



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
POLICY DEVELOPMENT AND CO-ORDINATION
FISHERIES CONTROL POLICY

05.02.2010 D 01527

Brussels,
A/4/XV D(2010)

NSRAC Secretariat
Woodhill House,
Westburn Road
Aberdeen, AB16 5GB
United Kingdom

Subject: Introduction of the new Omega net gauge

Dear Mr Anderson,

Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets has entered into force the day after its publication. However, for a transitional period and until 1 September 2009, Member States could continue to apply, in the waters under their sovereignty or jurisdiction the methods for determining the mesh size and assessing the thickness of twine of nets which were in conformity with Regulation (EC) No 129/2003.

In other words, Council Regulation (EC) N° 517/2008 defining the methodology to measure mesh size using the Electronic mesh gauge¹ has fully entered into force on 1 September 2009. Before this date the size of the mesh of a net was assessed measuring manually the mesh size with the help of a certified² mesh gauge (and in cases of dispute using a weight clearly defined in Council Regulation (EC) N° 129/2003).

During the OMEGA project the measurements were indeed carried out with a measuring force of 40 N³. This measuring force was recommended by the ICES WG MESH for meshes smaller than 55 mm. For meshes equal or larger than 55 mm a measuring force of 100 N was recommended. The choice of these measuring forces was taken after a comprehensive scientific study and with the support of fisheries inspectors. The value of

¹ The design of the instrument ensures that the measurements will be free of human influence. Since the measuring force is entirely controlled by the instrument the operator does not interfere with the measurement process. This ensures that measurements are reproducible and consistent between operators.

² the certification of the classic gauge was always unclear. The gauge was marked 'EC' when it was constructed in accordance with par. 1 and 2 of Art 10. Now other calibration or verification rules were included in the regulation.

³ N is the standard denomination of the unit to measure force known as "Newton"

these forces was based on the wedge gauge operated with a weight as this was considered as the reference by the inspectors.

Only the Netherlands and to a lesser extent France, have systematically used the new electronic mesh gauge in parallel to the existing wedge mesh gauge prior to 1 September 2009. The main purpose of the parallel use of both types of mesh gauge, next to training the fishery inspectors, was to make the fishing industry aware of the upcoming introduction of the new electronic mesh gauge. In accordance with the common practice, measurements with the wedge gauge were carried out using manual force only. In the Netherlands, in particular, the parallel measurements have demonstrated a significant difference between the results obtained. The results of these comparative measurements have been distributed in the meeting of the 'Scheveningen Group' on 6-7 July 2009 and are made available on the web site of the AID. (Dutch General Inspection Service).

It is probably inevitable that some nets will become illegal after the introduction of the OMEGA gauge for inspection purposes. The reason for this is not the OMEGA gauge or the carefully chosen measuring forces, but the subjectivity of the former wedge gauge where the results depend on the hand force exerted. This led to highly variable measuring forces: when used with hand force the wedge gauge generated a stretching force between 40 and 220 N (with a mean of 126N). Even with a weight of 5 kg the stretching force generated by the wedge gauge still varied between 20 and 120 N (with a mean of 83 N). These results are based on measurements made by experienced fisheries inspectors.

At the request of the 'Scheveningen Group', the CFCA has facilitated a harmonised introduction of the new electronic mesh gauge as from 1 September 2009, particularly in the framework of North Sea joint inspection campaigns coordinated by the CFCA.

In view of the above, the North Sea RAC has been informed of the agreed harmonised inspection procedure and an information notice has been made available on the web site of the CFCA.

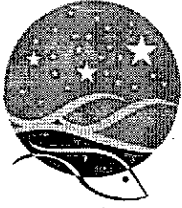
Member States have expressed their opinion, shared by the services of the Commission, that the introduction of the electronic mesh gauge has indeed a positive effect on limiting the human influence during measurement. The CFCA has prepared a Report on the application by Member States of the provisions concerning the determination of mesh size laid down in Commission Regulation (EC) No 517/2008, which I attach to this letter for your information.

In your letter of 15 December, you propose that a small industry group from the RAC would seek a meeting with the Commission and the CFCA to discuss the protocols being applied. I can reassure you that there is not unwillingness on the part of the Commission to discuss this or any other matter of importance for the industry. Therefore the Commission considers that the subject should be technically discussed at the Expert Group of Control.

Yours sincerely,



Fokion Fotiadis



COMMUNITY FISHERIES CONTROL AGENCY
Unit B

**Report on the application by Member States of the
provisions concerning the determination of mesh size
laid down in
Commission Regulation (EC) No 517/2008**

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1. INTRODUCTION

In accordance with Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets, which entered into force on 14 June 2008, Member States shall apply the provisions concerning the determination of mesh size as from 1 September 2009.

This report has been drawn up for the purpose of providing a factual overview of the commissioning and introduction of electronic mesh gauges in Community waters in conformity with the provisions above.

Commission Regulation (EC) No 517/2008 lays down detailed provisions regarding the construction and technical specifications of the electronic mesh gauge as well as the procedures for the determination of mesh sizes of diamond and square mesh and of passive gear.

The new provisions for the determination of the mesh size of fishing nets is the result of the work of the ICES Study Group on Mesh Measurement Methodology reviewing existing procedures and proposing a new mesh size measurement methodology (MESH 97 and SGMESH 2000) and the 'Objective MESH GAUGE' Project (2002) funded by the Commission to which control experts from a large number of Member States have contributed. In this framework, several prototypes have been developed and evaluated. In particular the definition of the continuous forces to be applied by the gauge in relation to the different mesh size categories received a lot of attention and was tested intensively.

2. COMMISSIONING OF ELECTRONIC MESH GAUGES

In line with Art. 7 (b) of Council Regulation (EC) No 768/2005 establishing the CFCA and following the request of 15 Member States (annex I), the CFCA organised a joint procurement procedure, in accordance with applicable rules, for the acquisition of electronic mesh gauges and associated items by individual Member States concerned and by the CFCA.

The technical specifications have been drawn up in line with the provisions of Commission Regulation (EC) No 517/2008.

Two providers (TRIDENTE SL and MARELEC NV) participated in the call for tender both of which were admitted for further evaluation. Following a comprehensive technical evaluation, the Evaluation Committee selected the offer of MARELEC NV as the best bid in terms of quality and price.

The CFCA concluded on 17 July 2009 a framework contract with MARELEC NV for the supply of electronic mesh gauges to Member States concerned and to the CFCA.

The estimated volume of the framework contract, based on indicative order projections from individual Member States, is set at 640 mesh gauges over 4 years. (Total contract value between 800.000 and 2.000.000 Euro)

To date 534 gauges have been ordered of which 410 have been delivered, the table in Annex II shows the status of orders and deliveries of electronic mesh gauges to MS concerned and to the CFCA (situation 23.11.2009).

A number of Member States, in particular; The Netherlands, Belgium, Spain, Italy, Bulgaria, Romania and Greece did not participate in the joint procurement procedure organised by the CFCA.

The Netherlands and Belgium have respectively 15 and 2 electronic mesh gauges in use (MARELEC) and Spain has ordered 11 electronic mesh gauges from another company (TRIDENTE).

Italy is in the process of purchasing 61 electronic mesh gauges (TRIDENTE).

No information has been received regarding the situation in Bulgaria, Romania, and Greece.

In anticipation of the outcome of the joint procurement procedures, a few MS ordered a limited number of electronic mesh gauges (MARELEC) for testing and training purposes.

In addition it should be noted that, since the introduction of the electronic mesh gauge in September 2009, vessel owners have purchased 174 electronic gauges and net makers and scientific institutes purchased 45.

3. INTRODUCTION OF THE ELECTRONIC MESH GAUGE

Taking into account the timing of the delivery of the greater part of the electronic mesh gauges ordered under the framework contract concluded between the CFCA and MARELEC, only the Netherlands and to a lesser extent France, have systematically used the new electronic mesh gauge parallel to the existing wedge mesh gauge prior to 1 September 2009.

The main purpose of the parallel use of both types of mesh gauge, next to training the fishery inspectors, was to make the fishing industry aware of the upcoming introduction of the new electronic mesh gauge. In accordance with the common practice, measurements with the wedge gauge were carried out using manual force only. In the Netherlands, in particular, the parallel measurements have demonstrated a significant difference between the results obtained. The results of these comparative measurements have been distributed in the meeting of the 'Scheveningen Group' on 6-7 July 2009 and are made available on the web site of the AID. (Dutch General Inspection Service)

At the request of the 'Scheveningen Group', the CFCA has facilitated a harmonised introduction of the new electronic mesh gauge as from 1 September 2009, particularly in the framework of North Sea joint inspection campaigns coordinated by the CFCA.

In view of the above, the North Sea RAC has been informed of the agreed harmonised inspection procedure and an information notice has been made available on the web site of the CFCA (Annex III).

4. EXPERIENCE WITH THE ELECTRONIC MESH GAUGE

The elements described hereunder are mainly based on the feedback received from Member States regarding their experience with the electronic mesh gauge in the first months following its introduction.

Functioning of the gauge

At this point in time it can be concluded that the electronic mesh gauge "Omega" (MARELEC) operates in a satisfactory way.

In a limited number of cases, according to our information 8 out of 410 gauges in use, individual electronic mesh gauges have been returned to the manufacturer for not functioning correctly (two year warranty).

With regard to the limited number of electronic mesh gauges purchased by Spain from another company (TRIDENTE), the failure rate seems to be much higher (of 11 gauges purchased 9 gauges have proven to be defect).

Robustness

From the non functioning 'omega' gauges, (MARELEC) a limited number of malfunctions was due to the gauge falling from a height to the floor or in the water. These events have raised some questions regarding the robustness of the gauges. The gauges have been returned to the manufacturer. However, these cases do not affect the general conclusion that the gauge fulfils the robustness requirement laid down by the Regulation. In this respect, the producer has sought to achieve a realistic balance between robustness, cost, ergonomic design and functionality. (Robustness is interpreted in the sense that the gauge stands well up to the normal conditions in which it is used)

The CFCA is kept updated by Member States regarding any failures and is in contact with MARELEC regarding the follow up.

Verification and calibration

Member State authorities have many questions regarding the verification procedure described in the Regulation and its application in practice.

A calibrated test plate is provided with the electronic mesh gauge. The procedure to verify the length measurement before every inspection has become standard practice, although the regulation and the manufacturer's guidelines do not specify the frequency.

Most Member States have ordered sets of calibrated test weights for doing force measurement verifications. Taking into account the precision requirements laid down in the regulation, the test with calibrated test weights cannot be carried out at sea since the weights must be used under stable conditions; if not, any small angle to the gravitational force, changes the longitudinal forces of the calibrated weights.

As the regulation does not specify the frequency, the CFCA requested MARELEC to provide a reasoned advice on what the frequency should be for carrying out this test and to amend accordingly the manufacturer's guidelines.

Every electronic mesh gauge is factory calibrated, the test weights and calibrated test plate are calibrated by a calibration body and shall, according to the regulation, be certified by the competent national authorities and marked EC. On the other hand, the regulation does not require calibration by external bodies designated by national authorities for this purpose. The above regulation does not require that written records are kept of the verification tests or that the calibration is accompanied by a certificate or attest.

The specifications in the Regulation seem to be a source of confusion and recently it has given rise to serious problems in the UK (Scotland) in particular where the rejection, by a court, of the measurement results obtained using electronic mesh gauges calibrated by a non UK-based calibration institute.

'EC gauge' marking

The electronic mesh gauge, produced by MARELEC and purchased by inspection authorities and the CFCA, show "EC GAUGE" on the electronic display when starting up. Initially no other marking was provided on the gauge. The manufacturer considered this as an electronic marking which is safe because it can not be altered. However, since the regulation requires marking in each official language of the Community and as this was a concern for a number of Member States, the CFCA together with MARELEC developed a solution.

A label mentioning 'EC GAUGE' in all the official languages of the Community was produced by MARELEC and has been distributed to the Member States which have gauges in use.



It should be noted that the gauges delivered to the fishing industry are not marked; neither electronically nor externally. A "marked" gauge is considered as a gauge which conforms to and is used in accordance with the provisions of the above Regulation as well as the manufacturer's user guidelines.

Mesh size measurement procedure and human influence

All Member States are of the opinion that the introduction of the electronic mesh gauge has indeed a positive effect on limiting the human influence during measurement

However, based on their experience in the field, they are also of the opinion that human influence can not be completely excluded,

-Positioning of the jaws

The description of the measurement methodology in the Regulation seems to be unsatisfactory for a number of Member States, in particular with regard to the positioning or 'guidance' of the moveable jaw when reaching the opposite knot.

Measuring 'on' 'left to' or 'right to' the opposite knot can have a considerable effect upon the end result.

This specific problem of measuring 'on' or 'left to' or 'right to' the knot is even more apparent when using the omega gauge for measuring T90 meshes.

-longitudinal movement of the gauge during measurement

Experience has shown that the result of a single mesh size measurement can be influenced (with an increase of the result up to 2 mm) when moving the gauge, when kept horizontal and under tension, slightly to the left of the right of the perpendicular position of the jaws.

In practice this means that, whilst measuring, a slight movement with the wrist can have an important influence on the measuring result.

Mesh measurement range

The electronic mesh gauge provided by MARELEC is capable of measuring meshes from 10 to 300 mm, as required by the Regulation. Any larger mesh size cannot be measured with the electronic mesh gauges.

It has been brought to our attention that, at least in one case, technical measures provide for a minimum mesh size that is larger than the maximum measurable mesh size with the electronic mesh gauge (minimum mesh size of 400 mm for static gear for fishing for turbot in the Black Sea).

Supporting software

The experience with the infrared data transmission, as provided for by the gauge produced by MARELEC, is positive. Some initial problems that occurred when exporting data to windows 'Vista' have been solved with the intervention of the CFCA.

Transmission of data to an open office environment seems not to be possible at this moment but MARELEC has been informed and is working towards a solution.

Measurement precision

Member States have indicated that there is a need for harmonising or clarifying the interpretation of the measurement results given by the electronic mesh gauge. The technical specifications in the regulation (Annex III) require the electronic mesh gauge to conform to an accuracy of 1 mm. On the other hand, the mesh size on the gauge is displayed in a precision of 0,1mm whilst the technical specifications in point 1 (t) of Annex III of the above Regulation require the mean mesh size to be rounded up to 0,1mm. In addition the calibration plate provides for verification with a precision of whole mm.

When the legislation specifies a minimal mesh size of 80mm, the mesh size determined during an inspection could be of 79,6mm, which has to be recorded as an infringement since the provision to round the arithmetical mean value upwards to the nearest mm no longer exists. The recording of an infringement in this case seems not fully consistent with the precision requirement of 1 mm

Force levels

Notwithstanding the fact that the Regulation does not seem to define what reference mesh size has to be used for determining the force level to be applied, most Member States use the mesh size recorded in the logbook by the master of the vessel.

Regarding the effect of specific force levels in relation to the mesh size range, feedback from Member States suggest that there is a problem regarding the two force levels applied for meshes up to 35 and for those between 35 and 55 mm whilst the relation of the force against mesh size for gear for mesh sizes over 55 mm is much better than for the two force levels under 55 mm. In this respect, it has been suggested to only use one force level (50 N) for gear under 55 mm.

5. CONCLUSION

A significant number of electronic mesh gauges have been acquired by Member States and the CFCA and are now widely used by MS in accordance with the above Regulation.

A number of issues have been resolved or are being dealt with by the CFCA, the National authorities and MARELEC.

The CFCA will stay in close contact with the Member States and the supplier in the future in order to further improve and harmonise the use of electronic mesh gauges in Community Waters.

Annex I

The following Member States are associated with the current framework contract for the joint procurement of electronic mesh gauges in accordance with Article 7, point b, of Council Regulation (EC) No 768/2005 establishing the Community Fisheries Control Agency;

- Cyprus
- Denmark
- Estonia
- Finland
- France
- Germany
- Ireland
- Latvia
- Lithuania
- Malta
- Poland
- Portugal
- Slovenia
- Sweden
- United Kingdom

The Framework Supply Contract covers all the requirements of the relevant Purchasing Parties and has a maximum duration of two years with a possible extension of two times one year. The framework contract lays down the legal, financial, technical and administrative provisions governing the relations between the Purchasing Parties and the contractor during the period of its validity.

Orders for gauges are placed by means of a 'model order form' attached to the Framework Contract specifying the requirements for each relevant Purchasing Party.

The framework contract defines the prices of the services to be provided.

Based on these prices, and as per the orders placed by the Purchasing Party using the Model Order Form in annex to the present Framework Contract, orders will be concluded between each relevant Purchasing Party and the Contractor according to the terms and conditions of in the contract.

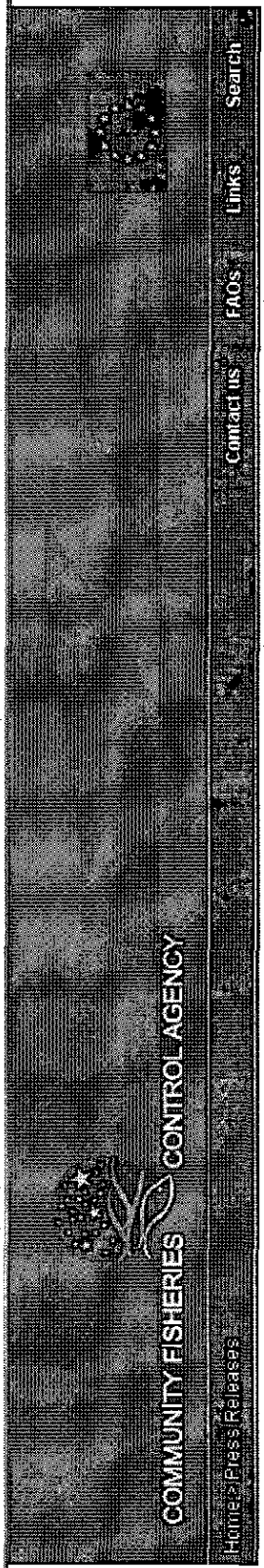
Each Purchasing Party is directly and solely responsible for the fulfilment of the Order Form, including all economic obligations following from it. Except for the Order Forms concluded by the CFCA, the CFCA is not party to any Order Form concluded between another Purchasing Party and the Contractor.

Annex II

CONTRACT CFCA

Authority	Member State	Number of gauges	Serie n°	Acces.	Order date	Delivery time	Invoice date	Number invoiced	Invoice value	Delivery date	Number delivered	To be delivered
TOTAL		534						440	821.382,00		410	176
Bundesanstalt für Landwirtschaft und Ernährung	Germany	44	2445-2466 2467-2488		24/07/09	wk33 : 22	12/08/09	22	43.824,00	12/08/09	22	0
Fiskeridirektoratet	Denmark	20	2425-2444	11 x sets 'force weights'	24/07/09	wk42: 22	26/10/09	22	49.594,00	26/10/09	22	0
Marine Scotland - Compliance	UK - Scotland	42	2489-2530		27/07/09	tl 14/08/09	11/08/09	20	43.800,00	11/08/09	20	0
SFPA HQ Ireland	Ireland	50	2537-2561 2562-2586	1 x set weights	28/07/09	wk33 : 20 wk40 : 22	12/08/09	20	34.860,00	12/08/09	20	0
The Swedish Board of Fisheries	Sweden	6	2531-2536	4 x set of 'force weights'	28/07/09	tl 21/08/09	11/08/09	6	13.446,00	11/08/09	6	0
Direction des Pêches	France	215	2651-2865		17/08/09	wk36	08/09/09	1	3.681,00	04/09/09	1	0
Marine and Fisheries Agency England	UK - England	58	2590-2634		21/08/09	144: wk35/36 71: wk 42	08/09/09	144	250.992,00	02/09/09 + 04/09/09 + 17/11/09	201	14
The Swedish coastguard	Sweden	10	2639-2648		5/08/09	wk33 : 22 wk42 : 23	12/08/09	22	38.346,00	12/08/09	22	36
Environmental Inspectorate	Estonia	12	2870-2881		12/08/09	wk36	08/09/09	10	19.920,00	04/09/09	10	0
CFCA Vigo, Spainje	Spain	2	2909-2910	1 x set 'force weights'	25/08/09	wk41	14/10/09	12	23.904,00	14/10/09	12	0
Direcção-Geral da Autoridade Marítima Portugal	Portugal	85	2914-2998	8 x set 'force weights'	08/09/09	wk 40	30/09/09	2	4.842,00	30/09/09	2	0
Unidade de controlo costeiro Portugal	Portugal	20	3003-3022		07/09/09	wk 47	14/09/09	85	151.035,00			85
DRPM Portugal	Portugal	1	3023		08/09/09	wk 47						20
DGPA Portugal	Portugal	7	3024-3030		07/09/09	wk 47						1
Bundesanstalt für Landwirtschaft und Ernährung	Germany	-		16 x sets 'force weights' + 20 connector caps	14/09/09	wk 47						7
Ministry of Agriculture and Forestry Finland	Finland	7	3033-3039	7 x sets 'force weights'	08/09/09	wk 42	08/09/09			26/10/09		
Republika Slovenija	Slovenia	1	3095	1 x set 'force weights' + 1 x calibrated test plate + 1 x battery	18/09/09	wk 48						7
Fisheries control department Ministry of resources and rural affairs	Malta	2	3103-3104	1 x set 'force weights'	16/10/09	Wk 50						
Bundesanstalt für Landwirtschaft und Ernährung	Germany	3	3119-3121	1 x set 'force weights'	05/11/09	Wk50	05/11/09	2	4.842,00			
Poland Ministerstwo Rolnictwa	Poland	6			13/11/09	Wk 50						6

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Introduction of new mesh gauges for measurement of mesh sizes

Information notice to the fishing industry on request of the Member States concerned by the Joint Deployment Plan for the North Sea

Information notice to the fishing industry on request of the Member States concerned by the Joint Deployment Plan for the North Sea

Commission Regulation (EC) No. 517/2008 published on 11 June 2008 introduces the use of a new electronic tool for mesh size measurement which will replace the use of the 'classic' mesh gauge from 1st September 2009 onwards. As from this date, fisheries inspectors of all Member States will use the new electronic mesh gauge (omega gauge) when measuring the mesh size of fishing gear in the course of inspections.

In the past years, experience has shown that the 'classic' mesh gauge has not always been used in a consequent and harmonised way, using forces that did not allow an objective measurement of the actual mesh size of fishing gear. The use of manual force implies that the measurement of the mesh size is not free of human influence. It has been demonstrated in practice that the use of manual force may generate different measurement results between inspectors.

Against this background the fishing industry has pleaded over the past years for the adoption of a uniform and objective method of mesh measurement at Community level to be applied by inspectors of all Member States which would contribute to a level playing field with regards to inspections the mesh size of fishing gear.

As regards the introduction of the electronic mesh gauge and the enforcement of minimum mesh size requirements during the first four months following 1 September 2009, inspection authorities of the Member States will follow a common approach for inspections of mesh size carried out in that period. During the first months after the introduction of the new mesh gauge, each infringement of the applicable legal mesh size detected with the electronic mesh gauge will be recorded in the relevant inspection report.

In cases where the mesh size determined is only marginally below the applicable legal minimum mesh size (might be attributed to a possible difference in measurement between the old and the new mesh gauge), an official warning should be issued to the master of the inspected fishing vessel in order to offer him the possibility to adjust forthwith his gear.

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 Community Fisheries Control Agency adopts an ambitious work programme for 2010 with special emphasis on the fight against IUU fishing.

01 Sept 2009
 Introduction of new mesh gauge for measurement of mesh size.

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15 October 2009
 Administrative Board meeting.

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