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#### NOTE

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From:	Presidency
To:	Council
Subject:	Proposal for a COUNCIL REGULATION fixing for 2025 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2024/257, as regards certain fishing opportunities in other waters - Political agreement

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Delegations will find enclosed the final Presidency compromise on the abovementioned proposal, as agreed by the Council on 22 October 2024:

1. Changes to recitals and articles of the Commission proposal;
2. Revised TAC levels in the annex of the Commission proposal;
3. Statements.

The changes shown in this document relate to the consolidated version of the Commission's proposal (doc. 14548/24), as amended by the latest Commission non-paper (14738/24).

Changes are marked in **bold underlined** and ~~**bold strikethrough**~~.

## 1. CHANGES TO RECITALS AND ARTICLES

Recital 5 is modified as follows:

- (5) For 2025, ICES advises zero catches of western Baltic herring, eastern Baltic cod and salmon in ICES subdivisions 22-31. Moreover, ICES recommends low catch levels for western Baltic cod for 2025. Therefore, if the TACs for those stocks were established at the levels advised by ICES, the obligation to land all catches, including by-catches from those stocks in mixed fisheries, would lead to the phenomenon of choke species. Cod is by-caught in all fisheries, western herring is by-caught in the targeted sprat fisheries, and salmon can be by-caught in many fisheries. A choke situation would particularly affect vessels fishing for flatfish and sprat, potentially forcing them to cease fishing operations in 2025 and leading to a premature closure of those fisheries. Based on the data from the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA), the first-sale value of the plaice and sprat fisheries that is allowed to be caught within the limits of the ~~proposed~~ TACs and expected to be caught in the relevant respective area is estimated at EUR 19.9 million and EUR 0.4 million respectively. Many fisheries, notably small-scale coastal fisheries for species not managed by a TAC would also need to cease fishing operations in 2025. In order to strike a balance between maintaining fisheries, in view of the potentially severe socio-economic implications of failing to do so and of the need to achieve a good biological status for those stocks, and taking account of the difficulty of fishing all stocks in a mixed fishery at MSY, it is appropriate to maintain the TACs exclusively for unavoidable by-catches for western Baltic herring, eastern Baltic cod, western Baltic cod, and main basin salmon.

Recital 6 is modified as follows:

- (6) As regards the eastern Baltic cod stock, ICES advises zero catches for that stock in 2025 for the 6th consecutive year. Moreover, ICES downgraded its assessment to category 3 precautionary assessment due to limited data and inconsistencies in certain model estimates. However, ICES remains confident about the biomass trends of the eastern Baltic cod stock, which have shown a slight increase. The spawning stock biomass nevertheless remains well below the conservation reference point ( $B_{lim}$ ), below which there may be reduced reproductive capacity. In accordance with Article 3(1) of Regulation (EU) 2016/1139 and Article 16(4) of the CFP Basic Regulation, it is therefore appropriate to maintain the suspension of the targeted fishery and other functionally linked remedial measures and to extend the prohibition of recreational fisheries to the entire management area, with an exception for incidental bycatches in ICES subdivisions 27-32. In accordance with Articles 2(1) and 2(5), points (c) and (f), of Regulation (EU) No 1380/2013, the fishing opportunities for unavoidable by-catches should also be set at a low level in order to avoid the socio-economic consequences that would result from setting the fishing opportunities at zero.

Recital 8 is modified as follows:

- (8) As regards salmon in ICES subdivisions 22 to 31, ICES has maintained its zero-catch advice, while considering for 2025 the possibility of continued targeted commercial and recreational coastal summer fisheries again to the area north of latitude 59° 30' N (ICES subdivisions 29 North to 31) compared to ICES subdivision 31 in 2024. ICES however reduced its catch advice because the post-smolt survival of salmon declined to a historic low in 2021 and is uncertain for 2022, resulting in an increased uncertainty of the stock development forecast. Moreover, the spawning run has decreased substantially since 2021 and was in 2023 the lowest in the time series for the most productive salmon river by far. In addition, there is also post-release mortality of wild salmon in recreational fisheries for adipose fin-clipped salmon. In accordance with Article 16(4) of the CFP Basic Regulation, it is therefore appropriate to adjust the fishing area and the level of fishing opportunities compared to 2024 in line with the ICES advice, and to maintain the functionally linked remedial measures ~~while discontinuing the possibility of recreational fisheries except in coastal summer fisheries north of latitude 59° 30' N.~~

Recital 8a is added:

- (8a) On 10 October 2024, ICES withdrew its advice for salmon in the Gulf of Finland and stated that its advice issued in 2023 for the fishing year 2024 is consequently the best available scientific advice. The fishing opportunities are therefore fixed accordingly.**

Recital 13 is modified as follows:

- (13) As regards western Baltic herring, ICES advises zero catches for that stock for the 7th consecutive year. ICES also revised the estimates of the spawning stock biomass downward for previous years and estimates the biomass to still be only 60% of  $B_{lim}$  in 2024, even if it has continuously increased since 2020. Furthermore, recruitment remains at historically low levels and the biomass is not expected to recover above  $B_{lim}$  in 2026. ~~In accordance with Article 4(6) and 5(2) of Regulation (EU) 2016/1139~~ **In those circumstances**, it is ~~therefore~~ **therefore** appropriate, **pursuant to Regulation (EU) 2016/1139**, to maintain the suspension of the targeted fisheries ~~and to discontinue the exception for small-scale fishers~~. In accordance with Articles 2(1) and 2(5), points (c) and (f), of Regulation (EU) No 1380/2013, the fishing opportunities for unavoidable by-catches should also be set at a low level in order to avoid the socio-economic consequences that would result from setting the fishing opportunities at zero.

Recital 17 is replaced as follows:

- (17) As regards sprat, ICES estimates that, while the biomass is still above  $B_{\text{trigger}}$ , the biomass has decreased substantially due to historically low recruitment since 2021. Moreover, ICES underlines that the forecast is based on a recruitment estimate that is optimistic and uncertain. In addition, none of the catch scenarios within the  $F_{\text{MSY}}$  ranges ensures that the probability of the stock biomass falling below  $B_{\text{lim}}$  in 2026 is less than 5%. ~~In accordance with Article 4(6) of Regulation (EU) 2016/1139, it is therefore appropriate to set the fishing opportunities accordingly~~ In those circumstances, it is appropriate, pursuant to Regulation (EU) 2016/1139, to fix the fishing opportunities in the lower  $F_{\text{MSY}}$  range and to set a spawning closure for fisheries using active gear in as an additional remedial measure functionally linked to the fishing opportunities.

Recital 22 is deleted:

~~[placeholder for other modifications to Council Regulation (EU) 2024/257].~~

Article 7a is inserted:

*Article 7a*

Closures to protect sprat spawning in subdivisions 25, 26, 27, 28.2, 29 and 32

1. It shall be prohibited from 1 May to 31 July for Union fishing vessels to fish for pelagic stocks with active gear in areas beyond 12 nautical miles measured from the baselines in subdivisions 25, 26, 27, 28.2, 29 and west of 24.00° E in subdivision 32.
2. The prohibition laid down in paragraph 1 shall not apply in the following cases:
  - (a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in accordance with the conditions set out in Article 25 of Regulation (EU) 2019/124;
  - (b) Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines, drifting lines, handlines and jigging equipment or similar passive gear.

Article 8 is modified as follows:

*Article 8*

**Measures on recreational fisheries of cod in subdivisions 22 to 32**

- 1.** Recreational fisheries of cod shall be prohibited in subdivisions 22 to 32. **Any specimen of cod caught accidentally shall be immediately released back into the sea.**
- 2.** **Notwithstanding paragraph 1, incidental bycatches of cod in recreational fisheries for other species in ICES subdivisions 27 to 32 may be retained.**

Article 9 is modified as follows:

*Article 9*

**Measures on recreational fisheries of salmon in subdivisions 22 to 31**

1. Recreational fisheries of salmon shall be prohibited in subdivisions 22 to 31. Any specimen of salmon caught accidentally shall be immediately released back into the sea.
- 2.** **By way of derogation from paragraph 1, recreational fisheries of salmon shall be allowed under the following cumulative conditions:**
  - (a) no more than one specimen of adipose fin-clipped salmon may be caught and retained per recreational fisher per day;**
  - (b) after catching the first adipose fin-clipped salmon, the recreational fisher shall stop the fishing of salmon for the remainder of the day;**
  - (c) all specimens of any fish species retained shall be landed whole.**
2. By way of **further** derogation from paragraph 1, recreational fisheries of salmon north of latitude 59° 30' N shall be allowed from 1 May to 31 August in areas within four nautical miles measured from the baselines.
3. This Article is without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.

## 2. CHANGES TO THE ANNEX OF THE COMMISSION PROPOSAL

Table 2

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	<del>110-55</del> <sup>(1)</sup>	Analytical TAC	
Germany	<del>435-218</del> <sup>(1)</sup>	Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.	
Finland	<del>0</del> <sup>(1)</sup>	Article 4 of Regulation (EC) No 847/96 does not apply.	
Poland	<del>103-51</del> <sup>(1)</sup>		
Sweden	<del>140-70</del> <sup>(1)</sup>		
Union	<del>788-394</del> <sup>(1)</sup>		
TAC	<del>788-394</del> <sup>(1)</sup>		

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to herring 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 is permitted for Union fishing vessels of less than 12 meters length overall fishing with gillnets, entangling nets, handlines, pound nets or jigging equipment. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the competent Member State.**

Table 5

Species:	Cod <i>Gadus morhua</i>	Zone:	Union waters of subdivisions 25-32 (COD/3DX32.)
Denmark	<del>99-44</del> <sup>(1)</sup>	Precautionary TAC	
Germany	<del>39-17</del> <sup>(1)</sup>	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	<del>10-4</del> <sup>(1)</sup>		
Finland	<del>8-3</del> <sup>(1)</sup>		
Latvia	<del>37-16</del> <sup>(1)</sup>		
Lithuania	<del>24-11</del> <sup>(1)</sup>		
Poland	<del>113-52</del> <sup>(1)</sup>		
Sweden	<del>100-44</del> <sup>(1)</sup>		
Union	<del>430-191</del> <sup>(1)</sup>		
TAC	Not relevant		

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

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

**Table 6**

Species:	Cod <i>Gadus morhua</i>	Zone:	Subdivisions 22-24 (COD/3BC+24)
Denmark	<del>116-41</del> <sup>(1)</sup>	Precautionary TAC	
Germany	<del>57-20</del> <sup>(1)</sup>	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	<del>3-1</del> <sup>(1)</sup>		
Finland	<del>2-1</del> <sup>(1)</sup>		
Latvia	<del>10-3</del> <sup>(1)</sup>		
Lithuania	<del>6-2</del> <sup>(1)</sup>		
Poland	<del>31-11</del> <sup>(1)</sup>		
Sweden	<del>41-14</del> <sup>(1)</sup>		
Union	<del>266-93</del> <sup>(1)</sup>		
TAC	<del>266-93</del> <sup>(1)</sup>		

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

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

**Table 9**

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of subdivision 32 (SAL/3D32.)
Estonia	<del>1040</del> <del>832</del> <sup>(1)</sup>	Precautionary TAC	
Finland	<del>9104</del> <del>7-285</del> <sup>(1)</sup>		
Union	<del>10 144</del> <del>8-117</del> <sup>(1)</sup>		
TAC	Not relevant		

<sup>(1)</sup> Expressed by number of individual fish.

**Table 10**

Species: Sprat <i>Sprattus sprattus</i>	Zone: Union waters of subdivisions 22-32 (SPR/3BCD-C)
Denmark	<u>13 761</u> 11 548 Analytical TAC
Germany	<u>8718</u> 7 316 Article 6 of this Regulation applies.
Estonia	<u>15 979</u> 13 410
Finland	<u>7203</u> 6 045
Latvia	<u>19 299</u> 16 196
Lithuania	<u>6981</u> 5 859
Poland	<u>40 957</u> 34 371
Sweden	<u>26 602</u> 22 325
Union	<u>139 500</u> 117 070
TAC	Not relevant



### **3. STATEMENTS**

#### **Joint Statement by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on the application of Article 15(9) of the Basic Regulation as regards eastern Baltic cod and western Baltic cod in 2025**

Given that the biomass of the stocks of eastern Baltic cod and western Baltic cod are below  $B_{lim}$ , and in order to ensure the recovery of the stock in accordance with Regulation (EU) 2016/1139, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2025. This undertaking is a response to the current exceptional circumstances for the eastern Baltic cod and western Baltic cod stocks.

#### **Joint Statement by Denmark, Finland, Germany, Poland and Sweden on the application of Article 15(9) in the Basic Regulation as regards western Baltic herring in 2025**

Given that the biomass of the stock of western Baltic herring is below  $B_{lim}$ , and in order to ensure the recovery of the stock in accordance with Regulation (EU) 2016/1139, Denmark, Finland, Germany, Poland and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to this stock in 2025. This undertaking is a response to the current exceptional circumstances for the western Baltic herring stock.

#### **Joint Statement by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on the application of Article 15(9) in the Basic Regulation as regards main basin salmon in 2025**

Given that in ICES subdivisions 22-29S almost all wild salmon river stocks are well below  $R_{lim}$ , and in order to ensure the recovery of the stocks, Denmark, Estonia, Germany, Latvia, Lithuania and Poland undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2025. This commitment is a response to the current exceptional circumstances for the wild salmon river stocks south to latitude 59°30'N.

Given the limited salmon migration in the major salmon rivers in the Gulf of Bothnia both in 2023 and 2024, and in order to ensure and promote a faster recovery of the salmon stocks, Finland undertakes not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to the Main Basin salmon quota in 2025. Sweden undertakes to limit the use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 for bycatch and unavoidable catches purposes only. These commitments are a response to the worrying development of the wild salmon river stocks in ICES subdivisions 30-31.

**Joint Statement by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on exchanges of eastern and western Baltic cod quotas**

In a spirit of solidarity, a Member State not needing its entire by-catch quota for eastern or western Baltic cod will seek to agree on quota exchanges with a Member State that can demonstrate it will be confronted with a choke effect due to its limited eastern or western Baltic cod quota.

**Joint Statement by Denmark, Estonia, Germany, Lithuania and Poland on transfers of Main Basin salmon quotas**

In a spirit of solidarity and recognising the conservation efforts made by Finland and Sweden, which have led to healthy stocks in their waters, a Member State which cannot use its entire quota for Main Basin salmon will consider a voluntary transfer of the unused or unusable part of that quota to Finland and/or Sweden.

### **Statement by the Commission on the political agreement reached by the Council**

The Commission takes note of the political agreement reached by the Council on the fishing opportunities for 2025 in the Baltic Sea. The Commission is concerned that the following elements of that agreement are less likely to contribute to the recovery of certain stocks than the Commission proposal, and may not be in line with the applicable legal framework, including the Baltic multiannual plan. In particular, the Commission considers that: (1) the total allowable catches (TACs) for sprat and western herring should have been set at a level which ensures that the probability for the stocks to respectively fall or remain below  $B_{lim}$  in 2026 is less than 5%; and (2) there should be no targeted fisheries, commercial or recreational, of western Baltic herring and main basin salmon (except from May to August in the coastal waters of subdivisions 29 North to 31) for which the International Council for the Exploration of the Sea advises to stop all fishing.

### **Joint Statement by Denmark, Germany and the Netherlands on the application of Article 15(9) of the Basic Regulation as regards Norway pout in the North Sea in the 2025 fishing season**

Given that ICES forecasts that the biomass of Norway pout in the North Sea (NOP/2A3A4.) may decrease below  $B_{lim}$  even with zero catches and given that ICES advises zero catches for the 2025 fishing season (1 November 2024 to 31 October 2025), and in order to ensure the recovery of the stock, Denmark, Germany and the Netherlands undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to that stock in the 2025 fishing season. This undertaking is a response to the current exceptional circumstances of that stock.

**Joint Statement by the Commission and Germany on the option of support for the temporary cessation of fishing activities by the European Maritime, Fisheries and Aquaculture Fund (EMFAF)**

1. According to Article 5(3), point (a) of 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, remedial measures for the purpose of Article 5 of that Regulation may include Member State emergency measures pursuant to Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, provided that certain conditions are met.
2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on cod and herring in subdivisions 22-24 Germany therefore deems it necessary to adopt emergency measures pursuant to Article 13(1) of Regulation (EU) No 1380/2013. The emergency measures in subdivisions 22-24 for German fishing vessels consist in introducing a closure of 30 days for the protection of cod in addition to the cod spawning closure established by Article 7(3) of the Regulation fixing for 2025 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea during which the exemption contained in Article 7 (4)(b) shall not apply, and limiting by additional 30 days the herring fishery during which the exemption for certain small-scale coastal fisheries from the prohibition to target western herring is interrupted and fisheries with by-catches of herring.
3. The Commission and Germany agree that this emergency measure is eligible for funding from Regulation (EU) 2021/1139 of the European Parliament and the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 provided that it is in accordance with the conditions set out in Article 21(2)(c) of that Regulation.

**Joint Statement by the Commission, Latvia and Sweden on the option of support for the temporary cessation of sprat fishing activities by the European Maritime, Fisheries and Aquaculture Fund**

1. According to Article 5(3), point (a) of 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, remedial measures for the purpose of Article 5 of that Regulation may include Member State emergency measures pursuant to Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, under certain conditions.

2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on sprat as regards the last year's low stock recruitment rate and high risks for further reduction of the current spawning stock biomass and overall stock size it deems appropriate pursuant to Article 13(I) of Regulation (EU) No 1380/2013 to apply at Member states level additional optional emergency measures (one month closure period in addition to general pelagic species 3 month fisheries closure period from 1 May until 31 July beyond 12 mile limits adopted by the Baltic Sea TAC and Quota Regulation for 2025).

3. The Commission, Latvia and Sweden agree that this emergency measure is eligible for funding from Regulation (EU) 2021/1139 of the European Parliament and the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 provided that it is introduced in accordance with the conditions set out in Article 21 (2)(c) of that Regulation.