



Council of the
European Union

Brussels, 30 November 2016
(OR. en)

15023/16

Interinstitutional File:
2016/0344 (NLE)

PECHE 456

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13797/16 PECHE 400 + ADD 1-2 - COM(2016) 698 final
Subject:	Updates to Commission Proposal COM (2016) 698, fixing for 2017 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

Delegations will find attached a non-paper with updates to the above-mentioned proposal, as received from the European Commission services. This document will be discussed at a forthcoming meeting of the Working Party on Internal and External Fisheries Policy.

COMMISSION SERVICES NON PAPER

29 November 2016

This document serves as a basis for discussion at the Working Party on Internal and External Fisheries Policy. It cannot in any circumstances be regarded as the official position of the Commission. It is intended solely for those to whom it is addressed.

Updates to Commission Proposal COM (2016) 698, fixing for 2017 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

Contents

1.	AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING ICCAT....	2
2.	AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING TOP-UP CALCULATIONS.....	8
3.	AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING CERTAIN STOCKS IN ANNEX IA.....	10
4.	AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING CCAMLR11	
5.	AMENDMENTS TO COMMISSION PROPOSAL REGARDING ARTICLE 8 AND ANNEX IIA	15

1. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING ICCAT

Commission Proposal is modified as follows:

1. Recital 24 is replaced by the following:

"At its Annual Meeting in 2016, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted an extension of the TAC and quotas for North and South Atlantic albacore and North and South Atlantic swordfish and an extension of the TAC for yellowfin tuna. Furthermore, it also set a catch limit for North Atlantic blue shark, East Atlantic and West Atlantic sailfish and confirmed for 2016 TACs and quotas previously established for bluefin tuna and bigeye tuna. Concerning blue and white marlins, ICCAT confirmed for 2016 the TACs previously established and accepted the proposed payback plan proposed by the EU due to the overharvest by Spain in 2014 and 2015. As it is already the case for the stock of bluefin tuna, it is appropriate that catches in recreational fisheries of all other ICCAT stocks should be subject to the catch limits as adopted by that organisation. Furthermore, Union fishing vessels of at least 20 meter length fishing for bigeye tuna in the ICCAT Convention Area should be subject to the capacity limitations adopted by ICCAT in the ICCAT Recommendation 15-01. All these measures should be implemented in the law of the Union."

2. The following recital is inserted after recital 24:

"At its Annual Meeting in 2016, ICCAT adopted a TAC for Mediterranean swordfish for 2017 of 10 500 tonnes. The allocation of the TAC among the relevant ICCAT Contracting Parties will be fixed in early 2017 by a dedicated working group. When this allocation is agreed and when the fishing opportunities allocated to the Union are known, it will be necessary to establish an allocation key for the Member States and to amend Annex ID to fix the corresponding quota for each Member State concerned."

3. The following species are added to the comparative tables of Latin names and common names:

<i>Istiophorus albicans</i>	SAI	Sailfish
<i>Prionace glauca</i>	BSH	Blue shark
<i>Thunnus albacares</i>	YFT	Yellowfin tuna

Blue shark	BSH	<i>Prionace glauca</i>
Sailfish	SAI	<i>Istiophorus albicans</i>
Yellowfin tuna	YFT	<i>Thunnus albacares</i>

4. Annex ID is replaced by the following:

" ANNEX ID

ICCAT CONVENTION AREA

The TACs adopted in the framework of ICCAT for bluefin tuna, North and South Atlantic swordfish, North and South Atlantic albacore, bigeye tuna, blue marlin and white marlin are allocated to the Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) of ICCAT and their Union's share is therefore determined.

The TACs adopted in the framework of ICCAT for yellowfin tuna, sailfish and blue sharks are not allocated to the CPCs of ICCAT and hence their Union's share is undetermined.

Species:	Bluefin tuna <i>Thunnus thynnus</i>	Zone:	Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM)
Cyprus	117.66 (4)	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
Greece	218.7		
Spain	4 243.57 (2)(4)		
France	4 187.30 (2)(3)(4)		
Croatia	661.82 (6)		
Italy	3 304.82 (4)(5)		
Malta	271.14 (4)		
Portugal	399.03		
Other Member States	47.32 (1)		
Union	13 451.36 (2)(3)(4)(5)		

TAC 22 705

- (1) Except Cyprus, Greece, Spain, France, Croatia, Italy, Malta and Portugal, and exclusively as by-catch.
- (2) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 1 of Annex IV (BFT/*8301):
- | | |
|--------|--------|
| Spain | 642.92 |
| France | 298.67 |
| Union | 941.59 |
- (3) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex IV (BFT/*641):
- | | |
|--------|-----|
| France | 100 |
| Union | 100 |
- (4) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between and 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 2 of Annex IV (BFT/*8302):
- | | |
|--------|-------|
| Spain | 84.87 |
| France | 83.74 |
| Italy | 66.09 |
| Cyprus | 5.42 |
| Malta | 7.98 |
| Union | 247.1 |
- (5) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between and 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex IV (BFT/*643):

	Italy	66.10
	Union	66.10
(6)	Special Condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex IV for farming purposes (BFT/*8303F):	
	Croatia	595.63
	Union	595.63

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, North of 5° N (SWO/AN05N)
Spain	6 384.14 (2)	Analytical TAC	
Portugal	1 170.83 (2)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Other	130.74		
Member States	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	7 685.70		
TAC	13 700		
(1)	Except Spain and Portugal, and exclusively as by-catch.		
(2)	Special condition: up to 2,39% of this amount may be fished in the Atlantic Ocean, South of 5°N (SWO/*AS05N).		

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, South of 5° N (SWO/AS05N)
Spain	4 715.27 ⁽¹⁾	Analytical TAC	
Portugal	508.90 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	5 224.17	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	15 000		
(1)	Special condition: up to 3,51% of this amount may be fished in the Atlantic Ocean, North of 5° N (SWO/*AN05N).		

Species:	Northern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	2 516.28	Analytical TAC	
Spain	16 738.53	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	5 245.38	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	244.46		
Portugal	2 194.47		
Union	26 939.13 (1)		
TAC	28 000		
(1)	The number of Union fishing vessels fishing for northern albacore as a target species, in accordance with Article 12 of Regulation (EC) No 520/2007, shall be as follows:		
	1 253		

Species:	Southern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, south of 5° N (ALB/AS05N)
Spain	905.86	Analytical TAC	
France	297.70	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	633.94	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	1 837.50		
TAC	24 000		

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	Atlantic Ocean (BET/ATLANT)
Spain	11 299.61	Analytical TAC	
France	4 799.58	Article 3 of Regulation (EC) No 847/96 shall not apply	

Portugal	4 289.86	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	20 389.05	
TAC	65 000	
Species:	Blue marlin <i>Makaira nigricans</i>	Zone: Atlantic Ocean (BUM/ATLANT)
Spain	0	Analytical TAC
France	370.57	Article 3 of Regulation (EC) No 847/96 shall not apply
Portugal	51.33	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	421.91	
TAC	1985	
Species:	White marlin <i>Tetrapturus albidus</i>	Zone: Atlantic Ocean (WHM/ATLANT)
Spain	2.45	Analytical TAC
Portugal	21.45	Article 3 of Regulation (EC) No 847/96 shall not apply
Union	23.9	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	355	
Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone: Atlantic Ocean, (YFT/ATLANT)
TAC	110 000	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
Species:	Sailfish <i>Istiophorus albicans</i>	Zone: Atlantic Ocean, east of 45°W (SAIL/AE45W)
TAC	1 271	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
Species:	Sailfish <i>Istiophorus albicans</i>	Zone: Atlantic Ocean, west of 45°W (SAIL/AW45W)
TAC	1 030	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply

Species:	Blue shark <i>Prionace glauca</i>	Zone:	Atlantic Ocean, north of 5° N (BSH/AN05N)
----------	--------------------------------------	-------	--

TAC 39 102 ⁽¹⁾

Analytical TAC

Article 3 of Regulation (EC) No 847/96 shall not apply

Article 4 of Regulation (EC) No 847/96 shall not apply

(1) The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at EU level

"

5. Point 7 of Annex IV is replaced by the following:

"7. The distribution between the Member States of the maximum number of fishing vessels flying the flag of a Member State authorised to fish for northern albacore as a target species in accordance with Article 12 of Regulation (EC) No 520/2007 shall be as follows:

Member State	Maximum number of vessels
Ireland	50
Spain	730
France	151
United Kingdom	12
Portugal	310

"

6. In Annex IV, the following point is added after point 7:

"8. Maximum number of Union fishing vessels of at least 20 meters length that fish for bigeye tuna in the ICCAT Convention Area shall be as follows:

Member State	Maximum number of vessels with purse seines	Maximum number of vessels with longlines
Spain	23	190
France	11	-
Portugal	-	79
Union	34	269

"

2. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING TOP-UP CALCULATIONS

Overview table for top-ups

Common name	TAC Unit	Code	ICES landings advice	Top-up as % of ICES landing advice	Top-up in tonnes	TAC proposal including top up	Explanation
Haddock	VIIa	HAD/07A	1 558	33.1%	429	2 074	Differential fleet inclusion; average taken between approach based on vessel number and landings percentage
Norway lobster	Union waters of IIa and IV	NEP/2AC4-C	19 771	1.33%	263	20 034	Top-up figure resulting from the methodology , <i>de minimis</i> applied per FU ; top ups for FU's where discard rate higher than de minimis.
Plaice	IIIa Kattegat	PLE/03AS	2 065	13.5%	278	2 343	Top-up figure resulting from the methodology and STECF data.

The corresponding TAC tables in Annex IA of the Commission Proposal are replaced by the TAC tables below. This concerns TAC tables subject to quota uplifts to take into account that the landing obligation applies to certain demersal fisheries.

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	VIIa (HAD/07A.)
Belgium	33	Analytical TAC	
France	150	Article 7(2) of this Regulation applies	
Ireland	898		
United Kingdom	993		
Union	2 074		
TAC	2 074		
Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	Union waters of IIa and IV (NEP/2AC4-C)
Belgium	1 048	Analytical TAC	
Denmark	1 048		
Germany	15		
France	31		
The Netherlands	539		
United Kingdom	17 353		
Union	20 034		
TAC	20 034		
Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	Kattegat (PLE/03AS.)
Denmark	2 086	Analytical TAC	
Germany	23	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	234	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	2 343	Article 7(2) of this Regulation applies	
TAC	2 343		

3. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING CERTAIN STOCKS IN ANNEX IA

The fishing opportunities table for megrims in VIIIa, VIIIb, VIIIc and VIId is replaced by the following:

Species:	Megrims <i>Lepidorhombus spp.</i>	Zone:	VIIIa, VIIIb, VIIIc and VIId (LEZ/8ABDE.)
Spain	717	Analytical TAC	
France	578		
Union	1 295		
TAC	1 295		

4. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING CCAMLR

Commission Proposal COM (2016) 698 is amended as follows:

1. In Annex IE, the following fishing opportunities table is inserted:

Species:	Grenadiers <i>Macrourus spp.</i>	Zone:	FAO 48.3 Antarctic (SRX/F483.)
TAC	138 (1)	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
(1)	Exclusively for by-catches. No directed fisheries are permitted under this TAC.		

(1) Part B of Annex V (excluding the Appendix) is replaced by the following:

PART B
TACs AND BY-CATCH LIMITS FOR EXPLORATORY FISHERIES IN THE CCAMLR CONVENTION AREA IN 2016/2017

Subarea/ Division	Region	Season	SSRUs		<i>Dissostichus Mawsoni</i> catch limit (in tonnes)		By-catch catch limit (in tonnes)		
			SSRU	Limit			Skates and rays	<i>Macrourus</i> spp.	Other species
58.4.1.	Whole Division	1 December 2016 to 30 November 2017	A, B, D, F, H	0	532	5841-1	4	13	13
			C (including 58.4. 1_1, 58.4. 1_2)	161 ¹		5841-2	4	13	13
			E (58.4.1_3, 58.4.1_4)	246		5841-3	12	37	37
			G (including 58.4. 1_5, 58.4.1_6)	125 ¹		5841-4	1	2	2
						5841-5	2	6	6
						5841-6	5	14	14

Subarea/ Division	Region	Season	SSRUs		<i>Dissostichus Mawsoni</i> catch limit (in tonnes)		By-catch catch limit (in tonnes)				
			SSRU	Limit			Skates and rays	<i>Macrourus</i> spp.	Other species		
58.4.2.	Whole Division	1 December 2016 to 30 November 2017	A, B, C, D	0	35		2	6	6		
			E (including 58.4. 2_1)	35							
58.4.3a.	Whole Division5 8.4.3a._1	1 December 2016 to 30 November 2017			32		2	5	5		
			Not relevant								
88.1.	Whole Subarea	1 December 2016 to 31 August 2017	A, D, E, F, M	0	2870 ²						
			B, C, G	378		A, D, E, F, M	0	A, D, E, F, M	0	A, D, E, F, M	0
			H, I, K	2118		B, C, G	50	B, C, G	40	B, C, G	60
			J, L	334		H, I, K	105	H, I, K	320	H, I, K	60
						J, L	50	J, L	70	J, L	40

² Including 40 tonnes for Ross Sea survey.

Subarea/ Division	Region	Season	SSRUs		<i>Dissostichus Mawsoni</i> catch limit (in tonnes)		By-catch catch limit (in tonnes)				
			SSRU	Limit			Skates and rays	<i>Macrourus</i> spp.	Other species		
88.2.		1 December 2016 to 31 August 2017	A, B, I	0	619						
			C, D, E, F, G (88.2_1 to 88.2_4)	419 ³		A, B	50	A, B	32	A, B	20
			H	200		C, D, E, F, G, H, I	10	C, D, E, F, G, H, I	32	C, D, E, F, G, H, I	32

³ Overall limit with no more than 200 tonnes in each research block.

5. AMENDMENTS TO COMMISSION PROPOSAL REGARDING ARTICLE 8 AND ANNEX IIA

1. Point (a) of Article 8 is replaced by the following:

"Annex IIA for the management of plaice and sole stocks in ICES subarea IV;"

2. Annex IIA is replaced by the following:

"ANNEX IIA

FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE MANAGEMENT OF PLAICE AND SOLE STOCKS IN ICES SUBAREA IV

1. SCOPE

- 1.1. This Annex shall apply to Union fishing vessels carrying on board or deploying beam trawls (TBB) of mesh equal to or larger than 80mm and present in ICES subarea IV.
- 1.2. This Annex shall not apply to vessels of less than 10 metres' length overall. Those vessels shall not be required to carry fishing authorisations issued in accordance with Article 7 of Regulation (EC) No 1224/2009. Member States concerned shall assess the fishing effort of those vessels, using appropriate sampling methods.

2. AUTHORISATIONS

If a Member State deems it appropriate in order to reinforce the sustainable implementation of this effort regime, it may introduce a prohibition to fish with regulated gear in any of the geographical areas to which this Annex applies by any of vessels flying its flag which has no record of such fishing activity, unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in that area.

3. MAXIMUM ALLOWABLE FISHING EFFORT

The maximum allowable effort referred to in Article 9(2) of Regulation (EC) No 676/2007 for the management period specified in Article 1(2)(b) of this Regulation shall be as follows:

Regulated gear: BT1+BT2: beam trawls (TBB) of mesh equal to or larger than 80mm

Maximum allowable fishing effort in kilowatt days in ICES subarea IV:

Regulated gear	BE	DK	DE	NL	UK
BT1+BT2	pm	pm	pm	pm	pm

4. MANAGEMENT

- 4.1. Member States shall manage the maximum allowable effort in accordance with the conditions laid down in Article 9 of Regulation (EC) No 676/2007 and Articles 26 to 35 of Regulation (EC) No 1224/2009.
- 4.2. A Member State may establish management periods for allocating all or parts of the maximum allowable effort to individual vessels or groups of vessels. In such case, the number of days or hours for which a vessel may be present within the area during a management period shall be fixed at the discretion of the Member State concerned. During any such management periods, the Member State concerned may reallocate effort between individual vessels or groups of vessels.
- 4.3. If a Member State authorises vessels flying its flag to be present within an area by hours, it shall continue measuring the consumption of days in accordance with the conditions referred to in point 4.1. Upon request by the Commission, the Member State concerned shall demonstrate its precautionary measures taken to avoid an excessive consumption of effort within the area due to a vessel terminating presences in the area before the end of a 24-hour period.

5. FISHING EFFORT REPORT

Article 28 of Regulation (EC) No 1224/2009 shall apply to vessels falling under the scope of this Annex. The geographical area referred to in that Article shall be understood as ICES subarea IV.

6. COMMUNICATION OF RELEVANT DATA

Member States shall transmit to the Commission the data on fishing effort deployed by their fishing vessels in accordance with Articles 33 and 34 of Regulation (EC) No 1224/2009.
