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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 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, and amending Council Regulation (EU) 2015/104

- Statements

Delegations will find attached statements by the Council, the Commission and delegations.

Ad TAC top-ups**JOINT**

The Council and the Commission note the commitment of the Member States concerned to provide timely and accurate data on discards to improve knowledge on discards by the fleets and vessels under the landing obligation in 2016 and in subsequent years. On the basis of such information and available scientific advice, including scientific observer programmes, when calculating quota top-ups due to the landing obligation, the Commission will take into account the utilisation of the de minimis provision in 2016. Without prejudice to applicable legislation, the Commission commits to propose an additional top-up taking into account any utilisation under the maximum percentage applicable for the next management year (2017).

Ad common sole in VIId**JOINT COM + FR + BE + UK**

The Commission notes the assessment of the management measures introduced by France and Belgium in 2015 to support the recovery of the eastern Channel stock. Nursery areas for this stock are located in estuarine areas and bays and the Scientific, Technical and Economic Committee for Fisheries (STECF) indicates that these measures are expected to provide beneficial effects and recognises the vital role played by nurseries in the productivity of the sole stocks and the necessity to protect juveniles. Inside these areas, the Commission will, if appropriate, seek further scientific advice before 2017 on measures that would benefit the conservation of juveniles of this stock. Upon such advice, the Member States commit to consider measures which will efficiently protect juveniles of this stock in the areas recommended by such scientific body.

The Commission also welcomes the implementation of additional French conservation measures in 2016: i) strengthen the protection of the nursery areas, ii) increase the area closed to fishing within the nursery areas, and iii) increase the minimum conservation reference size to 25 cm for French vessels in accordance with EU legislation, where appropriate.

The Commission and the Member States concerned welcome the management strategy proposed by the North Western Waters Advisory Council based on a constant Total Allowable Catch to manage this stock and assessed by the STECF in 2015.

In light of the positive assessment of the STECF, and notwithstanding relevant topups for this stock in application of the landing obligation, it is appropriate to set a TAC of 3000 tonnes for 2016 corresponding to a 14% decrease as compared to 2015. The Commission and the Member States concerned agree that the following rules should be considered in future years unless scientific advice indicates that they are no longer appropriate: i) keep the TAC constant at 3000 tonnes, ii) if the biomass in any year before 2020 is below the precautionary level (Bpa), then the TAC will be set at a level corresponding to a fishing mortality equal to FMSY and iii) if ICES indicates in 2019 that the fishing mortality in 2020 risks being above FMSY, then the TAC will be set at a level corresponding to a fishing mortality in line with FMSY. If the fishing mortality is below FMSY for any 2 consecutive years before 2020 then the Commission will request the STECF to provide advice on the situation of this stock.

Ad *Penaeus* shrimps in French Guiana

JOINT COM + FR

The Commission acknowledges the importance of the TAC of *Penaeus* shrimps (PEN/FGU) in French Guiana to the local economy and livelihood of coastal communities but remains concerned about the level of exploitation of this stock. France, in line with the Scientific, Technical and Economic Committee for Fisheries' suggestions, commits to investigate possible environmental changes and recruitment overfishing synergetic effects. In this view, France commits to improve the scientific knowledge of this stock by i) launching no later than April 2016 a sentinel fishery programme, ii) developing a fully analytical model for this stock and iii) promoting further cooperation and coordination in the relevant Regional Fisheries Management Organisation so as to enhance conservation efforts for this stock.

On the basis of the best scientific advice available, France commits to establish, if possible for 2016 a TAC in accordance with Article 6 of the Fishing Opportunities Regulation, and in any case, no later than 2018, should the scientific studies referred to above under i) and ii) not be completed by 31 December 2016. The Commission reserves the right to request scientific advice of the progress and the results achieved by such studies.

Ad skates and rays

JOINT

The Council and the Commission acknowledge that Member States are investigating alternative management approaches for the TACs of skates and rays. The Commission commits to submit such approaches, once finalised, to the relevant scientific advisory bodies.

Ad pollack in IX and X; Union waters of CECAF 34.1.1

COMMISSION

In the light of possible misidentification and misreporting of catches of pollack as whiting in area IX, the Commission will request ICES to assess whether this would imply changes to its advice for pollack in area IX. If ICES revises its advice, the Commission will consider whether it is appropriate to propose, as soon as possible, an amendment of the TAC for 2016.

Ad common sole in VIIIab

JOINT

The Commission and the Council agree that the TAC for 2016 is set while noting that the scientific advisory bodies may revise relevant reference points for the stock in 2016. Following any such revision, the Commission may propose a revised TAC, in line with the management strategy referred to in the statement "Sole in VIIIab (Bay of Biscay)" in Council document 5092/15 of 9 January 2015. The Council notes the commitment of the Member States concerned to implement the revised scientific advice without any delay in spring 2016, even if it requires setting the TAC at the level of MSY in 2016.

Ad Sole in VIIa

COMMISSION

The assessment for sole in the Irish Sea is primarily informed by a single scientific survey and it has been identified that the survey coverage may not be fully representative of the stock distribution. This issue is currently under scientific examination. While no directed fishery is permitted by-catches of sole in the various fisheries are unavoidable. The Commission, in consultation with the Member States concerned, will explore with the Scientific Technical and Economic Committee for Fisheries at the beginning of 2016 the possibilities and conditions for further possible scientific fisheries.

Ad Herring in Union and international waters of Vb, VIb and VIaN and VIaS, VIIb, VIIc

COMMISSION

The Commission welcomes the efforts of Member States and stakeholders to improve the knowledge on the herring stocks in Divisions VIa and VIIb,c, and the effort to develop a rebuilding plan for the stocks. A small commercial fishery should facilitate further scientific research, especially to help determine the identity and structure of the two separate stocks. The Commission will early in 2016 seek scientific advice on the appropriate elements that are needed for such fisheries, on the period when and the geographical area where they should take place. In light of this advice, and without prejudice to the Commission's right of initiative, the Commission may propose TACs, before the end of February, for herring VIa(S), VIIbc and for herring in Union and international waters of Vb, VIb and VIaN.

Ad horse mackerel in IXa

COMMISSION

The Member States with a direct fisheries management interest in pelagic fisheries in South-Western waters are invited to present a joint recommendation, together with supporting scientific information, to adjust the minimum conservation reference size for the limited amount of horse mackerel caught in traditional small-scale fishery in ICES division IXa.

Ad Licences for Union vessels in Faroese waters

COMMISSION + UK + DK

The Commission and Member States concerned commit to cooperate to ensure maximum effective use of licenses in Faroese waters.

Ad Anchovy in IX

ES

Spain acknowledges the need to improve the scientific assessment of the anchovy stock in area IXa in order to enable an analytical assessment. To this end, in 2016 Spain will commit the necessary scientific resources to develop a model supporting ICES scientific advice for 2017.

Ad Fully documented fisheries for cod in the North Sea

COMMISSION, COUNCIL

The Commission and Council agree that continuation of the catch quota scheme is maintained for one further year to facilitate transition towards full implementation of the landing obligation and to allow the continuation of the current monitoring regime. The scheme will be discontinued at the end of 2016 given that the landing obligation is expected to enter into force in 2017.

Ad Haddock in VIIa

COMMISSION, COUNCIL

The Commission and the Council understand that the assessment model for haddock in the Irish Sea is no longer fit for its purpose. They encourage ICES to make every effort to find a suitable solution at the upcoming ICES benchmark in 2016.

Ad TAC top-ups and discard rates in different management areas

COM + BE + DK + DE + NL + SE + UK

The Commission and BE, DK, DE, NL, SE and UK are of the opinion that the quota adjustments should be based on the best available data for the different management areas. For the North Sea, Skagerrak and Kattegat this would mean that fleet specific estimations of discard levels (by the Scientific Technical and Economic Committee for Fishery) should be used in line with the discard plan for 2016.

BE, DK, DE, NL, SE and UK note that the quota adjustments for 2016 may not fully reflect the discard levels that have been caused by the different management areas subject to the landing obligation.

The Commission will continue working with the Member States and the relevant scientific bodies with a view to identify any necessary improvements of the method in 2017 and in the future implementation of the landing obligation.

Ad Norway Lobster in Area IV Farn Deep

UK

The UK notes the proposal from the North Sea Advisory Council for management of the area IV Norway lobster stock in the Farn Deep (Functional Unit 6). Building on this and noting the poor condition of the stock, we are finalizing a package of national measures, under scientific advice of UK scientists, for the stock's recovery. We will consult on these and put them in place no later than March 2016.

The UK will submit a question to the STECF spring plenary to evaluate the UK national measures and advise on the optimal package of measures required to deliver the recovery of the stock, including through achievement of Fmsy by 2017.

Ad the cod recovery plan

COMMISSION

The Commission notes the request of the UK to replace Regulation (EC) 1342/2008.

Following the judgment of the Court of Justice in Joined Cases 124/13 and 125/13, the Commission is conscious of the need to have the appropriate provisions in place in due time and is ready to help the Council and the Parliament in order to achieve this aim.

Ad sea bass

COMMISSION

The Commission notes that the 1% by catch rule of Article 10 para 2, is without prejudice to the obligation to land all catches as set out in Article 15 of the Basic Regulation. The Commission will monitor the landings of sea bass caught under the by-catch provision in order to assess whether the by-catch provision is sufficient.

Ad statement stable stocks

JOINT

The Council and the Commission note that the fishing opportunities regulations include a number of TACs for stocks for which there is limited information on stock status and which are of low economic importance, or are taken only as by-catches, or which show low levels of quota uptake. In that respect, the Council and the Commission recall their statement concerning such stocks made in 2015 and note that perception of the status of any of these stocks has not significantly changed during 2015. Therefore the Council and the Commission continue to consider it appropriate to constrain catches at or below the TAC levels fixed for 2015. To this end, without prejudice to the Commission's right of initiative and the Council's prerogatives under Article 293(1) TFEU, the Commission and the Council consider that it appears at this stage desirable to maintain the 2015 TAC level for the stocks listed below for the following three years.

The Commission will however continue working with the Member States and the relevant scientific bodies in order to improve the scientific information on these stocks. If the perception of the status of any of these stocks changes significantly during this period, the Council and the Commission agree that this should be taken into account for the purpose of establishing TAC levels for 2017, as appropriate.

Common name	TAC Unit
Blue Ling	EU and international waters of II and IV
Blue Ling	EU and international waters of III
Cod	VIb (Rockall subunit)
Common sole	VI, Vb, international waters of XII and XIV
Common sole	VIIIbc
Common Sole	VIIIhjk
Herring	VIIef
Greater silver smelt	EU and international waters of I and II
Greater silver smelt	EU and international waters of III and IV
Ling	EU and international waters of I and II
Ling	IIIa
Ling	EU and international waters of V
Plaice	Vb(EU waters), VI, XII, XIV
Plaice	VIIIbc
Plaice	VIIIhjk
Plaice	VIII, IX, X and CECAF 34.1.1
Pollack	Vb(EU waters), VI, XII and XIV
Pollack	VIIIc
Pollack	IX, X, CECAF 34.1.1 (EU)
Saithe	VII, VIII, IX, X, CECAF 34.1.1 (EC)

Sole	VIIIcde, IX, X, CECAF (EU)
Sprat	VIIde
Whiting	VIIa
Tusk	IIIa and EU 22-23
Tusk	EC I, II, XIV
Tusk	EC waters of IV

Ad use of the reserve of blue whiting

JOINT ES + PT

Spain and Portugal request to the European Commission that the reserve of blue whiting of the TAC for 2016, consisting of 25 000 tons for future swaps with Norway, is used mostly for Arctic cod.

Ad Bay of Biscay anchovies

JOINT ES + FR

Spain and France intend to request that the 2016 TAC for anchovies in zone VIII be revised, on the basis of the recommendation which may be made to this end by the South Western Waters Regional Advisory Council .

Ad Hague Preferences

JOINT BE + DK + DE + FR

Belgium, Denmark, Germany and France are of the opinion that the scales for the allocation of quotas for Member States were finally agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

Ad undulate ray in area IX

COMMISSION

With the introduction of the by-catch quota for undulate ray in areas VII and VIII earlier in 2015, Member States, including Portugal and Spain, having a direct management interest in this fishery committed (Council document 6936/15 of 10 March 2015) to implement a series of important management measures. Following the same logic and in line with the STECF advice in 2015 the Commission considers that these measures should be extended to area IX where a by-catch quota is established.
