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NOTE

From:	Presidency
To:	Council
Subject:	Proposal for a COUNCIL REGULATION fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters - Political Agreement

I. INTRODUCTION

1. The Commission submitted the proposal to the Council on 28 August 2023¹. It submitted non-papers on 19 September containing updates to the proposal regarding Gulf of Bothnia herring, western and central Baltic herring, eastern and western Baltic cod, as well as plaice and sprat² and on 17 October to introduce an inter-area flexibility for haddock from the North Sea to EU waters of the Skagerrak/Kattegat³; only the Norway pout TAC is missing, as the scientific advice was published on 9 October and the Commission will accordingly submit a non-paper in the run-up to the Council of 23-24 October.

¹ Doc. 12451/23 + ADD 1.

² Doc. 12996/23.

³ Doc. 14189/23

2. Given the state of herring, the Commission proposes significant decreased TACs for **all four herring stocks**. In particular, it invokes Article 4(6) of the Multiannual Plan for the Baltic⁴ to propose the closure of targeted herring fisheries in the **central Baltic** (subdivisions 25-27, 28.2, 29 and 32) and in the **Gulf of Bothnia** (subdivisions 30-31), as well as the continued closure of targeted fisheries in the **western Baltic** (subdivisions 22-24), proposing TACs only for bycatches.
3. Furthermore, given the absence of improvement in the state of cod, the Commission proposes to continue setting only bycatch TACs for **both cod stocks**, with a sharp reduction for **western Baltic cod** (subdivisions 22-24).
4. For **main basin salmon** (subdivisions 22-31), the Commission proposes a decreased TAC and to further limit coastal fisheries. For **sprat** (subdivisions 22-32), it also proposes a decreased TAC, essentially to minimise the herring bycatch.
5. For the remaining stocks, the Commission suggests a rollover for **plaice** (subdivisions 22-32), whereas **Gulf of Finland salmon** (subdivision 32) is the only stock for which it proposes an increased TAC.
6. Opinions from European Parliament and the European Economic and Social Committee are not required (Art 43(3) TFEU).

⁴ Regulation (EU) No 2016/1139 of the European Parliament and the Council of 6 July 2016 establishing a multi-annual plan for 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.

7. The Working Party on Fisheries Policy examined the proposal at its meetings on 7 and 21 September and 5 October. Delegations submitted written comments which can be consulted in docs. 13056/23 + ADD 1-3.
8. During the discussions in the Working Party, numerous delegations contested the recourse to **Article 4(6) of the Baltic MAP** as the basis for prohibiting the targeted fishing of certain herring stocks. Delegations highlighted the need to set the TAC according to scientific advice based on MSY, in line with the MAP and taking into account the socio-economic impact on the fisheries sector.
9. Several delegations entered scrutiny reservations on the full proposal. DK and LT signalled parliamentary scrutiny reservations, which have since been lifted.
10. The Presidency organised technical trilaterals with the Commission and the delegations concerned on 10 October in order to clarify the outstanding issues.
11. The Permanent Representatives Committee held a discussion on 20 October where delegations reiterated their main positions, as outlined in part II of this note.

12. The Presidency believes that the discussions and the final decision should be guided by the following principles:

- A strong commitment to the objectives of the Common Fisheries Policy (CFP) as laid down in Article 2 of the CFP Regulation⁵, including the achievement of MSY and the socio-economic objectives of the CFP;
- Compliance with the provisions of the Baltic MAP;
- Basing decisions on scientific advice.

13. The Presidency also believes that sustained efforts through BALTFISH will be necessary to reach a consensual solution at regional level.

II. STATE OF PLAY

a. Main outstanding issues

14. For **herring in the central Baltic** (subdivisions 25-27, 28.2, 29, 32), the Commission proposes, pursuant to Article 4(6) of the Baltic MAP, a bycatch-only TAC (28 550 tonnes). This involves a reduction of 60% compared to 2023, as the probability that the stock remains below the Blim reference point in 2025 is above 5%. Almost all delegations concerned would be willing to instead consider remedial measures, noting that the scientific advice sets a range for targeted fisheries.

⁵ 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 (OJ L 354, 28.12.2013, p. 22).

15. Similarly for **herring in the Gulf of Bothnia** (subdivisions 30-31), the Commission invokes Article 4(6) of the Baltic MAP to propose a bycatch-only TAC (1000 tonnes). This involves a decrease of 99% in comparison with 2023, as the probability that the stock falls below Blim is above 5%. Both delegations concerned would be willing to instead consider remedial measures, noting that the scientific advice provides a range for targeted fisheries.
16. As concerns **herring in the western Baltic** (subdivisions 22-24), the Commission proposes a 50% reduction to the existing bycatch-only TAC (394 tonnes) and to discontinue the derogation for small-scale fisheries, again invoking Article 4(6) of the Baltic MAP. Two delegations call for a higher bycatch TAC to avoid the phenomenon of “choke species”, whilst the other two delegations concerned oppose the removal of the derogation.
17. For **salmon in the Baltic main basin** (subdivisions 22-31), the Commission proposes a 15% reduction to the existing bycatch TAC and to limit to subdivision 31 the derogation for directed summer coastal fisheries, because one salmon river stock in subdivision 30 is below the relevant reference point. Two delegations oppose the limitation of coastal fisheries. One delegation is considering to propose an exchange of fishing opportunities in the main basin. Additionally several delegations call for the rules on **recreational salmon fisheries** to be simplified, in particular regarding the distinction between wild and fin-clipped salmon.
18. Regarding **sprat** (subdivisions 22-32), the Commission proposes a 23% reduction to the TAC (171 815 tonnes), opting for the lowest point in the Fmsy range in order to minimise the herring bycatch. Several delegations advocate for a higher TAC, in line with scientific advice.

b. Other issues

19. As regards **cod in the western Baltic** (subdivisions 22-24), the Commission proposes a 72% reduction to the existing bycatch-only TAC, setting it at the level of reported landings in 2022 (136 tonnes). Several delegations call for a higher such TAC to avoid the phenomenon of “choke species”.
20. For **herring in the Gulf of Riga** (subdivision 28.1), the Commission proposes a 20% decrease (36 514 tonnes), opting not to include the usual addition to account for central herring catches in the area, on account of the bad state of the central Baltic herring stock. Both delegations concerned consider that this would affect relative stability and therefore call for the addition to be maintained.

III. WAY FORWARD

21. The Presidency believes that, **as part of an overall package**, an agreement on the different TACs and additional measures can be found. All delegations having questioned the unprecedented interpretation of the Baltic MAP, most of the delegations concerned are willing to address the situation of Baltic stocks, including by applying remedial measures.
22. The Presidency considers that a compromise can be reached if flexibility is shown by all parties. It also understands that discussions at BALTFISH carry considerable potential.
23. The Council is asked to give its views in particular on the issues outlined under part II above, with a view to reaching a political agreement at its 23-24 October session.