

8 October 2015

To: The Fisheries Ministers of the EU Member States

**Re: Baltic TACs at the EU Fisheries Council Meeting, 22 October 2015**

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR) we send you our recommendations on the European Commission's proposal on fishing opportunities in the Baltic for 2016, COM (2015) 413. We ask you to endorse them at the upcoming Fisheries Council meeting in order to ensure more sustainable utilisation of our common marine resources.

We welcome the Commission's proposal, which is largely in line with scientific advice and EU commitments.

The decision on the Baltic Sea TACs is an opportunity for you to firmly support the agreed CFP management objectives. We emphasise the need to set fishing opportunities **below** the exploitation level that corresponds with maximum sustainable yield ( $F_{MSY}$ ) by 2015, where possible, and by 2020 at the latest in order to restore and maintain fish stocks above levels capable of producing maximum sustainable yield as required by the CFP.

Here are our recommendations:

- The **Western Baltic cod** stock is severely overfished, and continued overfishing is substantial. Recreational fishing is a significant part of the overall catch. We remind you of your commitment<sup>1</sup> to reach  $F_{MSY}$  of 0.26 by 2016. However, given the critically low state of the stock,  $F_{MSY}$  alone is not precautionary. The TAC should be set below  $F_{MSY}$  and additionally reduced to account for recreational catch. We therefore urge you to set a TAC of no more than 5 239 tonnes, which corresponds to ICES advice after accounting for recreational catch.
- In addition, for the **Western Baltic Cod** stock, we remind you of your commitment to protect locally spawning cod in subdivision 22. In line with this commitment, we recommend the creation of a sub-TAC for subdivisions 22-23 which should not exceed 65% of the overall area TAC, or 3 405 tonnes.
- The **Eastern Baltic cod** stock is in a data limited situation for the second year in a row, showing a relative decrease in biomass and increase in exploitation rate. Therefore ICES advises a precautionary approach. Last year the Council approved a TAC which was significantly above ICES advice and hence agreed to overfish this already weak stock. The Commission proposal, although a 20% reduction from the current TAC, remains significantly above ICES advice. We call on you to support ICES advice corresponding to a TAC not exceeding 29 200 tonnes, which is particularly important for this vulnerable stock.
- For stocks of **Sprat, Plaice, and Central Baltic and Gulf of Bothnia herring**, we call on you to support the Commission's proposal, which is in line with scientific advice.
- Due to differences in the **Bothnian Bay and Bothnian Sea herring** stocks, we further recommend separating the management area to better represent stock structure.

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<sup>1</sup> 2014 Presidency Compromise (14275/14)

- For the **Gulf of Riga herring** stock we recommend a modest decrease in the TAC of 15 %, resulting in 32 963 tonnes. Given the relatively good state of the stock and industry's effort to reduce the exploitation rate below  $F_{MSY}$ , this recommendation is a compromise with industry in the Baltic Sea Advisory Council.
- For the **Western Spring Spawning herring** stock we recommend the continued application of the IIIa TAC-setting procedure, resulting in a 50:50 split between management areas of the ICES advised total catch, which brings the Western Baltic herring TAC to 26 274 tonnes.
- Salmon stocks remain depressed over most of the Baltic. For **Central Baltic salmon**, we recommend a TAC of 89 300 individual fish. This is in line with scientific advice, incorporating assumptions that actual catches will be much higher given the substantial amount of misreported and unreported fishing.
- For **salmon in the Gulf of Finland**, where wild salmon stocks are particularly low, we recommend a TAC of no more than 10 024 individual reared salmon, and zero catch of wild salmon. The Commission's proposal is numerically in line with ICES advice, but omitted to specify only reared salmon should be caught.

We note with concern that Council has consistently decided on TACs exceeding scientific advice, with a sharp increase from 2012 to 2014. Unless this trend is reversed, progress towards the objective of healthy and abundant stocks will be seriously hampered.

In conclusion, we urge you to stand firm and implement the objectives of the CFP by following scientific advice and setting sustainable fishing limits for 2016 that will restore and maintain fish populations above biomass levels capable of producing MSY.

**The attached annex provides more detail and our rationale for the recommended TACs.**

Yours sincerely,



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**Annex: Comments and recommendations for Member States on the  
Commission proposal for a *Council Regulation fixing for 2016 the fishing  
opportunities for certain fish stocks and groups of fish stocks applicable in  
the Baltic Sea***

COM (2015) 413

8 October 2015

We welcome the Commission proposal which is largely in line with both scientific advice and international and EU commitments to sustainable management of fisheries resources.

We provide our recommendations to the Council for the setting of fishing opportunities in 2016 based on the latest advice from the International Council for the Exploration of the Sea (ICES).<sup>1</sup>

**Advice according to the new CFP**

ICES conducts stock assessments and provides advice according to the objectives of the reformed EU Common Fisheries Policy (CFP) – importantly Article 2.2:

*The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.*

*In order to reach this objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks.*

This objective is also in line with the EU commitment made in Johannesburg in 2002<sup>2</sup> and contributes towards achieving Good Environmental Status (GES) for European seas under the Marine Strategy Framework Directive (MSFD).<sup>3</sup>

We emphasise the need to set fishing opportunities **below** the exploitation level that corresponds with maximum sustainable yield ( $F_{MSY}$ ) by 2015 where possible, and by 2020 at the latest, in order to restore and maintain fish stocks above levels capable of producing maximum sustainable yield as required by the CFP.

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<sup>1</sup> Full ICES advice, including 16 July 2015 updates, is available at <http://www.ices.dk/publications/library/Pages/default.aspx>

<sup>2</sup> Johannesburg Declaration, WSSD, 2002.

<sup>3</sup> Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

## **Total catch and Total Allowable Catch (TAC)**

The “total catch” expressed in ICES advice is not always synonymous with Total Allowable Catch (TAC). ICES advises the total catch for a stock whenever possible. Total catch represents the total fishing mortality for a stock from all types of fishing and across the stock’s full range. The range of a stock may cross multiple management areas. ICES notes where the data, and therefore the advice are uncertain. A TAC, as decided by the European Council, applies to specific management areas and only to commercial fisheries. We have noted where stocks cross management areas and have used ICES advice to calculate corresponding TACs.

## **Detailed Summary of Recommendations for Baltic Fishing Opportunities**

### **COD**

Since 2004, the Baltic Sea cod (*Gadus morhua*) has been managed as two separate stocks, Eastern and the Western, with advice provided per fishing zone regardless of stock mixing. Although biologically distinct, significant mixing of the Eastern and Western stocks in SD 24 has challenged ICES to refine their advice. Based on the 2015 cod benchmarking exercise, ICES advice is more thorough concerning the stock in SD 24 and includes several scenarios to manage the stock overlap.

However the Council allocates fishing opportunities between Eastern and Western Baltic cod, any increase in TAC could potentially result in a further increase of both landings and discards. This is due to the current lack of effective monitoring and limited proof of compliance with the landing obligation. Action is urgently required to curb unreported discarding and improve selectivity in the fisheries already under the landing obligation, particularly in the fisheries for Baltic cod.

### *Cod in Subdivisions 22–24, Western Baltic*

ICES reports that Western Baltic cod is severely overfished. Fishing mortality is well above  $F_{MSY}$ , and the Spawning Stock Biomass (SSB) has hovered below  $B_{LIM}$ , near collapse, for eight years. Even with the expected growth of this stock in 2016 to levels just above  $B_{LIM}$ , the stock will still be under  $B_{PA}$ , outside of safe biological limits. While ICES anticipates that growth in SSB will continue relative to different exploitation rates, the Baltic ecosystem is highly variable and cod stock productivity can change dramatically in a short time. There is a risk of recruitment failure in this highly stressed stock.

Recreational catch must be considered to ensure that the total catch (commercial plus recreational) does not exceed ICES advice. Because the Council does not allocate specific fishing opportunities to recreational fisheries, the advised total catch must first be reduced by the estimated recreational catch (7 797 tonnes minus 2 558 tonnes).

As noted above, stock mixing of Eastern and Western Baltic cod has become a significant problem in the commercially exploited offshore waters of SD 24. To account for stock mixing, a portion of the Eastern Baltic Cod TAC could be allocated exclusively to SD 24. If this extra TAC is not restricted to SD 24, then the risk of overfishing local spawners in SD 22 is too great. In light of this risk, a sub-TAC would be appropriate for SD 22-23 and in line with the Council’s commitment to protect locally spawning Western Baltic cod.<sup>4</sup> ICES also recognized

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<sup>4</sup> 2014 Presidency Compromise (14275/14)

this risk to local spawners, urging extra control through a sub-TAC for SD 22-23 of no more than 65% of the total Western Baltic cod TAC, to a maximum limit of 3 405 tonnes for 2016.

**Recommendation: The most important consideration when allocating Western Baltic cod TAC is precaution. The final TAC for Western Baltic Cod should be no more than 5 239 tonnes, consistent with ICES advice after the removal of recreational catch.**

**The TAC for SD 24 may be adjusted upward to account for Eastern cod caught there only if separate sub-TACs are allocated and managed for areas SD 22-23 and SD 24.**

#### *Cod in Subdivisions 25–32, Eastern Baltic*

ICES estimates that the Eastern Baltic cod SSB has decreased by more than 20% in recent years, and that exploitation of the stock has increased since 2009. Following their 2015 benchmarking exercise, ICES concluded that Eastern Baltic cod remains data-limited for the second year in a row. Key issues in the analytical assessment include the failure to confidently age cod, changes in cod growth which ICES has not been able to quantify, and a recent dramatic decrease in older cod without a clear picture of the fishing mortality for these ‘megaspawners’.

Due to these factors, ICES has reduced their advice in line with the precautionary approach. Their advice is based on 2014 estimated catch reduced by 20% to account for the observed decreased biomass and a further 20 % to account for the increase in exploitation.<sup>5</sup>

ICES estimates 2014 Eastern Baltic cod catch in SD 25-32 was 38 535 tonnes, which includes 9 627 tonnes of discards but does not include additional Eastern Baltic cod caught in SD 24. This catch was well under the 2014 TAC of 65 934 tonnes. A potential reason for the quota not being reached is that much of the Eastern Baltic cod catch was below the minimum landing size, possibly due to the decreased growth rate of cod in this particularly stressed ecosystem.

The Commission has proposed a 20% TAC reduction for this stock from the current TAC of 51 248 tonnes. While we applaud the application of precaution, the reduction is not precautionary in light of ICES advice. The 2015 TAC (51 248 tonnes) was set also set far above ICES advice (20 085 tonnes). Given the circumstances and the vulnerability of this stock, adhering to a 20% reduction of a TAC which is already too high is simply not cautious enough and can only exacerbate the deterioration of the stock.

**Recommendation: We urge Ministers to support ICES advice and allocate a TAC for Eastern Baltic cod of no more than 29 220 tonnes.**

**This TAC should be adjusted downward to account for Eastern Baltic Cod caught in SD 24. However this should only be done if separate sub-TACs are allocated and managed for SD 22-23 and SD 24 in order to avoid overfishing the vulnerable Western cod stock.**

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<sup>5</sup> (recent landings x 0.8[cap] x 0.8[buffer])/(1-0.25 [discard rate]) = total catch advice

## HERRING

The Baltic herring (*Clupea harengus*) is managed in four separate areas: Central Baltic Sea, Gulf of Riga, Western Spring Spawners, and Bothnian Sea and Bothnian Bay combined. The Central Baltic and Gulf of Riga herring stocks overlap in area 28. ICES provides its primary advice on the total catch of these stocks, then identifies the proportion of stock mixing and the resulting TAC for each management area. ICES advises separately on the two Bothnian stocks, with different levels of confidence in the assessments.

### *Herring in Subdivisions 25–29 and 32, Central Baltic Sea, excluding Gulf of Riga*

This is the largest of the Baltic herring stocks, composed of a number of local populations. Following a SSB decline below  $B_{LIM}$  in the late 1990s, the stock has shown a steady increase and is now above  $MSY B_{trigger}$ . Fishing mortality has remained below  $F_{MSY}$  since 2004.

Assuming catch is in line with ICES advice, 4 620 tonnes of the Central Baltic herring stock will be caught in the Gulf of Riga, and 220 tonnes of the Gulf of Riga stock will be caught in the Central Baltic. The corresponding TAC for the Central Baltic management area would recognise the mixing of these two stocks.

**Recommendation: We ask Ministers to support the Commission proposal for a TAC of no more than 177 505 tonnes, which is in line with the MSY approach and ICES advice.**

### *Herring in Subdivision 28.1, Gulf of Riga*

The Gulf of Riga is a semi-enclosed ecosystem of the Baltic Sea and the low salinity restricts the occurrence of marine species. Herring is the dominant species in the Gulf, and predation mortality is low for the Riga herring. Excessive exploitation in recent years has declined on average but is currently still above  $F_{MSY}$  and not in line with the CFP, necessitating a reduction in the exploitation rate.

As noted above, the corresponding TAC for the Gulf of Riga management area would recognise the mixing of this stock and Central Baltic Herring. Through a compromise with industry during a BSAC meeting, and given the health of this stock and stock mixing with Central Baltic herring, we support a slightly higher TAC than advised.

**Recommendation: Given the relatively good state of this stock's biomass, we support a slightly higher TAC than advised by ICES and the Commission of no more than 32 963 tonnes. .**

### *Herring in Subdivisions 30-31, Bothnian Sea & Bothnian Bay*

Although ICES assesses these as two independent stocks with separate assessments, Council normally allocates a combined TAC. ICES confidence is higher for the Bothnian Sea stock, warranting the MSY approach. The Bothnian Bay stock is data limited. Due to the Council's combined TAC, the entire area TAC must be considered precautionary due to uncertainty in the Bothnian Bay herring assessment.

Bothnian Sea herring is slow-growing and relatively small due to low salinity and low temperature. Spawning stock biomass tripled in the late 1980s, only to then drop by 40% by 1999. Since 2003, this stock's SSB has grown to the highest levels assessed in 20 years. While

still high, ICES has dramatically revised the stock's estimated SSB downward due to a necessary change in the assessment to handle ongoing uncertainty concerns. These concerns should diminish over time as the acoustic survey time-series grows. Due to the lower SSB, ICES has reduced its advised catch by nearly 50% from 181 000 tonnes in 2015 to 96 613 tonnes for 2016.

Bothnian Bay herring is a small stock at the species' most northerly range under relatively extreme environmental conditions. A combination of low salinity, long winters, ice cover and cool summers affect this stock's growth. ICES categorises Bothnian Bay herring as data-limited and bases its 2016 advice on an exploratory assessment. Although uncertain, the survey index shows an increasing trend in excess of 20% which permits a precautionary increase in advice to 6 641 tonnes.

**Recommendation: We ask Ministers to support the Commission proposal for a TAC of no more than 103 254 tonnes, which is in line with the precautionary approach and ICES advice. We also ask Ministers to consider separating the management area to better represent the two Bothnian herring stocks.**

#### *Herring in Subdivisions 22–24 and IIIa, Western Baltic stock*

Historically high exploitation rates on this stock have steadily declined toward  $F_{MSY}$  in recent years, with the exploitation rate under  $F_{MSY}$  in 2014. As expected, the biomass responded well to this reduced fishing pressure and has grown to levels above precautionary reference points. ICES advises a total catch of no more than 52 547 tonnes across the combined management areas.

There is currently no long-term management plan for Western Baltic spring spawning herring, but the IIIa TAC-setting procedure<sup>6</sup> implies that half of the advised catch is set as a TAC for subdivisions 22–24, and the other half for the North Sea. The Commission proposes a subdivision 22-24 herring TAC of 24 797 tonnes, less than the amount stipulated by the area IIIa TAC rule.

**Recommendation: We ask Ministers to support the ICES advice and the IIIa TAC rule, splitting the total catch between management areas, resulting in a Western Baltic herring TAC of 26 274 tonnes.**

#### SPRAT

##### *Subdivisions 22-32*

Sprat (*Sprattus sprattus*) is managed as a single stock across the Baltic Sea. At present sprat is being harvested unsustainably according to ICES estimates of fishing mortality, which includes estimates of Russian catch. The Commission's proposed TAC reflects the EU portion after removal of estimated Russian catch from the ICES advice.

Cod and clupeid stocks (including sprat and herring) share a strong predator-prey relationship. Higher cod SSB in the early 1980s contributed to lower sprat populations. As cod declined, sprat recovered. At present sprat is more abundant in areas outside of the cod's range. ICES estimates that 47% of the total 2014 sprat catch was taken in the southern

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<sup>6</sup> 2014 Agreed Record of Conclusions of Fisheries Consultations between the European Union and Norway on the Regulation of fisheries in Skagerrak and Kattegat for 2015. <https://www.regjeringen.no/no/aktuelt/Kvoteavtale-med-EU-for-2015/id2342929/>

Baltic, SD 25 and 26. Decreasing exploitation on sprat in SD 25 and 26 would make more sprat available as feed for cod, improving cod growth. Increasing exploitation northward in the Baltic to SD 27–32 would also optimize the yield and growth of sprat and herring by reducing competition within these stocks for prey. Because of this skewed geographic distribution, species interactions between cod and clupeids, and possible management concerns to improve cod condition, we encourage a spatial management plan for clupeid stocks.

**Recommendation: We ask Ministers to support the Commission proposal for a TAC of no more than 184 336 tonnes, which is in line with ICES advice and the MSY approach.**

PLAICE  
*Subdivisions 22-32*

Plaice (*Pleuronectes platessa*) is common in the western Baltic and extends eastwards to the Gulf of Gdansk and northwards to the Gotland area; it is sporadically found farther north. There are at least two plaice populations. According to the annual scientific trawl survey, plaice stocks appear to be increasing strongly. Due to an increase in data quality for the western stock from last year, ICES applied the MSY approach for the 2016 advice. ICES categorises the Eastern stock as data-limited, which limits increases in advice to 20%. Both stocks are subject to high levels of discarding. Due to the area and stock range mismatch, and combination of a data limited stock, the entire area TAC must be considered precautionary.

**Recommendation: We ask Ministers to support the Commission proposal for a TAC of no more than 4 034 tonnes, which is in line with ICES advice and the precautionary approach.**

SALMON

The last Baltic-wide management plan for Baltic salmon (*Salmo salar*) ended in 2006. The European Commission proposed a new plan in 2011 (COM (2011) 470), which is still in negotiation. The lack of an approved long-term management plan for Baltic salmon is particularly serious as Baltic salmon 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.

ICES advises on Baltic salmon catch within two management areas: the Main Basin and the Gulf of Bothnia (SD 22–31), and the Gulf of Finland (SD 32). Within these management areas Baltic salmon exist in a large number of river-specific populations ranging from healthy to vulnerable. In many parts of the Baltic Sea region, particularly in the South, natural salmon populations have declined or even disappeared.

Baltic salmon stocks remain depressed due to a combination of environmental factors, fishing mortality, substantial misreporting, low post-smolt survival and poor reproduction of some populations. Fisheries in open sea areas or coastal waters pose a greater threat to depleted stocks than fisheries in estuaries and rivers. ICES advises that management of salmon fisheries should be based on the status of individual river stocks, and that fisheries on mixed stocks should be reduced as they present particular threats to stocks that do not have a healthy status.



### *Salmon in Subdivisions 22–31, Baltic Sea excluding Gulf of Finland*

ICES assesses 29 rivers divided into 5 assessment units based on salmon biology and genetics. Since 1997 wild smolt production has increased substantially from very low values, particularly in the North. Smolt production in the Southeast shows no signs of improvement. Increases in production are mainly due to increases in 2–3 rivers. The situation in the southernmost rivers is unchanged or deteriorating.

The rivers Rickleån, Kågeälven, and Öreälven in the Gulf of Bothnia, Emån in southern Sweden, and several other rivers in the Southeastern Main Basin are especially weak and desperately need longer-term stock-specific rebuilding measures.

ICES advises a total commercial catch at sea of 116 000 individuals, including an estimated 10% unwanted catch and 90% wanted catch, where unwanted catch represent the portion of catch legally discarded prior to the landing obligation. Due to the current lack of effective monitoring and limited proof of compliance with the landing obligation, ICES estimates the fishery will correctly report only 77% the total commercial salmon catch, 89 300 fish, with the remaining proportion of wanted catch misreported (6%) and unreported (7%). Recreational fishing at sea will catch an estimated 19 000 more salmon, and river catches an additional 39 000 more salmon. There is no reason to assume improved compliance with the landing obligation until monitoring and control improves. Our TAC recommendation is reduced to account for incorrect reporting.

**Recommendation: We urge Ministers to support a salmon TAC in the Baltic Sea, excluding the Gulf of Finland, of no more than 89 300 individual fish, which is calculated from ICES advice minus estimated mis- and unreported catch.**

### *Salmon in Subdivision 32, Gulf of Finland*

This area contains a few small, wild populations with mixed reared and wild salmon caught in some rivers. The wild salmon populations are genetically distinct from each other, which indicate that these still are original salmon stocks, meaning that they have not reproduced with reared salmon. Reared salmon are easily identified by their missing adipose fin. This fin is removed before releasing a reared salmon into the wild.

ICES considers salmon stocks in the Gulf of Finland data-limited and advises using the precautionary approach. Very little data on wild smolt production is available for the assessment, consisting mainly of limited electrofishing surveys. Recreational sea and river catch is uncertain. In ICES expert judgement, all wild salmon rivers in the Gulf of Finland are well below the 75% potential smolt production target and generally not showing signs of recovery.

According to ICES, a reduction in the TAC alone would most likely not safeguard wild populations from exploitation. Instead, ICES advises the development of more selective harvesting methods that target reared salmon.

**Recommendation: We ask Ministers to support the Commission proposal for a TAC totalling no more than 10 024 salmon, with one important clarification. All catches should be reared fish only, with zero catches of wild salmon, corresponding to ICES advice and the precautionary approach.**