



Brussels, 28 October 2015  
(OR. en, es, fr)

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**Interinstitutional File:**  
**2015/0184 (NLE)**

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13404/15  
ADD 1

PECHE 388

**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	11675/15 PECHE 281 + ADD 1 - COM(2015) 413 final + Annex
Subject:	Proposal for a Council Regulation fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea - Statements

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*Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden on recreational fishing of cod*

Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden agree that accounting for recreational catches as part of global fishing mortality presented in the ICES advice, is the objective of their respective countries. To this end, Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden undertake, as a matter of high priority, to:

- a) Improve their data collection systems to assure a sound basis for inclusion of mortality caused by recreational fisheries into ICES assessments;
- b) Exchange information on currently applicable national regulatory practices regarding recreational fishing and improve them where necessary;

- c) Draft a request to ICES for a more detailed explanation of their methodology of accounting for recreational catches;
- d) Agree on the methodology of accounting for cod recreational catches as part of global fishing mortality of the stocks not later than 31 December 2016.

***Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden on the creation of a BALTFISH Technical Working Group***

Willing to overcome the recent difficulties in the management of Baltic cod stocks, Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden agree to create a BALTFISH Technical Working Group (TWG). Its Terms of Reference shall be as follows:

- a) Examine all available and relevant information to improve the management regime for Baltic cod stocks;
- b) Discuss the matters pertaining to properly quantifying and regulating recreational fishing of cod and identify the appropriate ways forward;
- c) Examine the spatial and temporal occurrence of cod in the Central and Western Baltic.

The TWG shall report to Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden no later than 30 June 2016. The TWG shall have an open nature, comprising i.a. scientists, industry professionals, officials and other stakeholders with the expertise appropriate for the tasks above.

Poland commits itself to prepare the Terms of Reference for the TWG as a matter of high priority.

***Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden regarding in-year revision of TAC levels***

In view of recent inflow of highly saline water to the Baltic Sea at the turn of 2014 and 2015 and its traditionally positive consequences, Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden invite the Commission to ask ICES to provide mid-term advice on the Eastern and Western cod stocks that would confirm whether an in-year revision of the provisionally agreed TACs is warranted by the biological situation of the stocks.

***Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden on sprat***

Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden agree to reduce the TAC for sprat, but to do so in a step-wise approach so as to achieve F consistent with MSY ranges as defined by ICES within two years. This decision is also supported by the estimated strength of the 2014 year class.

***Statement by the Council on reference points***

The Council invites the Commission to work with ICES to address the causes for the recurrent changes of reference points in the scientific advice for certain stocks, including sprat.

***Declaración de España y Portugal sobre pesca recreativa del bacalao del mar Báltico***

España y Portugal consideran que la gestión y reparto de posibilidades de pesca de las pesquerías recreativas incumben en exclusiva a cada Estado miembro, y por tanto el debate abierto para la fijación del TAC de bacalao del Mar Báltico no prejuzgará futuros debates que sobre este asunto se realicen en otras cuencas.

## *Déclaration de la France et la Belgique sur la pêche récréative pour la Baltique*

La France et la Belgique prennent acte de l'annonce par les Etats riverains de la Baltique et par la Commission européenne, à l'occasion de la discussion en Conseil des Ministres Agriculture et Pêche du 22 octobre 2015 sur le projet de règlement relatif aux possibilités de pêche pour la Baltique en 2016, de leur intention d'examiner, en lien avec le CIEM, les modalités de prise en compte de la pêche récréative dans la mortalité affectant les stocks de cabillaud.

Il est essentiel que tout scénario qui intégrerait les pêcheries récréatives dans la mortalité et les calculs permettant la fixation d'un TAC respecte le principe fondamental de la stabilité relative.

La France et la Belgique rappellent la nécessité d'une cohérence horizontale dans la façon dont les pêches récréatives qui contribuent significativement à la mortalité par pêche peuvent être prises en compte.

### *Statements by the Commission*

#### *Ad recreational cod fisheries*

In view of the considerable fishing pressure exercised by recreational fisheries on the cod stocks, especially on the Western stock, the Commission intends to request ICES as soon as possible to refine its method of accounting for recreational fisheries in its catch advice. The Commission welcomes the Member States' effort to cooperate in the field of collection of data on recreational fisheries allowing the competent scientific institutions to develop methods for appropriate scientific assessment of the status of fish stocks. The Commission will shortly call on the Member States concerned to provide updated data.

### *Ad in-year revision of TAC levels*

In view of recent inflow of highly saline water to the Baltic Sea, the Commission will request ICES for a mid-term advice on the status of cod stocks. Consequently, the Commission will fully assume its responsibilities as regards ensuring that the 2016 Baltic Sea fishing opportunities are in line with that updated advice.

### *Ad year-to-year flexibility*

The Commission takes note of the Council's wish to have the possibility of increased "banking" for certain specific stocks and for certain Member States which are most affected by the extended Russian import ban, on the basis of scientific advice.

Although such increase raises legal doubts, given the limit set by the applicable legislation, in the present exceptional case, given the severe effects of the Russian extended import ban, and because the measure is strictly limited in time and applies only to the "banking" of quotas (excluding the possibility to increase the limit for "borrowing" quotas), and because of the favourable scientific advice given in this instance, the Commission will not stand in the way of the adoption of this compromise.

At the same time, the Commission will consider asking ICES to include the element of increased flexibility in the scientific assessments on which it bases its catch advice.

This is without prejudice to the Commission's interpretation of the scope of Article 43(3) TFEU, which the Court of Justice will have occasion to clarify in pending cases C-124 and 125/13.

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