Introduction

On October the 6th, the Commission tabled a proposal on a Multi-Annual Plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks (2014/0285). The proposal is an attempt at managing the Baltic Sea fish stocks in a multi-species context. According to the proposal, the plan will be focused on managing cod, sprat and herring, which are the most important commercial fish stocks in the Baltic Sea and are key elements of the whole Baltic Sea ecosystem. The three stocks interact as cod predate on sprat and herring, so the productivity of the stocks are therefore dependent on each other. The plan aims to take into account the effects of fishing activities on other species apart from the target species, in this case flatfish, which are regularly caught as by-catch in the cod fisheries. The plan replaces the management plan in place for the two Baltic Sea cod stocks, and aims at being adaptive as it leaves room for Member States and stakeholders to implement the plan in their sea basin, and empowers local stakeholders to develop technical measures. The plan contains objectives and targets on how to achieve fishing mortality levels in line with Maximum Sustainable Yield (MSY) target. It contains biomass trigger levels, with the aim of keeping the stock at full reproductive capacity. The plan will also serve as the main instrument to implement the obligation to land all catches for cod, sprat and herring.

Oceana’s general comments on the proposal

Oceana is positive to see Multi Annual management plans are being developed in the EU, and views this as an important step towards ending overfishing and recovering EU fish stocks. The proposal from the Commission on a joint management plan for cod, sprat and herring in the Baltic Sea is highly welcomed, particularly since sprat and herring currently lack management plans, and the current long term management plan in place for cod is outdated. In Oceana’s opinion, the Commission proposal is a step in the right direction towards applying the ecosystem approach to fisheries, as the plan makes an attempt to consider predator-prey interactions, as well at considering the effects of the cod fisheries on flatfish, which is a common by-catch. The species interactions included in the plan are very limited however, as it only considers the predation of cod on sprat and herring. Oceana is of the opinion that the plan could be improved from an environmental perspective in several aspects. Firstly, the fishing mortality ranges are based on preliminary information from ICES, so it seems premature to take decisions on long-term exploitation rates without having a solid scientific basis. We are particularly worried about the impact this will have on the eastern cod stock, where recent scientific advice implies that the stock is in a rather poor state, however the exact reasons for this are currently unknown.

Moreover, in order to enable European fish stocks to fully recover, it is of our opinion that management plans should also address the objectives to reach Good Environmental Status by 2020 of the Marine Strategy Framework Directive (2008/56/EC). Unfortunately this proposal fails to do so by not making
clear references to the MSFD in the objective and by not including biomass targets equivalent to MSY, or targets to achieve a healthy size and age distribution for the fish stocks included in the plan (descriptor 3 of the MSFD). This management plan should in our opinion also contribute to achieving GES for Descriptor 1 on biodiversity, Descriptor 4 on food webs and descriptor 6 on seafloor integrity. We recognize the fact that this is challenging, particularly as some of the indicators for the descriptors are still under development. However, we recommend that a timetable for the inclusion of targets to achieve GES of the MSFD is included in the plan.

In general Oceana is positive to the possibility of empowering the Commission to adopt delegated acts, which can facilitate a more adaptive, flexible and regional approach to fisheries management. However, when it comes to some conservation and emergency measures we would like to see those better developed and specified in the plan as although the process of delegated acts is faster than the normal co-decision procedure, it may still be too slow to allow for quick reactions if any of the stocks mentioned in the plan would be threatened. Oceana would therefore like to see a more detailed outline of the actions to be taken if any of the stocks reaches biomass levels described in article 5, for the species concerned, or emergency measures needed to ensure the conservation of plaice, flounder and brill under article 6.

Finally, as cod is a top predator that plays a key role in the Baltic Sea ecosystem, Oceana considers that the recovery of the cod stocks must be given the highest priority of the plan.

**Content of the Commission proposal and detailed comments**

**Species included, article 1:**

The proposal includes both of the cod stocks (Western and Eastern), all herring stocks (Central, Gulf of Riga, Bothnian Sea, Bothnian Bay, and Western herring) and the sprat stock. It also applies to plaice, flounder, turbot and brill in all areas where these species are caught as by-catch in the cod fisheries.

**Objectives, targets and reference points, article 3 - 5:**

**Article 3, Objective**

The objective of the plan is to achieve and maintain MSY for cod, herring and sprat and to ensure the conservation of plaice, brill, flounder and turbot in line with the precautionary approach, as well as to contribute to the obligation to land all catches.

The proposal does not reflect the language used in article 2.2 of the Basic Regulation in the objective. **Oceana recommends that the objective of the CFP to achieve and maintain fish stocks ABOVE levels capable of producing MSY is included in the objective of the plan.**

Moreover, **reference to the MSFD should be made in the objective.** The objective should clearly state that the plan will contribute to the achievement of GES for commercial fish stocks, particularly concerning descriptor 3 of the MSFD, which is treating commercial fish species. Other descriptors that are also relevant for this plan are descriptor 1 for biodiversity, descriptor 4 for food webs and descriptor 6 for bottom integrity.

**Article 4, targets**

The proposal specifies target fishing mortalities (F) expressed as ranges, based on preliminary single species advice from ICES, according to the following:
Western Baltic cod: 0.23-0.29

Eastern Baltic cod\(^1\): 0.41-0.51

Central Baltic herring: 0.23-0.29

Gulf of Riga herring: 0.32-0.39

Bothnian Sea herring: 0.13-0.17

Western Baltic herring: 0.25-0.31

Sprat: 0.26-0.32

Bothnian Bay herring is classified as data limited by ICES and therefore the mortality target is not defined. This stock is currently managed with a joint Total Allowable Catch (TAC) together with Bothnian Sea herring. It should be noted that the Eastern cod stock is also classified as data limited, and a new benchmarking process is under way for this stock.

Oceana is concerned about the ranges of the fishing mortality targets presented in the proposal as they are based on preliminary information from ICES. In March 2015, ICES plans to deliver its advice on fishing mortality ranges equivalent with MSY exploitation rates.\(^2\)

In terms of specific stocks, Oceana’s main concern is with the eastern Baltic cod stock, as the F range for this stock is very high; it is set at 0.41-0.51 as opposed to 0.23-0.29 for the western cod stock. According to ICES there is migration of cod between the two stocks. The proposed F target range is also very high when compared to F\textsubscript{msy} proxies for other cod stocks in the North Atlantic\(^3\). The suggested harvest rate therefore implies that the eastern Baltic cod is perhaps the most productive cod stock in the world. Moreover, it seems that catch volume is being prioritized over the rebuilding of fish stocks, as a larger catch on herring and sprat, the main prey for cod, is enabled by setting a high fishing mortality on cod, the predator. The Scientific, Technical and Economic Committee for Fisheries has advised that more scientific work is needed in order to understand the risks of fishing at these higher exploitation rates\(^4\).

In its latest advice, ICES proposed a reduction in catches for the eastern cod stock due to data quality considerations and is therefore planning to benchmark the stock in the near future. In this it is reported that there has been a rapid decrease in large cod during recent years\(^5\). The stock now mostly consists of thin and small individuals and is limited to a small geographic area, as several former spawning grounds have been lost due to oxygen deficiency. It is evident that the stock is still in need of further recovery, and should therefore in our opinion be carefully managed in the coming years.

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\(^1\) This stock is currently classified as data limited according to ICES, ICES advice 2014 book 8.
\(^2\) ICES advice 2014, book 11
\(^3\) The following are some examples from the ICES advice in 2014 for cod: F\textsubscript{msy} for the North Sea, Eastern Channel and the Skagerrak is estimated at 0.19 as well as for the cod stock west of Scotland. For Celtic cod and the North East Arctic cod F\textsubscript{msy} is estimated at 0.4. For North American stocks; Georges Bank and the Gulf of Saint Lawrence F\textsubscript{msy} is estimated at around 0.2.

\(^4\) Report of the STECF expert group meeting on: Multispecies management plans for the Baltic (STECF-12-06).
According to several fisheries scientists, fishing mortality should not exceed the mortality caused by the average rate of natural mortality of the exploited state of the stock (M)\(^6\). M is the combined mortality caused by natural causes such as predation and disease. M is therefore used as a proxy for Fmsy for some data poor stocks by the US National Oceanic and Atmospheric Administration\(^7\). M for the eastern cod stock is estimated at 0.2\(^8\). Thus, the proposed F range for the eastern cod stock is far above what would be considered sustainable exploitation in this context.

According to the CFP, fish stocks are to be recovered above levels that are able to produce MSY by 2015, and at the latest by 2020. In order to ensure this, it is our opinion that Fmsy should be seen as an upper limit to exploitation rather than a target. Oceana is of the opinion that achieving MSY management is a big step towards rebuilding European fish stocks. However, in the long-term perspective, fisheries managers should look beyond MSY as the MSY concept has been widely criticized by scientists for decades as it puts fish stocks under heavy pressure, as populations are fished down to around 50%, and even lower, of its unfished biomass in order to produce MSY. The MSY concept lacks key conservation targets, such as ensuring that populations contain a desired amount of large fecund fish, which are crucial to successful reproduction, particularly during years of poor recruitment\(^9\).

**Oceana is of the opinion that the Council and Parliament should postpone the further development of this plan until ICES has presented their updated advice, and that the Council and Parliament must also ensure that the plan leads to a recovery of the cod stocks. Additionally, the plan should also outline the process on how to modify F targets in accordance with new and updated scientific advice.**

**Article 5, conservation reference points**

There are conservation reference points defined for some of the stocks, expressed as Spawning Stock Biomass (SSB) levels, based on the minimum level consistent with full reproductive capacity, also known as safe biological limits. ICES refers to this level as Bpa. The idea is to use these levels as safeguards, in order to trigger remedial management measures in case the stock should fall below these levels.

The following levels have been established (expressed in tonnes):

- **Western Baltic cod:** 36 400
- **Eastern Baltic cod:** 88 200
- **Central Baltic herring:** 600 000
- **Western Baltic herring:** 110 000
- **Sprat:** 570 000

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No biomass levels have been defined for herring in the Gulf of Riga, Bothnian Sea or Bothnian Bay.

Oceana believes that the inclusion of conservation reference points can help to ensure that fish stocks are maintained in good condition. We therefore acknowledge the good intentions with the conservation reference points expressed as biomass levels. However, as these levels are based on the precautionary levels set to avoid impaired recruitment, known as Bpa, we are of the opinion that the level of ambition to ensure fish stock recovery in the Baltic Sea is very low. Instead of establishing trigger points which could be seen as an alarm system to avoid disaster, where managers are able to take emergency measures in case fish stocks fall below a certain level, we recommend that estimated biomass levels equivalent to MSY exploitation are included in the management plan. This will enable managers to ensure that one of the key objectives of the CFP is achieved; to ensure fish stock recovery to levels above which are able to produce MSY (article 2 of Council Regulation 1380/2013).

As ICES currently lack estimations for SSB MSY for many European stocks, we therefore urge the Council, Parliament and the Commission to ask ICES to develop these in order to fulfill the CFP obligation to recover fish stocks above levels that are able to produce MSY. The plan should enable the inclusion of these once they have been developed by ICES.

Moreover, in our opinion, the management of the main species in the Baltic Sea should aid in contributing to EU environmental legislation, particularly to ensure GES of the MSFD. Descriptor 3 of the MSFD is put in place in order to ensure GES of commercial fish stocks. Descriptor 3 sets out three different criteria in order to monitor GES; $F_{msy}$, $B_{msy}$, and a population age and size distribution that is indicative of a healthy stock.

The Commission proposal includes only one of these, $F_{msy}$. The management plan could aid in the second criteria, $B_{msy}$, by modifying the proposed conservation reference points expressed as biomass levels, or alternatively by adding an additional table where the current table in article 5 is used to trigger emergency measures as currently described and an additional table with $B_{msy}$ proxies are used to monitor whether or not the CFP obligation to reach $B_{msy}$ is achieved. The plan should also clearly outline what actions are to be taken in relation to these biomass safeguards as currently this is completely unspecified.

We also recommend that an additional conservation reference point is included which ensures that a healthy size and age distribution is achieved and maintained for the species concerned, as well as for the by-catch species included in the proposal. ICES has already been commissioned to develop these under the MSFD, and we therefore suggest that those are included in this management plan once they become operational.

As this management plan is the main vehicle managing the most important commercial fish stocks in the Baltic Sea, it has great potential to achieve the targets of the MSFD. The inclusion of the descriptor for commercial fish stocks of the directive should therefore naturally be included in the management plan.

Oceana recommends that the SSB conservation reference points are revised or complemented in order to ensure the achievement of MSY biomass levels in line with the CFP and the MSFD objectives, and that additional targets for the achievement of healthy size and age structure of fish populations are included in line with the MSFD. The article 5 should also include concrete actions to be taken should these limit values be reached.
**Conservation measures for plaice, flounder, turbot and brill, article 6**

According to the proposal the Commission shall be empowered to adopt delegated acts\(^\text{10}\) in accordance with article 15 of the CFP Basic Regulation (1380/2013) on specific conservation measures for plaice, flounder, turbot or Brill, if scientific advice states that this is needed. The proposed conservation measures consist of the adaptation of fishing capacity and effort as well as temporal and spatial prohibitions and limitations, and technical measures.

Oceana welcomes this part of the proposal as it is a step towards applying the ecosystem based approach to fisheries. As these species have a technical interaction with the target species (as they are caught as bycatch in cod fisheries), we consider this inclusion as highly relevant. However, the proposal fails to outline the actions that shall be taken in the event that these stocks would be under threat. The plan also fails to define threshold levels for biomass or other indicators that would determine if these stocks are in Good Environmental Status and not threatened.

**Oceana is positive towards the proposal to allow the Commission to adopt emergency measures with the purpose of ensuring the conservation of plaice, founder, turbot and Brill. However, Oceana recommends that the specific actions to be taken should be outlined in case the stocks would be threatened, as well as definitions of relevant indicators such as biomass levels that ensure that the stocks are in Good Environmental Status.**

**Landing obligation, technical measures and regionalization, article 7-10**

The proposal makes reference to the landing obligation (COM(2014) 7551 final), and specifies potential derogations from the discard ban. The Commission proposes to be able to adopt delegated acts for exemptions from the ban according to article 15 in the CFP Basic Regulation (1380/2013). The derogations are for species where fishing is prohibited and for gear that demonstrates high survival rates of species after release back into the sea, such as pots, creels and trapnets, as well as *de minimis* exemptions.

The proposal suggests that the Commission will be empowered to adopt delegated acts in order to implement technical measures according to article 15 of the Basic Regulation (1380/2013), with the primary aim of protecting juveniles or spawning fish. Such measures are rules and specifications of fishing gears and Minimum Conservation, Reference Sizes (MCRS). Measures may also derogate for certain *non essential* legal elements from the current technical measures regulation for the Baltic Sea (2187/2005) in order to meet the objective of the plan to protect juvenile and spawning fish, until regulation 2187/2005 has been revised.

The plan is to implement article 18 of Regulation 1380/2013 by empowering member states to submit joint proposals on measures with the aim of achieving union conservation measures to be adopted as delegated acts, and the proposal lays out the timeline for this.

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\(^{10}\) Delegated acts are created by the Commission and adopted in order to ensure the implementation of EU law, with oversight (including powers of veto) by the Council and Parliament. Member States with a direct interest in the management of a particular region can make joint recommendations on what a delegated act should contain. Delegated acts normally contain detailed rules to add substance to higher-level legislation such as Regulations and Directives or may supplement or amend something of the original legislation. A delegated act can be revoked by the Parliament or the Council at any time.
Oceana agrees en large with the provision described under these articles.

Evaluation of the plan, article 14

The Commission proposes to evaluate the plan every 6 years. Oceana considers this interval as too long a time, and instead recommends that the plan is evaluated every 3 years, in order to enable changes and revisions of the plan on a more frequent basis. It is important that the effects of new management measures, such as the landing obligation, are closely monitored and that the plan can be updated according to the management needs that arise as an effect. The plan should also facilitate the achievement of GES. As the MSFD descriptors are currently being developed, a three year revision cycle would also be better in that aspect.