

ACKNOWLEDGEMENT

Appreciation is extended to the following people who volunteered their technical and scientific assistance to prepare this pamphlet.

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Suggestions to improve this publication may be send to: USA Installation Management Agency, Europe Region Office; ATTN: Hunting & Fishing Office, Unit 29353, Box 200, APO AE 09014

SECTION I GENERAL

1. PURPOSE

This pamphlet instructs and guides U.S. Forces personnel on fishing procedures and practices in Germany (GE). Knowledge of these procedures is necessary to successfully complete the fisherman's examination and will give U.S. Forces personnel a better understanding of Fishing in Germany.

2. REFERENCE

Agreement concerning fishing in Laender Baden Wuerttemberg, Bavaria and Hessen by Members of the Forces and Application for German Fishing (Hunting) License

3. EXPLANATION OF ABBREVIATIONS

The glossary defines abbreviations used in this pamphlet

4. GENERAL

U.S. personnel are permitted to fish in GE according to the 1953 Agreement Concerning Fishing in Länder (States) Baden-Wuerttemberg, Bavaria, and Hessen by Members of the Forces. This agreement is called the 1953 Fishing Agreement in this pamphlet. It is administered by HQ USAREUR/7A on behalf of all U.S. Forces. It is particularly important, therefore, that U.S. fishermen know and comply with German fishing laws, regulations, and practices.

SECTION II

GERMAN FISHING LAW

5. FISHING RIGHTS

Fishing rights in German waters, unlike those in the United States, are held by the state, community, individuals, clubs, or groups of individuals. These rights generally are connected with real estate ownership rights. Besides if this, there are several fishing rights without ownership of an estate as fishing privileges. Both kinds of fishing rights may be leased to individuals or groups for specific period, usually 10 or 12 years. The holder of the fishing rights has absolute authority to conserve and take possession if fish, cray fish, clams, free of charge.

The privilege also includes the right to stock fish typical to their waters as appropriate for size and type of water, NO STOCKING OF NON-NATIVE FISH used to warmer or fish which have been fattened up for consumption and includes the obligation to improve the living conditions of fishes by removing harmful vegetation polluting their habitat.

The holder of fishing rights appoints Fish Wardens in writing for the following duties: to check fishermen while fishing for accurate paperwork. Report poachers and other violations to the police, report fish kill to the water rights holder or to the police, check legal age of fishermen and other violations.

FISHING RIGHTS HOLDERS CANNOT EASE FISHING LAWS BUT MAY FURTHER RESTRICT THEM.

6. PREPARATORY FISHING TRAINING COURSES

Applicants for a German Fishing License have to attend a fishing training course, which prepares applicants for a fishing examination. Training includes all subject areas in which students will be tested and will last at least 30 hours. All course subjects are mandatory to attend. If classes are missed and make-up classes not attended, the student is not allowed to take the examination. Mandatory course subjects are:

- I. General Ichthyology
- II. Specialized Ichthyology
- III. Hydrology and Conservation
- IV. Fishing Equipment, Techniques and Treatment of Fish
- V. Laws

Fishing Courses are taught by certified U.S. instructors, graduates from the State Institute for Fisheries at Starnberg, Bavaria. Courses are offered by U.S. Rod and Gun Clubs or communities.

7. ADMINISTRATION OF FISHING EXAMINATION

At the end of the fishing course a written examination is given. Within 2 hours, a Total of 60 questions (12 questions per course subject) have to be answered in a multiple choice system. Students who cheat can be excluded from the examination. In this case, the examination will be considered as failed. Students who have answered 45 of the 60 questions with 50 percent correct answers in each subject area will pass the examination. After passing the examination, applicants will be issued the Examination Certificate Fishermen (Pruefungszeugnis) by USAREUR Hunting and Fishing Office.

8. FISHING LICENSES

The fishing license is an official document that authorizes U.S. Forces members to fish throughout GE. Minimum legal age limits vary among the German states e.g.:

Baden Wuerttemberg:	10 years
Bavaria:	10 years
Hessen:	12 years
Rheinland Pfalz:	10 years

- a. To obtain the first German fishing license, requesters must take the items in (1) through (4) below to the city or country license issuing office:
 - (1) Application for German Fishing License (AE Form 215-145B) in duplicate, signed by the commander and stating that the person is properly assigned to the organization, eligible to fish under the mentioned regulations, of legal age, a fit and proper person to hold a fishing license, a graduate of a USAREUR Fishing course.
 - (2) Certificate of Examination Fisherman (Pruefungszeugnis) issued by USAREUR Hunting and Fishing Office.
 - (3) One passport-sized picture.
 - (4) EURO (in cash).
- b. To renew a fishing license, requesters must take the items in (1) and (2) below to the city or country license issuing office:
 - (1) Application for German Fishing License.
 - (2) EURO (in cash).

Fishing licenses are either issued as Youth License or Adult License by the German communities responsible for the area where the applicant has his residence in Germany.

Baden Wuerttemberg: A youth license is issued if the child is 10 years as minimum age. With a youth license the adolescent is authorized to fish if accompanied by an adult fishing license holder in this case an examination is not required. If the child passed a fishing course an adult fishing license is issued. With the age of 16 years the adolescent must attend a fishing course and apply for an adult license.

Bavaria: Children under age 10 may be taken fishing when they are accompanied by an adult fishing license holder. The adult is considered as the fisherman within the meaning of the law. The adult must also have the required fishing license, and must have authority over the child. e.g. the parent or legal guardian, youth leader, or a person entrusted by the parents with supervising their child. e.g. grandpa, etc.

This means children under 10 years may not fish independently but only dependently. In addition the child may not fish using his or her own rod but must use the rod owned by an adult possessing a fishing license. A child under age 10, therefore has a different legal status than an adolescent who possesses a youth fishing license and who is allowed to fish under the control of an adult fisherman using his or her own fishing equipment. Adult licensed fishermen may involve children under age 10 in fishing in the following ways:

He or she may not leave the child unsupervised with the fishing rod, because he or she must be able to intervene immediately if needed. If the adult fisherman has to leave, the line must be reeled in.

The adult fisherman may use only two fishing rods at the same time. He or she may therefore involve no more than two children in fishing.

Children may not mount reels on rods while being instructed. An adult fisherman, however, must check the rod before the line is cast.

After being appropriately instructed, children may be allowed to cast the line-

After being appropriately instructed, children may be allowed to hold fishing rods.

Within the meaning of the law, the adult person is considered to be the fisherman. He or she must intervene- immediately and directly- as soon as the situation requires such intervention (especially for reasons for animal protection).

After being appropriately instructed, children may be allowed to land/net fish.

Only adults will be allowed to unhook live fish.

Children must be not allowed to stun and kill Fish.

After being appropriately instructed (as to injury risks and hygiene), children may be involved in putting fish to use. Adolescents who have turned 14 years and have passed the fishing examination or an equal examination will be issued fishing licenses for life if they do not explicitly request adolescent fishing licenses.

Adult fishing license holders should abide by the above provisions and intervene in case of doubt. The intent should be to introduce children under age 10 to fishing. Only children who are eligible to obtain youth fishing licenses- that is, children above age 10 should receive practical and theoretical fishing training, since lasting learning success usually cannot be obtained with children under age 10. The opportunity to involve children with fishing should be used as restrictively as possible. If children under age 10 break fishing and animal protection laws, the adult fishing license holder will be held liable.

Once a child reaches age 10, the child must obtain a youth fishing license in order to be allowed to fish.

Adolescents who have turned 12 will be allowed to take the fishing examination. If the adolescent passed a fishing exam and is 14 years of age he/she can request an adult fishing license. As of 1 January 1999 Fishing licenses will be issued on request and have unlimited validity in Bavaria.

Hessen: Adolescents who are 12 years old but did not finish their 16 years yet can only receive a Youth Fishing License. Up to the age of 14 the adolescent Youth License holder must be accompanied by an adult fishing license holder when he/she is fishing. Fishing licenses are only issued if the person proves that he successfully passed a fishing examination.

9. FISHING PERMITS

- a. Fishermen must obtain, in addition to a fishing license, a written permit specifically authorizing fishing in a given body of water. The local rod and gun club, hunting and fishing office, water rights owner, or lease holder issue these permits on a daily, weekly, monthly, or yearly basis. While fishing, a person is required by law to carry the fishing license and the written permit. This permit –
 - (1) May be examined by the water rights owner, his or her appointed fish warden, or law enforcement officers.
 - (2) Will contain the following.
 - (a) Name of water and the location.
 - (b) Signature of water rights owner or leaseholder.
 - (c) Fisherman's name and address.
 - (d) Date and length of permit (daily, weekly, monthly, or yearly).
 - (e) Creel limits and specific instructions (for example, fly fishing only, no bait). It is the fisherman's responsibility not to exceed creel limits and to adhere to special conditions printed on the permit, as well as to oral instructions issued by the fishing rights holder.
- b. Permit holders are requested to keep an accurate record of the number, species, and weight of game fish removed from a body of water. This information should be entered on the permit or in a catch report book, which must be returned to the issuing authority after a fishing trip or

on expiration of the permit. The permit holder's cooperation in reporting this information is essential for an effective fish management program. Failure to report information can result in the refusal to issue another permit.

- c. Some German water rights holders request applicant's Sportfishing Pass prior to issuing a fishing permit. This pass proves that the owner of a Sportfishing Pass successfully passed a fishing course including state and date of certification. Sport fishing Passes are issued to members of German Fishing Clubs. More details available at the USAREUR Hunting and Fishing Office.

10. LEGAL TERMINOLOGY

- a. **Open and Closed Waters.** Open fishing waters generally are moving waters where fish can migrate or natural lakes. Open waters may be declared closed, however, if the water is closed in such a way to prevent migration of legal-sized fish. The principal characteristic of closed water is that it is not connected to other bodies of water suitable for migration of legal-sized fish. Constructed fish ponds and hatchery ponds also are considered closed waters because they do not permit fish migration. A pond (Teich) is a created body of water that can be drained by locks. Fishing rights for closed waters must be held by one person.
- b. **Use of Banks.** Use of stream and pond banks is necessary while fishing. Although the interests of fishermen and persons who own the banks may conflict, it has become a commonly accepted right for fishermen to use about 1 meter of the banks without legal permission by the landowners. Fishermen have exclusive use of the banks, but they may not use buildings, yards, gardens, forest, cultures, industrial plants, fenced-in areas, and structures to which entry is forbidden or limited by law.
- c. **Water Pollution.** Permit holders must report the presence of dead fish immediately to the respective water rights owner or lease holder so that a chemical analysis may be made immediately. Fishermen also are requested to report any fishing violations they observe while fishing. The sudden and indiscriminate presence of many dead fish strongly indicates water pollution, rather than a fish disease that is limited to a certain species or age group.
- d. **Minimum Length of Fish.** Most game fish must reach a prescribed minimum length before they may be kept. This restriction allows fish to reproduce at least once before they may be kept. This restriction allows fish to reproduce at least once before being removed. The fish is measured from the tip of its head to the end of the longest part of the caudal (tail) fin. Undersized Nose Carp,, Roach, Rudd, and other fish species, for which no minimum length is established, may be kept and used as dead bait fish in mist fishing waters. All other undersized fish must be immediately and carefully released.
- e. **Creel Limits.** Creel limits are supplementary conservation measures to ensure an abundance of game fish for a large number of fishermen. These restrictions are not imposed by German law, but rather, left to the sound judgment of fishing rights owners and leaseholders. Creel limits generally are established only for club and commercial fishing waters and are usually indicated on the permit. Permit holders will not exceed creel limits.
- f. **Closed Season.** A closed season has been established for the most common game fish species to conserve and protect the fish population by allowing the fish to spawn. Catching these species is forbidden during closed seasons.

11. FISHING RESTRICTIONS.

The most important prohibitions and controls are listed below:

- a. Fishing without a license and permit.
- b. Catching fish during closed seasons.
- c. Taking undersized fish.
- d. Fishing beyond the boundaries specified in the permit.

- e. Catching fish with spears, electric rods, iron-pointed instruments, chemicals, dynamite, or poison.
- f. Attracting fish by illuminated devices.
- g. Trespassing through buildings, yards, gardens, forest cultures, tilles fields, industrial plants, and fenced-in areas.
- h. Restrictions on Night fishing released by the local Fishing Authority/Country Office (Landratsamt).
- i. No proper killing on fish.
- j. Put and Take (stocking legal size fish for a fishing event without waiting 14 days to 4 weeks before fishing).
- k. Catch and keep undersized fish.

ANIMAL PROTECTION ACT

- (1) Article 17 of the APA dictates a punishment of up to 2 years in prison or a fine for whoever kills a vertebrate for no valid reason, or inflicts considerable suffering or pain. Current court rulings imply that live bait fish do suffer pain.
- (2) The only exception to the APA involves fishing in heavy weed cover, considerable variation in water depth, or conservation fishing to remove undesirable fish species. In each case, fishermen must make a decision for which they take full responsibility.

Fishing Derbies. Based on recent court rulings, fishing organizations are restricted in the conduct of fishing contests. It is illegal to:

- (1) Conduct fishing derbies for the sole purpose of catching fish for prizes.
- (2) Keep fish in containers for the purpose of recording their weight and then returning them to the water.

Proper Fishing. Fishermen are reminded that the following rules apply in GE.

- (1) Fish cannot be returned to the water unless they are undersized or caught during closed season.
- (2) Caught fish must be killed immediately.
- (3) Caught fish must be put to good use (for example, as food for humans, as animal fodder).