

Government of Greenland Executive Order No. 14 of 6 December 2011 on Fishing Bycatches

In pursuance of section 10 a, section 23(1), section 33(2) and section 34(3) of Landsting Act No. 18 of 31 October 1996 on Fisheries, as amended by, amongst other things, Landsting Act No. 5 of 21 May 2002 and most recently amended by the Parliament of Greenland Act No. 17 of 3 December 2009, this Executive Order lays down the following provisions:

Scope

1. This Executive Order shall apply to commercial fishing in the fishing territory of Greenland.

Definitions

2. Bycatches are catches of all living organisms where these:
(1) are not covered by the fishing licence of the vessel;
(2) do not meet the minimum size requirements set out in annex 1.

Measurement and registration of bycatches

3.-(1) The licence may lay down maximum quantities for the bycatches permitted for a vessel. This can be done by fixing maximum quantities for individual species separately and by fixing a total maximum quantity for species other than those comprised by the licence of the vessel.

(2) Bycatches shall be measured as the percentage share of the weight of all fish on deck after the last emptying of the fishing gear used, or of all fish on board or all fish landed. When measured in terms of all fish on deck, the bycatch shall be determined on the basis of a representative sample of a randomly selected catch of at least 100 kg. When measured in terms of all fish on board or all fish landed, the total quantities shall be calculated with the addition of the unmarketable discards recorded in the logbook.

(3) The supervisory authority shall decide on the type of measurement to be applied.

(4) Any bycatch shall be registered as drawings from the vessel's bycatch quota if such a quota exists, cf. subsection (1); if not, as drawings from the vessel's quota if any; if not, from the national quota if any; if not, from the quota of Greenland. Any discards, as referred to in section 4, shall not be covered by this provision.

(5) In fisheries where the simultaneous catching of several species is unavoidable, quotas for all such species shall be allocated to a fishing vessel whenever acceptable, taking account of the sustained yield of the individual species.

Discarding

4.-(1) Halibut taken as a bycatch with equipment other than trawls may not be kept on board but shall be returned to the sea, as far as possible in live condition.

(2) Male crabs smaller than the minimum size as well as female crabs may not be kept on board but shall be returned to the sea, as far as possible in live condition.

(3) Crabs infected with BCD (Bitter Crab Disease) shall not be returned to the sea but shall be taken ashore.

(4) In pound net fishing, undersized fish, cf. annex 1, shall not be kept on board, but shall

be returned to the sea, as far as possible in live condition.

Ban on discards

5.-(1) Catches damaged in the course of processing onboard may be thrown over board as unmarketable discards. Unmarketable discards shall be collected in baskets or in any other way and shall be weighed and entered in the logbook before being discarded.

(2) Subject to the exceptions referred to in section 4 and section 5(1), any catch shall be kept on board and be landed.

Change of fishing grounds in the event of bycatches

6.-(1) In fishing operations using gear other than pound nets and crab pots, fishing shall cease in case the bycatch of one haul exceeds ten per cent by weight of the total catch of the haul.

(2) Fishing shall not be resumed less than five nautical miles from each point within the logged starting and ending positions unless a minimum of 60 hours has passed from the logged ending position.

7.-(1) A trawler getting into the situation described in section 6(1) may resume fishing on the same fishing ground after installation in the trawl of grates or panels that may be expected to reduce the volume of bycatch, or after replacement of the trawl with another trawl equipped with such panels or grates.

(2) If the bycatch of one haul thereafter exceeds ten per cent by weight of the total catch of the haul, section 6 shall apply.

8. In shrimp fishing operations, fishing shall cease if the bycatch mentioned in section 6(1) and section 7(2) exceeds five per cent.

9. Notwithstanding the provision of section 6(1), the catch of halibut as a bycatch shall not exceed a rounded weight of five tons within one fishing voyage (logged voyage).

10.-(1) Notwithstanding the provisions of section 6 and section 7, the bycatch quantity on board vessels with permission for own processing on board shall not, after ten 24-hour periods of action, exceed 10 per cent by weight of the total catch of the vessel.

(2) After four 24-hour periods of action, subsection (1) shall apply to vessels without permission for own processing on board.

11.-(1) When a national quota of a certain species in a specific area has been exhausted, the bycatch of the species in question shall not exceed five per cent in other fishing operations in such quota area.

(2) An exception shall be made from subsection (1), where this is permitted according to the shipowner's licence as a consequence of international agreements and obligations.

Closing an area

12.-(1) The Ministry of Fisheries, Hunting and Agriculture shall be entitled to close a marine area from fishing using specified equipment if too large bycatches are recorded in the area.

(2) A notice to this effect shall be given by publication in the press, by a message to the vessels of the area and, for Greenland vessels, by an e-mail or fax to the owners of the vessels affected. For vessels registered in an EU state, the notice shall be sent to the European Commission and, for other non-Greenland vessels, to the national fisheries authority.

(3) A closed area shall be reopened when supervised fishing in the area has proved that fishing can take place in the area without violation of the bycatch regulations.

Derogations

13.-(1) For licences for experimental fishing or where called for by exceptional circumstances. The Government of Greenland may grant derogations from the minimum sizes and bycatch restrictions prescribed by this Executive Order.

(2) For shrimp trawlers, The Government of Greenland shall be entitled to grant derogations from the ban on discards, cf. section 5, until the conditions for acquisition of authorisation for processing fish on board a shrimp trawler have been established. Such derogations shall be granted for one year at a time and shall be specified in the annual quota allocation notice to the owners.

Penalty measures

14. Anyone who contravenes the provisions of this Executive Order may be liable to a fine or confiscation in accordance with the provisions of the Penal Code for Greenland. If unlawful fishing takes place from a vessel, the fishing gear used, the entire catch of the vessel or the value of the entire catch may be confiscated. However, the confiscation shall not include any catch which is proved to originate from lawful fishing operations. Incidentally, cases involving such issues shall be dealt with under the provisions of the Landsting Act on Fisheries.

Entry into force

15.-(1) This Executive Order shall enter into force on xx xx 2011.

(2) Executive Order No. 28 of 11 December 2008 on Fishing Bycatches issued by the Home Rule Government of Greenland shall be repealed on the same date.

The Government of Greenland, xx xx 2011

Ane Hansen

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Jens K. Lyberth

List of species with minimum sizes				
FAO code	Name Greenlandic	Name English	Name Latin	Minimum size in cm ¹
COD	Saarulliit	Atlantic cod	Gadus morhua	40
POK	Sejit	Coalfish	Pollachius virens	42
LIN	Langet	Ling	Molva molva	63
BLI	Byrkelanget	Blue ling	Molva dypterygia	70
HAD	Kullerit	Haddock	Melanogrammus aeglefinus	44
GHL	Qalerallit	Greenland halibut	Reinhardtius hippoglossoides	42
HAL	Nataarnat	Atlantic halibut	Hippoglossus hippoglossus	60
CRQ	Saattuut (angutivissat) ♂	Snow crab (male) ♂	Chionoecetes opilio	10
REG	Suluppaakkat	Redfish	Sebastes marinus	32
REB	Suluppaakkat immap naqqasiortut	Deepwater redfish	Sebastes mentella	32
PLA	Oquuttat	Long rough dab	Hippoglossoides platessoides	25

¹ The minimum size is measured from the tip of the nose to the furthest end of the tail fin. For male crabs the minimum size is measured across the carapace, at the third leg.