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 2010 (COM(2009)439)*

At the upcoming meeting on 19-20 October, the Fisheries Council will agree on fishing possibilities in the Baltic Sea for 2010, based on the European Commission's proposal (COM(2009)439). This year, the Commission does not call for reduced catches of Baltic Sea cod. According to scientific advice, both stocks are improving, allowing for increased catches in 2010. This is based on the fact that there is a long-term management plan in place, which provides for some predictability.

The pelagic stocks, on the other hand, are reported to be decreasing in biomass and substantial cuts in TACs for 2010 are being suggested. A long-term management plan for the pelagic stocks in the Baltic Sea is underway, and efforts should be made to take this forward as soon as possible to avoid annual haggling over the Total Allowable Catch (TAC). Meanwhile, we would strongly urge the Commission and the Council to show restraint in proposing and setting quotas, and to follow the scientific advice.

The situation of Baltic salmon populations continues to be highly variable in the region, and therefore substantial cuts in the TACs for salmon in the main basin and the Gulf of Riga are recommended.

SUMMARY OF RECOMMENDATIONS

Regarding the fishing opportunities in the Baltic Sea for 2010, FISH and SAR make the following recommendations:

- Regarding Baltic Sea cod, we urge you to adhere to the management plan (EC 1098/2007) and the Commission's proposal (COM(2009)439). Please ensure that the TAC for the Eastern Baltic cod stock is not increased by more than 15%. For the Western Baltic cod stock, the TAC should not be increased by more than 9% and fishing effort should be reduced by 10%, as stipulated in the management plan.
- Measures to deal with the increasing levels of by-catch and discards in the cod fishery need to be put in place, such as increased selectivity, real-time closures and landing quotas. Solely decreasing the minimum landing size is not a viable option, as this will not reduce the mortality of juveniles and the population is already dominated by very young individuals. If anything, the minimum landing size should be higher to ensure that more females have a chance to reproduce.
- Regarding Baltic herring, we ask you to follow the scientific advice for sustainable exploitation of these stocks, namely 28% reduction for the Central Baltic population and

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a 31% reduction for the Western Baltic population. This is of particular importance as a long-term management plan is yet to be adopted. At a minimum, ensure that the TACs for Baltic herring are in line with the Commission's proposal.

- In the absence of a long-term management plan, we urge you to ensure that the TAC for Baltic sprat is decreased by 23%, as suggested by the International Council for Exploration of the Seas (ICES) and the Scientific, Technical, and Economic Committee for Fisheries (STECF), or at a minimum in line with the Commission's proposal.
- We also recommend that the TAC for salmon in the Main Basin and the Gulf of Bothnia is reduced by 57% due to the low smolt survival rates, and would like to stress the importance of not allowing any catch of wild salmon in the Gulf of Finland. In addition, the TAC in the Gulf of Finland should be no more than 15,000 individuals.

BALTIC SEA TACS AND QUOTAS IN 2010

We have divided our comments into sections by species, starting with demersal stocks, continuing with pelagic and finishing with anadromous species (only salmon is covered). Recommendations are given at the end of each section.

Cod (*Gadus morhua*)

The main Baltic cod stock – the Eastern stock – has continued to build up after the management plan (EC 1098/2007) was put in place. The Western stock is also showing some signs of improvement. More restrictive quotas have been agreed in recent years and the widespread illegal fishing for cod has been tackled to a significant extent. But with the growing cod populations, selectivity in the fishery has been dramatically reduced.

Therefore, the most immediate challenge is the high by-catch of juveniles and in some cases very elevated levels of discards.[1][2][3] The current situation calls for urgent and focused measures in order to reduce by-catch and discards. The focus should be on avoiding by-catch through gear adaptations that lead to a greater consistency between selectivity and minimum landing size. Other options, such as landing quotas, real-time closures and discard bans, should also be considered. Solely reducing the minimum landing size is not a viable solution, as it would remove

[1] ICES Advice 2009, Book 8, Pg 39.
[2] 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
[3] Film by Folke Rydén and Mathias Klum; `For cod's sake', fisherman quoted stating that "sometimes as much as 25 tonnes of undersized cod is discarded during one month" for one single enterprise. Film can be broadcasted in Swedish at: http://svtplay.se/v/1702346/dokument_utifran/alla_torskar?sb,p103473,1,f,-1

one of the incentives for better selectivity, as well as maintain a high mortality of juveniles that have not yet reproduced.

We are currently witnessing positive developments for the Baltic cod, but 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 very strong year classes, which were born in years with a good inflow of well oxygenated water from the North Sea. According to ICES[4], both spawning stock biomass and favourable environmental conditions are necessary requirements for good reproduction of Eastern Baltic cod.

The populations are also dominated by relatively young and small individuals: whereas the majority of Baltic cod measures rarely much 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[5]. With that in mind, the current situation is far from optimal, both in terms of reproduction and in terms of the prices received for the fish on the market. It is therefore very important to continuously apply the precautionary approach in the management of the cod fishery.

The Eastern cod stock

The state of the Eastern Baltic cod stock has improved significantly in the last couple of years, primarily due to favourable spawning conditions in 2003 and 2005. Additionally, management actions such as the long-term management plan, temporary closures during the spawning season and improved fisheries control have most likely helped to improve the situation. However, the stock is still much smaller than it could be.

For many years, the Eastern Baltic cod was overfished to a point where it was at risk of collapse, and the scientific advice to managers was to close the fishery. Despite this, Ministers continued to agree on higher quotas than recommended. This must not happen again.

We have a window of opportunity now that may not return for decades to come, as the Baltic Sea environment continues to deteriorate and spawning conditions for cod are likely to continue to worsen as well. Climate change will bring new challenges over the coming decades. To ensure continued survival and reproduction of these two strong year classes, it is very important that any increases in TACs over the next few years are cautious and that current improvements in control and compliance continue.

[4]ICES Evaluation of the Management Plan for Cod stocks in the Baltic Sea with regard to the precautionary approach (2004).
[5]Yvonne Walther (2009), Swedish Board of Fisheries, pers. comm.

For 2010, the Commission is proposing an increase of 15% in the TAC, from 44 580 to 51 267 tonnes. This is in line with the agreed management plan and the recommendation issued by ICES and STECF earlier this year. No effort reduction has been proposed for the Eastern stock, as the mortality target in the management plan has already been reached.

At the October Fisheries Council meeting, we therefore urge you to ensure that the TAC for the Eastern Baltic cod stock is not increased by more than 15% for 2010.

The Western cod stock

The situation of the Western cod stock is not as good as the situation of the Eastern cod stock but nevertheless improving to some extent. Western cod has suffered from four poor year classes (i.e. low reproduction of and recruitment to the stock), but now scientists are seeing an increase in biomass. The concerns regarding the population size remain, with ICES classifying the stock as being "at risk of reduced reproductive capacity". However, because the stock is managed under a long-term management plan, ICES states that an 8.6 % increase in the TAC is acceptable and is likely to ensure further recovery.

The STECF agrees with the ICES advice in general, and suggests a 9% increase of the TAC for this stock for 2010. The Commission is following the scientific advice, proposing an increase of 9% in the TAC of Western Baltic cod, from 16 300 tonnes to 17 700 tonnes. The Commission also proposes a 10% reduction in effort as set out in the agreed management plan[6].

We urge you to ensure that the decision on a TAC for the Western Baltic cod stock is in line with the management plan and that it is not increased by more than 9%. We also ask you to follow the proposed decrease in allowed fishing effort by 10%, in order to give this vulnerable stock a good chance to recover.

Pelagic Stocks

This year ICES, STECF and the Commission propose substantial cuts in TACs for the main Baltic pelagic species: herring and sprat. The major stocks of these species lack defined reference points, making a full evaluation of them difficult. In addition, no long-term management plan has been agreed for the Baltic pelagic stocks. 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 and that the TACs for the pelagic stocks are set according to the precautionary approach.

[6]Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97

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As both bodies providing scientific advice to the Commission are in agreement about the level of cuts needed, it is somewhat surprising to see that the Commission proposes higher catch levels overall, referring to the demand for more stable fishing opportunities[7].

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 objective of ecosystem-based fisheries management in the CFP[8].

Central Baltic herring, excluding the Gulf of Riga

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 limits and there is no long term management plan in place, ICES classifies the stock as "at risk of being harvested unsustainably" and recommends a 28% reduction of the TAC for 2010 in line with the precautionary approach. This corresponds to a catch of less than 103 000 tonnes. The ICES advice is supported by the STECF.

The Commission proposal is weaker, suggesting a 15% decrease in TAC for this stock for 2010.

Western Baltic herring stock

The Western Baltic herring stock has continued to decline, following a 2009 TAC which was set well above the scientific advice. According to ICES, recruitment has declined since 2003 and is currently at its lowest observed level, while fishing mortality is well above the range that would lead to high long-term yields. The ICES advice is a 31% reduction in TAC, which is supported by STECF.

The Commission is proposing a smaller reduction of 21% in the TAC, from 27,176 tonnes, to 21,469 tonnes, and has been pressured to propose an even lower reduction. The fishing sector is contesting the need for this cut[9], referring to acoustic studies carried out by a German research

[7] Communication from the Commission: Consultation on Fishing Opportunities for 2010 (COM(2009)224), p 5.
[8] Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

[9] BS RAC recommendations for the fishery in 2010: Herring in SD 22-24, http://www.bsrac.org/archive/Dokumenter/Recommendations/2009/Letter+RecommendationHerring22_24.pdf

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institute[10]. However, we believe that with this level of insecurity, the precautionary approach should take precedence and the TAC be restrictive.

Considering that no long-term management plan has been put in place, that the populations are in decline and that herring is a major prey for cod, we consider the Commission's proposal inadequate to guarantee long term sustainability, and urge you to ensure that the TACs for Baltic herring are reduced by 28% for the Central Baltic and 31% for the Western Baltic in accordance with scientific advice. If this is not possible, the Commission's proposal is acceptable as a bare minimum.

Sprat (*Sprattus sprattus balticus*)

The Baltic sprat population is highly affected by the abundance of cod, its main natural predator. Currently, ICES classifies the stock as being "at risk of unsustainable harvesting".

Therefore, ICES recommends a TAC of less than 306,000 tonnes for 2010, resulting in a 23% decrease. STECF agrees with the ICES advice. Despite this, the Commission is only proposing a 15% reduction in TAC.

Future development of the Baltic sprat population is very much dependent on the year classes of 2009 and 2010, but also 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. The opposite is true, as well: the availability of sprat has an effect on the cod, since it's an important food source for cod. This implies that with the ongoing recovery of the cod stocks, exploitation of sprat is likely to have to be reduced.

Considering the long-term sustainability of this fishery and that it may indirectly affect the Baltic cod stocks, we consider the Commission's proposal to constitute the absolute minimum. It is insufficient to guarantee long-term sustainability of this fishery, and we urge you to ensure that the TAC for Baltic sprat is reduced by 23% for 2010 in accordance with scientific advice.

Baltic Salmon (*Salmo salar*)

The Baltic salmon is divided into two management areas: the Main Basin and the Gulf of Bothnia (Subdivisions 22-31) and the Gulf of Finland (Subdivision 32). But in reality, it consists of a much larger number of river-specific populations, some of which are still very vulnerable. Generally, the situation is better in the northern Baltic rivers than in the southern.

[10]E. Götze (2009). *Hydroakustische Bestandsaufnahme pelagischer Fischebestände in der Nordsee*. Bericht über die FFS Solea Reise 607, vom 26.06 bis 15.07.2009 Johann Heinrich von Thünen-Institut. http://www.vti.bund.de/de/aktuelles/forschungsreisen/solea.htm

Baltic salmon is greatly affected by environmental conditions, especially those prevalent in the rivers of their origin to which they 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, and in many parts of the Baltic Sea region the natural salmon populations have declined or even disappeared. In some of the bigger rivers, hydropower companies are obliged to carry out major restocking programs, releasing salmon smolt (young salmon) in order to compensate for the loss of habitat and migration obstacles that the hydropower installations have resulted in.

A long-term management plan for Baltic salmon is underway, and a proposal is likely to be published early next year.

Salmon in the Main Basin and the Gulf of Bothnia

Most populations in this area have seen an increasing trend over the last five years. However, according to ICES, salmon still have a lower smolt production in many rivers than the estimated natural production capacity.

For 2010, ICES recommends a catch of 133,000 individuals – a reduction of 57%. The STECF and the Commission recommend a reduction of only 15% in the TAC. N.B. Salmon quotas are given in *number of individuals*.

Salmon in the Gulf of Finland

For the last three years, ICES has emphasized that no catches of wild salmon should be allowed in the Gulf of Finland, noting that the poaching that is still taking place in some Estonian rivers "must be stopped".

For 2010, it is suggested that fishing should only be permitted at sites where there is virtually no chance of taking wild salmon. ICES advice is to catch a maximum 15,000 individuals, basically a roll-over of the TAC from last year. This is also supported by the STECF. The Commission does not state whether catches of wild salmon should be allowed in the Gulf of Finland, but suggests a TAC of 15 419 individuals.

Considering that many salmon populations in the Baltic are still weak, that a fishery on mixed populations takes place at sea, that smolt survival rates are low and that no long-term management plan is yet in place, we urge you to ensure that the TAC for the Main Basin and Gulf of Botnia is reduced by 57%. For salmon in the Gulf of Finland we urge you to support the Commission proposal, but to include further restrictions regarding the catches of wild salmon and to ensure that efforts to minimise poaching are made on a national level.

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