

MINISTRY OF AGRICULTURE AND FISHERIES

Based on the Article 18 paragraph 2, Article 20 paragraph 2, Article 39 paragraph 3 bullet 4, Article 40 paragraph 1 bullet 2 and 5 of the Marine Fisheries Act ("Official Gazette", Nos. 74/94 and 57/96) the Minister of Agriculture and Fisheries hereby brings the

REGULATION ON FISHING BY GILLNETS

I. GENERAL PROVISIONS

Article 1.

By this Regulation it is stipulated:

- the use of gillnets,
- the manner of usage of gillnets,
- types of gillnets,
- technical characteristics of gillnets,
- time of usage of gillnets,
- areas of usage of gillnets.

Article 2.

Gillnets are intended for catching of fish and other marine organisms.

Article 3.

Fishing by gillnets may be conducted by using the nets as set or encircling gear.

Fishing by gillnets when used as set nets may be conducted by placing the net at the bottom or on a certain depth and then keeping them suspended in the water.

Fishing by gillnets when used as encircling nets may be conducted by encircling the school of fish or by encircling a section of marine area and catching the fish with or without the allowed frightening gear and equipment.

Article 4.

Gillnets are divided on single and triple gillnets.

Single gillnets are constructed from one wall of netting.

Triple gillnets (trammel nets) are constructed from triple-layer netting (three walls of netting), which includes one middle layer and two outer layers.

Article 5.

Single gillnets are:

- 1.- gillnet for sand smelt,
- 2.- gillnet for smelt,
- 3.- gillnet for picarel (*Spicara smaris*),
- 4.- gillnet for sardines,
- 5.- gillnet for picarel (*Sicara flexuosa*),
- 6.- gillnet for bogue,
- 7.- gillnet for various fish,
- 8.- gillnet for Atlantic bonito,
- 9.- gillnet for sharks,
- 10.- gillnet for lobsters,
- 11.- gillnet for angle shark,
- 12.- gillnet for crab.

Triple gillnets (trammel nets) are:

- 1.- triple covering net,
- 2.- triple gillnet for various fish,
- 3.- triple gillnet for soles,
- 4.- triple gillnet for salema,
- 5.- triple gillnet for cuttlefish.

II. SINGLE STANDING NETS – GILLNETS

Article 6.

Gillnet for sand smelt is a single-layered gillnet intended for fishing of sand smelt (*Atherina boyeri*).

Fishing with this net may be conducted using the net either as standing or as encircling.
When fishing with this net it is allowed to frighten the fish using oar and similar noise-making equipment (drum-like, operated by hand)
Mesh size for the netting of this net may be from 6 to 8 millimeters.
Height of this net may not exceed 300 meshes.
Fishing with this net may be conducted from 1 July till 30 April.
Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 7.

Gillnet for smelt is a single-layered gillnet intended for fishing of smelt (*Atherina hepsetus*).
Fishing with this net may be conducted using the net either as standing or as encircling.
When fishing with this net it is allowed to frighten the fish using oar and similar noise-making equipment.
Mesh size for the netting of this net may be from 10 to 12 millimeters.
Height of this net may not exceed 400 meshes.
Fishing with this net may be conducted from 1 May till 31 January.
Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 8.

Gillnet for picarel is a single-layered gillnet intended for fishing of picarel (*Spicara smaris*).
Fishing with this net may be conducted using the net either as standing or as encircling.
When fishing with this net it is allowed to frighten the fish using oar and similar noise-making equipment.
Mesh size for the netting of this net may be from 15 to 17 millimeters.
Height of this net may not exceed 400 meshes.
Fishing with this net may be conducted from 1 October till 30 April.
Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 9.

Gillnet for sardines is a single-layered gillnet intended for fishing of small blue fish.
Fishing with this net may be conducted using the net either as standing or as encircling, when the fish is gathered using the artificial illumination.
When fishing with this net it is not allowed to frighten the fish by any means.
When fishing with this net it is allowed to use artificial illumination and to guide the gathered fish over the submerged net.
Mesh size for the netting of this net may be from 16 to 18 millimeters.
Height of this net may not exceed 450 meshes.
Fishing with this net may be conducted throughout the year.
Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 10.

Gillnet for picarel is a single-layered net intended for fishing of picarel (*Spicara flexuosa*).
Fishing with this net may be conducted using the gillnet only as standing.
When fishing with this net it is not allowed to frighten the fish by any means.
When fishing with this net it is allowed to use bait, in a manner that the bait is placed on the net or thrown on the submerged net.
Mesh size for the netting of this net may be from 18 to 20 millimeters.
Height of this net may not exceed 80 meshes.
Fishing with this net may be conducted from 1 September till 30 April.
Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 11.

Gillnet for bogue is a single-layered gillnet intended for fishing of bogue (*Boops boops*).
Fishing with this net may be only conducted using the gillnet only as standing.
When fishing with this net it is not allowed to frighten the fish by any means.
Mesh size for the netting of this net may be from 20 to 26 millimeters.
Height of this net may not exceed 400 meshes.

Fishing with this net may be conducted throughout the year.
Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 12.

Gillnet for various fish is a single-layered gillnet intended for fishing of different species of coastal demersal fish.

Fishing with this net may be conducted using the net either as standing or as encircling.

When fishing with this net it is not allowed to frighten the fish by any means.

Mesh size for the netting of this net may be from 32 to 40 millimeters.

Height of this net may not exceed 200 meshes.

Fishing with this net may be conducted throughout the year.

Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 13.

Gillnet for Atlantic bonito is a single-layered gillnet intended for fishing of bonito and other species of blue pelagic fish.

Fishing with this net may be conducted using the net only as standing.

When fishing with this net it is not allowed to frighten the fish by any means.

Mesh size for the netting of this net may be from 40 to 60 millimeters.

Height of this net may not exceed 400 meshes.

Fishing with this net may be conducted throughout the year.

Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 14.

Gillnet for sharks is a single-layered gillnet intended for fishing of demersal fish species.

Fishing with this net may be conducted using the net only as standing.

Mesh size for the netting of this net may be from 60 to 100 millimeters.

Height of this net may not exceed 20 meshes.

Fishing with this net may be conducted throughout the year.

Fishing with this net may be conducted on the whole outer area of the fishing sea of the Republic of Croatia, and in the inner fishing sea of Republic of Croatia fishing with this net may be conducted only on the area more than one (1) nautical mile away from land or islands.

Article 15.

Gillnet for lobster is a single-layered gillnet intended for fishing of lobsters (*Palinurus elephas* and *Homarus gammarus*).

Fishing with this net may be conducted using the net only as standing.

Mesh size for the netting of this net may be from 120 to 130 millimeters.

Height of this net may not exceed 4,5 meshes.

Fishing with this net may be conducted from 1 May till 31 August.

Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 16.

Gillnet for angle shark is a single-layered gillnet intended for fishing of demersal fish species.

Fishing with this net may be conducted using the net only as standing.

Mesh size for the netting of this net may be from 140 to 148 millimeters.

Height of this net may not exceed 4,5 meshes.

Fishing with this net may be conducted throughout the year.

Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

Article 17.

Gillnet for crab is a single-layered gillnet intended for fishing of crab (*Maja squinado*).

Fishing with this net may be conducted using the net only as standing.

Mesh size for the netting of this net may be from 150 to 180 millimeters.

Height of this net may not exceed 4,5 meshes.

Fishing with this net may be conducted from 1 December till 31 May.

Fishing with this net may be conducted on the whole area of the fishing sea of the Republic of Croatia.

III. TRIPLE GILLNETS – TRAMMEL NETS

Article 18.

Covering net is a triple gillnet intended for fishing of blotched picarel (*Spicara maena*).

Fishing with this net may be conducted by setting the net on the sea bottom in a manner to cover the areas where blotched picarel is found.

This net does not have the floating line, and on both ending lines (ropes) lead is mounted, and the netting is spread on poles.

Mesh size of this net on the middle layer may be from 32 to 36 millimeters.

Mesh size on two outer netting layers may be from 120 to 150 millimeters.

Height of this net may not exceed 5,5 meshes of the outer and 52 of the middle layer.

Fishing with this net may be conducted from 1 June till 31 August.

Fishing with this net is allowed only in Fishing zone C on the area within one (1) nautical mile from the coast of the islands Vis, Biševo, Brusnik and Sveti Andrija and on shallow spots within this area.

Article 19.

Gillnet for various fish species is a triple gillnet intended for fishing of various demersal species.

Fishing with this net may be conducted using the net only as standing.

When fishing with this net it is not allowed to frighten the fish by any means.

Mesh size for this net of the middle layer may be from 40 to 50 millimeters.

Mesh size of two outer netting layers may be from 120 to 200 millimeters..

Height of this net may not exceed 5,5 meshes of the outer and 42 of the middle layer.

Fishing with this net may be conducted from 1 August till 30 April.

Fishing with this net is allowed on the whole area of the fishing sea of Republic of Croatia.

Article 20.

Gillnet for sole is a triple gillnet intended for fishing of sole.

Fishing with this net may be conducted using the net only as standing.

Mesh size of this net on the middle layer may be from 40 to 42 millimeters.

Mesh size on two outer netting layers may be from 150 to 170 millimeters..

Height of this net may not exceed 3 meshes of the outer and 25 of the middle layer.

Fishing with this net may be conducted from 1 September till 31 May.

Fishing with this net may be conducted on the whole outer area of the fishing sea of the Republic of Croatia, and in the inner fishing sea of Republic of Croatia fishing with this net may be conducted only on the area more than one (1) nautical mile away from land or islands.

Article 21.

Triple net for salema is triple gillnet intended for fishing of salema and other fish species, and for catching of other marine organisms such as lobsters and crab.

Fishing with this net may be conducted using the net either as standing or as encircling.

When fishing with this net it is not allowed to frighten the fish by any means.

This net is constructed of triple netting (in the lower part of the net) and single netting (upper part of the net).

Mesh size of the middle layer and of the single netting may be from 40 to 50 millimeters.

Mesh size of the outer layers may be from 120 to 200 millimeters.

Height of this net may not exceed a total of 150 meshes of the middle layer and the single netting.

Height of the outer layers may not exceed 7,5 meshes.

Fishing with this net may be conducted from 1. November till 30 April.

Fishing with this net is allowed on the whole area of the fishing sea of Republic of Croatia

Article 22.

Triple net for cuttlefish is a triple net intended for fishing for cuttlefish.

Fishing with this net may be conducted using the net only as standing.

When fishing with this net it is not allowed to frighten the fish by any means.

This net is constructed of triple netting (in the lower part of the net) and single netting (in the upper part of the net).

Mesh size of the middle layer of this net and the single netting may be from 32 to 38 millimeters.

Mesh size of the outer layer may be from 150 to 170 millimeters.

Height of this net may not exceed a total of 100 meshes of the middle layer and single netting.

Height of the outer layers may not exceed 5,5 meshes.

Fishing with this net may be conducted from 1 March till 15 May.

Fishing with this net is allowed on the whole area of the fishing sea of Republic of Croatia.

IV. FISHING WITH GILLNETS

Article 23.

When fishing with gillnets it is forbidden to use artificial illumination, except when fishing with gillnet for sardines.

When fishing with gillnet for sardines it is allowed to use artificial illumination with the aim of gathering the fish.

When fishing with gillnet for sardines it is allowed to use artificial illumination where luminous intensity does not exceed 2000 candelas per vessel.

Article 24.

When fishing with gillnets it is forbidden to use bait, except when fishing with gillnet for picarel.

Article 25.

Mesh size of netting of gillnets is measured when the nets are wet, from the middle of one knot to the middle of the next knot, by the length of one side of a mesh of a stretched netting.

Article 26.

It is forbidden to change the construction of gillnets, which is provided in this Regulation, by increasing their heights, joining two or more same or different nets together to increase height or by attaching the outer layer to single-netting gillnets.

Article 27.

When fishing with set gillnets, their position while in the sea must be clearly marked.

The position of each set gillnet must be marked with an easy visible floating mark on the beginning and at the end of the net.

Floating marks on the beginning and at the end of the net must be of the same size and color.

Visible floating mark from paragraph 2 and 3 of this Article is hereby understood to be a floating mark constructed of bright-colored floats.

Data on the vessel (name of the vessel or registration number of the boat) used in fishing with gillnets must be clearly indicated on the floating mark from paragraph 2, 3 and 4 of this Article, in a color different than the color of the floating mark.

The height of the letters and numbers from paragraph 5 of this Article must be at least 5 cm.

Article 28.

Fishing with set gillnets is forbidden in ports of settlements as well as in areas within 300-m radius from the entrance into the port of a settlement.

When the port does not have clearly visible capes the area within a 300-m radius is measured from the port lighthouse or the main docking key.

Article 29.

From 15 May till 15 September it is forbidden to engage in activities of fishing with gillnets on the areas of maintained beaches and on the areas within 100 meters from those beaches.

Article 30.

It is forbidden to keep in the vessel:

- 1.- types and quantities of gillnets which are not listed in the commercial fishing license or in the small-scale fishing license;
- 2.- types of gillnets which are not allowed for usage during that period.

Article 31.

The right to fish with standing gillnet on a certain fishing area (in the following text: fishing ground) is gained by placing the standing gillnets on that fishing ground.

Article 32.

It is forbidden to leave floating marks, boats and similar means in the sea in order to claim the right on a fishing area or in order to thwart the use of the area.

Article 33.

As an exception to the provision from Article 31 of this Regulation, for the purpose of gillnet fishing when gillnets are used as standing on a particular fishing ground, such fishing may take place following a schedule determined by a draw.

The draw from the paragraph 1 of this Article is conducted by the filed office of the Ministry on initiative of a fishing inspector, legal or physical person who engage in commercial fishing activities or citizen engaging in small-scale fishing activities (in the following text: fishermen) in the case when there are several fishermen interested in fishing on the same smaller ground.

Until the field offices of the Ministry are formed, the draw from the paragraph 1 and 2 of this Article shall be conducted by the county offices and their branch offices.

The draw from the paragraphs 1 and 2 of this Article is conducted for the current year or fishing season.

Article 34.

Those fishermen who have been given the right to use the standing gillnets on a particular fishing ground through a draw are obliged to use this right according to a determined schedule.

If the standing gillnet is not placed at a certain fishing ground no later than one hour after the sunset, the fishing right for the particular night ceases and the given fishing ground is considered as a free fishing ground.

If the fishing ground gained through a draw is not taken by the licensed fishermen in due course, the fishing right for that ground for the given night is given to the fishermen who arrived to the ground first after the time limit for the licensed fishermen has expired.

If two or more fishermen arrive at the free fishing ground defined in paragraph 3 of this Article at the same time, they shall among themselves draw the rights for fishing with gillnets on the given fishing ground for the given night.

Article 35.

It is forbidden to use standing nets whose purpose, manner of usage, time and place of usage, as well as their construction does not comply with the provisions of this Regulation.

V. FINAL AND TRANSITIONAL PROVISIONS

Article 36.

From the day of entry into force of this Regulation the following is repealed:

- provisions of the Regulation on commercial and sport fishing, rearing of fish and other marine organisms, collecting of sponges, coral, shellfish and marine plants ("Official Gazette", no. 34/85, 35/86, 26/87, 9/89 and 26/90) which refer to fishing with standing gillnets;
- provisions of formal decisions brought by former town administrative assemblies as well as provisions of formal decisions brought by county assemblies which refer to fishing with standing gillnets.

Article 37.

As an exception from the provisions of Article 6 paragraph 4, Article 10 paragraph 5, Article 12 paragraph 4, Article 19 paragraph 4 and 6 and Article 20 paragraph 3 of this Regulation – until 1 January 1999 the following may be used for fishing:

- gillnet for sand smelt, of which the mesh size may be minimum 5 millimeters;
- gillnet for picarel, of which the mesh size may be minimum 16 millimeters;
- gillnet for various fish, of which mesh size may be minimum 28 millimeters;
- triple gillnet for various fish, of which mesh size of the middle layer may be minimum 28 millimeters and whose height may not exceed 5,5 meshes of the outer layers and 60 meshes of the middle layer;
- triple gillnet for soles, of which mesh size of the middle layer may be minimum 36 millimeters.

Article 38.

This Regulation enters into force on the eighth day after the publication in the Official Gazette of the Republic of Croatia.

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