



## Joint NGO recommendations on Baltic Sea fishing opportunities for 2022

### 1. Introduction

In October 2021, EU fisheries ministers will agree on fishing opportunities in the Baltic Sea for 2022. As the deadline to end overfishing by 2020 at the latest as legally prescribed by Article 2(2) of the Common Fisheries Policy (CFP)<sup>1</sup> has passed, all fishing limits must be in line with sustainable exploitation rates.

Last year, fisheries ministers set 2 out of 10 Total Allowable Catches (TACs) in the Baltic Sea exceeding the best available scientific advice for 2020, thereby contravening the CFP deadline. The European Commission proposal already included these 2 TACs, for eastern Baltic cod and western Baltic herring, exceeding scientific advice, while ministers also further increased catch limits beyond levels proposed by the European Commission for western Baltic cod, Baltic sprat, Baltic plaice and salmon in the Gulf of Finland.

The results of the holistic assessment by the Baltic Marine Environment Protection Commission (Helsinki Commission, HELCOM) on the state of the Baltic Sea reflect that several action areas lag behind in implementation, despite the deadline for achieving Good Environmental Status (GES) of the marine environment by 2020 according to the Marine Strategy Framework Directive (MSFD) and by 2021 according to the Baltic Sea Action Plan (BSAP)<sup>2</sup>. The European Green Deal<sup>3</sup> commits the EU to tackling the impacts

<sup>1</sup> [REGULATION \(EU\) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.](#)

<sup>2</sup> [HELCOM \(2018\): State of the Baltic Sea – Second HELCOM holistic assessment 2011-2016. Baltic Sea Environment Proceedings 155.](#)

<sup>3</sup> [The European Green Deal Communication from the Commission to the European Parliament, The Council, the European Economic and Social Committee of the Regions. The European Green Deal.](#)

of climate change and protecting and restoring biodiversity. Specifically, the EU Biodiversity Strategy<sup>4</sup> commits to ecosystem-based management, a transition to more selective and less damaging fishing methods, and to set all fishing limits at or below Maximum Sustainable Yield (MSY) levels, in order to restore ocean health. The Action Plan to conserve fisheries resources and protect marine ecosystems noted as a deliverable in the Biodiversity Strategy must become a crucial strategy to improve implementation of, and fill obvious gaps in, EU policies to put European fisheries management on a path where the full ecosystem and climate impacts of fishing are properly measured and mitigated. **We are running against the clock to stop the collapse of the Baltic Sea ecosystem and deliver on political promises to halt the climate and nature crises.**

The setting of fishing opportunities at sustainable levels is an essential precondition to deliver on these promises. The European Ombudsman has confirmed that fishing opportunities documents contain ‘environmental information’ within the meaning of the Aarhus Convention, and made recommendations to improve the transparency of the Council when setting fishing opportunities. The Ombudsman further confirmed a finding of maladministration in April 2020<sup>5</sup>, expressing disappointment that Council decision-making contravened key democratic and transparency standards.

The October AGRIFISH Council provides the Commission and fisheries ministers with a clear and attainable opportunity to deliver on their commitments in the updated HELCOM Baltic Sea Action Plan and the Our Baltic Declaration from 2020, as well as on their legal obligations according to the CFP to end overfishing. It is also an opportunity to begin to realise the ambition of the Biodiversity Strategy.

The following text outlines the joint NGO recommendations on Baltic Sea fishing opportunities for 2022 in the context of environmental regulations, EU fisheries legislation, scientific advice on catch limits, and the sharing of stocks with third countries.

**Overall, we urge the European Commission to propose, and fisheries ministers to agree on, fishing opportunities in accordance with the following recommendations:**

- Set TACs not exceeding scientifically advised levels based on the MSY Approach for all stocks for which MSY-based reference points are available;
- Where MSY-based reference points are not available, set TACs not exceeding the Precautionary Approach catch limits advised by the International Council for the Exploration of the Sea (ICES);
- Set TACs not exceeding the  $F_{MSY}$  point value specified in the Baltic Sea Multi-Annual Plan (MAP).

**While also taking the following factors into consideration:**

- Set TACs at more precautionary levels and in line with an ecosystem-based approach to fisheries management (along with additional spatial and temporal measures) to accommodate stock-specific uncertainties (catch misreporting, discards, assessment bias etc.), interspecies stock dynamics (e.g. sprat-cod) and low recruitment trends of individual stocks, whilst also considering other pressures (pollution, eutrophication, climate change) on the Baltic ecosystem that are likely to affect the abundance of fish stock biomass;
- Fully utilise the precautionary approach in relation to mixed fisheries, protecting the most vulnerable stock either by closing areas with high mixing or dramatically reducing quotas to safeguard sub-populations;
- Take into account the lack of implementation of the Landing Obligation (LO) when setting TACs, and either require remote electronic monitoring (such as cameras) or onboard observers for all vessels above 12m and for medium and high risk vessels below 12m, or set TACs below ICES catch advice to ensure illegal, unreported discarding does not lead to actual catches exceeding ICES catch advice;

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<sup>4</sup> [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Biodiversity Strategy for 2030 - Bringing Nature Back into Our Lives.](#)

<sup>5</sup> <https://www.ombudsman.europa.eu/en/decision/en/127388>

- Take into account that control with onboard observers was significantly reduced in 2020 due to the Covid-19 pandemic, and discard rates may therefore be higher than observed.

**Additionally, we call for improved transparency of negotiations and decisions as follows:**

- Provide transparent calculations for TACs based on the ICES advice on fishing opportunities;
- Improve transparency by making publicly available any proposals subsequent to the official Commission proposal, including Commission non-papers as well as Council Working Party and AGRIFISH Council documents and minutes.

Finally, the European Parliament, as a co-legislator of the CFP basic regulation and of the Baltic Sea MAP, should be vigilant that no infringements of the rules for which it is responsible occur, and that the overarching objective of ending overfishing in the EU is fully achieved. We therefore recommend that members of the European Parliament ensure effective scrutiny of the TACs set by the Council, as well as any technical measures adopted when agreeing annual fishing opportunities.

## 2. Summary of NGO recommendations on Baltic Sea TACs and additional measures for 2022

TAC by area-species	TAC set for 2021	ICES advice basis	ICES stock catch advice for 2022 (tonnes) <sup>6</sup>	ICES advice adjusted for - Third Country shares - Stock & TAC area mixing	NGO recommendations on TACs and additional measures for 2022
<b>Eastern Baltic cod (SDs 25-32)<sup>7</sup></b>	595 t	Precautionary Approach	0	n/a <sup>8</sup>	<b>0 t</b> <ul style="list-style-type: none"> <li>- Increase monitoring and control on all vessels using active gears in all areas but prioritised in cod concentration areas, combining both REM and traditional controls.</li> <li>- Introduce additional measures to avoid and minimise cod bycatches in any fisheries using active gears.</li> <li>- Fully close a wider area around the only known spawning ground in Bornholm basin.</li> <li>- Continue with recreational measures agreed for 2021.<sup>9</sup></li> </ul>
<b>Western Baltic cod (SDs 22-24)</b>	4,000 t	MSY Approach	698	n/a	<b>324 t (bycatch TAC)</b> <ul style="list-style-type: none"> <li>- All fisheries targeting cod must be stopped in 2022, both for commercial and recreational fishing.</li> <li>- All spawning areas must continue to be fully protected and closed from fishing activities in the relevant spawning period.<sup>10</sup> The closure must apply to both commercial and recreational fishers.</li> <li>- Increase at sea monitoring and control on all vessels using active gears in all areas but prioritised</li> </ul>

<sup>6</sup> For Baltic and Gulf of Finland salmon we have interpreted ICES advice as the 'Commercial Landings' (the reported projected landings) of individual fish. This is the 'Total Commercial Sea Catch' with deductions for the unreported, misreported (i.e. IUU) and unwanted catch (i.e. seal damaged and discards), as estimated by ICES.

<sup>7</sup> [ICES. 2021. Cod \(\*Gadus morhua\*\) in subdivisions 24–32, eastern Baltic stock \(eastern Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, cod.27.24-32. <https://doi.org/10.17895/ices.advice.7745>](https://doi.org/10.17895/ices.advice.7745)

<sup>8</sup> Deduct 5% Russian share from the advice for eastern Baltic cod. Deduct catches of eastern Baltic cod in SD 24 (i.e. those caught in the western Baltic cod TAC area). Not applicable with zero catch advice.

<sup>9</sup> [COUNCIL REGULATION \(EU\) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation \(EU\) 2020/123 as regards certain fishing opportunities in other waters](#)

<sup>10</sup> Area 22-23: 01. January - 31. March; Area 24: 01. April - 31. August

					<p>in cod concentration areas, combining both REM and traditional controls.</p> <ul style="list-style-type: none"> <li>- Introduce additional measures to avoid and minimise cod bycatches in active demersal flatfish fisheries.</li> <li>- Member States should consider transferring cod quota from vessels with bottom towed gear to vessels operating with low impact static gear. *Refer to Section 4 for more detail.</li> </ul>
<b>Baltic sprat (SDs 22-32)<sup>11</sup></b>	222,858 t	EU MAP ( $F_{MSY}$ )	291 745	Deduct 10.08% Russian share.	<p><b>≤262 337 t</b></p> <ul style="list-style-type: none"> <li>- Consider setting the TAC in the lower <math>F_{MSY}</math> range (192,429 - 262,337t), linked to F being above <math>F_{msy}</math>, misreporting issues and to maximise food availability for cod (see ICES 2021)<sup>12</sup>.</li> <li>- Introduce restrictions on the sprat fishery in SDs 25-26 in order to redistribute the fishery to SDs 27-29 &amp; 32.</li> <li>- Increase control, enforcement, onboard monitoring and sampling of landings to ensure that the misreporting of sprat as herring does not continue.</li> </ul>
<b>Western Baltic herring (SDs 22-24)<sup>13</sup></b>	1,575 t	MSY Approach	0	n/a	<p><b>0 t</b></p> <ul style="list-style-type: none"> <li>- Additional area and/or time restrictions on the herring fishery in the North Sea and SDs 20-21, as a catch of WBSS in the North Sea will be inevitable<sup>14</sup>.</li> </ul>
<b>Central Baltic herring (SDs 25-27, 28.2, 29 &amp; 32)<sup>15</sup></b>	97,551 t	EU MAP ( $F_{MSY}$ )	71 939	Deduct 9.5% Russian share. Add 696t for Gulf of Riga herring to be taken in SD 28.2 and deduct 3448t for Central	<p><b>≤ 44,709 t</b></p>

<sup>11</sup> ICES. 2021. Sprat (*Sprattus sprattus*) in Subdivisions 22-32 (Baltic Sea). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>.

<sup>12</sup> ICES. 2021. Sprat (*Sprattus sprattus*) in Subdivisions 22-32 (Baltic Sea). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>.

<sup>13</sup> ICES. 2021. Herring (*Clupea harengus*) in subdivisions 20-24, spring spawners (Skagerrak, Kattegat, and western Baltic). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.20-24. <https://doi.org/10.17895/ices.advice.7766>.

<sup>14</sup> ICES. 2021. Herring (*Clupea harengus*) in subdivisions 20-24, spring spawners (Skagerrak, Kattegat, and western Baltic). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.20-24. <https://doi.org/10.17895/ices.advice.7766>.

<sup>15</sup> ICES. 2021. Herring (*Clupea harengus*) in subdivisions 25-29 and 32, excluding the Gulf of Riga (central Baltic Sea). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.25-2932. <https://doi.org/10.17895/ices.advice.7767>.

				Baltic herring to be taken in the Gulf of Riga (28.1).	<ul style="list-style-type: none"> <li>- Consider setting the TAC in or below the lower <math>F_{MSY}</math> range (44,709 - 62,353 t) based on “<i>issues relevant for the advice</i>” (see ICES 2021)<sup>16</sup>.</li> <li>- Increase control, enforcement, onboard monitoring and sampling of landings to ensure that the misreporting of sprat as herring does not continue.</li> </ul>
<b>Gulf of Riga herring (SD 28.1)</b> <sup>17</sup>	39,446 t	EU MAP ( $F_{MSY}$ )	44,945	Deduct 696t for Gulf of Riga herring to be taken in SD 28.2 and add 3,448t for Central Baltic herring to be taken in the Gulf of Riga (28.1).	<b>≤47,697 t</b>
<b>Gulf of Bothnia herring (SDs 30-31)</b> <sup>18</sup>	65,018 t	EU MAP ( $F_{MSY}$ )	111,345	n/a	<b>≤111,345 t</b> <ul style="list-style-type: none"> <li>- Consider setting the TAC in the lower <math>F_{MSY}</math> range (86,729t - 111,345t)</li> <li>- Consider a far more cautious TAC in light of risks to sub-populations.</li> </ul>
<b>Baltic plaice (SDs 22-32)</b> <sup>19 20</sup>	7,240 t	<b>Plaice SDs 21-23:</b> MSY approach <b>Plaice SDs 24-32:</b> Precautionary Approach	8,821 3,956	Deduct estimated catches in SD 21. Apply the same method as detailed in the ICES advice <sup>21</sup>	<b>≤11,082 t</b> <ul style="list-style-type: none"> <li>- Enhance catch monitoring and control on all vessels in the targeted flatfish fishery because of the high volumes of cod bycatches.</li> <li>- Consider a TAC lower than 11,082 t to safeguard and help recover eastern and western Baltic cod which are taken as bycatch in the flatfish fisheries.</li> <li>- Consider a spatial closure for vessels operating with bottom towed gear in SDs 24 and 26 where eastern Baltic cod is most abundant in order to avoid</li> </ul>

<sup>16</sup> ICES. 2021. Herring (*Clupea harengus*) in subdivisions 25-29 and 32, excluding the Gulf of Riga (central Baltic Sea). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.25-2932. <https://doi.org/10.17895/ices.advice.7767>.

<sup>17</sup> ICES. 2021. Herring (*Clupea harengus*) in Subdivision 28.1 (Gulf of Riga). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.28. <https://doi.org/10.17895/ices.advice.7768>.

<sup>18</sup> ICES. 2021. Herring (*Clupea harengus*) in Subdivisions 30 and 31 (Gulf of Bothnia). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.3031. <https://doi.org/10.17895/ices.advice.7769>.

<sup>19</sup> ICES. 2021. Plaice (*Pleuronectes platessa*) in subdivisions 24-32 (Baltic Sea, excluding the Sound and Belt Seas). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, ple.27.24-32. <https://doi.org/10.17895/ices.advice.7818>.

<sup>20</sup> 2021. Plaice (*Pleuronectes platessa*) in subdivisions 21-23 (Kattegat, Belt Seas, and the Sound). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, ple.27.21-23. <https://doi.org/10.17895/ices.advice.7817>.

<sup>21</sup> See Table 4 in ICES. 2021. Plaice (*Pleuronectes platessa*) in subdivisions 21-23 (Kattegat, Belt Seas, and the Sound). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, ple.27.21-23. <https://doi.org/10.17895/ices.advice.7817>.

					<p>bycatch of the stock on which a zero TAC is recommended.<sup>22</sup></p> <ul style="list-style-type: none"> <li>- New selective fishing gears designed for flatfish must be used to avoid cod bycatch in the flatfish fisheries.<sup>23,24</sup></li> </ul>
<b>Baltic salmon (SDs 22-31)<sup>25</sup></b>	94,496	MSY approach	<p>0 in mixed stock fisheries at sea</p> <p>No more than 75,000 salmon in northern coastal fisheries (AUs 1-3) during spawning migration in Gulf of Bothnia and Åland Sea</p>	Deduct 1.9% Russian share.	<p><b>0 in mixed stock fisheries at sea</b></p> <p><b>50,000 salmon (see details below)</b></p> <ul style="list-style-type: none"> <li>- Targeted fishing for salmon with mixed stock origin in the main basin areas should be closed (commercial and recreational)</li> <li>- TAC should be set at no more than 50 000 salmon, and active and targeted salmon fishing can only take place in the areas 29 (north) - 31 within 4nm from the coast<sup>26</sup></li> <li>- Urgently develop a new proposal for TAC setting and start development of a new multiannual management plan.</li> </ul>
<b>Gulf of Finland salmon (SD 32)<sup>27</sup></b>	8,883	PA approach	11,800 salmon	Deduct 9.3% Russian share.	<p><b>9,161 salmon</b></p> <ul style="list-style-type: none"> <li>- No wild salmon should be targeted in Gulf of Finland</li> <li>- Salmon from GoF mix with main basin salmon stocks at sea. The mixed stock sea fishery must be stopped to safeguard the GoF stocks</li> <li>- Urgently develop a new proposal for TAC setting and in the medium term, develop a new multiannual management plan<sup>22</sup></li> </ul>

Note: Pending a formal sharing agreement between the EU and Russia, the assumed Russian shares are those used under the former International Baltic Sea Fisheries Commission (IBSFC).

<sup>22</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports. 1:76. 69 pp.](#)

<sup>23</sup> [ICES \(2019\). EU request for further information on the distribution and unavoidable bycatches of eastern Baltic cod. In Report of the ICES Advisory Committee, 2019. ICES Advice 2019, sr.2019.24.](#)

<sup>24</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports. 1:76. 69 pp.](#)

<sup>25</sup> [ICES. 2021. Salmon \(Salmo salar\) in subdivisions 22–31 \(Baltic Sea, excluding the Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, sal.27.22–31. <https://doi.org/10.17895/ices.advice.7848>](#)

<sup>26</sup> [Based on ICES head line advice and the scenario 8, Table 2 p.7](#)

<sup>27</sup> [ICES. 2021. Salmon \(Salmo salar\) in Subdivision 32 \(Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, sal.27.32. <https://doi.org/10.17895/ices.advice.7849>.](#)



### 3. Recommendations on Baltic Sea TACs and additional measures for 2022

#### Eastern Baltic cod in SDs 25-32

**We recommend that the TAC for 2022 should be set at zero in subdivisions (SDs) 25-32 and zero in SD 24** based on the “*ICES advice on fishing opportunities*”, which states that “*ICES advises that when the precautionary approach is applied, there should be zero catch in 2022. This advice applies to all catches from the stock in subdivisions (SDs) 24–32.*”<sup>28</sup>

As Baltic cod is a top predator and important to the entire Baltic Sea ecosystem, we recommend developing an ecosystem-based restoration plan to bring Baltic cod back to good environmental status in line with EU marine legislation and the EU 2030 biodiversity strategy<sup>29</sup>, taking into account interspecies considerations and all threats on the stock, including eutrophication, pollution, climate change, habitat loss as well as the general state of the Baltic Sea ecosystem<sup>30</sup>.

For 2021 the Council agreed to the Commission proposal for a reduced ‘bycatch TAC’ and the continued suspension of certain targeted fishing activities for eastern Baltic cod, as well as further recreational and spatial measures<sup>31</sup>. Nevertheless, catches of eastern Baltic cod in non-directed fisheries, combined with a lack of adequate at-sea catch monitoring to ensure effective control, enforcement and compliance with ‘bycatch TACs’ remain a serious concern. Previous NGO communications have recommended prerequisites for the use of bycatch TACs<sup>32</sup>. These conditionalities have not been met in the case of eastern Baltic cod.

Importantly in the case of eastern Baltic cod, we note that the ICES advice for 2021 states “*At the current low productivity the stock is estimated to remain below Blim in the medium term, even with no fishing. Furthermore, fishing at any level will target the remaining few commercial-sized ( $\geq 35$  cm) cod; this will deteriorate the stock structure further and reduce its reproductive potential.*”<sup>33</sup> This means that any bycatches of eastern Baltic cod are a detriment to the stock. We are concerned about the higher volumes of cod bycatch in the trawl (active demersal) fishery<sup>34</sup> as well as about the continued discarding practice<sup>35</sup>.

To recover and safeguard Baltic fish stocks, including eastern Baltic cod, setting a zero TAC must be combined with additional conservation measures.

**If the Commission and Council decide to continue the measures agreed by the Council for eastern Baltic cod for 2021<sup>36</sup>, then we strongly recommend the following additional measures for 2022:**

- Increase monitoring and control on all vessels using active gears in all areas but prioritised in cod concentration areas, combining both REM and traditional controls;

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<sup>28</sup> [ICES. 2021. Cod \(\*Gadus morhua\*\) in subdivisions 24–32, eastern Baltic stock \(eastern Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, cod.27.24-32. <https://doi.org/10.17895/ices.advice.7745>.](https://doi.org/10.17895/ices.advice.7745)

<sup>29</sup> [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS. EU Biodiversity Strategy for 2030 Bringing nature back into our lives.](#)

<sup>30</sup> [HELCOM \(2018\): State of the Baltic Sea – Second HELCOM holistic assessment 2011-2016. \*Baltic Sea Environment Proceedings 155\*.](#)

<sup>31</sup> [COUNCIL REGULATION \(EU\) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation \(EU\) 2020/123 as regards certain fishing opportunities in other waters](#)

<sup>32</sup> [Joint NGO paper \(2018\). Recovering fish stocks and fully implementing the Landing Obligation. See pages 5-6.](#)

<sup>33</sup> [ICES. 2021. Cod \(\*Gadus morhua\*\) in subdivisions 24–32, eastern Baltic stock \(eastern Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, cod.27.24-32. <https://doi.org/10.17895/ices.advice.7745>](https://doi.org/10.17895/ices.advice.7745)

<sup>34</sup> [ICES \(2019\). EU request for further information on the distribution and unavoidable bycatches of eastern Baltic cod. In Report of the ICES Advisory Committee, 2019. ICES Advice 2019, sr.2019.24.](#)

<sup>35</sup> [ICES \(2020\). BALTIC FISHERIES ASSESSMENT WORKING GROUP \(WGBFAS\). \*ICES Scientific Reports\*. 2:45. 632 pp.](#) See page 54.

<sup>36</sup> [COUNCIL REGULATION \(EU\) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation \(EU\) 2020/123 as regards certain fishing opportunities in other waters](#)



- Introduce more selective fishing gears to avoid cod bycatch in the flatfish fishery (see ICES<sup>37,38</sup>);
- Ensure that any exemptions from the LO are subject to increased at-sea monitoring and control;
- Introduce a spatial closure to cover the entire area in the Bornholm Basin and additionally a closure of demersal fisheries in the entire SD 26<sup>39</sup>, which would have limited implications for EU flatfish fisheries, while protecting a substantial part of the eastern Baltic cod stock<sup>40</sup>.

TAC setting needs to consider an ecosystem-based approach to fisheries management as required by the CFP. Prioritisation of the interspecies and food web considerations would contribute to the achievement of GES as required by MSFD.

**In addition, we urge you to:**

- Consider the implications for cod when setting the TAC for plaice and the time and area plaice is fished<sup>41</sup> (see recommendation below);
- Seriously consider prioritising the need to safeguard cod when setting the central Baltic herring and sprat TACs as well as considering the temporal and spatial allocation of the fishing for sprat, in accordance with the ICES advice on fishing opportunities<sup>42</sup> (see recommendations below);
- Consider transferring quota of other species from vessels with active bottom towed gear to vessels operating with low impact static gear that have a lower cod bycatch rate.

**Western Baltic cod in SDs 22-24**

**We recommend that all fisheries targeting western Baltic cod are closed, both for commercial and recreational fishing. A bycatch TAC for 2022 should not exceed 324 tonnes, which corresponds to the F-MSY-lower point value.**

The figures are based on table 2 from page 2 of the ICES advice and with the subtraction of the recreational share of the fishing mortality, which according to ICES constitute 30% of all cod catches.<sup>43</sup>

In the allocation of the bycatch quota, all Member States must allocate the quota according to Art. 17 of the CFP, and thereby all Member States must consider the allocation of the bycatch quota to such fisheries that cannot avoid bycatch while adhering to Art. 17 in the CFP<sup>44</sup>. We recommend that Member States prioritise those vessels with the least habitat damage. This would be in line with the EU's Biodiversity Strategy and EU's Green Deal.

Recreational fishing in the area is important and should be given a share of the bycatch quota. Additional measures should be adopted, such as mandatory catch and release rules for anglers. Gear restrictions

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<sup>37</sup> [ICES \(2019\). EU request for further information on the distribution and unavoidable bycatches of eastern Baltic cod. In Report of the ICES Advisory Committee, 2019. ICES Advice 2019, sr.2019.24.](#)

<sup>38</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports, 1:76. 69 pp.](#)

<sup>39</sup> [ICES \(2018\). Request by Poland to review the effectiveness of current conservation measures in place for the Baltic cod.](#)

<sup>40</sup> [ICES \(2019\). EU request for further information on the distribution and unavoidable bycatches of eastern Baltic cod. In Report of the ICES Advisory Committee, 2019. ICES Advice 2019, sr.2019.24.](#)

<sup>41</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports, 1:76. 69 pp.](#)

<sup>42</sup> [ICES, 2021. Sprat \(\*Sprattus sprattus\*\) in Subdivisions 22-32 \(Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>.](#)

<sup>43</sup> We note that according to the ICES advice from September 10th 2021: “Due to the low advised catches, ICES is not in a position to provide a split between commercial and recreational catches for 2022.” while the recommended catch level applies to both commercial and recreational catches. For this reason, we recommend to use the latest known information on the level of recreational catches mentioned in the same advice document “In 2020 the recreational catches included in the stock assessment constituted 30% of the total catches.” and set an EU by-catch TAC for commercial fisheries of 324t and total catch not exceeding 489 tonnes. We recognise that the latter is the highest EU TAC, which could be granted within the legal boundaries of the CFP and Baltic multi-annual plan.

<sup>44</sup> Art. 17 of the CFP: *When allocating the fishing opportunities available to them, as referred to in Article 16, Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels. Within the fishing opportunities allocated to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.*

(e.g. mesh seize) for recreational fishing using gillnets, should be adopted in order to avoid bycatch. Additional measures such as closed areas should be considered.

All spawning areas must continue to be fully protected and closed from fishing activities in the relevant spawning periods.. We suggest the periods are extended to cover the period when the cod aggregate before they spawn. We suggest Area 22-23: 01. January - 31. March; Area 24: 01. April - 31. August. The closure must apply to both commercial and recreational fishers.

Area 23 (the Sound between DK and SE) is the only area with any kind of decent cod population and is therefore considered as the last refuge of cod in the Baltic Sea. Incidentally, it is the only area that is not fished by trawlers. Other areas with trawl restrictions must be considered in order to rebuild the cod stocks.

### **Baltic Sea sprat in SDs 22-32**

**The TAC for 2022 should not exceed 262,337 tonnes ( $F_{MSY}$ ). We recommend that the TAC should be set in the lower F range, i.e. between  $F_{MSY\ lower}$  (192,429 tonnes) and  $F_{MSY}$  (262,337 tonnes).** The TAC of 262,337 tonnes is based on ICES advice of  $F_{MSY}$  (291,745 tonnes). The lower TAC of 192,429 tonnes is based on ICES  $F_{MSY\ lower}$  figure (214,000 tonnes). For both we have deducted from the ICES advised figures an assumed Russian share of 10.08%<sup>45</sup>.

This recommendation takes into account an ecosystem-based approach to fisheries management, considering dynamics between the stocks of eastern Baltic cod and sprat as noted in the ICES advice<sup>46</sup>. In its Ecosystem Overview – Baltic Sea Ecoregion, ICES explains: “*Many species and habitats of the Baltic Sea are not in good condition, according to recent assessments. This affects food web functionality, reduces the resilience and resistance against further environmental changes, and diminishes prospects for socioeconomic benefits, including fishing opportunities.*”<sup>47</sup> More precaution is needed while managing pelagic stocks in a disturbed Baltic Sea ecosystem, thus using the lower range of  $F_{MSY}$  is justified.

**We further recommend restrictions on the sprat fishery in SDs 25-26 in order to redistribute the sprat fishery to the northern areas (SDs 27-29 & 32) to improve food availability for cod.** This is in accordance with “*issues relevant for the advice*”, where ICES states: “*Sprat are an important forage species for Baltic cod, and multispecies interactions should be considered when managing the sprat fishery*”<sup>48</sup>.

In addition, we note that there is evidence that Baltic pelagic fisheries misreported official catches, with sprat catches regularly recorded as herring in 2019<sup>49,50</sup>. This means catches of sprat might be higher than those officially reported. When data are uncertain even more precaution is needed in fisheries management – following the precautionary approach as defined in the CFP. **We further suggest that a significant increase in control, enforcement, onboard monitoring and sampling of landings is required to ensure that misreporting ceases.**

### **Western Baltic Spring Spawning (WBSS) herring in SDs 22-24**

**We recommend that the TAC for 2022 should be zero.** This is the fourth year in a row that ICES advises a zero catch based on the MSY approach.

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<sup>45</sup> Based on the 2009 TACs sharing agreement between EU and Russia. However, we note that ICES estimate the Russian quota in 2020 as 46,500 tonnes – which was 18.1% of the TAC. This highlights the discrepancy between the sharing agreement and the actual catches made by each party.

<sup>46</sup> [ICES. 2021. Sprat \(\*Sprattus sprattus\*\) in Subdivisions 22-32 \(Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>.](https://doi.org/10.17895/ices.advice.7867)

<sup>47</sup> [ICES. 2020. Baltic Sea Ecoregion – Ecosystem overview. In Report of the ICES Advisory Committee, 2020. ICES Advice 2020, Section 4.1. <https://doi.org/10.17895/ices.advice.7635>.](https://doi.org/10.17895/ices.advice.7635)

<sup>48</sup> [ICES. 2021. Sprat \(\*Sprattus sprattus\*\) in Subdivisions 22-32 \(Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>.](https://doi.org/10.17895/ices.advice.7867)

<sup>49</sup> <https://www.fishsec.org/2019/09/17/pelagic-trawlers-report-false-catch-figures-and-undermine-sustainable-management/>

<sup>50</sup> [ICES. 2021. Sprat \(\*Sprattus sprattus\*\) in Subdivisions 22-32 \(Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>. See page 3.](https://doi.org/10.17895/ices.advice.7867)

**We recommend adjusting the TAC setting procedure for both North Sea Autumn Spawners (NSAS) and WBSS herring together in such a way that absolutely minimizes catches of the WBSS stock.** We note that the Agreed Record of Fisheries Consultations between the United Kingdom, Norway and the European Union<sup>51</sup> establishes a working group with a mandate to examine the management of herring in the North Sea and Skagerrak/Kattegat. Furthermore, the EU-Norway agreement (2021)<sup>52</sup> “noted that it was agreed that this working group should start their work in 2021, and make recommendations for management models for the management of herring in both the North Sea and Skagerrak/Kattegat, where NSAS herring mix with WBSS herring stocks. The working group should assess the current practice of setting separate TACs to cover by-catches in other fisheries.” We fully support joint international efforts involving the EU, the UK and Norway to establish a trilateral working group on the NSAS and Skagerrak/Kattegat herring management with consideration of unavoidable catches of WBSS herring.

The SSB of the WBSS herring stock is estimated to be below  $B_{lim}$  and has been below  $B_{lim}$  since 2007. Recruitment has been low since the mid-2000s and at a historic low for the last five years. There are no catch scenarios that will rebuild the stock above  $B_{lim}$  by 2024<sup>53</sup>.

According to Article 5 of the Baltic Sea MAP, further remedial measures including the suspension of fishing activity shall be taken to ensure a rapid return of the stock concerned to levels above the level capable of producing MSY, when scientific advice indicates that the spawning stock biomass is below  $B_{lim}$ , which is the case for WBSS.

We note in “issues relevant for the advice” ICES states: “This stock is caught across three different management units, and recovery will be impaired if catches of this stock are not minimized in all units. It is estimated that around 27% of the 2021 total catches from the stock are taken in Division 4.a. For the other two areas, catch shares in 2021 are estimated to be around 64% for subdivisions 20–21 and 8% for subdivisions 22–24. The stock projections are particularly uncertain this year. Possible changes may occur in 2021–2022 to both fishing grounds and subsequent exploitation patterns in the North Sea herring fisheries as a consequence of the Brexit agreements. Given the mixing of the WBSS and North Sea autumn-spawning (NSAS) herring throughout part of the North Sea, and the large differences in the size and quotas of the two stocks, changes in the distribution of the fisheries may result in increased catches of WBSS, for which zero catch advice is issued.”<sup>54</sup> **We therefore recommend in accordance with ICES advice that additional area and/or time restrictions on the herring fishery are considered in the North Sea and in SDs 20-21.**

### **Central Baltic Sea (excluding Gulf of Riga) herring in SDs 25-29 & 32**

**The TAC for 2022 should not exceed 62,353 tonnes ( $F_{MSY}$ ). We recommend that the TAC should be set in the lower F range i.e. between  $F_{MSY\ lower}$  (44,709 tonnes) and  $F_{MSY}$  (62,353 tonnes).** The TAC of 62,353 tonnes is based on ICES  $F_{MSY}$  advice (71,939 tonnes). The lower TAC of 44,709 tonnes is based on the ICES MSY  $F_{lower}$  figure (52,443 tonnes). From both ICES figures we have deducted an assumed 9.5% Russian share<sup>55</sup>, and then added 696 tonnes for Gulf of Riga herring taken in SD 28.2 and deducted 3,448 tonnes for Central Baltic herring taken in Gulf of Riga (28.1).

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<sup>51</sup> [Agreed record of fisheries consultations between the European Union, Norway and the United Kingdom for 2021. 16 March 2021](#)

<sup>52</sup> [AGREED RECORD OF CONCLUSIONS OF FISHERIES CONSULTATIONS BETWEEN NORWAY AND THE EUROPEAN UNION ON THE REGULATION OF FISHERIES IN SKAGERRAK AND KATTEGAT FOR 2021 16 MARCH 2021](#)

<sup>53</sup> [ICES. 2021. Herring \(Clupea harengus\) in subdivisions 20-24. spring spawners \(Skagerrak, Kattegat, and western Baltic\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.20-24, https://doi.org/10.17895/ices.advice.7766.](#)

<sup>54</sup> [ICES. 2021. Herring \(Clupea harengus\) in subdivisions 20-24. spring spawners \(Skagerrak, Kattegat, and western Baltic\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.20-24, https://doi.org/10.17895/ices.advice.7766.](#)

<sup>55</sup> Based on the 2009 TACs sharing agreement between EU and Russia. However, we note that ICES estimate the Russian quota in 2020 as 29,100 tonnes – which was 15.6% of the TAC. This highlights the discrepancy between the sharing agreement and the actual catches made by each party.

This recommendation takes into consideration an ecosystem-based approach to fisheries management, taking into account dynamics between the stocks of eastern Baltic cod and herring<sup>56</sup>. Additionally, the ICES advice indicates that the central Baltic herring biomass is expected to decline in the coming years.

ICES information on stock developments over time reads as follows: “*The 2019 year class which was estimated to be strong in last years assessment is now estimated to be below average. There has been no strong recruitment since 2015.*”<sup>57</sup> It would be prudent for decision-makers to attempt to conserve the 2014 year class and limit the chances of significant downwards variations in fishing opportunities in future years.

As explained in our recommendations on sprat in SDs 22-32, more precaution is needed while managing pelagic stocks in a disturbed Baltic Sea ecosystem, and when the data on catches is uncertain (i.e. due to the misreporting of sprat as herring). Using the lower range of  $F_{MSY}$  is therefore appropriate.

### **Gulf of Riga herring in SD 28.1**

**We recommend that the TAC for 2022 should not exceed 47,697 tonnes.** This is based on the ICES advice of  $F_{MSY}$  (44,945 tonnes)<sup>58</sup>, from which we deduct 696 tonnes for Gulf of Riga herring taken in SD 28.2 and add 3448 tonnes for Central Baltic herring taken in the Gulf of Riga (28.1).

### **Gulf of Bothnia herring in SDs 30-31**

**The TAC for 2022 should not exceed 111,345 tonnes ( $F_{MSY}$ ).** We recommend that the TAC should be set in the lower F range i.e. between  $F_{MSY}$  lower (86,729) and  $F_{MSY}$  (111,345)<sup>59</sup>. In addition, we ask to consider a far more cautious TAC in light of risks to sub-populations.

### **Baltic Sea plaice in SDs 22-32**

**We recommend that the TAC for 2022 should not exceed 11,082 tonnes.** This is based on the ICES  $F_{MSY}$  catch scenario for plaice in SDs 21-23<sup>60</sup> and ICES Precautionary Approach advice for plaice in SDs 24-32<sup>61</sup>.

We note the likelihood of significant bycatch of eastern Baltic cod when catching plaice in SDs 24-26<sup>62</sup>. The setting of the plaice TAC needs to be carefully considered in the context of conservation measures and a rebuilding plan for eastern Baltic cod. We must stress that according to ICES, in 2020 some 4,433 tonnes of plaice was landed in areas 22-32. In the same area, ICES records an estimated 1,084 tonnes of discards.

The ICES report states “*cod and flounder overlap in the entire distribution area of the eastern Baltic cod stock; plaice and eastern Baltic cod overlap in subdivisions 24-25. Therefore, there are no areas or months where flatfish fisheries with non-selective gears could be conducted in subdivisions 24-26 without a risk of bycatch of cod. Only a small fraction of EU flatfish landings were taken in subdivision 26 in later years (6% of flounder landings in 2018). Therefore, a potential closure of subdivision 26 for*

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<sup>56</sup> [ICES. 2021. Sprat \(\*Sprattus sprattus\*\) in Subdivisions 22-32 \(Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, spr.27.22-32. <https://doi.org/10.17895/ices.advice.7867>.](https://doi.org/10.17895/ices.advice.7867)

<sup>57</sup> [ICES. 2021. Herring \(\*Clupea harengus\*\) in subdivisions 25-29 and 32, excluding the Gulf of Riga \(central Baltic Sea\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.25-2932. <https://doi.org/10.17895/ices.advice.7767>.](https://doi.org/10.17895/ices.advice.7767)

<sup>58</sup> [ICES. 2021. Herring \(\*Clupea harengus\*\) in Subdivision 28.1 \(Gulf of Riga\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.28. <https://doi.org/10.17895/ices.advice.7768>.](https://doi.org/10.17895/ices.advice.7768)

<sup>59</sup> [ICES. 2021. Herring \(\*Clupea harengus\*\) in Subdivisions 30 and 31 \(Gulf of Bothnia\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, her.27.3031. <https://doi.org/10.17895/ices.advice.7769>.](https://doi.org/10.17895/ices.advice.7769)

<sup>60</sup> [ICES. 2021. Plaice \(\*Pleuronectes platessa\*\) in subdivisions 21-23 \(Kattegat, Belt Seas, and the Sound\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, ple.27.21-23. <https://doi.org/10.17895/ices.advice.7817>.](https://doi.org/10.17895/ices.advice.7817)

<sup>61</sup> [ICES. 2021. Plaice \(\*Pleuronectes platessa\*\) in subdivisions 24-32 \(Baltic Sea, excluding the Sound and Belt Seas\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, ple.27.24-32. <https://doi.org/10.17895/ices.advice.7818>.](https://doi.org/10.17895/ices.advice.7818)

<sup>62</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports, 1:76. 69 pp.](https://doi.org/10.17895/ices.advice.7818)

*demersal fisheries would have limited implications for EU flatfish fisheries, while protecting a substantial part of the eastern Baltic cod stock.”*<sup>63</sup>

In order to avoid bycatch of eastern Baltic cod, for which ICES advises zero catches, we recommend that the Commission and the Council set a TAC lower than 11,082 tonnes for plaice, and mandate more selective fishing gears to avoid cod bycatch in the flatfish fisheries (see ICES<sup>64,65</sup>), as well as spatial closures of SDs 24 and 26.

Furthermore, we recommend that the Commission request the ICES Working Group on Mixed Fisheries Advice (WGMIXFISH) to prioritise the mixed demersal fishery in the Baltic Sea, where the cod, plaice and flounder stocks overlap. This will ensure the best available science in relation to setting mixed fisheries catch limits can be utilised. In this context, the Commission and the Council should ensure that the most vulnerable stocks are not overfished when proposing and setting TACs in mixed fisheries.

### **Baltic Sea (excluding the Gulf of Finland) salmon in SDs 22-31**

The salmon in the Baltic Sea does not consist of one single stock, yet it has long been managed as such. In fact, there are at least 32 wild self reproducing stocks (several rivers are potential wild salmon rivers but status is unknown, and/or are currently supported by large rearing and release programmes) with very high degree of variation. Salmon rivers differ in geographical location, size, water quality and available spawning area etc. In summary, the river stocks from the northern parts of the Baltic Sea are in better condition, compared to the stocks in the mid or southern areas of the Baltic catchment. At more mature life stages, many of the salmon mix in the main basin area of the Baltic to feed and they are in this area targeted by a fishery. Setting a “global” fishing quota on salmon represents a big problem since there is no way of setting a level of fishing that safeguards the weaker stocks in this mixed pool of salmon stocks. The salmon stocks with origin in rivers in the Gulf of Finland (GoF) also mix with the others and the separation of management is not in reality possible.

ICES has this year updated the advice on fishing opportunities for salmon, based on management options evaluated already in 2020. The advice takes the above situation into account, and considers management options that adhere to the CFP requirement to reach MSY for commercial stocks by setting relevant exploitation rates.

**ICES notes that there is no scope for catches in the mixed stock situation that is consistent with the MSY approach and advises that the mixed sea fishery should be closed.** ICES adds that some fisheries can still take place in certain areas. The ICES advice states:

*“ICES advises that according to the MSY approach the catch of salmon in the mixed-stock sea fisheries (both commercial and recreational) should be zero in 2022.”*

If a spatial and temporal management is put in place ICES notes that some fishing can take place:

*“ICES considers that if sea fishing can be confined to existing coastal fisheries during the spawning migration (beginning of May to the end of August) in the Gulf of Bothnia and the Åland Sea, total sea catch (both commercial and recreational) in these areas of no more than 75 000 salmon could be taken”.*

The salmon cannot be treated as one stock and management has to change. ICES has noted the need to phase out the mixed sea fishery for well over ten years, so this is not new or dramatically shifting the scientific advice. ICES presents multiple scenarios to consider but only three of them use the consideration of spatial management (scenarios 7-10 on page 7). One option is to only allow river fishery and this option is preferable but in the short term difficult to implement and is in need of, for example, new technical rules/delineations of areas. It is worth noting that both Sweden and Finland have not

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<sup>63</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports. 1:76. 69 pp.](#)

<sup>64</sup> [ICES \(2019\). EU request for further information on the distribution and unavoidable bycatches of eastern Baltic cod. In Report of the ICES Advisory Committee, 2019. ICES Advice 2019, sr.2019.24.](#)

<sup>65</sup> [ICES \(2020\). Report on eastern Baltic cod bycatch in non-targeted fisheries, mixing with western Baltic cod in SD24, and stock situation in SDs 27-32 \(Ad hoc\). ICES Scientific Reports. 1:76. 69 pp.](#)



utilised their quotas fully in 2021, thus those numbers will likely be added to next year's quotas within the allowed year-to-year flexibility rules.

### Other options and longer term considerations

- All Baltic salmon stocks need to be considered individually and any new management plan must hold this as the core scope and objective. We recommend that a new EU proposal for a multi-annual plan is developed
- A complete closure of additional areas with weak rivers also in the northern Baltic sea areas is needed to limit risk to weaker rivers
- Commercial and recreational, non-angling, fisheries must be better managed and controlled in the northern areas of the Baltic
- Recreational angling catches in northern sea areas (excluding Åland Sea area) are limited currently but could increase and control/reporting must improve
- River catches of all kinds must be better monitored and reported, and must have individually set limits per river
- Rearing and releasing programs must be phased out and only used as last resort to re-establish natural reproduction
- Salmon management must fully include all recreational fisheries

Key elements from the advice include:

- ICES advice states, in section Issues relevant for the advice, that *"A large part of Baltic salmon fishing at sea is mixed-stock fisheries; this presents a particular management challenge as these fisheries are more likely to pose a threat to depleted stocks than fisheries on healthy (at or above MSY) wild or reared stocks in rivers as well as in estuaries or coastal areas (e.g. < 4 nm) where healthy single-river stocks dominate. Mixed-stock fisheries that catch weak wild stocks should be avoided. Ideally, management of salmon fisheries should be based on the status of individual river stocks."*<sup>66</sup>.
- ICES notes, in the Quality of the advice, that *"There is a lack of data about the amount of salmon discarded, and even less about the proportion of discarded salmon that survive. There is also little information about the amount of seal-damaged (and assumed dead) salmon. The values used in this advice represent the current available knowledge and are based on data from a variety of sources. Expert judgement has been applied where data are unavailable or sparse. Current estimates of discards are therefore uncertain and should be considered approximate."*<sup>67</sup> Furthermore, it is stated that *"There are also substantial uncertainties regarding the level of bycatch of salmon in fisheries targeting other species, such as the pelagic trawl fishery for herring and sprat and the coastal fishery for e.g. whitefish"*<sup>68</sup>. This needs to be considered when setting the TAC, as more precaution is warranted due to this uncertainty.

### Gulf of Finland salmon in SD 32

The salmon in the GoF are dominated by released salmon and fishing on the wild salmon is not sustainable. The fishery should target only reared fin-clipped salmon in order to keep fisheries-related mortality on wild salmon as low as possible<sup>69</sup>.

ICES notes: *"Fisheries-related mortality on wild salmon from all wild and mixed (hatchery reared-wild) rivers in the Gulf of Finland should be as low as possible. Most of the salmon in the Gulf of Finland*

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<sup>66</sup> [ICES. 2021. Salmon \(\*Salmo salar\*\) in subdivisions 22–31 \(Baltic Sea, excluding the Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, sal.27.22–31, <https://doi.org/10.17895/ices.advice.7848>](https://doi.org/10.17895/ices.advice.7848)

<sup>67</sup> [ICES. 2021. Salmon \(\*Salmo salar\*\) in subdivisions 22–31 \(Baltic Sea, excluding the Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, sal.27.22–31, <https://doi.org/10.17895/ices.advice.7848>](https://doi.org/10.17895/ices.advice.7848)

<sup>68</sup> [ICES. 2021. Salmon \(\*Salmo salar\*\) in subdivisions 22–31 \(Baltic Sea, excluding the Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, sal.27.22–31, <https://doi.org/10.17895/ices.advice.7848>](https://doi.org/10.17895/ices.advice.7848)

<sup>69</sup> [ICES. 2021. Salmon \(\*Salmo salar\*\) in Subdivision 32 \(Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021, sal.27.32, <https://doi.org/10.17895/ices.advice.7849>](https://doi.org/10.17895/ices.advice.7849)

*are of reared origin but fisheries still catch salmon from rivers with wild or mixed (hatchery reared-wild) origin fish. Measures to focus the fishing effort on reared salmon should be implemented.”<sup>70</sup>*

Furthermore, uncertainty is noted in the Quality of the assessment:

*“Information about the exploitation rate of wild salmon in the Gulf of Finland mixed-stock fisheries is limited, and there is a general lack of knowledge about the level of stock mixing during migrations between the Gulf of Finland, the Main Basin, and the Gulf of Bothnia.” and “Recreational sea and river catch statistics are uncertain.”<sup>71</sup>*

#### **4. The CFP’s legal requirements for setting Baltic Sea TACs**

The annual setting of fishing opportunities is one of the most important tools for achieving the CFP objective of restoring all harvested fish populations to levels above those capable of producing MSY. The Baltic Sea MAP also provides a further framework for the setting of certain Baltic Sea fishing opportunities in accordance with the targets as outlined in that plan and the objectives of the CFP. However, sustainable exploitation rates should have been reached by 2020 and this was not the case for many Baltic Sea stocks<sup>72</sup>.

##### **i) The MSY objective**

Article 2(2) of the CFP states that, in order to restore stock biomass above levels capable of producing MSY, the Maximum Sustainable Yield exploitation rate shall be achieved for all stocks by 2020. Setting fishing limits below MSY exploitation rates ( $F_{MSY}$ ) is crucial to allow fish stocks to recover above sustainable levels. For fish stocks in a very poor state, fishing mortality rates below the  $F_{MSY}$  point value can contribute to their restoration, but this alone is not enough. Effective control and monitoring together with additional measures based on the ecosystem-based approach to fisheries management such as spatial and temporal closures, considering predator-prey relationships, and transitioning to selective gears, are required.

##### **ii) Application of the precautionary approach**

The requirement to set TACs at or below MSY exploitation rates is inseparable from the precautionary approach. Article 2(2) of the CFP and Article 3(1) of the Baltic Sea MAP also require a precautionary approach (per the United Nations Fish Stocks Agreement) as a basic requirement for EU fisheries management. The current disturbed state of the Baltic Sea ecosystem is unprecedented, and climate driven changes are making things worse. It is more important than ever to act in a precautionary manner when setting TACs, to drastically minimise pressure on biodiversity, fish populations and habitats, restore marine food web functionality, and increase the capacity of the Baltic Sea ecosystem to mitigate and adapt to climate change. The CFP basic regulation has set the precautionary approach also in the context of the EU precautionary principle (Recital 10, referring to Article 191(2)(1) of the TFEU). The Commission and Ministers must therefore implement the CFP – and interpret scientific advice – in a precautionary manner and aim to achieve a high degree of conservation.

##### **iii) Appropriate implementation of the Baltic Sea MAP**

The Baltic Sea MAP<sup>73</sup> in its Article 3 reiterates the CFP objective, set out in Article 2(2) of the basic regulation, to end overfishing by 2020 and to restore and maintain fish stocks above levels capable of producing MSY. This is prevented if fishing pressure is above MSY, so there is subsequently no justification for using the upper fishing mortality ranges. However, the MAP gives the legal basis to act with more precaution and set new measures, including moving a pelagic fishery and reducing catches

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<sup>70</sup> [ICES. 2021. Salmon \(\*Salmo salar\*\) in Subdivision 32 \(Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021. sal.27.32. https://doi.org/10.17895/ices.advice.7849.](https://doi.org/10.17895/ices.advice.7849)

<sup>71</sup> [ICES. 2021. Salmon \(\*Salmo salar\*\) in Subdivision 32 \(Gulf of Finland\). In Report of the ICES Advisory Committee, 2021. ICES Advice 2021. sal.27.32. https://doi.org/10.17895/ices.advice.7849.](https://doi.org/10.17895/ices.advice.7849)

<sup>72</sup> The Pew Charitable Trusts (2021). Analysis of Fisheries Council agreement on fishing opportunities in the Baltic Sea for 2021.

<sup>73</sup> [REGULATION \(EU\) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks](#)



to maximise food availability to the ecosystem, and considering the most vulnerable stock when setting TACs. Provisions in the Baltic MAP have been cited as justifications to allow overfishing of Baltic stocks in the past, despite this being at odds with the CFP and the EU's wider environmental commitments<sup>74</sup>.

#### **iv) Implementation of the Landing Obligation (LO)**

The LO provides an opportunity to meet the public's demand for fishing to waste as little as possible and drive the transition to more selective, ecologically sustainable, low-impact fishing. Article 15 of the CFP basic regulation provides member states with a range of tools to successfully implement the LO, however it is understood that broadscale non-compliance with the LO is undermining the objectives of the CFP and of the MSFD, jeopardising scientific data and assessments, and has led to substantial increases in fishing mortality which threatens to implode the entire TAC management system<sup>75, 76</sup>. As long as compliance with the LO cannot be guaranteed, TACs have to be set below the catch advice by a sufficient margin to ensure that continued illegal discards do not bring fishing above sustainable levels<sup>77</sup>.

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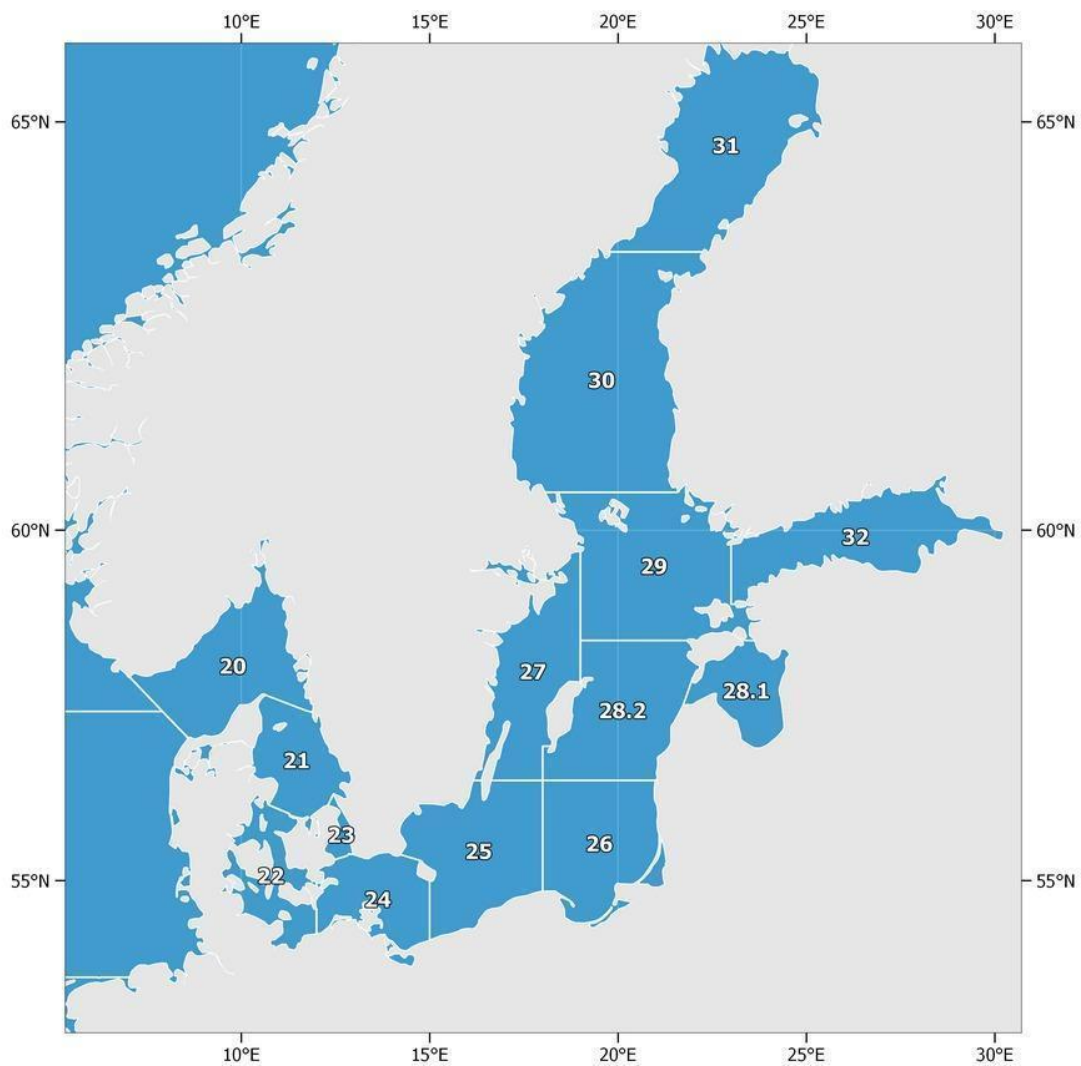
<sup>74</sup> [Fit for purpose? An assessment of the effectiveness of the Baltic Sea multi-annual plan \(BSMAP\). September 2019](#)

<sup>75</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – 60th Plenary Meeting Report (PLEN-19-01). Publications Office of the European Union, Luxembourg, 2019, ISBN 978-92-76-02904-5, doi:10.2760/56785, JRC116423

<sup>76</sup> Borges, L (2020). The unintended impact of the European discard ban. ICES Journal of Marine Science, Volume 78, Issue 1, January-February 2021, Pages 134–141, <https://doi.org/10.1093/icesjms/fsaa200>

<sup>77</sup> [ClientEarth \(2020\) Setting Total Allowable Catches \(TACs\) in the context of the Landing Obligation](#)

## 5. Map of Baltic subdivisions (SDs)



Map of the Baltic Sea showing the subdivisions of the Belt, the Sound, and the Baltic for the reporting of catch statistics.  
Source: <http://www.fao.org/fishery/area/Area27/en>

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