

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1962 Nr. 116

VERBETERBLAD

1. GEGEVENS

In de derde alinea van deze rubriek dient de zinsnede: „Zie ook *Trb.* 1962, 117.” te worden gelezen als: „Zie ook *Trb.* 1962, 127.”.

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A. TITEL

*Verdrag nopens het vaststellen van een maaswijdte van visnetten en van minimum-maten op sommige vissoorten, met Bijlagen;
Londen, 5 april 1946*

B. TEKST

De Engelse tekst van Verdrag en Bijlagen is afgedrukt in *Stb.* H 192.

De Engelse tekst van Verdrag en Bijlagen, zoals die tot op 11 mei 1962 is gewijzigd en aangevuld, volgt hieronder.

Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish

CONVENTION

Preamble

The Governments of Belgium, Denmark, Eirc, France, Iceland, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, desiring to conclude a Convention for the Regulation of the Mcshes of Fishing Nets and the Size Limits of Fish, have agreed as follows:

Part I. Extent of the Convention

Article 1

The arca to which this Convention applies shall be all waters which are situated within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 48 degrees north latitude and between 42 degrees west longitude and 32 degrees east longitude, but

excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

Article 2

Nothing in the present Convention shall be deemed to diminish the exclusive rights of vessels registered or owned in the territory of each Contracting Government to fish in waters where that Contracting Government has exclusive jurisdiction over fisheries.

Article 3

Nothing in this Convention shall be deemed to prejudice the claims of any Contracting Government in regard to the limits of territorial waters.

Part II. Regulation of the Meshes of Fishing Nets and the Size Limits of Fish

Article 4

Subject to the provisions of Articles 8, 10 and 16 (2), the provisions of this Convention shall apply to all vessels of any Contracting Government either when they are operating in the waters where that Contracting Government has exclusive jurisdiction over fisheries, or when they are operating outside such waters.

Article 5

No vessel shall carry on board or use any trawl, seine, or other net towed or hauled at or near the bottom of the sea, which has in any part of the net meshes of less dimensions than those specified in Annex I to this Convention provided that:

(1) In the waters specified in paragraph (1) of Annex I to this Convention a trawl net made of single twine and containing no manila or sisal in any part may be carried on board or used by a vessel notwithstanding that such a net has a minimum size of mesh 5 mm. less than the dimensions specified in paragraph (1) of Annex I to this Convention.

(2) In the waters specified in paragraph (2) of Annex I to this Convention a trawl net, the cod end of which is made of cotton, hemp, polyamide fibres or polyester fibres and contains no manila or sisal, may be carried on board or used by a vessel notwithstanding that the cod end of such net has a minimum size of mesh 10 mm. less than the dimensions specified in paragraphs (2) and (3) of Annex I to this Convention.

Article 6

Notwithstanding the provisions of Article 5, vessels fishing for mackerel, clupeoid fishes, sand eels (*Ammodytes*), Norway pout (*Gadus esmarkii*), smelts, eels, great weevers (*Trachinus draco*), shrimps, prawns, nephrops or molluscs, may carry on board and use nets having meshes of dimensions less than those so specified: provided that (a) any fishing instruments used by such vessels for the capture of any of the fish described in this Article shall not be used for the purpose of capturing other kinds of fish; and (b) any fish in excess of the percentages set out in Annex III to this Convention, of the species set out in Annex II to this Convention, which may be captured by such instruments and which are of less than the minimum sizes prescribed in Annex II to this Convention shall be returned to the sea immediately after capture; and (c) provided that in the period from 1st June, 1963 to 1st June, 1966, no nets having in the cod-end meshes of dimensions between 50 mm (irrespective of material used) and the minimum sizes specified in paragraph 1 of Annex I shall be carried or used by vessels in the waters of that part of the Convention area defined in that paragraph, except —

- (i) those waters to the south and west of the following lines: a line drawn due west from the Mull of Galloway along 54° 38' north latitude, and a line drawn from France to England along 2° west longitude;
- (ii) those waters east of a line drawn from Hanstholm to Lindesnes.

Article 7

(1) No vessel while operating shall use any device by means of which the mesh in any part to a fishing net to which Article 5 of this Convention applies is obstructed or otherwise in effect diminished.

(2) Notwithstanding the provisions of the foregoing paragraph it shall not be deemed unlawful:

- (i) to attach to the underside of the cod-end of a trawl net any canvas, netting, or other material, for the purpose of preventing or reducing wear or tear; and as from 1st January, 1959, and until 1st June, 1963, and only for trawl nets with a mesh of 110 mm. or more (or, in the case of trawl nets made of single twine and containing no manila or sisal in any part, with a mesh of 105 mm. or more):
- (ii) to attach a rectangular piece of netting to the upper side of the cod-end of a trawl net to reduce and prevent damage so long as such netting conforms to the following conditions:
 - (a) this netting shall not have a mesh size less than that specified for the net itself;

- (b) the netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it, and shall be fastened in such a manner that it extends forward of the splitting strop no more than four meshes and ends not less than four meshes in front of the cod-line mesh; where a splitting strop is not used the netting shall not extend to more than one-third of the cod-end measured from not less than four meshes in front of the cod-line mesh;
- (c) the number of meshes in the width of the netting shall be at least one and a half times the number of meshes in the width of that part of the cod-end which is covered, both widths being taken at right angles to the long axis of the cod-end.

Article 8

Subject to the provisions of Annex III to this Convention, no vessel shall retain on board any sea fish of the descriptions set out in Annex II to this Convention, of a less size than the size prescribed therein for each fish, and all such fish shall be returned immediately to the sea; provided that they may be retained on board for the purpose of transplantation to other fishing grounds.

Article 9

Subject to the provisions of Annex III to this Convention, each Contracting Government undertakes to prohibit by regulations the landing, sale, exposure or offer for sale, in its territories of any sea fish of the descriptions set out in Annex II to this Convention which are of a less size than the size prescribed therein for each fish and have been caught in the waters defined in Article 1 of this Convention, whether such fish are whole or have had their heads or any other part removed.

Article 10

The provisions of this Convention shall not apply to fishing operations conducted for the purposes of scientific investigation, or to fish taken in the course of such operations, but fish so taken shall not be sold, or exposed or offered for sale in contravention of the provisions of Article 9.

Article 11

The Contracting Governments agree to take, in their territories and in regard to their vessels, to which this Convention applies, appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions of the said provisions.

Part III. Constitution of Permanent Commission

Article 12

(1) The Contracting Governments undertake to set up a permanent Commission to which each of them shall appoint one or if they so desire two delegates.

(2) The Commission shall elect its own President either from among the delegates or from independent nominees. If a delegate has been elected President he shall forthwith cease to be the delegate of his Government and that Government shall have the right to appoint another person to serve as its delegate.

(3) The Commission shall draw up its own rules of procedure including provisions for the term of office of the President and the election of subsequent Presidents and such rules may be altered or amended from time to time by a majority of the delegates of Contracting Governments who are present and vote. Only in the case of an even division of votes on any such matter shall the President have a casting vote and it shall be decisive.

(4) For the purpose of voting on all matters within the scope of this article each Contracting Government shall possess one vote, whether it has appointed one delegate or two, but the vote may be exercised by either delegate.

(5) It shall be the duty of this Commission to consider whether the provisions of this Convention should be extended or altered. For this purpose the Commission shall where practicable consult the International Council for the Exploration of the Sea.

(6) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to call the first meeting of this Commission in the United Kingdom within two years from the coming into force of this Convention, and to call subsequent meetings at the request of the President at such time and in such places as the Commission shall decide.

(7) There shall be a meeting of the Commission not less than once in every three years.

(8) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to communicate the agenda for the first meeting to all other Contracting Governments not less than one month before the date of the meeting.

(9) Reports of the proceedings of the Commission shall be transmitted by the President of the Commission to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall in turn communicate them to all the Governments which have ratified or acceded to this Convention.

(10) The Contracting Governments undertake to give effect to any recommendation of the Commission for the extension or alteration of this Convention which has been carried unanimously at a meeting of the Commission and accepted by all Contracting Governments not represented at the meeting.

Article 13

(1) For the purposes of this Convention the expression "vessel" means

- (a) any vessel or boat employed in fishing for sea fish or in the treatment of sea fish; or
- (b) any vessel or boat used partly or wholly for the purpose of the transport of sea fish

registered or owned in the territories of any Contracting Government.

(2) The expression "territories" denotes in relation to any Contracting Government

- (a) its metropolitan territory;
- (b) any territory in respect of which action has been taken by the Contracting Government under Article 16; and
- (c) the waters where the Contracting Government has exclusive jurisdiction over fisheries.

Article 14

This Convention shall be ratified as soon as possible and shall come into force two months after the deposit of instruments of ratification by all the Governments which have signed the Convention, or upon such earlier date as may be agreed between any Governments which may ratify or accede to it under Article 15 in respect of those Governments.

Article 15

(1) Any Government (other than the Government of a territory to which Article 16 applies) which has not signed this Convention may accede thereto at any time after it has come into force in accordance with Article 14. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect immediately after the date of its receipt.

(2) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of all accessions received and the date of their receipt.

Part IV. General

Article 16

(1) A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a declaration in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that the present Convention shall apply to all or any of its colonies, overseas territories, protectorates or territories under mandate or trusteeship, and this Convention shall apply to all the territories named in such declaration, and to vessels registered or owned therein three months after the receipt of the declaration by the Government of the United Kingdom.

(2) In the absence of such declaration, the Convention shall not apply to any such territory.

(3) A Contracting Government may at any time, by a notification in writing addressed to the Government of the United Kingdom, express its desire that the present Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under mandate or trusteeship, to which the present Convention shall have been made applicable under the provisions of paragraph (1) of this article, and the Convention shall cease to apply to the territories named in the notification and to vessels registered or owned therein three months after the receipt of the notification by the Government of the United Kingdom.

(4) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of any declaration or notification received under paragraphs (1) and (3) of this article, stating in each case the date from which the present Convention has become or will cease to be applicable to the territory or territories specified in the declaration or notification, as the case may be.

Article 17

As from the date of the coming into force of this Convention, the provisions of the International Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, signed in London on the 23rd March, 1937, shall, as far as they have been or are applied by any Contracting Government which was a party to that Convention, be replaced by the provisions of this Convention.

Article 18

After the expiration of three years from the date of its coming into force in accordance with Article 14, this Convention may be denounced by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland. The denunciation shall take effect in respect of the Government by

which it is made three months after the date of its receipt, and will be notified to the Contracting Governments by the Government of the United Kingdom.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed the present Convention.

DONE in London the 5th day of April, 1946, in a single copy in the English language. A French text of the Convention shall be prepared and after approval by all the signatory Governments shall be regarded as being of equal validity to the English text. Both texts of the Convention shall thereupon be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland.

Certified copies of the Convention shall be communicated to the signatory and acceding Governments.

For the Government of Belgium:

(s.) CARLIER.

For the Government of Denmark:

(s.) P. F. ERICHSEN.

For the Government of Eire:

(s.) J. D. RUSH.

For the Government of France:

(s.) PIERRE TISSIER.

For the Government of Iceland:

(s.) STEFAN THORVARDSSON.

(s.) ARNI FRIDRIKSSON.

Ad referendum.

For the Government of the Netherlands:

(s.) D. J. VAN DIJK.

(s.) DR. B. HAVINGA.

(s.) G. P. BAERENDS.

For the Government of Norway:

(s.) JENS BULL.

For the Government of Poland:

(s.) KAZ. PETRUSEWICZ.

For the Government of Portugal:

(s.) JOÃO VAZ M. D'AZEVEDO E SILVA.

For the Government of Spain:

(s.) JOSÉ MIGUEL RUIZ MORALES.

For the Government of Sweden:

(s.) N. E. IHRE.

(s.) NILS ROSÉN.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(s.) A. T. A. DOBSON.

(s.) J. E. DE WATTEVILLE.

ANNEX I

(1) In all waters covered by the Convention, as defined in Article 1 and Article 4, except as provided in paragraph (2) below, the minimum size of mesh for nets referred to in Article 5 shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 80 mm. broad and 2 mm. thick shall pass through it easily when the net is wet; except that during the period from the 5th day of April, 1954, to the 1st day of June, 1964, a minimum mesh of 75 mm. shall be permitted; and except that, in the case of seine nets, the minimum size of mesh shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 70 mm. broad and 2 mm. thick shall pass through it easily when the net is wet.

(2) In the waters situated north of 66 degrees north latitude and east of the meridian of Greenwich and in Icelandic waters between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude, the minimum size of mesh for nets referred to in Article 5 shall be such that

when the mesh is stretched diagonally lengthwise of the net a flat gauge 110 mm. broad and 2 mm. thick shall pass through it easily when the net is wet; except that, in the case of seine nets, the minimum size of mesh shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 100 mm. broad and 2 mm. thick shall pass through it easily when the net is wet.

(3) As from 1st January, 1963, paragraph (2) of this Annex shall apply in the waters situated north of 66 degrees north latitude and east of the meridian of Greenwich as if there were substituted the words "120 mm." for the words "110 mm." in the sixth line of the said paragraph (2).

ANNEX II

The fish to which Articles 6, 8 and 9 of this Convention apply and the sizes below which such fish may not be retained on board, landed, or sold and exposed or offered for sale are as follows:

<i>Fish</i>	<i>Size limit for whole fish measured from tip of snout to extreme end of tail fin</i>
<i>Fish</i>	<i>Cm.</i>
Cod (<i>Gadus callarias</i>)	30
Haddock (<i>Gadus aeglefinus</i>)	27
Hake (<i>Merluccius merluccius</i>)	30
Plaice (<i>Pleuronectes platessa</i>)	25
Witches (<i>Glyptocephalus cynoglossus</i>) ..	28
Lemon soles (<i>Microstomus kitt</i>)	25
Soles (<i>Solea solea</i>)	24
Turbot (<i>Scophthalmus maximus</i>)	30
Brill (<i>Scophthalmus rhombus</i>)	30
Megrims (<i>Lepidorhombus whiff</i>)	25
Whitings (<i>Gadus merlangus</i>)	23
Dabs (<i>Pleuronectes limanda</i>)	20

provided that in any waters in which at any time a minimum size of mesh of nets of 120 mm is specified the sizes below which cod and haddock may not be retained on board or landed shall be 34 cm and 31 cm respectively.

ANNEX III

(Until 1st June 1966)

In the fisheries set out in Article 6 of this Convention, 10 per cent. by weight of each total landing or part thereof which is not intended for human consumption in the form of fish, may consist of undersized fish of the species set out in Annex II to this Convention. For the purpose of this Annex whiting between 20 cm and 23 cm in length shall not be treated as undersized.

ANNEX IV

Notwithstanding the provisions of the Convention, for an experimental period of three years ending on 31st May, 1964, vessels of bhp not exceeding 150, fishing for whiting in the Convention area east of a line drawn from Hanstholm to Lindesnes may use nets with mesh sizes less than those prescribed in the Convention and may land whiting of a size below that prescribed in Annex II without restriction as to quantity. Such catches must not include fish of species listed in Annex II other than whiting.

C. VERTALINGD. GOEDKEURINGE. BEKRACHTIGING

Zie *Trb.* 1953, 105.

F. TOETREDING

Zie *Trb.* 1955, 50.

In overeenstemming met artikel 15, eerste lid, is een kennisgeving van toetreding tot het Verdrag aan de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland gericht door:

de Sowjet-Unie 12 maart 1958

G. INWERKINGTREDING

Zie *Trb.* 1953, 105 en *Trb.* 1955, 50.

De bepalingen van het Verdrag zijn ingevolge artikel 15, eerste lid, op 12 maart 1958 in werking getreden voor de Sowjet-Unie.

J. GEGEVENS

Zie *Trb.* 1953, 105, *Trb.* 1954, 37, *Trb.* 1955, 50, *Trb.* 1957, 12 en *Trb.* 1957, 236.

In overeenstemming met artikel 102 van het Handvest der Verenigde Naties, is het Verdrag op 11 april 1956 geregistreerd bij het Secretariaat van de Verenigde Naties onder nr. 3221. De tekst van het Verdrag is afgedrukt in „Recueil des Traités” van de Verenigde Naties, deel 231, blz. 199 e.v.

Van het op 24 januari 1959 te Londen gesloten Verdrag inzake de Visserij in het noordoostelijk deel van de Atlantische Oceaan zijn tekst en vertaling geplaatst in *Trb.* 1959, 114. Zie ook *Trb.* 1962, 117.

In *Stcrt.* 1962, 107 is geplaatst een beschikking van de Minister van Landbouw en Visserij van 1 juni 1962, strekkende tot uitvoering van de Wet op de maaswijdte van zeevisnetten (*Stb.* 1954, 250). Deze beschikking trekt in de beschikking van 14 juli 1954, nr. J 839 (*Stcrt.* 1954, 134).

De bij artikel 12 van het Verdrag ingestelde Permanente Commissie heeft tijdens van 25 tot 28 november 1958 te Dublin, van 3 tot 6 mei 1960 te Londen, van 9 tot 12 mei 1961 te Kopenhagen en van 8 tot 11 mei 1962 te Hamburg gehouden vergaderingen, waar alle partij zijnde Regeringen waren vertegenwoordigd, met algemene stemmen aanbevelingen goedgekeurd tot wijziging van het Verdrag. Deze wijzigingen, die zijn vervat in de hierboven in rubriek B afgedrukte herziene tekst van het Verdrag, zijn ingevolge artikel 12, lid 10, van het Verdrag voor alle Regeringen verbindend.

Uitgegeven de *negeniende* oktober 1962.

De Minister van Buitenlandse Zaken a.i.,

J. DE QUAY.