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Subject: Proposal for a COUNCIL REGULATION 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

Delegations will find attached additional written comments by the Danish delegation on the above-mentioned proposal.

Preliminary comments from the Danish delegation on Proposal for a Council Regulation 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

General comments

The Danish delegation welcomes the Commission's proposal 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.

In general, the Danish delegation supports the strategy of the proposal to manage sustainable fisheries in accordance with scientific advice, the principle of maximum sustainable yield (MSY) as agreed in the reform of the Common Fisheries Policy and agreed management plans/strategies.

From 1 January 2017 the landing obligation is introduced for additional demersal fisheries in the North Sea, Skagerrak and Kattegat, among others. According to Article 16(2) in the Basic Regulation (EP/Council No 1380/2013) fishing opportunities shall be fixed taking into account the change from fixing fishing opportunities that reflect landings to fixing fishing opportunities that reflect catches when the landing obligation in respect of a fish stock is introduced ("quota up-lifts").

It is of utmost importance that the quota up-lifts are carried out in a systematic and transparent way. We need to be able to show and explain how the quota up-lifts have been introduced in each of the relevant TAC's.

Furthermore, it is very important, that the top-ups are in line with the different discard rates in the different management areas. In this respect, we refer to the joint recommendation from the Scheveningen Group on the demersal discardplan for 2017. It clearly states that: *"The obligation to land catches of cod shall only apply once Regulation (EC) No 1342/2008 is repealed or once that Regulation is amended with a repeal of Chapter III thereof and clarification that the Regulation is without prejudice to article 16(2) of Regulation (EC) No 1380/2013. As a further condition, the landing obligation shall only be introduced in accordance with Table A if the quota adjustment following Art. 16(2) in Regulation (EC) No. 1380/2013, is based on the discard rates for the management areas separately and according to relative stability"*.

It is very important that the EU/Norway agreement is signed in December, in order to allow fisheries can take place in the Norwegian zone from the 1 January 2017.

With respect to stocks with limited scientific advice/limited stock information, a case-by-case approach should be used for the setting of TACs on the basis of scientific advice including all other relevant information with a view to avoiding automatic reduction of TACs with reference to the precautionary approach. This also means that TACs should not be reduced due to low quota utilization only. In general, it is important to carefully consider challenges ahead in relation to the landing obligation, for example for fish stocks with very small or zero TACs.

Many TACs are set as “pm” in the Commission proposal awaiting the outcome of international and bilateral negotiations such as the EU/Norway negotiations and further considerations. The Danish delegation reserves its position relating to such TACs and will comment on these stocks at a later stage.

Please note that the Danish delegation at this stage maintains its parliamentary and scrutiny reservations, and thus the right to make additional comments at a later stage.

Specific comments on the regulation

Comments regarding the articles

Article 6 - TACs to be determined by the Commission and by Member States

Denmark maintains its scrutiny reservation on paragraph 1 with respect to the proposal to use implementing acts to set the TAC's for sandeel, capelin and sprat in the relevant management areas. We find it of utmost importance, that the TAC for the short-lived species mentioned in the article can be set in time before the fishing season starts or without a stop in a peak season. This is a big challenge. It is imperative that the TAC's can be set shortly after scientific advice is available. Therefore, we do think that the Commission proposal could be a step in the right direction. In addition, we would ask to add Norway pout to the list of short-lived species covered by this paragraph.

Article 7 - Conditions for landing catches and by-catches

In paragraph 2 there is a reference to identified stocks of non-target species within safe biological limits in Annex 1. However, there seems not to have been an update in the Annex 1 according to scientific advice. We should ask for such an update.

Article 8 – Fishing effort limits

It is important that this article and in particular Annex IIA is adjusted correctly in order to implement the revised cod plan that is foreseen to enter into force by the 1 January 2017. For instance, the exemption for vessels under 10 meters has to be maintained in the regulation (in Annex IIA).

Article 9 – Catch and effort limits for deep-sea fisheries

A new regulation on deep-sea fisheries is close to adoption. Is there a need for the Article after adoption of the new?

Article 10 – Measures on Sea bass fisheries

Scrutiny reservation.

Comments regarding TACs

Cod in the Kattegat, (COD/03AS)

The latest trends of the cod stock in the Kattegat based on assessments have shown a significant increased spawning stock biomass in recent years compared to former historically low levels.

In last year's discussions on the TAC-setting for cod in the Kattegat we found a reasonable solution that helped fishermen avoid very large discards of cod above the MCRS (30 cm in Kattegat) in a situation with a very low TAC (for by-catches only) and rapidly increasing SSB.

We would like to see the same methodology used this year in the TAC setting for cod in the Kattegat for 2017.

We therefore recommend that the TAC for cod in the Kattegat based on the scientific advice should be set as a bycatch quota at a level that does not lead to increasing discards of cod above the MCRS (30 cm).

ICES catch advice for cod in Kattegat for 2017 is 643 tons. Landing advice is 129 tons. Estimated discards above the MCRS are 94% (using both Danish and Swedish data). Using the same approach as for 2016 would mean a TAC of 612 tons.

We therefore recommend that the TAC for cod in the Kattegat be set as a bycatch TAC at 612 tons for 2017.

Dab and flounder in IIa and IV (DAB/2AC4-C and FLE/2AC4-C)

Scrutiny reservation.

This TAC is currently set as "pm". However, we are aware that discussions on the possible exclusion of dab and flounder from the regulation on fishing opportunities have taken place in the Expert Group on Fisheries and Aquaculture. In relation to the implementation of the landing obligation on these stocks (expected in 2019), that are primarily caught as unavoidable by-catches in other fisheries such a solution could be appropriate, and we will consider this option very carefully.

Plaice, Kattegat (PLE/03AS)

Scrutiny reservation.

Saithe in IIIa and IV; Union waters of IIa, IIIb, IIIc and subdivisions 22-32 (POK/2A34)

Saithe in the Baltic Sea is not covered by the ICES scientific advice. Saithe is in some years caught as by-catches in the Baltic Sea. Many Baltic Member States do not have quota for this stock. There is a need to find a workable solution. We would ask to have the Baltic Sea (IIIb, IIIc and subdivisions 22-32) removed from the TAC area.

We do not think that areas IIIb, IIIc and subdivisions 22-32 should be covered by the TAC for this stock.

Common sole in Union waters of IIa and IV (SOL/24-C.)

Consider MSY-approach on this stock.

Sprat and associated by-catches; IIIa (SPR/03A.)

In footnote (1) haddock must be added for 2017 together with whiting, since haddock is not within safe biological limits.

Sprat and associated by-catches; IIa and IV (SPR/2AC4-C)

Scrutiny reservation on the TAC.

We would ask for a preliminary TAC on this stock in order to allow fisheries to start early in 2017.

In footnote (1) whiting can be deleted for 2017, on the condition that the Commission agrees that whiting is within safe biological limits.

Picked dogfish in Union waters of IIa and IV (DGS/03 A-C.)

“Pm” in the proposal. Has been 0-TAC for some years. 0-TAC’s are incompatible with the introduction of the landing obligation (expected in 2019 for picked dogfish). There is a need to explore possible solutions and obtain more scientific data.

Picked dogfish in Union waters of IIIa (DGS/2AC4-C.)

Same as above.

Horse mackerel and associated by-catches; Union waters of IVb, IVc and VIId (JAX/4BC7D)

In footnote (3) haddock must be added for 2017, since haddock is not within safe biological limits. Whiting can be deleted for 2017, on the condition that the Commission agrees that whiting in IV and VIId is within safe biological limits.

Horse mackerel and associated by-catches: Union waters of IIa, Iva; VI, VIIa-c, VIIe-k; VIIIa, VIIIb, VIId and VIIIe; Union and international waters of Vb; international waters of XII and XIV (JAX/2A-14)

In footnote (3) haddock must be added for 2017, since haddock is not within safe biological limits in all areas.

Norway pout and associated by-catches; IIIa; Union waters of IIa and IV (NOP/2A3A4.)

In footnote (1) haddock must be added for 2017 together with whiting, since haddock is not within safe biological limits.

Technical comments

Articles

In Article 6, paragraph 2 should maybe be divided in a para 2 and a para 3 (similar to last year”). In paragraph 2 (c) it seems unclear which “second subparagraph” there is referred to.

In Article 10 a paragraph 3 is missing.

Fishing effort – Annex II A

Se comments under article 8.

Fishing licenses – Annex III

It is important that the Commission in its negotiations with third countries ensure that a sufficient number of fishing licenses are available to EU vessels. There is a need for an in-depth discussion of the allocation of the fishing licenses between Member States.
