

16 April 2019

Joint recommendation by Germany, the Netherlands and the United Kingdom 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 sandbanks in three Natura 2000 sites designated under the Habitats Directive 92/43 EEC of 21 May 1992.

This joint recommendation is initiated by the governments of Germany, the Netherlands and the United Kingdom and was agreed to by Belgium, Denmark, France and Sweden.

The overall aim of the proposal is to ensure the adequate protection of sandbanks which are slightly covered by sea water all the time (habitat type H1110) 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 conservation objectives in accordance with the Habitats Directive.

The proposal for fisheries management measures for protection of sandbanks has been coordinated with representatives from environmental and fisheries departments in the initiating Member States and those Member States with a direct management interest. Consultations have taken place with the North Sea Advisory Council (NSAC).

1. Establishment of Natura 2000 sites:

The present joint recommendation entails management measures in three Natura 2000 sites located on the Dogger Bank which have been designated for the protection of sandbanks (H1110):

- The German site "Doggerbank" was included in the list of Sites of Community Importance, pursuant to Art. 4(2) of the Habitats Directive, by Commission Decision 2008/23/EC of 12 November 2007;
- The Dutch site "Doggersbank" was included in the list of Sites of Community Importance, pursuant to Art. 4(2) of the Habitats Directive, by Commission Decision 2010/43/EU of 22 December 2009;
- The UK site "Dogger Bank" was included in the list of Sites of Community Importance, pursuant to Art. 4(2) of the Habitats Directive, by Commission Decision 2013/26/EU of 16 November 2012.

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

The management measures for ensuring a key contribution to the delivery of the conservation objectives for H1110 in the combined Site of Community Importance (hereafter SCI) and which are designed to contribute significantly to the overall favourable conservation status of habitat type H1110 are as follows:

- A zoning system will be established, dividing the area in six management zones and one (continuous) open zone. The full details and the coordinates of the management 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.

- All management zones will be closed to the following mobile bottom contacting gear types (see Table 1):

Table 1

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	03.1.2 , 03.3.0, OTP, 03.1.3, 03.1.9
Dredges	DRB, HMD	04.1.0, 04.2.0, DRM, DRX
Semi-pelagic trawls	Classified as 'Bottom otter board trawls-	TSP

- The German management zone will additionally be closed for demersal seines (see Table 2).
- The closure of the German management zone will apply for a period of 3 years, where after it will be lifted. This three years period will start from the moment of the entry into force of the delegated act by which the said rules will be integrated in Community law.

Table 2

Groups of seines that are banned in the German management zone	Gear Code Annex XI in EU Regulation 404/2011	International Standard Classification of Fishing Gears (ISSCFG)
Danish anchor seine	SDN	02.2.1
Scottish seine (fly dragging)	SSC	02.2.2
Scottish pair seine (fly dragging)	SPR	02.2.3
Seine nets (not specified)	SX	02.9.0
Boat or vessel seine	SV	02.2.0

3. New and or modified mobile bottom contacting gear

- New and/or modified mobile bottom contacting gears can obtain a derogation from the ban of mobile bottom contacting gears where the use of such gears in the management zones will not jeopardize the delivery of conservation objectives

- Requests for a derogation will be submitted to the three initiating Member States (United Kingdom, Germany and the Netherlands). The submitting party has to provide scientific documentation showing that the delivery of the conservation objectives will not be jeopardized.
- The three initiating Member States will assess the information received and, in line with article 11 of Regulation 1380/2013, will inform and consult the Member States with a direct management interest and, upon their approval, submit a Joint Recommendation for a derogation.

4. Review of the legal regime

After a period of 6 years after the entry into force of the delegated act, the initiating Member States will review these measures, with the exception of the ban on demersal seines, to inform decision making on whether to change or retain this regime and how any renewed regime would enter into effect.

The closure of the German management zone for demersal seines will apply for a period of 3 years, where after it will be automatically lifted, unless a new agreement on the continuation of the ban has been agreed between the parties..

5. Control and enforcement of proposed fisheries management measures

The proposed control, enforcement and compliance regime for the Dogger Bank SCIs consist of a combination of surface and aerial surveillance, establishment of an alert zone outside of the Dogger Bank SCI management areas, and remote monitoring of vessel position.

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 zones and management zones 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 other adverse conditions so notified 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 which is not lashed or stowed entering the Dogger Bank alert zone area without transmitting or storing the data is in breach of the regulations, except in the case of force majeure or other adverse conditions so notified.
- On the level of the Scheveningen Group guidelines for a common approach on control are currently being developed. This common approach, when ready, will be taken into account in the implementation of the proposal.

6. Annexes

Annex I: Background Document including Coordinates of the three sites of community interest (based on WG84);

See annex I of the Background Document Dogger Bank.

Annex II: Coordinates of Management Zones (based on WG84)

See the shape files of the Dogger Bank as contained in the Zip file.

Annex III: Coordinates of alert zone (based on WG84)

Alert zones cover a distance of 4 NM from the outer limits of the management zones. See the coordinates and map as contained in the Zip file.