



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 January 2009**

**5229/09**

**PECHE 7**

**NOTE**

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From : Council Secretariat

To : Delegations

No. Cion prop. : 15578/08 PECHE 307 + ADD 1 + ADD 2 + ADD 3 - COM(2008) 709 final (J/L doc. 17020/08 PECHE 352)

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Subject : Proposal for a Council Regulation fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required

- Council and Commission statements

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Delegations will find attached Council and Commission statements.

Delegations' unilateral statements will appear in a separate document (5230/09 PECHE 8).

**1. Ad Article 8(4) (effort management of deep sea fisheries)**

**Commission Statement**

"In view of providing a coherent system for long-term management of deep sea fisheries, the Commission foresees to prepare, during the course of 2009, a proposal for the revision of Council Regulation (EC) 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep sea stocks, including new effort limitations for deep sea vessels."

**2. Ad Chapter XIV (ICCAT implementation in 2009)**

**Commission Statement**

"The Commission declares its intention to submit a proposal to the Council to incorporate into EC law amendments to the bluefin tuna recovery plan, decided at the 2008 annual session of the International Commission for the Conservation of Atlantic Tunas, including derogations referring to weather and minimum size. This proposal should be submitted in due time to allow the Council to decide before the start of the bluefin tuna fishing season in 2009."

**3. Ad Article 88 (EFF funding for swordfish closure)**

**Council and Commission Statement**

"The Council and Commission take note of the request of some Member States to examine under which conditions the measures establishing a closed season of the swordfish fisheries in the Mediterranean Sea could be eligible under Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund. The Commission will examine this request early in 2009 with a view to finding a solution on appropriate measures before the start of the fishing season."

#### **4. Ad horse mackerel TAC areas**

##### **Council and Commission Statement**

"The Council and Commission agree to continue work on new TAC areas for horse mackerel during 2009, with a view to adopting new management areas prior to 31 July 2009.

The Commission envisages proposing a new long-term plan concerning this stock in the first quarter of 2009."

#### **5. Ad Category 11 stocks**

##### **Council and Commission Statement**

"Scientific advice by STECF and ICES states that the status of a number of stocks is unknown. The available data are insufficient for assessing the current stock size and exploitation. Management advice is therefore not available. Data basis for the scientific advice provided by STECF and ICES derives from national laboratories in the Member States concerned by each fishery. The Council and the Commission consider that appropriate initiatives to remedy this management shortcoming should be taken in the course of 2009."

#### **6. Ad Annex IIa (effort use monitoring in relation to quota uptake)**

##### **Commission statement**

"The Commission, in close cooperation with Member States concerned, will follow the development of quota and effort use in order to assess if overall effort allocation is sufficient to use the allocated quota and if necessary to address any problems arising from this assessment."

**7. Ad Point 20 of Annex III: (minimum size for octopus)**

**Commission Statement**

"The Commission declares its intention to take appropriate initiatives within a short time in order to achieve the harmonization of minimum size for octopus in the framework of the Commission for East-Central Atlantic Fisheries (CECAF)."

**8. Ad Annex IIa (procedures to exclude vessels from the effort management provisions of the cod plan)**

**Commission statement**

"The Commission, upon request from Member States concerned, will propose as soon as possible to the Council the exclusion of groups of vessels from the effort regime in accordance with Article 11(2) of the long term cod plan adopted on 18 December 2008. The proposal will be conditional upon the criteria for such exclusion being fulfilled, including that during the management period concerned the percentage of cod catches as assessed by STECF does not exceed 1,5% of the total catches made by the group of vessels. The proposal will include the deduction of the amount of effort spent in fishing under these criteria, to the extent this amount had formed part of the baseline calculation in accordance with Article 12(2) of the cod plan."

**9. Ad Annex IIa (maximum allowable effort in the North Sea, the Skagerrak and the Eastern Channel)**

**Council and Commission Statement**

"The Council and the Commission agree that, in view of the particularities of fisheries in the Eastern Channel (ICES area VIIId) which are bound by the same maximum allowable fishing effort as the fisheries in the North Sea and the Skagerrak, that overall effort, deployed in this area on average during the years 2004 to 2006, should not increase. The Commission undertakes to analyse overall effort deployed in area VIIId during 2008, compared to the average mentioned before, with a view to presenting to the Council in November 2009 an assessment if the effort management needs to be amended in order to avoid effort increases in area VIIId above previous levels."

**10. Ad Annex IIb (special conditions for low levels of catches of conservation species)**

**Council and Commission Statement**

"The Council and the Commission agree to revise the special condition set out in point 7.2 derogating vessels from the limitations in days at sea which have a track record of insignificant yearly landings of conservation species, by moving forward the reference period relevant for this track record."

**11. Ad exchange of fishing opportunities with Norway**

**Commission Statement**

"The Commission, in its annual negotiation with Norway in 2009 concerning the exchange of fishing opportunities, will take into account the interest of all concerned Member States, while preserving relative stability."

**12. Ad haddock in EC waters of zones Vb and VIa**

**Council Statement**

"Without prejudice to the right of initiative of the Commission in legislative matters, the Council invites the Commission to propose a long-term plan for the management of this stock as soon as practicable."

**Council and Commission Statement**

"The Council and the Commission agree that until such a plan is adopted by Council, it would be appropriate to set the TAC for this stock according to the same rule as applies concerning the stock of haddock in the North Sea, while adapting the precautionary spawning biomass and the limit spawning biomass as appropriate for this stock."

### **13. Ad Category 6 stocks**

#### **Council and Commission Statement**

"The Council and the Commission agree to examine options for the management of fish stocks where scientific advice is currently provided without a short-term quantitative forecast of the consequences of alternative catches. This examination shall be held jointly with ICES and STECF. Subsequently, the Commission envisages proposing a remedial course of action, with a view that the Council decides on this course of action prior to 31 December 2009."

### **14. Ad anglerfish in zones VIIIc and IXa**

#### **Council Statement**

"The Council notes the scientific advice concerning this stock and the fact that it is caught in a mixed fishery together with southern hake and Nephrops and invites the Commission, without prejudice to its right of initiative in legislative matters, to come forward with a proposal amending Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. This amendment should concern the inclusion of anglerfish in this management plan in order to lead to management of all three species concerned towards compatibility with maximum sustainable yield."

### **15. Ad herring in the Celtic Sea (Zone VIIhjk)**

#### **Council and Commission Statement**

"Without prejudice to its right of initiative in legislative matters, the Council invites the Commission to propose a long-term plan for the management of this stock as soon as practicable.

The Council and the Commission agree that until such a plan is adopted by Council, it would be appropriate to set the TAC for this stock according to the following rule:

1. For 2009, the TAC should be reduced by 25% relative to the current year (2008).
2. In 2010 and subsequent years, the TAC should be set corresponding to a fishing mortality of  $F_{0.1} = 0.19$ .
3. If, in the opinion of ICES and STECF, the catch should be reduced to the lowest possible level, the TAC for the following year will be reduced by 25%.

The Council and the Commission take note of the information provided by Ireland on that, through national legislation, Division VIIaS will be closed to herring fishing for 2009, 2010 and 2011, but a small-scale sentinel fishery will be permitted in the closed area (with a maximum catch limitation of 8% of the Irish quota)."

## **16. Ad Spurdogs**

### **Council and Commission Statement**

"The Council and the Commission agree on a reduction of 50% of the TAC for 2009 as a first step towards a zero TAC for Spurdog in 2010 (allowing for a by-catch of up to 10% of the 2009 quota)."

## **17. Ad Porbeagle**

### **Council and Commission Statement**

"The Council and the Commission underline the poor state of the Porbeagle stock and the need to implement rigorous conservation measures, especially on the targeted fishery that occurs in the NE Atlantic waters. The Commission intends to examine scientific data that will be produced by the joint ICES/ICCAT sharks working group in 2009 and propose appropriate technical measures for 2010."

**18. Ad Chapter VI (GFCM Port State Measures)**

**Council and Commission Statement**

"The Council and the Commission agree to act expeditiously to incorporate into European Community law the measures decided in the General Fisheries Commission for the Mediterranean, on the basis of a proposal from the Commission based on Article 37 of the Treaty and, in the meantime, that these measures are binding on Member States, as any international obligation undertaken by the European Community."

**19. Ad whitefish west of Scotland**

**Council and Commission Statement**

"The Council and the Commission share serious concern about the poor state of cod, haddock and whiting in ICES Division VIa. They have agreed an initial suite of measures designed to ensure the sustainability of these stocks, whilst wherever possible allowing fleets to pursue other sustainable fisheries. As part of this suite, Member States agree to take steps, including increased observer capability, to improve scientific knowledge of these stocks; to develop measures to radically reduce discards, including exploring the implications of extending to the west of Scotland a highgrading ban similar to that to be applied in the North Sea, with a view to introducing measures by 30 June, and to extend its real time closures to include VIa closures for haddock and whiting. The Council and the Commission agree to monitor closely progress on these stocks during 2009, in particular the implication, enforcement and impact of these measures including levels of discards, with a view to a possible amendment of the measures themselves in the light of experience."