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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Council Regulation fixing for 2020 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 - <i>Statements</i>

Delegations will find attached statements by the Commission and Member States.

On Undulate Ray in 8 (Commission)

The Commission will request scientific advice from ICES on the opportunity to set an autonomous TAC for undulate ray in ICES subarea 8. The Commission will ask ICES to provide, if possible, this advice in time for it to be considered in the first amendment to the 2020 fishing opportunities. On the basis of the scientific advice, if appropriate, the Commission will consider proposing an amendment to the 2020 fishing opportunities.

On de minimis deductions for ling in the North Sea and Norway lobster in Skagerrak and Kattegat (Commission)

The Commission takes note of the intention of the Member States of the North Sea Regional Group (Scheveningen Group) to submit a revised joint recommendation reinserting the de minimis exemption for ling below minimum conservation reference size for vessels using bottom trawls (OTB, OTT and PTB) of mesh size >120mm in the North Sea (ICES area 4), and also reintroducing the high survivability exemption for nephrops in ICES division 3a caught with bottom trawls (OTB, OTT, TBN) fitted with a cod-end with a mesh size of at least 70 mm equipped with a selective grid with a bar spacing of maximum 35 mm.

Provided that the revised discard plan is adopted, following the STECF assessment, the Commission will consider, if appropriate, submitting a proposal for an in-year amendment to the 2020 fishing opportunities regulation adjusting the level of the TACs for ling and nephrops to take into account the permitted discard rate.

On the International Greenland halibut by-catch quota
(Estonia, Latvia, Lithuania, Poland and the Commission)

The Commission and the Member States concerned will seek a long-term solution for the Greenland halibut by-catch issue in combination fishery, taking into account the scientific advice. The Commission will engage with the relevant Coastal States with the aim of reaching an agreement on sustainable joint management of Greenland halibut in the Barents Sea, based on the previous catch record of the European Union. If it is not possible to reach an agreement, the Commission will consider making appropriate proposals for the unilateral quota, on the basis of the scientific advice and the historic catch record.

On the possibility to establish multiannual TACs for stocks in the North-East Atlantic
(Commission, France, the Netherlands, Spain and Sweden)

EU fisheries management in the North-East Atlantic could benefit from increased predictability and stability in the setting of the Total Allowable Catch (TACs). For some stocks in the North-East Atlantic that are managed by the European Union only (not shared stocks), the establishment of multiannual TACs could be envisaged to achieve this objective.

The Commission will request ICES to carry out a scientific assessment of the possibility of changing the timeframe for certain TACs in light of the requirement to ensure that the stock concerned remains at MSY and within safe biological limits in the short and medium term. In addition to the multiannual TACs system, ICES will be requested to assess the potential contribution of the application of other conservation tools to maintain the stock concerned at MSY and within safe biological limits.

For the TACs that would continue being set annually, ICES will be asked to analyse possible approaches to contribute to inter-annual stability of TACs.

On scientific assessment for shrimp on Fladen ground in the North Sea (Denmark)

Denmark undertakes to explore the possibility for a cost-efficient (based on data from a commercial fishery) improvement of the scientific assessment for shrimp on Fladen ground in the North Sea, with the long-term aim of achieving an analytical assessment for this stock by ICES.

On a project on fully documented fisheries in the Kattegat (Denmark)

The project will cover the majority of the Danish fisheries with bottom trawls in the Kattegat.

The project will be based on the requirements and standards defined in the EFCA paper on technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries.

The project will start in January 2020 and will be implemented in three phases. The project will be managed by a Steering Committee.

- Phase 1 (January - August 2020) - preparatory phase. In this phase no use of actual fully documented fisheries will take place, but the introduction will be prepared.
- Phase 2 (September 2020 – June 2022) - implementation phase. In this phase, the use of fully documented fishery is gradually introduced and used as a supplementary control measure in the bottom trawl fishery in Kattegat.
- Phase 3 (July 2022 - December 2022) - evaluation phase. In this phase, the use of fully documented fisheries continues as in phase 2, but an evaluation of the project will be carried out in cooperation with EFCA.

In September 2020 the first cameras will be installed on the first vessels (criteria for selecting vessels will be set by the Steering Committee). The timeline for introduction of fully documented fisheries for remaining vessels will be laid out by the Steering Committee.

Vessels not covered by fully documented fisheries will have to use selective gears defined in the regulation.

Vessels covered by fully documented fishery will use gears in accordance with the technical measures regulation or other gear that are equally selective.

Vessels that take on board equipment for fully documented fishery in 2020 will not be obliged to use the selective gears as defined in the TAC and quota regulation in 2020.

Commitment on the part of France and Spain concerning seabass fisheries in the Bay of Biscay

In order to comply with the catch ceiling of 2533 tonnes recommended by ICES, France and Spain undertake, where commercial catches are concerned, to ensure compliance with an overall ceiling for commercial catches defined as follows:

- For France, a ceiling set at 95% of the share allocated to commercial fisheries, plus 20 tonnes, i.e. 2032 tonnes for 2020.
- For Spain, a ceiling set at 5% of the share allocated to commercial fisheries, less 20 tonnes, i.e. 86 tonnes for 2020.

On cod in the North Sea (United Kingdom)

The United Kingdom is committed to the use of the best scientific advice and available evidence to inform sustainable stock management decisions. Cod is widely distributed throughout the North Sea, but there are now indications of differences that have developed over a period of time in the abundance of cod throughout the North Sea. Any implications of these differences for advice and management decisions are not clear and so the United Kingdom urges that work commence immediately to improve overall understanding of the impacts such differences may have on the scientific advice that is generated by ICES. This work should be completed so that it can inform negotiations and management decisions next year.

On the Norway lobster fishery in functional units 25 and 31 (Spain and Commission)

Spain is committed to the sustainability of the Norway lobster fishery. Spain will continue working with its scientific body, with the support of the fishing industry, in order to improve the scientific knowledge for these stocks. This scientific knowledge should be submitted to the relevant ICES working group, with a view to assessing the evolution of the stocks concerned. Following a clear positive evolution in these stocks, leading to a re-evaluation of the current zero TAC status by ICES, the Commission will consider appropriate proposals for amending the fishing opportunities for this stock.

On the basis of TAC setting for plaice in the Channel (The Commission)

The Commission will request the STECF to review the basis for combining catch advice for plaice in ICES divisions 7d and 7e for the TAC unit PLE/7DE. Following STECF review the Commission will consider, if appropriate, submitting a proposal for an in-year amendment to the 2020 fishing opportunities regulation adjusting the level of the TAC for plaice to take into account any necessary revision.

On inter area flexibility for plaice in the Celtic Sea (Commission, France, the Netherlands and the United Kingdom)

France, the Netherlands, the United Kingdom and the Commission recognise that the stock structure for plaice in the Celtic Sea is not well known (category 3). Consequently, the Commission will request ICES to assess how the scientific knowledge of the plaice stock in the Celtic Sea can be improved, with a view to assessing the impact of a possible inter-area flexibility for plaice between 7e or 7fg and 7hjk.

On the application of Article 15(9) in the Basic Regulation for COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK in 2020 (Belgium, Denmark, France, Germany, Ireland, the Netherlands, Sweden and the United Kingdom)

Given that the biomass of the stocks of COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK is below B_{lim} and that only by-catch [and scientific fisheries] will be permitted in 2020, in order to ensure the recovery of the stocks in accordance with Regulation (EU) [NS MAP / WW MAP], Belgium, Denmark, France, Germany, Ireland, the Netherlands, Sweden and the United Kingdom undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2020. This undertaking is a response to the current exceptional circumstances for these stocks.

On inter-area flexibility for different biological stocks (Commission)

The Commission will submit a request to ICES to provide scientific advice on whether the inter-area flexibility would be sustainable, also in the long term, noting that the current scientific advice indicates that this flexibility would apply to two different stocks. The following requests will be submitted:

Member State	Species	From	To	% flexibility requested	Conditions
France	Pollack	7	8abde	5%	
France	Whiting	2a, 4	7b-k	5%	7d only

On cod in the Celtic Sea (Commission)

The Commission recognises Council efforts to protect cod in the Celtic Sea, through increased selectivity measures such as the increase of mesh size and the use of selective fishing gears. However, given the historically low biomass level of cod in the Celtic Sea (the biomass value is at 1665 tonnes and the B_{lim} value at 7300 tonnes), the Commission would have preferred that the TAC for Celtic Sea cod had been set at a more cautious level, aimed at ensuring a more rapid recovery of the stock, taking into account the objectives of the Western Waters multiannual plan.

On exemption deductions for plaice in the Kattegat (Commission)

Following further clarification by Denmark, Germany and Sweden of their 2018 landings and discards of plaice by vessels that shall be exempted from the landing obligation in the Kattegat in 2020, the Commission will consider, if appropriate, submitting a proposal for an in-year amendment to the 2020 fishing opportunities regulation adjusting the level of the PLE/03AS. TAC for plaice to take into account the revised permitted discard rate.

Hague Preferences (Belgium, Germany, Denmark, France and the Netherlands)

Belgium, Denmark, Germany, France and the Netherlands are of the opinion that the scales for the allocation of quotas for Member States were agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

**On commitment to solve choke species of Member States with zero quota allocation by swaps
(North West Waters Group, i.e. Belgium, France, Ireland, the Netherlands, Spain and the
United Kingdom)**

The Member States concerned will endeavour to undertake the necessary swaps to avoid choke situations for the following stocks, covering the needs from Member States without quota allocation in those stocks:

- Saithe, POK 7/3411
- Sole, SOL/7BC.
- Sole, SOL/56-14
- Sole, SOL/7FG
- Cod, COD/5W6-14
- Plaice, PLE/56-14
- Plaice, PLE/7BC
- Whiting, WHG/7X7A-C
- Boarfish, BOR/678

The amount of quota exchanged from this list should aim at allowing Member States without quota allocation to effectively operate from 1st of January 2020 covering the estimated unavoidable bycatches from each Member State.

Member States receiving the swaps will provide in exchange quotas from Annex IA of the Fishing Opportunities Regulation.

Member States commit themselves to make efforts to find a compromise and to arrange fair quota swaps by using a market exchange rate or other mutually acceptable exchange rates. In absence of alternatives, the equivalent economic value in accordance to the average EU prices of the previous year, as provided by EUMOFA, will be used.

On quota exchanges for southern hake, anglerfish and megrims in division 8c and subarea 9
(Portugal and Spain)

Spain and Portugal will agree on necessary quota swaps for hake, anglerfish and megrims in the Iberian waters to avoid "choke" situations.