

Brussels, 5 October 2018
(OR. en)

12693/18

Interinstitutional File:
2018/0320(NLE)

LIMITE

PECHE 373

NOTE

From:	Presidency
To:	Permanent Representatives Committee
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 - Political agreement

I. INTRODUCTION

1. On 31 August 2018, the European Commission submitted to the Council a proposal for a Council Regulation fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea¹.
2. Given the improvement of the situation for some stocks, the Commission proposes, in relation to the 2018 level, to increase the TACs for 5 stocks : **Herring in the Gulf of Riga** in subdivision 28.1, **Western Cod** in subdivisions 22-24, **Plaice** in subdivisions 22-32, **Atlantic Salmon** in subdivisions 22-31 and **Sprat** in subdivisions 22-32.
3. The Commission proposes to decrease the TACs for the remaining 5 stocks : **Herring in the Gulf of Bothnia** in subdivisions 30-31, **Herring in the Western Baltic** in subdivisions 22-24, **Herring in the Central Baltic** in subdivisions 25, 27, 28.2, 29 and 32, and **Salmon in the Gulf of Finland** in subdivision 32.

¹ Cf. doc. 11735/18 PECHE 320 + ADD1.

4. The European Parliament's and the European Economic and Social Committee's opinions are not required (Art 43(3) TFEU).
5. The Working Party on Internal and External Fisheries examined the proposal at its meetings on 4, 6, 13 and 20 September 2018. An overview of delegations' positions is set out in doc. 12070/18 REV 1 PECHE 335.
6. DK and UK entered parliamentary scrutiny reservations.
7. The Presidency believes that the discussions and the final decision should be guided by the following principles:
 - A strong commitment to the objectives of the Common Fisheries Policy (CFP) as laid down in Art. 39 of the TFEU and Art. 2 of the CFP², including the achievement of MSY no later than 2020.
 - The compliance with the provisions of the multi-annual plan for the stocks of cod, herring and sprat in the Baltic Sea³ ("Baltic Plan").
 - The consideration of objective scientific advice.
 - Sustained efforts to reach a consensual solution at regional level through BALTFISH.

II. OUTSTANDING ISSUES

A. State of play

8. For **Herring in the Gulf of Bothnia** (subdivisions 30-31), the Commission proposes in line with the scientific advice a small reduction of the TAC (-7%) as compared to the TAC for 2018 following the in-year amendment. FI and SE can agree with the Commission proposal.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

³ 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, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1–15).

9. The Commission proposes - 63% for **Herring in the Western Baltic** (subdivisions 22-24), whereas ICES advises a zero TAC. SE can support the Commission proposal. DE and DK call for a smaller reduction in line with the Baltic Plan. PL believes that a significant TAC reduction may have socio-economic implications.
10. In relation to **Herring in the Central Baltic Sea** (subdivisions 25-27, 28.2, 29, 32), the Commission proposes a lower decrease (-26%) than the one suggested by ICES by using the upper end of the Fmsy range to limit the year-to-year variations in fishing opportunities. DE, FI and SE can support the Commission proposal. EE, LT and LV advocate for a smaller decrease (-20%). DK stresses the importance of setting TACs for Herring and Sprat that reflect the catch composition.
11. For **Herring in the Gulf of Riga** (subdivisions 28.1), the Commission proposes a small increase (7%) in line with the scientific advice. LV and EE can agree with the Commission proposal.
12. In relation to **Eastern Cod** (subdivisions 25-32), the Commission proposes a lower reduction (-15%) than the scientific advice. DE, FI and SE could support a higher reduction given the current state of the stock. EE, LT and LV are in favor of a moderate reduction. Regarding the additional measures to protect the stock, DK and LT are not in favor of a closure period. SE supports a decision based on the latest scientific advice. PL insists on the need to adopt protection measures.
13. As regards **Western Cod** (subdivisions 22-24), the Commission proposes an increase of 31% corresponding to the lowest value within the range of Fmsy. DE and DK advocate for a higher TAC increase in line with the scientific advice and support the removal of the closure period. EE, FI, LT, PL and SE call for a cautious approach.
14. In relation to **Plaice**, the Commission proposes a TAC increase (43%). DE is in favour of a higher increase. SE supports the Commission proposal.

15. For **Atlantic Salmon** (subdivisions 22-31), the Commission proposes a smaller increase (15%) than the scientific advice. DE, DK and PL can support the Commission proposal. FI and SE defend a TAC decrease. EE and FI stress the need to effectively address catch misreporting.
16. For **Salmon in the Gulf of Finland** (Subdivision 32), the Commission suggests a small reduction (-1%) while the scientific advice allows for an increase. FI asks for a more significant decrease. EE insists on the need to introduce a 15% inter-area flexibility from the main basin to the Gulf of Finland.
17. In relation to **Sprat** (subdivisions 22-32), the Commission proposes a small increase (3%) in line with the scientific advice. DE, EE, FI, and SE support the Commission proposal. LT is in favour of a greater increase due to the catch composition with Herring. DK asks for an inter-species flexibility to deduct by-catches of Herring from the quota of Sprat.

B. Way forward

18. The Presidency believes that, **as part of an overall package**, an agreement on the different TACs could be found.
19. The Commission proposal for five stocks (**Herring in the Gulf of Riga, Herring in the Central Baltic Sea, Herring in the Gulf of Bothnia, Plaice and Sprat**) could be considered as a possible compromise among delegations in the context of an overall agreement. For **Herring in the Central Baltic Sea**, the TAC as proposed by the Commission is the highest value within the range of Fmsy legally allowed by the Baltic Plan.
20. The key political issues to be further discussed are the TAC levels for **Eastern and Western Cod** and **Herring in Western Baltic**. Also concerning the stocks of **Atlantic Salmon** and **Salmon in the Gulf of Finland**, the possibility of a more moderate TAC remains to be examined in conjunction with additional elements with a view to a compromise.

III. CONCLUSION

21. The Presidency is of the view that a final compromise can be reached with some flexibility shown by all parties concerned. The Presidency also understands that discussions at BALTFISH still have considerable potential.
 22. COREPER is invited to examine the above-mentioned issues and express its views in particular on the key political issues outlined under point II B with a view to preparing a political agreement at the level of the Council.
-