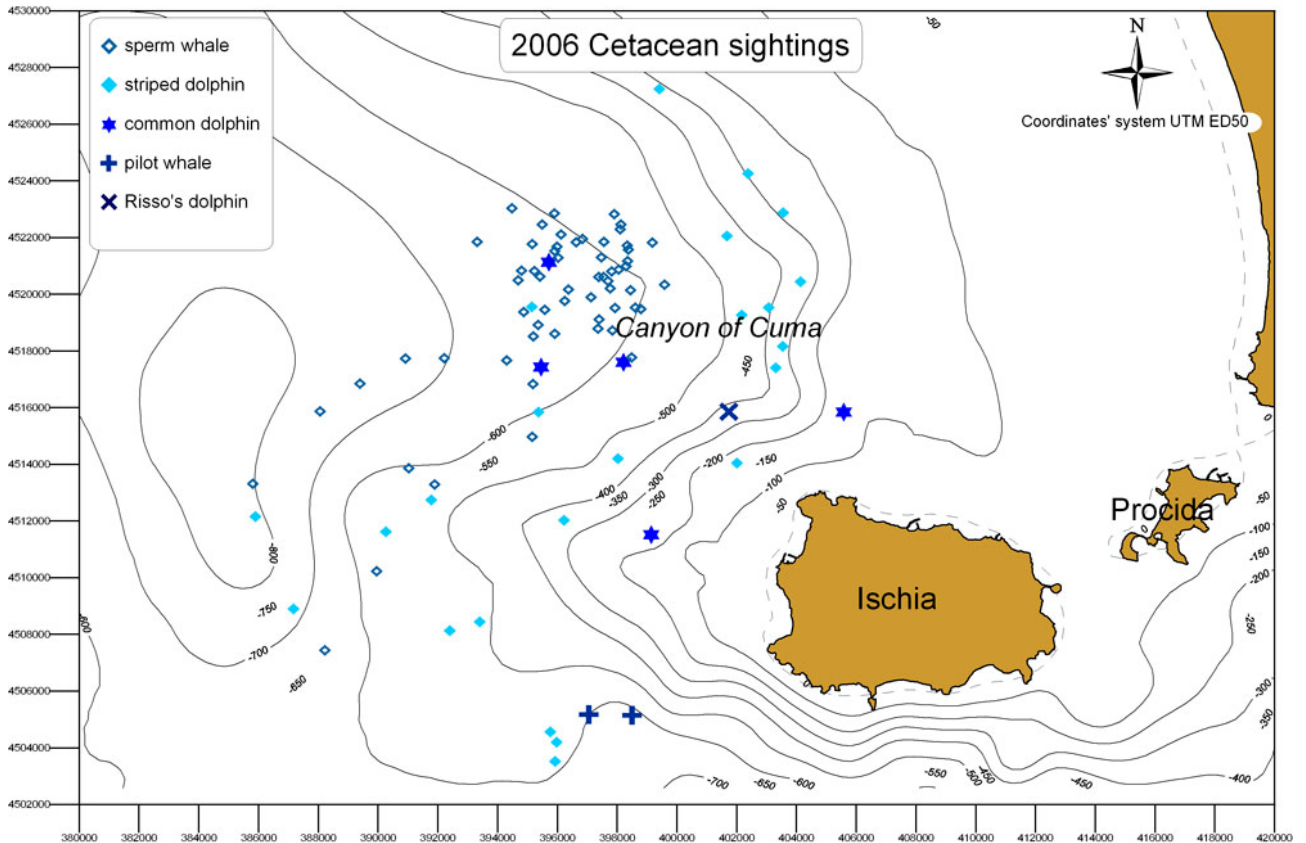


Fig. 7 Cetacean detections and driftnet positions

Of other species, sunfish (*Mola mola*) were detected twenty times, swordfish seven times and loggerhead turtles (*Caretta caretta*) three times.



Fig. 8 Hidden driftnets on vessels in Italian ports

Land observations

Land observations were recorded in Ischia Harbour and Filicudi Harbour.

In Ischia, a total of 9 boats (7-20 m in length) were recorded (Table 1). Several vessels sides were modified to hide the nets. Seven boats did not have names. All boats had nets that were illegal; in one case the net length was up to 27.4 Km.

Table 1 Boats observed in Ischia Harbour using illegal driftnets

boat name	boat size (m)	net length 2006 (km)
X	15	27,4
X	12	2,5
X	12	2,5
X	15	21
Roma II	18	17,5
X	20	10,5
Pellicano V	15	21
X	10	7
X	7	Hidden

All swordfish landings occurred at night so they were only documented once. All these catches are illegal under Regulation 1239/98.

Fig 9 Illegal swordfish landing in Ischia Harbour



Table 2, below compares the data on the driftnet fleet in Ischia for the past three years (2003-6)

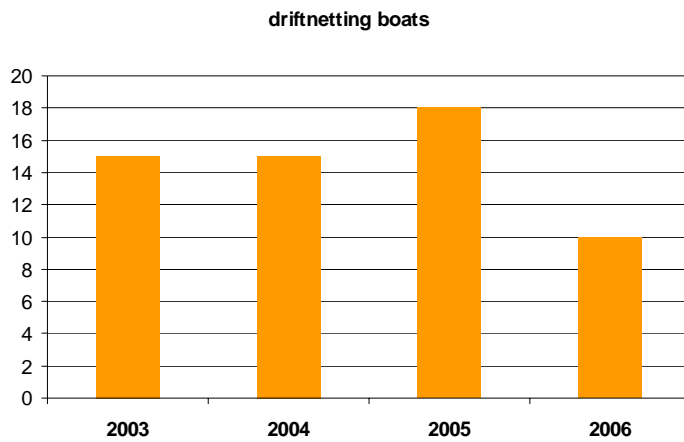


Table 2 Number of driftnet boats in Ischia 2003-6.

This shows that the highest number of boats was in 2005 and the lowest number (10 boats) in 2006. Table 3 compares the mean boat size which clearly shows a declining trend from 20.4 m in 2003 to 13.9 m in 2006.

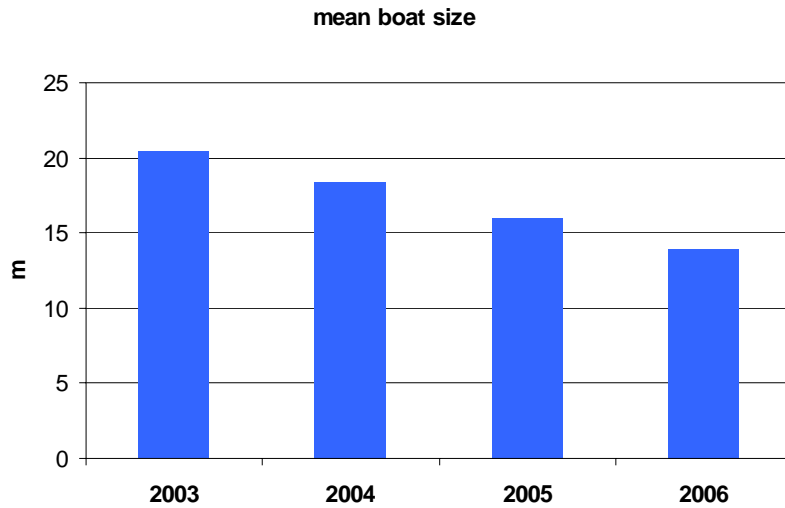


Table 3 Mean boat size of driftnet boats in Ischia 2003-6.

The average net size remains however fairly constant (Table 4) from 2005, although this too has fallen from 2003 and 2004.

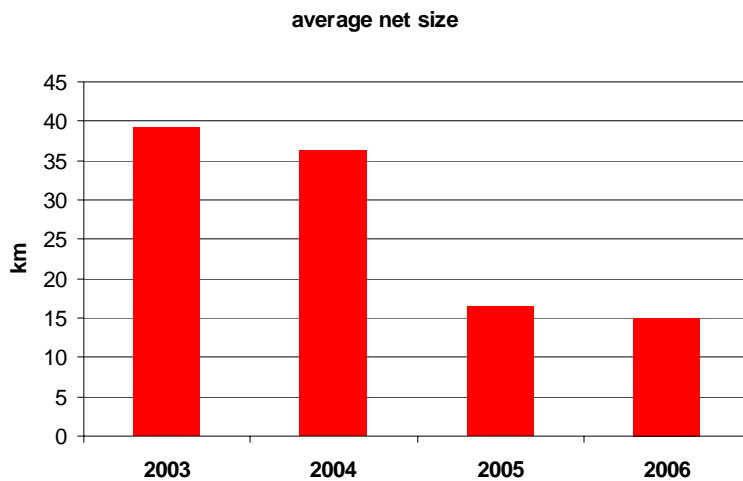
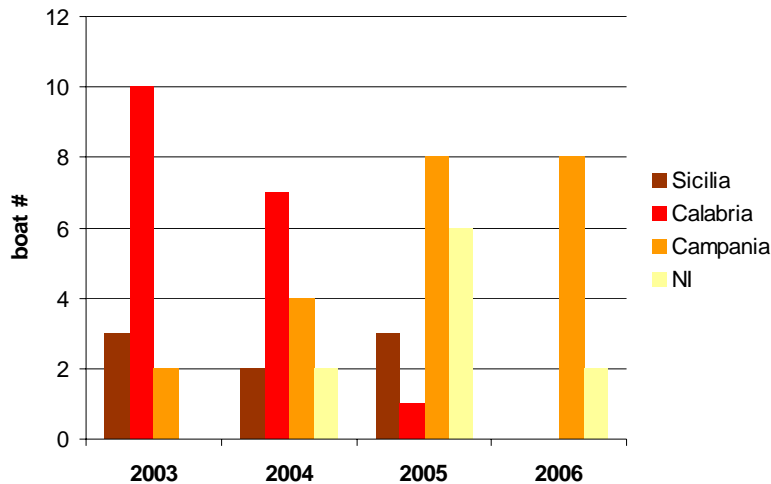


Table 4. Average net size of illegal nets on board driftnet boats in Ischia harbour

There was an interesting trend in origin of the boats. Boats from other regions, notably Calabria, declined in the last three years whereas local boats have increased (Table 5)

Table 5 Origin of boats in Ischia Harbour 2003-6



In Filicudi 12 different driftnet boats (mean length 13.2, range 12-15 m) were observed in the area. According to their registration plates, many were from the Calabria and Sicily regions, while two had no registration code (Table 6).

Table 6 Boats observed in Filicudi Harbour using illegal driftnets

Boat name	Boat size (m)	Net length (km)
Alleluia	15	15
Ariete	15	15
S. Rosa	12	20
S. Giuseppe	13,5	5,5
Grifone	12,5	7
S. Antonio	12	hidden
S. Giuseppe	13,5	5,5
x	13	11
x	12,5	11
S. Giovanni	15	25
S. Lucia	13,5	5,5
Salvatrice	12	hidden

As observed in the harbours of Ischia, several vessels modified their sides to hide the nets carried on board, making more difficult the evaluation of the volume of visible coils on the deck. However, as Table 6 shows some of the illegal driftnets were as long as 25 Km.

In Filicudi all swordfish landings occurred during the night. So, it was possible to document them only three times when a total of 40 swordfish were landed and 10 tune.

The catch also included one moonfish and one manta ray. All these catches made with driftnets are forbidden by the Reg. (EC) 1239/98.

Observation at sea

During observation at sea, five driftnetting vessels were detected while operating in Italian waters (within 12 nautical miles from the coast). All were spotted fishing between 500 and 1100 bathymetric lines. Driftnetting occurred mainly within the cetacean's habitat and the positions of the boats and the sites where sperm whales and striped dolphins were seen overlapped (Figure 10).

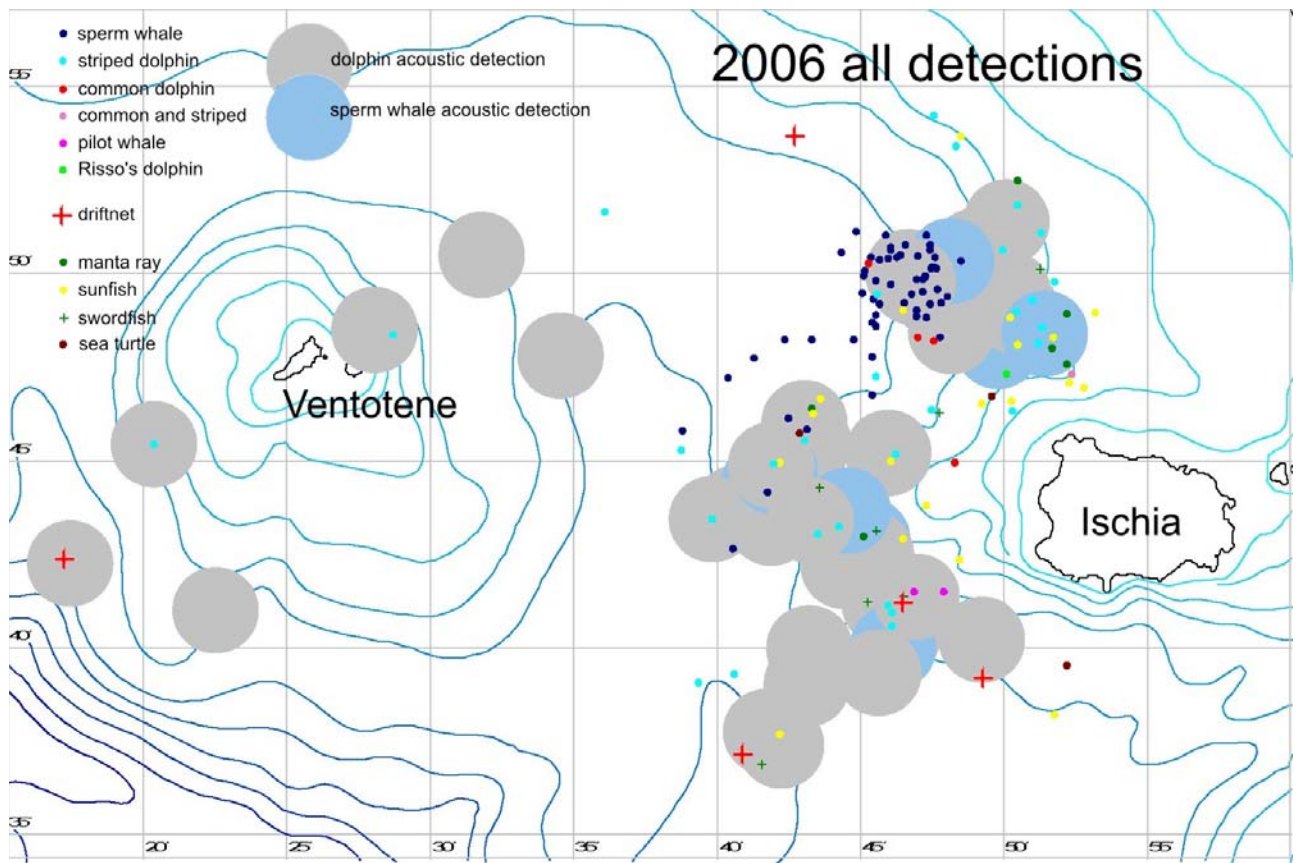


Fig 10 Overlap of the areas where illegal driftnets and sperm whales and striped dolphins were detected.

By-catch

By catch seen in the past three years include striped dolphins and sperm whales (Figs 11, 12).



Fig. 11 Bycatch of a juvenile striped dolphin

Fig. 12 Fishing nets marks visible on the back of the dead sperm whale; the mesh size and diamond shape identify the net as a driftnet



CONCLUSIONS:

The RSPCA, the Humane Society International and the Whale and Dolphin Conservation society (WDCS) have been monitoring for five years the enforcement in Italy of the EU driftnet prohibition, since it came into effect on 1st January 2002.

The information gathered during this time using press reports and monitored information clearly shows the continued use of driftnets in Italian waters by Italian vessels:

- In 2002 monitoring in Sardinia identified eight driftnet vessels in four harbours.
- Enforcement by Italian authorities in 2003 confiscated gear and nets from at least 18 boats including over 160 km of illegal nets.
- In 2004 the RSPCA/HSI monitoring identified 15 vessels in Ischia harbours that were using illegal driftnets to target species. In 2005 this had risen to 17 vessels in Ischia and seven in Filicudi.
- Two vessels were recorded landing fish illegally in both 2004 and 2005 in Ischia harbours showing that no action have been taken against them since they were recorded operating illegally last year.
- In Ischia ten illegal driftnet boats were seen as well as illegal landings of swordfish.
- The number of driftnet boats in Ischia was the lowest seen in 2006 and there was a decline in mean boat size. However the average net size has remained constant since 2005 at about 15 km although the longest net seen in 2006 was over 27 km in length.
- The trend for more local boats to be employed in the fishery in Ischia has continued.
- Five driftnetting boats were observed at sea fishing illegally in 2006, compared to seven in 2005 and nine in 2004. Although no by caught animals were seen in 2006, the overlap between the distribution of sperm whales and driftnets shows the potential for by catch, a point underlined in 2004 and 2005 when bycaught sperm whales and striped dolphins were observed.
- In Filicudi 12 different driftnet boats were recorded, as opposed to seven in 2005. The mean length of driftnets was 13.2 m compared to 15 m in 2005. Contrary to the situation in Ischia, many boats are still from Calabria and Sicily.
- Many boat either hid the nets being used or covered their registration code to prevent being spotted.
- The illegal fishery seems to be changing slightly to being more local smaller boats in Ischia. However the investigation clearly shows, five years after the EU legislation was introduced, illegal driftnetting is still occurring in Italy, illegally caught fish are being landed and enforcement is poor.

The results also show the vulnerability of cetaceans to this continued fishery:

- The waters around Ischia are important ranges for five cetacean species, including the endangered short beaked common dolphins and sperm whales.
- This fishery is continuing to threat the species' survival in the region. In fact, the significant presence of sperm whale groups in the area and the overlap between nets

and the neighborhood frequented by the animals represent a well known risk of entanglement. During the IUCN and ACCOBAMS Workshop on the Red List Assessment of Cetaceans in the ACCOBAMS Area (Monaco, 5-7 March 2006) the proposed listing for the sperm whale Mediterranean population was endangered, following the criterion C2a(ii) (Reeves and Notarbartolo, 2006) ¹⁴.

- The observation at sea provided evidence that illegal driftnetting overlaps with cetaceans' habitat increasing the risk of bycatch.
- Two by catch events, involving a total of seven sperm whales, were documented in 2004. Two dead by-caught striped dolphins were observed in 2005. All animals had clear signs of being entangled in driftnets.

It is clear that the Italian decrees which have made certain fisheries legal under Italian law have clouded the issue of whether they are legal under EU legislation. However, RSPCA, WDCS and HSI believe that the driftnet fishing that has been documented in this survey is in clear violation of both the EU law on driftnets and Italy's own laws. Moreover, there is inconsistency between the Italian and EU laws, whereby a fishery that is allowed in one is outlawed by the other. We also believe that the EU prohibition on driftnetting is being undermined by the application of the Italian decrees to allow continued inshore driftnetting using *ferrettare* nets and the conversion of *spadare* nets into fixed *reti da posta fisse* nets.



Fig 13 A driftnet vessel moored in the centre of Ischia harbour

Recommendations

- Urgent management measures are clearly needed to monitor illegal fisheries and protect cetaceans, as well as other species, from bycatch.
- The European Commission must continue investigations with the Italian authorities on the continued use of *spadare* driftnets from Ischia harbour and Filicudi Island and open up proceedings in the European Court of Justice.
- The Commission should undertake a review of Italian fisheries legislation to assess its consistency with EU Regulations in general, and Regulation 1239/98 in particular. Decrees DM4/4/2003 and D.M 14.10.1998 n.281 must be revoked if they are contrary to Regulation 1239/98.
- A system must be introduced to ensure that the confiscation of nets guarantees that they do not get returned to the owners or sold on either within or outside Italy.
- Better enforcement of landings in harbours is needed as it is clear that illegally caught swordfish and tuna continue to be landed in Italian ports.
- There must be an investigation on compensation paid to owners of driftnet vessels to ensure that the vessels have been converted to other fishery systems and that the same boats are still not being used to driftnet.
- Effective sanctions should be introduced for the detention and confiscation of illegal nets on board, to stop the proliferation of *spadare* or *ferrettare* under the guise of bottomset gill net.
- No new licences should be issued for *ferrettare* nets.
- Analysis should occur of *reti da posta fisse* nets to see if they are using converted *spadare* nets.
- Further analysis should investigate where the landed fish are commercially marketed and the source and manufacturing origin of the nets.

Five years after the driftnet fishery was made illegal in Italy, the European Commission has still failed to take proceedings against the Italian Government for non enforcement of this legislation.