

Goedkeuring verdrag nopens het vaststellen van maaswijdte van vischnetten en van minimum-maten op vischsoorten.

441. 1.

KONINKLIJKE BOODSCHAP.

Aan

de Tweede Kamer der Staten-Generaal.

Wij bieden U hiernevens ter overweging aan een ontwerp van wet (en bijlage) tot goedkeuring van het op 5 April 1946 te *Londen* gesloten verdrag nopens het vaststellen van een maaswijdte van vischnetten en van minimum-maten op sommige vischsoorten.

De toelichtende memorie (en bijlage), die het wetsontwerp vergezelt, bevat de gronden, waarop het rust.

En hiermede bevelen wij U in Godes heilige bescherming.

's-Gravenhage, den 8 April 1947.

WILHELMINA.

441. 2.

ONTWERP VAN WET.

WIJ WILHELMINA, BIJ DE GRATIE GODS, KONINGIN DER NEDERLANDEN, PRINSES VAN ORANJE-NASSAU, ENZ., ENZ., ENZ.

Allen, die deze zullen zien of hooren lezen, saluut! doen te weten:

Alzoo Wij in overweging genomen hebben, dat het op 5 April 1946 te *Londen* vanwege Ons ondertekende verdrag nopens

het vaststellen van de maaswijdte van vischnetten en van minimum-maten op sommige vischsoorten, alvorens te kunnen worden bekrachtigd, ingevolge artikel 60 der Grondwet de goedkeuring der Staten-Generaal behoeft;

Zoo is het, dat Wij, den Raad van State gehoord, en met gemeen overleg der Staten-Generaal, hebben goedgevonden en verstaan, gelijk Wij goedvinden en verstaan bij deze:

Eenig artikel.

Het nevens deze wet in afdruk gevoegde, in de Engelsche taal gestelde, op 5 April 1946 te *Londen* vanwege Ons ondertekende verdrag nopens het vaststellen van de maaswijdte van vischnetten en van minimum-maten op sommige vischsoorten wordt voor het Rijk in Europa goedgekeurd.

Lasten en bevelen, dat deze in het *Staatsblad* zal worden geplaatst, en dat alle Ministerieele Departementen, Autoriteiten, Colleges en Ambtenaren, wie zulks aangaat, aan de nauwkeurige uitvoering de hand zullen houden.

Gegeven te

De Minister van Landbouw, Visscherij en Voedselvoorziening,

De Minister van Buitenlandsche Zaken,

De Minister van Justitie,

Convention.*Preamble.*

The Governments of Belgium, Denmark, Eire, 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 Meshes of Fishing Nets and the Size Limits of Fish, have agreed as follows: —

*Part I. Extent of the Convention.***Article 1.**

The area 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 Glibjerg Head to the Kullen.

Article 2.

Nothing in the present Convention shall be deemed to diminish the exclusive right 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 the First Annex to this Convention.

Article 6.

Notwithstanding the provisions of Article 5, vessels fishing for mackerel, clupeoid fishes, 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 of the descriptions set out in the Second Annex to this Convention which may be captured by such instruments and are of less than the minimum sizes prescribed therein shall be returned to the sea immediately after capture.

Article 7.

(1) No vessel while operating shall use any device by means of which the mesh in any part of 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 to be unlawful 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 and tear.

Article 8.

No vessel shall retain on board any sea fish of the descriptions set out in the Second Annex 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.

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 the Second Annex 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.

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(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 times 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:

CARLIER.

For the Government of Denmark:

P. F. ERICHSEN.

For the Government of Eire:

J. D. RUSH.

For the Government of France:

PIERRE TISSIER.

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For the Government of Iceland:

STEFAN THORVARDSSON.
ARNI FRIDRIKSSON.

Ad referendum.

For the Government of the Netherlands:

D. J. VAN DIJK.
DR. B. HAVINGA.
G. P. BAERENDS.

For the Government of Norway:

JENS BULL.

For the Government of Poland:

KAZ. PETRUSEWICZ.

For the Government of Portugal:

JOAO VAZ M. d'AZEVEDO e SILVA.

For the Government of Spain:

JOSE MIGUEL RUIZ MORALES.

For the Government of Sweden:

N. E. IHRE.
NILS ROSEN.

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

A. T. A. DOBSON.
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.

(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.

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:

*Size limit for whole Fish
measured from tip of snout
to extreme end of tail fin.*

<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
Whittings (<i>Gadus merlangus</i>)	20
Dabs (<i>Pleuronectes limanda</i>)	20