



## **Response to the European Commission's proposal for fishing opportunities for Baltic cod in 2017**

**27<sup>th</sup> September 2016**

### **1 Summary**

Pew welcomes the Commission's update to its proposal for fishing opportunities in the Baltic for 2017, relating to fishing opportunities for the eastern and western Baltic cod stocks.<sup>1</sup> In particular, we welcome the Commission's proposal to set fishing limits for eastern Baltic cod in line with the recently agreed Baltic multi-annual plan (MAP) and not exceeding the best available scientific advice.

Yet, Pew is concerned that the Commission's proposal for western Baltic cod is insufficiently precautionary, potentially allowing for the overfishing of this stock. Moreover, Pew notes that no further remedial measures have been put forward by the Commission to ensure a rapid return of western Baltic cod to levels above those capable of producing Maximum Sustainable Yield (MSY), and urges Ministers to develop such measures, as stipulated in Article 5 of the Baltic MAP, as a matter of urgency.

Pew furthermore regrets that the proposals for the Baltic cod stocks were delayed and not published before the relevant discussions in the Council working group.<sup>2</sup> In addition, the calculations behind the Total Allowable Catch (TAC) proposed for the eastern Baltic cod are not shown. Pew continues to urge the Commission to be transparent in future proposals on how TACs are calculated and to what extent they are in accordance with best available scientific advice.

With respect to the upcoming meeting of the Council of Ministers on October 10<sup>th</sup> and 11<sup>th</sup>, which will decide on Baltic fishing opportunities, Pew asks Fisheries Ministers to end overfishing in line with the Common Fisheries Policy (CFP) and to not exceed scientific advice on fishing limits for both cod stocks. Their decision will be the test of whether ministers are willing to comply with the legislation agreed with the European Parliament on the Baltic MAP, and will constitute a signal for the upcoming negotiations on a MAP for the North Sea.

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<sup>1</sup> Concerning the Commission's proposals for the remaining Baltic stocks, please consult [Pew's Response to European Commission's proposal for fishing opportunities in the Baltic in 2017](#).

<sup>2</sup> Pew obtained the proposal through an access to information request made to the Council of Ministers.

## 2 Background

Under the CFP, the European Commission is responsible for proposing fishing limits (TACs) each year. On August 29<sup>th</sup> the Commission proposed fishing limits for eight out of ten TACs in the Baltic Sea; the remaining two stocks, for which the Commission did not propose fishing limits at the time, were eastern and western Baltic cod.<sup>3</sup>

Due to significant uncertainties regarding age, growth and natural mortality, the International Council for the Exploration of the Sea (ICES) has been unable to conduct an analytical assessment of eastern Baltic cod, and therefore the scientific advice is based on the ICES framework for category 3 (data-poor) stocks.

According to ICES, the spawning stock biomass of western Baltic cod is below the limit reference point (known as “ $B_{lim}$ ”) and fishing mortality is well above the maximum limit ( $F_{MSY}$ ). The Baltic MAP Article 5.3 clearly requires action to be taken – which may include suspending the targeted fishery – in those instances when biomass falls below the limit reference point:

*“When scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the limit spawning stock biomass reference point as set out in Annex II, column B, to this Regulation, further remedial measures shall be taken to ensure the rapid return of the stock concerned to levels above the level capable of producing MSY, which may include, by way of derogation from Article 4(2) and (4) of this Regulation and in accordance with Article 16(4) of Regulation (EU) No 1380/2013, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.”*

For 2016, in the absence of a published Commission proposal, fisheries ministers agreed to a TAC for western Baltic cod exceeding scientific advice, despite their commitment in 2014 to reach  $F_{MSY}$  for this stock by 2016.

## 3 European Commission proposal for fishing limits for Baltic cod in 2017

On the 15<sup>th</sup> of September 2016 the Commission presented its TAC proposals for the two Baltic cod stocks to the Council’s Working Party on Internal and External Fisheries Policy.<sup>4</sup>

### Eastern Baltic cod:

The Baltic MAP stipulates that, for stocks for which reference points are not available, the precautionary approach should apply.<sup>5</sup> The Commission therefore proposed fixing the TAC for eastern Baltic cod in line with the ICES precautionary approach and the resulting advice.

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<sup>3</sup> [Proposal for a Council regulation fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea \(COM \(2016\) 545 final\)](#)

<sup>4</sup> Pew obtained the proposal through an access to information request made to the Council of Ministers.

<sup>5</sup> [Regulation 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](#), Recital 17

Nevertheless, the figure of 24,927 tonnes used by the Commission does not match the figure used by ICES (26,323 tonnes, i.e. 26,944 tonnes minus an estimated 671 tonnes of eastern cod caught in the western Baltic). It is likely that the difference between the figures is due to the deduction by the Commission of a share for third countries (i.e. Russia).<sup>6</sup> It is essential that the Commission be transparent in its proposals for fishing opportunities by making these types of calculations explicit. Making information public on how the Commission matches scientific advice for stocks with proposed TACs is fundamental to assess to what extent scientific advice was followed and how much progress is made towards ending overfishing in line with the CFP.<sup>7</sup>

#### Western Baltic cod:

The Commission acknowledged the fact that the western Baltic cod stock has been overfished for a number of consecutive years and that its reproductive capacity has been seriously impaired leading to a risk of stock collapse. The Commission also reminded ministers of the requirements in the Baltic MAP: if a stock falls below  $MSY B_{trigger}$ , all appropriate remedial measures are to be taken to ensure rapid return of the stock concerned to levels above the level capable of producing MSY. If a stock falls below  $B_{lim}$ , as it the case with western Baltic cod, further remedial measures shall be taken, which may include suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

The Commission proposed fixing the TAC for western Baltic cod at 1,588 tonnes, taking into consideration the mixing of eastern and western cod stocks in Subdivision 24. ICES advised that the total commercial catch of western Baltic cod should not exceed 917 tonnes. Increasing the western Baltic cod TAC to account for eastern Baltic cod catches in this way would create the possibility that more than 917 tonnes of catches under the TAC would come from the western Baltic cod stock – which would surpass the ICES advice.

The Commission furthermore refrained from proposing further remedial measures, as required by the Baltic MAP, and urged the member states to put forward such measures by means of a Joint Recommendation for a Commission delegated act.

## **4 Recommendations for the October Council related to Baltic Cod**

At their October Council meeting, EU fisheries ministers are scheduled to agree on fishing opportunities for the Baltic Sea for 2017, including for both Baltic cod stocks. These will be the first fishing limits decided within the framework of a multiannual plan (the agreed MAP for the Baltic Sea). It is fundamental that Ministers set fishing limits not exceeding scientifically advised levels to allow fish stocks to recover for the benefit of fishermen, coastal communities and the environment.

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<sup>6</sup> ICES advises that catches of eastern Baltic cod in 2017 should be no more than 26 994 tonnes. In previous communications with the Commission, Pew was informed that the Russian share of the stock was 5 per cent, which should result in ICES advice for an eastern Baltic cod TAC of 25,644 tonnes. Further deducting 671 tonnes (of eastern cod caught in the western Baltic) results in 24,973 tonnes, which still does not correspond exactly to the Commission's proposed figure of 24,927 tonnes.

<sup>7</sup> In particular, the following information should be provided for each proposed TAC: 1) TAC, including geographical area; 2 ) Stocks covered; 3) All scientific advice used to calculate the TAC proposal; and 4) Information on matching scientific advice with proposed TAC units (information on how area mismatches have been addressed, what amount has been deducted for third country shares, how catch limits take account of the landing obligation etc.).

Pew urges Fisheries Ministers to make progress towards ending overfishing in line with the CFP and the new Baltic MAP and in accordance with ICES advice on total allowable catches. In particular for the Baltic cod stocks, Pew:

- Asks ministers to set a TAC for eastern Baltic cod which does not exceed scientific advice in line with the European Commission's proposal;
- Urges ministers to set the TAC for western Baltic cod not exceeding 917 tonnes. Setting one TAC for different stocks is not necessarily sufficient to mitigate the risks of overfishing for one of them.
- Urges ministers to finally recognise the serious situation of western Baltic cod, which has been subject to overfishing for several years. In line with the agreed Baltic MAP (Article 5), further remedial measures must be taken which may include suspending the targeted fishery to ensure the rapid recovery of the stock concerned to above the level capable of producing MSY. Ministers should develop safeguards for the recovery of the stock as a matter of urgency, including measures to limit recreational catches from western Baltic Cod and to enhance data collection and monitoring of recreational catches in line with ICES advice.<sup>8</sup>
- Notes that neither of the cod stocks is eligible for an exemption under article 4 of the Baltic MAP, as eastern Baltic cod has no defined reference points and western Baltic cod is below the MSY  $B_{trigger}$  reference point.
- Calls on Ministers to live-stream their first exchange of views on the Commission's proposal for fishing limits in line with 2009/937/EU Article 8 to enhance transparency, contribute to good governance and increase citizens' trust in EU decision making.<sup>9</sup>

For Pew's recommendation for fishing limits for the remaining stocks in the Baltic, please consult [Pew's Response to European Commission's proposal for fishing opportunities in the Baltic in 2017](#).

For more information, please contact:

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<sup>8</sup> [http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2016/Special\\_Requests/EU\\_recreational\\_cod\\_data\\_in\\_the\\_Baltic\\_Sea.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2016/Special_Requests/EU_recreational_cod_data_in_the_Baltic_Sea.pdf)

<sup>9</sup> See also joint NGO letters to [Dutch Ambassador to the EU](#) and the [Slovak Presidency](#).