



Council of the  
European Union

Brussels, 16 November 2018  
(OR. en)

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Interinstitutional File:  
2018/0347(NLE)

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13601/1/18  
REV 1

LIMITE

PECHE 432

#### NOTE

From:	Presidency
To:	Council
No. Cion doc.:	12841/18 PECHE 382 + ADD 1
Subject:	Proposal for a Council Regulation fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks - Political agreement

#### I. INTRODUCTION

1. On 10 October 2018, the European Commission submitted to the Council a proposal for a Council Regulation fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks<sup>1</sup>. The Commission updated the proposal on 25 October 2018 with a non-paper on deep-sea sharks<sup>2</sup>.
2. The proposal aims at fixing the total allowable catches (TACs) of **five fish species** for the upcoming two years: **Deep-sea sharks** (three stocks), **Black scabbardfish** (two stocks), **Alfonsinos** (one stock), **Roundnose grenadier** (three stocks) and **Red seabream** (three stocks).

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<sup>1</sup> Cf. doc. 12841/18 PECHE 382 + ADD 1.

<sup>2</sup> Cf. doc. 13518/18 PECHE 425.

3. Due to the uncertainty of the available scientific information on these data-poor stocks, the TACs proposed are now **all precautionary** when compared to the TACs fixed in the Council Regulation covering the years 2017 and 2018<sup>3</sup>.
4. The Commission proposes to **decrease TACs** for these five species due to indications that the fishing pressure remains too high, except for **Roundnose grenadier** in EU and international waters of 8-10, 12 and 14, and **Red seabream** in EU and international waters of 10, where a **moderate increase** is proposed.
5. The proposal includes a specific **prohibition of direct fisheries of deep-sea sharks** in Art. 7(2). The possibility of by-catch in fisheries of Black scabbardfish with longlines remains.
6. The Commission proposes to **delegate the TAC setting for Black scabbardfish** in EU and international waters of CECAF 34.1.2 to the only concerned Member State (PT).
7. Finally, the **TACs for three stocks** that are part of the current regulation<sup>4</sup> are **not included** in the proposal: **Black scabbardfish** in subareas 1-4 due to low quota uptake and the absence of targeted fishery; **Roundnose grenadier** in subareas 1-2 and 4 together with **Greater forkbeard** in subareas 1-10, 12 and 14, on the basis of scientific advice indicating low or no risk of unsustainable exploitation.
8. The European Parliament's and the Economic and Social Committee's opinions are not required (Art. 43(3) TFEU).

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<sup>3</sup> Cf. Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72 (OJ L 344, 17.12.2016, p. 32).

<sup>4</sup> See footnote 3.

9. The Working Party on Internal and External Fisheries examined the proposal at its meetings on 11 October, 26 October and 8 November 2018. An overview of the delegations' positions is set out in doc. 13655/18 REV 1 PECHE 435. Delegations **generally welcome** the Commission proposal that takes into account most ICES recommendations and the upcoming full landing obligation. They are also favourable to the inclusion of the prohibition of direct fisheries of deep-sea sharks.
10. COREPER discussed the proposal on 14 November 2018 in preparation of the Agrifish Council of 19 November 2018. ES, FR and PT reiterated their requests made in the Working Party. ES and FR referred to ongoing work on common national measures for Red seabream of areas 6-8. DK recalled the future choke risk that could be created in absence of a TAC removal for Roundnose grenadier in area 3.
11. DK and UK have parliamentary scrutiny reservations.
12. Delegations can accept the Commission proposal on the following issues:
- the **TAC increases** for **Roundnose grenadier** in EU and international waters of 8-10, 12 and 14 (+9% for 2019 and a rollover for 2020), and for **Red Seabream** in EU and international waters of 10 (+11% increase for 2019 and a rollover for 2020).
  - the **TAC removals** for **Black scabbardfish** in subareas 1-4, **Roundnose grenadier** in subareas 1-2 and 4, and **Greater forkbeard** in subareas 1-10, 12 and 14.
  - the **prohibition** of direct fisheries of **deep-sea sharks**.

13. The Presidency believes that the following **principles** should guide the discussions and the final decision:

- a strong commitment to the objectives of the **Common Fisheries Policy** (CFP) as laid down in Art. 39 of the TFEU and Art. 2 of the CFP<sup>5</sup>, including the achievement of MSY no later than 2020;
- the consideration of objective **scientific advice**.

## II. OUTSTANDING ISSUES

14. The main outstanding issues concern:

### **Deep-sea sharks**

- **for all stocks in all areas (by-catches only)**: the Commission proposes 7 tonnes. PT asks for a rollover (10 tonnes) since the proposed 7 tonnes would not be sufficient to collect data under ongoing national scientific studies.

### **Black scabbardfish**

- **in EU and international waters of 5-7 and 12**: the Commission proposes a decrease for 2019 (-8%) followed by a rollover in 2020. ES requests a higher TAC (+8%) in line with scientific advice and FR asks for a rollover of the 2018 TAC in line with scientific advice.

- **in EU and international waters of 8-10**: the Commission proposes a decrease for the first year (-6%), followed by a rollover in 2020. PT asks for an increase (a quota of 3102 tonnes) in line with scientific advice.

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<sup>5</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

### **Alfonsinos**

- **in EU and international waters of 3-10, 12 and 14 (by-catches only):** the Commission proposes -20% for 2019, followed by a rollover in 2020. To avoid a choke situation, ES asks for a lower reduction and PT request a rollover. ES refers to additional national measures currently under preparation.

### **Roundnose grenadier**

- **in EU and international waters of 5b-7 (by-catches only):** the Commission proposes -21% for 2019, followed by a rollover for 2020. FR, supported by EE and LT, requests a rollover in line with the scientific advice.

### **Red seabream**

- **in EU and international waters of 6-8 (by-catches only):** the Commission proposes -20% for each year. ES and FR oppose it due to risks of creating a choke situation with serious socioeconomic consequences for their artisanal fleets. Instead, ES asks for -20% only in 2019 and a rollover in 2020, and FR suggests -10% for each year. Both FR and ES complement their request with additional national measures.

- **in EU and international waters of 9:** the Commission proposes -10% for 2019 followed by a rollover in 2020. PT asks for a rollover to avoid a choke situation in the context of mixed fisheries of demersal species, where catches of this stock are very difficult to avoid.

15. The Presidency is of the view that a final compromise can be reached with some flexibility shown by all parties concerned.

## **III. CONCLUSION**

16. Council is invited to examine the outstanding issues mentioned above under point II with a view to finding a political agreement at Council.