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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

{SWD(2014) 290 final}
{SWD(2014) 291 final}

EXPLANATORY MEMORANDUM

1. 1. CONTEXT OF THE PROPOSAL

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

Cod, herring and sprat are the subject of important fisheries in the Baltic Sea. Scientific advice from the International Council for the Exploration of the Sea ('ICES'[1]) has indicated that the current exploitation rates for some of these stocks are not consistent with achieving maximum sustainable yield. A management plan for the Baltic Sea cod stocks has been in place since 2007[2] but the stocks of herring and sprat are not yet subject to a management plan. This hinders the sustainable management of these fisheries, and does not provide stability of fishing opportunities for the fishermen operating in these fisheries.

In addition to providing the basis for capture fisheries, cod, herring and sprat are also important components of the Baltic ecosystem and there are also strong biological interactions between them. Cod predate on sprat and herring meaning that the size of the cod stock affects the size of the herring and sprat stocks and *vice versa*. There are some indications from scientific analyses that the biological interactions within and between these species in the Baltic may mean that higher fishing pressures than are currently advised may be sustainable. However, the Scientific, Technical and Economic Committee for Fisheries (STECF)[3] have advised[4] that more scientific work is needed in order to understand the risks of fishing at these higher values.

The productivity of Baltic fish stocks, particularly cod and sprat, can be strongly influenced by environmental conditions in the Baltic. Spawning of cod in the Eastern Baltic is limited to the deep areas where salinities in the deeper water are sufficiently high to allow egg fertilisation and for the fertilised eggs to float. Limited inflow of oceanic water from the North Sea has resulted in oxygen depletion in these deep saline waters since the mid-1980s and cod reproduction has only been successful in the southern spawning areas. If there was a substantial inflow of North Sea water to the Eastern Baltic, this could lead to much higher recruitment of cod than has been seen in recent years. For sprat, there is a link between recruitment and temperature, with more young fish recruiting to the stock in warmer conditions. This linkage implies that the occurrence of, for example, two successive hard winters, could have severe consequences for the sprat stock.

In view of the strong influence that biological interactions and environmental effects have on the Baltic stocks of cod, herring and sprat, it is desirable to be able to the adapt exploitation rates and patterns of these stocks in the light of improvements in scientific understanding of the interactions and of changes in environmental conditions. Such an approach would also be consistent with the ecosystem approach to fisheries management. The first step towards such adaptive management would be to incorporate all relevant stocks into a single management plan. This would include target fishing mortalities expressed in ranges for each of the stock which would be the basis for setting annual TACs for those stocks. The adaptation would then

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1 http://www.ices.dk/aboutus/aboutus.asp

2 Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 *(OJ L 248, 22.9.2007)*

3 Commission Decision of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries (2005/629/EC)

4 Report of the STECF expert group meeting on: Multispecies management plans for the Baltic (STECF-12-06)

come from updating the fishing mortality and stock size reference points for each stock where scientific advice indicated that this was appropriate.

The objective of the proposal is to establish a management plan for the Baltic stocks of cod, herring and sprat. The plan will ensure the sustainable exploitation of these stocks, and provide stability of fishing opportunities, while ensuring that management is based on the most up to date scientific information on interactions within and between the stocks and with other aspects of the ecosystem and environment. The specific objective of the initiative shall be to ensure that the Baltic stocks of cod, herring and sprat are exploited in a sustainable way according to the principles of maximum sustainable yield and of the ecosystem approach to fisheries management. To this end, these stocks should be harvested at levels which can produce the maximum sustainable yield.

In cod and pelagic fisheries by-catches of flatfish occur, namely plaice, flounder, turbot and brill. The exploitation of cod and pelagic stocks should not jeopardize the sustainability of flatfish in the Baltic.

The plan will apply to all Union fishing vessels irrespective to their overall length in the Baltic Sea as this is in conformity with the rules of the CFP and is in line with the effect of the vessels on the fish stocks concerned.

- **General context**

1. Cod in the Eastern and Western Baltic are considered to be two separate stocks. There are a number of different herring stocks in the Baltic, with the main stock being found in the sea's eastern basin. There are smaller stocks in the Bothnian Sea, the Bothnian Bay, the Gulf of Riga and the Western Baltic. The latter stock spawns in the Western Baltic, and then migrates into the Skagerrak and the Eastern North Sea in order to feed. In these areas it mixes with North Sea herring and is taken as part of a mixed-stock fishery. There is one stock of sprat in the Baltic.

2. The two Baltic cod stocks are currently subject to a management plan[2] and management measures for the fisheries on these stocks include the setting of annual TACs, restrictions on fishing effort and technical measures including minimum mesh sizes, catch composition rules a minimum landing size and closed areas/seasons. Current management of the fisheries for herring and sprat include annual TACs and technical measures including mesh size and catch composition rules.

3. The small stock of herring in the Bothnian Bay is considered by ICES to be data-limited so it is not at present possible to fully evaluate the stock's status as the basis of catch advice. For this reason the plan does not include a harvest rule for this stock. Taking account of the small size of that stock and the fishery exploiting that stock, it is not proportionate to establish a separate TAC for that stock. Instead, provision is made for catches from this stock to form part of a combined area Bothnian sea/Bothnian bay herring TAC.

4. As of 1 January 2014 Regulation (EU) 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy sets out the rules of the CFP, including the provisions on multiannual plans and establishing the landing obligation for stocks subject to TAC. Article 9 and 10 lists the principles, objectives and content of multiannual plans. Pursuant to Article 15 the landing obligation in the Baltic Sea will apply to pelagic and salmon fishery and species that define the fishery from 2015, and all other species covered by TAC from 1 January 2017.

5. The targets corresponding to maximum sustainable yield are expressed as range values advised by ICES. These ranges allow for a maximum sustainable yield-based management for the stocks concerned, and appear to allow for adaptations in case of changes in the scientific advice, while at the same preserving a high level of predictability. Such targets are supplemented with safeguard provisions linked to a trigger conservation reference point. For the stocks concerned these reference points are expressed as a spawning stock biomass, which is obtained from the latest benchmarking exercise conducted by ICES. In the absence of advice on spawning biomass level, the trigger should be, when scientific advice states that a stock is under threat.

6. In line with Article 15 of Regulation (EU) No 1380/2013 an obligation to land all catches of cod, herring, sprat and plaice in the cod, herring and sprat fishery in the Baltic Sea is included in the plan to contribute to the implementation of the discard ban, except in circumstances where there is evidence of high survival rates. In line with Article 16(7) of regulation (EU) No 1380/2013, Member States are required to allocate the TACs to vessels flying their flag taking into account the likely composition of the catch and the obligation to land all catches. In order to achieve this, Member States may adopt national measures, such as retaining certain reserve of the national TAC available or quota swaps with other Member States.

7. In line with scientific advice from STECF[4], the plan does not include annual limits on fishing effort.

8. In accordance with Article 18 of Regulation (EU) No 1380/2013 Member States having direct management interest may submit joint recommendations for, amongst others, certain measures to be adopted, where the Commission has been granted power to adopt implementing or delegated acts for achieving the objectives of a multiannual plan. To this end, the plan establishes regional cooperation in respect of adopting technical measures, provisions for the landing obligation and specific conservation measures for the bycatches in the fisheries for the stocks concerned.

9. In accordance with the overall ambition of the CFP on the conservation of fisheries resources and with specific regards to Articles 9 and 10 of Regulation (EU) No 1380/2013 which requests the development of multiannual plans, the main elements of the plan are:

   – Objectives and targets (Achieve levels of fishing mortality consistent with the principle of maximum sustainable yield);

   – Conservation reference points expressed in spawning biomass levels and specific conservation measures;

   – Provisions related to the landing obligation;

   – Framework of technical measures;

   – Periodic evaluation of the plan based on scientific advice.

- **Existing Union provisions in the area of the proposal**

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 204/585/EC[5] sets the general framework for the CFP and identifies the situations in which the Council shall adopt multiannual plans.

Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 sets out the rules for the sustainable exploitation of the Baltic Sea cod stocks.

Council Regulation (EC) No 2187/05 of 21 December 2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 outlines technical conservation measures in the Baltic Sea i.e. catch composition rules, minimum mesh size, minimum landing size, closed areas and closed seasons for salmon fisheries. It also establishes a prohibition on drift netting in the Baltic.

The annual Council Regulations fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea set the TAC levels for the stocks concerned (cod, herring and sprat) and plaice (for instance for 2014 Council Regulation (EU) No 1180/2013 of 19 November 2013 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea).

Council Regulation (EC) No 1224/2009 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 sets the general control requirements for fisheries as well as specific control requirements for multiannual plans.

- **Consistency with the other policies and objectives of the Union**

The proposal and its objectives are consistent with the Union's policies, especially environmental, social, market and trade policies.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

- **Consultation with interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Since the main interest in the Baltic stocks of cod, herring, sprat and flatfish is for commercial capture fisheries, the consultation has been centred on the Baltic Sea Advisory Council (BSAC) and fisheries administrations of Baltic Sea member states. The BSAC consists of representatives from the fishing sector and other interest groups affected by the Common Fisheries Policy. The fishing sector includes fisheries associations, producer organisations, processors, market organisations. The other interest groups include environmental NGOs, consumers, women's networks, recreational and sports fishermen and subsistence fishermen.

The consultation and development process for this initiative followed the established DG MARE procedure for the development and evaluation of long term management plans. The procedure involves two stages. The first stage is a retrospective evaluation, looking back at the past performance of an existing management plan. This is followed, if required, by a prospective evaluation, looking forward at possible replacement multiannual plans and their

[5] OJ L 354, 28.12.2013, p. 22.

potential impacts. Each stage involves a series of meetings of expert groups of the Scientific, Technical and Economic Committee for Fisheries (STECF). These meetings are organised in order to address terms of reference specified by DG MARE. All of these meetings are open to representatives of ACs and Member States who are able to provide input and raise issues they consider to be relevant. In the current case, there was also further consultation with BSAC and Member States on specific elements of the plan after the completion of the STECF evaluation process.

Scientific/expertise domains concerned

As outlined above, STECF experts provided advice throughout the evaluation process. This included input from fisheries scientists, but also experts in other disciplines, including economics and social sciences. Scientific advice was also received from ICES.

Summary of responses and how they have been taken into account

Following a prospective evaluation for a management plan for the pelagic stocks[6], both retrospective[7] and prospective evaluation[8] of the existing Baltic cod plan, in June 2011 the decision was made to move to a multi-species plan for the Baltic stocks of cod, herring and sprat. This decision was made in consultation with the Member States and stakeholders at a meeting of the regional forum called BALTFISH. Subsequently the decision was formalised at the Fisheries Council meeting in October 2011[9]. The context for this decision was the requirement anticipated in the reform of the CFP for management plans to cover multiple stocks where possible.

The decision to go with a multi-species plan for the Baltic stocks necessitated the start of a new round of STECF meetings. To provide the basis for a prospective evaluation, DG MARE organised a number of meetings of experts, most of which were held jointly between STECF and ICES. All of these meetings were open to stakeholders, and members of BSAC participated in all of them. The meetings were organised as follows:

scoping meeting of STECF expert working group on multi-annual management plans in Edinburgh, UK over 28 November to 2 December 2011[10].

ICES Workshop on Integrated/Multispecies Advice for Baltic Fisheries, held at Charlottenlund, Denmark over 6-8 March 2012[11].

meeting of the STECF expert working group on multi-annual management plans, in Rostock, Germany, over 26 to 30 March 2012[12].

Following the sequence of meetings summarised above, STECF advised that a management plan based on the current, single-species MSY targets would meet the criteria of providing

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6 MRAG, September 2009: Economic and social impacts of the proposed scenarios for a multi-annual management plan for Baltic pelagic fisheries, FISH/2006/09 — Lot 4.

7 Report of the Sub Group on Management Objectives and Strategies (STECF SGMOS 10-06). Part e) Evaluation of multi-annual plan for Baltic cod

8 Report of the STECF expert group meeting on: Impact Assessment of Baltic cod multi-annual plans (STECF 11-05)

9 Council of The European Union, document 16684/11 ADD 1, http://register.consilium.europa.eu/pdf/en/11/st16/st16684-ad01.en11.pdf

10 Report of the STECF expert group meeting on: Scoping for Impact Assessments for Multi-Annual plans for Baltic Multispecies and cod in the Kattegat, North Sea, West of Scotland and Irish Sea. (STECF-12-05)

11 Report of the Workshop on Integrated/Multispecies Advice for Baltic Fisheries (WKMULTBAL) 6–8 March 2012, Charlottenlund, Denmark. ICES CM 2012/ACOM:43

12 Report of the STECF expert group meeting on: Multispecies management plans for the Baltic (STECF-12-06)

high long-term yield, with minimal risk to the stock. In short, such a plan would be consistent with the principles of Maximum Sustainable Yield (MSY). They also noted that a more multi-species approach might allow higher target fishing mortalities on some stocks, but that more scientific work would be required to evaluate the risks associated with such an approach. In the light of this advice, a discussion paper was prepared which presented these two options and their implications. This was discussed with MS at a BATFISH meeting, and with BSAC, both in mid-June 2012.

With the adoption of the Regulation on the Reform of the Common Fisheries Policy in 2013 and the publication of the Final Report of the Task force on multiannual plans established by the European Parliament and Council in April 2014[13], further consultations were conducted with the stakeholders in BSAC and with MS administrations' in BALTFISH. This took place during Mach – June 2014.

Means used to make the expert advice publicly available

Reports of all of the relevant STECF expert meetings can be found on the STECF website: https://stecf.jrc.ec.europa.eu/.

In addition, throughout the consultation process the stakeholders were actively involved at every stage of the subsequent development of the initiative.

- **Impact assessment**

- Prior to drafting the multiannual plan, extensive impact assessment was carried out. During the assessment three options were analysed from biological, environmental and economic-social aspects. The option with most beneficial impact has been then developed into the present multiannual plan. To ensure sustainable fisheries at MSY level by 2015 for the stocks concerned is to achieve biological and environmental benefits. The probable reduction in the overall amount of fishing would also imply a reduction in emissions from vessel engines.
- As for the economic-social impact, bringing the herring and sprat stocks under a management plan would provide a systematic basis for setting annual TACs in a way which would provide the pelagic sector with predictability of catches which would help support business planning and stability of supply. It would also add value, as management plans are usually a prerequisite for a fishery to obtain certification from, for example, the Marine Stewardship Council (MSC). Fish caught in such certified fisheries can then attract a higher price in the market.
- Lowering fishing opportunities might result in slight profit reduction for the fishermen, processing industry, and it might negatively affect the consumers in the short term, but restoring the status of stocks will ensure long-term benefits in terms of profit and sustainable fishery. Furthermore, the temporary reduction of quotas normally results in increasing the price for that stock.
- The abolishment of fishing effort system and of requirement of single area fishing will simplify the legal framework and reduce administrative burden on MS and industry.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union

- **Subsidiarity principle**

[13] http://www.europarl.europa.eu/meetdocs/2009_2014/documents/pech/dv/taskfor/taskforce.pdf

Provisions of the proposal relate to the conservation of marine biological resources, measures that fall under the exclusive competence of the Union. Consequently the subsidiarity principle does not apply.

- **Proportionality principle**

The proposed measures comply with the proportionality principle as they are appropriate, necessary and no other less restrictive measures are available to obtain the desired policy objectives.

- **Choice of instrument**

Proposed instrument: Regulation of the European Parliament and of the Council.

4. BUDGETARY IMPLICATION

No budgetary implications.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee[14],

Having regard to the opinion of the Committee of the Regions[15],

After transmission of the proposal to National Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The United Nations Convention of 10 December 1982 on the Law of the Sea[16], to which the Union is a contracting party, provides for conservation obligations, including the maintaining or restoring populations of harvested species at levels which can produce the maximum sustainable yield.

(2) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed themselves to act against the continued decline of many fish stocks. Therefore, it is necessary to adapt the exploitation rates of cod, herring and sprat in the Baltic Sea so as to ensure that the exploitation of these stocks restores and maintains them above levels that can produce the maximum sustainable yield.

(3) The Common Fisheries Policy is to contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council[17].

(4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council establishes the rules of the common fisheries policy ('CFP') in line with the international obligations of the Union. The objectives of the CFP are, amongst others,

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14 OJ C , , p. .

15 OJ C , , p. .

16 OJ L 179, 23.6.1998, p. 3

17 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)

to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.

(5) Recent scientific advice from the International Council for the Exploration of the Sea ('ICES') and the Scientific, Technical and Economic Committee on Fisheries ('STECF') has indicated that the exploitation of the stocks of cod, sprat and some of the herring stocks are in excess of that required to achieve maximum sustainable yield.

(6) A management plan for the cod stocks has been in place since 2007[18] but the stocks of herring and sprat are not yet subject to similar plans. Since strong biological interactions exist between the cod and pelagic stocks, the size of the cod stock can affect that of the herring and sprat stocks and *vice versa*. In addition, Member States and stakeholders have expressed support for the development and implementation of management plans for the key Baltic stocks.

(7) The multiannual plan established by this Regulation should, in accordance with Articles 9 and 10 of Regulation (EU) No 1380/2013, be based on scientific, technical and economic advice and contain, objectives, quantifiable targets with clear timeframes, conservation reference points and safeguards.

(8) It is appropriate to establish a multi-species fisheries plan taking into account the dynamics between the stocks of cod, herring and sprat, and also considering the by-catch species of the fisheries for these stocks, namely the Baltic stocks of plaice, brill, flounder and turbot. The objective of this plan should be to aim at achieving and maintaining maximum sustainable yields for the stocks concerned.

(9) The exploitation of cod and pelagic stocks should not jeopardise the sustainability of the stocks taken as by-catches in these fisheries, namely the Baltic stocks of plaice, brill, flounder and turbot. Therefore, the plan should also aim at ensuring the conservation of these by-catch stocks above biomass levels corresponding to precautionary approach.

(10) Moreover, as Article 15 of Regulation (EU) No 1380/2013 introduced a landing obligation, including for all species covered by TACs, the plan should also aim at contributing to the implementation of the landing obligation for cod, herring, sprat and plaice.

(11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the targets set out in the multiannual plans.

(12) These targets should therefore be established and expressed in terms of fishing mortality rates, based on scientific advice[19].

(13) It is necessary to establish conservation reference points to allow for additional precaution when a stock size is reduced to certain critical level posing serious risk. Such conservation reference points should be determined at levels of minimum spawning biomass of a stock that is consistent with full reproductive capacity. Remedial measures should be envisaged in case the stock size falls below minimum spawning biomass.

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[18] Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p.1).

[19] ICES technical services, September 2014
http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/Special%20Requests/EU_Fmsy_range_for_Baltic_cod_and_pelagic_stocks.pdf

(14) In the case of stocks taken as by-catches, in the absence of scientific advice on such levels of minimum spawning biomass, specific conservation measures should be adopted when scientific advice states that a stock is under threat.

(15) Fish caught when fishing with trapnets, pots and creels have a high survivability due to the characteristics of those gears which do not cause damage to the fish, as confirmed by experimental fishing trips. Therefore, in addition to cases set out in points (a) to (c) of Article 15(4) of Regulation (EU) No 1380/2013, it is appropriate to exempt cod, herring, plaice and sprat from the landing obligation in those fisheries.

(16) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for other management measures as set out under points (a) to (c) of Article 15(4) of that Regulation. Such measures should be laid down by way of delegated acts.

(17) The plan should also provide for certain accompanying technical measures to be adopted, by way of delegated acts, in order to contribute to the achievement of the objectives of the plan, in particular as regards the protection of juveniles or spawning fish. Pending the revision of Council Regulation (EC) No 2187/2005[20], it should also be envisaged that such measures may, where necessary for the achievement of the objectives of the plan, derogate from certain non-essential elements of that Regulation.

(18) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation as regards remedial measures concerning plaice, flounder, turbot and brill, implementation of the landing obligation and technical measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at experts level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(19) In accordance with Article 18 of Regulation (EU) No 1380/2013, where the Commission has been granted powers to adopt delegated acts in respect of certain conservation measures as set out in the plan, Member States having a direct management interest in the Baltic Sea fisheries should have the possibility to submit joint recommendations for such measures, so that these measures are well designed to correspond to the particularities of the Baltic Sea and its fisheries. The deadline for submitting these recommendations should be established, as required by Article 18(1) of that Regulation.

(20) With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to those provided for in Council Regulation (EC) No 1224/2009[21].

(21) Recognising that the Baltic Sea is a rather small fishing area where mainly small vessels carry out short fishing trips, the use of prior notification as requested by

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[20] Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

[21] 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 (OJ L 343, 22.12.2009, p. 1).

Article 17 of Regulation (EC) 1224/2009 should be extended to cover all vessels with an overall length of eight metres or more, and the prior notifications should be submitted at least one hour before the estimated time of arrival at port. However, considering the effect of fishing trips involving very small quantities of fish on the stocks concerned and the administrative burden of prior notifications related to those, it is appropriate to establish a threshold for such prior notifications, when these vessels retain on board at least 300 kg cod or two tons pelagic stocks.

(22) Thresholds should be established for the stocks of cod, herring and sprat, which a fishing vessel is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating these ports or places close to the shore, Member States should apply the criteria provided in Article 43(5) of that Regulation in such a way as to ensure effective control of the stocks covered by this Regulation.

(23) In accordance with Article 10(3) of Regulation (EU) No 1380/2013 provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on benchmarking evaluation of the stocks concerned carried out by ICES.

(24) In accordance with Article 9(4) of Regulation (EU) No 1380/2013, prior to drafting the plan, its likely economic and social impact was duly assessed[22].

(25) As regards the time-frame, it is expected that for the stocks concerned maximum sustainable yield should be reached by 2015. It should be maintained from there on.

(26) In the absence of fishing effort regime it is necessary to delete the specific rules on special fishing permit and replacement of vessels or engines applicable to the Gulf of Riga. Accordingly, Council Regulation (EC) No 2187/2005 should be amended.

(27) Council Regulation (EC) No 1098/2007[23] should be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I
SUBJECT MATTER , SCOPE AND DEFINITIONS

Article 1

Subject-matter and scope

1. This Regulation establishes a multiannual plan (hereinafter referred to as "plan") for the following stocks (hereinafter referred as "stocks concerned") in the Union waters of the Baltic Sea and the fisheries exploiting the stocks concerned:

(a) cod (*Gadus morhua*) in ICES Subdivisions 22-24 (Western Baltic cod);

(b) cod (*Gadus morhua*) in ICES Subdivisions 25-32 (Eastern Baltic cod);

(c) herring (*Clupea harengus*) in ICES Subdivisions 25, 26, 27, 28.2, 29 and 32 (Central Baltic herring);

[22] Impact assessment published…(to be completed)

[23] Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1

(d) herring (*Clupea harengus*) in ICES Subdivision 28.1 (Gulf of Riga herring);

(e) herring (*Clupea harengus*) in ICES Subdivision 30 (Bothnian Sea herring);

(f) herring (*Clupea harengus*) in ICES Subdivision 31 (Bothnian Bay herring);

(g) herring (*Clupea harengus*) in ICES Division IIIa and Subdivisions 22-24 (Western Baltic herring);

(h) sprat (*Sprattus sprattus*) in ICES Subdivisions 22-32.

2. The plan shall also apply to plaice, flounder, turbot and brill in ICES Subdivisions 22-32 caught when fishing for the stocks concerned.

Article 2

Definitions

For the purposes of this Regulation, in addition to those laid down in Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, Article 4 of Council Regulation (EC) No 1224/2009 and Article 2 of Council Regulation (EC) No 2187/2005 the following definitions shall apply:

(a) "pelagic stocks" means the stocks listed in Article 1(c) to (h) of this Regulation and any combination thereof;

(b) "trapnet" means large nets, anchored, fixed on stakes or occasionally floating, open at the surface and provided with various types of fish herding and retaining devices, and which are generally divided into chambers closed at the bottom by netting;

(c) "pots and creels" mean small traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials that are set on the seabed either singly or in rows; connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

(d) "Member States concerned" means Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden.

CHAPTER II
OBJECTIVES AND TARGETS

Article 3

Objectives

1. The plan shall aim at contributing to the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013 and in particular:

(a) achieving and maintaining maximum sustainable yield for the stocks concerned, and

(b) ensuring the conservation of the stocks of plaice, brill, flounder and turbot in line with the precautionary approach.

2. The plan shall aim at contributing to the implementation of the landing obligation established in Article 15(1) of Regulation (EU) No 1380/2013 for the stocks concerned and for plaice.

Article 4

Targets

1. The target fishing mortality shall be reached by 2015 and maintained onwards for the stocks concerned within the following ranges:

Stock	**Target fishing mortality range**
Western Baltic cod	0.23-0.29
Eastern Baltic cod	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
Bothnian Bay herring	Not defined
Western Baltic herring	0.25-0.31
Baltic Sprat	0.26-0.32

2. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities shall comply with the targets set out in paragraph 1.

CHAPTER III
CONSERVATION REFERENCE POINTS

Article 5

Minimum spawning biomass

1. The conservation reference points expressed in minimum spawning biomass level that is consistent with full reproductive capacity shall be for the stocks concerned as follows:

Stock	Minimum spawning biomass level (in tonnes)
Western Baltic cod	36 400
Eastern Baltic cod	88 200
Central Baltic herring	600 000
Gulf of Riga herring	Not defined
Bothnian Sea herring	Not defined

Bothnian Bay herring	Not defined
Western Baltic herring	110 000
Baltic sprat	570 000

2. When the spawning biomass of any of the stocks concerned for a certain year is below the minimum spawning biomass levels set out in paragraph 1, appropriate remedial measures shall be adopted to ensure rapid return of the stock concerned to precautionary levels. In particular, by way of derogation from Article 4(2) of this Regulation and in accordance with Article 16(4) of Regulation (EU) No 1380/2013 fishing opportunities shall be set at levels lower than those resulting in target fishing mortality ranges laid down in Article 4(1). These remedial measures may also include, as appropriate, the submission of legislative proposals by the Commission and emergency measures adopted by the Commission under Article 12 of Regulation (EU) No 1380/2013.

CHAPTER IV

SPECIFIC CONSERVATION MEASURES FOR PLAICE, FLOUNDER, TURBOT AND BRILL

Article 6

Measures in case of threat to plaice, flounder, turbot and brill

1. When scientific advice states that the conservation of any of the Baltic stocks of plaice, flounder, turbot or brill is under threat, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 on specific conservation measures concerning the stock under threat and regarding any of the following:

(c) (a) adaptation of fishing capacity and fishing effort;

(d) (b) technical measures, including

(1) characteristics of fishing gear, in particular mesh size, twine thickness, size of the gear);

(2) use of the fishing gear, in particular immersion time, depth of gear deployment);

(3) prohibition or limitation to fish in specific areas;

(4) prohibition or limitation to fish during specific time periods;

(5) minimum conservation reference size.

2. The measures referred to in paragraph 1 shall aim at achieving the objective set out in Article 3(1)(b) and be based on scientific advice.

3. The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for specific conservation measures as referred to in paragraph 1.

CHAPTER V

LANDING OBLIGATION

Article 7

Derogation for trapnets, pots and creels

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 the landing obligation shall not apply to the stocks concerned and plaice when fishing with the following gears: trapnets, pots and creels.

Article 8

Implementation of the landing obligation

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 15 on the following measures:

(a) the list of species in respect of which fishing is prohibited for the purpose of the exemption from the landing obligation provided for in Article 15(4)(a) of Regulation (EU) No 1380/2013;

(b) exemptions from the landing obligation provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem; and

(c) *de minimis* exemptions referred to in Article 15(4)(c) of Regulation (EU) No 1380/2013.

2. The measures referred to in paragraph 1 shall aim at achieving the objective set out in Article 3(2) and be based on scientific advice, where applicable. The *de minimis* exemptions shall comply with Article 15(5)(c) of Regulation (EU) No 1380/2013.

3. The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for measures referred to in paragraph 1.

CHAPTER VI
TECHNICAL MEASURES

Article 9

Framework of technical measures

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 15 on the following technical measures:

(a) specifications of characteristics of fishing gears and rules governing their use;

(b) specifications of modifications or additional devices to the fishing gears;

(c) limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods;

(d) minimum conservation reference sizes for any of stocks covered by this Regulation.

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular the protection of juveniles or spawning fish.

3. The delegated acts referred to in paragraph 1 may derogate, where necessary for the achievement of the objectives referred to in paragraph 2, from the following provisions of Regulation (EC) No 2187/2005:

(a) specifications of target species and mesh sizes laid down in Annexes II and III referred to in Articles 3 and 4 of Regulation (EC) No 2187/2005;

(b) structures, characteristics and rules governing the use of active gears laid down in Article 5(2), (3) and (4) and Article 6 thereof;

(c) structures, characteristics and rules governing the use of passive gears laid down in Article 8;

(d) the coordinates of prohibited areas and periods of application laid down in Article 16 thereof;

(e) the species, geographical areas and periods of application of restrictions on fishing for certain stocks laid down in Article 18a(1) thereof, and the technical details of the derogation laid down in Article 18a(2) thereof;

(f) the trawling prohibition for the Gulf of Riga laid down in Article 22 thereof.

4. The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for measures referred to in paragraph 1.

CHAPTER VII
REGIONALIZATION

Article 10

Regional cooperation

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures under this Chapter.

2. Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 within the following deadlines:

a) for the measures set out in Article 6(1) and concerning a given calendar year, not later than 1 September of the previous year;

b) for the measures set out in Articles 8(1) and 9(1), for the first time not later than six months after the entry into force of this Regulation and thereafter six months after each submission the evaluation of the plan in accordance with Article 14.

CHAPTER VIII
CONTROL AND ENFORCEMENT

Article 11

Relationship with Council Regulation (EC) No 1224/2009

The control measures provided for in this Chapter shall apply in addition to those prescribed in Council Regulation (EC) No 1224/2009, save where otherwise provided for in this Chapter.

Article 12

Prior notifications

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification obligation laid down in that Article shall apply to masters of Union fishing vessels of eight metres overall length or more retaining on board at least 300 kg of cod or two tons of pelagic stocks.

2. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the advance notification period laid down in that Article shall be of at least one hour before the estimated time of arrival at port.

Article 13

Designated ports

The threshold applicable to the live weight of species subject to the multiannual plan, above which a fishing vessel shall be required to land its catches in a designated port or a place close to the shore as set out in Article 43 of Regulation (EC) No 1224/2009 shall be:

(a) 750 kilograms of cod,

(b) 5 tonnes of pelagic stocks.

CHAPTER IX
FOLLOW-UP

Article 14

Evaluation of the plan

The Commission shall ensure an evaluation of the impact of this plan on the stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular to take account of changes in scientific advice, six years after the entry into force of the plan and, thereafter, every six years. The Commission shall submit the results of these evaluations to the European Parliament and Council.

CHAPTER X
PROCEDURAL PROVISIONS

Article 15

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 6, 8 and 9 shall be conferred on the Commission for an indeterminate period of time from the date of the entry into force of this Regulation.

3. The delegation of power referred to in Articles 6, 8 and 9 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 6, 8 and 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

CHAPTER XI
AMENDMENTS

Article 16

Amendments to Council Regulation (EC) No 2187/2005

Articles 20 and 21 of Regulation (EC) No 2187/2005 are deleted.

CHAPTER XII
REPEAL

Article 17

Repeal of Council Regulation (EC) No 1098/2007

Regulation (EC) No 1098/2007 is repealed. References made to the repealed Regulation shall be construed as references to this Regulation

CHAPTER XIII
Final Provisions

Article 18

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2015.

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*