

Agenda items 4.3, 6.1 and 6.5
For information

Council

CNL(05)29

Additional Returns Under Articles 14 and 15 of the Convention and on Unreported Catches - European Union (Germany and Ireland)

Following distribution of the Council papers on Articles 14 and 15 of the Convention (CNL(05)15), catch statistics (CNL(05)9 and CNL(05)10), and unreported catches (CNL(05)22), a return of information was provided by the European Union (Germany). Additional information to that previously included in the Council papers CNL(05)15 and CNL(05)22 was also provided by the European Union (Ireland) in relation to Article 14 and 15 of the Convention and Unreported Catches. The information presented here for European Union (Ireland) replaces that presented in documents CNL(05)15 and CNL(05)22 (2005 information only). This information is reported here.

Secretary
Edinburgh
27 May, 2005

Returns under Article 14 of the Convention

1. Actions Taken To Make Effective The Provisions Of The Convention (*Article 14, Paragraph 1*)

1.1 The prohibition of fishing for salmon beyond 12* nautical miles from the baselines from which the breadth of the territorial sea is measured. (*Article 2, paragraph 2*)

* 40 nautical miles at West Greenland

* Area of fisheries jurisdiction of the Faroe Islands

Ireland

SEA-FISHERIES BILL 2005, which will strengthen sea fisheries law to secure compliance with EU Law and *inter alia* increase penalties, is expected to be accepted by Government for presentation to the Oireachtas (Irish Parliament) by June 2005.

Returns under Article 15 of the Convention

1. Laws, Regulations And Programmes Adopted Or Repealed Since The Last Notification (*Article 15, Paragraph 5(a)*)

Germany

In Baden-Wuerttemberg:

No new measures but *S. salar* is still protected by law.

In Brandenburg:

- Restocking programme for salmon and sea trout in Brandenburg
Started: 1999: river system Stepenitz (Elbe) – salmon and sea trout
2000: river system Ucker (Baltic Sea) – only sea trout
2004: river system Schwarze Elster/Pulsnitz (Elbe) – only salmon
- Regulations enacted for fisheries (conservation times and size limits)

In Northrhine-Westfalia:

No new measures.

Ireland

The Control of Fishing for Salmon Order (SI No 72 of 2005) amends the previous 1980 instrument which authorises the issue of commercial salmon fishing licences by Regional Fisheries Boards and prescribes revised criteria under which those licences may be issued. The Order also specifies the maximum numbers of commercial licences that may be issued by Regional Fisheries Boards.

Statutory Instrument (SI No. 256 of 2000) was updated for 2004 fishing season for the continuation of the Carcass Tagging and Logbook Scheme for 2003. Under this instrument all salmon fishermen (commercial and recreational) must apply a coded carcass tag to each salmon caught and provide details of these landings and subsequent disposal (sale, storage, etc.) in official logbooks.

By-law 781 (of 2001) was maintained for 2004 allowing a limit of one salmon per day up to 1st June to protect spring (MSW) fish.

Subject to the above limit, by-law 797 (of 2004) was introduced in 2004 allowing a limit of 1 salmon per day from 1 September 2004 to 31 December 2004 and a limit of 3 salmon per day from 1 June to the end of the fishing season subject to a total allowable catch of 20 salmon per angler per season.

Statutory Instrument (SI) No. 353 of 2001 was maintained for 2004 which prohibits the sale of salmon caught by rod and line.

A national aggregated TAC of 162,000 salmon was included in the regulations in 2004, and applied to the commercial salmon fishery in 2004 to limit the catch in this sector.

Inland Fisheries Payment in lieu of Prosecution Regulations updated in 2004 S.I. No. 207 of 2004 provides for a system of on-the-spot fines in the area of inland fisheries.

Fisheries (miscellaneous commercial licences) (Alteration of Duties) Order updated in 2004, S.I. No. 818 of 2004. This Order increased the licence fees to be payable in respect of salmon, eel and molluscan shellfish dealers' licences issued or renewed for a period commencing on or after 1 January 2005.

Salmon Rod Ordinary Licences Alteration of Licence Duties Order updated in 2004, S.I. No. 861 of 2004. This Order increased the licence fees to be payable in respect of salmon rod ordinary fishing licences, including the Foyle Area extension licences, in respect of a period commencing on or after 1 January 2005.

Special Tidal Waters (Special Local Licences Alteration of Duties) Order updated in 2004 S.I. 862 of 2004. This Order increased the licence fees to be payable in respect of special local salmon fishing licences as respects licences issued or renewed for a period commencing on or after 1 January 2005.

2. Other New Commitments Relating To The Conservation, Restoration, Enhancement And Rational Management Of Salmon Stocks Subject To The Convention (*Article 15, paragraph 5(b)*)

Germany

In Baden-Wuerttemberg:

No new commitments. Suitable rivers or parts of them are classified as salmon rivers and receive special protection.

In Brandenburg:

No new commitments.

In Northrhine-Westfalia:

No new commitments.

Ireland

Fishery Protection and Conservation: The Fisheries Board's protection staffs are responsible for the enforcement of the Fisheries Acts, Bye Laws and Orders. The Board's responsibilities cover inland waterways and coastal waters out to twelve miles. Out of a total staff complement of 490, some 200 staff are solely dedicated to fishery protection. The Fisheries Boards use a multi-faceted approach to deter illegal fishing and protect those species defined under the legislation. The methods used to protect the fisheries resource include:

- Inshore rigid inflatable boat patrols (RIBs).
- Vehicle patrols day and night for illegal fishing.
- Foot patrols day and night for illegal fishing.
- Inspections at fisheries.
- On-the-spot fines.
- Sea patrols in all regions using the Boards Large Patrol Vessels (LPVs).
- Spot checks at fish dealers, restaurants, hotels and guesthouses.

A summary of fishery protection activities over the 2003 – 2004 period is given below. In protecting the fishery resource, the Fisheries Boards work closely with the Naval Service, the Garda Siochana (Irish Police Force) and the Air Corps.

Summary of Protection Activities 2000-2003	2000	2001	2002	2003	2004
Number of Incidents Prosecuted	116	147	109	94	<i>Na</i>
Fisheries Board Sea and Inland Boat Patrols, (Man Hours)	16,682	11,775	13,550	16,450	<i>Na</i>
Number of CFB Large Patrol Vessel Days	307	315	306	295	284
Number of Naval Service Patrol Days	56	48	56	56	64
Number of Air Corps Maritime Patrols	12	14	17	13	16
Meters of illegal Net Seized	44,969	37,112	40,066	45,953	<i>Na</i>

3. Other Factors Which May Significantly Affect The Abundance Of Salmon Stocks Subject To The Convention (Article 15, Paragraph 5(c))

Germany

In Baden-Wuerttemberg:

- a) Numbers of stocked fry, pre-smolts or smolts continue to increase and an increasing number of rivers have been restored.
- b) A management plan for salmon stocks in the Upper Rhine was recently developed, with France and Switzerland.

In Brandenburg:

- Frequent catches of adult salmon or sea trout in the upper Elbe during the upstream migration (traps, gill nets, haul and beach seining);
- Frequent catches of smolts during the downstream migration in stow nets;
- Migration barriers (hydro-electric power stations, weirs);
- Deficiency of spawning habitats as a result of hydraulic engineering;
- Accumulation of fine sediments in the interstitial spaces of gravels;
- Predation by cormorants, piscivorous fishes (*Esox lucius*), otters, minks, herons.

In Northrhine-Westfalia:

No new factors.

Ireland

The commercial quota in 2005 has been set at 139,900 salmon. This is a reduction of 48% from the initial commercial TAC of 219,000, which has been brought about by staged reduction of 17%, 11% and 14% annually since 2002.

Section 2: Catch Statistics

Annual return of official catch statistics (Article 15, paragraph 1). Please provide the following information:

- 1. Provisional catch of Atlantic salmon for the calendar year 2004 in tonnes round fresh weight or round fresh weight equivalent**

European Union

Germany

Brandenburg:

13 salmon - 41.7 kg (3.2 kg/fish)

4 sea trout - 11.4 kg (2.8 kg/fish)

Northrhine-Westfalia: The catch of Atlantic salmon of about 0.3 tonnes was made mainly in a control unit on a fish-way in the River Sieg. Fish were released into the river for natural spawning. In other Rivers (Wupper and Dhünn) some salmon have been used for artificial propagation to produce juveniles for stocking in the Northrhine-Westfalian re-introduction project for Atlantic salmon.

- 2. If available, provisional catch of Atlantic salmon for the calendar year 2004 in numbers and weight (round fresh weight or round fresh weight equivalent) according to sea-age**

European Union

Germany

Brandenburg: See section 1 above.

5 salmon were 2SW fish.

1 sea trout was 2SW fish.

Northrhine-Westfalia: The majority of the fish is grilse (less than 3 kg) and only a minor fraction (less than 20 %) is of two-sea-winter age (4-6 kg).

- 3. Confirmed catch of Atlantic salmon in tonnes round fresh weight or round fresh weight equivalent for previous calendar year (i.e. 2003)**

European Union

Germany

Brandenburg:

2003: 4 salmon - 11.9 kg (3.0 kg/fish)

5 sea trout - 12.4 kg (2.5 kg/fish)

2002: 50 salmon - 108.3 kg (2.3 kg/fish)

30 sea trout - 58.4 kg (1.9 kg/fish)

Northrhine-Westfalia: The number of salmon caught and released was slightly higher in 2003 than in 2004.

Unreported Catches

Note: Tables 1-5 (for EU (Ireland)) that follow replace the information provided in document CNL(05)22.

1. Description of Management Control and Reporting Systems by Country

Party	Year of Return	Description
European Union		
Germany (Northrhine-Westfalia)	2004	There has been a legal obligation since 1993 for all fishermen to report catches of salmon to the authorities but no management control system has been established.
	2005	Salmon are protected by law in all countries along the River Rhine. Recently there was much concern about by-catches in the Rhine-Delta (the Netherlands) by professional fishermen and by angling. But no realistic estimate of the importance of these by-catches is yet available.
Germany (Brandenburg)	2005	<ul style="list-style-type: none"> • National restocking project for river Elbe (cooperation with other federal states) • Annual control of smolts (survival rates, growth) • Annual control of returns (electric fishery; telemetry) • Annual reports for the fishery department
Ireland	2005	A national database of catch information has been established under the Carcass Tagging and Logbook scheme. Almost 100% of commercial fishing logbooks were returned in 2004. In 2003 (the latest year for which figures are available) 56% of angling logbooks were returned compared to 43% in 2001. This has resulted in an increase in reporting catch from 2001 compared to the previous 5 years and therefore a corresponding decrease in the unreported catch. Some 30% of salmon caught in 2002 and 2003 were not sold through licensed dealers but were kept for domestic consumption or sold through retail outlets, hotels, etc. In 2004, 85.9% of commercial salmon catch is sold through licensed salmon dealers and of other sales, 7.6% is accounted for by domestic consumption and only 6.5% is unaccounted for by the time logbooks are returned. While there is still an element of illegal catch, this is thought to be low at present.

2. Estimate of unreported catch by country, broken down by category and indicating whether the unreported catch is the result of legal or illegal activities

Party	Estimate (tonnes)	Breakdown
European Union		
Germany (Brandenburg)	-	Quantity is unknown. Only anonymous reports about single catches (illegal) in the river system (anglers). Anonymous reports about frequent catches (illegal) in the upper Elbe by means of commercial fisheries (as by-catch in traps, gill nets, haul and beach seining, stow nets).
Germany (Northrhine-Westfalia)	-	No estimate can be given though these catches would be illegal due to the protected status of Atlantic salmon.
Ireland	47	Predominantly illegal catch approximately 10% of declared catch. Based on direct monitoring of dealers and knowledge of the local fisheries, this is considered by many fishery inspectors to be an overestimate.

3. Explanation of how the figure for unreported catch is arrived at

Party	Year of Return	Explanation
European Union		
Germany (Brandenburg)	2005	<i>Absence of a requirement for catch statistics to be collected:</i> Insufficient control or enforcement of law and order. <i>Suppression of information thought to be unfavourable:</i> Yes. <i>Local sale or consumption:</i> Yes, but illegal. <i>Innocent inaccuracy in making returns:</i> Unknown. <i>Illegal Fishing:</i> Yes.
Germany (Northrhine-Westfalia)	2005	No estimate can be given though catch of salmon would be illegal due to the protected status of Atlantic salmon.
Ireland	2005	<i>Absence of a requirement for catch statistics to be collected:</i> Not applicable – all catches must be declared in logbooks by both commercial fishermen and recreational anglers. <i>Suppression of information thought to be unfavourable:</i> This is unlikely in recent years given the anticipation, on the part of some commercial fishermen at least, of the possible introduction in the future of non-transferable quotas or the prospects for the introduction of buyouts, or set-aside schemes. <i>Local sale or consumption:</i> It is obligatory since 2001 to furnish details in the logbook of all disposal of salmon landed in Ireland. <i>Innocent inaccuracy in making returns:</i> This may occur but would not be significant and will reduce as familiarity with the scheme increases. <i>Illegal Fishing:</i> This is thought to represent most of the unreported catch which is believed to be at a low level presently (reports from local inspectors. See details provided under Article 15 return on the extent of fishery protection activity undertaken by the authorities.)

4. *The extent of catch and release fishing*

Party	Estimated Number Released	Comment
European Union		
Germany (Brandenburg)	-	Catch and release fishing for salmon is prohibited in Germany.
Germany (Northrhine-Westfalia)	-	Catch of salmon would be illegal due to its protected status.
Ireland	- (9% of rod catch)	Catch and release is only mandatory on a small number of rivers although it is practised by individual anglers, in other areas, on a voluntary basis. In August 2004, the Minister of State at the Department of Communications, Marine and Natural Resources requested salmon anglers to voluntarily fish on a catch and release basis to the end of the season. He also requested the National Salmon Commission and fisheries managers to look in this context at the necessary conservation measures for the 2005 season. In the 2004 season preliminary rod catch returns indicate that some 9% of the national rod catch was released by anglers.

5. *Any measures taken to further minimise the level of unreported catches*

Party	Measures taken
European Union	
Germany (Northrhine-Westfalia)	No specific measures have been taken, but the authorities in the Netherlands have been asked to clarify the impact of salmon by-catches.
Ireland	The return rate of anglers' logbooks to the Regional and Central Fisheries Boards was 43% in 2001, 52% in 2002 and 57% in 2003. The returns for 2004 are currently being finalised but are expected to be over 60%. Regional authorities have issued on-the-spot fines for non-return of angling logbooks.