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The Council held a public debate on the three main proposals for regulations in the common fisheries policy (CFP) reform "package":

- proposal for a regulation on the CFP replacing the basic provisions of the CFP;
- [proposal for a regulation on the common organisation \(CMO\) of the markets in fishery and aquaculture products](#), focusing on market policy issues;
- [proposal for a regulation on the European Maritime and Fisheries Fund \(EMFF\)](#) replacing the existing European Fisheries Fund.

The debate on the proposal for a regulation on the CFP was focused on the issue of a discard ban as suggested by the Presidency. The orientation debate planned in April 2012 will focus on regionalisation and transferable fishing concessions.

Member States broadly welcomed the objective of having a ban on discards.

They clearly considered that discards represent avoidable waste, although such a ban should not apply to species with a good survival rate.

However, views concerning the modalities for the implementation of a discard ban differed.

- Whilst some delegations supported the landing obligation for all catches, or at least of all commercial species, several others preferred a cautious step-by-step approach. They pointed out for example, that this obligation was not practical in mixed fisheries.
- Most Member States considered that such a ban should be led by a fisheries-based approach instead of a species-based approach. Modalities should then be introduced, preferably through multiannual management plans.
- Member States were divided on whether the rollout should depend on the pace of the plans, or whether general target dates should be made obligatory; in any case, the Commission's timing was considered overambitious.
- Most Member States thought that the setting of minimum conservation reference sizes in the context of the landing obligation should be based on a reinforced scientific approach, based on the principle that fish caught should have had the chance to reproduce beforehand at least once. Moreover many delegations felt that the improvement of selectivity, for which the input of research and innovation was indispensable, was the best way to avoid unwanted catches in the first place.
- As regards the best way to deal with the inevitable residual unwanted catches that cannot be avoided, several delegations with fishing interests in the Mediterranean Sea raised concerns about the risk of developing a parallel market for juvenile fish the landing of which is currently prohibited. They considered impractical an obligation to transfer such landings to fishmeal plants (instead of human consumption markets) because such plants have a limited reach and it would be economically inefficient.
- Most member States maintained that the CMO and the EMFF should strongly support the discards policy through giving incentives to selectivity measures, and fostering the role of producer organisations which should be more active in joint quota management, selectivity measures and the marketing of fish that would otherwise have been discarded.

Commissions position:

- the Commission was open to having a fishery rather than a species-based approach, but within a strict timeframe to be set by the Regulation. Multiannual plans are the preferred implementation tool, but not a precondition for the ban;
- the Commission undertook to seek scientific advice on by-catches that have a good chance of survival, and on better gear selectivity. It agreed that there was a need to involve producer organisations fully in this policy;
- with regard to "regulatory discarding", the Commission states that it would screen existing legislation for its impact on discards, and asked the Council to look at whether some flexibility could be built into the system of relative stability;
- on the Mediterranean Sea, the Commission acknowledged the problem of juvenile fish and suggested looking at options such as the development of protected areas.