

**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 2011 (COM(2010)470)**

At the upcoming meeting on 25–26 October, the Fisheries Council will agree on fishing possibilities in the Baltic Sea for 2011.

This year, the Commission is finally aiming to implement the Johannesburg Declaration<sup>1</sup> on reaching Maximum Sustainable Yield (MSY) for commercial fish stocks by 2015<sup>2</sup>. It has requested that ICES develop a transition scheme, aiming at reaching the target in equal steps in the years leading up to 2015. This constitutes a fundamental change in the way ICES provides its advice and in the way EU manages its fish stocks, as it moves away from the precautionary approach – intending to keep fish stocks away from the brink of collapse – towards MSY – a more ambitious and profitable approach aiming for sustainable fisheries.

With the commitment to achieve MSY by 2015, MSY has essentially become the main target for management of EU fish stocks. It is, theoretically, the largest yield (or catch) that can be taken from a fish stock over an indefinite period without reducing overall abundance. The common assumption is that this occurs when the stock has been reduced to less than half of the unfished level. However, the concept has been subject to harsh criticism from the scientific community since it puts populations at too much risk; it is single species oriented; it considers only the benefits, not the costs, of fishing; and it is sensitive to political pressure. It also very focused on fishing mortality as the target. We therefore view MSY only as an intermediate target to achieving healthy abundance levels. Longer-term fisheries management objectives must be developed, that are more conservative and precautionary in nature, and additional targets need to be included, such as favourable size and age composition, in order to safeguard healthy fish stocks.

The Commission proposal for Baltic stocks (COM(2010)470) is largely in line with scientific advice and in general we are supportive of the proposal. However, for salmon the Commission fails to follow scientific advice, and far more restrictive TACs should be adopted. The Commissioner for Fisheries and Maritime affairs, Maria Damanaki, has stated that “scientific advice needs to be at the root of decision-making”<sup>3</sup> and also talked about the need for putting Long Term Management Plans (LTMP<sup>4</sup>) in place, in order to end the annual haggling over TAC:s and quotas. Currently, only the cod fishery in the Baltic is covered by a LTMP, while plans for the other fisheries are being developed but have been delayed by the slow implementation of the Lisbon Treaty.

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<sup>1</sup>[http://www.un.org/esa/sustdev/documents/WSSD\\_POI\\_PD/English/POI\\_PD.htm](http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POI_PD.htm)

<sup>2</sup>Communication from the Commission to the Council and the European Parliament: Implementing sustainability in EU fisheries through maximum sustainable yield (SEC(2006)868).

<sup>3</sup><http://europa.eu/rapid/pressReleasesAction.do?reference=MEX/10/0902&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>4</sup><http://www.fishsec.org/article.asp?CategoryID=1&ContextID=581>

## BALTIC SEA TACs AND QUOTAS IN 2011

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

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

Not many years ago, cod in the Baltic Sea was on the brink of collapse. Today, as a result of the management plan and 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 strong year classes, which were born in years with a good inflow of well oxygenated water from the North Sea. According to ICES<sup>5</sup>, 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<sup>6</sup>. With that in mind, the current situation is far from optimal, both in terms of reproduction and size and age composition.

The most immediate challenge, however, is the high bycatch of juveniles and the high levels of discards<sup>7,8,9</sup>. The current situation calls for urgent measures and 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.

### *The Western cod stock*

The Western cod stock is still in recovery and concerns regarding the population size remain, with the biomass in recent years fluctuating around the precautionary level. Fishing mortality remains high and discards are estimated to be around 9% of total landings weight<sup>10</sup>. There are

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<sup>5</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>

<sup>6</sup>Yvonne Walther (2009), Swedish Board of Fisheries, pers. comm.

<sup>7</sup>ICES Advice 2010, Book 8, Pg 11 and Pg 19.

<sup>8</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>9</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>10</sup>Agnew, D.J. et al (2009) Fisheries management and recovery plans since 2002. Study requested by European Parliament's Committee on Fisheries conducted by MRAG Ltd.

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 two options; both allow for a slight increase in TAC and are likely to ensure further recovery. However, ICES states that fishing mortality (F) has not been reduced as much as anticipated in the management plan, which indicates that the current effort limitations are not effectively limiting the fishery. The two options are:

1. Applying the scheme for a transition to MSY in 2015, the TAC could be increased by 3% to 18,200 tonnes.
2. Applying the management plan, the TAC could be increased by 6% to 18,800 tonnes.

The STECF notes that in accordance with the multi-annual management plan, landings in 2011 should be 18,800 tonnes. This figure is calculated on the basis of a 10% reduction in F.

The Commission advises that the TAC should be set within the framework of the management plan, proposing an increase of 6% in the TAC of Western Baltic cod, from 17,700 tonnes to 18,800 tonnes. The Commission also proposes a 10% reduction in effort as set out in the agreed management plan<sup>11</sup>.

*For the Western Baltic cod stock we ask Ministers to at least ensure that the management plan is followed; increasing the TAC by 6% to 18,800 tonnes and reducing the effort by 10%. Ministers should also consider how the MSY target for 2015 is to be met under the management plan, which is currently under review.*

### ***The Eastern cod stock***

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. 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.

We have a window of opportunity now that may not return for decades to come, if the Baltic Sea environment continues to deteriorate<sup>12</sup> and spawning conditions for cod worsen. Climate change will most likely bring new challenges. 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.

As with the western stock, ICES essentially provides two alternative recommendations:

1. Applying the MSY approach, the total landings corresponding to TAC could be increased by 87% to 105,000 tonnes.

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<sup>11</sup>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

<sup>12</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>

2. Applying the management plan, the total landings corresponding to TAC could be raised by a maximum of 15% meaning 64,000 tonnes (including Russia).

Formaterade: Punkter och numrering

The STECF recommends that the fishing effort is reduced with 20% in order to ensure that fishing effort matches the fishing mortality and that discrepancies between the two do not lead to increased discarding and unreported landings. The Commission has not taken this into account in its proposal.

For 2011, the Commission is suggesting an increase of 15% in the TAC, from 51,267 to 58,957 tonnes (EU only), which is in line with the management plan.

*For the Eastern Baltic cod stock we ask Ministers to ensure that the management plan is followed. We also support STECF's call for effort reductions in order to minimise highgrading and illegal landings.*

### **Pelagic Stocks**

Like last year ICES, STECF and the Commission propose substantial cuts in TACs for the main Baltic pelagic species: herring and sprat, as they are overexploited and there is no management plan in place to ensure long-term sustainable exploitation. The major stocks of these species lack defined reference points, making a full evaluation of them difficult, and ICES has not provided an MSY transition scheme for all of them. 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 objective of ecosystem-based fisheries management in the CFP<sup>13</sup>.

### **Western Baltic herring stock**

The Western Baltic herring stock has continued to decline since 2006 and the biomass is currently at its lowest observed level, while fishing mortality is well above the range that would lead to high long-term yields according to ICES. The advice for this stock has been revised recently. ICES has admitted an error in the calculation of catch options under the MSY transition scheme, and is now proposing a TAC of 20,200 tonnes, a reduction of 11% instead of 36%. The STECF agreed with ICES earlier, erroneous advice, but also noted that according to the Consultation on fishing opportunities for 2011 (COM(2010)241) this stock should be classified as category 3 "Stock outside of safe biological limits", which would result in 30% reduction of the TAC to 15,884 tonnes<sup>14</sup>. Even in its revised advice, ICES states that Spawning Stock Biomass for Western Baltic herring has reached an all time low in 2010 and clearly is outside safe biological limits.

<sup>13</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>14</sup>COM(2010)241, pg 17. STECF notes that the stock falls under category 3 "Stock outside of safe biological limits".

In its proposal, the Commission has chosen to follow its policy paper, proposing a reduction of 30% (as set out for stocks in category 3), from 22,692 to 15,884 tonnes. Based on the status of the stock, the Commission proposal will not be revised, but the scope for discussion of this quota in the Council has changed.

*Considering the serious state of this stock, we advise you to support the Commission proposal of a 30 % reduction, keeping in mind that any lesser restrictions now are likely to result in more severe proposals in the future.*

### ***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 and MSY 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 25% reduction of the TAC in line with the precautionary approach and the MSY transition scheme. This corresponds to a catch of less than 95,000 tonnes.

In the STECF advice, it is noted that ICES is referring to the stock and not to the management area. According to STECF, the correct figure is 91,640 tonnes, corresponding to a 27% cut in the TAC for 2011.

The Commission proposal is in line with the scientific advice, suggesting a 27% decrease in the TAC.

*For Central Baltic herring, we ask Ministers to support the Commission proposal of a 27% reduction.*

### ***Herring in the Gulf of Riga***

The biomass of this stock is estimated to be above the long-term average and above ICES estimate for MSY. However, fishing mortality is estimated to be above both precautionary and MSY levels. Therefore, ICES has suggested a total catch of 33,100 tonnes, in line with the MSY transition scheme. This is equivalent to a 9% reduction in the TAC.

Again, STECF notes that ICES is referring to the stock and not to the management area, suggesting that the correct TAC should be 32,660 tonnes<sup>15</sup>, resulting in a 10% reduction in TAC. The Commission's proposal is in line with the STECF at 32,660 tonnes.

*For herring in the Gulf of Riga we ask Ministers to follow the Commission proposal of a TAC at 32,660 tonnes.*

### ***Herring in the Bothnian Sea and the Bothnian Bay***

According to ICES, this stock 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 approach. ICES has not defined any MSY reference points for this stock. In order to cautiously avoid impaired recruitment, ICES suggests that landings should be less than 115,000 tonnes.

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<sup>15</sup> Scientific Technical and Economic Committee for Fisheries review of scientific advice for 2011, pg 17.

Although ICES has not developed a target mortality in relation to MSY, the STECF has approximated that a TAC of 91,000 tonnes would be in line with MSY, resulting in a 12% decrease in the TAC for 2011. The Commission proposal is in line with the STECF advice.

*For herring in the Bothnian Sea and Bothnian Bay, we ask Ministers to follow the Commission proposal of a TAC of 91,000 tonnes, particularly as this management area is believed to consist of two different stocks and the status of the stock in the Bothnian Bay is uncertain.*

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

The Baltic sprat population has been declining and ICES now classifies the stock as being “at risk of unsustainable harvesting”. Future development of the Baltic sprat population is very much dependent on the year classes of 2010 and 2011<sup>16</sup>, 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<sup>17</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 242,000 tonnes for 2011, according to the precautionary approach, resulting in a 36% decrease. STECF agrees with the ICES advice. No advice is given according to the MSY approach.

The Commission is proposing a 30% reduction in TAC, in line with their policy for stocks in category 3 (COM(2010)241).

*Considering the long-term sustainability of this fishery and that it may indirectly affect the Baltic cod stocks, we ask Ministers to agree on a 36% reduction in the TAC for Baltic sprat in accordance with scientific advice, particularly as there is still no long-term management plan in place. The Commission proposal should be followed as a bare minimum.*

### **Baltic 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 much larger 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 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. 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

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<sup>16</sup>ICES advice 2010, book 8, pg 55.

<sup>17</sup>ICES advice 2009, book 8, pg 75.

compensate for the loss of habitat and migration obstacles that the hydropower installations have resulted in.

There has been alarming reports in recent years of very low post-smolt survival, as well as unexpectedly low returns of spawners this year, see table below based on figures from different regional management groups in Sweden and Finland, kindly provided by Coalition Clean Baltic. These are alarming figures and will need to be considered when agreeing on TACs for 2011.

<b>Returning salmon spawners in 2010 (individuals)</b>				
<b>Year</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>Difference 2009/2010</b>
Byske river		1,980	1,589	-14%
Kalix river	6,838	6,383	3,429	-46%
Piteå river	700	1,050	650	-38%
Åby river	120	180	70	-61%
Torne älv (SWE)		33,000	14,679	-55%
Rickleån			35	
Mörrumsån*	1,718	1,107	166	-74%
Simojoki river (FIN)	1,843	1,150	721	-37%

\*= mostly salmon but also sea trout

A long-term management plan for Baltic salmon is underway, but has been delayed by the implementation of the Lisbon Treaty.

### **Salmon in the Main Basin and the Gulf of Bothnia**

The total wild smolt production in the area has increased by 60% since 2003. However, according to ICES, smolt production in many rivers is still lower than the estimated natural production capacity. Moreover, the post-smolt survival in the Main Basin and the Gulf of Bothnia is very low, only around 10%. Very few salmon therefore reach sexual maturity and return to their native rivers to spawn.

For several years, the salmon quota in this management area has been under-utilised. According to ICES, only 56% of the TAC of 294,246 individuals was utilised in 2009<sup>18</sup>. The only countries that come close to utilising their quota are Sweden and Finland; the two countries that also have the rivers from which the majority of Baltic salmon originates. As this has been the pattern for several years, one has to question for how long the same quota distribution key should be valid. In order to safeguard the weaker salmon populations in the area, it would be better to end the fishery on mixed stocks in the open sea and manage the salmon fishery on a river-by-river basis – a measure that would automatically lead to a revision of the division of fishing rights.

For 2011, ICES recommends a catch of 120,000 individuals – a reduction of 68%. The STECF agrees with this advice, and notes that the predicted total catch with such a TAC would be around 201,000 individuals (including reported, unreported and estimated recreational catches). STEFC

<sup>18</sup>N.B. Salmon quotas are given in number of individuals.

then, seemingly rather arbitrarily, concludes that Baltic salmon should be considered a category 6<sup>19</sup> species (according to COM(2010)241), rather than, for example, category 3 – thereby limiting any quota reductions to 15%.

The Commission proposal is a reduction of only 15% in the TAC for 2011, from 294,246 to 250,109, which is not in line with its overall policy of adhering to scientific advice and striving towards MSY for 2015.

### **Salmon in the Gulf of Finland**

For the last four years, ICES has emphasized that no catches of wild salmon should be allowed in the Gulf of Finland, and that the poaching still taking place in some Estonian rivers “must be stopped”. Recreational catches are estimated to be high in the area, around 3,500 individuals (almost 23% of the TAC). Better reporting on recreational catches is needed overall, in order to improve management.

For 2011, the ICES advice is that fishing should only be permitted at sites where there is virtually no chance of taking wild salmon and that the total catches should not exceed present levels (last year’s TAC was set at 15,419 individuals). This is also supported by the STECF, which notes that according to the EC Policy paper (COM(2010)241) salmon stocks in this area would be classified as category 6, resulting in a TAC for 2011 of around 13,500 specimens.

The Commission does not state whether catches of wild salmon should be allowed in the Gulf of Finland, but proposes a roll-over of the TAC of 15,419 individuals, thereby abandoning the principles in its own policy paper.

*Considering that many salmon populations in the Baltic are still weak, that a fishery on mixed populations takes place at sea, that post-smolt survival rates are low and that no long-term management plan is yet in place, we call on Ministers to ensure that the TAC for the Main Basin and Gulf of Botnia is reduced by 68% to 120,000 individuals, as recommended by ICES and supported by STECF, or as a bare minimum by 30%. For salmon in the Gulf of Finland we urge Ministers to support a more restrictive quota in line with STECF’s advice, as well as 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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<sup>19</sup>COM(2010)241, pg 18. STECF notes that the stock falls under category 6 “State of the stock not known precisely and STECF advises on an appropriate catch level”, resulting in a TAC according to STECF advice, with a 15% cap on change in TAC. On action to take in setting TAC, it says: Aim to set the TAC according to STECF advice but do not change the TAC by more than 15%.