

REGULATIONS AMENDING THE REGULATIONS RELATING TO MESH SIZE, BYCATCHES AND MINIMUM SIZES, ETC., DURING FISHING OPERATIONS IN THE TERRITORIAL AND INTERNAL WATERS OF SVALBARD

On 5 January 2011, under section 4 of the Act of 17 July 1925 No. 11 relating to Svalbard, section 16 of the Act of 6 June 2008 No. 37 relating to the management of wild living marine resources and section 1 of the Regulations of 28 April 1978 No. 20 relating to regulatory measures for fishing and hunting operations, etc., in the territorial and internal waters of Svalbard, the Ministry of Fisheries and Coastal Affairs adopted the following regulations:

I

The following amendments are to be made to the Regulations of 21 September 1994 No. 882 relating to mesh size, bycatches, minimum sizes, etc., in fishing operations in the territorial and internal waters of Svalbard:

Section 2 (amended) shall read as follows:

It is prohibited to use a trawl or Danish seine if the mesh size of any part of the gear is less than 130 mm. Meshes with more than four sides are also prohibited. All sides of a mesh shall be of equal length.

Section 19, items 1 and 2 (amended), shall read as follows:

- | | |
|------------|-------|
| 1. Cod | 44 cm |
| 2. Haddock | 40 cm |

II

These regulations enter into force immediately.

The amended regulations read as follows:

REGULATIONS OF 21 SEPTEMBER 1994 RELATING TO MESH SIZE, BYCATCHES AND MINIMUM SIZES, ETC., DURING FISHING OPERATIONS IN THE TERRITORIAL AND INTERNAL WATERS OF SVALBARD

***Implementing legislation:** Adopted by the Ministry of Fisheries (now the Ministry of Fisheries and Coastal Affairs) on 21 September 1994, under section 4 of the Act of 17 July 1925 No. 11 relating to Svalbard and section 1 of the Regulations of 28 April 1978 No. 20 relating to regulatory measures for fishing in the territorial and internal waters of Svalbard. **Additional implementing legislation:** Sections 15 and 16 of the Act of 6 June 2008 No. 37 relating to the management of wild living marine resources (Marine Resources Act).*

CHAPTER I. SCOPE OF THE REGULATIONS

Section 1. Scope

These regulations apply to fishing operations in the territorial and internal waters of Svalbard by Norwegian and foreign vessels of any kind engaged in commercial fishing or assisting the fishing fleet, including search and experimental fishing vessels. These regulations do not entail any amendments to the nature conservation provisions laid down for Svalbard.

CHAPTER II. MESH SIZE AND DEVICES ATTACHED TO GEAR

Section 2. Mesh size and mesh design in trawls and Danish seines

It is prohibited to use a trawl or Danish seine if the mesh size of any part of the gear is less than 130 mm. Meshes with more than four sides are also prohibited. All sides of a mesh shall be of equal length.

Section 3. Fishing using small-meshed gear

Notwithstanding the provisions of section 2, trawls and Danish seines with the mesh sizes specified below may be used during fishing operations for the fish species listed:

Species	Mesh size
Herring, clupeids, capelin and Arctic cod	Between 16 mm and 80 mm
Blue whiting	Between 35 mm and 80 mm

Section 4. Trawling for *Sebastes mentella* (redfish)

Notwithstanding the provisions of section 2, trawls with a minimum mesh size of 100 mm may be used to fish for *Sebastes mentella* (redfish).

Section 5. Trawling for shrimps

Notwithstanding the provisions of section 2, trawls with a minimum mesh size of 35 mm may be used to fish for shrimps.

Section 6. Requirement to use a sorting grid when trawling for shrimps

A sorting grid shall be mounted when trawling for shrimps as mentioned in section 5.

The Director General of Fisheries may by regulations lay down further guidelines for the design and mounting of sorting grids as mentioned in the first paragraph above.

Section 6a. Using a cod trawl in which a sorting grid is mounted

The Director General of Fisheries may adopt regulations concerning permission to fish using a trawl in which a sorting grid is mounted in areas that are closed for fishing under section 1 of the Regulations of 28 April 1978 No. 20 relating to regulatory measures for fishing in the territorial and internal waters of Svalbard.

The Director General of Fisheries may by regulations order sorting grids to be mounted and used when fishing with trawls in the territorial and internal waters of Svalbard.

The Director General of Fisheries may adopt regulations and further guidelines for the design and mounting of sorting grids as mentioned in the first and second paragraphs.

Section 7. Gear that is not in use

It is prohibited to carry on deck gear or parts of gear that do not meet the requirements for minimum mesh size or for devices attached to gear for the type of fishery in which the vessel is engaged, cf sections 2, 3, 4, 5, 6, 9, 10, 11 and 12.

Notwithstanding the prohibition of the first paragraph, such gear as is specified in the first paragraph, parts of such gear and devices attached to such gear may be carried on deck if they cannot readily be used. The codend and its extension shall be separated from the rest of the trawl and stowed away, covered by tarpaulin and lashed.

When small-meshed gear, cf section 3, or shrimp trawls, cf section 5, are in use, Danish seines and trawls shall be stowed away, covered by tarpaulin and lashed.

Section 8. Measurement of mesh size

The minimum mesh size shall be such that when the mesh is stretched diagonally lengthwise and the net is wet, a flat gauge 2 mm thick and of the width prescribed in sections 2, 3, 4 and 5 can be threaded readily through the mesh when a pressure corresponding to 5 kg is applied.

The mesh size of a net shall normally be determined as the average of one or more series of 20 consecutive meshes lengthwise of the net, or if the codend has fewer than 20 meshes, a series containing the maximum number of meshes. The meshes measured should be at least 10 meshes from the seams and at least three meshes from the cod-line. In small-meshed trawls, cf sections 3 and 5, the meshes measured should be at least 0.5 m from the cod-line. Meshes that are uneven as a result of repairs, etc., shall not be included when determining the average.

Section 9. Selectivity

It is prohibited to use any device attached to trawls or Danish seines, or any form of construction, by means of which the meshes are drawn together or which in any other way reduces the selectivity of the gear.

Notwithstanding the prohibition of this section, those devices listed in sections 10, 11 and 12 may be used.

Section 10. Bottom side chafers

It is prohibited to attach canvas, netting or other material (bottom side chafers) to the underside of the codend.

Notwithstanding the prohibition of the first paragraph, it is permitted to use bottom side chafers if they are attached only at the front edge and along the sides.

Section 11. Round straps

1. It is prohibited to use round straps in trawls and Danish seines.
2. The prohibition of subsection 1 does not apply when using gear of the types listed in sections 3 and 5.
3. Notwithstanding the prohibition of subsection 1, it is permitted to use round straps if:
 - a) The distance between the round straps is at least one metre.
 - b) The round straps are attached transversely to the outside of the codend and have at least two points of attachment.
 - c) The round straps are no shorter than 50% of the circumference of the codend measured with the mesh stretched where the round straps are attached to the codend. The length of the round straps between the points of attachment shall be at least 50% of the distance between the points of attachment, measured with the mesh stretched.
4. It is nevertheless permitted to use a single round strap (back strap) which may be shorter than 50% of the circumference of the codend, provided that it is attached at a distance of less than 0.7 m from the cod-line.

Section 12. Top side chafers, strengthening bags, flappers and other nets

1. It is prohibited to use top side chafers, strengthening bags or flappers in trawls and Danish seines. Nevertheless:
 - a) a single strengthening bag of stronger material than the codend and with a minimum mesh size of 80 mm may be used around the outside of the codend when fishing with a small-meshed trawl as described in section 3,
 - b) during shrimp trawling as described in section 5, one strengthening bag with a minimum mesh size of 120 mm may be used outside the codend,

- c) up to three strengthening bags with a minimum mesh size of 80 mm may be used when fishing for blue whiting using a mesh size above 40 mm, for herring and for capelin.
 - d) one flapper attached to the inside of the gear may be used. The mesh size of the flapper must not be smaller than the mesh size of the codend. The flapper shall be fastened mesh by mesh across the upper half of the gear, and the distance between the line of attachment of the flapper and the rear end of the codend shall be at least three times the length of the flapper, such that no part of the flapper is less than 8 m from the end of the codend.
2. In gear with the mesh sizes specified in sections 2 and 4, it is prohibited to use a piece of netting in the codend (toquette) to prevent fish from escaping through the knot in the cod line.
 3. The Director General of Fisheries adopt down regulations permitting fishing operations using Danish seines in which a square-mesh codend is mounted in areas that are closed for fishing operations under section 1 of the Regulations of 28 April 1978 No. 20 relating to regulatory measures for fishing in the territorial and internal waters of Svalbard.

The Director General of Fisheries may by regulations lay down further provisions relating to the design and mounting of a square-mesh codend such as is mentioned in the first paragraph.

CHAPTER III. PROHIBITION OF THE USE OF CERTAIN TYPES OF GEAR

Section 13. Prohibition of the use of certain types of gear

It is prohibited to fish for cod, haddock and saithe using a midwater trawl (pelagic trawl).

The term “midwater trawl” means a trawling device of which no part touches the bottom during fishing operations.

Section 14. Prohibition of fishing for cod using seine nets

It is prohibited to fish for cod using seine nets.

CHAPTER IV. BYCATCHES

Section 15. Bycatches when trawling

When fishing specifically for *Sebastes mentella* (redfish) using mesh sizes smaller than those mentioned in section 2, it is prohibited to take total bycatches of cod, haddock and Greenland halibut exceeding 10% by weight in each haul.

Section 16. Bycatches when fishing for shrimps

When fishing for shrimps, it is permitted to take fish as a bycatch unless otherwise prescribed.

It is nevertheless prohibited to take bycatches of Greenland halibut exceeding 300 fish per tonne of shrimps in each haul.

It is also prohibited to take bycatches of cod and haddock which in total exceed 10% by weight of the total catch on board.

Section 17. Measurement of bycatches

For the purpose of inspecting bycatches, a sample of at least 100 kg is considered to be representative of the composition of the catch.

CHAPTER V. PROVISIONS ON MINIMUM SIZES

Section 18. Intermixture of fish below the minimum sizes when fishing for shrimps

When fishing for shrimps, the intermixture of cod under the minimum size shall not exceed eight – 8 – individuals per 10 kg shrimps.

When fishing for shrimps, the intermixture of haddock under the minimum size shall not exceed 20 individuals per 10 kg shrimps.

When fishing for shrimps, the intermixture of redfish (*Sebastes marinus*, *S. mentella* and *S. viviparus*) under 32 cm shall not exceed three – 3 – individuals per 10 kg shrimps.

Section 19. Minimum sizes

It is prohibited to catch fish of the following species that measure less than:

1.	Cod	44 cm
2.	Haddock	40 cm
3.	Saithe	40 cm
4.	Shrimps (carapace 15 mm)	6 cm
5.	Capelin	11 cm

Section 20. Measurement of fish and shrimps

The length of fish shall be measured from the tip of the snout to the end of the tail fin.

The length of the carapace in shrimps is measured from the posterior edge of the eye socket to the posterior edge of the carapace, measured parallel to the longitudinal axis of the animal.

The total length is measured from the anterior edge of the eye to the posterior edge of the telson.

Section 21. Intermixture of fish below the minimum sizes

When fishing for cod and haddock, an intermixture of up to 15% by number of cod and haddock under the minimum size is permitted in each catch.

When fishing for capelin, an intermixture of up to 10% by number of capelin under the minimum size is permitted in each catch.

When fishing for shrimps, an intermixture of up to 10% by weight of shrimps under the minimum size is permitted in each catch.

**CHAPTER VI.
RETURN TO THE SEA AND PROCESSING TO FISH MEAL**

Section 22. Prohibition against return to the sea

All catches of fish shall be landed. Nevertheless, this does not apply to

1. Fish caught in contravention of provisions set out in or issued under the Marine Resources Act and capable of surviving. Such catches shall be returned to the sea immediately.
2. Dead or dying fish of species other than:

Squid
Anchovy
Greenland halibut
Blue ling
Northern wolf-fish
Angler (monkfish)
Tusk
Spotted wolf-fish
Atlantic wolf-fish
Sharks, including
- Greenland shark
- spiny dogfish
Whiting
Haddock
Roughhead grenadier
Blue whiting
Halibut
Ling
Capelin
Hake
Mackerel

Arctic cod
Shrimps
Lumpsucker
Plaice and other fish of the family Pleuronectidae
Pilchard
Saithe
Fish of the family Ammoditydae
Herring
Skates
Greater forkbeard
Grenadier
Snow crab
Cod
Redfish
Greater argentine
Norway pout

Section 23. Processing of cod, haddock and saithe to fish meal

It is prohibited to catch or deliver cod, haddock or saithe for processing to fish meal, including meal for human consumption and fish and animal feeds.

**CHAPTER VII
PROHIBITION OF FISHING IN SPECIFIC AREAS**

Section 24. Prohibition of fishing

In the following areas of the territorial waters, all other fishing operations than shrimp trawling and dredging for molluscs are prohibited:

1. Around Bjørnøya.
2. Outside the baselines off the west coast of Spitsbergen from Sørkapp to 80° N and west of 14° E.

CHAPTER VIII MISCELLANEOUS PROVISIONS

Section 25. Penal provisions

Any wilful or negligent contravention of the provisions of these regulations or complicity in such contravention is liable to a penalty under section 4, second paragraph, of the Act of 17 July 1925 relating to Svalbard. An attempt is subject to the same penalty as a completed offence.

Section 26. Entry into force

These regulations enter into force immediately. From the same date, the Regulations of 28 April 1978 relating to fishing in the territorial and internal waters of Svalbard are repealed.