



Council of the  
European Union

Brussels, 15 October 2018  
(OR. en)

13098/18

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**Interinstitutional File:**  
**2018/0320(NLE)**

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**LIMITE**

**PECHE 397**

**NOTE**

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| From:          | Presidency   |
| To:            | Council  |
| No. Cion doc.: | 11735/18 PECHE 320 + ADD 1 - COM(2018) 608 final   |
| Subject:       | Proposal for a COUNCIL REGULATION fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea<br>- <i>Political agreement</i> |

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Delegations will find enclosed the final Presidency compromise on the above proposal:

- Changes to recitals and articles to the Commission proposal (doc.11735/18) and to the non-papers (docs. 13033/18 and 12988/18) are marked in **bold and strikethrough**<sup>1</sup>;
- Revised TAC levels from the Annex of the Commission proposal (doc. 11735/18 ADD1);
- Statements.

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<sup>1</sup> Only the changes are mentioned, parts that are unchanged are not shown in this document.

## **1. CHANGES TO RECITALS AND ARTICLES**

Recital 7 is modified as follows:

As regards the Western Baltic Sea cod stock, scientific advice indicates that recreational fisheries contribute significantly to the overall fishing mortality of that stock **and should be limited**. ~~Taking into account the current status of that stock,~~ It is **therefore** appropriate to ~~maintain~~ **set** a daily bag limit per fisherman. This is without prejudice to the principle of relative stability applicable to commercial fishing activities.

Recital 8 is modified as follows:

As regards the Eastern Baltic cod stock, ~~the~~ ICES has not yet been able to establish biological reference points, following changes in the biology of the stock. It is therefore appropriate, in order to contribute to the achievement of the objectives of the plan, to fix the TAC for Eastern Baltic cod in accordance with the precautionary approach as established in Article 9(2) of Regulation 1380/2013 **and to set a closure period**.

A new recital 8a on inter-area flexibility for salmon is added:

**In order to guarantee full use of coastal fishing opportunities, it is appropriate to introduce a limited inter-area flexibility for salmon from subdivisions 22-31 to subdivision 32 for the Member State that has requested this flexibility.**

A new recital 8b on sea trout is added:

**According to ICES advice, 29% of catches in the salmon fishery is misreported, notably as sea trout. As most of the sea trout in the Baltic Sea is exploited in coastal areas, it is appropriate to prohibit fishing for sea trout beyond 4 nautical miles and to limit by-catches of sea trout to 3% of the combined catch of sea trout and salmon. This should contribute to preventing misreporting of salmon catches as sea trout catches.**

Recital 10a is modified as follows and renumbered 10b:

In the previous years the total allowable catches (TAC) for anchovy in **subareas** 9 and 10; **and** Union waters of CECAF 34.1.1 have been fixed for a calendar year. In July 2018 ICES issued its advice for the period from 1 July of the current year to 30 June of the following year for this stock. Those periods should be aligned in order to match the TAC period with that of the ICES advice. Exceptionally and only due to the transition, the TAC for anchovy should be amended to cover the period of 18 months, ending at 30 June 2019.

Recital 11 is modified as follows:

In order to avoid interruption of fishing activities and to ensure the livelihoods of Union fishermen, this Regulation should apply from 1 January 2019. However, this Regulation should apply to anchovy in 9 and 10; **and** Union waters of CECAF 34.1.1 from 1 January 2018. **Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities for the longer period exceed those initially fixed under Regulation 2018/120.** For reasons of urgency, this Regulation should enter into force immediately after its publication.

Article 1 is modified as follows:

#### *Article 1*

#### *Subject matter*

This Regulation fixes the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea for 2019 **and amends certain fishing opportunities in other waters fixed by Regulation 2018/120.**

Article 2 is modified as follows:

*Article 2*

*Scope*

1. **Except where provided otherwise**, this Regulation shall apply to Union fishing vessels operating in the Baltic Sea.
2. This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 7 is modified as follows:

*Article 7*

*Measures on recreational fisheries for cod in subdivisions 22-24*

1. In recreational fisheries, no more than ~~five~~ **seven** specimens of cod may be retained per fisherman per day in subdivisions 22-24.
2. Paragraphs 1 is without prejudice to more stringent national measures.

A new article 7b is included:

**Article 7b**

**Measures on sea trout fishing in subdivisions 22-32**

1. **Fishing for sea trout beyond 4 nautical miles measured from the baselines in subdivisions 22-32 is prohibited for fishing vessels from 1 January to 31 December 2019. When fishing for salmon in these waters by-catches of sea trout may not exceed 3 % of the total catch of salmon and sea trout at any moment on board or landed after each fishing trip.**
2. **Paragraph 1 is without prejudice to more stringent national measures.**

Article 10 is modified as follows:

*Article 10*

*Entry into force*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2019, with the exception of **Article 7a, which shall apply from 1 November 2018 until 31 October 2019 and of** Article 9a which shall apply from 1 January 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

## **2. CHANGES TO ANNEX OF THE COMMISSION PROPOSAL**

### **COD 22-24**

| <b>TAC 2018</b> | <b>Commission proposal</b>     |                      | <b>Presidency compromise</b>   |                      |
|-----------------|--------------------------------|----------------------|--------------------------------|----------------------|
|                 | <b>TAC 2019</b>                | <b>TAC variation</b> | <b>TAC 2019</b>                | <b>TAC variation</b> |
| 5 597 t         | 7 340 t<br>+ bag limit<br>of 5 | +31%                 | 9 515 t<br>+ bag limit<br>of 7 | +70%                 |

### **COD 25-32**

| <b>TAC 2018</b> | <b>Commission proposal</b>            |                      | <b>Presidency compromise</b>           |                      |
|-----------------|---------------------------------------|----------------------|--|----------------------|
|                 | <b>TAC 2019</b>                       | <b>TAC variation</b> | <b>TAC 2019</b>                        | <b>TAC variation</b> |
| 28 388 t        | 24 112 t<br>+closure and<br>exemption | -15%                 | 24 112 t<br>+closure and<br>exemption* | -15%                 |

\* The existing footnote (1) is redrafted as follows:

**(1) In subdivisions 25 and 26, it shall be prohibited to fish this quota from 1 July to 31 July for**

**a) fishing vessels of 12 meters length overall and more fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, and for**

**b) fishing vessels of 12 meters length overall and more, fishing with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, or with bottom set lines, longlines except drifting lines, handlines and jigging equipment.**

### HERRING 22-24

| TAC 2018 | Commission proposal |               | Presidency compromise |               |
|----------|---------------------|---------------|-----------------------|---------------|
|          | TAC 2019            | TAC variation | TAC 2019              | TAC variation |
| 17 309 t | 6 404 t             | -63%          | 9 001 t               | -48%          |

### HERRING 25-27, 28.2, 29 and 32

| TAC 2018  | Commission proposal |               | Presidency compromise |               |
|-----------|---------------------|---------------|-----------------------|---------------|
|           | TAC 2019            | TAC variation | TAC 2019              | TAC variation |
| 229 355 t | 170 360 t           | -26%          | 170 360 t             | -26%          |

### HERRING 28.1 Gulf of Riga

| TAC 2018 | Commission proposal |               | Presidency compromise |               |
|----------|---------------------|---------------|-----------------------|---------------|
|          | TAC 2019            | TAC variation | TAC 2019              | TAC variation |
| 28 999 t | 31 044 t            | 7%            | 31 044 t              | 7%            |

### HERRING 30-31

| TAC 2018 | Commission proposal |               | Presidency compromise |               |
|----------|---------------------|---------------|-----------------------|---------------|
|          | TAC 2019            | TAC variation | TAC 2019              | TAC variation |
| 95 566 t | 88 703 t            | -7%           | 88 703 t              | -7%           |

**PLAICE 22-32**

| <b>TAC 2018</b> | <b>Commission proposal</b> |                      | <b>Presidency compromise</b> |                      |
|-----------------|----------------------------|----------------------|------------------------------|----------------------|
|                 | <b>TAC 2019</b>            | <b>TAC variation</b> | <b>TAC 2019</b>              | <b>TAC variation</b> |
| 7 076 t         | 10 122 t                   | +43%                 | 10 122 t                     | +43%                 |

**SALMON 22-31** (*specimen*)

| <b>TAC 2018</b> | <b>Commission proposal</b> |                      | <b>Presidency compromise</b>                                      |                      |
|-----------------|----------------------------|----------------------|---|----------------------|
|                 | <b>TAC 2019</b>            | <b>TAC variation</b> | <b>TAC 2019</b>   | <b>TAC variation</b> |
| 91 132          | 104 996                    | +15%                 | 91 132<br><br>+ new footnote to be included next to the EE quota* | <b>Roll-over</b>     |

\* (2) up to 20% and no more than 400 specimens of this quota may be fished in Union waters of subdivision 32 (SAL/3D32).

**SALMON 32** (*specimen*)

| <b>TAC 2018</b> | <b>Commission proposal</b> |                      | <b>Presidency compromise</b> |                      |
|-----------------|----------------------------|----------------------|------------------------------|----------------------|
|                 | <b>TAC 2019</b>            | <b>TAC variation</b> | <b>TAC 2019</b>              | <b>TAC variation</b> |
| 10 003          | 9 879                      | -1%                  | 9 703                        | -3%                  |



**SPRAT 22-32**

| <b>TAC 2018</b> | <b>Commission proposal</b> |                      | <b>Presidency compromise</b> |                      |
|-----------------|----------------------------|----------------------|------------------------------|----------------------|
|                 | <b>TAC 2019</b>            | <b>TAC variation</b> | <b>TAC 2019</b>              | <b>TAC variation</b> |
| 262 310 t       | 270 772 t                  | +3%                  | <b>270 772 t</b>             | <b>+3%</b>           |

### **3. STATEMENTS**

#### **Joint Statement by Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden, Denmark and the Commission on salmon fishing**

Germany, Finland, Lithuania, Latvia, Poland, Estonia, Sweden, Denmark and the Commission will take all necessary measures to ensure that misreporting of salmon catches and any illegal salmon fishing is eliminated from the beginning of 2019.

#### **Joint Statement by the Commission and Germany on the option of support for the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF)**

1. Point (b) of Article 5(4) of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks allows the Member States to adopt emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on cod and herring in Subdivisions 22-24 Germany therefore deems it necessary to adopt emergency measures in accordance with Article 13(1) of Regulation 1380/2013. The emergency measures consist of a limitation of fishing activities in Subdivisions 22-24 by 20 days for German fishing vessels fishing for cod and 30 days for vessels fishing for herring.
3. Germany and the Commission consider that emergency measures under point (a) of Article 33(1) of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 2328/2003 are eligible for funding from the EMFF.

**Joint Statement by the Commission and Lithuania on the option of support for the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF)**

1. Point (b) of Article 5(4) of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks allows the Member States to adopt emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on the effectiveness of current conservation measures in place for the Baltic cod, in particular for Eastern Baltic cod, Lithuania deems it necessary to adopt emergency measures in accordance with Article 13(1) of Regulation 1380/2013. The emergency measures consist of closing fishing activities in Subdivisions 25-32 by two additional months in June and August 2019 for Lithuanian fishing vessels fishing for cod.
3. Lithuania and the Commission consider that this emergency measure is eligible for funding from the EMFF under point (a) of Article 33(1) of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 2328/2003.