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**15650/2/18**  
**REV 2**

**LIMITE**

**PECHE 548**

**NOTE**

From:	Presidency
To:	Council
No. Cion doc.:	13731/18 PECHE 444 + ADD 1-2 - COM(2018) 732 final
Subject:	Proposal for a Council Regulation fixing for 2019 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 the final Presidency compromise in agreement with the Commission on the above-mentioned proposal, based on the consolidated version of the proposal (doc. 15051/18 PECHE 513 + ADD 1-2).

This document substitutes the first Presidency compromise.

This compromise also includes under point 3 and 4 updates to Annexes IA and IB concerning TAC levels that were missing or incorrect after recent international consultations.

Fishing Opportunities 2019
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**1. CHANGES TO THE BODY OF THE REGULATION**

- Recital (13) should read as follows:

*(13) The North Sea multiannual plan was established by Regulation (EU) 2018/973 of the European Parliament and of the Council<sup>1</sup> and entered into force in 2018. Fishing opportunities for stocks listed in Article 1 of that Plan should be established in accordance with targets (ranges of Fmsy) and safeguards **in compliance with conditions** provided for in that Plan. **The ranges of Fmsy have been identified in the respective ICES advices.** Fishing opportunities for by-catch stocks in the North Sea should be established in accordance with the precautionary approach, as set out in Article 5(2) of Regulation (EU) 2018/973. **In order to limit variations in fishing opportunities between consecutive years, in accordance with Article 4 (5) (c) of that Regulation, it is appropriate to use the upper range of Fmsy for common sole in 2a and 4.***

- Recital (27) should read as follows:

*(27) At its annual meeting in 2017, the International Commission for the Conservation of Atlantic Tunas (ICCAT) agreed that in 2018 and 2019, the Union may distribute the unallocated reserves for 2019 and 2020, considering in particular the needs of coastal developing CPCs in their artisanal fisheries. That distribution was agreed at the inter-sessional meeting of Panel 2 of ICCAT (Madrid, March 2018) based, for the EU allocation, on the information received from Member States, in particular Greece, Spain and Portugal. As a result of that the EU received specific catch possibilities of 87 tonnes for 2019 and 100 tonnes for 2020 to be used by EU artisanal fleets in certain EU regions. That allocation of new fishing possibilities was endorsed by ICCAT at its annual meeting in 2018 and it is therefore relevant to establish an allocation key for those additional fishing possibilities.*

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<sup>1</sup> Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.07.2018, p.1).

## European Eel

- Recital (10) should read as follows:

(10) *As regards the European eel (*Anguilla anguilla* L.) stock, the ICES has advised that all anthropogenic mortalities, including recreational and commercial fisheries, should be reduced to zero, or kept as close to zero as possible. Moreover, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel in the Mediterranean Sea. It is appropriate to establish a level-playing field across the EU and hence to establish also for the Union waters of ICES area as well as ~~the freshwaters and transitional~~ brackish waters, such as ~~lagoons and~~ estuaries, coastal lagoons and transitional waters a consecutive 3-month closure period for all fisheries of European eel at all life stages. As the fishing closure period should be consistent with the conservation objectives set out in Regulation (EC) 1100/2007<sup>2</sup> and with the temporal migration patterns of European eel, for the Union waters of ICES area it is appropriate to ~~continue setting~~ set it in the period between 1 August 2019 and 29 February 2020 ~~1 September 2019 and 31 January 2020~~.*

- Recital (37a) should read as follows:

(37a) *At its 42<sup>nd</sup> annual meeting in 2018, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel (*Anguilla anguilla* L.) in the Mediterranean Sea. These measures ~~comprise a consecutive 3-month closure period to be defined by each Member State in accordance with its national management plan, the conservation objectives of Regulation (EC) No 1100/2007 and the temporal migration patterns of eel in the Member State. Having regard to the critical state of the stock, the recommendation shall apply to all activities catching European eel and include freshwaters and transitional brackish waters, such as lagoons and estuaries~~ are already implemented at EU level through Regulation (EC) No 1100/2007. The Recommendation also includes an annual closure period of three consecutive months which needs to be transposed into EU law and defined by each Member State in accordance with the conservation objectives of Regulation (EC) No 1100/2007, its management plan(s) for eel and the temporal migration patterns of eel in the Member State. The closure shall apply to all marine waters of the Mediterranean and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with the Recommendation.*

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<sup>2</sup> Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel.

- Article 10 should read as follows:

*Article 10*

**Measures on European eel fisheries in Union waters of ICES area**

Any targeted, incidental and recreational fishery of European eel shall be prohibited in Union waters of ICES area, ~~including in freshwaters and transitional~~ and brackish waters such as ~~lagoons and estuaries, coastal lagoons and transitional waters~~ for a consecutive three-month period to be determined by each Member State between ~~1 August 2019 and 29 February 2020~~ ~~1 September 2019 and 31 January 2020~~. Member States shall communicate the determined period to the Commission not later than 1 June 2019.

- Article 40a should read as follows:

*Article 40a*

**European eel in the Mediterranean Sea (GSAs 1 to 27)**

1. All activities by Union vessels and other Union fishing activities catching European eel, namely targeted, incidental and recreational fisheries, shall be subject to the provisions of this Article.
2. This Article shall apply to the Mediterranean Sea, ~~including freshwaters and transitional brackish waters, such as lagoons and estuaries~~ and to brackish waters such as estuaries, coastal lagoons and transitional waters.
3. It shall be prohibited to fish for European eel in EU and international waters of the Mediterranean Sea, for a consecutive three-month period to be determined by each Member State. The fishing closure period shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place and with the temporal migration patterns of European eel in the Member States concerned. Member States shall communicate the determined period to the Commission no later than one month before the entry into force of the closure and in any case no later than 31 January 2019.

## European seabass

- Recital (9) should read as follows:

*(9) According to scientific advice, European seabass (*Dicentrarchus labrax*) in the Celtic Sea, Channel, Irish Sea and southern North Sea (ICES divisions 4b, 4c and 7a, 7d–7h) remains in a perilous state. Spawning–stock biomass has been declining since 2005 and is now below *Blim*. Fishing mortality has increased over the time-series, peaking in 2013 before a rapid decline to below *FMSY*. Recruitment was estimated to be poor since 2008, with the exception of the 2013 and 2014 year-class estimates which show average recruitment. ICES advise that when the *MSY* approach is applied, total removals in 2019 should be no more than 1789 tonnes, which is an increase compared to the 2018 advice. Therefore, higher catches could be allowed for hooks and lines fishery for this species. It is also appropriate to continue the set of measures for unavoidable by-catches of European seabass with certain other gears, while providing a limited increase in the catch allowances. Measures for managing recreational fisheries for European seabass should be adapted, taking account of the significant impact of such fisheries on the stocks concerned. Within the limits of the scientific advice, the catch-and-release practice and bag limit should continue, but should be applied for a longer period.*

- Article 9 should read as follows:

### *Article 9*

#### *Measures on European seabass fisheries*

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass in ICES divisions 4b and 4c, and in ICES subarea 7. It shall be prohibited to retain on board, tranship, relocate or land European seabass caught in that area.
2. By derogation from paragraph 1, in January 2019 and from 1 April to 31 December 2019, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h and in waters within 12 nautical miles from baselines under the sovereignty of the United Kingdom in ICES divisions 7a and 7g may fish for European seabass, and retain on board, tranship, relocate or land European seabass caught in that area with the following gears and within the following limits:
  - (a) using demersal trawls<sup>3</sup>, for unavoidable by-catches not exceeding ~~100 kilogrammes~~ **400 kilogrammes** per ~~month~~ **two months** and 1% of the weight of the total catches of marine organisms on board caught by that vessel in any single day;

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<sup>3</sup> All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

- (b) using seines<sup>4</sup>, for unavoidable by-catches not exceeding ~~180 kilogrammes~~ **210 kilogrammes** per month and 1% of the weight of the total catches of marine organisms on board caught by that vessel in any single day;
- (c) using hooks and lines<sup>5</sup>, not exceeding ~~7 tonnes~~ **5.5 tonnes** per vessel per year;
- (d) using fixed gillnets<sup>6</sup>, for unavoidable by-catches not exceeding ~~1.2 tonnes~~ **1.4 tonnes** per vessel per year ~~and 1% of the weight of the total catches of marine organisms on board caught by that vessel in any single day.~~

The derogations set out in the first subparagraph shall apply to Union fishing vessels that have recorded catches of European seabass over the period from 1 July 2015 to 30 September 2016: in point (c) with recorded catches using hooks and lines, and in point (d) with recorded catches using fixed gillnets. In the case of a replacement of a Union fishing vessel, Member States may allow the derogation to apply to another fishing vessel provided that the number of Union fishing vessels subject to the derogation and their overall fishing capacity do not increase.

3. The catch limits set in paragraph 2 shall not be transferable between vessels and, where a monthly limit applies, from one month to another. For Union fishing vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 2 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear not later than 15 days after the end of each month.

4. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a, 7a to 7k:
  - (a) from 1 January to 31 March and from 1 November and to 31 December 2019, only catch-and-release fishing allowing high rates of survivability for European seabass shall be allowed. During that period, it shall be prohibited to retain on board, relocate, tranship or land European seabass caught in that area;
  - (b) from 1 April to 31 October 2019, not more than one specimen of European seabass may be retained per fisherman per day.
5. In recreational fisheries in ICES divisions 8a and 8b, a maximum of three specimens of European seabass may be retained per fisherman per day.

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<sup>4</sup> All types of seines (SSC, SDN, SPR, SV, SB and SX).

<sup>5</sup> All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).

<sup>6</sup> All fixed gillnets and traps (GTR, GNS, FYK, FPN and FIX).

## **Five by-catch TACs**

- Recital (7) shall read as follows:

(7) There are certain stocks for which ICES has issued scientific advice for no catches. If the TACs for those stocks are set at the level indicated in the scientific advice, the obligation to land all catches in mixed fisheries with by-catches from these stocks would lead to the phenomenon of “choke species”. In order to strike the right balance between continuing fisheries in view of the potentially severe socio-economic implications, and the need to achieve a good biological status for those stocks, taking into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, it is appropriate to establish specific TACs for by-catches for those stocks. The level of these TACs should be such that mortality for these stocks is not increased and that provides incentives for improvements in selectivity and avoidance. ***In order to guarantee to the extent possible the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation 1380/2013, it is appropriate to establish a pool for quota exchanges for those Member States that have no quota to cover their unavoidable by-catches.***

- A new Article 7a is inserted:

### ***Article 7a***

#### ***Quota exchanges mechanism for TACs for unavoidable by-catches related to the introduction of the landing obligation***

1. In order to take into account the introduction of the landing obligation and to make quotas available to Member States without a quota for certain by-catches, the quota exchange mechanism as defined in this Article shall apply to the TACs identified in Annex IA.
2. 7%6% of each quota from the TACs for cod in the Celtic Sea, cod in the West of Scotland, whiting in the Irish Sea and plaice in 7h, 7j and 7k, and 3% of each quota from the TAC for the West of Scotland whiting, allocated to each Member State, shall be made available for a swapping pool for quota exchanges, which shall open as of 1 January 2019. Member States without quota shall have exclusive access to the quota pool until 31 March 2019.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. Any unused quantities shall be returned to those Member States that have initially contributed to the quota-swapping pool for quota exchanges after 31 March 2019.
4. The quotas provided in return shall be preferably taken from a list of at least 10 species-TACs identified by each Member State contributing to the pool as listed in the Appendix to Annex IA.

5. Those quotas shall be of equivalent commercial value by using a market exchange rate or other mutually acceptable exchange rates. In absence of alternatives, the equivalent economic value in accordance to the average EU prices of the previous year, as provided by EUMOFA, shall be used.
6. In cases where the above mechanism does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.

The TAC levels for the five by-catch TACs to which Article 7a shall apply are the following:

Common name	TAC Unit	Proposal TAC 2019	Compromise TAC 2019 (tonnes)	Cut from ICES advice
Cod	Celtic Sea	1288	1610 t	no cut
Cod	West of Scotland	1461	1735 t	-5%
Whiting	Irish Sea	612	727 t	-5%
Whiting	West of Scotland	937	1112 t	-5%
Plaice	7hjk	92	109 t	-5%

The related TACs are as follows:

Species:	Cod	Zone:	6a; Union and international waters of 5b east of 12°00' W
	<i>Gadus morhua</i>		(COD/5BE6A)
Belgium	5 <sup>(1)</sup>	Analytical TAC	
Germany	50 <sup>(1)</sup>	Article 7a of this Regulation applies	
France	534 <sup>(1)</sup>		
Ireland	260 <sup>(1)</sup>		
United Kingdom	886 <sup>(1)</sup>		
Union	1 735 <sup>(1)</sup>		
TAC	1 735 <sup>(1)</sup>		

<sup>(1)</sup> Exclusively for by-catches of cod in fisheries for other species. No directed fisheries for cod are permitted under this quota.



Species:	Cod	Zone:	7b, 7c, 7e-k, 8, 9 and 10; Union waters of CECAF 34.1.1 (COD/7XAD34)
	<i>Gadus morhua</i>		

Belgium	50 <sup>(1)</sup>	Analytical TAC
France	822 <sup>(1)</sup>	Article 7a of this Regulation applies
Ireland	650 <sup>(1)</sup>	Article 12(1) of this Regulation applies
The Netherlands	0 <sup>(1)</sup>	
United Kingdom	88 <sup>(1)</sup>	
Union	1 610 <sup>(1)</sup>	

TAC 1 610 <sup>(1)</sup>

<sup>(1)</sup> Exclusively for by-catches of cod in fisheries for other species. No directed fisheries for cod are permitted under this quota.

Species:	Whiting	Zone:	6; Union and international waters of 5b; international waters of 12 and 14 (WHG/56-14)
	<i>Merlangius merlangus</i>		

Germany	3 <sup>(1)</sup>	Analytical TAC
France	68 <sup>(1)</sup>	Article 7a of this Regulation applies
Ireland	324 <sup>(1)</sup>	
United Kingdom	717 <sup>(1)</sup>	
Union	1 112 <sup>(1)</sup>	

TAC 1 112 <sup>(1)</sup>

<sup>(1)</sup> Exclusively for by-catches of whiting in fisheries for other species. No directed fisheries for whiting are permitted under this quota.

Species:	Whiting	Zone:	7a (WHG/07A.)
	<i>Merlangius merlangus</i>		

Belgium	2 <sup>(1)</sup>	Analytical TAC
France	25 <sup>(1)</sup>	Article 7a of this Regulation applies
Ireland	419 <sup>(1)</sup>	
The Netherlands	0 <sup>(1)</sup>	
United Kingdom	281 <sup>(1)</sup>	
Union	727 <sup>(1)</sup>	

TAC 727 <sup>(1)</sup>

<sup>(1)</sup> Exclusively for by-catches of whiting in fisheries for other species. No directed fisheries for whiting are permitted under this quota.

Species: Plaice <i>Pleuronectes platessa</i>		Zone: 7h, 7j and 7k (PLE/7HJK.)
Belgium	7 <sup>(1)</sup>	Precautionary TAC
France	14 <sup>(1)</sup>	Article 7a of this Regulation applies
Ireland	47 <sup>(1)</sup>	Article 12(1) of this Regulation applies
The Netherlands	27 <sup>(1)</sup>	
United Kingdom	14 <sup>(1)</sup>	
Union	109 <sup>(1)</sup>	
TAC	109 <sup>(1)</sup>	
<sup>(1)</sup> Exclusively for by-catches of plaice in fisheries for other species. No directed fisheries for plaice are permitted under this quota.		

**The following Appendix is added to Annex IA**

## **Appendix**

**The TACs referred to in Article 7a (4) are the following:**

For Belgium: common sole in 7a; common sole in 7f and 7g; common sole in 7e; common sole in 8a and 8b; megrims in Union and international waters of 5b; 6; international waters of 12 and 14; megrims in 7, haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; Norway lobster in 7; cod in 7a; plaice in 7f and 7g; plaice in 7h, 7j and 7k.

For France: mackerel in 3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32; herring in 4, 7d and Union waters of 2a; horse mackerel in Union waters of 4b, 4c and 7d; whiting in 7b-k; haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; common sole in 7f and 7g; whiting in 8; red seabream in Union and international waters of 6, 7 and 8; boarfish in Union and international waters of 6, 7 and 8; mackerel in 6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14; skates and rays in Union waters of 6a, 6b, 7a-c and 7e-k, skates and rays in Union waters of 7d, skates and rays in Union waters of 8 and 9; undulate ray in Union waters of 7d and 7e.

For Ireland: anglerfish in 6; Union and international waters of 5b; international waters of 12 and 14; anglerfish in 7; Norway lobster in Functional Unit 16 of ICES Subarea 7.

For the United Kingdom:

In exchange for the West of Scotland cod and whiting: cod in 6b; Union and international waters of 5b west of 12°00' W and of 12 and 14; whiting in 6; Union and international waters of 5b; international waters of 12 and 14;

In exchange for the Celtic Sea cod, Irish Sea whiting and Plaice in 7h, 7j and 7k: cod in 7b, 7c, 7e-k, 8, 9 and 10; Union waters; haddock in 7b-k, 8,9 and 10; Union waters of CECAF 34.1.1; sole in 7h, 7j and 7k; sole in 7e; plaice in 7h, 7j and 7k.

## 2. CHANGES TO THE TAC TABLES IN ANNEX IA

Common name	TAC Unit	Proposal TAC change 2018 -2019	Compromise TAC change 2018 - 2019	Compromise TAC 2019 (tonnes)	Statements / additional information
<b>Anglerfish</b>	5b, 6 - 14				5% of this quota may be used in 2a, 4
<b>Cod</b>	Kattegat	-24%	-10%	567 tonnes	
<b>Cod</b>	2a and 4				5% of this quota may be used in 7d
<b>Cod</b>	7d				Flexibility of 5% to 4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat
<b>Common sole</b>	2a and 4	-22%	-20%	12 555 tonnes	
<b>Haddock</b>	7b-k, 8, 9 and 10, Union waters of CECAF	-14%	+20%	8329 tonnes	
<b>Hake</b>	8c, 9, 10	-14%	RO	9 258	
<b>Ling</b>	3a	RO	+95%	170 tonnes	Flexibility 25% from 4 to 3a, but not more than 75t
<b>Ling</b>	Union waters of 4	-3%	+5%	4035 tonnes	
<b>Ling</b>	6-14				35% of this quota may be used in 4
<b>Mackerel</b>	6, 7, 8abde				25% of this quota can be transferred to 8c, 9 and 10

<b>Megrims</b>	5b, 6-14				5% of this quota may be used in 2a, 4
<b>Megrims</b>	7				For BE, IE and the UK: 10 % of the quotas may be used in 8a, 8b, 8d and 8e (LEZ/*8ABDE) for by-catches in directed fisheries for sole. For ES and FR: 35 % of the quota may be fished in 8a, 8b, 8d and 8e (LEZ/*8ABDE).
<b>Norway lobster</b>	3a	+65%	+17%	13 733 tonnes	
<b>Plaice</b>	Kattegat	+98%	+15%	1705 tonnes	
<b>Skates and Rays</b>	3a	-11%	RO	47 tonnes	
<b>Skates and rays</b>	7d	-5%	+10%	1404 tonnes	
<b>Skates and rays</b>	6a, 6b, 7a-c, 7e-k	-1%	+5%	10184 tonnes	
<b>Skates and rays</b>	8 and 9	RO	+10%	4759 tonnes	
<b>Undulate ray</b>	7de	-36%	+30%	234 tonnes	
<b>Undulate ray</b>	8	-57%	+10%	33 tonnes	
<b>Undulate ray</b>	9	-35%	+4%	50 tonnes	
<b>Whiting</b>	8	RO			Statement

**The Hague preferences are applied for the following stocks:**

**At 50%:**

Cod 6 a, 5 b (COD/5BE6A)

Cod 6 b, 5 b, 12 & 14 (COD/5W6-14)

Cod 7 a (COD/07A.)

Cod 7 b-c, e-k, 8, 9, 10 & 34.1.1 (COD/7XAD34)

Haddock 6 a, 5 b (HAD/5BC6A.)

Haddock 6 b, 12 & 14 (HAD/6B1214)

Whiting 7 a (WHG/07A.)

Whiting 7 b-k (WHG/7X7A-C)

Whiting 6, 5b 12 & 14 (WHG/56-14)

Plaice 6, 5b, 12 & 14 (PLE/56-14)

Plaice 7 a (PLE/07A.)

Plaice 7 b,c (PLE/7BC.)

Plaice 7 f,g (PLE/7FG.)

Saithe 6, 5b, 12 & 14 (POK/56-14)

Saithe 7, 8, 9, 10 & 34.1.1 (POK/7/3411)

Sole 7 a (SOL/07A.)

Sole 7 b,c (SOL/7BC.)

**At 30%:**

Haddock 4; Union waters of 2a (HAD/2AC4.)

Whiting 4; Union waters of 2a (WHG/2AC4.)

### **3. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING CERTAIN TACS IN ANNEX IA**

Annex IA of the consolidated version (doc. 15051/18 ADD 1) is amended by replacing the relevant fishing opportunities tables with the following ones:

Species:	Herring (1)	Zone:	3a
	<i>Clupea harengus</i>		(HER/03A.)
Denmark	12 325	(2)	Analytical TAC
Germany	197	(2)	Article 7(2) of this Regulation applies
Sweden	12 893	(2)	
Union	25 415	(2)	
Norway	3 911		
Faroe Islands	0	(3)	
TAC	29 326		
(1)	Catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.		
(2)	Special condition: up to 50 % of this amount may be fished in Union waters of 4 (HER/*04-C.).		
(3)	May only be fished in the Skagerrak (HER/*03AN.).		

Species:	Cod	Zone:	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat
	<i>Gadus morhua</i>		(COD/2A3AX4)

Belgium	826	Analytical TAC
Denmark	4 748	
Germany	3 010	
France	1 021	
The Netherlands	2 683	
Sweden	32	
United Kingdom	10 891	
Union	23 211	
Norway	5 004 <sup>(1)</sup>	

TAC 29 437

(1) May be taken in Union waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special condition: within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the following zone:

Norwegian waters of 4 (COD/\*04N-)

Union 21 236



Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	4; Union waters of 2a (HAD/2AC4.)
Belgium	240	Analytical TAC	
Denmark	1 647	Article 7(2) of this Regulation applies	
Germany	1 048		
France	1 827		
The Netherlands	180		
Sweden	116		
United Kingdom	17 533		
Union	22 591		
Norway	6 359		
TAC	28 950		

Special condition: within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters of 4 (HAD/\*04N-)

Union	16 804
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Species:	Whiting <i>Merlangius merlangus</i>	Zone:	4; Union waters of 2a (WHG/2AC4.)
Belgium	323	Analytical TAC	
Denmark	1 396	Article 7(2) of this Regulation applies	
Germany	363		
France	2 098		
The Netherlands	807		
Sweden	2		
United Kingdom	5 565		
Union	10 554		
Norway	1 219 <sup>(1)</sup>		
TAC	17 191		
(1) May be taken in Union waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.			

Special condition: within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters of 4 (WHG/\*04N-)

Union	10 881
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Species:	Whiting <i>Merlangius merlangus</i>	Zone:	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k (WHG/7X7A-C)
Belgium	187	Analytical TAC	
France	11 510	Article 7(2) of this Regulation applies	
Ireland	5 334	Article 12(1) of this Regulation applies	
The Netherlands	94		
United Kingdom	2 059		
Union	19 184		
TAC	19 184		

Species:	Blue whiting  <i>Micromesistius poutassou</i>	Zone:	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14  (WHB/1X14)
Denmark	48 813 <sup>(1)</sup>	Analytical TAC	
Germany	18 979 <sup>(1)</sup>	Article 7(2) of this Regulation applies	
Spain	41 383 <sup>(1)(2)</sup>		
France	33 970 <sup>(1)</sup>		
Ireland	37 800 <sup>(1)</sup>		
The Netherlands	59 522 <sup>(1)</sup>		
Portugal	3 844 <sup>(1)(3)</sup>		
Sweden	12 075 <sup>(1)</sup>		
United Kingdom	63 341 <sup>(1)</sup>		
Union	319 727 <sup>(1)(3)</sup>		
Norway	99 900		
Faroe Islands	10 000		
TAC	Not relevant		
(1)	Special condition: within a total access quantity of 22 500 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F.): 7%		
(2)	Transfers of this quota may be effected to 8c, 9 and 10; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.		
(3)	Special condition: from the EU quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:		
227 975			

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	3a (PRA/03A.)
Denmark	1 120	Precautionary TAC	
Sweden	603		
Union	1 723		
TAC	3 226		

Species:	Plaice	Zone:	7d and 7e
	<i>Pleuronectes platessa</i>		(PLE/7DE.)

Belgium	1 694	Analytical TAC
France	5 648	Article 7(2) of this Regulation applies
United Kingdom	3 012	
Union	10 354	
TAC	10 354	

Species:	Plaice	Zone:	7f and 7g
	<i>Pleuronectes platessa</i>		(PLE/7FG.)

Belgium	413	Precautionary TAC
France	744	Article 7(2) of this Regulation applies
Ireland	115	
United Kingdom	390	
Union	1 662	
TAC	1 662	

Species:	Saithe	Zone:	6; Union and international waters of 5b, 12 and 14
	<i>Pollachius virens</i>		(POK/56-14)

Germany	859	Analytical TAC
France	8 530	Article 7(2) of this Regulation applies
Ireland	285	
United Kingdom	2 079	
Union	11 753	
Norway	940 <sup>(1)</sup>	
TAC	12 693	

(1) To be fished north of 56°30' N (POK/\*5614N).

Species:	Common sole <i>Solea solea</i>	Zone:	7d (SOL/07D.)
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Belgium	677	Analytical TAC
France	1 354	
United Kingdom	484	
Union	2 515	
TAC	2 515	

Species:	Norway pout and associated by-catches <i>Trisopterus esmarki</i>	Zone:	3a; Union waters of 2a and 4 (NOP/2A3A4.)
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Year	2018	2019	Analytical TAC
Denmark	85 186 <sup>(1)(3)</sup>	54 949 <sup>(1)(6)</sup>	Article 3 of Regulation (EC) No 847/96 shall not apply
Germany	16 <sup>(1)(2)(3)</sup>	11 <sup>(1)(2)(6)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply
The Netherlands	<sup>(1)(2)(3)</sup> 63	<sup>(1)(2)(6)</sup> 40	
Union	85 265 <sup>(1)(3)</sup>	55 000 <sup>(1)(6)</sup>	
Norway	15 000 <sup>(4)</sup>	14 500	
Faroe Islands	6 000 <sup>(5)</sup>	5 000	
TAC	Not relevant	Not relevant	

(1)	Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9% of the quota.
(2)	Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.
(3)	Union quota may only be fished from 1 November 2017 to 31 October 2018.
(4)	A sorting grid shall be used.
(5)	A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.
(6)	Union quota may be fished from 1 November 2018 to 31 October 2019.

#### **4. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING CERTAIN TACS IN ANNEX IB**

Annex IB of the consolidated version (doc. 15051/18 ADD 1) is amended by replacing the relevant fishing opportunities tables with the following ones:

Species:	Grenadiers <i>Macrourus spp.</i>	Zone:	Greenland waters of 5 and 14 (GRV/514GRN)
Union	85 <sup>(1)</sup>	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant <sup>(2)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply	
(1)	Special condition: roundnose grenadier ( <i>Coryphaenoides rupestris</i> ) (RNG/514GRN) and roughhead grenadier ( <i>Macrourus berglax</i> ) (RHG/514GRN) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.		
(2)	The amount below, in tonnes, is allocated to Norway and can be fished in either this TAC zone or Greenland waters of NAFO 1 (GRV/514N1G). Special condition for this amount: roundnose grenadier ( <i>Coryphaenoides rupestris</i> ) (RNG/514N1G) and roughhead grenadier ( <i>Macrourus berglax</i> ) (RHG/514N1G) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.		

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Species:	Grenadiers <i>Macrourus spp.</i>	Zone:	Greenland waters of NAFO 1 (GRV/N1GRN.)
Union	60 <sup>(1)</sup>	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant <sup>(2)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply	
(1)	Special condition: roundnose grenadier ( <i>Coryphaenoides rupestris</i> ) (RNG/N1GRN.) and roughhead grenadier ( <i>Macrourus berglax</i> ) (RHG/N1GRN.) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.		
(2)	The amount below, in tonnes, is allocated to Norway and can be fished in either this TAC zone or Greenland waters of 5 and 14 (GRV/514N1G). Special condition for this amount: roundnose grenadier ( <i>Coryphaenoides rupestris</i> ) (RNG/514N1G) and roughhead grenadier ( <i>Macrourus berglax</i> ) (RHG/514N1G) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.		

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Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Greenland waters of NAFO 1 (PRA/N1GRN.)
Denmark	1 400	Analytical TAC	
France	1 400	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	2 800	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

Species:	Saithe <i>Pollachius virens</i>	Zone:	International waters of 1 and 2 (POK/1/2INT)
Union	0	Analytical TAC	
TAC	Not relevant		

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	International waters of 1 and 2 (GHL/1/2INT)
Union	900 (1)	Precautionary TAC	
TAC	Not relevant		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.		

Species:	Greenland halibut	Zone:	Greenland waters of NAFO 1
	<i>Reinhardtius hippoglossoides</i>		(GHL/N1GRN.)
Germany	1 925	(1)	Analytical TAC
Union	1 925	(1)	Article 3 of Regulation (EC) No 847/96 shall not apply
Norway	575	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	Not relevant		
(1)	To be fished south of 68°N.		

Species:	Greenland halibut	Zone:	Greenland waters of 5,12 and 14
	<i>Reinhardtius hippoglossoides</i>		(GHL/5-14GL)
Germany	4 289		Analytical TAC
United Kingdom	226		Article 3 of Regulation (EC) No 847/96 shall not apply
Union	4 515	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply
Norway	575		
Faroe Islands	110		
TAC	Not relevant		
(1)	To be fished by no more than six vessels at the same time.		

Species:	Redfish	Zone:	Norwegian waters of 1 and 2
	<i>Sebastes spp.</i>		(RED/1N2AB.)
Germany	766		Analytical TAC
Spain	95		Article 3 of Regulation (EC) No 847/96 shall not apply
France	84		Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	405		
United Kingdom	150		
Union	1 500		
TAC	Not relevant		



Species:	Redfish (pelagic) <i>Sebastes spp.</i>	Zone:	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (RED/N1G14P)
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Germany	765	(1) (2) (3)	Analytical TAC
France	4	(1) (2) (3)	Article 3 of Regulation (EC) No 847/96 shall not apply
United Kingdom	5	(1) (2) (3)	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	774	(1) (2) (3)	
Norway	561	(1) (2)	
Faroe Islands	0	(1) (2) (4)	

TAC Not relevant

(1) May only be fished from 10 May to 1 July.

(2) May only be fished in Greenland waters within the Redfish Conservation Area bounded by the lines joining the following coordinates:

Point	Latitude	Longitude
1	64°45'N	28°30'W
2	62°50'N	25°45'W
3	61°55'N	26°45'W
4	61°00'N	26°30'W
5	59°00'N	30°00'W
6	59°00'N	34°00'W
7	61°30'N	34°00'W
8	62°50'N	36°00'W
9	64°45'N	28°30'W

(3) Special condition: this quota may also be fished in international waters of the Redfish Conservation Area mentioned above (RED/\*5-14P).

(4) May only be fished in Greenland Waters of 5 and 14 (RED/\*514GN).

Species:	By-catches <sup>(1)</sup>	Zone:	Greenland waters (B-C/GRL)
Union	1 050	Precautionary TAC	
TAC	Not relevant	Article 3 of Regulation (EC) No 847/96 shall not apply	
		Article 4 of Regulation (EC) No 847/96 shall not apply	
<sup>(1)</sup>	By-catches of grenadiers ( <i>Macrourus</i> spp.) shall be reported in line with the following fishing opportunities tables: grenadiers in Greenland waters of 5 and 14 (GRV/514GRN) and grenadiers in Greenland waters of NAFO 1 (GRV/N1GRN.).		

Species:	Other species <sup>(1)</sup>	Zone:	Faroese waters of 5b  (OTH/05B-F.)
Germany	281	Analytical TAC	
France	253	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	166	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	700		
TAC	Not relevant		
<sup>(1)</sup>	Excluding fish species of no commercial value.		

## **5. STATEMENTS**

### **On quota exchanges for southern hake, anglerfish and megrims in division 8c (Spain and Portugal)**

Spain and Portugal will agree on necessary quota swaps for hake, anglerfish and megrims in the Iberian waters to avoid "choke" situations.

### **On by-catch reduction plans and control measures (North West Waters Group, i.e. Belgium, France, Ireland, the Netherlands, Spain and the United Kingdom, and the Commission)**

Member States cooperating in the North-Western Waters, **in close cooperation with the North Western Waters Advisory Council**, will prepare a by-catch reduction plan to ensure that by-catches of the stocks for which ICES has issued zero catch advice for 2019 are reduced through selectivity **or** avoidance measures. To this end the Member States concerned will submit to the Commission a by-catch reduction plan at the latest on **30 April 2019**. By-catch reduction plans will contain measures such as more selective gears, area closures, real time closures, avoidance measures and move-on rules. **They may build on the latest relevant discard plans.** The by-catch reduction plans should be adapted to the species in question and be chosen from the above catalogue of measures according to the specificities of each fishery. The plans will be assessed by the STECF regarding their effectiveness. **The Chair of the North Western Waters Group will report to the Commission by 1 October every year on progress achieved with the by-catch reduction plan.**

**In line with the Control Regulation, the Member States will undertake all appropriate control measures to ensure that by-catches of the stocks for which ICES has issued zero catch advice for 2019 are strictly unavoidable and that no discards take place beyond levels allowed by the discard plan. By 1 July 2019 the Member States concerned will inform the Commission of the control measures taken.**

### **On commitment to solve choke species of Member States with zero quota allocation by swaps (North West Waters Group, i.e. Belgium, France, Ireland, the Netherlands, Spain and the United Kingdom)**

The Member States concerned **will endeavour ~~commit~~** to undertake the necessary swaps to avoid choke situations for the following stocks, covering the needs from Member States without quota allocation in those stocks:

- Saithe, POK 7/3411
- Sole, SOL/7BC.
- Sole, SOL/5614
- Sole, SOL/7FG
- Cod, COD/5W6-14
- Plaice, PLE/56-14
- Plaice, PLE/7BC
- ~~- Boarfish, BOR/678-~~
- ~~- Greater Silver Smelt, ARU/567~~

~~This statement will be annexed to the TAC/quota regulation 2019 and revised every year in light of the stocks with zero quota allocation without other possible solution available in the toolbox.~~

The amount of quota exchanged from this list should **aim at allowing** ~~allow~~ Member States without quota allocation to effectively operate from 1<sup>st</sup> of January 2019 covering the estimated unavoidable by-catches from each Member State.

Member States receiving the swaps will provide in exchange quotas from Annex IA of the Fishing Opportunities Regulation.

Member States commit themselves to make efforts to find a compromise and to arrange fair quota swaps by using a market exchange rate or other mutually acceptable exchange rates. In absence of alternatives, the equivalent economic value in accordance to the average EU prices of the previous year, as provided by EUMOFA, will be used.

~~**On full documentation of catches and other control measures by the Member States of the North Western Waters (the Netherlands, Ireland, France, the United Kingdom, Spain and Belgium) and the Commission**~~

~~Member States will undertake all appropriate control measures to ensure full documentation of catches, in particular by implementing the remote electronic monitoring for fleets having by catches from the five stocks for which ICES has recommended zero catches in 2019. These measures will be implemented progressively until the end of 2021, based on a risk assessment. The Member States concerned will ensure that by the end of 2019 at least 25% of the vessels having by catches from the five stocks have remote electronic monitoring systems on board.~~

### **On sentinel fishery for Norway lobster in functional unit 31 (Commission)**

Spain has submitted a request for a sentinel fishery for Norway lobster in functional unit 31, which could allow collecting necessary catch/landing data for that functional unit. On the basis of this request, the Commission will ask ICES to:

- Assess a level of catches that would minimise impact on the stock but would be sufficient to allow collection of LPUE data for potential use as an abundance index;
- Suggest any specific conditions that should apply to the fishery, and data collected, in order for it to be useful in an abundance index context – i.e. trips, timeframe, geographical area, etc.

Following the scientific advice the Commission will consider submitting an appropriate proposal for amending the 2019 fishing opportunities.

### **On whiting in subarea 8 (Commission)**

The Commission will request updated scientific advice from ICES for whiting in ICES subarea 8 taking into account the latest information on discard levels. On the basis of the scientific advice, if appropriate, the Commission will consider proposing an amendment to the 2019 fishing opportunities.

### **On by catches of greater silver smelt and boarfish (Commission)**

As regards greater silver smelt, Spain has submitted a request to remove subarea 7 from the TAC, which currently covers subareas 5, 6 and 7 (ARU/567).

As regards boarfish, Spain has submitted a request to remove subareas 8b and 8c from the TAC, which currently covers subareas 6, 7 and 8 (BOR/678).

On the basis of these requests, the Commission will ask ICES in early 2019 to assess what consequences such removals would have upon these stocks, in particular whether the removals would have any impact on the requirement to ensure that the stocks concerned are exploited sustainably in the short and middle term. ICES will be further requested to assess whether the application of other conservation tools in absence of TACs for greater silversmelt in subarea 7 and for boarfish in subarea 8 could contribute to the sustainable management of the stocks concerned.

Following the scientific advice, if appropriate, the Commission will consider submitting a proposal for amending the 2019 fishing opportunities.

### **On inter-area flexibility for different biological stocks (Commission)**

The Commission will submit a request to ICES to provide scientific advice on whether the inter-area flexibility would be sustainable, also in the long term, noting that the current scientific advice indicates that this flexibility would apply to two different stocks. The following requests will be submitted:

MS	Species	From	To	% flexibility requested	Conditions
Belgium	Haddock	2a, 4	7b-k	10%	5% (FR) 7d only (IE)
Belgium	Plaice	7d	7fg	5%	Bycatch sole fishery
Belgium	Whiting	7b-k	8	5%	Bycatch sole fishery
France/Spain	Pollack	7	8abde	5%	2% flexibility exists
France	Whiting	2a, 4	7b-k	5%	7d only (IE)
France/Spain	Skates & rays	6, 7	8, 9	10%	
France	Plaice	7fg	7hjk	5%	

### **On de minimis deduction for whiting and cod in the North sea (COM and North Sea Member States)**

The Commission takes note of the intention of the Member States of the North Sea Regional Group to submit a revised joint recommendation amending the de minimis exemption for whiting and cod for the vessels using bottom trawls (OTB, OTT, SDN, SSC) of mesh size 70-99mm (TR2) in Southern North Sea (ICES subarea 4c), and the de minimis exemption for whiting and cod for the vessels using bottom trawls (OTB, OTT, SDN, SSC) of mesh size 70-99mm (TR2) in Central and Northern North Sea (ICES subareas 4a and 4b).

Provided that the revised discard plan is adopted, following the STECF assessment, the Commission will consider, if appropriate, submitting a proposal for an in-year amendment to the 2019 fishing opportunities regulation adjusting the level of the TACs for whiting and cod to take into account the revised permitted discard rate.

**On the level of unavoidable whiting by-catches in the Irish Sea (Commission)**

**The Commission will submit an urgent request to ICES to provide updated scientific advice on unavoidable by-catch levels of whiting in the Irish Sea mixed fisheries in 2019. Following this advice, the Commission will consider submitting as soon as possible a proposal for amending the level of the TAC in the 2019 fishing opportunities.**

**Hague Preferences (Belgium, Denmark, France and Germany)**

Belgium, Denmark, Germany and France are of the opinion that the scales for the allocation of quotas for Member States were 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.

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