



**REPORT OF DISCUSSION IN THE COUNCIL WORKING PARTY REGARDING THE PROPOSAL FOR
FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS
(ATLANTIC) FOR 2017**

Meeting of 30 November 2016

Brussels,
01/12/2016
C.2

KEY OUTCOMES

- **COM presented the 6th non-paper on ICCAT, updated top-ups and some corrections.**
- **MS clarified their comments on the "bible"**
- **The Council Legal Service pointed out that the use of implementing acts for short-lived species should be legally framed. Another option would be to continue as before. COM underlined the difficulties with the current procedural setting. DK, which is the mostly concerned MS, strongly supported the measures proposed by the Commission.**

2. Short-lived species – Implementing act

The **Council's Legal Service** presented their views on the use of implementing acts in Art.6 paragraph 1 of the proposal, specifically by which "the TACs of the following fish stocks shall be determined by the COM by means of implementing acts. The **Council LS** explained the difference between delegated acts, which can be amend or supplement the main act, and implementing acts, which cannot do so. It pointed out that the use of implementing acts for effort is framed with a number of conditions.

Two options were given by the **Council LS**: either to take the TACs concerned from the Annex IA and to establish them through implementing acts, also by framing the use of implementing acts or to continue with the same procedures as until now.

COM pointed out that it shared the Council LS views to a great extent, however, saw the second option as not viable and leading to risk that decisions would not be taken before the start of the fishery. COM could not run its legislative work properly. It was not possible to explain neither at the political level nor to the central level that short-lived species require the use of emergency procedures every year for the same stocks. Therefore, this should be put on a more sustainable basis.

DK intervened at a later stage strong supporting the approach of the Commission and underlined that DK was the Member State mostly concerned by short-lived species fishery.

3. Examination of the 6th non-paper

- **Amendments to COM proposal regarding ICCAT**

ES pointed out an error in the carry-over percentage for bigeye tuna.

IT asked why the ICCAT recommendation for Mediterranean swordfish were already included in the proposal as the ICCAT recommendation applies only 6 months from now. **COM** answered that a commitment was made by the **MS** at the annual meeting which justifies the inclusion of ICCAT recommendations in the proposal.

FR placed a scrutiny reservation and expressed that they will be asking for a compensation for blue marlin that is used to cover the overfishing by Spain. However, **FR** needs more time to look into it.

- **Amendments to COM proposal regarding top-up calculations**

SE asked to get the calculation sheets for the corrections made to the top-up calculations.

- **Amendments to COM proposal regarding certain stocks in Annex IA**

ES placed a scrutiny reservation on megrims in VIIIabde.

- **Amendments to COM proposal regarding CCAMLR**

No comments.

- **Amendments to COM proposal regarding Article 8 and Annex IIA**

COM presented the changes to Article 8 and Annex IIA. It explained that the modifications to Annex IIA at this stage do not include the effort figures, as they depend on the TAC changes for sole and plaice, which are part of the negotiations with Norway.

DK, NL and **UK** placed a scrutiny reservation. **DK** asked for the calculations of effort limits to be made available to the Member States.

4. Examination of the top-ups calculations

COM presented the top-ups calculations

- **General comments**

FR pointed out that a change of methodology was made compared to last year's top-up calculation methodology. **COM** answered that no changes have been done in the methodology. Top-ups are proportionate to the number of vessels that fall under the landing obligation.

ES underlined that the **COM** has to be sensitive to the fishing industry sector, and that lower top-ups with higher number of vessels would be impossible to explain. **ES** explained that they would be providing their own top-up calculations to the Commission.

- **Stock by stock examination**

The comments made by each member state are provided in the table below.

Common name	TAC Unit	MS comments
Haddock	VII	FR asked why a specific methodology was used for this stock. COM explained that this methodology was a midway solution between 2 extremes that were given very different results.
Hake	VI, VIII	Based on the methodology and the calculations spread sheet given by the COM , ES explained that it should have a top-up of 5% instead of 0.71%. FR explained the use of the proportion of landings would be better than the number of vessels.
Hake	VIIIabde	ES explained the need to use the same methodology, basing the calculation on landings and not on the number of vessels. FR pointed out an error in the <i>de minimis</i> figure: it should be 623t instead of 745t.
Hake	VIIIc, IX and X, CECAF 34.1.1	Based on the methodology and calculations spread sheet given by the COM , ES said that it should have a top-up of 7.9% instead of 4.58%.
Megrim	VI	FR pointed out that this stock is not under the landing obligation. COM explained that certain by-catches of megrims in the gadoid fishery fall under the landing obligation.
Plaice	IIIa Kattegat	DK and SE asked for an explanation on the reasons for changing the last top-up figure. COM explained this bilaterally.
Common sole	VIIId	FR underlined that this stock is a high priority for them. FR explained that it should have a top-up of 7% instead of 4.35%. FR felt that the proxy used last year was appropriate, and approved by COM , so did not want to see a change in the methodology for this year's calculation. COM answered that the methodology used was not changed from last year, it just took into account the approach that was closest to the reality.
Common sole	VIIIfg	The same comments as for VIIId
Common sole	IIIa	NL asked how the top-up figures for the shared stocks would be presented. COM clarified that this was part of the process of Norway consultations.

5. Examination of the "bible"

The draft version of the "bible" was examined and MS made some additional comments or modifications of their previous comments.