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From: General Secretariat

To: Council

No. Cion prop.: 12514/11 PECHE 187 CODEC 1166 - COM(2011) 425 final

Subject: Proposal for a Regulation of the European Parliament and of the Council on the
Common Fisheries Policy
- *Orientation debate*

Enclosed is a non paper from the Presidency with the view to present an outline of a possible implementation of a discard ban. The non paper is considered to be a supplement to the debate in the Council on 19-20 March 2012.

Non Paper from the Danish Presidency
on
the CFP-Reform – An outline of a possible implementation of a discard ban

The Commission put forward its Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy, COM (2011) 425, 13 July 2011 as part of its reform package for a reformed Common Fisheries Policy. After the presentation of the reform by the Commissioner at the July Council, the proposal has been – and is still being scrutinized - at technical level. The European Parliament also considers the proposal for the moment.

The discussions of the proposal have revealed some main political elements. One of the most important ones is the Commission proposal for a ban on discards (landing obligation). As a contribution to the debate the Danish Presidency in this paper presents its idea for one possible non-exhaustive model to implement a discard ban. The paper is intended to be used for further reflections and ideas to be put on the table. The paper only focuses strictly on the implementation of a discard ban.

1. General principles

- Commitment in the basic regulation for a discard ban in a stepwise approach including a clear time table.
- The species under the discard ban in the Mediterranean should be defined more specifically, seeking guidance in the current list of species with a minimum landing size.
- Implementation of discard ban to be based on fisheries.
- Implementation of the discard ban can be under a regionalized approach, taking into account the specifics of the region

- Fish with high survival rates and vulnerable/protected species (e.g. basking shark, skate and porbeagle) should be identified (scientifically); they should be released back into the sea.
- All catches of species subject to the discard ban will have to be counted against the quotas (where there is management by quotas).
- Transitional period towards full application of the ban during which Member States can fully utilize their quotas.
- Transitional period for mixed fisheries in the Mediterranean to be examined further due to particular specificities.
- Enhancement of the selectivity of fishing gears to avoid unwanted catches

2. Ensuring match between quotas and actual fishing pattern at Member States and fishing vessel level

- Responsibility of national administration to distribute quotas between vessels in a mix reflecting as much as possible the expected composition of species in the fisheries.
- Mismatch between available quotas and actual fishing pattern could be adjusted through quota swaps with other Member States. This happens already today and should be further encouraged.
- Application of banking and borrowing measures through year-to-year flexibility.
- In order to minimize non-quota fish (landings for which a vessel owner has run out of quota or landings for which the vessel owner never has had a quota in a quota managed fishery), vessel owners could pool their individual quotas for example in producer organisations or in groups of vessel owners.
- Improvements of selective fishing techniques to avoid unwanted catches.

3. Non-quota fish (the residual)

- Despite all efforts made by Member States and their fishermen there might be a residual of fish comprising of fish smaller than the minimum reference size and/or non-quota fish. There is a need to find solutions on these two elements.

a) What to do about non quota fish?

- As point of departure, all fisheries conducted by vessels from Member States could continue on a traditional basis (as done before the discard ban) in a transitional period of 3-4 years. Possible non-quota catches, after national reallocation, swapping, year-to-year flexibility, pooling etc. should be reduced and finally eradicated during the transitional period by application of more selective gears, change of fishing grounds or change of fishing patterns.
- Catches of non-quota fish could be counted against the quotas of Member States for the target species (possibly within limits and used against cod equivalents) either permanently or temporarily and can be marketed for human consumption.
- After the transitional period of 3-4 years non-quota landings could be subject to a clearing house operation with other Member States. Non-quota catches could be cleared through a permanent exchange of quota shares with other Member States, facilitated by the Commission. A balance in exchanges of quota shares should be calculated in cod equivalents thus respecting an overall relative stability.
- After clearing of quota shares and after the transitional period, normal quota overshoot rules will apply (unless the mechanism of calculating the catches against the target species is made permanent).

b) What to do about juvenile fish?

- A minimum conservation reference size should be fixed to avoid creating a market for juvenile fish. The level of the reference size should be fixed on biological grounds but should also take into account the desire to prevent quantities of fish caught by selective gears from being sold for human consumption. The reference sizes will be the basis of developing selective gears to minimize catches of unwanted fish. These measures can be developed at a regional level to obtain the best result.
- All other uses than human consumption could be considered for fish smaller than reference sizes, e.g. bait for pot/longline fisheries, fertilizers, pharmaceutical, cosmetics, fish meal and fish oil, animal feed and charities. Fishermen can thus cover the landing costs, but without generating financial gains.

- For small vessels and in cases where a small percentage of juveniles is unavoidable and no handling facilities are available, they could be returned to the sea.
- Improvements of selective fishing techniques to avoid unwanted catches.

4. Full reporting of fishing activities

- Full documentation should be ensured in an adaptive process through observers, CCTV or other new technologies.
