



**COUNCIL OF
THE EUROPEAN UNION**

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PECHE 13

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	15299/13 PECHE 478 - COM(2013) 753 final
Subject:	Proposal for a Council Regulation fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non EU waters - Statements

Delegations will find attached statements by the Council, the Commission and delegations.

Statements 16-17.12.2013

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION**Ad Western Horse Mackerel management plan**

The Commission and Council agree on the desirability of a long-term harvesting strategy for the Western stock of horse mackerel based on stakeholder proposals, provided that the latter are assessed as precautionary and able to ensure the stock is harvested at MSY levels as soon as possible and no later than 2020. Without prejudice to the Commission's right of initiative and the Council's prerogatives under Article 293(1) TFEU, the Commission and the Council agree that future fishing opportunities for this stock could be fixed in accordance with such a strategy once the scientific advisory bodies have had the opportunity to carry out this assessment and suggested any necessary improvements to meet the above conditions. The Commission will request this assessment from the scientific advisory bodies in the course of 2014 with a view, if possible, to the development of the fishing opportunities proposal for 2015. Should the scientific advisory bodies be unable to provide this advice in the course of 2014, the Commission and the Council agree on the desirability of a TAC for 2015 that ensures this stock is fished at MSY levels.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION**Ad Effort transfer in case of the implementation of the national technical measures on cod selectivity**

The Council and the Commission acknowledge that pending the adoption of Union legislation to harmonise EU and Norway technical measures regulations in the Skagerrak, some Member States have implemented certain of the proposed technical measures in advance in their national legislation without prejudice to EU legislation. As a result, to carry out their fisheries in the Skagerrak, a transfer of fishing effort from gear group TR2 to gear group TR1 will be required. The Member States implementing the above mentioned technical measures at the national level may transfer that effort, in accordance with the cod plan, taking into account the expected impacts of the technical measures on catch per unit effort of cod.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

Ad Specific Data Limited Stocks

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 these cases, the Council and the Commission consider it appropriate to constrain catches at or below the TAC levels fixed for 2014. 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 would be desirable to maintain the 2014 TAC level for the stocks listed below for the following four years.

The Commission will 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 the TAC levels should be reviewed and revised as appropriate.

Common name	TAC Unit
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	VIIhjk
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)
Sprat	VIIde
Whiting	VIIa
Tusk	IIIa and EU 22-23
Tusk	EC I, II, XIV
Tusk	EC waters of IV

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

Ad The long term management for sole and plaice in the North Sea

The stocks of plaice and sole in the North Sea have both been within safe biological limits for more than two consecutive years. The long term management plan for these stocks has therefore now entered its second phase, which should be accompanied by a Commission proposal to amend the provisions of the plan as appropriate. An appropriate proposal should therefore be tabled as soon as possible following the conclusions of the discussions between the Council, European Parliament and the Commission on their respective competencies with regards to the adoption of management plans.

STATEMENT BY THE COUNCIL

Ad Bay of Biscay sole

The objective of the management plan for sole in the Bay of Biscay (Council Regulation (EC) No 388/2006) has been attained. In the absence of legally binding management measures fixing a long-term target fishing mortality rate and the rate of reduction of the fishing mortality, the Council welcomes the initiative taken by the stakeholders to propose a harvesting strategy for this stock based on a constant TAC in order to ensure stability in the fishery while ensuring the attainment of the MSY target at the latest by 2020. The Council agrees that a constant TAC of 3 800 tonnes is indeed precautionary and sufficient to ensure that the stock is exploited at MSY levels by 2020, provided that it is kept constant until the target is reached. The Council agrees that it is desirable to maintain this approach over the period needed to this end, unless scientific advice indicates that the fixed TAC is no longer appropriate, be it due to a deterioration of the state of the stock or to the absence of analytical assessment in any given year.

STATEMENT BY THE COUNCIL

Ad increased selectivity for Celtic Sea haddock

Fishing mortality on the Celtic Sea haddock stock is too high and needs to be reduced in order to ensure sustainable exploitation of the stock. The stock is decreasing due to reduced recruitment, so a substantial reduction in TAC is required. To contribute to the required reduction in fishing mortality, an increase in selectivity for adult fish will also be required. The Council encourages the Member States engaged in the whitefish fishery in the Celtic Sea to introduce additional selectivity measures to those already in place under Commission Regulation 737/2012, so as to reduce catch rates of adult haddock, such as the use of a large diamond mesh panel in the top panel of demersal trawls. These additional measures should be in place by end of July 2014 at the latest.

COMMISSION STATEMENT

Ad Support for scientific trials for implementation of the Landing Obligation

The reformed CFP provides that 'to facilitate the introduction of the obligation to land all catches in the respective fishery in accordance with Article 15, Member States may conduct pilot projects, based on the best available scientific advice and taking into account the opinions of the relevant Advisory Councils, with the aim of exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery'

The Commission is committed to providing support for pilot projects that are effective in preparing the implementation of the landing obligation and undertakes within the limitations of funding restrictions to submit, where there is an identified need, such draft projects to the Scientific, Technical and Economic Committee of Fisheries for evaluation.

The Commission recognises the work that has already been undertaken in this area, and notes the position adopted by various Member States in seeking additional allocations of quota for current and new pilot projects. The Commission also notes the reservations of certain other Member States on the implications of such allocations on future fishing opportunities. The issue of operating pilot projects where stocks have low or zero TAC needs to be addressed.

For these reasons the Commission considers the following steps should be taken:

- The state of play of current projects should be evaluated and the learning implications of these projects disseminated as soon as possible to inform future projects. This should not prevent these current projects from continuing.
- New or additional allocation of quota should be based on clear proposals which are, where required, submitted for assessment by the relevant scientific advisory body, to assess their effectiveness, their effect on fishing mortality and any possible detrimental impact on associated stocks.

The Commission is committed to submitting, where appropriate, to STECF expeditiously any proposed new trials or expansion of present trials in early 2014 with a view to allowing their implementation also expeditiously.

STATEMENT BY THE COMMISSION

Ad Cod plan amendment

The Commission notes the agreement on the cod plan amendment. In view of the fact that an agreement needs to be reached to have the fishing opportunities regulations in place on 1 January 2014, the Commission is not opposed to the amended plan being followed when fixing TACs and effort limits for cod for next year, but recalls its declaration made at Coreper on 11 November and at Council on 18 and 19 December 2012 followed by launching an action for annulment of the amending regulation.

COMMISSION STATEMENT

Ad The TAC level for North Sea cod

The long term management plan for cod allows the Council to fix a TAC that deviates from the plan's TAC setting rules where scientific advice indicates that this is justified in order to fulfil the objectives of the plan. The Commission notes the view of the Member States that applying the 9% reduction of the TAC compared to 2013, as indicated by the plan, would increase discards rather than reduce total catches. The Commission therefore undertakes to seek advice from ICES as to whether a rollover or a modest increase in the TAC for 2014 would be precautionary, and whether these options would be compatible with the achieving a fishing mortality at Fmsy by 2015.

COMMISSION STATEMENT

Ad undulate ray

The Commission welcomes the progress achieved by the scientific research and science-industry partnership projects such as RAIE BECA, RECOAM and RAIM'OUEST relating to the distribution and biology of undulate ray in Areas VII and VIII. The Commission notes the results of these projects so far and takes note that results on abundance levels for local aggregations or stocks of this species will be produced in 2014.

The Commission is committed to facilitate a review of the scientific advice for this species based on such results in 2014. The Commission encourages Member States to make similar efforts in other areas where undulate ray is known to be present, with a view to facilitate the development of measures to manage regional or local stocks of this species.

STATEMENT BY DK AND SE

Ad Fishing mortality for cod in the Kattegat

The reduction of fishing mortality for cod in the Kattegat has to remain a priority.

The Member States concerned will continue to address this problem by reducing discards through selectivity and/or other measures. This may include choice of gear, use of selectivity devices and spatial measures, including measures related to Natura 2000 and implementation of MSFD.

STATEMENT BY FRANCE ON ACHIEVING THE MSY FOR SOLE IN THE BAY OF BISCAY.

The new common fisheries policy (CFP) provides that the maximum sustainable yield (MSY) should be achieved for all stocks in 2015 if possible and by 2020 at the latest.

France would point out that the total allowable catches (TACs) are established on the basis of scientific advice from the International Council for the Exploration of the Sea (ICES). This advice provides information about different catch scenarios and their respective probabilities of achieving the abovementioned objective.

France recalls that the ICES considers that the MSY target is reached when there is a probability of 50 % or higher that the fishing mortality is equal to or lower than the MSY level for the stock in question: *"while the probability of avoiding a limit point should be less than 5 %, ICES considers that a target point is reached if the associated probability of being above or below is 50 %"*. This level of probability is considered by the ICES and by all the scientific committees of the regional fisheries management organisations (RFMOs) to be a perfectly prudent approach to the management of fish stocks. This is the standard methodology used by these scientific bodies.

In this context, France would also like to point out that, as the ICES states, this objective entails attaining the mean MSY in all the tested scenarios. The various scenarios take into account all uncertainties in the data and natural variation in stock productivity.

Aiming for a different probability of achieving the MSY, as the Commission proposes for the particular case of sole in the Bay of Biscay, therefore amounts to disregarding the statistical approach which the whole international scientific community has been using for many years.

France therefore considers that this principle for achieving the MSY, which has been defined and is used by scientific bodies, should remain the standard approach to establishing fishing opportunities and should consequently be used for the sole stock in the Bay of Biscay.
