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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a COUNCIL REGULATION fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127 fixing for 2017 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 - <i>Statements</i>

Joint statement by Commission and Council on eel

The Commission and the Council acknowledge the critical status of the stock of European eel and take note of the listing of European eel in CITES Appendix II and in the IUCN red list of threatened species. In this light, they recognize that, in order to ensure the recovery of the stock, urgent measures are needed at EU level to be applicable in 2018, while noting that measures need to be taken in all EU sea-basins, taking account of their specificities, in order to be fully effective. The Commission is invited to come up with concrete proposals to be examined by the December Council taking into account the efforts already made in the framework of the management plans.

Statement by Sweden on eel

SE regrets that a ban on eel fishery will not be introduced for 2018 in the Baltic Sea. SE will continue its efforts to save the eel stock and reach the objectives in the EU recovery plan for eel and urges the Commission to propose new measures, in line with the Common Fisheries Policy, including the MSY objective, in order to safeguard the future for eel in EU waters.

Statement by the Commission on herring on the Gulf of Bothnia

The Commission will consider submitting as a matter of urgency an appropriate proposal to adapt the ranges for herring in the Gulf of Bothnia in the Baltic multiannual plan.

Statement by Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden, Denmark and the Commission on salmon fishing

Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden, Denmark and the Commission will take all necessary measures to ensure that misreporting of catches and any illegal salmon fishing is eliminated as soon as possible.

Statement by Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden and Denmark on recreational fisheries for salmon

Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden and Denmark note that some Baltic Member States have introduced national regulation in terms of a limit on the numbers of specimens (“bag limit”) retained per person with respect to recreational fisheries for salmon. Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden and Denmark will continue discussions on possible regulation on recreational fisheries for salmon in an appropriate context.

Joint Statement by the Commission and Germany on the option of support for the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF)

1. Point (b) of Article 5(4) of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks allows the Member States to adopt emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on cod and the herring in in Subdivisions 22-24 Germany therefore deems it necessary to adopt emergency measures in accordance with Article 13(1) of Regulation 1380/2013. The emergency measures consist of limitation of fishing activities in Subdivisions 22-24 by additional 30 days for German fishing vessels fishing for cod and 20 days for vessels fishing for herring.
3. Germany and the Commission consider that this emergency measure under point (a) of Article 33(1) of Regulation (EU) No 508 /2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 2328/2003 is eligible for funding from the EMFF.

Statement by Commission and Estonia and Latvia on herring in the Gulf of Riga

Estonia and Latvia have submitted scientific evidence regarding the need to avoid serious harm caused by intra-species stock dynamics, as referred to Article 4(4)(b) of the Baltic multi-annual plan, to the Gulf of Riga herring stock. The Commission will submit this information for scientific advice. On the basis of the scientific advice, the Commission will consider submitting appropriate proposals to amend the fishing opportunities for this stock.

Statement by the Commission and Sweden on sprat

Sweden has submitted information regarding the need to avoid serious harm caused by inter-species stock dynamics, as referred to Article 4(4)(b) of the Baltic multiannual plan, to the sprat stock. The Commission will seek scientific advice on the obtained information. On the basis of the scientific advice, the Commission will consider submitting as soon as possible appropriate proposals to amend the fishing opportunities for this stock.

Statement by Denmark on footnote with respect to by-catches of herring in the sprat fishery

Denmark underlines that inextricably mixed by-catches in the small meshed fisheries has since 1982 been an integral part of the Common Fisheries Policy. When the footnotes were introduced in the North Sea and the Skagerrak/Kattegat from 2011 and in the Baltic Sea from 2012, it was a strengthening of the former regime. The footnotes are included for certain industrial and pelagic stocks both in the Baltic Sea and in the North Sea and Skagerrak/Kattegat. They ensure that relative stability is upheld by keeping the possibility for counting these inextricably mixed by-catches against the quotas of the target species in unsorted landings. The existing allocation keys for stocks for human consumption are thus calculated on the basis of landings for human consumption and do not take into account inextricably mixed by-catches in the small meshed fisheries.

Denmark further underlines that there is no reason to take a different approach with respect to the traditional footnote in the Baltic Sea with respect to by-catches of herring in the sprat fishery than existing footnotes in the North Sea and Skagerrak/Kattegat. They should be treated equally. Denmark will continue to pursue this position and finds that this matter should be included in further discussions with respect to footnotes in the North Sea and Skagerrak/Kattegat.

Statement by Latvia, Lithuania and Poland on Baltic cod

Latvia, Lithuania and Poland are of the opinion that the political agreement for the Baltic Sea cod stocks for 2018 is without prejudice to any future discussion on the distribution of stocks and allocation of fishing possibilities between areas. Latvia, Lithuania and Poland underscore the importance of maintaining relative stability.

Statement by Latvia on application of the Article 4 of the Baltic Sea multi-annual plan

Latvia maintains its position on the principles of application of Article 4(4) of the Baltic Sea multiannual plan that differs from the interpretation by the Commission.

Latvia underlines that there have been no amendments in the Baltic Sea multiannual plan regulation that would warrant using a different approach that was used in 2016 setting the TACs and quotas in the Baltic Sea for 2017, when on the basis of relevant and justified scientific evidence, additionally to the ICES advice, changes in the TAC levels were proposed (including Riga Bay herring, ICES area 28.1) well in advance of the Agrifish Council meeting and later agreed by the Council.

There is no reason why a different approach was requested in 2017, e.g. application of an additional peer-review, extended analysis or any other process, not established in the Baltic Sea multi-annual plan regulation itself, unless such departures from the provisions of the Baltic Sea multi-annual plan regulation would be explicitly agreed by all the parties involved.

Such interpretations that allow application of the whole range of target fishing mortality values only after additional analysis process with unclear time-frames and after the Baltic Sea TACs and quotas have been fixed, depart from the provisions clearly stated in the Baltic Sea multiannual plan regulation. It practically renders impossible application of full range of target fishing mortality values – one of the core principles of the Baltic Sea multiannual plan regulation in the cases scientific advice or evidence justifies such values. It also severely restricts joint recommendations developed by regional bodies, such as BALTFISH, in preparation of the Council.

Latvia notes that it is within the competence of the Council to approve regulations fixing the fishing opportunities and emphasizes the significant role regional cooperation has traditionally played when fixing TACs and quotas in the Baltic Sea, especially underlining the importance of jointly prepared and agreed BALTFISH recommendations.

Statement by Poland

In the interest of Baltic Sea biological resources, Poland did not support the political agreement, which fails to include fundamental measures for the conservation of those resources.

The compromise adopted has set higher fishing quotas for cod than those recommended by the International Council for the Exploration of the Sea (ICES) and has increased total allowable catches (TACs) for pelagic fish species, contributing to an increase in industrial fishing and disrupting the Baltic cod food chain as a result.

Furthermore, the proposal as adopted has not taken on board the main request made by Poland, namely closed seasons throughout the entire Baltic; given the poor state of cod stocks, this will not permit them to recover. Introducing a closed season which is limited only to zones 25 and 26 of the Baltic Sea will, in the long term, allow continued fishing pressure on spawning stock in zones 27 and 28.

Poland therefore requests the introduction of special control on fishing in the Baltic Sea, with particular regard to industrial fisheries, and calls for the impact of industrial fisheries on the condition of cod to be assessed with a view to investigating the interaction between species and taking complex conservation measures, in particular introducing closed seasons throughout the entire area in which Eastern cod is present.

Poland also requests that work be conducted on the phenomenon of stock mixing in zone 24 and its impact on the distribution of cod in that zone.