

Non-paper

SPECIFIC TECHNICAL MEASURES FOR THE NORTH WESTERN WATERS.

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 Western Waters 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 Western Waters.

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 Western Waters Regional Advisory Council (RAC) Area in accordance with Article 1(a)(i) of Regulation (EC) No XXXX/2008, and in ICES zone XII.

Article 2

Target species and minimum mesh size

1. For the North Western Waters 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 Western Waters RAC area for each mesh size range is 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 Western Waters 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 Western Waters 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,
 - the soak time of each fleet deployed,

¹ OJ L 56, 2.3.2005, p. 8

- 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

Vessels shall be prohibited from using any beam trawl of which the mesh size is less than 100 millimetres in ICES Division Vb and ICES sub-area VI north of 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

Restrictions on twine thickness when fishing in the Irish Sea

In ICES zone VIIa, when fishing with mesh size equal to or more than 80mm, it shall be prohibited to use any codend of mesh size equal or more than 80 mm which is not constructed of single twine netting material of which no twine is of thickness greater than 6 mm of double twine netting material of which no twine is of thickness greater than 4 mm.

Article 9

Closed areas in the North Western Waters

In the North Western Waters certain fishing activities shall be prohibited in the closed areas set out in part 2 of the Annex to this Regulation.

Article 10

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*), shrimp (*Penaeus* spp.), anglerfish (*Lophiidae*), deep sea species.

Mesh Size (MS)	16 ≤ MS < 80	80 ≤ MS < 100 ⁽¹⁾	80 ≤ MS < 100	100 ≤ MS < 120	120 ≤ MS
Max. % cod	2	5	5	5	
Max % hake, deep sea species ⁽²⁾	2	5	5		
Max % whiting	2		5		
Max. % of cod, haddock, saithe, anglerfish		20	10	10	
Min % shrimp	90				

⁽¹⁾ The gear shall be equipped with a square mesh window described in appendix 1

⁽²⁾ Any mixture of ling, blue ling, siki, sharks, black scabbard fish, orange roughy, *Physis* spp. and *Brosme brosme*

B. PASSIVE NETS

List of target species:

Cod (*Gadus morhua*), hake (*Merluccius merluccius*), anglerfish (*Lophiidae*), turbot (*Psetta maxima*), megrim (*Lepidorhombus* spp.), sole (*Solea* spp.)

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

PART II

Closed areas

A. CLOSED AREA FOR THE CONSERVATION OF COD IN ICES ZONES VI a

It shall be prohibited to conduct any fishing activity within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

- Latitude 59° 05' N, longitude 06° 45' W
- Latitude 59° 40' N, longitude 05° 00' W
- Latitude 59° 40' N, longitude 05° 00' W
- Latitude 60° 00' N, longitude 04° 00' W
- Latitude 59° 30' N, longitude 04° 00' W

B. CLOSED AREA FOR THE CONSERVATION OF COD IN ICES ZONES VII F AND G

1. From 1 February until 31 March, it shall be prohibited to conduct any fishing activity in the following ICES rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within 6 nautical miles from the baseline.
2. By way of derogation from point 1, it shall be permitted to conduct fishing activities using pots and creels within the specified areas and time periods, provided that:
 - (i) no fishing gear other than pots and creels are carried on board, and
 - (ii) no fish other than shellfish and crustacea are retained on board.
3. By way of derogation from point 1, it shall be permitted to conduct fishing activities within the areas referred to in those points using nets of mesh size less than 50 mm, provided that:
 - (i) no net of mesh size greater than or equal to 50 mm is carried on board, and
 - (ii) no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting and argentines are retained on board.

C. CLOSED AREA FOR THE CONSERVATION OF COD IN IRISH SEA

1. In the period from 14 February to 30 April it shall be prohibited to use any demersal trawl, seine or similar towed net, any gill net, trammel net, tangle net or similar static net or any fishing gear incorporating hooks within that part of ICES zone VIIa enclosed by the east coast of Ireland and the east coast of Northern Ireland and straight lines sequentially joining the following geographical coordinates:

- a point on the east coast of the Ards peninsula in Northern Ireland at 54° 30' N,
- Latitude 54° 30' N, longitude 04° 50' W,
- Latitude 54° 15' N, longitude 04° 50' W,
- a point on the east coast of Ireland at 53° 15' N.

2. By way of derogation from point 1, within the area and time period referred to therein the use of demersal otter trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:

- (i) are of mesh size equal or more than 80 mm and less than 100 mm;
- (ii) incorporate no individual mesh, irrespective of its position within the net, of mesh size greater than 300 mm; and
- (iii) are deployed only within an area enclosed by sequentially joining with rhumb lines the following coordinates:

- Latitude 53° 30' N, longitude 05° 30' W
- Latitude 53° 30' N, longitude 05° 20' W
- Latitude 54° 20' N, longitude 04° 50' W
- Latitude 54° 30' N, longitude 05° 10' W
- Latitude 54° 30' N, longitude 05° 20' W
- Latitude 54° 00' N, longitude 05° 50' W
- Latitude 54° 00' N, longitude 06° 10' W
- Latitude 53° 45' N, longitude 06° 10' W
- Latitude 53° 45' N, longitude 05° 30' W
- Latitude 53° 30' N, longitude 05° 30' W;

3. By way of derogation from point 1, within the area and time period referred to therein the use of separator trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:

- (i) comply with the conditions laid down in point 2; and
- (ii) are constructed in conformity with the technical details provided in Appendix 2 to this Annex.

4. By way of derogation from point 1, within the area and time period referred to therein the use of separator trawls shall be permitted within an area enclosed by rhumb lines sequentially joining the following coordinates:

- Latitude 53° 45' N, longitude 06° 00" W
- Latitude 53° 45' N, longitude 05° 30' W
- Latitude 53°30' N, longitude 05° 30' W
- Latitude 53° 30' N, longitude 06° 00' W
- Latitude 53° 45' N, longitude 06° 00' W.

D. CLOSED AREA FOR THE CONSERVATION OF HADDOCK IN ICES ZONE VI

It shall be prohibited to use any fishing gear, except the longlines, within the area named "Rockall haddock box" enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

- Latitude 57° 00' N, longitude 15° 00' W
- Latitude 57° 00' N, longitude 14° 00' W
- Latitude 56° 30' N, longitude 14° 00' W
- Latitude 56° 30' N, longitude 15° 00' W

E. CLOSED AREA FOR THE CONSERVATION OF HAKE

1. It shall be prohibited to use any towed gear of mesh size equal or more than 80 mm and less than 100 mm and any passive net of mesh size less than 120 mm within the area enclosed by sequentially joining with rhumb lines the following positions, excluding any part of that area situated within the 12 nautical miles calculated from the baselines of Ireland, which shall be measured according to the WGS84 coordinate system:

- Latitude 53° 30' N, longitude 11° 00' W
- Latitude 53° 30' N, longitude 12° 00' W
- Latitude 53° 00' N, longitude 12° 00' W
- Latitude 51° 30' N, longitude 11° 00' W
- Latitude 49° 30' N, longitude 11° 00' W
- Latitude 49° 30' N, longitude 07° 00' W
- Latitude 51° 00' N, longitude 07° 00' W
- Latitude 51° 00' N, longitude 10° 30' W

- Latitude 51° 30' N, longitude 11° 00' W
- Latitude 51° 30' N, longitude 11° 30' W

F. CLOSED AREA FOR THE CONSERVATION OF ORANGE ROUGHY

1. The Orange Roughy Protection Areas are defined as the following sea areas:

(a) that sea area enclosed by rhumb lines sequentially joining the following positions:

- Latitude 57° 00' N, longitude 11° 00' W
- Latitude 57° 00' N, longitude 8° 30' W
- Latitude 56° 23' N, longitude 8° 30' W
- Latitude 55° 00' N, longitude 9° 38' W
- Latitude 55° 00' N, longitude 11° 00' W
- Latitude 57° 00' N, longitude 11° 00' W;

(b) that sea area enclosed by rhumb lines sequentially joining the following positions:

- Latitude 55° 30' N, longitude 15° 49' W
- Latitude 53° 30' N, longitude 14° 11' W
- Latitude 50° 30' N, longitude 14° 11' W
- Latitude 50° 30' N, longitude 15° 49' W;

(c) that sea area enclosed by rhumb lines sequentially joining the following positions:

- Latitude 55° 00' N, longitude 13° 51' W
- Latitude 55° 00' N, longitude 10° 37' W
- Latitude 54° 15' N, longitude 10° 37' W
- Latitude 53° 30' N, longitude 11° 50' W
- Latitude 53° 30' N, longitude 13° 51' W.

Those positions and the corresponding rhumb lines and vessel positions shall be measured according to the WGS84 standard.

2. Member States shall ensure that vessels holding a deep-sea fishing permit shall be properly monitored by the Fisheries Monitoring Centres (FMC), which shall have a system to detect and record the vessels' entry into, transit through and exit from the areas defined in point 1.

3. Vessels holding a deep-sea fishing permit that have entered the areas defined in point 1 shall not retain on board or tranship any quantity of orange roughy, nor land any quantity of orange roughy at the end of that fishing trip unless:

(a) all gears carried on board are lashed and stowed during the transit in accordance with the conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93;

(b) the average speed during transit is not less than 8 knots.

G. CLOSED AREAS FOR THE PROTECTION OF VULNERABLE DEEP-SEA HABITATS

It shall be prohibited to use any bottom trawl or similar towed gear and static gear, including bottom set gillnets, entangling nets, trammel nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

(a) "Hatton Bank":

- Latitude 59° 26' N, longitude 14° 30' W
- Latitude 59° 12' N, longitude 15° 08' W
- Latitude 59° 01' N, longitude 17° 00' W
- Latitude 58° 50' N, longitude 17° 38' W
- Latitude 58° 30' N, longitude 17° 52' W
- Latitude 58° 30' N, longitude 18° 45' W
- Latitude 58° 47' N, longitude 18° 37' W
- Latitude 59° 05' N, longitude 17° 32' W
- Latitude 59° 16' N, longitude 17° 20' W
- Latitude 59° 22' N, longitude 16° 50' W
- Latitude 59 °21' N, longitude 15° 40' W

(b) "North West Rockall":

- Latitude 57° 00' N, longitude 14° 53' W
- Latitude 57° 37' N, longitude 14° 42' W
- Latitude 57° 55' N, longitude 14° 24' W

- Latitude 58° 15' N, longitude 13° 50' W
- Latitude 57° 57' N, longitude 13° 09' W
- Latitude 57° 50' N, longitude 13° 14' W
- Latitude 57° 57' N, longitude 13° 45' W
- Latitude 57° 49' N, longitude 14° 06' W
- Latitude 57° 29' N, longitude 14° 19' W
- Latitude 57° 22' N, longitude 14° 19' W
- Latitude 57° 00' N, longitude 14° 34' W

(c) "Logachev Mound":

- Latitude 55° 17' N, longitude 16° 10' W
- Latitude 55° 34' N, longitude 15° 07' W
- Latitude 55° 50' N, longitude 15° 15' W
- Latitude 55° 33' N, longitude 16° 16' W

(d) "West Rockall Mound":

- Latitude 57° 20' N, longitude 16° 30' W
- Latitude 57° 05' N, longitude 15° 58' W
- Latitude 56° 21' N, longitude 17° 17' W
- Latitude 56° 40' N, longitude 17° 50' W

(e) "Darwin Mound":

- Latitude 59° 54' N, longitude 6° 55' W
- Latitude 59° 47' N, longitude 6° 47' W
- Latitude 59° 37' N, longitude 6° 47' W
- Latitude 59° 37' N, longitude 7° 39' W
- Latitude 59° 45' N, longitude 7° 39' W

- Latitude 59° 54' N, longitude 7° 25' W

- (f) "The Hecate Seamounts":
 - Latitude 52° 21.2866' N, longitude 31° 09.2688' W
 - Latitude 52° 20.8167' N, longitude 30° 51.5258' W
 - Latitude 52° 12.0777' N, longitude 30° 54.3824' W
 - Latitude 52° 12.4144' N, longitude 31° 14.8168' W
 - Latitude 52° 21.2866' N, longitude 31° 09.2688' W

- (g) "The Faraday Seamounts":
 - Latitude 50° 01.7968' N, longitude 29° 37.8077' W
 - Latitude 49° 59.1490' N, longitude 29° 29.4580' W
 - Latitude 49° 52.6429' N, longitude 29° 30.2820' W
 - Latitude 49° 44.3831' N, longitude 29° 02.8711' W
 - Latitude 49° 44.4186' N, longitude 28° 52.4340' W
 - Latitude 49° 36.4557' N, longitude 28° 39.4703' W
 - Latitude 49° 29.9701' N, longitude 28° 45.0183' W
 - Latitude 49° 49.4197' N, longitude 29° 42.0923' W
 - Latitude 50° 01.7968' N, longitude 29° 37.8077' W

- (h) Part of the "Reykjanes Ridge":
 - Latitude 55° 04.5327' N, longitude 36° 49.0135' W
 - Latitude 55° 05.4804' N, longitude 35° 58.9784' W
 - Latitude 54° 58.9914' N, longitude 34° 41.3634' W
 - Latitude 54° 41.1841' N, longitude 34° 00.0514' W
 - Latitude 54° 00.0'N, longitude 34° 00.0' W
 - Latitude 53° 54.6406' N, longitude 34° 49.9842' W

- Latitude 53° 58.9668' N, longitude 36° 39.1260' W
- Latitude 55° 04.5327' N, longitude 36° 49.0135' W

(i) "Belgica Mound Province":

- 51° 29,4' N; 11° 51,6' W
- 51° 32,4' N; 11° 41,4' W
- 51° 15,6' N; 11° 33' W
- 51° 13,8' N; 11° 44,4' W

(j) "Hovland Mound Province":

- 52° 16,2' N; 13° 12,6' W
- 52° 24' N; 12° 58,2' W
- 52° 16,8' N; 12° 54' W
- 52° 16,8' N; 12° 29,4' W
- 52° 4,2' N; 12° 29,4' W
- 52° 4,2' N; 12° 52,8' W
- 52° 9' N; 12° 56,4' W
- 52° 9' N; 13° 10,8' W

(k) "North-West Porcupine Bank - Area I":

- 53° 30,6' N; 14° 32,4' W
- 53° 35,4' N; 14° 27,6' W
- 53° 40,8' N; 14° 15,6' W
- 53° 34,2' N; 14° 11,4' W
- 53° 31,8' N; 14° 14,4' W
- 53° 24' N; 14° 28,8' W

(l) "North-West Porcupine Bank - Area II:

- 53° 43,2' N; 14° 10,8' W
- 53° 51,6' N; 13° 53,4' W
- 53° 45,6' N; 13° 49,8' W
- 53° 36,6' N; 14° 7,2' W

(m) "South-West Porcupine Bank":

- 51° 54,6' N; 15° 7,2' W
- 51° 54,6' N; 14° 55,2' W
- 51° 42' N; 14° 55,2' W
- 51° 42' N; 15° 10,2' W
- 51° 49,2' N; 15° 6' W

Appendix 1

Square mesh window

1. 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.

2. 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.

3. 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.

Appendix 2

Technical details of Separator trawl

