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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 - German comments

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

Position of the Federal Republic of Germany on the proposal to amend 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

We thank the Commission for presenting this proposal. For the time being we only have some comments on recital 1 and on the new Article 14 of Regulation (EU) No 2020/123.

Recital 1:

In recital 1 it is outlined that drifting lines only have a little impact on cod spawning and would therefore be excluded from the closed season - this is not the case. Rather these fisheries can be carried out in waters in depth of less than 20m. Since most of the spawning activities take place in depth of more than 20m, such fishing activities would only have a marginal impact. Fishing with drifting lines should therefore only be extended to waters of less than 20 m.

Artikel 14:

Article 14 Paragraph 2 proposes a large area for closure so that areas with currently low abundance of cod would also be covered. We are generally critical of large closures, in particular if they include areas with low abundance of cod.

According to Article 14 paragraph 3 (b) a gear may be allowed if it results in a 50% reduction of cod catches according to a scientific study. This creates a certain degree of uncertainty as it is not clear what kind of scientific study would qualify. Only the possibility of an evaluation by STECF does not give sufficient assurance as to the quality of such a study. From a point of view of legal certainty it would be preferable if a gear would be allowed by a legal act at EU level or at least through an official approval of the Commission.

As to the possibility of national cod avoidance plans in Article 14 paragraph 3 (e) remains the misgiving that such national approaches do not guarantee a level playing field across the whole EU as only vessels of the Member State concerned would benefit from such plans.

We are critical about the proposed Article 14 paragraph 3 (f). We generally reject the introduction of CCTV until general rules on the use of cameras have been included in the control regulation. Apart from this, the wording of this provision is misleading. It seems to imply that CCTV had been introduced on the basis of Article 15(13) of Regulation (EU) no. 1380/2013. However, Article 15(13) of Regulation (EU) no. 1380/2013 only mentions CCTV as a possible control tool.

In Article 14 paragraph 4 we assume that scientific observations only have to be done at random and not for the whole fleet. We also assume that sea controls for last hauls are the responsibility of the respective coastal state. In general this requirement of monitoring remains rather vague and its implementation difficult to control. We take it that the requirement for a special fishing permit will be met if these provisions are included in the special fishing permit in which fishing quotas are generally allocated to the individual vessel. There is a reference error in this paragraph. Instead of referring to paragraph 2(a) to (e) it should refer to paragraph 3(a) to (e). The paragraph 2 of this draft does not have any subpoints.