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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Update to Commission Proposal COM (2021)491 for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters - Commission non-paper

Delegations will find attached a note on the above-mentioned subject, as received from the European Commission services.

COMMISSION SERVICES NON-PAPER

29 September 2021

This document serves as a basis for discussion at the Working Party on Internal and External Fisheries Policy.
It cannot in any circumstances be regarded as the official position of the Commission.
It is intended solely for those to whom it is addressed.

Update to Commission Proposal COM (2021)491 for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters

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A. Amendments to Commission Proposal regarding fishing opportunities for salmon in the main basin

Explanatory Note

Until this year ICES issued a positive catch advice for salmon in subdivisions 22-31. ICES however indicated that while the total salmon population developed positively, some wild river stocks were weak, particularly in the south-eastern Baltic. ICES therefore considered that catches of those weak wild stocks should be kept as close as possible to zero. Therefore, mixed sea fisheries encompassing salmon from those wild weak salmon stocks were considered to be detrimental to the recovery of those weak wild stocks. In the special advice of May 2020[1] on the evaluation of the draft long-term management plan for Baltic salmon, ICES considered that there was no harvest rate value for the commercial sea fisheries that would be consistent with the MSY approach.

This year ICES decided to postpone its advice to 15 September 2021 to have more time for an in-depth analysis. This year's advice[2] is a substantial shift compared to previous years. It takes more into account that salmon is actually not a single stock but composed of several separate river stocks with substantially varying conditions. ICES considers that the weak wild salmon stocks will only be able to recover if no fishing for these stocks takes place.

ICES therefore issued a zero catch advice for all mixed commercial and recreational salmon sea fisheries. However, taking into account the varying condition of the wild salmon stocks combined with spatial and temporal aspects, ICES also advises that "if spatial-temporal management can be implemented, some fishing opportunities would be possible. Coastal fisheries in the Åland Sea and Gulf of Bothnia (SD29N-31) catch only salmon from rivers in assessment units (AUs) 1–3. ICES considers that if sea fishing can be confined to existing coastal fisheries during the spawning migration (beginning of May to the end of August) in the Gulf of Bothnia and the Åland Sea, total sea catch (both commercial and recreational) in these areas of no more than 75 000 salmon could be taken while allowing all stocks in AUs 1–4 to reach the reference point R_{lim} and without affecting weak stocks in AU 5".

The Commission therefore proposes to set a TAC which is limited in all areas and at all times to unavoidable by-catches, except for coastal fisheries from 1 May to 31 August in waters north to latitude 59°30'N (subdivisions 29 north to 31). Moreover, the use of longlines, which are used to target salmon, should be prohibited beyond four nautical miles. The ICES advice indicates a catch figure which is limited to a specific area which does not coincide with the TAC management area. According to the principle of relative stability agreed among the Member States, all eight EU Member States of the Baltic Sea have a quota share in that fishery, which they are allowed to swap. Under these conditions, and in order to ensure that the total catch does not exceed the ICES advice, the Commission proposes to set the TAC at the level indicated by ICES for catches north to latitude 59°30'N. Furthermore, recreational fisheries could in principle only be allowed in those areas and during those periods where and when commercial fisheries are allowed. Given that the objective is to lower the mortality rate of wild salmon, retaining adipose fin-clipped salmon, which are of reared origin, could continue in the other areas. However, given that in such fisheries wild salmon might also be caught and given the estimated 25% post-release mortality rate, a bag limit of one adipose

[1] ICES Advice 2020 – sr.2020.02 of 4 May 2020– https://doi.org/10.17895/ices.advice.6008
[2] ICES Advice 2021 – sal.27.22–31 of 15 September 2021 – https://doi.org/10.17895/ices.advice.7848.

fin-clipped salmon per fisherman per day should be established in order to limit the fishing effort. Finally, to be able to unequivocally identify the retained salmon as an adipose fin-clipped salmon and to avoid possible misreporting of any other fish retained on board, all retained fish should be landed whole. Finally, it would be desirable that at least those Member States, for which the quota use will be limited to unavoidable by-catches only, undertook not to apply the year-to-year flexibility provided in Article 15 (9) of Regulation (EU) No 1380/2013 for main basin salmon in 2022 so that catches will not exceed the TAC set for main basin salmon.

1. Recital 12 is replaced by the following:

"Regarding salmon in subdivision 22-31 ICES had stated for several years already that the status of the river stocks was very heterogeneous. In order to give experts more time to take this divergence better into account, ICES decided to postpone its advice to 15 September 2021. ICES advises that all commercial and recreational catches in the main basin, which are inherently mixed fisheries catching salmon from healthy and weak river stocks, should be stopped in order to protect the weak river stocks. ICES however considers that the existing directed fishery in the coastal areas of the Gulf of Bothnia and the Aland Sea could continue during the salmon summer migration. In order to strike the right balance between, on the one hand, allowing fisheries to continue in view of otherwise potentially severe socioeconomic implications, and, on the other, the need to achieve a good biological status for the stock, taking into account the difficulty of fishing all stocks in a mixed fishery at MSY at the same time, it is appropriate to establish a specific TAC for by-catches of salmon in those areas, with the exception of fishing operations conducted for the exclusive purpose of scientific investigations and in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241, and of coastal fisheries north to latitude 59°30'N during the period from 1 May to 31 August. Given the scientific advice it is appropriate to adopt further remedial measures functionally linked to the fishing opportunities. The use of longlines in the open sea should be prohibited since this is typically a gear to target salmon. Moreover, in those areas where commercial fisheries are not allowed only fin-clipped salmon may be retained in recreational fisheries. In addition, a daily bag limit of one fish per angler should be introduced in order to take account of the post-release mortality rate of 25% for salmon in recreational catch-and-release trolling fishing. Finally, to avoid misreporting all retained fish should be landed whole to be able to unequivocally identify them."

2. Recital 13 is replaced by the following:

"In order to ensure full use of coastal fishing opportunities, a limited inter-area flexibility for salmon from ICES subdivisions 22-31 to ICES subdivision 32 was introduced in 2019. Given the changes in fishing opportunities for those two stocks, it is appropriate to reduce that flexibility."

3. The following new article 8a is added:

“

Article 8a

Measures on recreational salmon fishing in subdivisions 22-31

(1) Recreational fishing for salmon shall be prohibited in subdivisions 22 to 31.
(2) By way of derogation from paragraph 1, north to latitude 59°30’N recreational fishing for salmon may be allowed from 1 May to 31 August in areas within four nautical miles measured from the baselines.
(3) By way of derogation from paragraph 1, recreational trolling fishing for salmon may be allowed under the following cumulative conditions:
    a) Any specimen of salmon which has no adipose fin clip shall be immediately released back into the sea;
    b) No more than one specimen of adipose fin-clipped salmon may be retained on board per fisherman per day;
    c) All specimens of any fish species retained on board shall be landed whole.
(4) Paragraphs 2 and 3 are without prejudice to more stringent national measures.

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4. In the Annex, table 8 relating to the fishing opportunities for salmon in ICES subdivisions 22-31 is replaced by the following:

“

Table 8

Species:	Atlantic salmon *Salmo salar*	Zone:	Union waters of Subdivisions 22-31 (SAL/3BCD-F)
Denmark	13 223 (1)(2)		
Germany	1 471 (1)(2)		
Estonia	1 344 (1)(2)(3)		
Finland	16 488 (1)(2)		
Latvia	8 411 (1)(2)		
Lithuania	989 (1)(2)		
Poland	4 011 (1)(2)		
Sweden	17 874 (1)(2)		
Union	63 811 (1)(2)		
TAC	Not relevant	Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply.	

Article 4 of Regulation (EC) No 847/96 shall not apply.

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([1]) Expressed by number of individual fish.

([2]) Exclusively for by-catches. No directed fisheries are permitted under this quota. It shall be prohibited to fish with longlines in areas beyond four nautical miles measured from the baselines.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to slamon provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

By way of derogation from the first paragraph, fishing this quota shall be allowed for Union fishing vessels north to latitude 59°30'N in areas within four nautical miles measured from the baselines during the period from 1 May to 31 August.

([3]) Special condition: no more than 450 specimens of this quota may be fished in Union waters of subdivision 32 (SAL/*3D32)

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Amendments to Commission Proposal regarding fishing opportunities for salmon in the Gulf of Finland

1. In the Annex, table 9 relating to the fishing opportunities for salmon in ICES subdivision 32 is replaced by the following:

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Table 9

Species:	Atlantic salmon *Salmo salar*	Zone:	Union waters of Subdivision 32 (SAL/3D32.)
Estonia	944 (1)		
Finland	8 260 (1)		
Union	9 204 (1)		
TAC	Not relevant	Precautionary TAC	

(1) Expressed by number of individual fish.

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