

## **Annex 1: On Council Regulation fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2012 (COM(2011)562 final)**

At the upcoming meeting on 20–21 October, the Fisheries Council will agree on fishing possibilities in the Baltic Sea for 2012. We welcome the Commission proposal which is in line with both scientific advice and international and EU commitments to sustainable management of fisheries resources.

With the EU commitment to achieve MSY by 2015<sup>1</sup>, it has essentially become the main target for management of EU fish stocks. The proposal is in line with the scientific advice issued by ICES earlier this year. Increases in TACs for both cod stocks are suggested, in line with the current management plan. The Commission is also proposing an increase in the fishing opportunities for Western and Gulf of Bothnia herring. Substantial cuts are proposed for salmon, Riga and central herring, sprat and plaice. The largest cut proposed is for salmon in the main basin, where a 79% decrease in TAC compared to last year is advocated in order to recover the populations to sustainable levels. For plaice, the Commission is going further than the ICES advice which suggests “no increase in effort” with a 25% reduction in TAC, based on the principles set out for data poor stocks in COM(2011)298.

### BALTIC SEA TACS AND QUOTAS IN 2012

We have divided our comments into sections by species, starting with demersal, continuing with pelagic and ending with salmon stocks. Recommendations are given at the end of each section.

We only cover stocks that have a set limit for fishing opportunities (TACs and effort). Note however, that there over 100 known fish species in the Baltic Sea, some of which are exploited for a commercial purpose. *Only five are controlled by annual fishing limits.*

### **Cod (*Gadus morhua*)**

Not many years ago, cod in the Baltic Sea was on the brink of collapse. Today, as a result of improved management and, at times, favourable conditions for reproduction, both stocks are recovering, and the main stock – eastern Baltic cod stock – has increased quite remarkably.

Although we are currently witnessing positive developments for the Baltic cod, it should not be forgotten that the environmental conditions in the Baltic Sea still threaten cod reproduction (especially eutrophication). The cod fishery is currently benefiting from a couple of relatively strong year classes (a little above the average of the recent 20 years), which were born in years with a good inflow of well oxygenated water from the North Sea. According to ICES<sup>2</sup>, both

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<sup>1</sup>Communication from the Commission to the Council and the European Parliament on *Implementing sustainability in EU fisheries through maximum sustainable yield* (COM(2006)360). Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0360:FIN:EN:PDF>

<sup>2</sup>ICES Evaluation of the Management Plan for Cod stocks in the Baltic Sea with regard to the precautionary approach (2004), pg 2. Available online at: <http://www.ices.dk/committe/acom/comwork/report/2004/Baltic%20cod%20recovery%20plan%20evaluation%202004.pdf>

adequate spawning stock biomass and favourable environmental conditions are necessary requirements for good reproduction of Eastern Baltic cod.

The size and age composition of the cod stocks is improving according to ICES data<sup>3</sup>, but the populations are still dominated by relatively young and small individuals; whereas the majority of Baltic cod rarely measures more than 40 cm and 1 kg, it has been known to reach an age of 15 years, corresponding to a length of around 130 cm and a weight of 15–18 kg<sup>4</sup>.

The most immediate challenge, however, is the bycatch and discarding of juveniles<sup>5,6,7</sup>. The focus should be on avoiding bycatch through gear adaptations that lead to a greater consistency between catch size and minimum landing size. Other options, such as catch quotas, real-time closures, moving on measures and a discard ban should also be considered.

Fishing opportunities are fixed according to the multiannual plan for cod in the Baltic Sea, which aims to reach fishing mortality levels of 0.6 for the western and 0.3 for the eastern stock respectively, and limits the variation in TAC between years to  $\pm 15$  percent.

### ***Cod in the Western Baltic (22–24)***

The Western cod stock is slowly recovering but concerns regarding the population size remain, with the biomass in recent years hovering just above the precautionary level. The fishing mortality target (F) of the management plan has now been met, but the current target is well above that calculated for  $F_{MSY}$ . Discards are estimated to 3.7 million individuals (22%) or 1,472 tonnes (9% of total landing weight)<sup>8</sup>. There are also reports on high catches of cod in the Western Baltic by recreational fishers that are not included in the assessment or the effort reduction scheme.

For this stock ICES provides its advice as three options: MSY in 2012, transition towards MSY by 2015 and fishing opportunities in line with the management plan. Any of the MSY options would bring substantial reductions for this stock. If the transition scheme towards MSY is to be followed, a maximum of 16,600 tonnes could be landed – a reduction of almost 12% in TAC. This should be considered in the context of the ongoing revision of the multiannual plan for Baltic Sea cod.

The Commission proposes a TAC of 21,300 tonnes, which is in line with the management plan, as well as the ICES and STECF advice. No change in effort is suggested, as the target fishing mortality has already been reached.

*For the Western Baltic cod stock we call on Ministers to ensure that the management plan is followed and support the Commission proposal. We also ask Ministers to consider how the MSY target for 2015 is to be met under the current management plan and in the context of its revision.*

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<sup>3</sup><http://www.ices.dk/reports/ACOM/2011/WGBFAS/Sec%2002.4%20Cod%20in%20Subdivisions%2025-32.pdf>

<sup>4</sup>Yvonne Walther (2009), Swedish Board of Fisheries, pers. comm.

<sup>5</sup>ICES Advice 2011, Book 8, Pg 11 and Pg 19.

<sup>6</sup>Österblom, H, "The role of Cod in the Baltic Sea", pg 13. Available online at:

[http://www.balticsea2020.org/attachments/161\\_Role%20of%20cod%20report\\_eng.pdf](http://www.balticsea2020.org/attachments/161_Role%20of%20cod%20report_eng.pdf)

<sup>7</sup>In a film by Folke Rydén and Mathias Klum, *For cod's sake*, a fisherman was quoted, stating that "sometimes as much as 25 tonnes of undersized cod is discarded during one month" by a single enterprise. The film can be ordered without cost at [www.utbudet.se](http://www.utbudet.se)

<sup>8</sup>WGBFAS report 2011. Pg 96. Available online at:

<http://www.ices.dk/reports/ACOM/2011/WGBFAS/Sec%2002.3%20Cod%20in%20Subdivisions%2022-24.pdf>.

### ***Cod in the Eastern Baltic (25–32)***

The state of the Eastern Baltic cod stock has improved significantly in the last couple of years. This is due to favourable spawning conditions in 2003 and 2005, as well as management actions such as the long-term management plan and improved fisheries control. The stock biomass is currently on a level comparable to that in the mid-1960s and fishing mortality is already below the estimated  $F_{MSY}$ .

If the Baltic Sea environment continues to deteriorate<sup>9</sup>, spawning conditions for cod will worsen and climate change will most likely bring new challenges. It is therefore very important that any increases in TACs over the coming years are cautious and that current improvements in control and compliance continue.

For this stock ICES provides two alternative recommendations:

1. Applying the MSY approach, the total landings corresponding to TAC could be increased to 90,000 tonnes.
2. Applying the management plan, the total landings corresponding to TAC could be raised by a maximum of 15% meaning 74,200 tonnes (including Russia).

The STECF recommends that the management plan is followed, with an increase of 15% in the TAC, but also that the fishing effort is increased by 30% compared to last year, which according to the STECF is consistent with the management plan.

The Commission proposal for an increase of 15% in the TAC to 67,850 tonnes (excluding the Russian TAC) is in line with the management plan and scientific advice. No change in effort is suggested.

*For the Eastern Baltic cod stock, we ask Ministers to ensure that the management plan is followed, resulting in a TAC of 67,850 tonnes – a 15% increase.*

### ***Plaice (*Pleuronectes platessa*)***

Along with cod, plaice is the only demersal species in the Baltic which is subject to TAC management. The exploitation rate of plaice is unknown, but according to ICES the stock appears to be increasing. Based on precautionary considerations, the ICES advice is to not increase the catches, resulting in a maximum TAC of 3,041 tonnes.

It should be noted that the ICES advice is based primarily on landing data and that only one trawl assessment is performed annually. We are of the opinion that the data collection for these stocks needs to become more reliable – data should be collected more continuously throughout the year in order to produce better models on population development in terms of size, age and distribution.

The STECF agrees with the ICES advice and notes that catches observed in recent years appear to be sustainable. At the same time, the STECF notes that scientific advice on overfishing is unavailable and that the stock should be subject to 25% reduction in TAC according to the Commission's proposed categories for fixing fishing possibilities for 2012<sup>10</sup>.

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<sup>9</sup>Baltic Sea Environment Proceedings No. 122. Ecosystem Health of the Baltic Sea. HELCOM's initial holistic assessment. pg 19. Available online at:

<http://www.dhigroup.com/~media/Publications/News/2010/BalticSeaEnvironmentProceedingsNo122.ashx>

<sup>10</sup>Communication from the Commission concerning a consultation on Fishing Opportunities (COM(2011)298)

The Commission considers the stock to be “data poor” and is therefore proposing a 25% cut in TAC for this stock, resulting in landings of no more than 2,281 tonnes.

*Efforts need to be made to improve the data and analysis for this stock. Meanwhile, we ask Ministers to support the Commission’s precautionary approach, or at the minimum ensure that scientific advice is adhered to and that landings are not increased.*

## **Pelagic Stocks**

Like last year, the Commission is proposing substantial cuts in TACs for several Baltic pelagic stocks, in line with scientific advice by ICES and the STECF. Some of the stocks are overexploited and there is no long-term management plan in place to ensure sustainable exploitation. The major stocks of these species lack defined reference points, making a full scientific evaluation of them difficult. As they constitute a major part of the Baltic Sea ecosystem, they significantly influence the food web dynamics, for example through interactions with cod. It is therefore very important that ecosystem-based considerations are taken into account when setting TACs for the pelagic stocks.

### **Herring (*Clupea harengus membras*)**

Herring is a major prey for cod and its abundance may indirectly affect the state of the Baltic cod stocks. This should be taken into account when TACs and quotas are agreed, in line with the aim to progressively implement the ecosystem-based approach to fisheries management set out in the basic Regulation of the CFP<sup>11</sup>.

#### ***Western Baltic herring stock (22–24)***

The Western Baltic herring stock started to decline in 2006 and reached its lowest observed level in 2010. According to ICES, fishing mortality has remained above the range that would lead to high long-term yields. However, if the fishing mortality is not increased further, the spawning stock biomass is expected to increase to levels above estimated MSY biomass (MSY  $B_{\text{trigger}}$ )<sup>12</sup>. Last year, a substantial cut in the TAC was agreed. According to ICES the TAC can still be allowed to increase without increasing fishing mortality.

The ICES advice according to the MSY framework is that catches in the entire area (IIIa + 22–24) should not exceed 42,700 tonnes, corresponding to a TAC of 20,900 tonnes in subdivision 22–24. The Commission proposal of 20,900 tonnes is in line with the scientific advice from both ICES and the STECF, resulting in a 32% increase compared to last year.

*We ask Ministers to support the Commission’s proposal and ensure that the TAC for area 22–24 is increased by no more than 32% – a TAC of maximum 20,900 tonnes.*

#### ***Central Baltic herring, excluding the Gulf of Riga (25–32)***

The most recent estimate of this stock indicates that it has now reached a plateau, after a steady increase since the beginning of the 2000’s. As fishing mortality is still above precautionary and MSY limits (since the beginning of the 1980s) and there is no long-term management plan in place, ICES classifies the stock as being harvested unsustainably and recommends a reduction of the TAC in line with the precautionary approach and the MSY transition scheme (as the transition  $F_{\text{MSY}}$  is higher than  $F_{\text{pa}}$ , the precautionary approach is used). This corresponds to a

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<sup>11</sup>Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

<sup>12</sup>MSY  $B_{\text{trigger}}$  is a value for the Spawning Stock Biomass (SSB) which ICES uses for some stocks to evaluate if the stock is around the level which produces Maximum Sustainable Yield (MSY).

catch of less than 92,000 tonnes. Setting a TAC achieving  $F_{MSY}$  in one year would result in a TAC of no more than 79,000 tonnes.

In the STECF advice, it is noted that the ICES advice is referring to the stock and not to the management area. According to STECF, this translates to a TAC of 86,800 tonnes for the management area. Note that all of the TACs presented above includes the Russian part of the TAC.

The Commission proposes a TAC of 72,178 tonnes (after subtracting the Russian share of the TAC), based on a transition towards MSY in 2015.

*For Central Baltic herring, we ask Ministers to support the Commission proposal of a 33% reduction, resulting in a TAC of maximum 72,178 tonnes.*

### ***Herring in the Gulf of Riga (28.1)***

The biomass of this stock is estimated to be above the long-term average and above ICES estimate for MSYbiomass ( $MSY B_{trigger}$ ). Fishing mortality has decreased somewhat since last year and is now below the precautionary level, but still above the MSY level. Therefore, ICES has suggested a total catch of 25,500 tonnes, in line with the MSY transition framework. Achieving MSY within one year would result in a TAC of 22,700 tonnes.

Again, STECF notes that ICES is referring to the stock and not the management area, suggesting that the correct TAC for MSY transition should be 30,700 tonnes.

The Commission's proposal for the MSY transition framework is a TAC of 28,878 tonnes, broadly in line with the scientific recommendations.

*For herring in the Gulf of Riga, we ask Ministers to support the Commission proposal, setting the TAC at a maximum of 28,878 tonnes, which means a reduction of 21%.*

### ***Herring in the Bothnian Sea and the Bothnian Bay (30 and 31)***

According to ICES, the herring stock in the Bothnian Sea has tripled in biomass since the late 1980's following high recruitment. The fishing mortality is low and ICES considers the stock to be harvested sustainably in relation to the precautionary and MSY approaches. On the basis of the MSY framework, ICES suggests that landings should not be above 104,000 tonnes in 2012. STECF agrees with the ICES assessment.

This stock is managed together with the Bothnian Bay stock, for which ICES has not performed any analytical assessment. Consequently, any proposals for fishing opportunities should follow the precautionary approach and not be increased. The STECF advises that the catch should be kept at or below the level observed in the recent five years, meaning no more than 2,600 tonnes. As these stocks are managed together, it is the advice of STECF that the TAC should be set in accordance with the combined advice for the two stocks, resulting in a total TAC of 106,600 tonnes according to the MSY approach. The Commission proposal for a TAC of 106,000 tonnes is in line with the scientific advice.

*For herring in the Bothnian Sea and Bothnian Bay, we ask Ministers to set the TAC at maximum 106,000 tonnes, an increase of 2%.*

### ***Sprat (*Sprattus sprattus balticus*)***

The Baltic sprat population has been declining from a historic high in the 1990s, and ICES classifies the stock as being harvested unsustainably in relation to the precautionary approach,

which means that the stock is also harvested above the estimated MSY. The mean weight of individual specimens for this stock has decreased by about 40% between the years 1992–2008 and has fluctuated around the same level since<sup>13</sup>. Future development of the Baltic sprat population is very much dependent on the development of the Baltic cod stocks. The increase in Baltic cod in 2007 and 2008, for example, affected the biomass of the sprat stock through a 20% increase in predation mortality<sup>14</sup>. The opposite is true as well: the availability of sprat has an effect on the cod, since it's an important source of food. This implies that with the ongoing recovery of the cod stocks, exploitation of sprat will have to be reduced. ICES recommends a TAC of less than 250,000 tonnes for 2012 (Russia included), in line with the precautionary approach, and a TAC of 242,000 tonnes under the MSY transition scheme. If  $F_{MSY}$  is to be reached within one year, a TAC of 222,000 tonnes is advised. STECF agrees with the ICES advice.

The Commission is proposing a 26% reduction, which is in line with scientific advice, resulting in a TAC of 213,000 tonnes after deducting the Russian part of the TAC.

*Considering the long-term sustainability of this fishery and that it may indirectly affect the Baltic cod stocks, we call on Ministers to support the Commission proposal of a 26% reduction in the TAC for Baltic sprat, particularly as there is still no long-term management plan in place.*

### **Salmon (*Salmo salar*)**

The management of Baltic salmon is divided into two areas: the Main Basin and the Gulf of Bothnia (Subdivisions 22–31) and the Gulf of Finland (Subdivision 32). But, in reality, Baltic salmon consists of a number of river-specific populations, some of which are still very vulnerable. To date, many of the targets set out in the Salmon Action Plan adopted by the International Baltic Sea Fishery Commission in 1997 have not been reached. This is particularly serious as Baltic salmon also is listed under the Habitats Directive, obliging Member States to ensure “favourable conservation status”. It is also covered by targets in the Water Framework Directive and the Marine Strategy Framework Directive.

Baltic salmon is greatly affected by environmental conditions, especially those prevalent in the rivers of their origin to which they later return to spawn. Dams and other forms of habitat destruction have had a devastating effect on salmon habitats and spawning grounds in the freshwater environments.

The status of the different populations varies greatly throughout the Baltic Sea, where the few large populations are originating from rivers in northern areas. In most other parts of the Baltic Sea region, the natural salmon populations have declined or even disappeared.

Even among the larger populations in the northern areas, such as the Kalix river, Tornijoki and Simojoki the number of returning spawners have been greatly reduced during the last years. The post-smolt survival (the number of young salmon entering the sea) is also extremely low according to ICES.

According to ICES there is a substantial misreporting of salmon as sea trout by Poland, which has been contested by Polish authorities as well as industry and stirred a debate among stakeholders. This emphasizes the need for better reporting and control routines for salmon, but also sea trout in the context of the proposed multiannual plan for Baltic salmon<sup>15</sup>

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<sup>13</sup>ICES advice 2011, book 8, pg 53.

<sup>14</sup>ICES advice 2009, book 8, pg 75.

<sup>15</sup>Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock (COM(2011)470)

Regardless of whether Poland has large misreporting of salmon or not, the ICES data demonstrate a dramatic decline in the stocks. If misreporting is not present at the scale that ICES reports, then the natural mortality must be even higher than estimated to explain the drop in fish abundance. One way or the other, the Baltic salmon fish populations are declining and the TAC needs to be heavily reduced.

One of the major obstacles to sustainable management of salmon is the current practice of allowing offshore fisheries on mixed stocks, which makes management of small wild populations impossible, and therefore threatens the existence of weak populations. Fisheries on mixed stocks, in either coastal waters or open sea areas, cannot target only those stocks that are close to or above their targets, but will also exploit weaker stocks, whereas fisheries in rivers and estuaries are more suited to fulfill this requirement, according to ICES<sup>16</sup>. Offshore fisheries may therefore threaten weak wild salmon populations.

A long-term management plan for Baltic salmon has been expected for several years now and was finally tabled by the Commission in August.

Note that the TAC for salmon is given in number of individuals and not tonnes.

### ***Salmon in the main basin (22–31)***

According to the ICES advice, smolt production is low in a few of the northern and the majority of the southern small streams. Post-smolt survival has declined during the last 15 years and has remained very low since 2005.

Adding to the problems above, ICES estimates that about 32,000 fish are discarded and 107,000 fish go unreported, resulting in misreporting of almost 37% of the salmon catch in the main basin. ICES also estimates that around 200,000 juvenile and adult fish are by-caught in the pelagic fishery. This removal is larger than the TAC and therefore the larger share of removal is unregulated and not part of the official fishing limits.

Against this background, the ICES advice for 2012 is a 78 % reduction of the TAC equal to no more than 54,000 individual salmon.

In previous years, only 50% of the TAC has been utilised. Sweden, however, is taking up most of its share and the cuts will be particularly severe there if the proposal is adhered to.

The STECF agrees with the ICES advice and notes that the suggested TAC would facilitate the achievement of 75% potential smolt production capacity (PSPC) in a number of rivers, which has been identified by ICES as a candidate target for MSY.

The Commission proposal for a TAC of 52,974 individuals is in line with the scientific advice.

*We ask Ministers to ensure that the Commission proposal is followed by setting a TAC of no more than 52,974 salmon for the main basin of the Baltic Sea. We also ask Ministers to consider the banning of open sea fisheries on mixed stocks as they pose a major threat to salmon stock conservation and restoration.*

### ***Gulf of Finland (subdivision 32)***

According to ICES, smolt production in this area remains low. The ICES is of the opinion that there should be no fishing on Estonian and Russian wild salmon in the Gulf of Finland. There should be no increase in effort from present levels, in order to prevent bycatch of wild salmon in

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<sup>16</sup>ICES Advice 2011, Book 8, pg 90

coastal salmon fisheries, which translates into a total catch of 12,000 individuals. ICES also recommends that coastal fisheries close to wild salmon migration routes are relocated.

The STECF agrees with the ICES advice that there should be no catches of wild salmon in the Gulf of Finland and that effort should be kept at present levels. The STECF also notes that the populations in this region would be classified as “data poor”, resulting in a precautionary reduction of the TAC by 25% according to the Commission’s three main principles for setting fishing opportunities for 2012, which translates into 11,250 individuals.

The Commission proposal is in line with scientific advice and does indeed suggest a cut of 25% in the TAC resulting in 10,884 individuals (excluding the Russian catch).

*We ask Ministers to ensure that the Commission proposal is followed by setting a TAC of no more than 10,884 individual salmon in the Gulf of Finland.*