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Agriculture and Fisheries

Luxembourg, 17 October 2013

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Main results of the Council

*The ministers reached a political agreement on **fishing opportunities for 2014 for certain fish stocks in the Baltic Sea**. On this occasion, the Presidency pointed out that the final agreement had been made possible by the preparatory work performed by the member states involved at the regional level. This agreement lays down for 2014 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea. The measures have been established taking into account available scientific advice and are aimed at achieving maximum sustainable yield (MSY) as soon as possible.*

*Then the Council had an exchange of views on upcoming **EU-Norway annual consultations** establishing the management arrangements for the jointly managed fish stocks in the North Sea and the Skagerrak. This includes the exchange of reciprocal fishing possibilities between EU and Norway and a common approach in the negotiations between Coastal States about to begin a mackerel sharing arrangement for 2014.*

*In addition, ministers had an exchange of views on the **ICCAT annual meeting** which will take place mid-November in South Africa. The ICCAT is responsible of the management of tuna and tuna-like species in the Atlantic Ocean and adjacent seas including the Mediterranean Sea. As regards bluefin tuna, a 15-year recovery plan agreed in the ICCAT, and revised in 2012, establishes the maximum quantity to be fished.*

*The Council was also briefed on the recurring dispute between Iceland, the Faroe Islands and the EU about the management of **the North East Atlantic mackerel stock** with a view to the coastal state negotiations which will take place this month.*

*In addition, the Council adopted its position on two proposals for regulations on the **common fisheries policy (CFP)** reform following an early second-reading agreement with the European Parliament. The next step of the procedure is the approval of the texts by the European Parliament.*

CONTENTS¹**PARTICIPANTS..... 4****ITEMS DEBATED****FISHERIES 6**

Fishing opportunities in the Baltic Sea for 2014..... 6

EU/Norway: annual consultations for 2014..... 9

ICCAT annual meeting 11

ANY OTHER BUSINESS..... 12

Management of the mackerel stock in the North-East Atlantic 12

OTHER ITEMS APPROVED*FISHERIES*

– EU fisheries reform: adoption of two regulations by the Council 13

– Partnership between EU and Cape Verde - Negotiations for a new protocol to the agreement 13

ECONOMIC AND FINANCIAL AFFAIRS

– Transparency requirements for issuers of securities 14

TRANSPORT

– International Convention for the Safety of Fishing Vessels 14

CUSTOMS UNION

– Convention on common transit procedure - Modifications of codes 15

DECISION TAKEN BY REPRESENTATIVES OF MEMBER STATES' GOVERNMENTS

– European Court of Justice and General Court - Appointments 15

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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ITEMS DEBATED

FISHERIES

Fishing opportunities in the Baltic Sea for 2014

Ministers reached a political agreement on fishing opportunities for 2014 for certain fish stocks in the Baltic Sea.

The Presidency and several member states pointed out that the final agreement was made possible by the preparatory work performed at the regional level within the BALTFISH forum.

This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda for a forthcoming Council meeting.

This agreement lays down for 2014 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea (total allowable catches (TACs) and quotas), as well as the fishing effort limits for Baltic cod stocks (limits on fishing activity by reducing the number of days at sea). The proposed measures have been established taking into account available scientific advice and, in particular, the reports drawn up by the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF). They follow the general principles contained in the Commission's communication on fishing opportunities ([10460/13](#)), including a commitment to achieving maximum sustainable yield (MSY) as soon as possible. However, catch limits and fishing effort limits for cod stocks in the Baltic Sea are established in accordance with the rules laid down in regulation 1098/2007 establishing a multi-annual plan.

The agreement concerned primarily the total allowable catches (TACs) and fishing quotas for member states in Community waters of the Baltic region, the main changes to which – in terms of reduction, increase or roll-over of TACs as compared with 2013 – are summarised in the table below. An important fact to be noted is the voluntary lower increase for herring (25% instead of the 59% proposed by the Commission in the Eastern Baltic and 30% instead of the 35% proposed in the Gulf of Bothnia) and the voluntary decrease for salmon (-2% instead of the 0% proposed in subdivision III bcd).

COMMUNITY TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2014						
Latin name	ICES FISHING ZONES	COMMISSION proposal		COMMISSION targets	COUNCIL agreement	Difference from
		TAC 2013	for 2014	2014	TAC 2014	previous year
		in tonnes	in tonnes	in %	in tonnes	in %
		1	2	3	4	5**
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Gulf of Bothnia)	106.000	142.662	35%	137.800	30%
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24	25.800	19.754	-23%	19.754	-23%
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32	90.180	143.500	59%	112.725	25%
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	30.576	30.720	0%	30.720	0%
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern)	61.565	65.934	7%	65.934	7%
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western)	20.043	17.037	-15%	17.037	-15%
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	3.409	3.002	-12%	3.409	0%
<i>Salmo salar</i> *	III bcd, except subdivision 32 (22-31)	108.762	108.421	0%	106.587	-2%
<i>Salmo salar</i> *	Baltic Sea subdivision 32	15.419	7.256	-53%	13.106	-15%
<i>Sprattus sprattus</i>	III bcd	249.978	222.102	-11%	239.979	-4%

Legend: Latin name - English name/ Nom français/ Deutsche Name

Clupea harengus - herring/ hareng/ Hering

Gadus morhua - cod/ morue/ Dorsch

Pleuronectes platessa - plaice/ plie/ Scholle

Salmo salar - Atlantic salmon/ saumon atlantique/ Lachs

Sprattus sprattus - sprat/ sprat/ Sprotte

* AC expressed as number of individuals

** a negative % indicates a reduction in the TAC, a positive % indicates an increase in the TAC and 0 % indicates a roll-over of the TAC

For herring (*Clupea harengus*), it was decided to decrease significantly the TAC for the Western Baltic (23%) to stay in line with scientific advice and prepare to a MSY transition by 2015. In addition, the current TAC for the Gulf of Riga has been maintained.

For sprat (*Sprattus sprattus*), a decrease of 4% in the TACs was agreed.

For Atlantic salmon (*Salmo salar*), a reduction was agreed (15%) for subdivision 32.

In accordance with the multiannual plan applicable to stocks of Baltic cod (*Gadhus morua*) adopted on 18 September 2007¹, and considering the scientific advice on the stock, the Council endorsed an increase of the TACs in the Eastern Baltic (7%), and agreed on a reduction of TACs in the Western Baltic (15%).

With a view to simplifying and clarifying the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate regulation since 2006.

These fisheries should be open on 1 January 2014.

Under article 43(3) of the Lisbon Treaty, it is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities in the framework of the common fisheries policy. The European Parliament's participation and the Economic and Social Committee's opinion are therefore not required for this species.

¹ Regulation (EC) No 1098/2007, [OJ L 248, 22.9.2007, p. 1.](#)

EU/Norway: annual consultations for 2014

The Council held an exchange of views on the annual consultations between the EU and Norway under their bilateral fisheries agreement. The first round of consultations will take place in Clonakilty (Ireland) from 18 to 22 November and the second round in Bergen (Norway) from 2 to 6 December.

Most of the delegations recognised the usefulness of this agreement with Norway but would favour a cautious approach from the EU as regards TACs and other associated measures for the main jointly-managed joint stocks in the North Sea. They would also recommend a cautious approach for other stocks that it might be worthwhile to identify and use for the reciprocal exchange of quotas.

In this regard, several delegations noted the importance of trying to resolve the mackerel management issue with Iceland and Faroe Islands and also directly involve Norway together with the EU in the negotiations with the other Coastal States.

The main issues for the consultations this year are the following:

- Detailed management arrangements for the seven jointly managed fish stocks in the North Sea (cod, haddock, plaice, whiting, herring, mackerel and northern shelf saithe) and the Skagerrak (cod, haddock, whiting, plaice, shrimp, herring and sprat) involving notably the establishment of the TACs and quotas for the respective parties, in accordance with the long-term management plans and agreed sharing arrangements;
- Possible adjustments to the long-term management plans for North Sea stocks of cod, whiting and herring in the light of new ICES advice;
- The exchange of reciprocal fishing possibilities which will enable the continuation of a number of important fishing operations for the fishermen of both parties, including fishing opportunities for Arcto-Norwegian cod in Norwegian waters, as well as other measures in fisheries of mutual interest;
- In the event of no agreement being reached between Coastal States on a mackerel sharing arrangement for 2014, the definition of EU and Norwegian mackerel fishing possibilities for 2014 in line with ICES advice.

The 1980 bilateral fisheries agreement between the EC and Norway covers joint stocks in the North Sea, some jointly managed, others not. Annual TACs are set jointly by the EU and Norway for the jointly managed joint stocks. There are joint long-term management plans for cod, haddock, herring and saithe and basic principles for a long-term management plan for plaice, based on the EU long-term management plan for sole and plaice in the North Sea (regulation 676/2007). A ten-year agreement with Norway on mackerel was agreed in January 2010, including mutual access in the North Sea. This agreement is contingent on a satisfactory overall bilateral agreement. The reciprocal exchange of quotas needs to be in overall balance across the agreement.

ICCAT annual meeting

Ministers held an exchange of views as regards the annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) from 18 to 25 November 2013 in Cape Town (South Africa).

Some member states pointed out that the available scientific data submitted with a view to preparing the annual ICCAT meeting confirmed that the measures imposed on fishermen for many years had been correctly implemented and showed a recovery of the bluefin tuna stock. They asked that the total allowable catch (TAC) for this year be raised while other member states were in favour of maintaining the current TAC, waiting for the scientific opinion on the state of this stock which will be published at the beginning of next year.

In autumn 2008 and 2010, the Council adopted decisions for the establishment of the EU position in the ICCAT. These decisions were extended in 2013 and will remain valid until the ICCAT meeting in 2014. In 2006 ICCAT adopted a 15-year recovery plan for Eastern bluefin tuna. This plan was subsequently modified in 2008, 2009 and 2010, and considerably revised in 2012. The latest revision concerned, in addition to control issues, the TAC for 2013 and thereafter, which was fixed at 13400 tonnes applying the established quota distribution key. An update of the scientific stock assessment is not planned until 2014. However, some detailed questions to the ICCAT's scientific committee (Standing Committee on Research and Statistics or SCRS) should be addressed in 2013.

A more comprehensive recommendation on the protection of blue and white marlins was endorsed in 2012. The EU secured a quota for blue marlin of 480 out of 1985 tonnes (in addition to certain authorised landings by recreational fisheries). The EU conservation proposals for porbeagle and for shortfin mako were not adopted, nor was a ban on shark finning at sea.

On the control side, the 2012 meeting followed up on some proposals (obligatory electronic Bluefin Tuna Catch Document Programme (eBCD) in the Eastern bluefin tuna fisheries; transshipment programme; minimum standards for port inspection; progress towards a catch certification scheme for tuna and tuna-like species).

In addition, during the next ICCAT meeting, the EU intends to ask the organisation to support the ban on the practice of "shark finning" which has been put in place by the EU.

ANY OTHER BUSINESS

Management of the mackerel stock in the North-East Atlantic

Ireland asked the Commission to summarise the current issues with Iceland and the Faroe Islands concerning the management of the North East Atlantic mackerel stock in view of the upcoming Coastal State negotiations which will take place in London on the 23rd – 25th of October.

Several member states supported the Irish commitment to finding a fair and balanced solution that protects EU & Norwegian mackerel fishing interests and moves to address Icelandic & Faroese wishes when the stock is at the current high levels with an expanded geographic range. They shared however the views expressed by Ireland that an agreement with Iceland and the Faroe Islands should not be reached at any cost if the EU interests are not preserved and that there is a need for the EU to only act in a pre agreed manner with Norway.

Since 2008, there has been a recurring dispute on the management of the North-East Atlantic mackerel stock between the EU on one hand and Iceland and the Faroe Islands on the other. Iceland and the Faroe Islands have set unilateral fishing quotas, refusing previous sharing arrangements negotiated between the Coastal States (EU, Norway, Iceland, Faroe Islands). Furthermore, in March 2013 the Faroe Islands also set a unilateral quota for this year for Atlanto-Scandian herring. Both fish stocks are important for a number of member states, including the United Kingdom, Ireland and France.

A legal instrument on trade measures to tackle this type of situation was adopted by the Council and the European Parliament in September 2012. In response to the Faroe Islands' step of setting a unilateral quota for the Atlanto-Scandian herring, the Commission initiated the process of imposing trade measures. The Commission has received notification of the Faroe Islands' request for arbitral proceedings on the trade measures under the United Nations Convention on the Law of the Sea (UNCLOS).

OTHER ITEMS APPROVED

FISHERIES

EU fisheries reform: adoption of two regulations by the Council

The Council adopted its position on two proposals for regulations on the common fisheries policy (CFP) reform following an early second-reading agreement with the European Parliament:

- Proposal for a regulation on the CFP ([12007/13](#)) replacing the basic provisions of the common fisheries (basic regulation) The CFP must, inter alia, ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies;
- Proposal for a regulation on the common organisation of the markets (CMO) in fishery and aquaculture products ([12005/13](#)). The CMO comprises the following elements: professional organisations, marketing standards, consumer information, competition rules and market intelligence;

The regulation on basic provisions of the CFP and the market regulation are two of the three texts of the CFP reform "package" together with the proposal on the European Maritime and Fisheries Fund (EMFF) which will be discussed later this year between the EU institutions.

For further details, see press release [14962/13](#).

Partnership between EU and Cape Verde - Negotiations for a new protocol to the agreement

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for a new protocol to the fisheries partnership agreement (FPA) with the Republic of Cape Verde.

The protocol between the EU and Cape Verde should be in line with the 19 March 2012 Council conclusions on the Commission communication of 13 July 2011 on the external dimension of the Common Fisheries Policy.

ECONOMIC AND FINANCIAL AFFAIRS

Transparency requirements for issuers of securities

The Council adopted a directive updating transparency requirements introduced in 2004 for issuers of securities on regulated markets ([37/13](#)).

The so-called transparency directive¹ is aimed at ensuring a high level of investor confidence throughout the EU. It requires issuers of securities traded on regulated markets to publish periodic financial information about the issuer's performance over the financial year and on-going information on major holdings of voting rights.

For details see press release [14959/13](#).

TRANSPORT

International Convention for the Safety of Fishing Vessels

The Council agreed in principle to the draft Council decision authorising the member states to sign, ratify or accede to the 2012 Cape Town agreement on the implementation of the 1993 protocol to the 1977 Torremolinos International Convention for the Safety of Fishing Vessels ([13408/13](#)). The Council also decided - with a view to the future adoption of the decision - to forward the text of the draft Council decision to the European Parliament for its consent.

Neither of these international instruments, established under the auspices of the International Maritime Organisation (IMO), has entered into force, since the necessary number of ratifications has never been achieved. While at EU level safety standards based upon the Torremolinos protocol were introduced by a 1997 directive setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, it is in the interest of maritime safety and fair competition that the rules also apply at an international level. The EU member states should therefore ratify the agreement, so that the ratification requirements for the entry into force can be met.

¹ Directive 2004/109/EC.

CUSTOMS UNION

Convention on common transit procedure - Modifications of codes

The Council adopted the position to be taken on behalf of the EU, within the EU-EFTA joint committee concerning modifications of HS codes and packaging codes in the 1987 Convention on a common transit procedure ([13453/13](#)).

DECISION TAKEN BY REPRESENTATIVES OF MEMBER STATES' GOVERNMENTS

European Court of Justice and General Court - Appointments

On 16 October, the representatives of the governments of the member states appointed Mr Maciej SZPUNAR (Poland) as advocate general to the European Court of Justice until 6 October 2018. This follows the Council's decision of 25 June 2013 to increase the number of advocates-general to nine.

The representatives of member states' governments also reappointed Ms Irena PELIKÁNOVÁ (Czech Republic) as judge to the General Court for a new mandate running from 1 September 2013 to 31 August 2019. Furthermore, they appointed Mr. Lauri MADISE (Estonia) as judge to the General Court for the remainder of the term of office of his predecessor, Ms Küllike JÜRIMÄE, ending on 31 August 2016.
