



THE
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Analysis of Fisheries Council agreement on fishing opportunities in the Baltic Sea for 2019

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Background

On 15th October 2018, the EU Fisheries Council decided on fishing limits in the Baltic Sea for 2019. Setting appropriate fishing limits is fundamental to achieving the Common Fisheries Policy (CFP) objective to restore and maintain fish stocks above levels capable of producing the maximum sustainable yield (MSY). To achieve this, Article 2(2) of the CFP regulation¹ requires that the MSY exploitation rates be achieved by 2015 where possible, and on a progressive, incremental basis at the latest by 2020 for all stocks. Achieving MSY exploitation rates by a date later than 2015 should only be allowed in exceptional circumstances, where it would seriously jeopardise the social and economic sustainability of the fishing fleets involved (CFP Recital 7).

For the majority of stocks managed by fishing limits in the Baltic Sea, decisions on total allowable catches (TACs) and measures to recover fish populations should be taken within the framework of the Baltic Sea multi-annual plan (MAP)².

With the 2020 MSY deadline fast approaching, and nearly four years since the 2015 deadline, not all stocks in the Baltic Sea are being exploited at or below MSY exploitation rates as required by the CFP.

The decisions made by the Council on 15th October 2018 reflected the low level of ambition of the Commission's proposal³, and in some cases the flexibilities included in the Baltic Sea MAP, with only 5 of the TACs unequivocally being set not exceeding the best available scientific advice and in line with the CFP objective⁴. This is a step backwards from the 2017 Council where 6 out of the 10 Baltic TACs met these criteria. This will mean that the Commission and member state ministers will have to make a bigger effort in 2019 to meet the CFP's requirements by the 2020 deadline.

¹ [REGULATION \(EU\) No 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations \(EC\) No 1954/2003 and \(EC\) No 1224/2009 and repealing Council Regulations \(EC\) No 2371/2002 and \(EC\) No 639/2004 and Council Decision 2004/585/EC.](#)

² [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, amending Council Regulation \(EC\) No 2187/2005 and repealing Council Regulation \(EC\) No 1098/2007.](#)

³ [COM\(2018\) 608 final, Proposal for a COUNCIL REGULATION fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea](#)

⁴ Gulf of Riga herring (subdivision 28.1), Gulf of Bothnia herring (subdivisions 30-31), western Baltic cod (subdivisions 22-24), Baltic plaice (subdivisions 22-32) and Baltic sprat (subdivisions 22-32).

European Commission proposal on fishing limits for 2019

Under the CFP, the European Commission is responsible for proposing fishing limits, or TACs, each year. On 31st August 2018 the Commission proposed fishing opportunities for certain fish stocks in the Baltic Sea for 2019. **The Commission proposed five of ten TACs for 2019 not exceeding scientific advice**⁵. This was a negative development compared to last year, where eight of ten TACs proposed did not exceed scientific advice⁶.

Eight of the TACs set were for stocks covered by the Baltic Sea MAP. For one of these, **central Baltic herring**, the Commission proposed a TAC corresponding to the F_{MSY} upper value in the Baltic Sea MAP. According to the Commission proposal this was done in order to limit variations in fishing opportunities between consecutive years (Article 4(4c) of the Baltic Sea MAP⁷)⁸. Utilising the F_{MSY} upper range allows fishing mortality rates above F_{MSY} , contrary to the CFP's MSY objective. ICES have indicated that where the F_{MSY} upper range is regularly used as the basis of TAC setting, then the stock may have a lower probability in the long-term of reaching a biomass level above that capable of producing MSY⁹. Based on the ICES single species scientific advice for central Baltic herring, Pew is concerned that the use of F_{MSY} upper in 2019 presents high risks for the stock's biomass.

For two of the eight TACs covered by the Baltic Sea MAP the Commission proposed TACs clearly exceeding the scientific advice on maximum catches. These were for **eastern Baltic cod** and **western Baltic herring**.

The Commission proposed *"to fix the TAC for eastern Baltic cod in accordance with the precautionary approach"*⁸. Yet the tonnage proposed (24,112 tonnes) was significantly higher than the maximum catch advised by ICES according to their precautionary approach framework and the Commission did not explain which (other) precautionary approach framework they have used as a basis for their proposal. Furthermore, whilst ICES have not yet been able to establish MSY reference points for the stock, the advice does provide managers with MSY proxy indicators. These clearly indicate a need for a significant reduction in fishing pressure, as the fishing mortality for eastern Baltic cod is estimated to be above a proxy for F_{MSY} and the biomass is estimated to be lower than the proxy for MSY $B_{trigger}$. Exceeding the ICES advice for this stock is therefore particularly risky.

The Commission proposed a TAC for **western Baltic herring** of 6,404 tonnes, which was substantially higher than the ICES advised zero catch for 2019. The legal justification provided by the Commission was on the basis of Article 5(2) of the Baltic Sea MAP. However, considering the state of the western Baltic herring stock, for which biomass is not expected to be above B_{lim} in 2020 even with no fishing, Article 5(3) of the Baltic Sea MAP requires further remedial action and indicates that suspending the targeted fishery for the stock concerned, as ICES advised, may be necessary.

⁵ Gulf of Riga herring (subdivision 28.1), Gulf of Bothnia herring (subdivisions 30-31), western Baltic cod (subdivisions 22-24), Baltic plaice (subdivisions 22-32) and Baltic sprat (subdivisions 22-32).

⁶ [Pew Response to European Commission's proposal for fishing opportunities in the Baltic Sea for 2018.](#)

⁷ [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....](#)

⁸ [COM\(2018\) 608 - PROPOSAL for a Council Regulation fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks.](#)

⁹ [ICES \(2015\) - EU request to ICES to provide FMSY ranges for selected North Sea and Baltic Sea stocks.](#)

For the two **Baltic Sea and Gulf of Finland salmon** TACs (not covered by the Baltic Sea MAP), it remains unclear how the Commission arrived at TAC proposals on the basis of the scientific advice on maximum catches from ICES. In the joint NGO recommendations on Baltic Sea fishing opportunities for 2019¹⁰ our recommendation was that that unreported, misreported and third country catches be deducted from the scientifically advised maximum catch, so as to safeguard the stocks from these additional sources of fishing mortality. It appears that in both cases the TACs proposed by the Commission are higher than would be the case if these deductions were taken into account. Pew reiterates its annual request that all TAC calculations by the Commission be made publicly available, in the interest of transparency and access to information by any stakeholder.

Lack of Council progress in ending overfishing in the Baltic Sea

On 15th October 2018, the EU Council of ministers decided on fishing limits in the Baltic Sea for 2019. The Council decisions broadly reflects the low level of ambition set in the Commission proposal, with the same set of TACs either exceeding and not exceeding scientific advice but with ministers varying the tonnage in some cases compared to the proposal.

Pew welcomes that the Council set 5 TACs not exceeding scientific advice and in accordance with the CFP requirement to not exceed F_{MSY} . These include Gulf of Riga herring (subdivision 28.1), Gulf of Bothnia herring (subdivisions 30-31), Baltic plaice (subdivisions 22-32), Baltic sprat (subdivisions 22-32) and western Baltic cod (subdivisions 22-24).

Nevertheless, for western Baltic cod the Council set the TAC at 9,500 tonnes, well above the Commission proposed TAC of 7,340 tonnes. Given that the stock's continued recovery relies solely on a single good year-class ministers should have set a more precautionary TAC equal to or lower than the Commission proposal, and continued the 2018 measures to help recover the western Baltic cod stock (including a temporary closure period for commercial fisheries). Ministers have not made clear the scientific information they used to justify the removal of the temporary closure period, or to increase the daily recreational catch limit from five to seven specimens of cod per fishermen in subdivisions 22-24. Ministers have moved too fast to relax conservation measures for the still vulnerable western Baltic cod stock. Moreover, a higher TAC for cod in subdivisions 22-24 will also result in increased fishing pressure on the eastern Baltic cod stock, as described below.

Pew notes that the Council set two TACs clearly exceeding the scientific advice on maximum catches. These were for **eastern Baltic cod** and **western Baltic herring**.

Pew is seriously concerned by the Council's decision to continue to sanction overfishing of the **eastern Baltic cod** stock. The Council has set the TAC for eastern Baltic cod above scientific advice since 2013. Not only is the TAC for 2019 set significantly higher than the scientifically advised maximum for the eastern Baltic cod stock, but additional catches of this stock will also be taken in the process of catching western Baltic cod, as the two stocks mix in subdivision 24. Furthermore, Russia will take additional catches of eastern Baltic cod beyond the TAC set for the EU. This means that fishing mortality on the eastern Baltic cod stock will be higher still.

It is therefore clear that the Council set the fishing limit for eastern Baltic cod far too high. While the eastern Baltic cod stock does not have advice based on the MSY approach, the Baltic Sea MAP specifies that in these cases, "*measures under the plan shall be taken in accordance with the best*

¹⁰ [joint NGO recommendations on Baltic Sea fishing opportunities for 2019](#).

available scientific advice” (Article 3(4)). Moreover, the Baltic Sea MAP specifies that for stocks for which reference points are not available, the precautionary approach should apply (Recital 17). The ICES scientific advice was clear and no justification has been provided for setting the TAC above the precautionary approach advice.

We are alarmed that the Council decided to exceed the scientific advice for **western Baltic herring** by setting a TAC of 9,001 tonnes, when ICES advice was for zero catch. This decision also reflects an increase on the TAC proposed by the Commission (6,404 tonnes).

Pew is also concerned that the Council used the provisions of the MAP to set a TAC for **central Baltic herring** based on F_{MSY} upper, when the science shows that despite the stock being above the $MSY B_{trigger}$, fishing mortality has been above F_{MSY} since 2015 and the stock biomass is highly dependent on a single strong year class.

It is not clear what supporting scientific evidence the Commission and Council used to set the TAC in line with ICES advice corresponding to F_{MSY} upper, according to the conditions set out in Article 4(4a-c) of the MAP. Irrespective of the condition used, Pew would highlight that the use of F_{MSY} upper is a higher risk management strategy based on the ICES advice on the status of the stock (2018). ICES notes in its advice “...that the large 2014 year class will be the main contributor to the yield in 2018 and 2019 and SSB in 2019 and 2020, and no substantial new incoming year classes are predicted. It is uncommon to see such large contribution of one year class to the SSB as seen in the short term prediction for 2019 and 2020. Three last year classes are below or at the average and if such a situation continues, a marked decline in biomass development can be expected.” Prudent management given this advice context would have been to follow the ICES advice for catches in line with F_{MSY} .

Finally, we welcome the reductions agreed to the Commission proposed TACs for **main Baltic Sea basin and Gulf of Finland salmon**, and Council’s decision to establish conservation measures in order to address the problem of misreporting between salmon and sea trout catches, including a prohibition to fish for sea trout beyond 4 nautical miles. However, the TACs set still appear higher than the scientific advice, taking into account deductions for unreported, misreported and third country catches. There remains continued ambiguity around the official calculation of those two TACs from the scientific advice. It is highly likely that the main Baltic Sea salmon TAC (subdivisions 22-31) was set exceeding scientific advice, based on the deductions necessary for unreported, misreported, damaged and third country (Russian) catches. However, the picture is less clear for the Gulf of Finland salmon TAC (subdivision 32). More transparency is required on how the scientific advice for salmon stocks is used to calculate a TAC.

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