



**Allihies, County Cork, Ireland**

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Mary Coughlan, T.D.,  
Minister for Agriculture, Fisheries and Food  
Agriculture House Kildare Street Dublin 2.  
9 April 2008

by email: [minister@agriculture.gov.ie](mailto:minister@agriculture.gov.ie)

**Re: Penalties for fisheries**

Dear Minister;

We write to you as a direct result of current media reports about representations made to you by the Federation of Irish Fishermen seeking a reduction in the level of penalties for illegal fishing.

The waters around Ireland contain some of the most productive fishing grounds and biologically sensitive areas in the European Union. The conventional image of the Irish fleet being composed of little trawlers competing with big Spanish boats is misleading. The Irish pelagic fleet is probably the most modern and efficient in the world. The problem is that some trawlers continually flout the law.

Our Fisheries Scientific Services [FSS] advise that "the closure of the fisheries for the species at risk provide the highest probability of recovery for these species and is the ONLY advice possible in the context of the precautionary approach. Fisheries should only be permitted that take zero catch of the critical species and the fleet must stop fishing when the total allowable catch (TAC) is reached for other species".

The most recent 'Stock Book' from the Marine Institute provides evidence that this is not happening. It states that the widely distributed and migratory species mackerel and blue whiting are currently overexploited. In the Irish Sea and to the north off the West of Scotland stocks of cod, whiting and spurdog, and in the Irish sea sole, are severely depleted. In the Celtic sea cod, plaice & herring are depleted.

The move towards deep water fishing for slow growing species such as the orange roughy is totally unsustainable and in just a few years several deep water fisheries have collapsed. The damage to the sea bed, including coral beds, through bottom trawling is widespread.

In the case of inshore fisheries the fishing power and effort are currently in excess of what the resource can sustain – although we do not in fact have even an accurate picture of the number of vessels which compose the inshore fleet.

The Brown Crab has undergone a sharp fall in landings. The rate of increase of catch is 'unsustainable', according to the Stock Book. Further, the Stock Book states that the national size limit for the Spider Crab is not being enforced. Immature and small adults are being used as whelk bait and this is not sustainable. Crawfish stocks are severely depleted - the FSS recommend a ban on the use of crawfish tangle nets. But the FSS reports that even where areas have been closed to tangle nets there is no enforcement and crawfish are captured in large numbers. There is no management for the Velvet Crab and the status of this species is not even known.

**The current programme of compensation for the removal of vessels will only serve to increase the quotas available to the more modern competitive fishing vessels.** The measures to permanently remove some 75 older boats from the Irish fleet at a cost of €280 000 per boat will in fact result in no reduction in actual fish take whatsoever.

We give further details of the perilous status of fish stocks in a table attached to this letter.

In this context, we would draw your attention to the recent Report of the European Court of Auditors ['SPECIAL REPORT No 7/2007 on the control, inspection and sanction systems relating to the rules on

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conservation of Community fisheries resources'] which determined that even the existing inadequate quotas are not properly monitored and illegal fishing only 'lightly punished'. This report singles out Ireland and states that the Commission has launched infringement procedures against this country because of the unreliability of catch data.

**In conclusion, the Court of Auditors says that if the political authorities want the Community Fisheries Policy to achieve its objective of sustainable exploitation of fisheries resources, the present control, inspection and sanction systems must be strengthened considerably – not lessened, as the industry is urging you.**

You will be aware of Attorney General Roy Brady's position at the time that the new legislation was introduced that under Irish and British law it is not possible to introduce effective administrative fines which would act as a deterrent. Serious fines of hundreds of thousands of euro, and the power to confiscate catch and equipment, cannot be imposed administratively under the terms of our Constitution.

**Irish fishermen were apprehended breaking EU laws 138 times in 2005 but were fined just €417 on average for each serious infringement of the European common fisheries policy.** The commission is concerned there has been a rise in the number of serious infringements to 10,443 in 2005, up from 9,660 in 2004, but there has been a fall in the level of fines. As to the argument that Spanish trawlers are treated more leniently, it is worth noting that in 2006 more than 3,000 prosecutions were initiated in Spain while we can find records of only 26 in Ireland.

To characterize the problem as being caused by a 'minefield of legislation' as has been done by the Federation of Irish Fishermen is to ignore the organized criminal activity that was exposed when Irish vessels landed more than 40,000 tons of mackerel through secret pipes under the quays at two Scottish ports between 2001 – and 2005, resulting in cuts in Ireland's quota.

You will also be aware of the two large Irish trawlers which were apprehended unloading a huge catch of mackerel into a fleet of 20 lorries waiting at a west of Ireland quayside in 2005. Each lorry was driven by a number of people in sequence to break the chain of evidence and make prosecution impossible. The 'blue box' used to

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track by satellite the movement of the fishing vessels had been tampered with and showed the location of the vessels as 25 miles off the Irish coast. This is organized crime.

To lessen the penalties for illegal fishing would send entirely the wrong signals to the fishing industry. **It would also further encourage moves within the Community to suspend payments of Community aid in the fisheries sector for Ireland's failure to respect its control obligations.**

The Crawley Report points a way forward for the hard-pressed fishermen. Its themes are market development and innovation to enhance competitiveness, restructuring of the fleet and the processing industry and fisheries management. No where is there any recommendation to lessen the penalties for those who avoid the quotas provided to ensure that the future of this industry is sustainable.

**We would urge you to implement the recommendations of the Crawley Report and ensure that penalties for illegal fishing are in no way lessened to ensure the survival of the industry – and the biodiversity of our island's marine environment.**

Respectfully yours,

Tony Lowes

*Cc: Eamon Ryan, TD, Minister for Natural Resources  
Noel Dempsey, TD, Minister for Transport*

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## STATUS OF FISH SPECIES 2007

[Source: The Marine Institute,  
Stock Book 2007]]

Species	State	Comments
North Sea Horse Mackerel	Unknown	Catches increased in 1990 and remain at increased level. TAC set is not precautionary or prescriptive and in some areas juvenile fisheries are increasing
NE Atlantic mackerel	Uncertain	Misreporting of catch a problem. Harvested unsustainably
Western Horse mackerel	Unknown	Current plan precautionary in short term but not in the long term Irish quota up by 25%.
North Sea Horse Mackerel	Unknown	Inadequate information available. No management plan for the fishery. TAC in last three years has been set above advised level.
Blue Whiting	Uncertain	Harvested with increased risk. TAC not considered to accord with precautionary principle
Tuna - Albacore	Overfished	Projections show that stocks will not recover at current TAC levels.
Tuna - Bluefin	Overfished	at risk of stock collapse.
Shark - Basking	Overfished	A zero TAC is advised and by-catch must be reduced to the lowest possible level
Shark - Porbeagle	Overfished	No directed fishing should be permitted and by-catch must be reduced to the lowest possible level
Shark - Blue	Uncertain	Precise catch records of blue shark are required for accurate assessments
Spurdog	Overfished	Stock is depleted and in danger of collapse. Target fisheries should be stopped and by-catch must be reduced to the lowest possible level
Cod – Irish Sea; West of Scotland; Rockall celtic sea western channel	Overfished	Considered collapsed. Continued underreporting of catch. Zero catch recommended but not included in existing management plan. Not consistent with precautionary principle
Whiting – Irish Sea: West of Scotland	Overfished	No management plan in place. Significant non-reported landings. Catches of whiting should be of the lowest possible level. Poor data available.
Whiting – West of Ireland, Celtic Sea & Western Channel	Unknown	Discards very high. State of stock uncertain thought to have declined in recent years.
Haddock – all seas	Uncertain	Fishing effort should not be allowed to increase until a reliable assessment is available. At risk of being harvested unsustainably. Management plan recommended
<i>Nephrops</i> – western Irish Sea	Good condition	Management plan recommended. This fishery should not be allowed to increase. Has a negative impact on whiting fishery
<i>Nephrops</i> – NW Ireland West of Scotland	Uncertain	Under reporting of catch is substantial.
<i>Nephrops</i> –	Unknown	Current increase of fishing effort in this area is

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Porcupine Bank		undesirable and unsustainable. No management plan in place
<i>Nephrops</i> – Aran Grounds, Celtic Sea	Unknown	No indication that stock has declined
<i>Nephrops</i> – SW & SE coasts	Unknown	Landings have fluctuated considerably in recent times. Assessment hampered by poor sampling data
Plaice – Irish Sea	Uncertain	Conflicting data – the surveys that indicate an increase in plaice are not borne out by commercial landings. Harvested sustainably.
Plaice – Rockall & West of Scotland, Southwest of Ireland	Unknown	Landings have decreased since 1990 possibly reflecting a decline in stock abundance
Plaice – Celtic Sea	Overexploited	Discard rates high. Reduced reproductive capacity
Sole – Irish Sea	Overfished	Stock is harvested unsustainably. Directed fisheries for sole should not be permitted until stocks recover. Caught together with plaice.
Sole – Southwest of Ireland, Rockall & West of Scotland	Unknown	Landings rapidly declined since 1990s
Sole – Celtic Sea	Good condition/ uncertain	Considered to be harvested sustainably however misreporting is a problem
	Unknown	Showed a marked decline in the 1970s and has remained low
Sprat	Unknown	Degree of misreporting between Herring & Sprat need to be evaluated before advice can be given.
Megrim – West of Scotland ; Rockall, Celtic Sea , Bay of Biscay	Unknown	Substantial decline in landings. Misreported. Management plan recommended. Stock more stable in Celtic Sea & Bay of Biscay
Saithe – West of Ireland & Celtic Sea	Uncertain	Substantial decline in landings
Saithe - North Sea and West of Scotland	Good condition	Harvested sustainably but cod can be caught as by-catch hindering the recovery of severely depleted cod stocks.
Pollack - West of Ireland & Celtic Sea West of Scotland and Rockall	Unknown	Current TAC may not be appropriate and localised stock depletion may occur
Herring – Celtic sea. NW Ireland West of Scotland	Uncertain	Current stock considered to be as low as when the stock crashed in 1970s. Current management plan not in accordance with precautionary principle
Sprat – West of Ireland, Celtic Sea	Uncertain	No management plan and no TAC in Irish waters. Species often misreported with herring. Concerns about an increase in fishing effort.
Norwegian	Good condition	Harvested sustainably

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Spring Spawning Herring		
Anglerfish (Monkfish) – West of Scotland & Rockall, Celtic Sea & Bay of Biscay	Unknown	FSS have serious concerns about the inability to assess the state of stock. In Rockall & West of Scotland landings increased up to 1996 and have steadily decreased since.
Northern Hake	Good condition/ uncertain	Harvested sustainably. Some serious concerns about accuracy of data. Caught with other stocks that are outside safe biological limits
Sardines	Unknown	No management plan, no TAC. Insufficient information.
Cod & Haddock - Arctic Stocks	Overfished	Unsustainable, misreported & over fished.
Saithe -Arctic Stocks	Good condition	Harvested sustainably
Snow Crab – West Greenland	Overfished	The recent decline has stopped but no indication of stock recovery. Fishing pressure is high. 25% of discards die.

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