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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/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 2026 and amending Regulation (EU) 2025/202 as regards certain fishing opportunities in other waters
- Adoption

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 2026

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 2026. 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 2026

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 2026. 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 2026

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 2026. 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 2026. 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.

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 2026 fishing season

Given that ICES forecasts that the biomass of Norway pout in the North Sea (NOP/2A3A4.) is below Blim and given that ICES advises zero catches for the 2026 fishing season (1 November 2025 to 31 October 2026), 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 2026 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)

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.

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 2026 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.

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, and Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden on the urgent need for rebuilding fisheries in the Baltic Sea

Conscious of the importance to urgently start the rebuilding trajectory for the fisheries in the Baltic Sea, the Commission, and Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden agree on the need to request the International Council for the Exploration of the Sea (ICES) to provide in its annual stock-specific catch advice scenarios to rebuild the fish stocks concerned to the required biomass levels within different timeframes. Such advice should take into account the biological characteristics of the stocks and show different catch levels for the respective rebuilding phase.

Joint Statement by the Commission and Finland on Bothnian herring

Finland highlights its concerns about the state of Bothnian herring. Finland renews its commitment to continue further improving the data collection for Bothnian herring with a view to making the most recent data available to ICES. In parallel the Commission will request ICES to update its advice for 2026 for that stock based on the most recent data submitted by Finland. Once ICES replies to that request, the Commission will consider submitting – as soon as possible – a proposal for amending the TAC set for 2026 in line with the updated ICES advice.

Joint statement by Finland, Estonia, Latvia, Lithuania, Poland and Sweden on cormorants and seals

We urge the Commission, without delay, to find solutions for better management of great cormorants and seals, in order to take into account their impact on fish stocks and ensuring the balance of the ecosystem.

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 2026 in the Baltic Sea. The Commission is concerned that the following elements of that agreement are less likely to contribute to the rebuilding of the fisheries that rely on the recovery of certain stocks for their economic activities than the Commission proposal: (1) the total allowable catches (TACs) for Bothnian herring, central Baltic herring and western Baltic 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 2027 is less than 5%; and (2) there should be no targeted fisheries, commercial or recreational, of western Baltic herring and main basin salmon (except when and where targeted commercial fisheries are allowed) for which the International Council for the Exploration of the Sea advises to stop all fishing.

Statement by Sweden on ICES advice and ecosystem-based fisheries management

Sweden reaffirms its commitment to a science-based fisheries policy. Sweden urges the Commission to ensure a holistic approach in their requests to ICES, thus that the scientific advice provided by ICES on fishing opportunities also reflects size and population structures and that the advice from ICES in addition to having fisheries parameters also includes the complex realities of marine ecosystems, including the effects of human activities, natural mortality from predators, and broader ecosystem dynamics.

Statement by Estonia on the fixing for 2026 of fishing opportunities applicable in the Baltic Sea

We are deeply concerned about the process regarding setting Baltic Sea TACs and quotas at the AGRIFISH Council meeting in October 2025. The TACs and quotas setting did not follow the ranges of the best available scientific advice. It is of utmost importance that the TACs would be set according to ranges set in MAP (Baltic Sea Multiannual Plan) when stocks are above Blim. In addition, the dispute over article 4(6) remains unresolved and needs to be urgently addressed. The idea of the MAPs was to reduce the subjectiveness in debates over the fishing opportunities in the Council. Unfortunately, the Baltic Sea MAP is not serving its purpose. Arbitrary derogations from F ranges will create a dangerous precedent for the future discussions on the EU managed quotas.
