

Translations of note 600137 of 2019/02/01 of the European Commission.

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MARE D3 ADV (2019) Ares 600137

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President du CC SUD
6, rue Alphonse Rio
56100 Lorient
France

Subject: Fishing opportunities 2019

Your ref: Advice 124 dated 9 December 2018

Dear Sir,

I would like to thank SWWAC for their contribution to the proposed Council regulation establishing the fishing opportunities for the Atlantic and the North Sea in 2019.

As regards SWWAC's specific recommendations stock by stock, allow me to assure you that the quotas adopted by the Member States in December 2018 follow the advices of the ICES. Given the extension of the landing obligation to all species covered by TACs 1st January 2019, the calculations of the 2019 TACs were based on **catches** and not, as was previously the case, on landings. The proposed TACs were calculated by deducting total catches corresponding to the "*de minimis*" exemptions provided for in Article 15 of Regulation 1380/2013 from the ICES proposal. For certain stocks such as Megrim, it was necessary to use a multiplication factor, the ICES having given an overall amount for the two stocks concerned.

Furthermore, the Commission informed the national administrations of the details of the TAC calculations, and gave them the responsibility of disseminating the information to the fishing sector. The fact that SWWAC did not appear to be aware of this methodology leads me to think that it is necessary to review the way in which the information has been disseminated. DG MARE is at your disposal should you require any clarifications in this respect.

I would also like to point out that the Commission is conscious of the problem that may be caused by the "choke species" in the context of the landing obligation and much appreciate the work carried out by the regional groups and the Advisory Councils to identify the best available instruments in the CFP to solve these difficulties (discard plans, selectivity measures, swaps, interzone and inter species flexibility, etc.).

The Commission also takes account of the different measures referred to by SWWAC. It is in this way that the interzone flexibilities that you propose were eventually adopted when all the Member States concerned were able to give their agreement. The MSY bands, laid down in the multiyear plans will make it possible to reduce the problems arising due to the "choke species"; we should note in this respect the example of the "roll over" adopted for southern hake.

Finally, at the Council meeting in December 2018, based on a proposal from the Commission, the Member States agreed on the creation of limited by-catch quotas in North West Waters, as well as on a "pool" fed by the contributions of the Member States. These quotas will be redistributed to the Member States who have no available quotas for these by-catches. This solution also has the advantage of encouraging fishermen to be more selective while at the same time asking the Member States to implement appropriate inspection measures.

I would like to stress the fact that it is essential to reach MSY in 2020 to guarantee sustainable fishing. Certain positive results of MSY in economic terms (income and profits) for the fishermen and the coastal communities are beginning to appear and confirm that this is the best way forward. Out of the 59 stocks in the European Union, for which an MSY advice is available, sustainable levels have been established for 50 of them for 2019. We can therefore conclude that almost 99% of landings in the Baltic Sea, the North Sea and the Atlantic Ocean, managed exclusively by the European Union, will be fished at a sustainable level in 2019.

For whiting in zone VIIIabde, a declaration has been added to the Council decision stipulating that the Commission will ask the ICES for an updated advice reviewing the level of discards. On the basis of this advice, the Commission will consider the possibility of proposing an amendment to the regulation on fishing opportunities 2019.

For Nephrops VIII ab, I would like to confirm that this species is not subject to the landing obligation in view of the high survival rate. For Nephrops in VIIIc the ICES had proposed a "0" TAC for 2017-2019. Already in 2017, the Commission proposed a TAC for scientific fishing in FU 25. At Spain's request, a declaration has now been added concerning scientific fishing in FU 31. The Commission will ask the ICES for an advice and will consider the possibility of changing the regulation on fishing opportunities.

As regards Pollack in VIIIabde and Plaice in VIII, the "roll over" already constitutes a TAC higher than the ICES' advice, and it was not therefore appropriate to increase it.

With respect to the minority advice of the member representing recreational fishing of Bass in VIIIab, I confirm that Bass fishing is an integral part of the regulation on fishing opportunities (article 9(5) of the Commission's proposal) and of the regulations on fishing opportunities:

¹ See COM(2018)732

² See Article 9 of Regulation (EU) 2017/127 and Article 11 of Regulation (EU) 2018/120.

I would like to thank the Advisory Council once again for its collaboration and this advice relating to fishing opportunities, and invite to contact Mrs Pascale Colson, the Advisory >Council coordinator (pascale.colson@ec.europa.eu, +32.2.295.62.73) should you require any further information regarding this reply

Yours faithfully

Joao AGUIAR MACHADO

Signature

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