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Convicted of poaching, a fisherman obtains the cancellation of his licence





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Tahiti, July 15, 2025 – On July 3, the Paris Administrative Court of Appeal annulled the order and judgment by which a professional fisherman, convicted of poaching, had his fishing license revoked. The court considered that the fault had been committed in the family context and that it therefore did not constitute a professional misconduct.

A fisherman convicted of poaching, who challenged the withdrawal of his professional fishing license, won his case on July 3 before the Paris Administrative Court of Appeal. The court annulled the order that had recorded the withdrawal as well as the decision of the administrative court of French Polynesia which had confirmed this sanction.

On June 7, 2018, the fisherman was sentenced by the criminal court for participating in a poaching operation of 16 sea turtles – a protected species – with a view to selling and consuming them, to pay a fine of 100,000 francs and to confiscate the boat. On May 22, 2024, six years after the facts, an order was issued to cancel the fishing license of the person concerned which had been granted to him in 2021.

Family outing

Considering that this sanction, taken on the basis of a professional misconduct, was inappropriate, the fisherman had first chosen to refer the matter to the administrative court of French Polynesia before which he had argued that he had *"not failed in his obligations as a professional and in the exploitation of his fishing license"* and that *"the offence had been committed during a family outing with a small boat"* which was not the one he used to fish. On 14 January, the court had therefore dismissed the applicant's case on the grounds that he was not justified in challenging the sanction *"in view of the seriousness" of the alleged breach*.

Seized by the fisherman, the Paris Administrative Court of Appeal gave a different reading of the case by granting the applicant's request. In the decision issued on 3 July, it annulled the contested order as well as the judgment of the administrative court of French Polynesia, recalling that *"this offence was not committed in the context of the exercise of the profession but in a private and family context and that the boat used to commit the offence was not the one used in the context of his profession"*.

Applicable disciplinary regime

According to the court, *"the competent authorities intended to take the contested sanction, in order to preserve the exemplarity expected of the profession of professional fisherman"* even though it was *"open to French Polynesia to establish a disciplinary*

regime applicable to a regulated profession whose members benefit from a specific public aid scheme, and that such a regime could have legally, in the interest of exemplarity expected of the interested parties with regard to the requirements of the protection of the natural marine environment, provide for the imposition of sanctions relating to deliberate attacks on this environment committed outside the professional framework".

In its decision, the Administrative Court of Appeal stated that "the Assembly of French Polynesia limited itself to providing for the imposition of such sanctions only in the event of professional misconduct" instead of providing for sanctions relating to deliberate damage to the environment committed outside the professional framework.

In addition to the annulment of the decisions of the administrative court and the country, the latter will also have to pay 180,000 francs to the fisherman.

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