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NOTE

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. Cion doc.: | 13731/18 PECHE 444 + ADD 1-2 - COM(2018) 732 final |
| Subject: | Proposal for a COUNCIL REGULATION fixing for 2019 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 quota exchanges for southern hake, anglerfish and megrims in division 8c (Spain and Portugal)

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

On by-catch reduction plans and control measures (North West Waters Group, i.e. Belgium, France, Ireland, the Netherlands, Spain and the United Kingdom, and the Commission)

Member States cooperating in the North-Western Waters, in close cooperation with the North Western Waters Advisory Council, will prepare a by-catch reduction plan to ensure that by-catches of the stocks for which ICES has issued zero catch advice for 2019 are reduced through selectivity or avoidance measures. To this end the Member States concerned will submit to the Commission a by-catch reduction plan at the latest on 30 April 2019. By-catch reduction plans will contain measures such as more selective gears, area closures, real time closures, avoidance measures and move-on rules. They may build on the latest relevant discard plans. The by-catch reduction plans should be adapted to the species in question and be chosen from the above catalogue of measures according to the specificities of each fishery. The plans will be assessed by the STECF regarding their effectiveness. The Chair of the North Western Waters Group will report to the Commission by 1 October every year on progress achieved with the by-catch reduction plan.

In line with the Control Regulation, the Member States will undertake all appropriate control measures to ensure that by-catches of the stocks for which ICES has issued zero catch advice for 2019 are strictly unavoidable and that no discards take place beyond levels allowed by the discard plan. By 1 July 2019 the Member States concerned will inform the Commission of the control measures taken.

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/5614

- Sole, SOL/7FG

- Cod, COD/5W6-14

- Plaice, PLE/56-14

- Plaice, PLE/7BC

The amount of quota exchanged from this list should aim at allowing Member States without quota allocation to effectively operate from 1st of January 2019 covering the estimated unavoidable by-catches 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 sentinel fishery for Norway lobster in functional unit 31 (Commission)

Spain has submitted a request for a sentinel fishery for Norway lobster in functional unit 31, which could allow collecting necessary catch/landing data for that functional unit. On the basis of this request, the Commission will ask ICES to:

- Assess a level of catches that would minimise impact on the stock but would be sufficient to allow collection of LPUE data for potential use as an abundance index;
- Suggest any specific conditions that should apply to the fishery, and data collected, in order for it to be useful in an abundance index context – i.e. trips, timeframe, geographical area, etc.

Following the scientific advice the Commission will consider submitting an appropriate proposal for amending the 2019 fishing opportunities.

On whiting in subarea 8 (Commission)

The Commission will request updated scientific advice from ICES for whiting in ICES subarea 8 taking into account the latest information on discard levels. On the basis of the scientific advice, if appropriate, the Commission will consider proposing an amendment to the 2019 fishing opportunities.

On by catches of greater silver smelt and boarfish (Commission)

As regards greater silver smelt, Spain has submitted a request to remove subarea 7 from the TAC, which currently covers subareas 5, 6 and 7 (ARU/567).

As regards boarfish, Spain has submitted a request to remove subareas 8b and 8c from the TAC, which currently covers subareas 6, 7 and 8 (BOR/678).

On the basis of these requests, the Commission will ask ICES in early 2019 to assess what consequences such removals would have upon these stocks, in particular whether the removals would have any impact on the requirement to ensure that the stocks concerned are exploited sustainably in the short and middle term. ICES will be further requested to assess whether the application of other conservation tools in absence of TACs for greater silver smelt in subarea 7 and for boarfish in subarea 8 could contribute to the sustainable management of the stocks concerned.

Following the scientific advice, if appropriate, the Commission will consider submitting a proposal for amending the 2019 fishing opportunities.

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:

| MS | Species | From | To | % flexibility requested | Conditions |
|--------------|----------------|-------------|-----------|--------------------------------|-----------------------|
| Belgium | Haddock | 2a, 4 | 7b-k | 10% | 5% (FR) 7d only (IE) |
| Belgium | Plaice | 7d | 7fg | 5% | Bycatch sole fishery |
| Belgium | Whiting | 7b-k | 8 | 5% | Bycatch sole fishery |
| France/Spain | Pollack | 7 | 8abde | 5% | 2% flexibility exists |
| France | Whiting | 2a, 4 | 7b-k | 5% | 7d only (IE) |
| France/Spain | Skates & rays | 6, 7 | 8, 9 | 10% | |
| France | Plaice | 7fg | 7hjk | 5% | |

On de minimis deduction for whiting and cod in the North sea **(COM and North Sea Member States)**

The Commission takes note of the intention of the Member States of the North Sea Regional Group to submit a revised joint recommendation amending the de minimis exemption for whiting and cod for the vessels using bottom trawls (OTB, OTT, SDN, SSC) of mesh size 70-99mm (TR2) in Southern North Sea (ICES subarea 4c), and the de minimis exemption for whiting and cod for the vessels using bottom trawls (OTB, OTT, SDN, SSC) of mesh size 70-99mm (TR2) in Central and Northern North Sea (ICES subareas 4a and 4b).

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 2019 fishing opportunities regulation adjusting the level of the TACs for whiting and cod to take into account the revised permitted discard rate.

On the level of unavoidable whiting by-catches in the Irish Sea (Commission)

The Commission will submit an urgent request to ICES to provide updated scientific advice on unavoidable by-catch levels of whiting in the Irish Sea mixed fisheries in 2019. Following this advice, the Commission will consider submitting as soon as possible a proposal for amending the level of the TAC in the 2019 fishing opportunities.

Hague Preferences (Belgium, Denmark, France and Germany)

Belgium, Denmark, Germany and France 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 Cod in the Celtic Sea (United Kingdom)

“The UK calls for a review of the 2019 TAC for Cod in 7bc,e-k, and that the TAC should reflect the landing statistics in 2018, applied within the ICES Celtic Sea mixed fisheries model”

On the Regional Groups (United Kingdom)

Where the 2019 TAC and Quota Regulation or other associated documents make reference to the Regional Groups or High Level Groups, the United Kingdom would like to remind interested parties that after 29 March 2019 the UK will no longer be a Member State and possibly no longer able to attend these meetings or be directly involved in their decisions or recommendations.

The United Kingdom would encourage all relevant parties to agree, in due course, a mechanism for the views of the United Kingdom to be taken into account during any meetings relevant to the United Kingdom during the transitional period.

On the review of Landing Obligation (United Kingdom)

The United Kingdom considers that in the first year of full implementation of the landing obligation it is appropriate for the Commission, in partnership with relevant parties, to undertake a review of the operation of the Landing Obligation across all waters and stocks.

The review should be completed in time for any measures to be considered and applied in time to improve its operability in the second half of 2019 as required.

The review should consider all aspects relevant to the effective implementation to the landing obligation including:

- TAC levels;
- the operation of quota swaps, especially in relation to stocks subject to zero TAC advice;
- implementation of the prohibition or TAC removal for relevant stocks.

On Hague preferences (Ireland)

Ireland considers that the Hague Preference constitutes an integral part of relative stability, reflecting the need to safeguard the special needs of regions where local populations are especially dependent on fisheries and related industries. This is specifically recognised in Community fisheries policy and was set down in Council Regulation No 170/83, Council Regulation No 3760/92, Council Regulation No 2371/2002. It has again been restated in Council Regulation No 1380/2013.

On the quota exchange mechanism (Latvia)

Latvia considers that the approach initiated by the members of the North West Waters Group to solve the choke species problem via a quota exchange mechanism, should be seen as an ad hoc solution, applicable and limited to the waters and species specified by this Regulation. This proposal should not prejudge any other approaches to be considered as the most appropriate solution to choke species problem in other regions, including the Baltic Sea where Latvia still believes that the most appropriate solution is the application of inter-species flexibility which has been used to settle the problem in the Baltic so far.
