

“Thonaille”: the use of driftnets by the French fleet in the Mediterranean



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October, 2006.



© OCEANA/Xavier Pastor. "Thonaille" in the port of Bandol.

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Executive summary

The use of driftnets has been prohibited in European Union waters and on the high seas by EU flagged vessels since 2002 and since 2005 in the Mediterranean Sea by the General Fisheries Commission for the Mediterranean (GFCM). This fishing activity, however, persists in community waters and by EU flagged vessels on the high seas, completely disregarding current legislation, by countries such as Italy and France, and with a certain degree of support from the relevant national authorities.

Currently, a proposal for a Council Regulation concerning the sustainable management of fisheries resources in the Mediterranean is under negotiation by the EU Member States, along with a Commission proposal for a Regulation introducing a driftnet definition. These two Regulations should clearly determine that the use of all kind of driftnet for the capture of prohibited species be considered as Illegal, Unregulated and Unreported (IUU) fishing.

As part of its 2006 campaign against the use of driftnets in the Mediterranean, Oceana inspected various ports along the French Mediterranean coast in order to personally verify the characteristics and activities of the fleet dedicated to the capture of bluefin tuna with gear known as "*thonaille*" or "*courantille volante*".

With this goal in mind, 27 French ports were inspected and a total of 37 vessels documented, 20 of which are mentioned in this report. Oceana has not been able to ascertain any difference between the so-called "*thonaille*" net and any of the other driftnets used in the Mediterranean. In the majority of cases, the nets found aboard the vessels greatly exceeded the maximum length authorised by European legislation for this fishing gear, reaching an estimated length of 10 kilometres on one occasion.



© OCEANA/Xavier Pastor. "*Thonaille*" on a dock. Port of Saint Raphael.

Oceana proposes various measures to be adopted within the framework of the Mediterranean Regulation and the driftnet definition Regulation, reflecting the organisation's position concerning the use of driftnets, in order to contribute to the definitive elimination of this fishing gear in both European and Mediterranean waters.

Introduction

A driftnet is a passive fishing gear that drifts freely with the currents, reaching many dozens of kilometres in length and up to 30 metres in height, making it an insurmountable wall for a great number of marine species. Its use is concentrated on capturing species that are highly migratory, although the accidental captures related to this gear include elasmobranches, cetaceans and sea turtles.

Due to the fact that this gear constitutes a threat for the conservation of biodiversity, international organisations such as the United Nations General Assembly (UNGA)¹, the International Whaling Commission (IWC)², the International Commission for the Scientific Exploration of the Mediterranean Sea (CIESM)³ and the General Fisheries Commission for the Mediterranean (GFCM)⁴ have established rules to prohibit this fishing gear.

More recently, the International Commission for the Conservation of the Atlantic Tunas (ICCAT)⁵ adopted a recommendation to ban large-scale fishing of large pelagic species with driftnets in November 2003. In February 2005, the General Fisheries Commission for the Mediterranean (GFCM)⁶ transposed this recommendation, making it binding on the parties. Since then, the use of driftnets of any length for capturing large pelagic species has been banned in Mediterranean waters, and all infringements related to this activity fall within the parameters of Illegal, Unregulated and Unreported (IUU) fishing as defined by the FAO⁷.

As for the European Union, Regulation 894/97⁸ and subsequent modification by Regulation 1239/98, banned the use of driftnets longer than 2.5 kilometres and the use of this gear for capturing the species included in Annex VIII of the aforementioned regulation. This prohibition came into effect in 2002, it was not applied in the Baltic Sea until 2004⁹, and will not come into effect in this sea until 1 January 2008.

In spite of the formal and legal measures taken, the banning of the use of driftnets in Mediterranean waters is far from being effective. As an example, in the Tyrrhenian Sea, it is calculated that dozens of Italian vessels are still illegally¹⁰ using this gear.

In France's case, the use of driftnets, commonly known as "*thonaille*", has been able to mask itself within loopholes in the current legislation. In this way, between 70 and 100 vessels, depending on the source¹¹, continue using this banned gear for the capture of prohibited species, with support from French institutions and contrary to European Community legislation and international agreements.

Currently, an EU Proposal for a Regulation¹² concerning the management of fisheries resources in the Mediterranean is under negotiation, as well as a proposal for a Regulation on a driftnet definition¹³. The correct interpretation of these texts should constitute the definitive legal instruments necessary to guarantee the complete elimination of any legal loopholes that permit the existence of driftnets in Europe, four years after their prohibition.



© OCEANA/Xavier Pastor. "Thonaille" on board the vessel *Sergeric*. Port of Monaco.

The "thonaille": a driftnet

What is a "thonaille"?

The "thonaille" is a driftnet used off the French Mediterranean coast, the target species of which is bluefin tuna (*Thunnus thynnus*). According to a study undertaken by the University of Marseille, this species constitutes 89.4% of the total captures, but other species are also caught in these nets, such as swordfish (*Xiphias gladius*), constituting another 10%, and albacore (*Thunnus alalunga*) constituting 0.6%.¹⁴ All of these species are included in Annex VIII of Regulation 1239/98 that prohibits the use of driftnets in community waters and by community vessels outside those waters, as well as by the GFCM which prohibits the capture of the aforementioned species with driftnets of any length in Mediterranean waters.



© OCEANA/Xavier Pastor. Driftnet or "thonaille" found in the port of Toulon.

The "thonaille" is an illegal driftnet, despite its length. This is the view of the European Commission, clearly stated on more than one occasion¹⁵

As an example of this, and in a written response to the European Parliament, Commissioner Borg declared:¹⁶ "regarding the "thonaille," the Commission believes this is a driftnet and, as such, is prohibited by Regulation 894/97. The French authorities have been informed of our position."

Various international ecological organisations have also adopted the Commission's position. Regarding this, WWF considers the "thonaille" to be, without a doubt, a driftnet, and is against any possible derogation of the prohibition of this fishery.¹⁷

During its work to document and report the use of driftnets in the Mediterranean, Oceana has not been able to ascertain any difference between the French "thonaille" and the other illegal driftnets used in this sea.

The French legal framework

In 2002, when the EU ban on the use of driftnets was already in effect, the French driftnet fleet continued its activity in the Mediterranean Sea, without adopting any of the proposed conversion measures.

In 2003, the publication of a Ministerial Decree¹⁸ created a special fishing permit (PPS) for the use of the fishing gear known as "thonaille" or "courantille volante". This decree defined the "thonaille" as a "set surface gear", justifying the new categorisation of these driftnets with the incorporation of a floating anchor fixed to one end of the gear. Similarly, it established a maximum length of 5 nautical miles (9.2 kilometres, almost 4 times the length authorised by community legislation). It also regulated the use of acoustic deterrent devices, or "pingers", as part of this gear that supposedly minimises the accidental capture of marine mammals. This measure has been proven not to be effective at all in eliminating the number of accidental bycatches of marine mammals with these nets, as will be explained later.

With this decree, the French government institutionalised the mockery of European legislation, by "legally" protecting the use of these driftnets in its waters, and without being sanctioned for it.



© OCEANA/Xavier Pastor. The "thonailler" "Jeannette". Palavas les Flots.

A large part of the driftnet fleet operates in the waters of Provence and Liguria, an area which is protected as an international sanctuary for marine mammals, the French part of which, known as the Pelagos Sanctuary, was established in 2002.¹⁹ The French Ministry for Agriculture and Fisheries, in order to protect the existence of the "thonaillers," published new decrees in 2004²⁰ and 2005²¹ which included the modification of the Decree of 1 August 2003, and included a "Plan for "thonaille" fishing for the protection of cetaceans within the Sanctuary for Marine Mammals in the Mediterranean," consisting of a fishing moratorium within the Sanctuary from the 15 August to the 15 September, in order to protect the mating season of cetaceans.

This declaration of good intentions has been supported by regional authorities like the Regional Council for the Provence-Alpes-Côte d'azur (PACA) region, the Regional and Departmental Offices of Marine Affairs (DRAM) as well as by the French Ministry for Agriculture and Fisheries.

The support has not only been of a political nature, but also economic, and proposals have been made, for example, for subsidies ranging from 5.000 to 20.000 Euros for the "thonaillers" affected by the one-month moratorium established in the Sanctuary.²²

At the same time, the non-profit organisations France Nature Environnement (FNE),²³ the Cetacean Research Group (GREC) and SOS Grand Bleu presented an appeal before the French Council of State in February 2004 for the derogation of the Decree dated 1 August 2003.

The Council of State²⁴ voted in favour of the three organisations in August 2005, repealing the decree that authorised the use of the "thonaille," so that this fishing gear could no longer be protected by the French government.

In spite of the legal coherence regarding the prohibition of this fishing gear, the French Minister for Fisheries reiterated his support for the use of driftnets in September 2005²⁵ through a ministerial notification. In this notification, he defined "thonaille" as an "anchored gillnet", making it evident once more that the government supports this Illegal, Unregulated and Unreported fishing method.

Currently, approximately 80 vessels continue fishing with driftnets off the French Mediterranean coast, ignoring Community legislation and with the apparent approval of the French Ministry for Agriculture and Fisheries. A notification by the Ministry²⁶ this year foresees compensation for the elimination of these vessels from the fleet, the funding of which will come from the FIG (Financial Instrument for Fisheries Guidance). Nevertheless, and due to the inexistence of national legislation that obliges the conversion or dismantling of the fleet, the fishermen haven't given up yet this illegal activity.

This mockery is made even more evident if we take into account that, for the 2006 fishing campaign, a brand has been created called "Thonaillers of the Mediterranean" with the sponsorship of the Regional Council for the PACA region (Provence-Alpes-Côte d'azur) in order to promote the products of this fishery, allowing the consumer to: "distinguish the fish that comes from our traditional fishery, on sale less than 24 hours after being caught." Both the authorities and the media have supported and promoted this illegal fishery as a "small artisanal fishery."

In this manner, not only is illegal fishing being protected, but it is also being promoted with the help of public funding.



© OCEANA/Xavier Pastor. Promotional poster for tuna fishing with the "thonaille" in the Port of Saint Mandrier.

Driftnets vs. anchored floating gillnets

The continued existence of the driftnets or "*thonaille*" in the French Mediterranean, within both the community and national legal framework, is due mainly to the legal loopholes created by an inadequate definition of the terms within current legislation. Following is an evolution of the definitions used in order to clarify the legal context in which this fishery is undertaken.

Within two different types of nets, the FAO defines²⁷ two categories:

"drifting gillnets" (GND): gillnets kept near the surface, or a certain distance below it, by numerous floats; the net drifts freely with the current, separately, or more often with the boat to which they are attached.

"set gillnets" (GNS): gillnets fixed to the bottom or at a certain distance above it by means of anchors or ballast sufficiently heavy to neutralise the buoyancy of the float.

The 1 August 2003 decree authorising fishing with the "*thonaille*", defined this driftnet as a "set surface net" justifying this definition by incorporating a floating anchor to the net, supposedly eliminating the drifting of the whole set. The Minister for Agriculture and Fisheries has also often referred to this fishing gear as "anchored gillnet" on various occasions.

It is obvious that the addition of an anchor would control the drifting of the gear, but the net continues to drift with the dominating current. However, and due to the lack of a definition of driftnets that includes this variation, the French driftnetters operating in the Mediterranean appear in the fleet's Community Register as authorised for "set gillnet" (GNS). According to the FAO definition, the "*thonaille*" should in no way be included in this category.

The draft Regulation¹² for the sustainable management of fisheries resources in the Mediterranean is currently under negotiation by the EU Fisheries Council. In the draft regulation the following definitions were included:

"driftnet": means any gillnet held on the sea surface or at a certain distance below it, by floating devices drifting freely with the current, separately or, more often, with the boat to which it is attached. It may be equipped with sea anchors or other floating devices aiming to stabilise the net and/or limit its drifting.

"anchored floating gillnet": means any gillnet fixed or capable of being fixed by any means to the bottom of the sea and floating in the water column up to the sea surface.

The proposal includes the prohibition of both "anchored floating gillnets" and "bottom set gillnets" for the capture of highly migratory species, although it excludes species such as the common dolphinfish (*Coryphaena hippurus*), the Atlantic bonito (*Sarda sarda*) or the frigate tunas (*Auxis spp.*) from the group of prohibited species, although these are susceptible to being caught in driftnets. In order to avoid fraud, these species, included in Annex VIII of Regulation 894/97, should also be included.

But, in the current draft of the Mediterranean Regulation on the negotiating table, the driftnet definition has been excluded to avoid the blocking of agreement by some European Fisheries Ministers.

The issue is going to be dealt with separately through a new draft Regulation¹³ concerning the definition of a driftnet. The approval of this Regulation will amend Regulations 894/97, 812/2004 and 2187/2005, introducing a detailed driftnet definition that should clearly decide the illegality of all kinds of driftnets, including the "*thonaille*".

Oceana believes that this Regulation, if the definition of a driftnet is comprehensive, would be a necessary step towards making the European driftnet ban effective, four years after it came into effect.

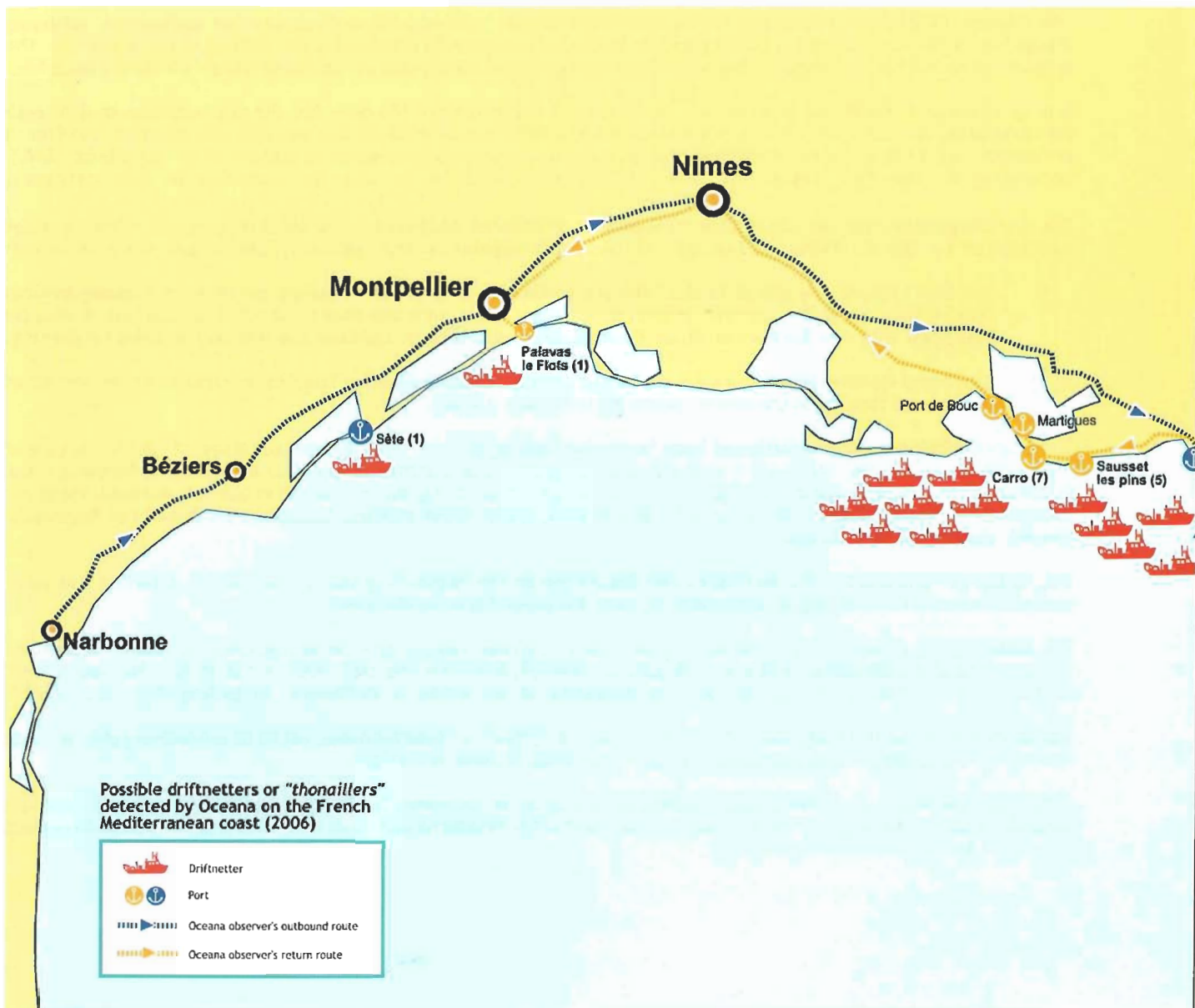
A complete definition of driftnets accompanied by regulation of "anchored floating gillnets" fisheries should close the loopholes that permit illegal driftnet fishing in France and other Mediterranean countries, infringing the European current legislation and international agreements.

Oceana Observations

In July 2006, two Oceana researchers travelled the French Mediterranean coast in order to personally verify the size of the fleet of "thonaillers", the characteristics of the vessels, and the sizes of the nets used. In order to carry out this research, they visited 27 ports in the French Mediterranean, and discovered illegal driftnetting activity in 16 of them.

The observations were made during the period just before the full moon, when this fishery is stopped, and coinciding with various national holidays, in order to guarantee that the majority of the vessels would be tied at port.

As a result of this investigation, 37 "thonaillers" were identified, the presence of driftnets exceeding the sizes permitted by Regulation 1239/98 was also documented both on board the vessels and on the docks of the ports, and the characteristics of these nets were documented. The results are presented below.



Characteristics of the fishery

The "*thonailler*" is a vessel made of aluminum or fibreglass, measuring 7 to 18 metres in length. It has a spacious, covered deck with room for the nets and the catch. The crew may consist of 2 to 5 members. They have net haulers, usually consisting of two or three wheels, fixed to the bow used to set and haul in the gear, and a characteristic strobe that lights up when the fishing gear is set, in order to warn other vessels. "*Thonaille*" fishing is usually carried out from May to October, with activity beginning to the west of the Gulf of Lyon and moving progressively towards the Gulf of Genoa, then returning towards the west in September, so that the ports from which the vessels depart are frequently different than the ports to which they arrive.

The fishing is carried out during periods of new moon, with calm seas. The nets are set at nightfall, and are allowed to drift for 4 to 6 hours before being hauled in during the early hours of the morning.





© OCEANA/Xavier Pastor. Triple-wheel net haulers belonging to two "thonaillers". La Napoule.



© OCEANA/Xavier Pastor. Strobe on board a "thonailler" tied up at the port of Toulon.

Characteristics of the nets used

The driftnets known as "*thonaille*" are made of multifilament nylon fibre, in different colours, and the largest diagonal mesh size ranges from 180 mm to 224 mm, sometimes reaching 360 mm!⁴

The net is tied to a headrope of polystyrene floaters that are placed at intervals of 12 to 20 metres to keep the net on the surface of the sea, maintaining its verticality with a series of weights placed on the bottom headrope. With the publication of the Decree dated 1 August, 2003, the use of acoustic devices or "pingers" was generalised with the use of these nets and are supposedly located on the nets at intervals of 200 metres.

The nets are composed of a series of sets, each one comprising 5 to 8 pieces of netting measuring 120 metres each. The total length of the nets most frequently used are between 4000 and 8000 metres, sometimes reaching up to 9260 metres authorised by the Special Fishing Permit (PSS). The sets are separated by characteristic buoys crowned with metallic radar reflectors or a flashing white light.

Oceana observers were able to directly compare the "*thonaille*" with the other driftnets used in the Mediterranean because these have also been found both on board vessels in 16 ports and on the docks of the ports of Carro, Toulon, Saint Raphael and Menton. In this last port, the nets were found placed between the traditional shops of the "*thonaillers*," and had an estimated length of 15 kilometres. The average length of the nets seen aboard the vessels is 4 kilometres, with a maximum estimated length of 10 kilometres.

In all cases, Oceana has not been able to distinguish any difference between the "*thonaille*" and any other driftnet used for the fishing of highly migratory species in the Mediterranean Sea.

The French government hides behind a technicality with regards to the use of the fishing gear known as "*thonaille*", although there is no physical difference between this type of net and any other driftnet. Therefore, there is no doubt, in legal terms, that the possession of this net constitutes a violation of Article 11bis.1 of Regulation 1239/98 and, as such, should be sanctioned.



© OCEANA/Xavier Pastor. "Thonaille" in the port of Menton.

The fleet of "thonaillers"

Thirty-seven vessels were documented during the observation period. Given the difficulties experienced in clearly identifying some of the vessels due to the use of other types of gillnets apart from the "thonaille", such as trammel nets, a conservative approach has been adopted when reporting the vessels engaged in this illegal fishing activity. In the attached table, only vessels that are, without a doubt, engaged in these activities are listed, because they either carried a "thonaille" on board or because their structure and equipment were defined as typical gear for a "thonailler".

Small vessels, for example, have been excluded from the list, even though they are included in this fleet (comprised of vessels up to 7 metres in length) but due to their characteristics, their activities must be centred around other gillnet gears, making it quite difficult to identify them.











© OCEANA/Xavier Pastor. Vessel dedicated to gillnet fishing with capacity for the occasional use of the "thonaille". Cannes.

Driftnetters or "thonaillers" detected by Oceana in the French Mediterranean coast (2006)

Name	Number	Location	Date	Estimated net length (Km)	Registered for these type of gear	Picture
Charly Christ	ST 923684	Sète	13/07/2006		DRB/NO	
Cassalex	TL 770807	Saint Mandrier	14/07/2006	7	GNS/GTR	
Notre Dame du Grau	ST 330175	Toulon	14/07/2006	2,14	GNS/GTR	
Jean Emmanuel	ST 315004	Toulon	14/07/2006		GNS/GTR	









Note: GNS/ Set Gillnet; GND/ Drifting gillnet; GTR/ Trammel; LLS/ Surface longline; DRB/ Dredge.

Driftnetters or "thonaillers" detected by Oceana in the French Mediterranean coast (2006)

Name	Number	Location	Date	Estimated net length (Km)	Registered for these type of gear	Picture
Charcot	MA 299469	Toulon	14/07/2006	1,25	GNS/GTR	
Tiki 2	MA 860732	Bandol	14/07/2006	3	GNS/GTR	
Shark III	MT 862351	Hyeres	14/07/2006	4,75	GNS/GTR	
Alain II	TL 326312	Hyeres	14/07/2006	4	DRB/GNS	
Prince des mers	TL 790176	Saint Mandrier	14/07/2006		GNS/GTR	
Orchidee II	MT 917408	Saint Raphael	14/07/2006	6,5	GNS/LLS	
Sonia IV	TL 902286	Saint Raphael	14/07/2006	4,2	GTR/GND	
P'tit Bosco	NI 419957	La Napoule	15/07/2006	1,26	GNS/GTR	

Note: GNS/ Set Gillnet; GND/ Drifting gillnet; GTR/ Trammel; LLS/ Surface longline; DRB/ Dredge.

Driftnetters or "thonaillers" detected by Oceana in the French Mediterranean coast (2006)

Name	Number	Location	Date	Estimated net length (Km)	Registered for these type of gear	Picture
Les copains	MT 269859	La Napoule	15/07/2006	4,7	GNS/GTR	
Sam	NI 437305	Cannes	15/07/2006	3,3	GNS/GTR	
Marco Polo 4	NI 821697	Cannes	15/07/2006		GNS/GTR	
Jessica	NI 874575	Golfe Juan	15/07/2006		GNS/GTR	
Saint Louis	NI 874656	Antibes	15/07/2006		GNS/GTR	
Sergeric	NI 673523	Monaco	16/07/2006	10	GNS/LLS	
Prosper	NI 874568	Menton	16/07/2006	2,8	GNS/GTR	
Jeannette	MT 480715	Palavas les Flots	16/07/2006		GNS/GTR	

Note: GNS/ Set Gillnet; GND/ Drifting gillnet; GTR/ Trammel; LLS/ Surface longline; DRB/ Dredge.

Only 12 of the vessels discovered had nets on board. This may be due to the fact that the nets were stored on the docks as soon as the vessels reached the port, or that the nets were transferred to another place during the day when fishing activities were stopped. At the port of Saint Mandrier, Oceana researchers had the opportunity of documenting how the *Cassalex* fishing vessel, with its net already on board, was preparing to leave port and how a truck loaded with a driftnet with an estimated length of 6.5 kilometres was parked in front of the vessel.



© OCEANA/Xavier Pastor. Kilometres of driftnet probably belonging to the vessel *Cassalex*. Port of Saint Mandrier.

Confirming the aforementioned causes and, as can be observed on the table above, none of the vessels listed were registered for the use of any type of driftnet in the fleet's community register. They were mainly registered to use set gillnets (GNS) and trammel nets (GTR).

Various sources in favour of the use of this type of driftnet assure that this is a traditional fishery that makes up 80% of the fishing activity of these vessels, and supports more than 300 families. However, the characteristics of the vessels dedicated to this fishery are such that they can be used for any other type of gillnet gear or, in some cases, longlining, although it is easy to suppose that the species permitted to be caught with these types of fishing gear are not as profitable as bluefin tuna or swordfish.

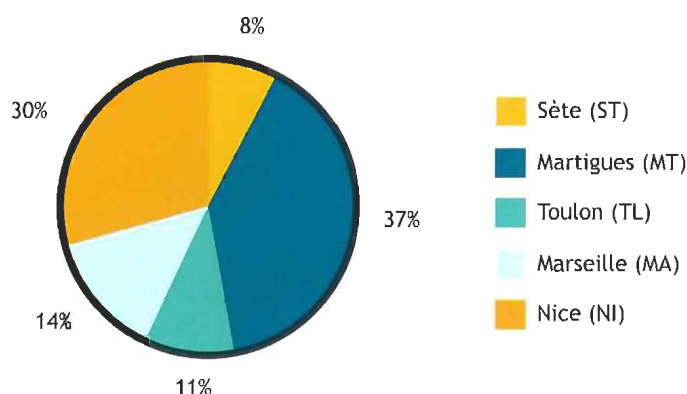
Furthermore, the number of registered "*thonaillers*" was increased in 2001 by a large number of vessels dedicated to fishing European hake (*Merluccius merluccius*) within the Maritime Division of Sète. These vessels were incorporated into the fishery for bluefin tuna with "*thonaille*"²⁸ only one year before the prohibition on driftnet use came into effect. Additionally, the number of "*thonaillers*" in 2001 was estimated at 46 vessels,²⁹ while in 2004 the number of vessels that had special fishing permits for the use of "*thonaille*" was 77.³⁰



© OCEANA/Xavier Pastor. The "*thonailler*" *Orchidée II* moored at the port of Saint Raphael.

Of the total number of vessels identified by Oceana as possible "thonaillers", the majority had their base port in the Maritime Divisions of Martigues and Nice, as can be observed on the graph.

Possible driftnetters or "thonaillers" registered by Oceana in 2006
by Maritime Division



In the port of Saint Raphael, Oceana researchers had the opportunity to personally observe the types of nets used by the driftnetter *Orchidée II*, well-known thanks to an article that appeared in the French newspaper *Le Figaro*.³¹ The estimated length of the net on board this vessel, 6.5 kilometres, exceeded the length authorised by European legislation, and thanks also to the aforementioned article, it is evident that these nets are used to capture prohibited species. Furthermore, and on a subjective note, the characteristics of this vessel are vastly different from the characteristics of what some call "a small artisanal fishery".

Accidental captures and the use of pingers

Driftnets have been banned because they constitute a serious threat to the conservation of protected species such as elasmobranchs, cetaceans and sea turtles.

It is estimated that driftnets cause the death of 10.000 cetaceans per year in Mediterranean waters.³²

In the case of the "thonaille" and its use in the Liguro-Provence basin, including in the international Pelagos Sanctuary, it is estimated that the percentage of bycatch is 0.65%,³⁴ where the species most frequently caught are the pelagic stingray (*Pteroplatytrygon violacea*), the devilfish (*Mobula mobular*), the ocean sunfish (*Mola mola*) and the loggerhead turtle (*Caretta caretta*). As far as the bycatches of cetaceans are concerned, the list is headed by the striped dolphin (*Stenella coeruleoalba*), with an estimated 326 (standard deviation ± 146) individuals caught per year,³³ with a rate of 0.28 individuals caught per haul. Other species have also been documented by various sources such as the sperm whale (*Physeter macrocephalus*);³⁴ the long-finned pilot whale (*Globicephala melas*);³⁵ and the Risso's dolphin (*Grampus griseus*).

Acoustic alarms or "pingers" were introduced in 2002 to minimise the accidental capture of cetaceans in this fishery, and since then various studies have been undertaken in order to verify the effectiveness of these devices. The general use of these alarms was decreed in 2003. In 2002³⁵ it was estimated that these devices reduced accidental captures by 87%, although these results were not conclusive due to the fact that the number of vessels used was not sufficiently representative (only 4 vessels were studied).



© OCEANA/Juan Cuetos. Bottlenose dolphin (*Tursiops truncatus*).

Studies undertaken³⁶ in other fisheries with the same acoustic device used in the 2002 trials for the "thonaille" have revealed that they are ineffective for the same target species. The acoustic alarms currently sold do not produce the desired repulsion effect on dolphins.

In 2004 and 2005, the effectiveness of these devices in relation to the "thonaille" was again investigated. It was reported that during the last year, eight striped dolphins and three sperm whales were caught in these driftnets.³⁴ Once again, the accidental capture of striped dolphins was not sufficiently representative.³⁷

In a parallel study regarding striped dolphins undertaken in 2005,³⁸ the "pingers" had no effect on this species. The same study concluded that different species of cetaceans react differently to acoustic alarms and each acoustic device must be tested for each target species of cetacean for which it is going to be used.

The acoustic devices used in the "thonaille" fishery are designed to avoid the accidental capture of dolphins, and its effectiveness on other species of larger cetaceans such as sperm whales or pilot whales has not been proven.

Furthermore, various sources point to the possibility that these devices may actually produce adverse effects on populations of cetaceans, such as reducing their habitat³⁹ or harming their hearing system which can subsequently affect their biological sonar system!⁴⁰

All this leads us to conclude that there is a marked lack of comprehensive knowledge regarding the operation of these devices and their effect on different species of cetaceans, and that there is an important degree of uncertainty regarding their effectiveness in the majority of cases, and therefore, their use does not constitute a feasible long-term measure for the elimination of accidental captures produced by the driftnets.

In the agreement signed by the French government for the creation of the Pelagos Sanctuary,¹¹ the following article is included: The parties agree to comply with European Community and international regulations, particularly in regards to the use and elimination of the fishing gear known as "driftnets."

The compliance with this article constitutes the first conservation measure adopted by the French government for the protection of cetaceans in the Mediterranean Sea.



© OCEANA/Juan Cueto. Loggerhead turtle (*Caretta caretta*).

Conclusions

Within the international legal framework, there is no doubt that driftnets constitute a serious threat for the conservation of biodiversity and consequently, the prohibition of their use should be enforced.

As proven by this report, the fishing gear commonly known as "*thonaille*" or "*courantille volante*" is, in effect, a driftnet and, as such, it should be prohibited by Regulation 894/97.

Taking these conclusions into consideration, together with the observations made in the field, and, bearing in mind EU draft regulations under negotiation, Oceana makes the following recommendations:

- A prohibition within the "Mediterranean Regulation"¹² of the use of "anchored floating gillnets" and "bottom gillnets" to fish for dolphinfish, bullet tunas and other tunas, as well as other species included in Annex VIII of Regulation 1239/98.
- No derogation should be allowed in the Mediterranean Regulation that might constitute an exemption of compliance with Regulations 894/97 and 1239/98. In the case of the "*thonaille*," considerations of an environmental nature, or with regard to the scope or specificity of this fishing gear should not be taken into account. These considerations have already been evaluated in the past and have led to the prohibition of these types of nets.
- The adoption by EU Fisheries Council as early as possible of a Regulation on the definition of a driftnet, amending Regulations 894/97, 812/2004 and 2187/2005¹³.
- Appropriate sanctions should be applied to the French government for non compliance with the driftnet ban, based on the publication of the Decree dated 1 August 2003, allowing the use of "*thonaille*", a prohibited fishing gear.
- The French government should adopt the necessary measures for the dismantling or obligatory conversion of the driftnet fleet operating in the French Mediterranean.
- The explicit prohibition of the possession, unloading or selling of species whose capture is prohibited with "anchored floating gillnets" or "bottom gillnets."

The adoption of these recommendations, along with the application of the necessary control measures will constitute a step forward towards compliance with international agreements and community legislation, contributing in an effective manner to the complete elimination of the use of driftnets in the Mediterranean basin.

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