

Below are the most important points that the Netherlands fishery wishes to make with reference to the new draft texts for the technical measures.

### **General**

Council Regulation 850/98 with all its amendments and supplements (including 2056/2001) can be characterised as very complicated and unclear to fishing operators and inspectors. It often results in confusion about the interpretation and application of the Regulation, as well as in the squandering of fish stocks in order to comply with stated rules (for example target species percentages or minimum sizes).

The European Commission is now opting for an entirely different approach: firstly, a simplification and, secondly, a regional approach combined with type of fishery or fish-stock category. In addition, the cumbersome system of target-species percentage requirements will be replaced by a system governing maximum bycatch percentage quantities. An effort will also be made to provide clear and simple definitions. We wholeheartedly endorse this approach.

In the new scheme, the Council will decide on the general approach to the EU Technical Measures as well as the regional and more specific technical measures after approval by the administrative committee, by enacting a Commission Regulation. It is extremely important to protect the specific interests of a member state or a particular type of fishery during this procedure.

### **Final version of Document COM (2008): “Proposal for a Council Regulation concerning the maintenance of fish stocks by means of Technical Measures**

Article 1: No comments

Article 2: No comments

Article 3 (e) : Concerning the definition of “codend”. We would argue for a definition with a length dimension of 6 metres instead of 8 metres. Reason: sometimes a codend is so short that, at 8 metres, already be a part of the back end may be included.

Article 3: Concerning the term “underwater time”, see the comments to article 8 and 9.

Article 4 with reference to appendix I: We agree to this article and the list indicated in appendix I; we certainly do not support any expansion of this list, for example by including the fish species plaice. We want the setting of any minimum size for plaice to be a national regulation instigated, for example, by producer organisations. In this way, we can operate flexibly and, equally importantly, a fishing vessel owner can no longer be fined many thousands of euros, if a few plaice found in the fish hold are smaller than the currently applicable minimum size, an event that now occurs quite regularly.

Article 5: We can definitely not agree to this point. It must continue to be permissible to keep a combination of nets on board. Introducing a one net rule increases the costs of fishing operations without necessarily give more protection to fish stocks. Of course, other rules can be devised concerning use during a fishing trip. We will judge proposals on their merits.

Article 6, Paragraphs 3 a and c: Out of practical considerations, we emphatically argue for the permissibility of differences in number of mesh openings on the front and back, as well as on upper and back ends (for example 10% variance in mesh numbers). There would otherwise be a great deal of damage as a result and give rise to unworkable situations. At this time, inspectors are tolerant and, in practice, often permit a limited mesh variance. However, fishing operators are consequently dependent on this cooperation, so any potential disputes can be avoided by establishing a maximum 10% variance in the regulations.

Article 6,

Paragraph b: the text should be: "attach to the codend one or more sensors dedicated to the measurement of the volume of the catches."

Paragraph d: To date, the beam trawling fishery has been exempted from this (see Article 5 Paragraph 2 of 2056/2001) and we emphatically argue for the continuation of the exemption.

Article 7, Paragraph 2: We propose that the stipulation of "24 metres" be increased to 30 metres. Many fishing operators wish to convert to a light fishing gear for economic reasons (reduced fuel consumption) with fewer tickler chains dragged at lower speed. The gear must be constructed somewhat longer in order to keep it on the bottom.

Articles 8 and 9: On the question why the EC introduce immersion time for gillnets and trammel nets, is the answer to reduce discards. This answer is probably not scientific substantiated or given by an expert judgement. It must be fully clear for the sector why these measures are being taken.

If there is a substantiated argument for the introducing of immersion time for gillnets and trammel nets, then there should be at least an exception rule in the council regulation or there must be the possibility that hard guarantees (exemptions) can be build in.

As we now interprets the text in article 8 and 9 for the Dutch passive fisheries it means the following restrictions:

Passive fisheries on Sole, Seabass and Mullet (all  $\geq 90$  mm) are getting a maximum of 48 hours (art. 8 par. 2). In practice the passive fisheries on Sea bass and Mullet is taking place with a mesh size of  $\geq 100$  mm and that means also a maximum of 48 hours (art. 9 par. 1). Besides that is included in Annex part I B "Passive nets" of the Non paper that for targeting Sole the mesh size will be raised from 90 mm to 110 mm. At this moment the most fishermen are fishing with mesh sizes between 94 and 96 mm. This means that the nets are allowed in the water for 24 hours in stead of 48 hours. In practice the nets are, because of a strong current at the coast, mainly shorter than 24 hours in the water. But there are natural circumstances that it is impossible that nets are removed within 24 hours or even within 48 hours. This is for

example the case for the cod fishery with passive nets which takes mainly place by ship wrecks and is often further from the coast.

Non Paper Annex part I, B

In case of the maximum percentage of Sole (5%) for the passive fishery on Sole we have strong objections against this proposal in the 50 - 100 mm mesh size.

Most of the passive net fisheries on Sole are using a mesh size between 94 – 96 mm. This proposal means that new nets must be bought, what means a enormous capital destruction for this sector and a significant loss of income for catching less priceless good fish for the consumers market.

The negative impact for the Dutch passive net fishermen would be very great when these technical measures are followed without taking into account our comments. The impact of the measures will also be discussed in the national expertise working group for the Marine Stewardship Council for passive net fisheries on sole. We are expecting to come this year with a supplementary comment on the issue of the technical measures for passive fisheries.

Article 10: This article is unacceptable and will make demersal mixed fishing impossible. The percentage set at 10% is extremely unrealistic. Since it would make it almost impossible to fish with drag nets smaller than 100 mm, the provision would bring about the demise of the sole fishery. If this article is allowed to stand, the percentage must be substantially increased. It is also very important to obtain clarity about what is meant by “undersized fish” in this article. We assume that only species indicated in appendix I can be labelled undersized. For this reason, it is crucially important to keep this list as short as possible. It must be furthermore clarified if the percentage is calculated by weight or in numbers.

Article 11: This article is not workable / acceptable for the pelagic trawl sector. It must be possible for any vessel in this sector to return to the sea undersized and / or damaged fish, especially in the situation that minimum landing sizes for new more species are proposed.

Article 12: We notice that the term “electrical current” is still being regarded as a destructive method of fishing. It is well known that the Netherlands is in the process of introducing the pulse trawl. Consequently, insofar as “electrical current” is concerned, this provision must be cancelled.

Article 13: No comments

Article 14: No comments

Article 15: No comments

Article 16: We have large objections to this article, because it can be far too easily used by one member state to act against fishing operators from other member states. After all, a situation might arise where a member state decides that an area will not, for example, be accessible to vessels longer than 24 metres while recognising that the member state in question does not itself have any vessels longer than 24 metres. The measure is then effectively directed at fishing vessels from other member states.

In such a case, the measure must be subject to an evaluation, for example by the Commission itself.

Article 17: No comments

Article 18, Paragraph 2: Same comments as those made in reference to Article 16.

Article 19: No comments

Article 20: No comments

Article 21: Wholeheartedly in agreement; such an article should be included in every multi-year Council or Commission Regulation.

Article 22: No comments

Article 23: No comments

Article 24: R 2056/200... was lacking in this regard, perhaps other Regulations as well.

Article 25: No comments

### **Non-paper Specific Technical Measures for the North Sea.**

Article 1: No comments

Article 2, Paragraphs 3 and 4: These provisions are not entirely clear to us. Current regulations allow the possibility that a vessel receives at least 24 hours to comply with the percentages. We would argue that a vessel should only have to comply with stated maximum bycatch percentages at the end of a trip. This is necessary in order to prevent wasting marketable fish.

Article 3: No comments

Article 4: No comments

Article 5: No comments

Article 6: To date, 120mm applies to a beam trawl used in areas north of 56° North. Therefore the new proposal that would disallow the current use of 100mm in the area between 55° en 56° North is unacceptable. We would argue that, in this article, the boundary of > 120 should be unambiguously drawn at above 56° North or that the current regulation be left intact. The fish species lemon dab is an important bycatch in areas where, to date, 100mm may be fished. The mesh width is necessary for this reason. It has been demonstrated in this area that the number of discards is minimal, even when 80mm is used.

Article 7: No comments

Article 8: An important provision – evaluation of the plaice box. The Netherlands must take the initiative in this regard.

Article 9: No comments

Appendix:

Part I A Towed gear: In the case of a beam trawl (80- < 120 mm), we argue as we do in the case of bottom trawling, for a maximum 20% bycatch of cod, haddock, hake and saithe.

Part I A Towed gear: In the list of target species Silversmelt and Sardines must be included. For this one range of mesh sizes (< 80 mm) is agreeable.

Part I B Passive nets: The sole fishery with standing rigging uses nets with mesh widths of 95-96mm. For this reason, a change must be made to the mesh-width categories. The second category should range from 50 - < 90mm and the third category from 90 - < 120mm.

Part II: The numbering is incorrect. Paragraph 3 is missing, at least in the English version that we have received. Probably the missing provision concerns the maximum 9-metre beam trawl for the sole and plaice fishery and the exemption for the shrimp fishery.

We also argue that the Danish authorities should permit a mesh width of 80mm (point 8, paragraph c iv). These vessels only fish for non-quota species of sapphire gurnard and red mullet with hardly any bycatch involving species assigned quotas. The red mullet fishery requires a mesh width of 80mm.

Part II C: This closed area for mackerel fisheries should be abolished, because the argument for the introduction of this closed area (high occurrence of juveniles) is not valid anymore in this area.

Urk (NL), September 2008.

Geert Meun.