



Council of the  
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## DRAFT MINUTES

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Subject: **3427th** meeting of the Council of the European Union (**GENERAL AFFAIRS**) held in Brussels on 17 and 18 November 2015

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## PUBLIC DELIBERATION ITEMS<sup>1</sup>

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<sup>1</sup> Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

## **NON-LEGISLATIVE ACTIVITIES**

*(Public debate in accordance with Article 8(3) of the Council's Rules of Procedure)*

### **"B" ITEMS**

#### **7. Annual programming - Commission's work programme for 2016**

= Presentation by the Commission and exchange of views

13486/15 CODEC 1426 INST 376 POLGEN 157 PE 175

+ ADD 1 to ADD 6

Ministers heard a presentation by Commissioner Timmermans and briefly exchanged views on the Commission work programme for 2016.

## **NON-LEGISLATIVE ACTIVITIES**

*(Adoption made public in accordance with Article 9(1) of the Council Rules of Procedure)*

### **"A" ITEMS**

#### **9. Council Regulation fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104**

13403/15 PECHE 387

+ COR 1

+ COR 2 (et)

+ COR 3 (bg)

+ COR 4 (de)

The Council adopted this regulation (Legal basis: Article 43(3) of the Treaty on the Functioning of the European Union).

#### **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 Denmark and Germany**  
**on fishing closures for cod in Subdivisions 22-24**

"Denmark and Germany note that the quota for cod in Subdivisions 22-24 may only be fished from 1 January to 14 February and from 1 April till 31 December 2016. However, in their view this closure does not affect the derogation contained in Article 8 paragraph 6 of Regulation (EC) no. 1098/2007 as amended by Regulation (EU) 2015/812 according to which fishing vessels with an overall length of less than 12 metres shall be permitted to fish for up to 5 days per month divided into periods of at least 2 consecutive days during the closed periods. Nor does this closure affect the scope of Article 2 of Regulation (EC) no. 1098/2007 according to which that regulation, and hence the application of any conservation measures for Baltic cod, apply only to Union fishing vessels with an overall length equal to or greater than eight metres operating in the Baltic Sea.

Furthermore, Denmark and Germany urge the Commission to consider swiftly exempting vessels fishing in shallow waters (0-20 metres of depth) from the closure period. The cod stock spawns mainly at depths of more than 20 metres. Fishing above 20 metres does therefore not affect spawning in any significant manner. Furthermore, fishing in shallow waters is mainly carried out by small scale fishing vessels to which the cod fishery represents a very important source of income. The extended closure period imposes negative social-economic consequences to this small scale fishing fleet."

**Statement by Spain and Portugal**  
**on recreational cod fishing in the Baltic Sea**

"Spain and Portugal believe that the management and allocation of fishing opportunities for recreational fishing are a matter for each Member State alone and hence that the open debate on fixing the TAC for cod in the Baltic Sea will not pre-empt any future debates on this subject in other fishing areas."

**Statement by France and Belgium**  
**on recreational fishing in the Baltic Sea**

"France and Belgium note that, during the debate in the Agriculture and Fisheries Council on 22 October 2015 on the draft Regulation on fishing opportunities in the Baltic Sea in 2016, the Baltic Sea States, along with the European Commission, announced their intention of examining, together with the ICES, the methods for accounting for recreational fishing in the mortality rate affecting cod stocks.

It is essential that the fundamental principle of relative stability should be observed in any scenario involving the inclusion of recreational fishing in the mortality rate and calculations used for fixing a TAC.

France and Belgium recall the need for horizontal consistency in the way in which recreational fishing that makes a significant contribution to fishing mortality can be taken into account."

## **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."

## **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."