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WORKING PAPER

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NOTE

From:	Presidency
To:	Delegations
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 – Presidency non-paper

Delegations will find attached a Presidency non-paper on the above-mentioned subject.

Challenges of the full implementation of the landing obligation

Background: Art 15 of Reg. (EU) No.1380/2013 describes the details of the landing obligation, with the final deadline of its implementation on 1 January 2019. Member States raised the choke risk at numerous occasions.

The purpose of this paper is not to prejudge work done in other fora or to reach preliminary conclusions. However, it is the intention of the Presidency to have a thorough discussion on this issue and to have a clear understanding of the options currently explored.

1. Bycatch TACs for Zero-TAC stocks

In its proposal for the fishing opportunities in 2019 (doc. 13731/18 + ADD 1-2), the Commission proposed a bycatch TAC for five species where ICES recommends a zero-TAC. The proposal gave no details on how to distribute this bycatch TAC among Member States.

Question 1: How could such an arrangement work in practice? Should there be criteria for the distribution among Member States? If so, what could they be?

2. The “Open Pool”

An alternative proposal has been informally discussed among Member States. According to this proposal, Member States with a quota would reserve a certain percentage thereof for an open pool, from which compulsory swaps with Member States without a quota would then be carried out.

Question 2: Is this approach a workable solution to solve choke situations related to zero quotas? In addition, could it also work to solve the situation described above for the five Zero-TAC stocks? How would Member States ensure the implementation of the swaps?

3. Enhanced Swapping and enhanced inter-area/inter-species flexibilities

Swapping and inter-area / inter-species flexibilities have been used in the past to address problems of insufficient quota. Such tools could potentially be improved and made more efficient.

Question 3: Is there a potential to reinforce already existing choke mitigation tools?

4. Other solutions

Question 4: Are there other possible workable solutions?