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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 8078/20 PECHE 121 - COM(2020) 205 final
Subject:	Proposal for a COUNCIL REGULATION amending Regulation (EU) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea, and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters - Belgian comments

Delegations will find attached written comments by the Belgian delegation on the above-mentioned document.

General comments

While Belgium recognizes that remedial measures for the North Sea cod are necessary, we also agree with other Member States that the TAC and quota regulation is not the right legal base to adopt remedial measures.

Article 14

On the content of the proposal we have the following remarks:

- First, we refer to the report of the EU-Norway Technical Group Meeting on additional measures aimed at the protection of juvenile and adult Cod (31th January 2020). In this report all concerned member states agreed that the large mesh trawl and seine fisheries (TR1) and the smaller fisheries, typically targeting Nephrops (TR2), were associated with the majority (>80%) of cod catches. This was also reflected in the commission non-paper for the first amendment of the TAC and quota regulation. In this second proposal, suddenly all demersal gears are included in footnote 12. This means that also bottom trawls with gear code TBB are being forbidden, unless they fulfil additional criteria in paragraph 3. This was not the case in the previous proposal in which only specific gears that catch a large amount of cod were included. The Belgium beam trawl fisheries is targeting plaice and sole, and has no directed fishery on cod. Therefore, we request to delete the TBB gear code from the proposal in paragraph 2.
- In paragraph 3, point a) we also support other Member States who request to change the the 5% “per fishing trip” to 5% “per year”. Averaging the percentage of cod catches on a year base will allow a more balanced approach and less uncertainty for the fishermen.
- Finally, we are convinced that control measures should not be included in the TAC and quota regulation. The base for these discussions is the control regulation, currently under revision. Therefore, we also have reservations on paragraph 3, point f) and paragraph 4. Moreover, it should be clear that scientific observers have no role in control.