

**Agenda Item 5.4.1: EU Council Regulation on Incidental Catches
of Cetaceans in Fisheries**

**European Union, 2573rd Council Meeting, Provisional Report
(Excerpt) – Incidental Catches of Cetaceans**

Submitted by: Secretariat



**NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING
THEIR OWN COPIES OF THESE DOCUMENTS TO THE MEETING**

7125/04 (Presse 72)

PROVISIONAL VERSION

2573rd Council meeting

- AGRICULTURE AND FISHERIES -

Brussels, 22 and 23 March 2004

President : **Mr Dermot AHERN, T.D.**
Minister for Communication, Marine and Natural
Resources

Mr Joe WALSH, T.D.
Minister for Agriculture and Food

of Ireland

Internet: <http://ue.eu.int/>
E-mail: press.office@consilium.eu.int

For further information call 32 2 285 95 89 – 32 2 285 63 19

7125/04 (Presse 72)

CONTENTS¹

PARTICIPANTS..... 4

ITEMS DEBATED

FISHERIES 6

INCIDENTAL CATCHES OF CETACEANS..... 6

AGRICULTURE..... 8

CAP REFORM . OLIVE OIL, COTTON, TOBACO AND HOPS 8

OTHER BUSINESS 9

- Outcome of Commissioner Byrne's visit to the United States of America (USA) (18-19 March 2004) 9
- Plant protection products 10
- EU-Mercosur negotiations in the agricultural sector..... 11
- Organisation of future works 11

ITEMS APPROVED WITHOUT DEBATE

AGRICULTURE

- Rural development..... I

FISHERIES

- "DARWIN MOUNDS" I
- Fishing activities in the Antarctic II
- Fishing agreement EEC/GUINEA..... II

INTERNAL MARKET

- UN - EC : Uniform prescriptions for agricultural and forestry tractors..... II
- EC - Czech Republic : extension of CCN/CSI III

¹

- *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.*

TRANSPORT

- Enhancing ship and port facility security - *Public deliberation* III
- Electronic toll systems * - *Public deliberation*..... III

COMPETITIVENESS

- Statistics relating to the trading of goods - *Public deliberation* IV

ITEMS DEBATED

FISHERIES

INCIDENTAL CATCHES OF CETACEANS

After arduous negotiations, the Council reached political agreement by qualified majority on the Presidency compromise on the proposal laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) n°88/98, which the Commission endorsed. The Italian and Spanish delegations indicated their intention to vote against. The Council will adopt the Regulation at a forthcoming meeting once it has been finalised by the legal-linguistic experts.

The main elements of the compromise tabled by the Presidency with regard to the initial proposal of the Commission (*11838/03*) are exposed as follows:

1. concerning the mandatory use of acoustic deterrent devices ("pingers"):
 - ◆ vessels below 12 meters shall not be subject to the use of pingers (vessels of all size were initially included by the proposal);
 - ◆ fisheries using pingers shall not be subject to the on-board observer scheme;
 - ◆ the dates for implementing the mandatory use of acoustic deterrent devices have changed, the fishing areas and the gear used; the new dates are 1 June 2005, 1 January 2006 and 1 January 2007 (initially 1 July 2004 was proposed for all areas and fisheries). Different dates apply within area VII, and an additional fishing area (Baltic Sea subdivision 24) will be covered by the mandatory use of pingers from 1 January 2007;
 - ◆ in a statement the Commission declares that it will consider, in the framework of its pending proposal on the amendment of the FIG Regulation, providing for a possibility for Member States to support the purchase of acoustic deterrent devices for commitments made in the years 2005 and 2006.

2. as regards the on-board observer scheme for the fisheries:
 - ◆ vessels below 15 meters shall not be subject to an on-board observer scheme for the fisheries (vessels of all size were initially included by the proposal);
 - ◆ monitoring schemes will be based either on a sampling strategy designed to allow the estimation of the by-catch rates of cetaceans to achieve a rate of accuracy of 30% or on pilot monitoring schemes when there is an absence of information on variability of by-catch. The sampling strategy will be based on existing information concerning previous by-catch observations. The pilot schemes will cover a minimum fishing effort mostly expressed in percentages;
 - ◆ the date of implementation will vary from 1 January 2005 to 1 January 2006 (instead of 1 July 2004 in the initial proposal), depending on the scientific advice for the areas and fisheries concerned.

3. Concerning the initial proposal to phase out drift nets in the Baltic Sea from 1 January 2007, after an immediate length limitation of drift nets to 2.5 km:
 - ◆ the date set for completion of the phasing out of drift nets in the Baltic Sea is now the 1 January 2008;
 - ◆ the drift net phasing out will start on 1 January 2005 (1 July 2004 in the initial proposal);
 - ◆ instead of the length limitation of drift nets foreseen for the phasing out, drift nets will be subject to a fishing effort limitation scheme and will progressively be reduced from 40% of the fleet in 2005, 60% in 2006, 80% in 2007 and 100% on 1 January 2008.