



Council of the  
European Union

Brussels, 6 January 2017  
(OR. en, fr)

15644/16

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**Interinstitutional File:  
2016/0344 (NLE)**

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**PECHE 488**

**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	13797/16 PECHE 400 + ADD 1-2 - COM(2016) 698 final + Annexes
Subject:	Proposal for a Council Regulation 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 - Statements

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Delegations will find attached an updated list of statements by the Council, the Commission and delegations.

**Skates and rays (Commission, Member States)**

The Commission and the Member states recognise the good work conducted by the North Western Waters Advisory Council in developing the future management of skates and rays.

In addition they acknowledge that the current system of management of all species of skates and rays under generic TACs could be improved to fully address the need to sustainably manage vulnerable species and data limited stocks and allow for the sustainable exploitation of commercially important species. Advisory Council involvement is important in developing effective management measures for skates and rays. Given the need to introduce improved management of these stocks, the Commission and the Member states invite the Advisory Councils that suggested management measures be brought forward at an early date in 2017, so that they can be submitted to STECF for scientific assessment in the first half of 2017.

Member States will support the management of skates and rays by providing expertise and resources to the required scientific research, developing appropriate measures in the Member states regional groups. There are a large number of species of skates and rays that are caught as by-catch in other fisheries. Therefore, with a view to the full implementation of the landing obligation, in 2017 Member States will undertake the necessary work with the aim of presenting appropriate survivability exemptions for a number of by-catch species of skates and rays. These exemptions will be supported by appropriate scientific data and assessed by the STECF.

**Flexibility for pollack stocks (Commission)**

The Commission notes that recent scientific information indicates the possibility of a single stock unit extending from area VII into VIIIabde. The Commission will ask ICES to assess whether pollack in VII and VIIIabde is the same stock and whether an increased area flexibility of 5% between those areas would be in line with the precautionary approach. Following the scientific advice, the Commission will consider submitting appropriate proposals.

### **Stocks in the Irish Sea (Commission)**

The Commission notes that an ICES benchmark is planned for February 2017 and will examine the assessments of herring, cod, whiting, plaice and haddock. On the basis of any subsequent advice issued by ICES the Commission will consider making appropriate proposals to review the TACs for the relevant stocks.

### **Horse mackerel (Commission, Spain and Portugal)**

The Commission, Spain and Portugal note that an ICES benchmark is planned for horse mackerel. Following the benchmark, the Commission will, where appropriate, propose a revised TAC for 2017, in line with the scientific advice. The Member States concerned will support a revision of the TAC, in line with the scientific advice, even if this results in a decrease of the fishing opportunities.

### **Dab and flounder in IIa and IV (Commission)**

The Commission has asked ICES to confirm whether removing the TAC for dab would be without negative consequences for the stock. Following the scientific advice, the Commission will consider submitting appropriate proposals.

### **Turbot and brill in IIa and IV (Commission)**

The Commission will ask ICES for updated advice in 2017 and will consider submitting appropriate proposals for an in-year amendment to the 2017 fishing opportunities.

### **Herring in VIa N/S (Commission)**

The Commission welcomes the efforts of Member States and stakeholders to improve the knowledge on the herring stocks in Divisions VIa and VIIb,c, and the effort to develop a rebuilding plan for these stocks. A TAC was adopted in 2016 to support a small commercial fishery to facilitate the needed research. Following the STECF evaluation of a report by the Member States concerned on this fishery, the Commission will consider any appropriate changes to the established TACs.

### **Anchovy in IX and X (Commission, Spain and Portugal)**

The Commission, Spain and Portugal note that the Spanish autumn acoustic survey gives important information on incoming recruits in the Gulf of Cadiz. On the basis of this new information, the Commission commits to request ICES by 31 March 2017 to advise on whether catches of 15 000 tonnes in 2017, or a comparable level, can be considered sustainable. On the basis of ICES advice the Commission will consider whether it is appropriate to propose a revision of the TAC for that stock.

### **Picked dogfish avoidance programmes (Commission)**

The Commission invites Member States to develop avoidance programmes for picked dogfish similar to the current programme that has been put in place in Union and international waters of I, V, VI, VII, VIII, XII and XIV. If these programmes are positively assessed by the STECF, the Commission will consider making a proposal to include TACs for unavoidable by-catches in the areas concerned.

### **Statement on associated by-catch species (Council and Commission)**

Council and Commission have taken note of the requests by Member States to allow for specific provisions allowing by-catches in fisheries targeting pelagic species for the following stocks:

- hake, boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk, common sole, plaice, flounder and mackerel in the Blue Whiting North East Atlantic;
- hake, haddock, boarfish and whiting in the mackerel fishery in the North East Atlantic;
- herring in the mackerel fishery in areas IIIa and IV;
- boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk, common sole, plaice and flounder in the mackerel fishery in areas VIIIc, IX, and X;
- hake in horse mackerel in areas IVb, IVc, and VIId, and in horse mackerel in areas IIa-XIV;

- cod, saithe, greater silver smelt, skates, tusk, common sole, plaice, flounder, hake in the horse mackerel fishery on the Western stock (main area);
- boarfish , whiting, haddock, cod, saithe, greater silver smelt, skates, tusk common sole, plaice, flounder, an mackerel in the horse mackerel fishery on the Western stock (area VIIIc);
- boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk, common sole, plaice, flounder and mackerel in the horse mackerel fishery in area IX;
- saithe and mackerel in the herring fishery in IIIa;
- saithe and mackerel in herring fishery in IV;
- saithe in Atlantico-scandic herring in I and II.

Given that these by-catches occur in fisheries for species which have not yet been scientifically assessed for the purpose of interspecies flexibility, the Member States concerned commit to providing the Commission by 28 February 2017 with the necessary supporting data for scientific assessment by ICES.

In light of the available scientific advice, the Commission will consider proposing appropriate provisions for the general approach on any associated by-catch species in the fishing opportunities, including on inter-species flexibility.

### **Sprat in the North Sea**

The Commission will consider proposing an amendment to the North Sea sprat TAC, after having received advice from ICES in April 2017 and before the start of the fishing season.

### **Southern sea bass (Commission and France)**

Ensuring that the southern stock of sea bass in the Bay of Biscay (ICES divisions VIIIa and VIIIb) remains in a healthy state is a priority shared by the Commission and France.

As the Member State most concerned by this type of fishery, France has taken the initiative to establish a national 'management scheme'.

In fact, France has already introduced management measures by means of the decree of 24 November 2016, including:

- an annual catch limit of 2 490 tonnes based on the precautionary advice of ICES from 25 August 2015;
- an increase in the minimum conservation reference size from 36 to 38 cm.

France undertakes to supplement these provisions with a breakdown of catches in the first quarter and to introduce additional management measures to maintain a balance between fisheries.

In 2017 the International Council for the Exploration of the Sea (ICES) will reassess the state of the southern stock of sea bass. France undertakes to continue the work begun alongside the professionals and to review the management measures in the light of forthcoming scientific advice.

The Commission welcomes these undertakings and is ready to work together on this matter.

#### **Exemption for certain vessels in the cod fishery in the Western Baltic Sea (Commission)**

The Commission takes note of the urgency of the need to propose appropriate measures on derogation from the closure period for western cod in subdivisions 22, 23 and 24 of the Baltic Sea from 1 February to 31 March. To this end, the Commission confirms its commitment to take all necessary means, in line with the Baltic multiannual management plan and the scientific advice, to amend the Council Regulation fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea in order to ensure the timely entry into force of this derogation.

### **Exemption for certain vessels in the cod fishery in the Western Baltic Sea (Council)**

The Council takes note of the Commission's statement and will undertake all necessary measures to examine and finalise the discussion on the Commission's proposal as soon as possible, with the aim to conclude before the 1<sup>st</sup> February 2017.

### **On GFCM (Croatia and Italy)**

Croatia and Italy shall take the necessary measures to ensure that their fleet shall not exceed the level of catches for small pelagics exerted in 2014 as reported in accordance with Recommendation GFCM/33/2009/3 on the implementation of the GFCM Task 1.

### **Undulate Ray (Portugal)**

Portugal undertakes to provide updated catch and effort data on undulate ray to the Commission by 30 April 2017, for scientific review and assessment in 2017.

### **Statement on ICCAT fishing opportunities (France and Spain)**

Spain and France are committing to launch discussions in order to agree on the ICCAT fishing opportunities (species and quantities) that Spain will transfer in 2017 to France in compensation for the 62.17 t of Blue Marlin that France has transferred from its 2017 quota to Spain.

### **Hague Preferences**

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.

### **Statement stocks (Council and Commission)**

The Council and the Commission note that the fishing opportunities regulations include a number of TACs for stocks for which there is limited information on stock status and which are of low economic importance, or are taken only as by-catches, or which show low levels of quota uptake. In that respect, the Council and the Commission recall their statement concerning such stocks made in 2015 and note that perception of the status of any of these stocks has not significantly changed during 2016. Therefore the Council and the Commission continue to consider it appropriate to constrain catches at or below the TAC levels fixed for 2015. To this end, without prejudice to the Commission's right of initiative and the Council's prerogatives under Article 293(1) TFEU, the Commission and the Council consider that it appears at this stage desirable to maintain the 2015 TAC level for the stocks listed below for 2017.

The Commission will, however, continue working with the Member States and the relevant scientific bodies in order to improve the scientific information on these stocks. If the perception of the status of any of these stocks changes significantly during this period, the Council and the Commission agree that this should be taken into account for the purpose of establishing TAC levels for 2017, as appropriate.

In 2016 two stocks were considered to have negative significant changes and have been removed from the list below.

<b>Common name</b>	<b>TAC Unit</b>
Blue Ling	EU and international waters of II and IV
Blue Ling	EU and international waters of III
Cod	VIb (Rockall subunit)
Common sole	VI, Vb, international waters of XII and XIV
Common sole	VIIbc
Common sole	VIIIhjk



Herring	VIIef
Greater silver smelt	EU and international waters of I and II
Greater silver smelt	EU and international waters of III and IV
Ling	EU and international waters of I and II
Ling	IIIa
Ling	EU and international waters of V
Plaice	Vb (EU waters), VI, XII, XIV
Plaice	VIIbc
Plaice	VIII, IX, X and CECAF 34.1.1
Pollack	Vb(EU waters), VI, XII and XIV
Pollack	VIIIc
Pollack	IX, X, CECAF 34.1.1 (EU)
Saithe	VII, VIII, IX, X, CECAF 34.1.1 (EC)
Sole	VIIIcde, IX, X, CECAF (EU)
Whiting	VIIa
Tusk	IIIa and EU 22-23
Tusk	EC I, II, XIV
Tusk	EC waters of IV

## **Statement by France on sea bass fishing in the northern areas (IVbc, VIIa, VIId-h)**

France notes that it has been requesting a total allowable catch (TAC) for sea bass fishing for many years. The scientific advice of the International Council for the Exploration of the Sea (ICES) in 2015, which is the basis for setting fishing opportunities, led to a very marked reduction in sea bass catches in areas IVbc, VIIa and VIId-h. The socioeconomic vulnerability of each of these fisheries has been taken into account in the allocation of fishing opportunities but has not been sufficient to limit the impact on certain fisheries, which have seen a significant reduction in their catch capacity.

The state of the northern stock of sea bass is the result of various factors. France will take care to ensure that all fisheries are once again able to fish for sea bass in the northern area when this stock has been rebuilt, on the basis of a balanced approach.

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