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THE EUROPEAN UNION**

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PECHE 15

NOTE

from: General Secretariat

to: Delegations

No. Cion prop.: 15254/12 PECHE 413 (J/L doc. 18133/12 PECHE 558 OC 777)
16291/12 PECHE 474 (J/L doc. 18134/12 PECHE 559 OC 778)

Subject: Proposal for a Council Regulation fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements

Proposal for a Council Regulation fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements

- Statements

Delegations will find attached Council, Commission and delegations statements.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

1. Ad North Sea Horse Mackerel Management Plan

Horse mackerel (*Trachurus trachurus*) in Divisions IIIa, IVb,c, and VIId (North Sea stock)

The Council and Commission agree that the Pelagic Regional Advisory Committee (PELRAC) in conjunction with Member States should develop a management plan for the North Sea stock of Horse Mackerel. Until this plan is developed and evaluated the Commission and Council agree, without prejudice to the Commission's right of initiative and the Council's prerogatives under Article 293(1) TFEU, with the PELRAC proposal for the proportional reduction of catches to meet the ICES recommendation of 25500t over the next three years. The Plan once evaluated will be implemented in the following year.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

2. 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 2013. 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 2013 TAC level for the stocks listed below for the following five 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 should change 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 | VIIb (Rockall subunit) |
| Common sole | VI, Vb, international waters of XII and XIV |
| Common sole | VIIbc |
| 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 | 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 | 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 |
| Tusk | IIIa and EU 22-23 |
| Tusk | EC I, II, XIV |
| Tusk | EC waters of IV |

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION.

3. 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 intend to implement 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

4. Ad Boarfish Management Plan

The Council and the Commission note that the Pelagic Regional Advisory Council have developed a multiannual plan for the management of the boarfish stock. Without prejudice to the Commission's right of initiative and the Council's prerogatives under Article 293(1) TFEU, if the relevant scientific bodies deem this plan to be precautionary then it can be followed and an in-year revision of the TAC undertaken if necessary.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

5. Ad Sole and Plaice Plan

The fishing effort ceiling established by the multi-annual plan for sole and plaice in the North Sea has not been reduced for 2013 in view of the continued increase in the stock abundance of plaice. The Member States concerned undertake to introduce any appropriate measures to allocate the available fishing effort in such a way as to ensure that it does not lead to the overexploitation of the sole stock.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

6. Ad Absence of agreement with the Faroe Islands

The Council and the Commission note the repeated absence of bilateral agreement with the Faroe Islands for the last several years.

In this context, the Council and the Commission will examine in 2013 the consequences of this situation for the concerned Member States.

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

7. Ad Evolution des TAC de cardines de la zone IV et de la zone Vb, VI, XII et XIV

Le Conseil et la Commission conviennent que l'évolution différenciée des TAC de cardine de mer du Nord (IV) et de Ouest Ecosse (Vb, VI, XII et XIV), qui constituent un seul et même stock, est tout à fait exceptionnelle et ne vaut que pour l'année 2013. Par ailleurs, elle ne constitue pas une évolution de la clé de répartition actuelle de 35% du TAC pour la mer du Nord (IV) et 65% pour l'Ouest Ecosse (Vb, VI, XII et XIV). Le CIEM sera consulté dans les meilleurs délais sur les aspects touchant à la distribution géographique du stock dans l'ensemble des zones concernées.

Cette évolution différenciée ne constitue en aucune manière un précédent qui remettrait en cause le respect de la stabilité relative. Le Conseil et la Commission réaffirment le caractère intangible de ce principe qui constitue la pierre angulaire de la politique de la pêche.

STATEMENT BY THE COUNCIL

8. Ad Setting of the TACs for some short lived species

The Council invites the Commission to submit separate TACs proposals for each stock of short lived species, following the delivery of scientific advice, so that the Council may adopt those proposals as quickly as possible, and in time for the beginning of the fishing season for each of these species.

STATEMENT BY THE COMMISSION

9. Ad The scope of the implementation of the national technical measures under Article 13.

The Commission takes the view that the Member States can apply the measures under Article 13 to their vessels within the scope of the Regulation (EC) No 1342/2008.

STATEMENT BY THE COMMISSION

10. Ad ICCAT Convention Area

In order to remove any possible contradiction the Commission envisages proposing early in 2013 to the European Parliament and the Council any necessary amendments to Regulation 302/2009.

STATEMENT BY THE COMMISSION

11. Ad Management of the Porcupine bank, Nephrops VII

The Commission acknowledges the additional information provided to improve the scientific understanding of the stock of nephrops in Area VII. In particular the additional survey of the Porcupine Bank has identified an increase in the abundance of nephrops.

In order to allow the required access to the grounds the Commission accepts the proposals of the NWWRAC that the period of closure should be shortened from 3 months to 1, running now from 1st to 31st May.

The Commission considers it important that additional access does not result in overfishing on this low productivity, deep water stock and negate the rebuilding of the stock. Consequently the 'of which' sub TAC is retained in 2013 to restrict possible over-exploitation. However the Commission agrees to reconsider the retention of this sub-TAC on the basis of further scientific assessment and to make any in year TAC adjustment as necessary.

STATEMENT BY THE COMMISSION

12. 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 1st of January 2013, the Commission doesn't oppose that the amended plan is followed when fixing TACs and effort limits for cod for next year, but recalls its declaration made at Coreper on the 11 November and at Council on 18 and 19 December 2012.

JOINT STATEMENT BY THE COMMISSION AND THE UNITED KINGDOM

13. Ad Avoidance of unwanted catches in west of Scotland

The UK and the Commission commit to engaging with other Member States active in the West of Scotland fisheries with the aim of ensuring comparably low levels of unwanted catches and discards.

JOINT STATEMENT BY THE COMMISSION, THE UNITED KINGDOM, FRANCE AND IRELAND

14. Ad Celtic Sea

Last year selectivity measures were introduced in the Celtic Sea on the basis of a proposal from the North-Western Waters Regional Advisory Council which, while less selective than those identified by scientific advice, introduced a more selective gear which could be readily implemented. The proposal allowed for the assessment of these measures.

The Commission and the Member States concerned agree to undertake a review of these measures in 2013 with a view to identifying any necessary improvements in 2013 after discussion with stakeholders.

Member States based on the conclusions of this review and where appropriate, will agree to further selectivity measures to reduce discards in the mixed whitefish fishery by the end of 2013.

JOINT STATEMENT BY THE UNITED KINGDOM AND IRELAND

15. Ad Hague preferences

The United Kingdom and Ireland consider that the Hague Preference constitutes an integral part of relative stability, reflecting the need to safeguard the special needs of regions where local populations are especially dependent on fisheries and related industries. This is specifically recognised in Community fisheries policy and was set down in Council Regulation No 170/83 and Council Regulation No 3760/92. It has again been restated in Council Regulation No 2371/2002.

JOINT STATEMENT BY BELGIUM, DENMARK, GERMANY, FRANCE AND THE NETHERLANDS

16. Ad Hague preferences

Belgium, Denmark, Germany, France and the Netherlands are of the opinion that the scales for the allocation of quotas for Member States were finally 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.

JOINT STATEMENT BY DENMARK, GERMANY, THE NETHERLANDS, SWEDEN AND THE UNITED KINGDOM

17. Ad Fishing mortality for cod stocks

The reduction of fishing mortality for cod stocks has to remain a priority.

The Member States concerned will address this problem by developing discard reduction and cod-avoidance measures. This may include choice of gear, use of selectivity devices, changes in when and where vessels fish (closed areas and/or closed periods) as well as fully documented fisheries. To this end Member States will develop and implement cod avoidance plans in 2013.

STATEMENT BY THE UNITED KINGDOM

18. Ad Avoidance of unwanted catches in west of Scotland

The UK has taken important steps to deliver on its Statement on selectivity measures made at the December 2011 Council of Ministers. In line with the 2011 Statement, gear selectivity, measures and spatial measures have been introduced in the West of Scotland with the aim of reducing cod mortality to significantly lower levels in line with the objectives of the cod recovery plan.

Taking into account the reform of the CFP, the UK will focus in 2013 on the West of Scotland fisheries to achieve reductions in unwanted catches and discards at the level and pace equivalent to those achieved in the North Sea. The UK will do this in the context of a major survey and assessment programme to be undertaken in partnership with the fishing industry.

In the TR1 fishery equivalence will be achieved through a multi annual programme of action. Steps will continue to be taken to incentivise harvesting of the haddock fishery in the area south of 59 degrees latitude, and thus reduce unwanted catches of cod which is predominately found north of this line. Further measures where required will be applied in cooperation with fishers to reduce fishing mortality on cod fisheries prosecuted in the area north of 59 degrees latitude.

In the TR2 fishery the UK will undertake a full examination of the measures introduced in 2012, which have been fully implemented in October 2012. The UK's objective for 2013 will be to achieve reductions in unwanted catches and discards, particularly of haddock and whiting, equivalent to reductions achieved in trials of the 2012 North Sea measures, and will put in place additional or alternative measures if scientific advice suggests this is necessary.

The UK expects that the key milestones for achieving this programme in 2013 will be:

- Mid 2013: data to be provided, and assessed in relation to outcomes achieved from measures applied in 2012; and

- The UK will then review this data with the fishing industry and other partners and put in place any improvements which may then be required. We will also take into account findings emerging from the new survey and assessment programme noted above.

STATEMENT BY FRANCE

19. Ad La mise sous TAC du bar et du rouget barbet

La France réaffirme sa forte volonté de voir instaurer un TAC pour le bar et le rouget barbet dès 2014. L'augmentation des débarquements ces dernières années justifie pleinement un encadrement renforcé des captures à l'échelle de l'Union.

La France est favorable à l'instauration d'un TAC pluriannuel sur trois ans pour le bar et le rouget barbet (2014, 2015 et 2016). Une clause de révision de ces niveaux de TAC devra également être prévue pour tenir compte des nouveaux éléments scientifiques.

Afin de limiter le développement actuel d'une pêche olympique sur ces deux espèces, la France juge essentiel de ne pas prendre en compte les captures réalisées à partir de 2011 dans la période de référence qui servira à l'établissement des clés de répartition entre Etats membres.

Concernant le bar, la France soutient la proposition de la Commission visant à retenir la période 2000-2010 comme période de référence.
