



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate D  
SG-E2- Natural Resources, Energy Union and Sustainability

Brussels, 11 January 2019

SI(2019) 30

NOTE TO MEMBERS OF THE COMMISSION

**Subject: Meeting of the Council of the European Union (Agriculture and fisheries)  
Brussels, 17-18 December 2018 - Summary record**

*After two days of negotiations, the Council agreed on 2019 fishing opportunities in the Atlantic and North Sea. The agreement included an increase of quotas compared to last year, fully in line with scientific advice. In case of low stocks, the Council agreed with the Commission's proposal to reduce catches for Herring, Nephrops and for sole. As regards eel, which is in a critical condition, a consecutive 3-month closure period was agreed.*

Out of scope

MARE

The Council agreed with qualified majority [redacted] for 2019 in the Atlantic and North Sea. The agreement included an increase of quotas compared to last year, fully in line with scientific advice, and on a number of important stocks, such as northern hake, northern haddock, horse mackerel, seabass and some stocks of Norway lobster. In the run up to the implementation of the landing obligation as of January 2019, the Council also agreed on a number of practical ways to limit potential choke situations. This was possible due the flexibility of Member States for cases where zero or low quotas combined with the landing obligation would have forced a Member State to stop very early or to not even start fishing for certain stocks. As regards stocks which are low, the Council agreed with the Commission's proposal to reduce catches for Herring in the Celtic Sea by 53%, to reduce catches for Nephrops in the waters around Ireland by 32% and to reduce catches for sole in the Eastern channel by 26%. As regards eel, which is still in a critical condition, agreement was reached on creating a level playing field across the EU by establishing a consecutive 3 month closure period (to be chosen between August and February) for all fisheries of European eel at all life stages, including glass eel. This closure will apply to all marine waters and to brackish waters.

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The Commission (Commissioner Vella) thanked the Presidency and Member States for the good work in preparation of this Council. He recalled the importance of the 2020 deadline to achieve comprehensive sustainable fisheries management in the EU and the full implementation of the landing obligation as of 1 January 2019. With regard to the latter, the Commissioner praised the work by the regional groups to identify all available tools to deal with this upcoming challenge. He also recalled the Commission commitment to try and find possible solutions for choke situations and referred to the Commission proposal for an ad hoc solution (unallocated by-catch TACs) in the very few cases where the available tools were not sufficient because ICES has issued a zero catch advice. The purpose of these by-catch TACs is to limit catches from those depleted stocks strictly to what is scientifically considered as unavoidable by-catch in those fisheries. In this context, he insisted on the need for the Member States to step up the actions to improve selectivity, avoidance and control.

The Commissioner recalled the need to bring the fisheries to Maximum Sustainable Yield (MSY) levels in 2020 at the latest and the need for this year Council to make significant progress.

[REDACTED]  
[REDACTED]  
[REDACTED] Out of scope [REDACTED]  
[REDACTED]  
[REDACTED]

16 Ministers took the floor in the Plenary to express their priorities and stressed their willingness to look for workable solution and meaningful progress.

**NL**

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**IE**

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**BE**

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**ES**

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**UK**

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**DE**

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**LV**

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**PL**

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**HR**

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**FI**

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**EL**

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**Political agreement on Presidency compromise**

After two rounds in Plenary, trilateral meetings and two days of intense negotiations, a political agreement was reached by qualified majority [REDACTED] The formal adoption will go through written procedure.

The Presidency compromises comprises the following:

Seabass

Total ban in February and March

- For 10 months:

Using demersal trawls: not exceeding 400 kilograms per 2 months and 1% of the weight of the total catches of marine organisms on board in any single day;

Using seines: for unavoidable by-catches not exceeding 210 kilograms per month and 1% of the weight of the total catches of marine organisms on board in any single day;

Using hooks and lines: 5,5 tonnes per vessel per year;

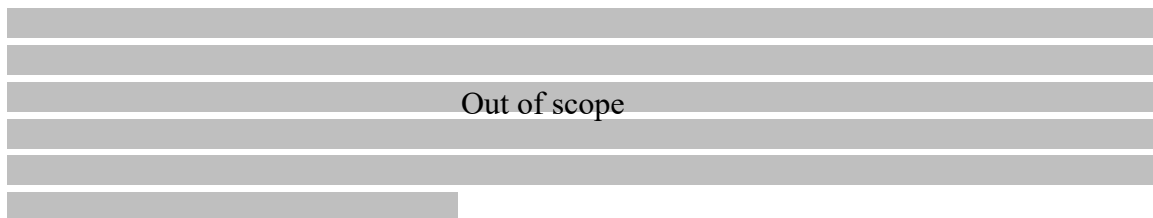
Using fixed gillnets: for unavoidable by catches, 1,4 tonnes per vessel per year.

In recreational fisheries, only catch-and-release fishing for northern seabass is allowed during 5 months. For the seven months between 1 April and 31 October 2019, not more than one specimen of European seabass may be retained per fisherman per day.

- In recreational fisheries for southern seabass, a maximum of three specimens may be retained per fisherman per day

European eel fisheries

It is prohibited to fish for European eel at all life stages in Union Waters of ICES area as well as brackish waters for a consecutive three-month period to be determined by each Member State between 1 August 2019 and 29 February 2020. Member States shall communicate the determined period to the Commission no later than 1 June 2019.



Five By-catch quotas

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.

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.

Therefore, 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 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.

Together with this mechanism, the 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 these five stocks 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. In line with the Control Regulation, the Member States will undertake all appropriate control measures to ensure that by-catches of these five stocks 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.

TACs compromise

In total 59 TACs stocks, managed by the EU or by the EU and Norway together, have been set in line with MSY, and none of the TACs has been set at the level that would postpone the achievement of MSY beyond 2019.

TACs have been set as follows (changes to the TAC tables in Annex IA of the Commission proposal):

| <b>Common name</b> | <b>TAC Unit</b> | <b>Proposal TAC change 2018 - 2019</b> | <b>Compromise TAC change 2018 - 2019</b> | <b>Compromise TAC 2019 (tonnes)</b> | <b>Statements / additional information</b> |
|--------------------|-----------------|--|--|-------------------------------------|--|
| <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.<br>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,<br>7a-c,<br>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 |

Contact person: [REDACTED] (DG MARE – [REDACTED])

Out of scope