



Council of the
European Union

Brussels, 16 January 2018
(OR. en)

5382/18

Interinstitutional File:
2017/0287 (NLE)

PECHE 13

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	13780/17 PECHE 414 + ADD 1-2 - COM(2017) 645 final
Subject:	Proposal for a COUNCIL REGULATION fixing for 2018 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, and amending Council Regulation (EU) 2017/127 - Statements

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

Joint Declaration on strengthening the recovery for European eel (Commission and Member States)

The Commission and Member States

Acknowledging that the stock of European eel is in critical condition, as confirmed again by ICES' latest advice of 7 November 2017;

Taking note of the listing of European eel in CITES Appendix II and in CMS Appendix II;

Recognizing that urgent action is needed to ensure the recovery of the stock across its natural range and that measures that further reduce eel mortality caused by human influences during all eel life stages need to be in place as from 2018;

Considering that a temporary closure of fisheries of eel of an overall length of 12 cm or longer in Union Waters of ICES areas including in the Baltic Sea has been agreed in the context of the Regulation for Fishing opportunities for 2018 and that the potential interaction with national eel management plans will have to be monitored;

Noting the need to work with third countries including through the Joint Baltic Sea Fisheries Commission to ensure a comprehensive and coordinated approach to the recovery of the stock among all stakeholders;

Welcoming the GFCM decision to develop and implement a management plan for European eel in the Mediterranean together with non EU States and underlining that the EU has committed to table a proposal to that end at the 2018 GFCM Annual Session;

Understanding that the recovery of the stock requires measures in all natural eel habitats in the EU and during all stages of the eel life-cycle from the glass eel to the silver eel stage;

Supporting that the Commission will launch an external evaluation of the Eel Regulation early 2018 to assess its effectiveness and its contribution to the recovery of the stock of European eel, with a view to its possible revision, and will present the results of the evaluation and its conclusions to the Council in the first quarter of 2019;

Noting that the Commission will submit Member States' progress reports on the implementation of their national eel management plan due by 30 June 2018 to an external review to verify the accuracy and appropriateness of the data provided and the methods used to calculate them and thus ensure a level playing field;

Agree to strengthen the protection of the stock of European Eel

To this effect:

1. Member States will fully implement their national eel management plans and reinforce them as appropriate by further decreasing anthropogenic mortality factors during all stages of the eel lifecycle by a combination of measures such as reducing commercial fishing activity, restricting recreational fishing, putting in place structural measures to make rivers passable, improving river habitats, and transporting silver eels from inland waters to waters from which they can escape freely to the Sargasso Sea.
2. Where national eel management plans are not achieving their own targets in terms of fishing mortality and biomass escapement or where Member States do not provide sufficient data to calculate these fishing mortality and escapement targets, Member States concerned will apply as soon as possible to their internal eel fisheries measures with equivalent effect to those agreed in the fishing opportunities regulation.
3. Member States will review current restocking practices to ensure that publicly funded restocking contributes to increasing the escapement levels of silvers eels in line with the objectives of the Eel regulation.

4. Member States will improve the control of eel fisheries as appropriate and further increase their efforts with respect to fighting against illegal eel fishing and illegal trade of eels in particular of glass eels and ensure compliance with the CITES ban of extra-European trade. This may include the use of existing appropriate IT tools to ensure the traceability of eels at all life stages and to the final trade destination of the eels, both when they are used for human consumption directly or after rearing in aquaculture and when they are used for restocking, assisted migration or trap and transport purposes.
5. Member States will provide the progress reports foreseen under Article 9 of Regulation 1100/2007 on the implementation of their eel management plans by 30 June 2018
6. Furthermore, Member States will inform about the measures they are taking to abide with their commitments under points 1-4 at the latest by 30 September 2018.
7. Member States will, within the limits of their institutional set-up, endeavour to provide progress reports on the implementation of their eel management plans every three years, until there is a strong scientific evidence of recovery signs for the eel population across Europe.

Eel (DK and SE)

Denmark and Sweden support the final compromise on the Regulation on Fishing Opportunities for 2018 in acknowledgement of the many positive elements and the importance of the whole package including the implementation of the EU-Norway agreement.

However, Denmark and Sweden regret the outcome with respect to eel. While recognizing the poor state of the European eel stock and that appropriate actions are needed for all stages of the eel life-cycle, Denmark and Sweden find the temporary closure unbalanced. The efforts already carried out are not taken into account in an appropriate way. Denmark and Sweden do not see any logic why eel below 12 cm, eel in the Mediterranean and recreational fisheries are not covered by the measures.

Furthermore, the provisions on eel shows a need for an in-depth analysis of the data on eel.

Denmark and Sweden are ready to work together with the Commission and other Member States in that respect.

We appreciate the evaluation of the Eel Regulation and review of Member States' progress reports on the implementation of their national eel management plans in 2018. Furthermore, we emphasize the commitment of the EU to table a proposal for a Mediterranean management plan for European eel in 2018. These initiatives can – in combination with more reliable data – provide an improved basis for any future decisions.

Improvements in selectivity in the Celtic Sea gadoid fishery (The North Western Waters Group of Member States (UK, IE, FR, BE, NL and ES))

The Member States recognise that in the gadoid fishery in the Celtic Sea further improvements in selectivity are required to reduce unwanted catches of cod, haddock and whiting.

Such measures, which may include increases in cod-end mesh size, selective trawl designs or the use of selectivity devices such as square mesh panels, will be developed by the Member States in the North Western Waters regional group in partnership with the Advisory Council.

Recommendations on the appropriate measures to be taken will be submitted by the North Western Waters Group to the Commission by the end of May 2018.

Improvements in selectivity in the *Nephrops* fisheries in Irish Sea (UK and IE)

Ireland and the United Kingdom recognise that in the *Nephrops* fishery in the Irish Sea further improvements in selectivity are required to reduce unwanted catches of whiting. These measures should build on the significant work already carried out by Ireland and the United Kingdom over the last years.

Such measures which may include increases in cod-end mesh size, selective trawl designs or the use of selectivity devices such as square mesh panels and sorting grids, will be developed by Ireland and the United Kingdom in partnership with the Advisory Council. In the framework of the North Western Waters Group, the recommendations on the appropriate measures to be taken will be submitted to the Commission by the end of May 2018 by the North Western Waters Group.

Appropriate conservation measures concerning plaice ICES division 7a (Irish Sea), plaice ICES divisions 7fg (Celtic Sea, Bristol Channel), plaice ICES divisions 7hjk (Celtic Sea, Southwest of Ireland), whiting ICES division 7a (Irish Sea), whiting 5b and 6 (Commission and Member States)

The Commission and Member States recognise a need to take into account the effects of the landing obligation when setting fishing opportunities for different stocks. This also includes situations where a very low TAC or zero TACs could lead to premature closure of fisheries due to choke situations.

To this end, Member States working with the Advisory Council within the regional groups undertake to apply all appropriate measures to mitigate choke situations and to include such measures within their joint recommendations for discard plans for 2019.

In cases where, even after applying all appropriate measures, residual choke issues still remain a major concern, the Member States will propose alternative conservation measures to alleviate the choke risk. Where necessary, the Commission will seek scientific advice either from ICES or STECF on appropriate measures for those stocks.

Hague Preferences (BE, DE, DK, FR and NL)

Belgium, Denmark, Germany, France and the Netherlands 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.

Support from the European Maritime and Fisheries Fund (EMFF) in relation to the provisions for eel (Commission and DE)

When adopting national emergency measures referred to in Article 13 of Regulation 1380/2013 in the specific context of the implementation of the ICES advice on European eel, Member States may consider using temporary cessation in accordance with Article 33 of Regulation (EU) No 508/2014.

Sustainable management of Irish Sea cod (UK and IE)

Considering the very high TAC increase decided for 2018 for Irish Sea cod, Ireland and the United Kingdom commit to agree in December 2018 to a TAC for this stock in line with MSY level for 2019, based on ICES advice, including if it leads to a significant decrease.

Anchovy 9a (ES and PT)

Spain and Portugal recognise that the scientific basis for managing Anchovy 9a needs to be significantly improved in order to achieve full analytical assessment of the stock. In particular, carrying out biomass surveys and collecting age composition data for all 9a areas is vital to improve the knowledge of the stock. Spain and Portugal therefore commit to achieving a considerable improvement in scientific data collection and assessment in 2018 by:

- Making greater investment in terms of human resources and expertise to expedite the required research;
- Carrying out timely and comprehensive biomass survey campaigns in 2018, including in the autumn.

Southern hake (ES and PT)

Spain and Portugal undertake to support all necessary measures needed to achieve MSY in 2019 at the very latest. In addition, Spain and Portugal will take all appropriate measures to effectively control the southern hake fishery, with the aim to ensure that there are no unallocated landings of southern hake in the future.

European seabass (Commission)

After the ICES benchmark exercise in 2018, the Commission will consider if there is a basis for reviewing the measures in place for seabass and allowing for any landings of seabass in recreational fisheries.

Inter-area flexibility for horse mackerel from ICES division 8c to subarea 9 (Commission and ES)

The Commission will submit a request to ICES to provide scientific advice on whether an increase from 5 % to 15 % in the inter-area flexibility from division 8c to subarea 9 would be sustainable, also in the long term, noting that the current scientific advice indicates that this flexibility would apply to two different stocks.

Undulate ray (Commission)

In the beginning of 2018, the Commission will ask the ICES to provide earlier scientific advice on all stocks of undulate ray. If the advice allows, the Commission will consider to propose a corresponding in year amendment for the TAC as soon as possible.

Recreational fishing of European seabass in the north (4bc, 7a-h) (Commission, FR, NL and UK)

Taking into account the importance of recreational European seabass fishing for the economy of the coastal regions;

Acknowledging the critical state of the European seabass stock in the northern zone;

Taking note that recreational fishery catches are estimated to have exceeded professional fishery catches;

Considering the limitations of estimates of mortality incurred by recreational fishing;

Bearing in mind the urgency of adopting suitable measures in the light of the state of the biomass;

France, the United Kingdom and the Netherlands, having agreed to drastic management measures for all categories of professional fisheries work, consider it justified to maintain a prudent recreational fishery management regime based on catch-and-release throughout the year.

In the light of the outcome of the review of the European seabass assessment model to be issued by ICES in March 2018, the possibility will be examined of permitting the landing of one European seabass per person per day for a limited period of time.

Swordfish (IT)

Italy maintains its strong disagreement with the fishing opportunities fixed for Mediterranean swordfish, as reflected in the action for annulment brought in case C-611/17. However, in a constructive spirit, Italy will not oppose the final compromise as a whole, but reserves, in any case, its rights to challenge the provisions on Mediterranean swordfish.

Proposal for inter-area flexibility for anglerfish and megrim in ICES area 7 (ES)

Spain cannot consent to the flexibility which would allow 25 % of the TAC for anglerfish and megrim in ICES area 7 to be caught in ICES areas 8a, 8b, 8d and 8e by Member States with a quota for those species in both areas, because this would fail to meet the expectations of the various Spanish sectors concerned.

Snow crab fisheries in the Svalbard area in 2018 (LV)

Taking into account that there was no strong commitment provided from the European Commission in respect of immediate and concrete actions to ensure the possibility for Member States to use snow crab fishing opportunities in Svalbard for 2018, the negative experience on settlement of this issue in 2017 as well as the arrest of the Latvian fishing vessel in the Svalbard area when it started to fish for snow crab, Latvia abstains from voting for the regulation.

The current situation where the legal rights of the Member States of the European Union as regards the Treaty of Paris and related fishing opportunities of snow crab are not respected and unlawfully obstructed without immediate and strong action by the relevant authorities in order to remedy this situation, is unacceptable for Latvia.