Responses from Parties on Definitions of Fisheries and Related Rules, Regulations and Statistics

The 11ᵗʰ Meeting of the Jastarnia Group in Action Point 13 instructed the Secretariat to "*ask Parties to provide information as to the definitions of the term 'fisheries', rules and regulations applicable to the various types of fisheries in their national legislation, as well as related statistics. This information should be provided in time for the next JG meeting.*"

Finland, Germany and Poland submitted responses, which are collated below.

Denmark noted that the reason and purpose for the data call was not clear from the request of the Jastarnia Group, and emphasised that this was a prerequisite for investing time into a response. She also stressed that it must be very clear what data and in which format data is to be forwarded, as well has for what the data will be used, noting that if data from different countries are not forwarded in the same format, no comparison or analysis can be done. Denmark concluded that they will not be able to forward any data until the above mentioned parameters have been explained.

Finland (sent on 29 March 2016 by Penina Blankett)

The key objective of the Finnish Fishing Act is to regulate fishing rights and methods, the management of fish stocks and the fisheries administration in terms of the use and management of fish resources. The Fishing Act reform has addressed the changes that have taken place in fishing, in Finnish and EU legislation and in society at large.The new fishing Act came into force 1.1.2016. The Fishing Decree includes more detailed provisions on, for example, fishing gear and the practice of fishing, fishing districts, the State's fishing waters and fisheries control. The majority of provisions governing commercial fisheries, particularly in sea areas, are laid down at the EU level.

In the 4 article of the Fishing Act there is definitions for commercial fisheries and recreational fisheries.

***Commercial fisheries** is defined as a fishing action, where the all or part of the catch will be sold. All commercial fishermen will also be in a register.*

***Recreational fishery** is defined as recreational/leisure fishing and household /subsistence fishing.*

Germany (sent on 24 March 2016 by Patricia Brtnik)

1.   Fishery types and definitions:

Professional fishing:

- *Fishing activities are conducted with a registered fishing vessel*
- *Fishing is the main income*
- *Catches have to be notified*

Part time fishing:

- *Fishing activities are conducted with a registered fishing vessel (mainly open fish-ing boats)*
- *Fishing is a second income*
- *Catches don´t have to be notified*
- *Data about part time fisheries in Germany are not available*

Recreational fishing (Hobby fishermen):

- *Fishing activities are conducted without a registered fishing vessels.*
- *Recreational fishing with nets (e.g. trammel or gill nets) is forbidden in Germany*
- *Catches don´t have to be notified*
- *Data about recreational fisheries in Germany are not available*

Note: In Germany there is only information available about fisheries in the EEZ but not for territorial waters.

2.   Fishing gear

<u>*General:*</u>

In Germany only beam trawls, midwater otter trawls as well as bottom otter trawls (OTB) are used.

Pair otter trawls are not used.

Hooks and lines are not used professionally in Germany.

Within the category gillnets: Only gill nets and trammel nets are used in German fisheries.

<u>*German EEZ in the North Sea*</u>

- *Beam: small   beam trawl <=221kW; shrimp fishing, mesh size 16-32mm*
- *Beam: large   beam trawl >221kW, mixed flatfish fishing, mesh size >=80mm*
- *Trawl: mixed flatfish fishing with bottom trawls, mesh size >=80mm*
- *Gill / Trammel nets: Gillnets and entangling nets>=100mm mesh size*
- *Seines*
- *Dredge*
- *Pots*

<u>*German EEZ in the Baltic Sea*</u>

- *Gillnets*
- *Otterboard*
- *Seiners*
- *Pelagic Trawls*
- *Beam trawls are not allowed in the Baltic Sea*

3.   Fisheries in Federal States

Schleswig-Holstein (SH) (2012):

- *In 2012 in the North Sea waters of SH 514 "hobbyfishers" were registered*

  These are allowed to use the following types of gears -mainly in wadden sea or estuarine waters:

  - *4 eel fykes or 2 double eel fykes*
  - *3 m beam trawl*
  - *lift net 2m x 2m*
  - *2 m wide push net*

- *In 2011 in Schleswig-Holstein (SH) 194 vessels operated fulltime and 319 vessels in part-time.*

Lower Saxony

- *In Lower Saxony no registration is required for recreational fishery fishing for crabs, shrimp and fish (only species without a catch quota).*

- *Certain fishing gears are generally allowed for recreational fishers, e.g.*

- o *eel fykes and double eel fykes,*
- o *pole stow net up to 2 m*
- o *longlines (to date not in use, but allowed).*
- o *large traps such as pound nets are generally allowed but need authorisation by maritime authorities*
- o *2 pound nets are in use in the Jade estuary (Bundgarn net type)*
- o *further allowed is 1 beam trawl up to 3 m length, or a number of beam trawls of up to 4 m total length*
- o *drop net 2m x 2m*

- *Set nets are not allowed for recreational use*

Mecklenburg-Western Pomerania

- *In 2011 in Mecklenburg-Western Pomerania 428 fisheries have been registered (296 fulltime and 132 part-time).*
- *Additionally, 249 recreational fishermen are registered.*
- *According to the inshore fishery regulation KÜFVO-MV 100 m setnets, longlines with 100 hooks and 8 eel pots are allowed.*

4.   Fishery data

The spatial accuracy of the fishing grounds which have to be entered in the logbooks in connection with official reports of landings from the EU seas is limited to the notation of the corresponding ICES statistical rectangle of 30 x 30 nautical miles. The provision of more precise positioning data has not been required to date.

Fishing activities from German fishing vessels in the German North Sea and Baltic Sea EEZ are registered with a combination of satellite data on ship positions (VMS - vessel monitoring system) which the Federal Office for Agriculture and Food (BLE) gathers and logbook data which is reported to the EU pursuant to the implementing regulation for the data collection programme (EU R 665/2008).

The combination of these two sets of data made it possible to assign fishing activities to reported landings, broken down by the respective fishing metier.

In keeping with current EU law, VMS data is available only for fishing vessels with a length of >12 metres. A signal is transmitted in German waters every two hours and contains the vessel identification, position, course and speed. In addition to the vessel identification, the logbook data include the date of the landing, the amount of the catch unloaded on land, broken down by species, plus information regarding the fishing gear used, including mesh size. These data - only from German fishing vessels - are also reported to the BLE.

5.   Regulations

- *EU Common Fisheries Policy (CFP)*
- *REGULATION (EU) No 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL*
- *EU Fisheries control regulation*
- *COUNCIL REGULATION (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the com-mon fisheries policy*
- *Act for regulation of sea fisheries and application of fishing legislation of the Eu-ropean Union (Marine Fisheries Act- SeeFischG)*
- *Inshore fishery regulations:*
  - o *Schleswig-Holstein (KÜFO-SH)*
  - o *Lower Saxony (NKüFischO)*
  - o *Mecklenburg Western Pomerania (KÜFVO-MV)*

Poland (courtesy translation sent on 20 January 2016 by Monika Lesz)

20) Commercial fishery – catch of marine organisms for the commercial purposes

21) Marine fishery - commercial fishery, recreational fishery, catch of marine organisms for the scientific research, development or educational purposes in scope of marine fishery as well as restocking, breeding, of marine organisms, introduction or transfer to the marine areas belonging to the Republic of Poland alien species of marine organisms or marine organisms for which Polish marine areas are not natural range, according to art.3 point 6 and 7 regulation number 708/2007.

22) Recreational fishery - catch of marine organisms during sports games or for recreational purposes