

Non-paper

SPECIFIC TECHNICAL MEASURES FOR THE NORTH SEA.

INTRODUCTION

The Council, in its conclusions of June 2004 to promote more environmentally friendly fishing methods, recommended that the technical measures for the Atlantic and the North Sea be revised with the aim of simplification and taking into consideration regional characteristics. The Council called on the Commission to propose, after consultation with the sector, a simplified proposal for technical measures.

In April 2006, the Council endorsed a Commission Action Plan on Simplification of Community legislation. The proposal for a new regulation on technical conservation measures in the Atlantic was identified in the Action Plan as a fundamental test case of simplification.

The 4th of June 2008, the Commission has adopted a proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. That proposal foresees the adoption of Commission Regulations for specific technical rules on a regional basis. This document covers what could be the specific technical regulation for the North Sea and provides the background for a round of discussion with the Member States and the sector.

In the light of the discussions on this non-paper, which will take place during the rest of 2008, the Commission will prepare its formal proposal for a Commission Regulation for specific technical measures in the North Sea.

Article 1

Subject-matter and scope

This Regulation, laying down technical conservation measures, shall apply to the taking and landing of fishery resources where such activities are pursued in the maritime waters situated in the North Sea Regional Advisory Council (RAC) Area in accordance with Article 1(a)(i) of Regulation (EC) No XXXX/2008.

Article 2

Target species and minimum mesh size

1. For the North Sea RAC area the mesh size ranges admissible for each target species shall be as defined in part 1 of the Annex to this Regulation. No part of a gear or net shall have a mesh size less than the smallest mesh size within each mesh size range.
2. The minimum and the maximum percentages of the target species among the living aquatic resources retained on board or landed in the North Sea (RAC) Area for each mesh size range are set out in part 1 of the Annex to this Regulation.
3. By way of derogation from paragraph 2, the minimum percentage of the target species among the aquatic resources retained on board in the North Sea (RAC) Area for each mesh size range, shall for each 24 hours of a fishing trip be the percentages set out in part 1 of the Annex to this Regulation, divided by 1,5.
4. By way of derogation from paragraph 2, the maximum percentage of the target species among the aquatic resources retained on board in the North Sea RAC area for each mesh size range, shall for each 24 hours of a fishing trip be the percentages set out in part 1 of the Annex to this Regulation, multiplied by 1,5.

Article 3

Calculation of percentages of target species

1. The percentages of target species listed in part 1, points A and B, of the Annex to this Regulation shall be calculated as the proportion by live weight of all species which are retained on board after sorting or landed.
2. The quantities of species listed in part 1, points A and B, of the Annex to this Regulation that have been transhipped from a fishing vessel shall be taken into account when calculating the percentages of target species for that vessel.
3. The percentages of target species may be calculated on the basis of one or more representative samples.

Article 4

Specific conditions for certain passive gears

The following conditions shall apply to Community fishing vessels deploying gillnets, entangling nets and trammel nets in accordance with Article 13 of Regulation (EC) No XXXX/2008:

- (a) To allow for the replacement of lost or damaged gear, vessels may carry on board nets with a total length 20% greater than the maximum length of the fleets that may be deployed at any one time. All gear shall be marked in accordance with Regulation (EC) No 356/2005 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls¹.
- (b) All vessels deploying gillnets or entangling nets at any position where the charted depth is greater than 200 metres must hold a special fixed net fishing permit issued by the flag Member State.
- (c) The master of the vessel with a fixed net permit referred to in point (b) shall record in the logbook the amount and lengths of gear carried by a vessel before it leaves port and when it returns to port, and must account for any discrepancy between the two quantities.
- (d) The naval services or other competent authorities shall have the right to remove unattended gear at sea in the following situations:
 - (i) the gear is not properly marked;
 - (ii) the buoy markings or VMS data indicate that the owner has not been located at a distance less than 100 nautical miles from the gear for more than 120 hours;
 - (iii) the gear is deployed in waters with a charted depth greater than that permitted;
 - (iv) the gear is of an illegal mesh size.
- (e) The master of the vessel with a fixed net permit referred to in point (b) shall record in the logbook the following information during each fishing trip:
 - the mesh size of the net deployed,
 - the nominal length of one net,
 - the number of nets in a fleet,
 - the total number of fleets deployed,
 - the position of each fleet deployed,
 - the depth of each fleet deployed,

¹ OJ L 56, 2.3.2005, p. 8

- the soak time of each fleet deployed,
 - the quantity of any gear lost, its last known position and date of loss.
- (f) Vessels fishing with the fixed net permit referred to in point (b) shall only be permitted to land in the ports designated by the Member States in accordance with Article 7 of Regulation (EC) 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deepsea stocks².

Article 5

Restrictions on fishing activities in the 12-mile-zone around the United Kingdom and Ireland

1. Vessels shall be prohibited from using any beam trawl inside the areas within 12 miles of the coasts of the United Kingdom and Ireland, measured from the baselines from which the territorial waters are measured.
2. Vessels in any of the following categories shall be authorized to fish in the areas referred to in paragraph 1 using beam trawls:
 - (a) a vessel which entered into service before 1 January 1987, and whose engine power does not exceed 221 kW, and in the case of derated engines did not exceed 300 kW before derating;
 - (b) a vessel which entered into service after 31 December 1986 whose engine is not derated, whose engine power does not exceed 221 kW, and whose length overall does not exceed 24 metres;
 - (c) a vessel which had its engine replaced after 31 December 1986 with an engine which is not derated and whose power does not exceed 221 kW.
3. Notwithstanding paragraph 2, the use of any beam trawl of which the beam length, or of any beam trawls of which the aggregate beam length, measured as the sum of the length of each beam, is greater than 9 metres or can be extended to a length greater than 9 metres, shall be prohibited, except when operating with gear having a mesh size between 16 and 31 millimetres. The length of a beam shall be measured between its extremities including all attachments thereto.
4. Fishing vessels which do not comply with the criteria specified in paragraphs 2 and 3 shall not be allowed to engage in the fishing activities referred to in those paragraphs.

² OJ L 351, 28.12.2002, p. 6, Regulation as last amended by Regulation (EC) No 2269/2004 of 20 December 2004 (OJ L 396, 31.12.2004, p. 1).

5. Vessels which may not use beam trawls shall be prohibited from carrying on board such nets within the areas referred to in this Article, unless they are lashed and stowed in accordance with Article 20(1) of Regulation (EEC) No 2847/93.

Article 6

Restrictions on the use of beam trawls

1. It shall be prohibited to use any beam trawl in the Kattegat
2. Vessels shall be prohibited from using any beam trawl of which the mesh size is less than 120 millimetres within the following geographical area:

The North Sea north of a line joined by the following points:

- a point on the east coast of the United Kingdom at latitude 55°00'N,
- Latitude 55° 00' N longitude 5° 00' E,
- Latitude 56° 00' N longitude 5° 00' E,
- a point on the west coast of Denmark at latitude 56° 00' N

Article 7

Dredges

1. Dredges shall be exempted from the provisions set out in Article 2(1).
2. It shall be prohibited during any fishing voyage when dredges are carried on board, to retain on board and land any quantity of marine organisms unless at least 95% of the weight thereof consists of bivalve molluscs.

Article 8

Closed areas in the North Sea

1. In the North Sea RAC area certain fishing activities shall be prohibited in the closed areas as set out in part 2 of the Annex to this Regulation.
2. On the basis of scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) and the North Sea RAC the prohibition set out in paragraph 1 as regards point A of part II of the Annex to this Regulation shall be reviewed by the Commission no later than 1 December 2009.

Article 9

Entry into force

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

ANNEX

PART I

Mesh size ranges, target species, and required percentages applicable to the use of a single mesh size range

A. TOWED GEARS

List of target species Cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), hake (*Merluccius merluccius*), saithe (*pollachius virens*), nephrops (*Nephrops norvegicus*), shrimp (*Penaeus* spp.), Pandalus (*Pandalus borealis*), sprat (*Sprattus spattus*), sandeel (*Ammodytidae*), Norway pout (*Trisopterus esmarkii*).

Mesh Size (MS)	MS<16	16 ≤ MS < 80	45 ≤ MS < 80 ⁽¹⁾	70 ≤ MS < 120 ⁽²⁾	80 ≤ MS < 120 ⁽³⁾	80 ≤ MS < 120	120 ≤ MS
Max. % cod	2	2	2		5	5	
Max. % cod, haddock, hake, saithe	2	5	5		20	10	
Min % nephrops				70			
Max % whiting	2	2	2			5	
Min % shrimp, sprat, Norway pout		90					
Min % sandeel	95						
Min % pandalus			50				

⁽¹⁾ The codend shall be equipped with a grid in accordance with Appendix 1.

⁽²⁾ When applying this mesh size range the codend shall be constructed of square mesh netting with a sorting grid in accordance with Appendix 2

⁽³⁾ The gear shall be equipped with a square mesh window described in Appendix 3.

B. PASSIVE NETS

List of target species: Cod (*Gadus morhua*), hake (*Merluccius merluccius*), anglerfish (*Lophiidae*), turbot (*Psetta maxima*), megrim (*Lepidorhombus* spp.), sole (*Solea* spp.), sprat (*Sprattus sprattus*), eel (*Anguilla Anguilla*).

Mesh Size (MS)	$10 \leq MS < 50$	$50 \leq MS < 100$	$100 \leq MS < 120$	$120 \leq MS < 140$	$140 \leq MS < 220$	$220 \leq MS$
Max. % cod	2	5	5	5		
Max % anglerfish, turbot	2	10	10	10	10	
Max. % of cod, hake, anglerfish, megrim, turbot	2	5				
Max % sole	2	5				
Min % sole			40			
Min % eel, sprat	90					

PART II

Closed areas

A. CONDITIONS APPLICABLE IN A MAJOR PLAICE NURSERY AREA

1. Vessels exceeding 8 metres length overall shall be prohibited from using any demersal trawl, Danish seine or similar towed gear inside the following geographical areas:
 - (a) the area within 12 nautical miles of the coasts of France, north of latitude 51°00' N, Belgium, and the Netherlands up to latitude 53°00' N, measured from the baselines;
 - (b) the area bounded by a line joining the following coordinates:
 - a point on the west coast of Denmark at latitude 57°00'N,
 - Latitude 57° 00' N longitude 7° 15' E,
 - Latitude 55° 00' N longitude 7° 15' E,
 - Latitude 55° 00' N longitude 7° 00' E,
 - Latitude 54°30'N longitude 7° 00' E,
 - Latitude 54° 30' N longitude 7° 30' E,
 - Latitude 54° 00' N longitude 7° 30' E,
 - Latitude 54° 00' N longitude 6° 00' E,
 - Latitude 53° 50' N longitude 6° 00' E,
 - Latitude 53° 50' N longitude 5° 00' E,
 - Latitude 53° 30' N longitude 5° 00' E,
 - Latitude 53° 30' N longitude 4° 15' E,
 - Latitude 53° 00' N longitude 4° 15' E,
 - a point on the coast of the Netherlands at latitude 53°00'N;
 - (c) the area within 12 nautical miles of the west coast of Denmark from latitude 57°00' N as far north as the Hirtshals Lighthouse, measured from the baselines.
2. Vessels to which a special fishing permit has been issued in accordance with Article 7(3) of Regulation (EC) No 1627/94 shall be authorised to fish in the areas referred to in point 1 using beam trawls. 3. Notwithstanding Article 1(2) of

Regulation (EC) No 1627/94, special fishing permits for the purposes indicated in the first subparagraph may be issued for vessels exceeding 8 metres length overall.

4. Vessels to which a special fishing permit as referred to in point 2 has been issued shall comply with the following criteria:
 - (a) they must be included in a list to be provided to the Commission by each Member State such that the total engine power of the vessels within each list does not exceed the total engine power in evidence for each Member State at 1 January 1998,
 - (b) their engine power does not exceed 221 kiloWatts (kW) at any time and, in the case of derated engines did not exceed 300 kW before derating.
5. Any individual vessel on the list referred to in point 4(a) may be replaced by another vessel or vessels, provided that:
 - (a) no replacement will lead to an increase for each Member State in its total engine power indicated in point 4(a),
 - (b) the engine power of any replacement vessel does not exceed 221 kW at any time,
 - (c) the engine of any replacement vessel is not derated, and
 - (d) the length overall of any replacement vessel does not exceed 24 metres.
6. An engine of any individual vessel included in the list referred to in point 4(a) for any Member State may be replaced, provided that:
 - (a) the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time,
 - (b) the replacement engine is not derated, and
 - (c) the power of the replacement engine is not such that replacement will lead to an increase in the total engine power as indicated in point 4(a) for that Member State.

Fishing vessels which do not comply with the criteria specified in this paragraph shall have their special fishing permit withdrawn.

7. Notwithstanding point 2, vessels holding a special fishing permit and whose primary activity is fishing for common shrimp, shall be permitted to use beam trawls of which the aggregate beam length, measured as the sum of the length of each beam, is greater than 9 metres when operating with gear having a mesh size between 80 and 99 millimetres, provided that an additional special fishing permit to this effect has been issued to these vessels. This additional special fishing permit shall be annually reviewed.

Any vessel or vessels to which such an additional special fishing permit has been issued may be replaced by another vessel, provided that:

- (a) the replacement vessel does not exceed 70 gross tonnage (GRT) and does not exceed an overall length of 20 metres, or
- (b) the capacity of the replacement vessel does not exceed 180 kW and that the replacement vessel does not exceed an overall length of 20 metres.

Fishing vessels which cease to comply with the criteria specified in this point shall have their additional special fishing permit permanently withdrawn.

8. By way of derogation from point 1:

- (a) vessels whose engine power does not exceed 221 kW at any time and, in the case of derated engines did not exceed 300 kW before derating, shall be authorised to fish in the areas referred to in point 1 using demersal otter trawls or Danish seines,
- (b) paired vessels whose combined engine power does not exceed 221 kW at any time and, in the case of derated engines did not exceed 300 kW before derating, shall be authorized to fish in the areas referred to in point 1 using demersal pair trawls.
- (c) vessels whose engine power exceeds 22kW shall be permitted to use demersal otter trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use demersal pair trawls provided that:
 - (i) - the catch of sand eel and/or sprat retained on board and caught in the areas referred to in point 1 constitutes at least 90% of the total live weight of the marine organisms on board and caught in those areas, and
 - the quantities of plaice and/or sole retained on board and caught in the areas referred to in point 1 do not exceed 2% of the total live weight of the marine organisms on board and caught in those areas.
 - (ii) - in the case of demersal otter trawls or demersal pair trawls, the mesh size used is at least 100mm, and
 - the quantities of plaice and/or sole retained on board and caught in the areas referred to in point 1 do not exceed 5% of the total weight of the marine organisms on board and caught in those areas.
 - (iii) - the mesh size used is at least 80 millimetres,
 - (- the use of such mesh sizes is restricted to an area within 12 nautical miles of the coast of France north of latitude 51°00'N, and
 - the quantities of plaice and/or sole retained on board and caught in the areas referred to in point 1 do not exceed 5% of the total live weight of the marine organisms on board and caught in those areas.
 - (iv) - in the case of Danish seine, the mesh size used is at least 100mm.

9. Within areas where beam trawls, otter trawls, bottom pair trawls or Danish seine may not be used, the carrying on board of such nets shall be prohibited, unless they are lashed and stowed in accordance with the provisions laid down in Article 20(1) of Regulation (EEC) No 2847/93.

B. CLOSURE OF AN AREA FOR SANDEEL FISHERIES IN ICES ZONE IV

1. It shall be prohibited to land or retain on board sandeels caught within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the 5 following positions, which shall be measured according to the WGS84 coordinate system:
 - the east coast of England at latitude 55°30'N
 - Latitude 55° 30' N longitude 1° 00' W
 - Latitude 58° 00' N longitude 1° 00' W
 - Latitude 58° 00' N longitude 2° 00' W
 - the east coast of Scotland at longitude 2° 00' W.
2. Fisheries for scientific investigation shall be allowed in order to monitor the sandeel stock in the area and the effects of the closure.

C. CLOSURE OF AN AREA FOR NORWAY POUT FISHERIES

1. The retention on board of Norway pout which are caught with any towed gear in the area which is bounded by a line joining the following points shall be prohibited:
 - a point at latitude 56°N on the east coast of the United Kingdom as far as longitude 02°E,
 - then running north to latitude 58°N, west to longitude 0°30'W, north to latitude 59°15'N, east to longitude 01°E, north to latitude 60°N, west to longitude latitude 0°00',
 - from there north to longitude 60°30'N, west to the coast of the Shetland Isles, then west from longitude 60°N on the west coast of the Shetlands to latitude 03°W, south to longitude 58°30'N,
 - and finally west to the coast of the United Kingdom.
2. Vessels may retain on board quantities of Norway pout from the area and caught with towed gear , provided they do not exceed 5% of the total weight of the marine organisms on board which have been caught in that area with towed gear.

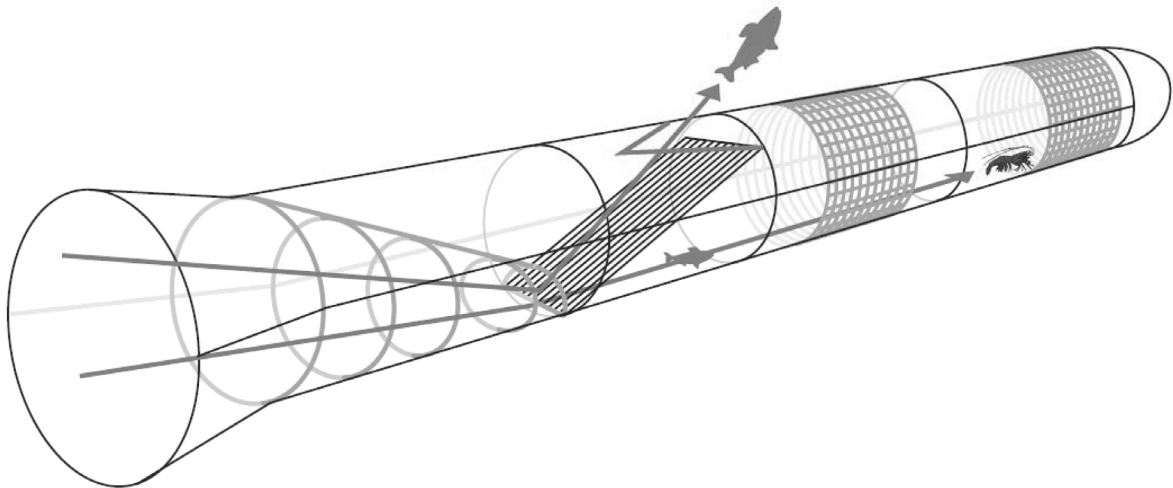
Appendix 1
Specifications for the Sorting grid for Pandalus trawl fishery

- (a) The species selective grid shall be attached in trawls in the codend or in front of the codend
- (b) The bars of the grid shall be parallel to the longitudinal axis of the grid. The bar spacing of the grid shall not exceed 19 mm. It shall be permitted to use one or more hinges in order to facilitate its storage on the net drum.
- (c) The grid shall be mounted diagonally in the trawl, upwards backwards. All sides of the grid shall be securely attached to the trawl.
- (d) In the upper panel of the trawl there shall be an unblocked fish outlet in immediate connection to the upper side of the grid. The opening of the fish outlet shall have the same width in the posterior side as the width of the grid and shall be cut out to a tip in the anterior direction along mesh bars from both sides of the grid.
- (e) It shall be permitted to attach in front of the grid a funnel to guide the catch towards the trawl floor and grid. The width of the guiding funnel towards the grid shall be the grid width.

Appendix 2

Specifications for the Sorting grid for 70 mm trawl fishery

- (a) The species selective grid shall be attached in trawls with full square mesh codend with a mesh size equal to or larger than 70 mm and smaller than 90 mm. The minimum length of the codend shall be 8 m. It shall be prohibited to use any trawl having more than 100 square meshes in any circumference of the codend, excluding the joining or the selvedges.
- (b) The grid shall be rectangular. The bars of the grid shall be parallel to the longitudinal axis of the grid. The bar spacing of the grid shall not exceed 35 mm. It shall be permitted to use one or more hinges in order to facilitate its storage on the net drum.
- (c) The grid shall be mounted diagonally in the trawl, upwards backwards, anywhere from just in front of the codend to the anterior end of the untapered section. All sides of the grid shall be attached to the trawl.
- (d) In the upper panel of the trawl there shall be an unblocked fish outlet in immediate connection to the upper side of the grid. The opening of the fish outlet shall have the same width in the posterior side as the width of the grid and shall be cut out to a tip in the anterior direction along mesh bars from both sides of the grid.
- (e) It shall be permitted to attach in front of the grid a funnel to lead the fish towards the trawl floor and grid. The minimum mesh size of the funnel shall be 70 mm. The minimum vertical opening of the guiding funnel towards the grid shall be 15 cm. The width of the guiding funnel towards the grid shall be the grid width.



Schematic illustration of a size and species selective trawl. Entering fish is lead towards the trawl floor and grid via a leading funnel. Larger fish is then led out of the trawl by the grid while smaller fish and Norway lobster pass through the grid and enter the codend. The full square mesh codend enhance escapement of small fish and undersized Norway lobster.

Appendix 3

Square mesh window

(a) Specifications of the top square mesh window

The window shall be a rectangular section of netting. The netting shall be single twine. The meshes shall be square meshes, i.e. all four sides of the window netting shall be cut all bars. The mesh size shall be equal or more than 120 mm. The length of the window shall be at least 3 m.

(b) Location of the window

The window shall be inserted into the top panel of the codend. The window shall terminate no more than 6 m from the codline.

(c) Insertion of the window into the diamond meshes netting

There shall be no more than two open diamond meshes between the longitudinal side of the window and the adjacent selvedge. The strength length of the window shall be equal to the strength length of the diamond meshes attached to the longitudinal side of the window. The joining rate between the diamond meshes of the top panel of the codend and the smallest side of the window shall be three diamond meshes to one a square mesh, except for edge bars of the window from both sides.