

DRAFT 8 September 2017

Draft-Joint recommendation by the Netherlands regarding fisheries management measures under Article 11 and 18 of Regulation (EU) No 1380/2013 of The European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (the Basic Regulation) for protection of reefs in Natura 2000 site Cleaver Bank designated under the Habitats Directive 92/43 EEC of May 1992.

This joint recommendation is initiated by the government of the Netherlands and agreed by Belgium, Denmark, France, Germany, Sweden and the United Kingdom [PM].

The overall aim of the proposal is to ensure the adequate protection of reefs (habitat type H1170) in accordance with the Habitats Directive 92/43 EEC. The purpose of fisheries management measures is to reduce the pressure on the benthic habitat from bottom contacting fishing gear with a view to ensuring a key contribution to the achievement of the conservation objectives in accordance with the Habitats Directive.

The proposal for fisheries management measures for protection of reefs has been coordinated with representatives from environmental and fisheries departments in the initiating Member States and those Member States with a direct management interest, the North Sea Advisory Council, the relevant fishing industry associations/organizations and Non-Governmental Organisations (NGOs).

1. Establishment of Natura 2000 site

The present joint recommendation entails management measures in the Natura 2000 site located on the Cleaver Bank which has been designated for reefs (H1170):

- The Dutch site "Klaverbank" was included in the list of Sites of Community Importance (hereafter SCI), pursuant to Art. 4(2) of the Habitats Directive, by Commission Decision 2010/43/EU of 22 December 2009. It was designated in a national designation decree on 27 May 2016.

2. Proposed measures to be implemented: establishment of a zoning system

The management measures for ensuring a key contribution to the achievement of the conservation objectives for H1170 in the Cleaver bank, are designed to contribute significantly to the overall favourable conservation status of habitat type H1170. The Netherlands proposes the following measures:

- A zoning system will be established, dividing the area into 4 management zones and 1 (continuous) open zone. The map and coordinates of the closed zones are attached in Annex II.
- An alert zone of 4 NM width, measured from the outer limits of each management zone, will be established adjacent to each management zone. The coordinates of these alert zones are attached in Annex III. The aim of the zones is to alert enforcement authorities that a vessel is in the alert zone thus enabling these authorities to warn the vessel that it is near a management zone.

- The management zones will be closed to all mobile bottom-contacting gear types:

| Gear groups that are banned in the closed zones | Gear Code Annex XI in EU Regulation 404/2011 | International Standard Classification of Fishing Gears (ISSCFG) |
|---|--|---|
| Beam trawl | TBB | 03.1.1 |
| Bottom Otter Board Trawl | OTB, OTT, PTB, TBN, TBS, TB, BTM | 03.1.2 , 03.3.0, 03.1.3, 03.1.9 |
| Dredges | DRB, HMD | 04.1.0, 04.2.0, DRM, DRX |
| Demersal seines | SDN, SSC, SPR, SV, SX | SPR, SDN, SSC, SV, SX |

3. Review of the legal regime

After a period of 6 years after the publication of the delegated act the initiating Member States will assess the impact of the measure on the benthic ecosystem.

4. Control and enforcement of proposed fisheries management measures

The proposed control, enforcement and compliance regime for the Cleaver Bank SCI consists of a combination of surface and aerial surveillance, establishment of an alert zone outside of the Cleaver Bank SCI management area, and remote monitoring of vessel position and gear activity.

Key provisions, in accordance with Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of common fisheries policy (OJ L 343, 22.12.2009, p. 1) to be included in the delegated act to facilitate control enforcement and compliance are:

- Fishing activities of all fishing vessels in the management zones and a 4NM wide alert zone around the management zones shall be controlled by the fisheries monitoring authorities of the coastal Member State by using their system to detect and to record the vessels' entry into, transit through and exit from the fishing restricted areas.
- Fishing vessels carrying on board any prohibited gear types and travelling under six knots within the alert zone and management zone must use their vessel monitoring system for reporting fishing vessel identification, geographical position, date, time, course and speed. These data shall be transmitted every 30 minutes.
- The vessel will be under the obligation to report to the Fisheries Monitoring Centre of its flag entry and exit of alert and management zone.

- Fishing vessels may transit alert zone and management zone with prohibited gears on board provided that
 - any prohibited gear on board be lashed and stowed during the transit; and
 - the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall without delay inform the fisheries monitoring centre of the flag Member State which shall then inform the competent authorities of the coastal Member State.
- Data can also be transmitted via GPRS/GSM. When GPRS/GSM signal is not available data shall be safely stored and forwarded to the competent authority on its request.
- A fishing vessel travelling at six knots or less that carries a prohibited gear entering the Cleaver Bank alert zone area without such a system or not transmitting or storing the data is in breach of the regulations, except in the case of force majeure or adverse conditions.
- On the level of the Scheveningen Group guidelines for a common approach are in development. This common approach, when ready, will be taken into account in the implementation of the proposal.

5. Annexes

Annex I: Coordinates of site of community interest (based on WG84);

Annex II: Map and Coordinates of the four Management Zones (based on WG84)

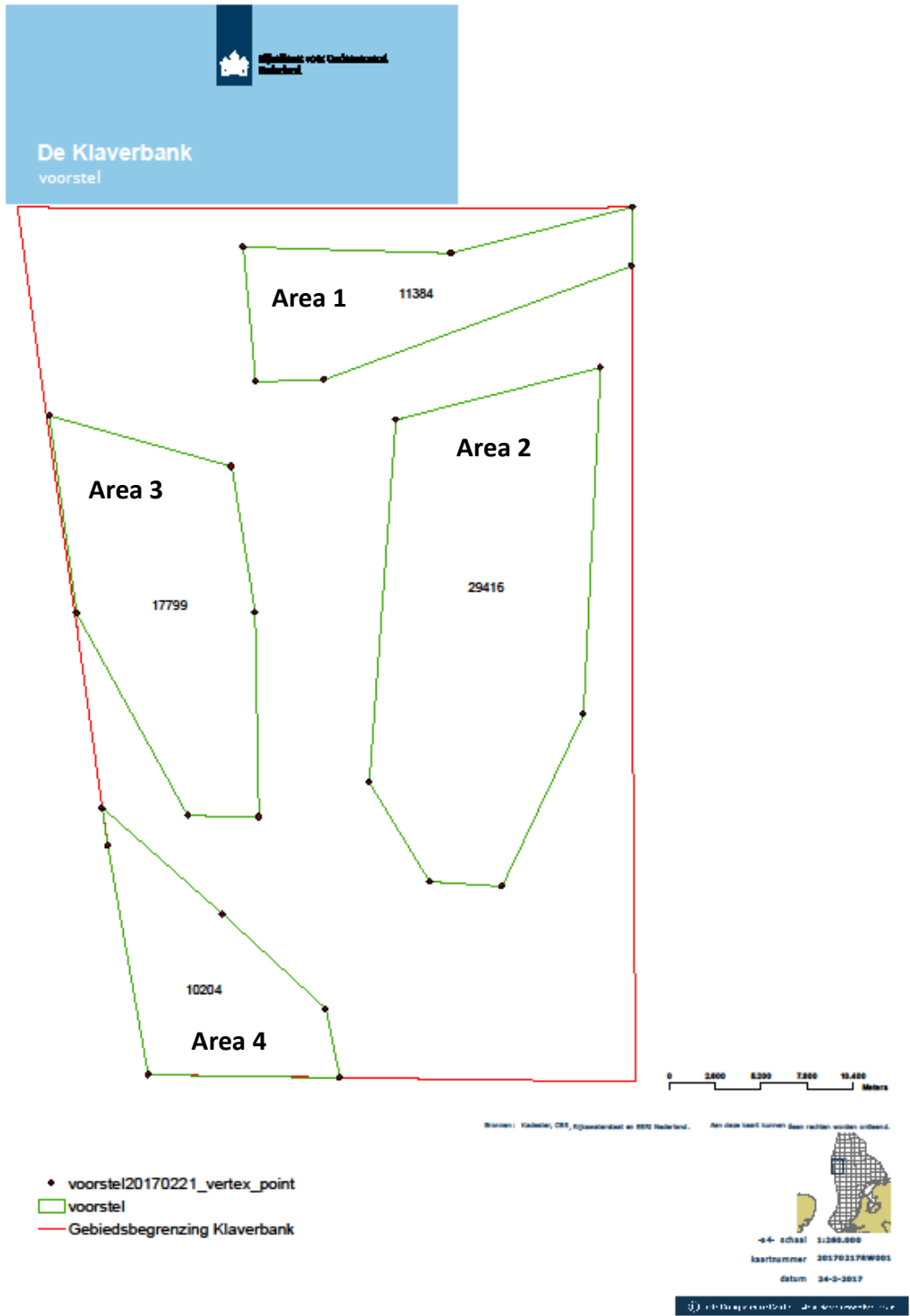
Annex III: Coordinates of the alert zones (based on WG84)

Annex IV: Background document to the joint recommendation.

Longitude and Latitude coordinates of the Dutch Natura 2000 site Cleaver Bank

| Longitude | Latitude |
|---------------------|---------------------|
| X-Coordinate | Y-Coordinate |
| 3,31794 | 54,2935 |
| 3,31779 | 54,2809 |
| 3,31636 | 54,0925 |
| 3,31757 | 53,8491 |
| 3,12688 | 53,851 |
| 3,03787 | 53,8518 |
| 2,89879 | 53,8531 |
| 2,8589 | 53,9884 |
| 2,83609 | 54,0808 |
| 2,8046 | 54,208 |
| 2,78353 | 54,2936 |
| 2,98263 | 54,2935 |

Map and Coordinates of the four management zones



Longitude and Latitude coordinates of the four management zones

| area | x | y | orientation |
|-------------|-------------|---------------|--------------------|
| 1 | 498.711.286 | 6.013.985.309 | ne |
| 1 | 510.456.178 | 6.013.643.373 | ne |
| 1 | 520.693.794 | 6.016.221.701 | ne |
| 1 | 520.691.408 | 6.012.919.918 | ne |
| 1 | 503.275.032 | 6.006.515.750 | ne |
| 1 | 499.396.408 | 6.006.386.270 | ne |
| 2 | 487.741.562 | 6.004.415.561 | e |
| 2 | 498.052.818 | 6.001.555.208 | e |
| 2 | 499.560.853 | 5.981.736.397 | e |
| 2 | 495.591.841 | 5.981.827.636 | e |
| 2 | 489.263.202 | 5.993.272.336 | e |
| 2 | 499.378.431 | 5.993.345.230 | e |
| 3 | 518.914.778 | 6.007.142.651 | w |
| 3 | 517.957.280 | 5.987.565.716 | w |
| 3 | 513.322.804 | 5.977.823.860 | w |
| 3 | 509.245.593 | 5.978.110.182 | w |
| 3 | 505.828.742 | 5.983.726.718 | w |
| 3 | 507.350.944 | 6.004.199.444 | w |
| 4 | 504.138.566 | 5.967.010.825 | zw |
| 4 | 493.342.529 | 5.967.183.225 | zw |
| 4 | 491.049.498 | 5.980.133.209 | zw |
| 4 | 490.748.123 | 5.982.237.364 | zw |
| 4 | 497.523.274 | 5.976.238.696 | zw |
| 4 | 503.347.783 | 5.970.871.279 | zw |

Coordinates of the alert zones (based on WG84)

Alert zones cover a distance of 4 NM from the borders of the management zones; coordinates will be provided after agreement on the Joint Recommendation.