



Scheveningen Group

**DRAFT Joint Recommendation
of
the Scheveningen Group
concerning
technical measures
for the conservation of fishery resources of
the North Sea**

19.10.2020

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1. Background

1.1. Legal background

Regulation (EU) 2019/1241 establishes a framework for technical measures for the conservation of fisheries resources and the protection of marine ecosystems. This framework, on the one hand, establishes general rules which apply across fisheries in all Union waters and at the other hand establishes specific rules for each sea basin. It also provides for the adoption of technical measures that take account of the regional specificities of fisheries through the regionalisation process introduced by Regulation (EU) No 1380/2013. It covers the operation of fishing gear and the interaction of fishing activities with marine ecosystems.

Regulation (EU) No 2019/1241 (Technical Measures Regulation) establishes in its Article 15 and corresponding annexes technical measures at regional level. It equally empowers the Commission to adopt delegated acts in order to amend, supplement, repeal or derogate from those technical measures. These delegated acts shall be adopted on the basis of Joint Recommendations submitted by Member States concerned, in accordance with Article 18 of Regulation (EU) No. 1380/2013. Such Joint Recommendations may i.a. be submitted for the purpose of adopting measures in relation to size-selective and species-selective characteristics of gear, closures or restrictions of access to certain areas to protect juveniles and spawning aggregations, adopting measures concerning the minimum conservation reference sizes, the establishment of real-time closures with the aim of ensuring the protection of sensitive species or of aggregations of juveniles, spawning fish or shellfish species, in relation to the use of innovative fishing gear, in relation to the protection of sensitive species and habitats and for the establishment of technical measures in temporary discard plans.

This Joint Recommendation concerns technical measures for plaice fisheries along the Danish, German and Dutch North Sea coast.

1.2. Scheveningen High-Level Group

Following Article 18 of the Basic Regulation, the Fisheries Directors of the North Sea Member States cooperating in the Scheveningen Group since 2004 established a High Level Group (HLG) in December 2013 and agreed on a Memorandum of Understanding setting out the principles and working methods of the Group. Members of the Group are Belgium, Denmark, France, Germany, the Netherlands, and Sweden. The United Kingdom participated until 31 January 2020, the date of withdrawal of the UK from the EU. An annual chair, with Belgium chairing from 1 January 2020 to 31 December 2020, chairs the group. The HLG is assisted by a technical group for discussing technical details and a control group for discussions on control related issues in the North Sea.

1.3. Consultation with relevant Advisory Councils

The group acknowledges the importance of a meaningful input from stakeholders in the process of identifying challenges and solutions to them by taking technical measures, in light of Article 18(2) of the Basic Regulation.

With this in mind, the North Sea Advisory Council (NSAC) and the Pelagic Advisory Council (PELAC) were invited to closely cooperate with the Scheveningen group. There has been regular and detailed engagement between the Scheveningen group

and the NSAC and PELAC throughout the development of the Joint Recommendation. In order to have a continuous consultation during the process, the NSAC and PELAC have been invited to attend, in part, meetings of the Scheveningen High Level Group and the Technical Group, as far as the Corona crisis allowed for it and have effectively attended several times. Insofar as the Corona crisis impeded a physical encounter with the ACs from mid-March on, they were consulted by correspondence. Additionally, Scheveningen Group representatives have attended several meetings of NSAC and PELAC on a regular basis.

On 16/10/2020 a draft of the joint recommendation was sent to NSAC for consultation.

The Scheveningen group remains committed to working in close cooperation with the NSAC and the PELAC on further developing technical measures in the North Sea.

1.4. Previously submitted joint recommendations

In the last 6 years, the Scheveningen group already worked intensely on successive discard plans for both demersal fisheries and small pelagic and industrial fisheries which included technical measures. In May 2020, a joint recommendation on technical measures was submitted to the Commission as the very first JR from the Scheveningen group on the basis of Regulation (EU) No 2019/1241.

2. Objectives and scope of the joint recommendation

2.1. Objectives

This Joint Recommendation (JR) intends to lay down further technical measures in the North Sea as provided for in Article 15(2) of Regulation (EU) No 2019/1241.

2.2. Scope

Unless otherwise stated, this JR will apply to the North Sea as defined in Article 5(a) of Regulation (EU) No 2019/1241 comprising Union waters of ICES divisions 2a, 3a and sub-area 4.

This Joint Recommendation will apply to all fishing vessels engaged in the specified fisheries in the North Sea without prejudice to rules applicable outside the aforementioned Union waters under Member State jurisdiction, i.e. without prejudice to rules applicable to waters under jurisdiction of third countries.

3. Technical measures

3.1. Technical measures for plaice fisheries in an area along the Danish, German and Dutch North Sea coast – the ‘Plaice Box’

3.1.1. Background

The “Plaice Box” is a closed area in the North Sea, established in 1989 as a technical measure to protect undersized plaice (*Pleuronectes platessa*) from

discarding, closing the Plaice Box for trawl fisheries with vessels >221kW, with the expectation that yield and spawning stock biomass would increase.

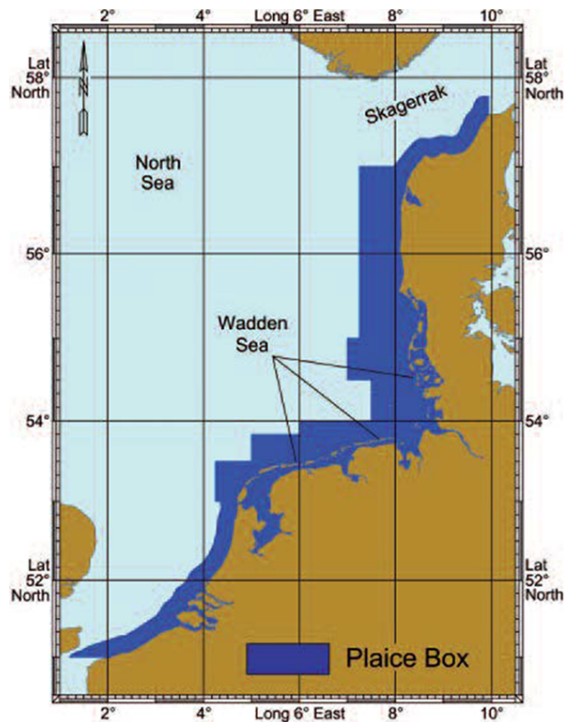


Figure 2: geographical outline of the 'Plaice Box'

The closure of the Plaice Box for the protection of juvenile plaice in ICES area 4, the North Sea, is set out in Annex V, part C, point 2 of Regulation (EU) N°2019/1241. In the former regulation on technical measures (EC) 850/98, which was repealed by Regulation 2019/1241, the 'Plaice Box' was included in article 29. When Regulation 850/98 was first adopted, no exemption for vessels above 221 kW using Danish seine was included in the regulation, however in an amendment to the regulation in 1999¹, an exemption for Danish seine was included in article 29, para 4(b), iv. This exemption allowed vessels above 221 kW, using Danish seine, to fish in the Plaice Box, provided that the mesh size used was at least 100 mm. Four specific exemptions were included in article 29, para 4(b), however what set the exemption for Danish seine apart from the other gear exemptions, was that while there were limits to catches of plaice and sole for the other gears (between 2-5%), no requirements on catch composition was included for Danish seine.

In the where-as clause 2 of Regulation 2723/1999, amending Regulation 850/98, the inclusion of Danish seine in article 29 is explained as follows:

¹ The amendment was made through Council regulation 2723/1999, which came into force on 1 January 2000

(2) Article 29 of Regulation (EC) No 850/98 (3) contains a number of exemptions for the use of specific fishing gears; these exemptions should apply equally to the gear-type Danish seine; as on oversight, exemptions for this gear were not originally included in that Article; therefore, Danish seine should be included among the exemptions of Article 29;

Regulation 2723/1999 came into force on 1 January 2000 and since then vessels above 221 kW using Danish seine have been allowed to fish in the Plaice Box, without additional requirements concerning catch composition.

In the Commission proposal for a new regulation on technical measures, COM(2016)134, the Plaice Box exemptions for vessels above 221 kW, were, compared to Regulation 850/98, joined into in one indent. The text proposed by the Commission was, with only a small linguistic amendment adopted, and is now included in Regulation 2019/1241, Annex V, part C, para 2.2:

2.2. The following vessels are permitted to fish in the area referred to in point 2.1:

(a) vessels whose engine power does not exceed 221 kW using bottom trawls or Danish seines;

(b) paired vessels whose combined engine power does not exceed 221 kW at any time using bottom pair trawls;

*(c) **vessels whose engine power exceeds 221 kW shall be permitted to use bottom trawls or Danish seine, and paired vessels whose combined engine power exceeds 221 kW shall be permitted to use bottom pair trawls provided that such vessels do not engage in directed fishing for plaice and sole and comply with the relevant mesh size rules contained in Part B of this Annex.***

This change in substance in the new Regulation on technical measures setting out that in a fishery with Danish seine a vessel cannot “engage in a directed fishing for plaice or sole” was neither addressed in the Commission explanatory memorandum nor in the impact assessment to the proposal. Rather in the negotiations in the Council and between the Council and the Parliament on Regulation (EU) N°2019/1241 the understanding of the Scheveningen Group Member States was that the provisions concerning the ‘Plaice Box’ were to be status quo, compared to the former regulation on technical measures (EC) 850/98. However, as the text reads now, status quo is not maintained, and rather important changes to the prior provisions in regulation 850/98 are included, by not allowing vessels above 221 kW fishing with Danish seine to fish directly for plaice and sole in the Plaice Box. The amended provisions are thereby preventing vessels using Danish seine from fishing on their traditional fishing grounds for their traditional catches, which are primarily plaice. In addition, the allowed gears are no longer defined in the same way as in Regulation (EC) No 850/98 due to the expression “bottom trawls” in para. 2.2 (c) instead of “demersal otter trawls”. The amended provisions potentially allow more gear types to be used inside the Plaice Box compared to (EC) No 850/98.

Another provision that deviates from (EC) No 850/98 and from the general intention to keep the status quo is Regulation 2019/1241, Annex V, part C, para 2.4:

Vessels permitted to fish in the area referred to in point 2.1 shall be included in a list to be provided to the Commission by each Member State. The total engine power of the vessels referred to in point 2.2(a) within the list shall not exceed the total engine power in evidence for each Member State at 1 January 1998. The permitted fishing vessels shall hold a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009.

In No 850/98 it was explicitly mentioned that the length overall of beam trawlers newly included in the list shall not exceed 24 metres. In the absence of this limitation, the status quo from (EC) No 850/98 cannot be ensured.

3.1.2. The Danish seine fishery (anchor seining)

Danish seine is a traditional gear used in certain North Sea member states, which has a low bottom-impact. It is a fishing method that is particularly used for fishing demersal species in shallow areas on a sandy bottom. The Danish seine is constructed with rather long seine ropes (≤ 3 km long) and no otter-boards. From a buoy/anchor point, the fishing vessel lets out long ropes and the seine in a roughly triangular pattern. When approaching the anchor, the ropes are winched in. As the two ropes slowly come together, the encircling ropes and net trap fish inside it. Only at the terminal point in this process does the main part of the catch enter the seine.

In more detail the hauling of the fishing gear is done by the warping cup (capstan) during anchoring of the vessel. The engine power of the vessel therefore has limited impact on the efficiency of the fishery, as the engine is solely used to power the hydraulic system used to haul, and the performance of the hydraulic system is independent of the engine output. In other words, more power to the engine does not give more power to the capstan and therefore does not enable the vessel to use thicker seine ropes. The thickness of the seine ropes is the factor that has the largest effect on the fishing power of the vessel and also determines the impact that the fishing activity with anchored seine has on the bottom.

The thickness and length of the seine ropes is dependent on the depth and condition of the sea bottom. In large flat areas, it is possible to use longer seine ropes than may be possible in smaller areas. Because of the low pulling force of the gear, it needs a smooth bottom for its operation. Greater depths demand somewhat thicker seine ropes.

Due to the lack of otter-boards, gear effects of Danish seine are restricted to that of seine ropes and ground gear. The effect of the ground gear and the seine itself is thought to be comparable to a single otter trawl, when the effects from sweeps and trawl doors are excluded. There are, however, most likely, some differences in effects because hauling of the Danish seine is generally undertaken at lower and more variable speeds, starting at 0–2.5 knots compared to that of the conventional demersal trawling fishery for cod and plaice, typically at speeds between 2.9 and

3.3 knots, which results in a stronger force forward if obstructions are met by the trawl. The faster hauling by demersal trawlers is necessary because the fish are caught from one angle/direction only, rather than being encircled by the gear as with the Danish seines. Danish seine does therefore require larger, smooth, sea bed areas.

It is thus characteristic for the fishery with anchored seine, that the engine power does not have an impact on the fishing operation, where the gear is hauled from a fixed position. If the gear is hauled too fast, the fish will escape rather than being herded between the seine ropes. The limiting factor in this fishery is often how much space there is on the winches, so the fisherman has to balance the benefits of thicker seine ropes; higher “fishing power” against the length of the ropes; larger fishing area. What is chosen for the individual vessel varies with available fishing grounds and target species. The thickness of the seine ropes used by 14 Danish vessels is shown in the table below:

Vessel	Horsepower/kW	Seine rope thickness	Meshes
NN1	150/110	24 mm	450
NN2	325/238	30 mm	550
NN3	300/220	28 mm	450
NN4	260/191	24 mm	450
NN5	220/161	24 mm	450
NN6	350/257	24 / 26 mm	450
NN7	280/205	30 mm	550
NN8	450/330	30 /34 mm	550
NN9	450/330	34 mm	650
NN10	331/241	28 mm	450
NN11	350/257	32 mm	650
NN12	300/220	28 mm	450
NN13	300/220	36 mm	650
NN14	277/204	36 mm	650

Table 1. Engine power, diameter of seine ropes, and size of seine (meshes) for 14 vessels fishing with Danish seine

Table 1 shows there is no obvious linkage between engine power, diameter of seine ropes and size of seine. The vessel with the smallest engine does have the smallest dimensions in the fishing gear, but the largest dimensions are not used on the most powerful vessels and vessels with a comparable engine power use quite different fishing gears.

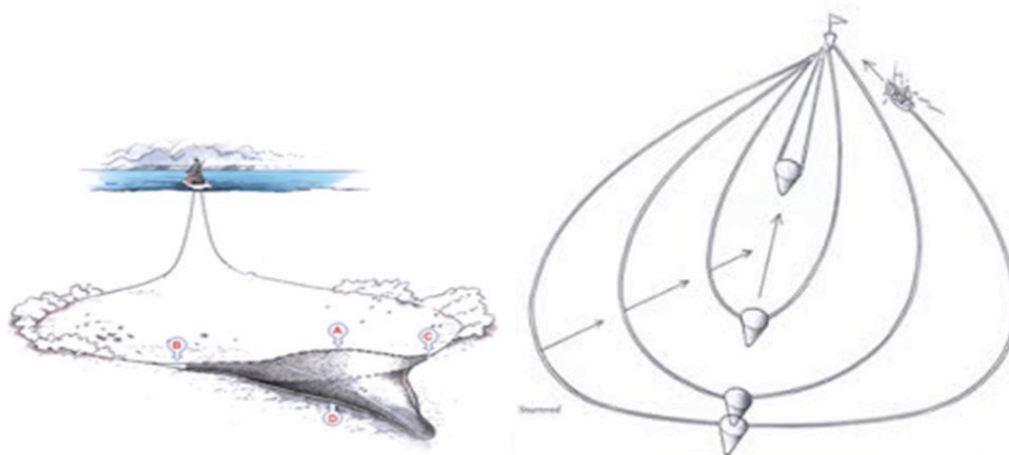


Figure 3: Scottish seine (left) compared with Danish seine (right)

Danish seine fishery is thereby very different from the Scottish seine ('flyshooter') fishery. Danish seine and Scottish seine ('fly shooting') are used in Danish fisheries to catch cod and plaice. The main differences between the two types of seine are that thicker ropes are used for Scottish seine (often wire), as well as greater engine power and that the vessel sails forward while the catch is being hauled. Therefore with Scottish seine you are able to fish a larger area with heavier gear than with traditional Danish seine, but also with significantly higher fuel costs and with greater wear on the gear.

Concerning its ecosystem impact in conclusion, Danish seine has a lower total impact on benthic species and habitats than both otter trawls and beam trawls.

Gear (active)	Primary target species	Depth (m)	Bottom type	Relative energy consumption	Physical bottom impact	Impact on bottom fauna and flora	Bycatch of fish/shellfish	Bycatch of seabirds	Bycatch of cetaceans	Discard
Danish seine	Plaice and cod	>20 m	SAND	**	**	**	**			*
Scottish seine	Cod and haddock	>20 m	Sand/hard bottom	**	**	***	**			*
Bottom trawl	Cod and plaice	>20 m	Mixed	****	***	***	**			**
Beam trawl	Plaice	>20 m	SAND	-	****	****	***			****

Table 2: environmental impact of selected Danish fisheries. No of stars estimate impact. No effect = no stars. Big effect = 5 stars. - = no information available. Relative energy consumption is litres of gasoil used compared to landing value

3.1.3. The Danish seine fishery in the Plaice Box

An IMARES report evaluated the effect of the Plaice Box in 2010. This report is referenced in the Commission impact assessment ahead of its 2016-proposal for a new technical measures regulation, however given the low level of catches in

Danish seine fisheries, the evaluation does not include this gear in its own right, rather deals with Danish seine as part of the 'Other' category².

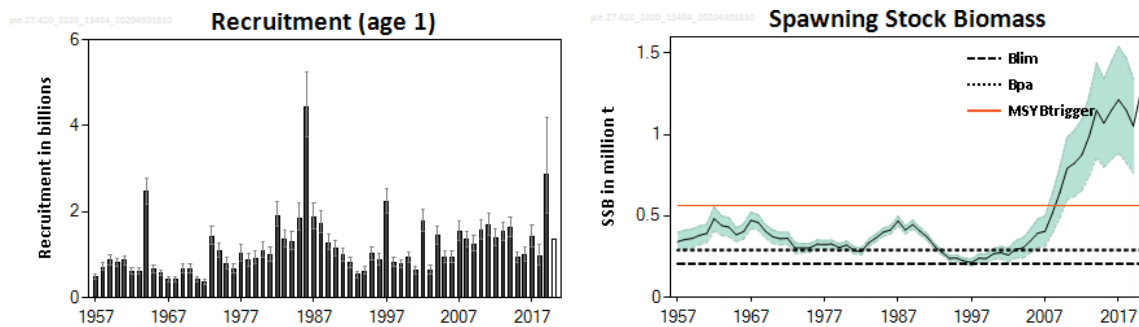


Figure 4: The biological state of the plaice stock in the North Sea

The plaice stock in the North Sea and Skagerrak is biologically in a very good state, as can be seen from the high levels of recruitment and spawning stock biomass. The fishing pressure is below Fmsy, and the stock is within safe biological limits.

In 2018-2020 three Danish vessels above 221 kW using Danish seine have fished in and around the 'Plaice Box'. The access for these vessels to the 'Plaice box' was restricted since the entry into force of the new Technical measures regulation from august 2019. The estimation is that amended rules for the 'Plaice box' ensuring status quo compared to Regulation 850/98 would mean that these three vessels would fish in the area again.

	Total catches (tonnes)				Catches of plaice (tonnes)			
	Catches by Danish seine 2018	Catches by danish seine: 1 January - 31 August 2019	Catches by Danish seine: 1 September - 31 December 2019	Catches with Danish seine: 2020	Catches with Danish seine: 2018	Catches with Danish seine: 1 January - 31 August 2019	Catches with Danish seine: 1 September - 31 December 2019	Catches with Danish seine: 2020
NN1	195,31	154,93	83,84	77,30	141,32	117,34	57,80	55,94
NN2	218,06	207,46	146,49	117,51	124,57	146,27	91,86	85,87
NN3	.	23,83	27,46	32,09	.	18,66	21,97	25,54

Table 3: Danish vessels above 221 kW using Danish seine having fished in ICES squares containing the Plaice Box 2018-2020, showing catches in total, and thereof catches of plaice. The catches recorded are therefore from an area larger than the Plaice Box

3.1.4. Request

² IMARES, Report number C002/10, Study for the Revision of the plaice box – Final Report, p. 67: "Metiers with a catch less than 100 t in 2008 for either target species (plaice, sole or shrimp) were excluded. The metiers with comparably low landings **demersal seine fisheries**, pelagic trawlers, potters and dredges were all combined into one metier 'OTHER'."

Considering that the engine power using Danish seine does not have an impact on the fishing operation, and that the biological circumstances in the Plaice Box have not been shown to have changed. Furthermore given that plaice is biologically in a very good state and that it was the understanding of the concerned Member States that Article 29 in Regulation (EC) No 850/98 in regard to the Plaice Box would be carried forward without changes for the vessels concerned, the Scheveningen Group requests that the text in Annex V, part C, point 2.2 is amended in order to better reflect the status quo from Article 29 in Regulation (EC) No 850/98.

According to the provision set out in art 15.2 of Regulation (EU) N°2019/1241, the Scheveningen Group requests that the Commission adopts a delegated act to amend the provisions set out in Annex V, Part C, point 2 of Regulation (EU) N°2019/1241. We request that the following text be amended:

2.2. The following vessels are permitted to fish in the area referred to in point 2.1:

(a) vessels whose engine power does not exceed 221 kW using bottom trawls or Danish seines;

(b) paired vessels whose combined engine power does not exceed 221 kW at any time using bottom pair trawls;

(c) vessels whose engine power exceeds 221 kW shall be permitted to use bottom **otter** trawls ~~or Danish seine~~, and paired vessels whose combined engine power exceeds 221 kW shall be permitted to use bottom pair trawls provided that such vessels do not engage in directed fishing for plaice and sole and comply with the relevant mesh size rules contained in Part B of this Annex.

(d) vessels whose engine power exceeds 221 kW using Danish seines provided that such vessels comply with the mesh size referred to in point 1.1. of Part B of this Annex.;

We further request that the following text be amended:

2.4. Vessels permitted to fish in the area referred to in point 2.1 shall be included in a list to be provided to the Commission by each Member State. The total engine power of the vessels referred to in point 2.2(a) within the list shall not exceed the total engine power in evidence for each Member State at 1 January 1998. The permitted fishing vessels shall hold a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009. **The length overall of beam trawlers newly included in the list shall not exceed 24 metres.**

C Concluding remark

As fisheries are a dynamic field of activity subject to changing conditions there might be the need to further amend or complement the provisions in annex V of Regulation (EU) No. 2019/1241. The Scheveningen group therefore reserves its right to request further changes of and/or additions to the rules in Annex V of

Regulation (EU) No. 2019/1241 as amended by the Delegated Act resulting from this Joint Recommendation.

List of annexes as concern the 'Plaice Box'

1. Description - Danish Seine and the environment
2. A movie on how a fishing operation with Danish seine is conducted. Follow the link and click under 'access to documents' on 'vendelbo_movie'
<https://orbit.dtu.dk/en/publications/feltundersogelse-af-okosystem-effekter-af-fiskeri-snurrevod>
3. 'Miljøskånsomhed og økologisk bæredygtighed i dansk fiskeri', Gislason et al, DTU Aqua report 279-2014
4. Individual transferable quotas, does one size fit all? Sustainability analysis of an alternative model for quota allocation in a small-scale coastal fishery, Grete E. Dinesen et al., Marine Policy 88 (2018), 23-31
5. ICES advice for plaice in the North sea 2021:
<http://ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/ple.27.420.pdf>