



Council of the
European Union

Brussels, 5 September 2018
(OR. en)

11827/18

**Interinstitutional File:
2018/0321(NLE)**

PECHE 321

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	4 September 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 613 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2018/120 as regards fishing opportunities for European seabass

Delegations will find attached document COM(2018) 613 final.

Encl.: COM(2018) 613 final



Brussels, 4.9.2018
COM(2018) 613 final

2018/0321 (NLE)

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) 2018/120 as regards fishing opportunities for European seabass

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Council Regulation (EU) No 2018/120 fixes for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters. These fishing opportunities are usually amended several times during the period in which they are in effect.

- **Consistency with existing policy provisions in the policy area**

The measures proposed are designed in accordance with the objectives and the rules of the Common Fisheries Policy and are consistent with the Union's policy on sustainable development.

- **Consistency with other Union policies**

The measures proposed are consistent with other Union policies, in particular with the policies in the field of environment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union.

The Union's obligations for sustainable exploitation of living aquatic resources arise from obligations set out in Article 2 of the new basic regulation of the CFP.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union exclusive competence as referred to in Article 3(1)(d) of the Treaty. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle for the following reason: the CFP is a common policy. According to Article 43(3) of the Treaty it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities.

- **Choice of the instrument**

Proposed instrument: regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

The Proposal takes into account the feedback from the stakeholders, Advisory Councils, the national administrations, fishermen organisations and non-governmental organisations.

- **Collection and use of expertise**

The Proposal is based on the scientific advice of the International Council for the Exploration of the Sea (ICES)¹.

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the Treaty.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposed measures will have no budgetary implications.

5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

The proposed amendments seek to modify Regulation 2018/120 as described below.

European seabass

On 2 July 2018 ICES has issued revised advice for 2018 for European seabass in ICES divisions 4b–c, 7a, and 7d–h (central and southern North Sea, Irish Sea, English Channel, Bristol Channel, and Celtic Sea). In this advice ICES indicated a lower fishing mortality from recreational fisheries and a higher survival rate from the catch-and-release practice than previously estimated. Therefore, it is appropriate to introduce a daily bag limit of one fish per day for recreational fishermen applicable in October – December 2018.

¹ <http://www.ices.dk/community/advisory-process/Pages/Latest-advice.aspx>

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) 2018/120 as regards fishing opportunities for European seabass

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2018/120² fixes for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.
- (2) The International Council for the Exploration of the Sea (ICES) submitted revised advice for European seabass (*Dicentrarchus labrax*) in ICES divisions 4b–c, 7a, and 7d–h (central and southern North Sea, Irish Sea, English Channel, Bristol Channel, and Celtic Sea) for 2018. According to that advice, in order to be in line with the maximum sustainable yield (MSY), total commercial and recreational removals in 2018 should be no more than 880 tonnes. Owing to the set of measures ensuring the recovery of the stock, the biomass is expected to increase in 2018. In that advice ICES also indicated a lower fishing mortality from recreational fisheries and a higher survival rate from the catch-and-release practice (fishing mortality rate of 5%) than previously estimated (15%). Therefore, it is appropriate that one fish per fisherman per day may be retained in recreational fisheries taking place in October – December 2018.
- (3) Regulation (EU) 2018/120 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 9 of Regulation (EU) 2018/120, paragraph 4 is replaced by the following:

"4. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 7a to 7k:

- a) from 1 January 2018 to 30 September 2018, only catch-and-release fishing for European seabass shall be allowed. During that period, it shall be prohibited to retain on board, relocate, tranship or land European seabass caught in that area;
- b) from 1 October to 31 December 2018, not more than one specimen of European seabass may be retained per fisherman per day."

² Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 27, 31.1.2018, p. 1)

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*