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Mesh Measuring

Memorandum by the United Kingdom

1. The Commission will be considering the report of the Mesh Working Group set up at the 1966 Annual Meeting (Comm.Doc.67/6). This report, as recommended by the Working Group, was circulated to member countries of NEAFC and taken into consideration at that Commission's Fifth Annual Meeting in Paris in connection with related matters on its agenda, including in particular the arrangements for international control. After much discussion at the meeting, and at the Special Meeting on International Control which preceded it, NEAFC adopted a recommendation\* on arrangements for international control (see Comm.Doc.67/18, Annex D). It will be seen that for the purpose of these arrangements the gauge to be used is a gauge incorporating a parallel-sided section as well as a wedge-shaped section or sections. This differs from the USSR simple wedge-shaped gauge, recommended by the Mesh Working Group for consideration by ICNAF for adoption as the standard uniform gauge in the hope that it might also be considered by NEAFC, so that the objective of introducing a single standard mesh measuring instrument throughout the North Atlantic might be achieved. In the opinion of the United Kingdom the recommendation of NEAFC does not represent a setback to attainment of the objective; on the contrary it could facilitate it. It may therefore be helpful to ICNAF to have some account of the reasons for the decisions reached by NEAFC and its implications.

2. Basically the decision of NEAFC flows from the form of its present minimum mesh regulations which differ from those of ICNAF. The test required by NEAFC regulations to determine whether a net complies with them is that a flat gauge 2 mm thick of the prescribed width passes easily through the meshes when wet and stretched diagonally lengthwise. There is no requirement that individual meshes must be measured, and a parallel-sided gauge by itself is of course incapable of measuring the width of meshes if they are above or below the width of the gauge. The test required by the ICNAF regulations is quite different. They require the width of a specified number of meshes in the codend to be measured (and a smaller number in other parts of the net), and if the average width is at or above the prescribed minimum width the net complies with the regulations. It may be noted that strictly the NEAFC regulations require that all the meshes of a net - not just those in the codend - must be at or above the minimum prescribed and pass the test. In practice however for enforcement purposes only the meshes of the codend are tested and in the United Kingdom - and it is believed in other countries - it is recognized that a court will not find a fisherman guilty of an infringement unless a reasonable proportion of the meshes tested are undersized - i.e. fail to allow the gauge to pass easily through.

3. The basic difference between the form of the NEAFC and ICNAF regulations and the difference in the tests they impose was brought sharply before the NEAFC meeting by a proposal put forward by the USSR delegation to alter the NEAFC regulations to bring them into line with those of ICNAF, and to prescribe the use of the USSR gauge for enforcement purposes. The Commission however declined, at least for the present, to make such a change. In discussion of this matter the view was expressed that the test imposed by the NEAFC regulations had some advantages. It can be applied very quickly - and this is important when an Inspector has to test nets of a number of boats in port for a short time; moreover it is a simple test which fishermen themselves can apply to satisfy themselves that their nets comply with the regulations - a point to which importance was attached. The measurement of 50 meshes (or even a smaller number) as required by the ICNAF regulations and the calculation of the average takes longer, and it is doubtful whether practical fishermen would find it easy to verify the legality of their nets in this way.

\*Footnote: It will be appreciated that the recommendation is not yet in force, as it is open to objection by Contracting States under the procedure of Article 8 of the NEAFC Convention. It may also be noted that the Commission left over for consideration at its next meeting the form of report to be used by Inspectors operating under the arrangements for international control; and that the arrangements themselves provide for modification being agreed between any two Contracting States as to the operation of the arrangements inter se, and for suspension of the arrangements pending agreement when either State has notified its wish for modification.

4. NEAFC accordingly did not agree to recommend a change in its minimum mesh regulations and, in conformity, the arrangements for international control retained the test of a gauge of the prescribed width passing easily through the meshes. At the same time it recognized that its present regulations may be deficient in not requiring the actual width of meshes tested to be measured since the scientific assessments of the effect on fish stocks of the use of nets with any prescribed minimum mesh relate to nets in which the average width of meshes in the codend is equal to the minimum. Accordingly the recommendation for international control imposes a requirement that the width of 20 meshes in a row must be measured and the average recorded, though this does not form part of the test of legality. The number of meshes to be measured is less than that required for the codend by the ICNAF regulations, and was fixed on a purely arbitrary basis.

5. The nature of the test required by the minimum mesh regulations has a direct bearing on the type of instrument to be used in carrying out the test. Although it was recognized by NEAFC that a majority in the Mesh Working Group (on which eight member countries of NEAFC were represented) considered that the use of a simple wedge-shaped gauge, such as the USSR gauge, was not incompatible with the NEAFC regulations, some delegations at the Commission's meeting, including the United Kingdom, felt that the test of passing easily through required by those regulations could only be carried out by a gauge incorporating a parallel-sided section. If a mesh is wider than the prescribed minimum the appropriate point on a wedge-shaped gauge can of course be seen to pass easily through; but if the width of the mesh is precisely the minimum the appropriate point on a wedge-shaped gauge (under whatever pressure is prescribed) should not pass through the meshes at all. Although, in view of the majority conclusion of the Working Party, this is evidently a matter of opinion the NEAFC recommendation on international control prescribes not only that the NEAFC test should be applied but also that a gauge incorporating a parallel-sided section should be used in carrying it out. At the same time, in order to provide for the measurement of meshes whatever their size, the recommendation prescribes that the gauge should also incorporate a wedge-shaped section or sections and that these sections should be constructed to the same specification as those laid down in the ICNAF regulations. Such a gauge may, for convenience, be called the modified NEAFC gauge. Moreover in order to avoid the criticism that variable results are obtained according to the force or pressure with which the gauge is inserted in a mesh, the NEAFC recommendation prescribes that in cases of doubt about the width of a mesh the gauge is to be used with a prescribed weight; largely for simplicity however it was decided that the weight should be specific instead of within a prescribed range as specified in the ICNAF regulations.

6. In the opinion of the United Kingdom the NEAFC recommendation is an important step towards the attainment of the objective of a standard gauge of uniform application which ICNAF had in view in setting up the Mesh Working Group. For NEAFC has for the purpose of international inspection introduced a requirement of mesh measuring which goes some way towards bridging the gap between the requirements of its own mesh regulations and those of ICNAF: and has prescribed a gauge which not only clearly complies with its own mesh regulations but when used with a prescribed weight, the Mesh Working Group agreed, would conform with the ICNAF regulations. The Mesh Working Group in recommending that the USSR gauge should be considered for adoption as the standard gauge was not of course aware of the conclusions which NEAFC would reach on international inspection, or that its majority view on a material point - the compatibility of that gauge with the NEAFC regulations - would be questioned. In these circumstances the United Kingdom suggests that in considering the report of the Mesh Working Group ICNAF should consider the modified NEAFC gauge for adoption as the standard gauge of uniform application in the knowledge that it is acceptable to NEAFC; and that this gauge should be brought within the studies which the Mesh Working Group recommended should be carried out with the USSR gauge before final decisions are taken.

7. It will be apparent from what has already been said that a material factor in the consideration of a standard gauge is the difference between the mesh regulations of ICNAF and NEAFC and the tests which they require to be applied in enforcement of the regulations. This suggests that the desirable objective of uniformity on both sides of the Atlantic should be carried a step further and that the question of harmonizing the regulations of the two Commissions merits consideration. It would of course require consultation between the Commissions and possibly in due course a joint meeting. Though it may involve difficulties, the United Kingdom suggests that ICNAF should consider the question.