

16 April 2019

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 Member States with a direct management interest: Belgium, Denmark, France, Germany, Sweden and the United Kingdom.

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, which are maintain distribution, maintain surface area and improve quality.

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 six 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.

- Such ping frequency shall not set a precedent for any other MPAs and must be considered provisional as long as:
 - regional groups (accordingly to conclusions of control expert groups) have not yet adopted a relevant uniform compliance policy for MPAs within EU waters; and/or
 - the fisheries control framework has not yet been revised at EU level.
- 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 WGS84);

Annex II: Map and Coordinates of the four Management Zones (based on WGS84)

Annex III: Map and Coordinates of the alert zones (based on WGS84)

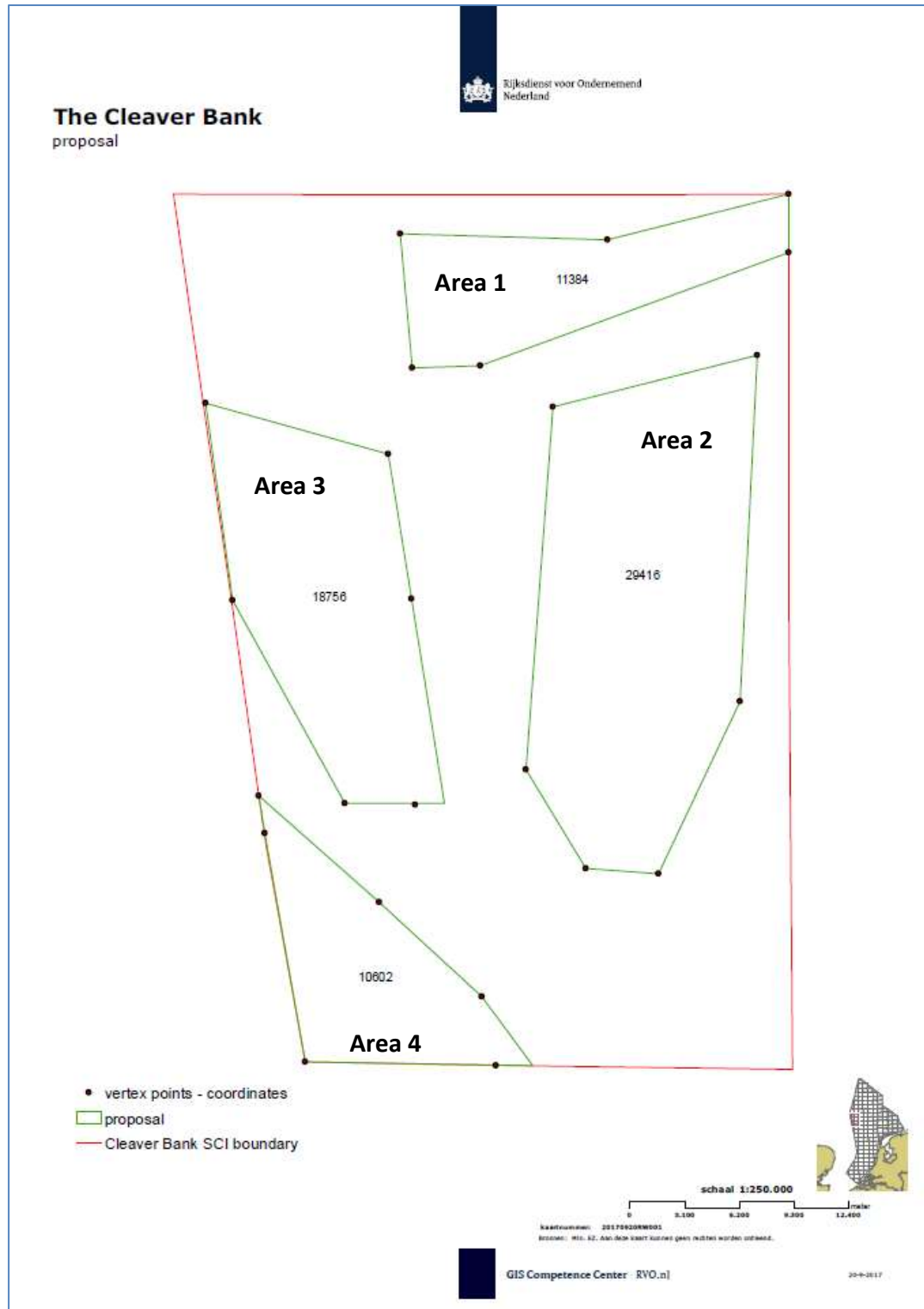
Annex IV: Background document to the joint recommendation.

Annex I

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

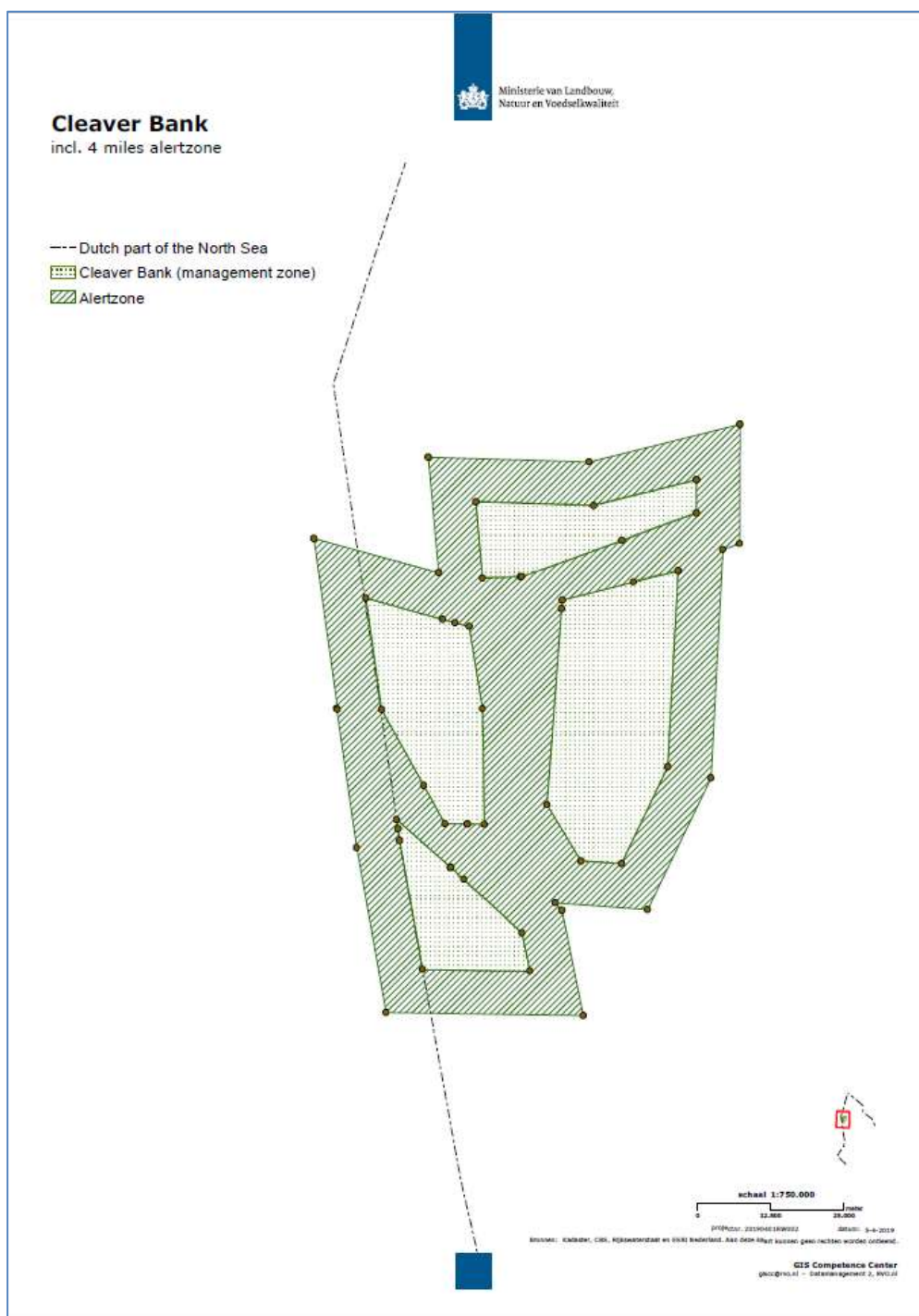


Longitude and Latitude coordinates of the four management zones

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

Map and coordinates of the alert zones (based on WGS84)

Alert zones cover a distance of 4 NM from the borders of the management zones.



Longitude and Latitude coordinates of the four management zones

OBJECTID	POINT_X	POINT_Y
1	525023,9611	6021785,3650
2	525026,6059	6009901,8131
3	523362,0887	6009288,6326
4	522268,7998	5986484,0847
5	515989,0710	5973258,3530
6	506685,8639	5973911,5966
10	507347,5422	5973134,0236
11	509525,8695	5962553,9548
12	489658,5284	5962867,5852
13	486737,7625	5979445,4167
14	484757,1348	5993384,5150
15	484868,5533	5993285,7978
16	482553,3953	6010369,8878
17	494991,5356	6006917,4324
18	493961,3357	6018465,5573
19	509981,2202	6017990,0568
20	525023,9611	6021785,3650
21	520693,7936	6016221,7034
22	510456,1776	6013643,3754
23	498711,2857	6013985,3115
24	499396,4076	6006386,2725
25	503169,6947	6006512,2355
26	503275,0316	6006515,7525
27	513274,6625	6010192,5608
28	520691,4077	6012919,9204
29	520693,7936	6016221,7034
30	518914,7777	6007142,6534
31	514454,1217	6006007,2791
32	507350,9437	6004199,4464
33	507289,1582	6003368,2147
34	505828,7417	5983726,7205
35	509245,5926	5978110,1844
36	513322,8036	5977823,8624
37	517957,2796	5987565,7184
38	518914,7777	6007142,6534
39	496155,0006	5977450,1525
40	490748,1226	5982237,3665
41	490876,3435	5981342,1532
42	491049,4976	5980133,2114

43	493342,5286	5967183,2274
44	504138,5656	5967010,8274
45	503347,7826	5970871,2814
46	497523,2736	5976238,6984
47	496155,0006	5977450,1525
48	497859,9807	5981775,4941
49	499560,8526	5981736,3994
50	499378,4306	5993345,2324
51	498052,8176	6001555,2104
52	496623,6981	6001951,6347
53	495404,2914	6002289,8904
54	487741,5616	6004415,5635
55	489263,2016	5993272,3384
56	493469,8206	5985665,1137
57	495591,8406	5981827,6385
58	497859,9807	5981775,4941