

Discrimination of fishermen

Pages 27 & 28 of the English translation. Pages 32 & 33 of the Danish original

72. The preamble to the EU's Control Regulation shows that *each Member State shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.*

73. The examination shows that the Ministry of Foreign Affairs has discriminated fishermen in decisions on penalty points. The assignment of penalty points and other sanctions has consequences for fishermen in relation to fishing opportunities, the value of the vessel (penalty points follow the vessel when sold) and possibilities to apply for support, which include EU funds.

74. Based on the review of the cases, we have identified discrimination in cases of repeated infringements of logbook tolerance, regulations on fishing gear, fishery license, fishery in a closed area and on catch components rules in industrial fishery.

The consequence is that fishermen, who have not been sanctioned with penalty points, are better positioned when applying for funding under the EMFF-programme than other fishermen, who have committed similar infringements and who has been assigned penalty points. Box 5 shows examples of discrimination.

Discrimination in case of infringement of the requirement for fishing permit (infringement no. 7, table 2)

As the cases have been explained, two vessels commit identical infringements of the fishery regulation's requirement for fishing permits, at the same time in January 2013. One vessel is assigned 7 penalty points for fishing for sprat in January 2013 without having a special permit for fishing after sprat in the Baltic Sea. The other vessel receives a fine of DKK 2,500 for fishing for sprat in January 2013 without a special permit for fishing for sprat in the Baltic Sea.

Discrimination on repeated infringements of logbook tolerance (violation no. 1, table 2)

In one case, the ministry has assigned penalty points because a vessel twice infringed the rule of a maximum permitted logbook tolerance of 10%. It is clear from the case file that the vessel had a margin of incorrect entries in the logbook of 67%.

However, 16 vessels in the Public Accounts Committees sample have committed infringements of the above rule at least twice and were not assigned penalty points. In one case out of the 16, a vessel has violated the rule 5 times without the Ministry of Foreign Affairs having assigned penalty points. In one single case, a vessel exceeded the logbook tolerance twice by more than 1000% without the ministry assigning penalty points.