



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 January 2012**

**5231/12**

---

**Interinstitutional File:  
2011/0255 (NLE)  
2011/0317 (NLE)**

---

**PECHE 16**

**NOTE**

---

from: General Secretariat

to: Delegations

---

No. Cion prop.: 14751/11 PECHE 253 (J/L doc. 18591/11 PECHE 398)  
16650/11 PECHE 334 (J/L doc. 18592/11 PECHE 399)

---

Subject: Proposal for a Council Regulation fixing for 2012 the fishing opportunities available to Union 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 2012 the fishing opportunities available in Union waters and, to Union vessels, in certain non-Union waters for certain fish stocks which are subject to international negotiations or agreements  
- Council and Commission statements

---

Delegations will find attached Council and Commission statements.

Delegations' unilateral statements will appear in a separate document (5247/12 PECHE 17).

**PROPOSAL I - EU stocks**

**JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION**

**1. Ad Data poor stocks**

The Council and the Commission agree that lack of reliable data impairs analytical advice for fish stocks. The Council and the Commission encourage Member States to improve data availability to the relevant scientific bodies in order to facilitate sustainable management of the relevant fisheries. The Council and the Commission urge the Member States concerned to improve the availability of sufficient, reliable and representative data for the stocks below as identified by ICES.

Anglerfish: Vb(EU), VI, XII, XIV	Plaice: VIIfg
Anglerfish: VII	Pollack: Vb(EU), VI, XII, XIV
Anglerfish: VIIIabde	Pollack: VII
Haddock: VIIb-k, VIII, IX, X, CECAF 34.1.1 EU	Skates and rays: EU waters of VI, VIIa-c, VIIe-k
Horse Mackerel: North Sea	Skates and rays: EU waters of VIII, IX
Megrims: VII	Sprat: VIIde
Megrims: VIIIabde	Sprat: North Sea
Plaice: VIIa	Whiting: VIIb-k

..

**JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION**

**2. Ad new and developing fisheries**

The Council and the Commission recognise the need to establish guidelines for the establishment and expansion of new and developing fisheries.

The Council invites the Commission to consider proposing such guidelines during 2012. Any such proposal may incorporate the requirements of Environmental Impact Assessments prior to the establishment and expansion of new and developing fisheries, and should have due regard to work conducted within FAO and NEAFC in this area.

## **STATEMENT BY THE COMMISSION**

### **3. Ad Catch Composition under 1288/2009**

Council Regulation (EC) No 1288/2009 sets out a maximum percentage for catches, by weight, of cod, haddock and whiting in ICES Area VIa when fishing in certain conditions. Following an increase in the haddock stock and according to ICES and STECF reports, the continued application of that Regulation is contributing to regulatory discarding. The Commission intends to address this issue and adapt the catch composition requirements by means of emergency measures or by a similar mechanism, by mid-February 2012.

## **STATEMENT BY THE COMMISSION**

### **4. Ad Northern hake TAC**

The Commission acknowledges that the latest autumn surveys concerning the stock of Northern hake may provide additional data which will allow the scientists to reassess the fishing mortality rate consistent with MSY for this stock. The Commission shall present this information to its scientific advisory bodies and shall review the fishing opportunities for this stock in the course of 2012 if new advice based on such information is issued by its advisory bodies.

## **JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION**

### **5. Ad Effort recouping under the cod plan**

The Commission notes the outcome of the evaluation of the implementation of the cod plan, including Article 13 of Regulation (EC) No 1342/2008, by the STECF and the problems in the interpretation of that provision.

The Commission and the Council agree that further progress is needed in the framework of this management plan in order to further reduce discards of cod, including through increased selectivity.

The Commission and the Council agree that according to Article 13, the increase in maximum allowable fishing effort applicable to effort groups mentioned in Article 13(2) may not exceed the overall adjustment of fishing effort since the first year of implementation of that Regulation.

For activities which are covered by Article 13(2)(c), the Commission notes that Member States have been developing and continue to develop measures that in principle can deliver reductions in cod mortality equivalent to those envisaged by the plan. The additional effort must be commensurate with the reductions in fishing mortality delivered. Member States shall quantify such results and communicate them to the Commission. The Commission intends to submit those results for evaluation by STECF. On this basis, the Commission reserves the right to propose appropriate adjustments in effort in case of shortfalls in the delivery of the required reductions in cod fishing mortality.

The Commission and the Council agree that the issue of the interpretation of Article 13 has had significant implications for Ireland. The Commission will urgently study the matter with a view to working constructively with Ireland on the issue. They note that, in order to facilitate the immediate resumption of fishing by Irish vessels in the Irish Sea, exchanges of effort have been agreed.

## **STATEMENT BY THE COUNCIL**

### **6. Ad Application of Selectivity measures in the Celtic Sea**

The Council acknowledges that it is necessary to introduce additional selectivity measures in order to reduce discarding of stocks of haddock, whiting and cod in the Celtic Sea. The Council acknowledges the willingness of the Member States concerned to introduce, no later than April 2012, the measures proposed by the North Western Waters RAC in October 2011, inasmuch as such measures will not relax the requirements under the Union Regulations in force.

The Council furthermore acknowledges the willingness of the Member States concerned to develop and apply additional selectivity measures contributing to the minimisation and, where possible, elimination of discards of cod, haddock and whiting, as of 2013.

## **STATEMENT BY THE COUNCIL**

### **7. Ad Splitting**

Contrary to previous years, the Commission has proposed in 2011 two regulations regarding the fixing of fishing opportunities for the next year; one containing autonomous stocks, and one containing stocks subject to international agreements. Although the Council acknowledges the benefits of tabling a proposal at an early stage, the Council experienced this split up as being very complex and laborious. Moreover, both discussion and implementation are technically very difficult.

Therefore, the Council expects the Commission for its 2013 proposals to return to one single proposal as in previous years, and table this proposal as early as possible. The figures in the proposal can be completed as scientific advice becomes available, and international agreements are established.

## PROPOSAL II - International stocks

### JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

#### 1. Ad Data poor stocks

The Council and the Commission agree that lack of reliable data impairs analytical advice for fish stocks. The Council and the Commission encourage Member States to improve data availability to the relevant scientific bodies in order to facilitate sustainable management of the relevant fisheries. The Council and the Commission urge the Member States concerned to improve the availability of sufficient, reliable and representative data for the stocks below as identified by ICES.

Anglerfish: Vb(EU), VI, XII, XIV	Plaice: VIIfg
Anglerfish: VII	Pollack: Vb(EU), VI, XII, XIV
Anglerfish: VIIIabde	Pollack: VII
Haddock: VIIb-k, VIII, IX, X, CECAF 34.1.1 EU	Skates and rays: EU waters of VI, VIIa-c, VIIe-k
Horse Mackerel: North Sea	Skates and rays: EU waters of VIII, IX
Megrims: VII	Sprat: VIIde
Megrims: VIIIabde	Sprat: North Sea
Plaice: VIIa	Whiting: VIIb-k

### JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

#### 2. Ad new and developing fisheries

The Council and the Commission recognise the need to establish guidelines for the establishment and expansion of new and developing fisheries.

The Council invites the Commission to consider proposing such guidelines during 2012. Any such proposal may incorporate the requirements of Environmental Impact Assessments prior to the establishment and expansion of new and developing fisheries, and should have due regard to work conducted within FAO and NEAFC in this area.

#### **STATEMENT BY THE COMMISSION**

##### **3. Ad licences granted to Venezuelan vessels to fish for snappers in French Guiana**

The Commission accepts that licences to Venezuelan vessels to fish for snappers in French Guiana be included in this Regulation via a presidency compromise, so as to avoid disruption of supply for the processing industry of French Guiana. However, this is without prejudice to the Commission's statement of 18 April 2011 (and repeated on 5 December 2011) announcing a possible recourse to the EU Court of Justice as regards the legal basis for the Council's decision.

#### **STATEMENT BY THE COMMISSION**

##### **4. Ad Capelin in Greenland Waters of V and XIV**

The Commission undertakes to enter into discussions with the Member States, as soon as possible, on the possibility of allocating, between the Member States, fishing opportunities for Capelin offered by Greenland to the EU in the context of the EU/Greenland Fisheries Partnership Agreement, taking into account engagements made by the EU under the agreements with the Faroe Islands, Iceland, and Norway. It is the intention to have these discussions finalised in advance of the quota allocation for the 2012/2013 fishing season.

#### **STATEMENT BY THE COUNCIL**

##### **5. Ad Mediterranean Swordfish (*Xiphias gladius*)**

The Council acknowledges that the international prohibition to catch, retain on board, tranship or land Mediterranean swordfish (*Xiphias gladius*), once such prohibition is adopted within ICCAT and has entered into force, is binding.

## **STATEMENT BY THE COUNCIL**

### **6. Ad Comitology**

This Regulation should in no way be considered as a precedent regarding the possibility to interpret the scope of application of Article 291 TFUE as including the power to amend or supplement a basic non-legislative act.

## **STATEMENT BY THE COUNCIL**

### **7. Ad Splitting**

Contrary to previous years, the Commission has proposed in 2011 two regulations regarding the fixing of fishing opportunities for the next year; one containing autonomous stocks, and one containing stocks subject to international agreements. Although the Council acknowledges the benefits of tabling a proposal at an early stage, the Council experienced this split up as being very complex and laborious. Moreover, both discussion and implementation are technically very difficult.

Therefore, the Council expects the Commission for its 2013 proposals to return to one single proposal as in previous years, and table this proposal as early as possible. The figures in the proposal can be completed as scientific advice becomes available, and international agreements are established.