



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 11 January 2011**

**5038/11**

**PECHE 1**

**NOTE**

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from: General Secretariat  
to: Delegations

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No. Cion prop.: 16068/10 PECHE 277  
(J/L doc. 17546/10 PECHE 340)

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Subject: Proposal for a Council Regulation fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non EU waters  
- 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 (5139/11 PECHE 2).

### **1. Ad fixing definitive fishing opportunities**

"The Commission intends to submit, as soon as practicable, to the Council a proposal for fixing definitive fishing opportunities, including unallocated opportunities for certain fish stocks and groups of fish stocks in the 2011 TAC Regulation, which are the subject of bilateral fisheries consultations with Faroe Islands with a view of the Council adopting the legal act concerned no later than on 31 May 2011."

### **2. Ad discards Norway**

"The Commission will take the steps necessary to implement the condition agreed with Norway as regards the retention on board of undersized fish caught by vessels participating in trials of fully documented fisheries in order to avoid discards. The Commission undertakes to explore the possibility of generalising this approach to all fisheries."

### **3. Ad boarfish fishery**

"The Commission declares its intention to take appropriate initiatives early 2011 in order to establish, under the ordinary legislative procedure, an appropriate mesh size for the fishery targeting boarfish in view of completing the legal framework for this fishery for 2011."

### **4. Ad new and developing fisheries**

"The Council and Commission recognise the need to establish guidelines for the establishment and expansion of new and developing fisheries. The Council invites the Commission to propose such guidelines during 2011 in the process of the reform of the Common Fisheries Policy. This proposal may incorporate the requirements of Environmental Impact Assessments prior to the establishment and expansion of new and developing fisheries, and will have due regard to work conducted within FAO and NEAFC in this area."

## **5. Ad Closure for cod in IIIa**

"The Commission notes that there are few signs of improvement for the cod stock in Kattegat despite substantial TAC reductions during the past decade. The Commission therefore recognises the need for further measures to protect the stock. To this end the Commission will ask STECF to evaluate the effectiveness of seasonal closures for all trawl-related fisheries, other than those identified as catching negligible quantities of cod, from 1 January to 30 April to protect the spawning stock. Based on the evaluation the Commission will consider including such provisions in the context of the review of the cod recovery plan."

## **6. Ad Review of the cod plan**

"The Commission, taking note of the continued poor state of stocks of cod concerned by Council Regulation (EC) 1342/2008 and the lack of evidence of a reduction in fishing mortality rates, will undertake a review of all pertinent factors concerning the fisheries catching the relevant cod stocks. The review will include the measures fixed according to the aforementioned Regulation, their implementation and their effects, including discard reduction measures and measures affecting cod management decided by Member States as well as the application of the fishing effort limits.

The review will cover scientific and control aspects and will require the submission of relevant data by Member States. The Commission will request the advice of STECF concerning the review and will consult stakeholders through the Regional Advisory Councils. The Commission undertakes to convene a conference to discuss the findings of these consultations."

## **7. Ad Closure for cod in area VIa**

"The Commission and the Council agree to consider spatial and temporal restrictions aimed at conservation of cod to the fishing opportunities for cod and species caught with cod within a zone defined by the following coordinates from 1 February to 31 March:

7°00W 55°00N

6°00W 55°00N

6°00W 55°30N

7°00W 55°30N

Based on evaluations from STECF, similar restrictions could be considered as appropriate for the purpose of reducing cod mortality in other parts of zones VIa."

## **8. Ad By-Catch conditions**

"The Commission will request scientific advice of STECF concerning the likely effects of regulating the permitted landings of cod from zone VIa as a proportion of the landings of other species (by-catch limit) either as a stand-alone restriction or in combination with a TAC restriction. Based on the advice received the Commission will make appropriate proposals."

## **9. Ad Spanish effort**

"A group of Spanish vessels using trawls to target hake in the West of Scotland is currently excluded from the cod plan's effort regime. This group will have to be re-included into the cod plan's effort regime if it cannot be shown that they continue to catch less than 1,5% of cod. Spain may use the opportunity to submit supplementary catch data to the STECF spring plenary meeting of 2011 in order to prove the fulfilment of this condition. In the absence of sufficient supplementary data, Council and Commission engage to foresee that the vessel group will be immediately re-included, according to the rules foreseen in the cod plan and its implementing provisions."

#### **10. Ad Celtic Sea Effort limits**

"The Council and the Commission acknowledge advice issued by ICES and STECF on the need to avoid increase of fishing effort for any of the fisheries in the Celtic Sea. Further work on this matter should be pursued during 2011 in the context of the ongoing Western Waters review."

#### **11. Ad effort and quota limits**

"The Commission, in close cooperation with Member States concerned, will follow the development of quota and effort use in order to assess any cases of disproportionately low effort references in relation to the quota share of the concerned Member States and if necessary to address any problems arising from this assessment."

#### **12. Ad haddock and whiting in the Celtic Sea**

"The Commission notes that Member States commit to apply improved gear selectivity in conducting fisheries for haddock and whiting in the Celtic Sea."

#### **13. Ad TAC areas for Norway Lobster (Nephrops) in Area VII**

"The Council and the Commission agree on the need to explore further the measures needed to respond to the advice issued by ICES and STECF on the desirability to manage individual functional units of nephrops in Zone VII. Further work on this matter should be pursued during 2011."

#### **14. Ad Mackerel**

"The proposed quota for mackerel will be reviewed in order to ensure respect of relative stability and to ensure that any payment by Member States in 2011 is dealt with in an equitable manner throughout the distribution of the respective EU quotas. To this end, the Commission will organise a technical meeting before 31 January 2011 in order to establish the methodology for such an exercise."

### **15. Ad Western Channel Sole - fully documented fishery**

"The Commission and Council agree on the need in 2011 to closely monitor and evaluate the initiative on fully documented fisheries for the sole fishery in the Western Channel and in particular to assess the effect of these measures on the reduction of sole discards in this area on the basis of data to be provided by the Member States concerned."

### **16. Ad Council and Commission statement on NAFO 3M Shrimps**

"In order to provide a coherent management in external fisheries policy, the Commission may, taking into account the scientific advice, submit to the Council, for the purpose of the NAFO Annual meeting in 2011, a proposal for the revision of 3M shrimp management measures, establishing that the fishery for this stock will be reopened if the scientific advice allows it. Furthermore the Council invites the Commission to submit a proposal for long-term management measures for this stock as soon as practicable."

### **17. Ad Southern hake and Nephrops plan**

"The Commission and the Council agree that, without prejudice to the outcome of the review of the recovery plan for Southern hake and Norway lobster in 2011, it appears appropriate to improve the current system of fishing effort limitation to take account of the impact the different gear types have on the stocks concerned.

The Commission, taking note of the continued poor state of southern hake and the lack of evidence of a reduction in fishing mortality rates, will finalise the review of all pertinent factors concerning the fisheries catching southern hake. The review will include the measures fixed according to the Recovery Plan for Southern hake and Nephrops, their implementation and their contribution to the improvement of the state of this stock."

#### **18. Ad Commission statement on capacity plan for Bluefin Tuna fisheries (Annex IV)**

"The Commission acknowledges that the EU management plan for fishing capacity as in Annex IV, point 4, tables A and B, may be revised. This revision will take into account the national management plans for fishing capacity presented by Member States, for approval by the Commission prior submission to ICCAT in February 2011.

The EU management plan in the current regulation will therefore be revised after the next ICCAT inter-sessional meeting (February 2011) during which ICCAT will formally adopt the capacity plans submitted by the contracting parties, including the EU."

#### **19. Ad Licences granted to Venezuelan vessels to fish for snappers in French Guiana**

"The Council takes note of the fact that the Commission intends to shortly submit to it a proposal for a Council Decision approving a Statement on Consent on the access of fishing vessels flying the flag of the Bolivarian Republic of Venezuela to the exclusive economic zone off the coast of the French Guiana (equivalent to an international agreement and thus requiring the consent of the European Parliament). This Council Statement of Consent would serve as a legal basis for the issuance of licences to these vessels. The Council and the Commission understand that, in order to avoid disruption of supply for the processing industry of French Guiana, it is important that the Venezuelan vessels be able to continue their activity from the beginning of the year 2011. In view of this, the licences are to be issued on a provisional basis, subject to completion of the process of adoption of the above Council Decision on the Statement of Consent."

## **20. Ad discards policy**

"The Commission and the Council recognise that discarding fish is a waste of natural resources and is a serious problem in global and European fisheries. Widespread discarding damages marine ecosystems and the financial viability of fishing businesses and is ethically undesirable.

The Commission and the Council are committed to reducing discards now and under a reformed Common Fisheries Policy. They welcome action by and will work closely with Member States and others to tackle this problem, including trials of alternative management systems, fully documented fisheries or management by effort. The Commission and the Council are keen to see the results of initiatives such as catch quota management in order to have an assessment by STECF on its efficiency to reduce discards and overall mortality of fish."

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