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Proposal for a

COUNCIL REGULATION

fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2025 and amending Regulation (EU) 2024/257 as regards certain fishing opportunities in other waters

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

In line with Regulation No 1380/2013 of the European Parliament and of the Council on the common fisheries policy (the CFP Basic Regulation)¹, living marine biological resources must be exploited in a way that restores and maintains populations of harvested species above levels that can produce the maximum sustainable yield ('MSY'). An important tool for ensuring this is the annual fixing of fishing opportunities in the form of total allowable catches ('TACs') and quotas.

Regulation (EU) 2016/1139 of the European Parliament and of the Council laying down the multiannual plan for the Baltic Sea (the 'MAP')² further specifies target ranges for fishing mortality. These ranges are used in this proposal to achieve the objectives of the common fisheries policy (the CFP) and in particular to restore and maintain MSY.

This proposal aims to fix fishing opportunities for 2025 for the most commercially significant fish stocks in the Baltic Sea. It also aims to regulate marine recreational fisheries to the extent required to conserve the fish stocks covered by this Regulation. To simplify and clarify the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate regulation since 2006.

- **Consistency with existing policy provisions in the policy area**

The proposal sets TACs and quotas at levels consistent with the objectives of the CFP Basic Regulation and the MAP.

- **Consistency with other Union policies**

The proposal is consistent with other Union policies, in particular with the policies in the field of the environment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union's exclusive competence referred to in Article 3(1)(d) TFEU. Therefore, the subsidiarity principle does not apply.

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 (OJ L 354, 28.12.2013, p. 22).

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 (OJ L 191, 15.7.2016, p. 1).

- **Proportionality**

The proposal allocates fishing opportunities to Member States according to the objectives of the CFP Basic Regulation and the MAP. Under Article 16(6), Article 16(7) and Article 17 of the CFP Basic Regulation, Member States are to decide how the fishing opportunities allocated to them are allocated to fishing vessels that fly their flag according to certain criteria set out in those Articles. Member States can therefore exercise the necessary margin of discretion while distributing the allocated TACs, in line with their preferred social/economic model for using the fishing opportunities allocated to them by the proposal.

- **Choice of instrument**

A regulation is considered the most appropriate instrument because it makes it possible to set requirements that apply directly to Member States and relevant businesses. This will help ensure that the requirements are implemented in a timely and harmonised way, thus leading to greater legal certainty.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

The Commission consulted stakeholders (particularly through the Baltic Sea Advisory Council) on the basis of its Communication on ‘Sustainable fishing in the EU: state of play and orientations for 2025’ (COM(2024) 235 final). The International Council for the Exploration of the Sea (ICES) provided the scientific basis for the proposal. The preliminary views expressed by the consulted stakeholders on all fish stocks concerned were taken into account as much as possible but without contradicting current policies or causing any deterioration in the state of vulnerable resources.

Scientific advice on catch limitations and on the status of stocks was also discussed with Member States at the BALTFISH regional forum in June 2024.

- **Collection and use of expertise**

The Commission consulted ICES whose scientific advice is based on an advice framework developed by its expert groups and decision-making bodies and issued in line with its framework partnership agreement with the Commission.

The Union seeks scientific advice on the state of important fish stocks from ICES each year. The advice received covers all Baltic stocks and TACs are proposed for the commercially most significant stocks.³

- **Impact assessment**

The proposal is part of a long-term approach in which fishing is adjusted to – and maintained at – sustainable long-term levels. Over time, this approach is expected to result in: (i) stable fishing pressure; (ii) higher quotas; and therefore (iii) improved incomes for fishers and their families. Increased landings are expected to benefit: the fishing industry, consumers, the processing and retail industry, and the rest of the industry linked to commercial and recreational fishing. In this context, the link between sustainable fisheries and a healthy marine environment in the Baltic Sea needs to be stressed, in line with the biodiversity

³ <http://www.ices.dk/advice/Pages/Latest-Advice.aspx>

strategy and other related initiatives, notably the EU action plan for marine ecosystems and fisheries.⁴

This proposal seeks to avoid short-term approaches in favour of long-term sustainability. It therefore takes account of initiatives by stakeholders and advisory councils if they have been positively reviewed by ICES and/or the Scientific, Technical and Economic Committee for Fisheries (STECF). The Commission's CFP reform proposal was based on an impact assessment (SEC(2011) 891) that considered that, although achieving the MSY objective was a necessary condition for environmental, economic and social sustainability, those three objectives cannot be achieved in isolation.

Until 2019, decisions on Baltic Sea fishing opportunities succeeded in bringing fishing mortality for all stocks with MSY advice into line with the MSY ranges at the moment of TAC setting, except for western Baltic herring. These decisions also seemed to succeed in rebuilding stocks and rebalancing fishing capacity and fishing opportunities. However, in 2019, it became apparent that eastern Baltic cod had been under severe pressure. ICES estimates have since suggested that this stock will most probably remain below the B_{lim} conservation reference point in the years to come. In 2021, it became apparent that the western Baltic cod stock had also been below the B_{lim} conservation reference point for many years, and ICES underlined that several salmon populations were also not in a good condition. Until 2020, ICES estimated that the biomass of central Baltic herring was below the $B_{trigger}$ reference point. Since 2023 ICES has estimated that the biomass has actually been around B_{lim} since the mid-1990s and below B_{lim} for several years. As for 2024, the biomass is estimated to have increased to just above B_{lim} . ICES postponed to mid-September 2024 its advice for Bothnian herring but, according to ICES's 2023 advice, the biomass has been below the $B_{trigger}$ limit since 2021. The biomass of sprat has substantially decreased but is still above the $B_{trigger}$ limit. Further progress is therefore still needed to reach and maintain MSY for all Baltic Sea stocks.

ICES published its scientific advice for the various Baltic stocks on 31 May 2024, except for Bothnian herring which is postponed. In its advice, ICES estimates that: (i) the biomass of western Baltic herring and of eastern and western Baltic cod is still below B_{lim} ; (ii) the biomass of central Baltic herring is above B_{lim} but remains below $B_{trigger}$. The advice for eastern Baltic cod, western Baltic cod and salmon in the Gulf of Finland is based on the precautionary approach. The remaining six stocks have received the following MSY advice:

- sprat, herring in the Gulf of Riga and plaice are estimated to be above $B_{trigger}$;
- central Baltic herring is estimated to be below $B_{trigger}$;
- western Baltic herring is estimated to be below B_{lim} ;
- the various salmon populations in the main basin remain are estimated to be in highly varied conditions (between below R_{lim} and above R_{MSY}).

It is therefore proposed to maintain the approach taken for salmon in the main basin while decreasing the TAC by -36% compared with 2024. The proposal would decrease the fishing opportunities for salmon in the Gulf of Finland by -20% and for sprat by -42% compared with 2024. The proposal would increase the fishing opportunities for herring in the Gulf of Riga by +20% and for central herring by +108% compared with 2024. The proposal would keep unchanged the fishing opportunities for plaice. The by-catch allocations for eastern and western cod and for western herring would decrease by -68%, -73% and -50% respectively.

⁴ COM(2023)102 final of 21 February 2023.

The proposal cannot include the fishing opportunities for Bothnian herring, so the impact of the proposal on the total volume of fishing opportunities for 2025 cannot be estimated at this stage.

- **Regulatory fitness and simplification**

The proposal remains flexible in the application of quota-exchange mechanisms already laid down by regulations on fishing opportunities in the Baltic Sea in previous years. There are no new rules or new administrative procedures proposed for Union or national public authorities that could increase administrative burden.

The proposal concerns an annual regulation that applies to 2025. It therefore does not include a revision clause.

4. BUDGETARY IMPLICATIONS

The proposal has no implications for the Union budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation, and reporting arrangements**

Monitoring and compliance will be ensured in accordance with Council Regulation (EC) No 1224/2009.⁵

- **Detailed explanation of the specific provisions of the proposal**

The proposal fixes fishing opportunities for certain stocks or groups of stocks for fishing in the Baltic Sea for 2025.

To set Union quotas for stocks shared with the Russian Federation, the respective quantities corresponding to the Russian Federation's historic share in these stocks have been deducted from the catches advised by ICES. The TACs and quotas allocated to Member States are set out in the Annex to the proposal.

Regarding eastern Baltic cod, due to limited input data and issues with the assessment model, ICES downgraded the assessment to category 3 precautionary advice.⁶ For the 6th year in a row, ICES advises zero catches of eastern Baltic cod. ICES is no longer able to determine most of the conservation reference points for eastern Baltic cod but estimates that the stock size is below B_{lim} in 2024 and that it will remain below this level in the short term, even with no fishing at all. Moreover, ICES considers that the recruitment estimates are unreliable but that the trends in biomass and fishing mortality are consistent with past assessments. Given the depleted stock situation, the Council has decided since 2019 to close the targeted fishery and to adopt remedial measures functionally linked to the fishing opportunities (a spawning closure period and a ban of recreational fisheries). These remedial measures have not yet had the time to improve the stock status, so the proposal aims to maintain them in accordance with Article 3(1) of the MAP and Article 16(4) of the CFP Basic Regulation, in conjunction with

⁵ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁶ <https://doi.org/10.17895/ices.advice.25019216>

Articles 2(1) and 2(5), points (c) and 5(f), of that Regulation. Regarding the TAC level, ICES published in 2019 two pieces of special advice on unavoidable by-catches of eastern Baltic cod in other fisheries indicating that there are cod by-catches in all types of fisheries, but ICES could not quantify them.⁷ The by-catch TACs since 2019 have therefore been set following a certain by-catch threshold scenario indicated by ICES. In 2024, ICES confirmed that it was still not in a position to quantify unavoidable by-catches.⁸ Without a by-catch allocation of eastern Baltic cod all fisheries in the eastern Baltic cod management area would have to be closed. In order to avoid the severe socio-economic consequences resulting from such a total closure and in the absence of additional information, the Commission proposes to set the by-catch TAC for eastern Baltic cod at 191 tonnes, which is the level of the reported landings in the eastern Baltic cod management area in 2023.

Regarding western Baltic cod, in 2024 ICES downgraded its assessment to category 3 precautionary advice and provided very low catch advice for 2024 and 2025.⁹ The stock biomass has been below B_{lim} for most of the last 15 years. As a result, since 2021, the Council has decided to close the targeted fishery and to adopt remedial measures functionally linked to the fishing opportunities (a spawning closure period and a ban of recreational fisheries). These remedial measures have not yet had time to result in an improved stock status, so the proposal aims to maintain them in accordance with Article 3(1) of the MAP and Article 16(4) of the CFP Basic Regulation, in conjunction with Articles 2(1) and 2(5), points (c) and (f), of that Regulation. Regarding the TAC level, ICES has so far not been in a position to quantify the level of western Baltic cod by-catches in other fisheries, but there are western Baltic cod by-catches in all other fisheries.¹⁰ Without a by-catch allocation of western Baltic cod all fisheries in the western Baltic cod management area would have to be closed. In order to avoid the severe socio-economic consequences resulting from such a total closure and in the absence of additional information, the Commission proposes to set the by-catch TAC for western Baltic cod at 93 tonnes, which is the level of the reported landings in the western Baltic cod management area in 2023.

Regarding plaice, the TAC is a combination of: (i) the MSY advice for the stock in subdivisions 21 to 23; and (ii) the MSY advice for the stock in subdivisions 24 to 32, which ICES upgraded to ICES data category 2 MSY advice in 2022.¹¹ According to the ICES advice for 2025, both stocks have experienced extraordinary recruitment in several years since 2019. Moreover, since 2020-2021, total landings have substantially decreased and discards have increased. Furthermore, multispecies interactions should be taken into account, given that cod is an unavoidable by-catch in plaice fisheries, and that by-catch levels can be significant, although more selective fishing gears are expected to become mandatory in 2025 via a Commission delegated regulation. In the absence of additional information from ICES and in order to strike a balance between allowing these targeted plaice fisheries to continue operating while minimising the associated by-catches of Baltic cod, the Commission proposes to set the TAC in accordance with Article 4(4) of the MAP and keep its level unchanged.

Regarding western Baltic herring, in its advice for 2025 ICES substantially downsized the stock size and estimates that, while it has increased since 2023, it is only 60% of B_{lim} in 2024.¹² ICES also estimates that the biomass will remain below B_{lim} at least until 2026, even

⁷ <https://doi.org/10.17895/ices.advice.5276>; <https://doi.org/10.17895/ices.advice.5649>

⁸ <https://doi.org/10.17895/ices.advice.24799266>

⁹ <https://doi.org/10.17895/ices.advice.21820494>

¹⁰ See footnotes 7 and 8.

¹¹ <https://doi.org/10.17895/ices.advice.25019435>; <https://doi.org/10.17895/ices.advice.25019438>

¹² <https://doi.org/10.17895/ices.advice.25019273>

with no fishing at all. Recruitment has been historically low for about 10 years. As none of the catch scenarios would bring the biomass of western Baltic herring above B_{lim} in 2026, ICES reiterates, for the 7th consecutive year, its advice to allow zero catches. Since 2021, the Council has decided to close the targeted fishery except for purely scientific fisheries and small-scale coastal fisheries, and to set a TAC for unavoidable by-catches to avoid choking other fisheries. These remedial measures have not yet had time to result in an improved stock status. The Commission therefore proposes, in accordance with Article 4(6) and 5(2) of the MAP, to keep the targeted fishery closed and to discontinue the exemption for small-scale coastal fisheries. Regarding the TAC level, ICES has so far not been in a position to quantify the level of western Baltic herring by-catches in other fisheries, but there are western Baltic herring by-catches in the targeted sprat fisheries.¹³ In order to avoid the socio-economic consequences resulting from the closure of the targeted sprat fisheries in the western Baltic herring management area and in the absence of additional information, the Commission proposes to set the by-catch TAC for western Baltic herring at 394 tonnes.

ICES has postponed its assessment of herring in the Gulf of Bothnia, until mid-September 2024. The fishing opportunities for that stock in this proposal are therefore marked 'pm' (pro memoria). Once the most recent available scientific advice becomes available, this proposal will be updated by means of a Commission services' non-paper.

Regarding central Baltic herring, the status of the biomass of the stock has been uncertain since 2020. ICES therefore undertook a benchmarking study in 2023. ICES estimates that the biomass has been below B_{lim} for most of the past 30 years, including in 2023, but increased above B_{lim} in 2024.¹⁴ The short-term forecast for the stock development results in a catch advice that would almost triple the TAC compared with 2024. The forecast is, however, based on optimistic recruitment estimates and ICES explicitly states that they are uncertain. Moreover, even under these optimistic recruitment estimates and with no fishing at all, the probability that the stock will remain below $B_{trigger}$ in 2026 is still 55%. Therefore, in accordance with Article 5(1) of the MAP, the Commission proposes to set the TAC at the F_{MSY} lowest point.

Regarding herring in the Gulf of Riga,¹⁵ the stock is above $MSY B_{trigger}$ so the Commission proposes to set the TAC in accordance with Article 4(3) of the MAP.

Regarding sprat, according to the ICES advice for 2025, the biomass of the stock is still above $B_{trigger}$ but has substantially decreased mostly due to continued historically low recruitment since 2021.¹⁶ ICES also stresses that the stock development forecast is based on optimistic recruitment estimates with the result that the stock biomass might fall below $B_{trigger}$ if actual recruitment was lower. Moreover, the catch scenarios of the F_{MSY} range do not ensure that the probability for the stock to fall below B_{lim} is less than 5%. The Commission therefore proposes to set the TAC below the F_{MSY} lowest point, in accordance with Article 4(6) of the MAP.

Regarding salmon river stocks, since at least the 1990s, ICES has stated that the status of those stocks in the Baltic Sea area is heterogeneous, with some salmon river stocks being in a good condition but others not. Following a benchmarking study, ICES has stated since its advice for 2022 that all commercial and recreational salmon catches should stop in the main basin, because they are inherently mixed fisheries catching salmon from all river stocks.

¹³ See footnote 8.

¹⁴ <https://doi.org/10.17895/ices.advice.23310368>

¹⁵ <https://doi.org/10.17895/ices.advice.25019279>

¹⁶ <https://doi.org/10.17895/ices.advice.25019687>

However, ICES at the same time has also considered that continuing the existing targeted fishery in some northern coastal areas during the salmon summer migration would still be possible. Therefore, since 2021, the Council has decided to close the targeted salmon fishery in the main basin and to set a by-catch TAC for unavoidable by-catches, with an exemption for scientific fisheries, while keeping the targeted salmon fishery open during the summer period in the relevant northern coastal areas. Since 2021, the Council has also adopted further remedial measures functionally linked to the fishing opportunities (prohibition to use longlines and to fish for sea trout outside coastal areas; daily bag limit of one fin-clipped salmon per angler in most areas). The ICES advice for 2025 follows the same approach as in previous years.¹⁷ ICES considers that targeted salmon fishing under certain conditions can again take place in the Åland Sea and in the Bothnian Sea (ICES subdivisions 29N and 30) but that the level of recommended maximum catches should be decreased. ICES also states that the survival rate of wild post-smolts declined to a historic low in 2021 (which might even be an overestimate) and that the estimate for 2022 is uncertain. Furthermore, the spawning run has substantially decreased since 2021, and notably was in 2023 the lowest by far in the time series (only about a third of the 10-year average) for the most productive salmon river. Finally, ICES estimates that the post-release mortality of wild salmon in recreational trolling fisheries for adipose fin-clipped (i.e. reared) salmon is 25% resulting in approximately 2 000 dead wild salmon. The Commission therefore proposes, in accordance with Article 16(4) of the CFP Basic Regulation, in conjunction with Articles 2(1) and 2(5), points (c) and (f), of that Regulation, to: (i) allow targeted commercial coastal summer salmon fisheries in ICES subdivisions 29N to 31; (ii) adjust the TAC to the level advised by ICES; (iii) maintain the current remedial measures; (iv) maintain the limited inter-area flexibility to ensure the full use of coastal fishing opportunities in ICES subdivision 32; and (v) discontinue the possibility of recreational salmon fisheries except during the summer in the coastal areas in ICES subdivisions 29N to 31.

Regarding salmon in the Gulf of Finland, ICES issued precautionary advice for 2025.¹⁸ The Commission therefore proposes a TAC in accordance with Article 16(4) of the CFP Basic Regulation. Based on the past quota consumption, the Commission proposes to maintain the limited inter-area flexibility between the two salmon TACs.

Council Regulation (EC) No 847/96 lays down further conditions for year-to-year management of TACs including, under Articles 3 and 4, flexibility provisions for stocks subject to precautionary and analytical TACs, respectively. Article 2 stipulates that, when fixing the TACs, the Council must decide to which stocks Articles 3 and 4 should not apply, in particular based on the biological status of the stocks. The Commission proposes to exclude year-to-year flexibility pursuant to Articles 3 and 4 of Regulation (EC) No 847/96 for analytical stocks with a biomass below B_{lim} and for precautionary stocks for which ICES recommends either zero catches or suspending the targeted fishery. Article 15(9) of the CFP Basic Regulation also lays down a year-to-year flexibility mechanism for all stocks that are subject to the landing obligation. In order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources and make it difficult to achieve the CFP objectives, it should be clarified that Articles 3 and 4 of Regulation (EC) No 847/96 only apply if Member States do not use the year-to-year flexibility provided for in Article 15(9) of the CFP Basic Regulation. Furthermore, year-to-year flexibility for quotas under Article 15(9) of the Basic Regulation should also be excluded if this would undermine the achievement of the CFP objectives, in particular for: (i) analytical

¹⁷ <https://doi.org/10.17895/ices.advice.25019630>

¹⁸ <https://doi.org/10.17895/ices.advice.25019633>

stocks with a biomass below B_{lim} and for which only by-catch or scientific fisheries will be permitted; and (ii) for precautionary stocks for which only such fisheries will be permitted.

The Commission also proposes to amend Council Regulation (EU) 2024/257 to set a TAC for Norway pout, for which the fishing year starts on 1 November 2024. The TAC level is marked as 'pm' (pro memoria), pending the publication of the ICES advice expected on 11 October 2024 and the outcome of the consultations with the United Kingdom.

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fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2025 and amending Regulation (EU) 2024/257 as regards certain fishing opportunities in other waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Council is to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked to these fishing opportunities, as appropriate. Under Article 16(4) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹, fishing opportunities are to be fixed in accordance with the objectives of the common fisheries policy (CFP) as set out in Article 2(2) of that Regulation. Under Article 16(1) of Regulation (EU) No 1380/2013, fishing opportunities are to be allocated between Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each stock or fishery.
- (2) The total allowable catches (TACs) should therefore be established, in accordance with Article 3 of Regulation (EU) No 1380/2013, on the basis of the available scientific advice, taking into account biological and socio-economic implications while also ensuring fair treatment between fishing sectors and taking into account the opinions expressed during consultations with stakeholders.
- (3) Regulation (EU) 2016/1139 of the European Parliament and of the Council² establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks. In accordance with Article 3(1) of that Regulation, that plan aims to contribute to the achievement of the objectives of the common fisheries policy (CFP) listed in Article 2 of Regulation (EU) No 1380/2013. In particular, the plan seeks to ensure that the exploitation of living marine biological resources restores and maintains populations of harvested species above levels that can produce the maximum sustainable yield (MSY). The plan also aims to contribute to ensure that fishing and aquaculture activities are environmentally sustainable in the

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 (OJ L 354, 28.12.2013, p. 22).

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 (OJ L 191, 15.7.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/1139/oj>).

long term and are managed in a way that is consistent with the objectives of achieving economic, social, and employment benefits, and contributing to the availability of food supplies. These objectives, as further specified in Article 2(5), points (c) and (f), of Regulation (EU) No 1380/2013, include providing conditions for a viable and competitive fishing, capture and processing industry and land-based fishing related activities. Furthermore, they aim to ensure a fair standard of living for those dependent on fishing activities, particularly considering coastal fisheries and socio-economic aspects.

- (4) On 31 May 2024, the International Council for the Exploration of the Sea (ICES) published its annual stock advice for Baltic stocks for 2025. According to ICES, the vast majority of the fisheries in the Baltic Sea have at least some degree of mixing between stocks. That mixing concerns both stocks managed by a TAC and stocks not managed by a TAC. The most important degree of mixing occurs among pelagic species and demersal species respectively.
- (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.
- (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. 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.

- (7) As regards the western Baltic cod stock, ICES downgraded its advice last year to precautionary advice due to continued uncertainties in the advice and recommended extremely low catch levels for 2024 and 2025. Moreover, ICES estimated in 2021 that the stock fell below B_{lim} 15 years ago and has remained below that conservation reference point ever since, reaching a historic low in 2022. 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. 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 to avoid the socio-economic consequences that would result from setting the fishing opportunities at zero.
- (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.
- (9) In order to ensure the full use of coastal fishing opportunities for salmon in ICES subdivision 32, it is appropriate to maintain the limited inter-area flexibility for salmon between ICES subdivisions 22 to 31 and ICES subdivision 32 that was introduced in 2019.
- (10) Prohibiting fishing for sea trout beyond four nautical miles measured from the baselines and limiting by-catches of sea trout to 3% of the combined catch of sea trout and salmon has contributed to a substantial reduction in the previously high levels of misreporting of catches in the salmon fishery, in particular as catches of sea trout. It is therefore appropriate to maintain the existing restrictions in order to continue ensuring low levels of misreporting.
- (11) Measures on recreational fisheries of cod and salmon and measures for the conservation of sea trout and salmon stocks should be without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.
- (12) [placeholder for herring in the Gulf of Bothnia].
- (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, it is therefore appropriate 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.

- (14) As regards central Baltic herring, ICES estimates that the stock has been below B_{lim} most of the last 30 years. For 2024, ICES estimates that, due to increased weight-at-age and strong recruitment in 2022, the stock has increased above B_{lim} but is still far below $B_{trigger}$. The catch advice is for an increase compared with 2024, but ICES underlines that the recruitment estimates for 2023 and 2024 are uncertain. Moreover, the probability that the stock will remain below $B_{trigger}$ in 2026 is still 55% even with no fishing at all and despite the estimated positive forecast. In accordance with Article 5(1) of Regulation (EU) 2016/1139, it is therefore appropriate to set the fishing opportunities accordingly.
- (15) As regards herring in the Gulf of Riga, ICES estimates that the biomass is above $B_{trigger}$ and the fishing pressure at F_{MSY} . In accordance with Article 4(3) of Regulation (EU) 2016/1139, it is therefore appropriate to set the fishing opportunities accordingly.
- (16) As regards plaice, according to ICES, cod is by-caught in the plaice fisheries. Moreover, the discard rate of plaice has increased substantially in recent years. In accordance with Article 4(4) of Regulation (EU) 2016/1139, it is therefore appropriate to take these factors into account and to set the fishing opportunities for plaice accordingly.
- (17) As regards sprat, ICES estimates that, while the biomass is still above $B_{trigger}$, 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_{MSY} ranges ensures that the probability of the stock biomass falling below B_{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.
- (18) The use of the fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009³ and in particular Article 33 thereof on the recording of catches and fishing effort and Article 34 thereof on the transmission of data on the exhaustion of fishing opportunities to the Commission. This Regulation should therefore specify the codes relating to landings of stocks subject to this Regulation that Member States are to use when sending data to the Commission.
- (19) Articles 3 and 4 of Council Regulation (EC) No 847/96⁴ provide for year-to-year flexibility for quotas for stocks subject to precautionary and analytical TACs. Under Article 2 of that Regulation, the Council is, when fixing the TACs, to decide the stocks

³ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1224/oj>).

⁴ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3, ELI: <http://data.europa.eu/eli/reg/1996/847/oj>).

to which Articles 3 and 4 are not to apply, in particular on the basis of their biological status. Moreover, Article 15(9) of Regulation (EU) No 1380/2013 provides for further year-to-year flexibility for all stocks that are subject to the landing obligation. In order to avoid excessive flexibility that would undermine the achievement of the objectives of the CFP, year-to-year flexibility for quotas pursuant to Articles 3 and 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013 should not apply cumulatively. In addition, year-to-year flexibility under Article 15(9) of Regulation (EU) No 1380/2013 should, where relevant, be excluded on the basis of the biological status of stocks.

- (20) The biomass of the eastern Baltic cod, western Baltic cod and western Baltic herring stocks is below B_{lim} . For all these stocks only by-catch and scientific fisheries are permitted in 2025. Therefore, and given the relatively low resilience of the Baltic Sea ecosystem, the Member States that have a quota share of the relevant TACs have undertaken not to apply the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 to those stocks in 2025 so that catches in 2025 do not exceed the relevant TACs. Furthermore, south of latitude 59° 30' N, the biomass of almost all salmon river stocks is below the limit reference point for smolt production (R_{lim}) and only by-catch and scientific fisheries are permitted in 2025. The relevant Member States have therefore made a similar commitment regarding year-to-year flexibility in relation to main-basin salmon catches in 2025.
- (21) [*placeholder for Norway pout*: Council Regulation (EU) 2024/257⁵ fixes fishing opportunities for Norway pout until 31 October 2024 in ICES division 3a (the Skagerrak-Kattegat), United Kingdom and Union waters of subarea 4, and United Kingdom waters of 2a (the North Sea). The fishing period for Norway pout is from 1 November to 31 October. To enable the start of the fishery on 1 November 2024, and based on new scientific advice and following consultations with the United Kingdom, it is necessary to fix a provisional TAC for Norway pout in ICES division 3a, United Kingdom and Union waters of subarea 4, and United Kingdom waters of ICES division 2a from 1 November 2024 to 31 December 2024. This provisional TAC should be fixed in line with ICES advice published on 11 October 2024.]
- (22) [*placeholder for other modifications to Council Regulation (EU) 2024/257*].
- (23) Regulation (EU) 2024/257 should therefore be amended accordingly.
- (24) To avoid the interruption of fishing activities, the provisions of this Regulation relating to the Baltic Sea should apply from 1 January 2025. However, this Regulation should apply to Norway pout in the Skagerrak-Kattegat and in the North Sea for purposes of clarity]from 1 November 2024 until 31 October 2025 because that is the fishing season for Norway pout. For reasons of urgency, this Regulation should enter into force immediately after publication,

HAS ADOPTED THIS REGULATION:

⁵ Council Regulation (EU) 2024/257 of 10 January 2024 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 2024/0, 11.1.2024, ELI: <http://data.europa.eu/eli/reg/2024/257/oj>).

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation fixes the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea for 2025 and amends certain fishing opportunities in other waters fixed by Regulation (EU) 2024/257.

Article 2

Scope

1. This Regulation applies to Union fishing vessels operating in the Baltic Sea.
2. It also applies to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 apply.

In addition, the following definitions apply:

- (1) ‘subdivision’ means an International Council for the Exploration of the Sea (ICES) subdivision of the Baltic Sea as defined in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council⁶;
- (2) ‘total allowable catch (TAC)’ means:
 - (a) in fisheries subject to the exemption from the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;
 - (b) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (3) ‘quota’ means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (4) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport;
- (5) ‘analytical assessment’ means a quantitative evaluation of trends in a given stock, based on data about the stock’s biology and exploitation, including based on proxies, which scientific review has indicated to be of sufficient quality to provide scientific advice;
- (6) ‘analytical TAC’ means a TAC for which an analytical assessment is available;

⁶ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70, ELI: <http://data.europa.eu/eli/reg/2009/218/oj>).

- (7) ‘precautionary TAC’ means a TAC for which an analytical assessment is not available and for which either an assessment based on the precautionary approach is available or no assessment is available.

CHAPTER II FISHING OPPORTUNITIES

Article 4

TACs and allocations

The TACs, quotas and, where appropriate, measures functionally linked thereto, are set out in the Annex.

Article 5

Special provisions on allocation of fishing opportunities

1. The allocation of fishing opportunities among Member States set out in this Regulation shall be without prejudice to:
 - (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
 - (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and under Article 15(9) of Regulation (EU) No 1380/2013;
 - (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and transferred under Article 15(9) of Regulation (EU) No 1380/2013;
 - (e) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.
2. Stocks subject to precautionary or analytical TACs for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96 are identified in the Annex to this Regulation.
3. Except where otherwise specified in the Annex to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC, and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 6

Conditions for landing of catches and by-catches

The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 to which the derogation from the obligation to count catches against the relevant quotas applies are identified in the relevant TAC tables in the Annex to this Regulation.

Article 7

Closures to protect cod spawning

1. It shall be prohibited to fish with any type of fishing gear in subdivisions 25 and 26 from 1 May to 31 August.
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) 2019/1241 of the European Parliament and of the Council⁷;
 - (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, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities;
 - (c) Union fishing vessels that fish in subdivision 25 for pelagic stocks for direct human consumption, using gears with a mesh size of 45 mm or less, in areas where the water depth is less than 50 metres according to the coordinates on the official sea chart issued by the competent national authorities, and whose landings are sorted.
3. It shall be prohibited to fish with any type of fishing gear in subdivisions 22 and 23 from 15 January to 31 March and in subdivision 24 from 15 May to 15 August.
4. The prohibition laid down in paragraph 3 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) 2019/1241;
 - (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, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities;
 - (c) Union fishing vessels that fish in subdivision 24 for pelagic stocks for direct human consumption, using gears with a mesh size of 45 mm or less, in areas where the water depth is less than 40 metres according to the coordinates on the official sea chart issued by the competent national authorities, and whose landings are sorted;
 - (d) Union fishing vessels that fish with dredges for bivalve molluscs in subdivision 22, in areas where the water depth is less than 20 metres according to the

⁷ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105, ELI: <http://data.europa.eu/eli/reg/2019/1241/oj>).

coordinates on the official sea chart issued by the competent national authorities.

5. Masters of Union fishing vessels referred to in paragraph 2, points (b) or (c), and paragraph 4, points (b), (c) or (d), shall ensure that their fishing activities can be monitored at any time by the control authorities of the competent Member State.

Article 8

Measures on recreational fisheries of cod in subdivisions 22 to 26

Recreational fisheries of cod shall be prohibited in subdivisions 22 to 26.

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 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.

Article 10

Measures for the conservation of the sea trout and salmon stocks in subdivisions 22 to 32

1. Union fishing vessels shall not fish for sea trout beyond four nautical miles measured from the baselines in subdivisions 22 to 32. When fishing for salmon beyond four nautical miles measured from the baselines in subdivision 32, by-catches of sea trout shall not exceed 3 % of the total catch of salmon and sea trout on board at any moment or landed after each fishing trip.
2. Fishing with longlines for sea trout or salmon beyond four nautical miles measured from the baselines in subdivisions 22 to 31 shall be prohibited.
3. This Article is without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.

Article 11

Data transmission

When Member States send data relating to quantities of stocks caught or landed to the Commission pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in the Annex to this Regulation.

CHAPTER III FINAL PROVISIONS

Article 12 **Amendment of Regulation (EU) 2024/257**

Regulation (EU) 2024/257 is amended as follows:

(1) In Annex IA, Part B, Table 122 is replaced by the following:

“

Table 122

Species:	Norway pout and associated by-catches <i>Trisopterus esmarkii</i>			Zone:	3a; United Kingdom and Union waters of 4; United Kingdom waters of 2a (NOP/2A3A4.)
Year	2024			2025	
Denmark	8 226	⁽¹⁾ (³)	<i>pro memoria (pm)</i>	(¹)(⁶)	Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply Article 4 of Regulation (EC) No 847/96 does not apply
Germany	2	(¹)(²)(³)	<i>pm</i>	(¹)(²)(⁶)	
Netherlands	6	(¹)(²)(³)	<i>pm</i>	(¹)(²)(⁶)	
Union	8 234	(¹)(³)	<i>pm</i>	(¹)(⁶)	
Norway	2 058	(⁴)	<i>pm</i>	(⁴)	
Faroe Islands	0	(⁵)	<i>pm</i>	(⁵)	
United Kingdom	0	(²)(³)	<i>pm</i>	(²)(⁶)	
TAC	10 292				

- (1) Up to 5% of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9% of the quota.
- (2) This quota may only be fished in United Kingdom and Union waters of 2a, 3a and 4.
- (3) May only be fished from 1 November 2023 to 31 October 2024.
- (4) A sorting grid shall be used.
- (5) A sorting grid shall be used. Includes a maximum of 15% of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.
- (6) May be fished from 1 November 2024 to 31 October 2025.

“

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

Article 13 **Entry into force and application**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January to 31 December 2025.

By way of derogation from the second subparagraph:

- (a) Article 12, point (1), shall apply from 1 November 2024 until 31 October 2025;
- (b) [placeholder for other modifications to Council Regulation (EU) 2024/257].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*