

# Multiannual plan for Baltic fisheries

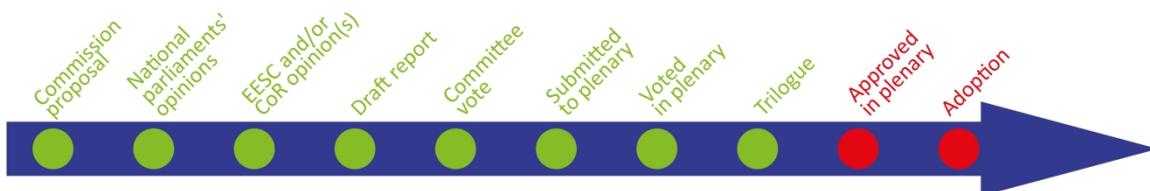
## SUMMARY

Multiannual plans for fisheries management are an essential tool to ensure the sustainable exploitation of fish stocks and marine ecosystems. They also offer increased predictability to fishermen in the long run. In October 2014, the European Commission proposed a multiannual plan for stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting them. This Baltic multiannual and multispecies plan is the first proposed plan to build on the principles of the 2013 reform of the Common Fisheries Policy. Seen as a test case, it may have some spill-over effect on new proposals for multiannual plans, some of which are expected from the European Commission in the near future.

The Council adopted its general approach on 20 April 2015, and the European Parliament voted on legislative amendments in plenary on 28 April, before referring the matter back to the Committee on Fisheries. Interinstitutional trilogue negotiations, which started in May 2015, have however proven lengthy and difficult. While discussing the priorities of the Council Presidency at the meeting of the Committee for Fisheries in mid-January 2015, the Dutch Fisheries Minister and the Parliament's rapporteur expressed their willingness and hope to come to a satisfactory agreement.

**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**

<i>Committee responsible:</i>	Fisheries (PECH)	COM(2014) 614 of 6.10.2014
<i>Rapporteur:</i>	Jarosław Wałęsa (EPP, Poland)	<i>procedure ref.:</i> 2014/0285(COD)
<i>Next steps expected:</i>	Continuing trilogue discussions	Ordinary legislative procedure



<p><b>In this briefing:</b></p> <ul style="list-style-type: none"> <li>• Introduction</li> <li>• Institutional context</li> <li>• Existing situation</li> <li>• The changes the proposal would bring</li> <li>• Preparation of the proposal</li> <li>• Stakeholders' views</li> </ul>	<ul style="list-style-type: none"> <li>• Advisory committees</li> <li>• Council</li> <li>• National parliaments</li> <li>• Parliamentary analysis</li> <li>• Legislative process</li> <li>• References</li> </ul>
---	---

## Introduction

Multiannual plans are essential tools for the sustainable management or recovery of fish stocks. Such long-term approaches are not only aimed at improving the conservation of stocks but also at increasing predictability for fishermen in the long run.

The very first [multiannual plans](#) for the management or recovery of some important fish stocks were adopted by the Council in the wake of the 2002 review of the Common Fisheries Policy (CFP). These plans developed progressively, but on separate bases, along different approaches and with diverse types of measures.

Notwithstanding an on-going institutional debate on their legislative competences (see below), the European Parliament and Council have strengthened the importance of multiannual plans for the sustainable management of fisheries in the latest reform of the Common Fisheries Policy, in 2013. The new CFP Basic Regulation ([No 1380/2013](#)) provides not only that 'multiannual plans shall be adopted as a priority', but also establishes what the principles, objectives and content of such multiannual plans must be – without prejudice to the institutions' respective competences under the Treaty.

In October 2014, the Commission tabled a [proposal](#) to establish a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks – often referred to, in simplified terms, such as the multiannual plan for Baltic fisheries or the Baltic plan. This proposal for a multiannual plan is the first to be presented after the 2013 CFP reform.

## Institutional context

Since December 2009, interinstitutional discussions on several legislative proposals concerning multiannual plans (or amendments thereof) have been subject to political blockages, as a result of divergent views between the European Parliament and Council on their respective legislative powers after the entry into force of the Lisbon Treaty. No progress could be made on the scope of fisheries multiannual plans and some types of measures to be included therein, in view notably of their possible reach or implications on the fixing of Total Allowable Catches (TACs) – decisions which remain only within the competence of the Council<sup>1</sup> and which are generally taken on an annual basis. Some developments in this context even led to legal challenges. In March 2013, both the [Commission](#) and [European Parliament](#) brought a legal action before the Court of Justice of the EU after the Council had decided, in December 2012, to adopt on its own – by changing the legal basis – a Regulation amending an existing multiannual management plan concerning some cod stocks (but not Baltic cod stocks).

In mid-2013, at the time of on-going negotiations on CFP reform, an interinstitutional task force had also been set up to try to make progress on the question of multiannual plans. A report on the [outcome](#) of its discussions was issued for consideration in April 2014 (at the conclusion of the European Parliament's seventh term).

The Commission finalised its proposal for the Baltic Multiannual Plan in October 2014, within the above-mentioned context. A few months later, the Commission also formally [withdrew](#) its proposals for multiannual plans (or amendments thereof), tabled between 2009 and 2012, and which had been pending since then.

On 1 December 2015, the Court of Justice ruled [in favour of the Parliament](#) and the Commission on the complaints lodged against the Council when it had acted as unique legislator on amending the cod management plan. In its [ruling](#), the Court notably considers that 'those amendments define the legal framework in which fishing opportunities are established and allocated. They thus result from a policy choice having a long-term impact on the multiannual recovery plan for cod stocks... The amendments in question constitute provisions necessary for the pursuit of the objectives of the CFP. Consequently, those amendments should have been adopted under the [ordinary] legislative procedure'.

## Existing situation

### Main fisheries and stocks in the Baltic Sea

The number of species of fishing interest in the Baltic Sea is rather limited. The main Baltic fisheries consist of fisheries targeting pelagic species (namely herring and sprat) and in fisheries targeting demersal species, primarily cod but also some flat fish species, (notably plaice), often in association. Some further Baltic fisheries are also designed to target, more specifically, salmonids.

In fisheries terms, a stock is a given population of a species that forms a reproductive unit with limited spawning interaction with another population, and which may hence be used as a specific management unit. Sprat is considered as one single stock in the entire Baltic Sea. However, herring is distributed in several separate stocks. The main herring stock is found in the eastern Baltic basin. There are smaller herring spawning stocks in the Bothnian Sea, the Bothnia Bay, the Gulf of Riga and the Western Baltic (this latter one migrating, to feed, into the Skagerrak and the Eastern North Sea). Concerning demersal species, the cod stock in the Eastern Baltic is considered to be different to the Western Baltic cod stock.

### Main existing rules

Fisheries are managed through a combination of different approaches, some of a general scope (e.g. rules on fisheries control or on national fleet capacity ceilings), and others of more regionalised application.

Regarding the Baltic area, one of the main measures to manage many Baltic fish stocks consists of setting maximum fishing possibilities. Total Allowable Catches (**TACs**) and **quotas** are set annually by the Council for 10 different stocks concerning five species, namely herring (4 stocks), sprat (1 stock), cod (2 stocks), plaice (1 stock) and salmon (2 stocks). The latest TACs and quotas were adopted in November 2015, in Council [Regulation \(EU\) 2015/2072](#) fixing for 2016 the fishing opportunities for certain fish stocks in the Baltic Sea.

Depending on where and what they fish for, fishermen are also subject to specific **technical rules** (see notably [Regulation \(EC\) No 2187/2005](#)) for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound. These set, among other things, specifications on the gear which may be used or on size limits for certain fish species.<sup>2</sup> Size limits are also applicable for salmon and plaice (as

well as for a few other species, namely flounder, turbot and brill). Pelagic species such as sprat or herring are not subject to fish-size limit restrictions.

In addition, since 2007, Baltic **cod** is also **subject to a specific multiannual management regime**. This Regulation ([No 1098/2007](#)) establishes absolute limits on mortality rates for the two Baltic cod stocks and establishes a procedure for the setting of annual TACs, including maximum limits for inter-annual variation (either to increase or decrease fishing possibilities). It also provides for some specific measures (notably areas and periods with restricted fishing activities) and establishes a fishing effort regime for some types of cod fisheries (based on vessel size, gear used, areas and period), associated with specific provisions regarding controls and inspection of cod fisheries.

Fisheries management in the Baltic Sea must also adapt to the new objectives of the **reformed CFP**, notably the achievement of Maximum Sustainable Yield (MSY) exploitation rates (where possible in 2015, and at the latest in 2020 for all stocks), and the gradual elimination of discards (namely in this regard the obligation since January 2015 to land all catches of given species (in practice those which are the subject of the main fisheries in the Baltic)). The new CFP Basic Regulation ([No 1380/2013](#)) also provides that multiannual plans must include, among other things, time-framed and quantifiable targets (such as fishing mortality rates and/or spawning stock biomass<sup>3</sup>), and that such plans should where possible cover multiple stocks and fisheries (notably in the case of mixed fisheries or where the dynamics of stocks relate to one another).

### **Main issues**

The state of Baltic fish stocks is influenced by many different factors including environmental ones (such as regional temperature and water salinity) and human ones (fishing being the most important).

From an environmental point of view, successful spawning of cod requires minimal levels of salt and oxygen in water. These levels may vary and may not be reached in the eastern part of the Baltic in particular, depending on the influx of fresh water from the rivers and on the inflow of saline, oxygenated water from the North Sea. Similarly, water temperature may have strong influence on the efficient reproduction of sprat (better in warmer conditions). Notwithstanding such physical factors, Baltic fish species interact among themselves, particularly as they are reciprocal predators. Cod are large fish eaters and they feed on sprat, and partly also on herring. That said, sprat and herring may feed on cod eggs. The level of fishing of a given stock may therefore also have an impact on the fishing possibilities for the other interacting stocks.

As far as Baltic fisheries are concerned, the Commission [considers](#) that the current management regimes do not allow sufficient predictability concerning the proper conservation of the stocks, or concerning fishing opportunities (i.e. economic possibilities) for fishermen. For pelagic stocks, the main management tool of annual TACs and quota-setting has contributed to excessive fishing levels and does not guarantee that fishing mortality is consistent with the MSY objective. For Baltic cod, the current management plan is not in line with the MSY objective, some of its measures no longer address the realities of the stocks, and the present fishing effort regime is considered unnecessary.

### **The changes the proposal would bring**

The Commission [proposes](#) a new regulation for a multispecies multiannual plan for the Baltic Sea – [COM\(2014\) 614](#) – in order:

- To cover, in a single management plan, the **three** main fished **species** distributed in **eight stocks** in the Baltic Sea, namely two for cod, five for herring and one for sprat, with the aim to **achieve and maintain MSY** for these stocks. The plan would also cover, and ensure the conservation of, some flat fish species also caught when fishing for cod, herring or sprat;
- Where possible, to set for each of these stocks some management reference points, namely a **target range of fishing mortality** (an expression of the rate at which fish are removed from the stock by fishing) in line with the MSY principle as from 2015, and a **minimum level of the spawning stock biomass** (total amount/weight of fish which are of an age to reproduce) which fishing management measures should strive to conserve;
- To set some specific **control** and enforcement provisions, as well as to set a regular **six-yearly evaluation** of this multiannual plan;
- To set some specific rules with regard to the implementation of the **landing obligation** (discard ban – another key component of the reformed CFP), and to the delegation of powers in this regard;
- To set provisions on the possibilities, also framed in the new CFP, for **regional cooperation** among Member States with a direct management interest in this geographical area, notably in developing a joint recommendation for measures the Commission may adopt under **delegated powers**.

In this latter regard, the Commission also proposes that the EP and Council should **delegate** their powers regarding the adoption of **any specific measure** for conservation **in case of a threat to stocks of flatfish species** (namely plaice, flounder, turbot and brill) which can be fished in the Baltic in association with the three species subject to the multiannual plan. The Commission further envisages the setting of a general framework under which it would be given **delegated** powers to adopt fisheries [technical measures](#), notably to protect juvenile or spawning fish, with the aim of achieving the MSY objective for the relevant stocks of cod, herring and sprat and the precautionary conservation objective of flatfish species fished in association with them.

By covering all major stocks in a single management plan, fisheries management measures (notably reference points) could be designed to take better account of the interactions between the different species (and possibly fisheries). Bringing the herring and sprat stocks under a multiannual management plan would also provide a basis for more predictability of pelagic fisheries, contributing to better business planning and stability of supply.

The associated repeal of the existing plan covering Baltic cod only ([Council Regulation \(EC\) No 1098/2007](#)), would also put an **end to** some existing cod fisheries management measures, particularly the **fishing effort limitation** which consists of limiting fishing periods for certain gear and the closing of certain areas to cod fishing. This would contribute towards simplifying the legislative environment and a reduction in administrative burdens on Member States and the fishing industry. In terms of other expected [impacts](#), reduced fishing opportunities might initially result in short-term profit reductions for fishermen, possibly also with slight repercussions on the fish processing industry or consumers. However, the restoration of the status of fish stocks would ensure long-term benefits for both the fisheries and the stocks.

## Preparation of the proposal

The commencement of the preparation of the multiannual plan proposal dates back several years. The [roadmap](#) for this initiative foresaw the European Commission making its proposal by mid-2012. Its preparation ultimately took two years longer, within the context of negotiations on the reform of the CFP (including on the role of multiannual plans in fisheries management) and the on-going institutional debate on the legislative powers of the Council and EP under the CFP (see 'Institutional context' section above).

The initiative has been the subject of several discussions and consultations with stakeholders during this preparation period, notably under the auspices of organisations such as the Baltic Sea Regional Advisory Council (which became the [Baltic Sea Advisory Council](#) with the 2013 CFP reform) and the Baltic Sea Regional Forum ([BALTFISH](#)). It was also built on advice provided by the Scientific and Technical and Economic Committee for Fisheries ([STECF](#)), and the International Council for the Exploration of the Sea ([ICES](#)).

As reported in the [Commission's impact assessment](#), the initial intention was to establish a new plan for Baltic pelagic stocks (on which some [prospective studies](#) had been finalised in 2009) and to review the existing Baltic cod plan, based on both a [retrospective](#) evaluation and some [prospective](#) impact assessment of reviewed scenarios). However, in the course of 2011, the European Commission, Member States and stakeholders came to the common view that the management of this sea basin should be improved and that it would be more appropriate to move forward on a multispecies approach taking into greater account the biological interactions between species. The decision to move forward with a multispecies and multiannual plan was endorsed by the Fisheries Council in October 2011 (see 'Council' section below).

Scientific advice on multi-species management for the Baltic Sea was thereafter progressively developed both by STECF ([STECF-12-06](#)) and ICES ([ICES multispecies advice 2013](#)). While STECF considered that the existing plan had led to some positive results for the Eastern Baltic cod stock, this was not the case for the Western Baltic cod stock, for which STECF also noted that the target fishing mortality was not compatible with achieving MSY. For the seven pelagic stocks considered (i.e. herring and sprat), only three herring stocks were exploited at levels consistent with MSY. ICES also further provided, in September 2014, first [advice on possible  \$F\_{MSY}\$  ranges](#) for some of the Baltic cod, herring and sprat stocks. This advice, which served as the latest scientific reference available to the Commission when tabling its proposal for the Baltic multiannual plan in October 2014, was however only of a preliminary nature.

As planned, ICES provided [new advice](#) on the subject on 31 March 2015; (this advice has been subject to several small updates subsequently, one of which, dated 29 May 2015, concerns reference point values for the herring stock in the Bothnian Sea). ICES was however neither in a position to provide quantitative values for reference points concerning the Bothnian Bay herring stock, nor a minimum spawning biomass limit for the Eastern Baltic cod stock.

## Stakeholders' views

The proposal to establish a multiannual plan for the main fish stocks and fisheries in the Baltic was generally welcomed by stakeholders and within the institutions during the early preparatory discussions.

In its [comments](#) on the Baltic multiannual plan proposal published in February 2015, the Baltic Sea Advisory Council (BSAC) – the regional body with balanced representation of

stakeholders and which plays a key role in CFP governance – unanimously expressed satisfaction over the proposal which was to put an end to the existing effort regime for cod fisheries.

However, the different stakeholder groups within the BSAC were not in agreement on all the proposed measures. The fishing industry welcomed in particular that a great number of issues was open to subsequent delegated acts – subject to proper prior consultation – and they would welcome a plan that would deal only with the direct effects of the fishery on the species concerned.

For their part, environmental NGOs considered the wide use of delegated acts complicating, as there was no clear timeline concerning when a more comprehensive management system would be in place. They also saw the proposed plan as not being in full agreement with the reformed CFP Basic Regulation, notably as it did not link with the new CFP objective of maintaining stocks *above* MSY and as it lacked objectives for future technical measures. They also considered that it would be preferable to set some related targets, on catch metrics for example.

As the [scientific advice](#) of September 2014 used by the Commission was only of a preliminary nature, BSAC stakeholders recommended that mortality targets and conservation reference points (spawning stock biomass) should not be set before the additional scientific advice, then expected soon, became available.

### Advisory committees

In its plenary session of December 2014, the European Economic and Social Committee decided to [endorse](#) completely the content of the proposal for a Baltic multiannual plan. The Committee of the Regions did not adopt a position on this proposal.

### Council

In October 2011, while fixing the TACs and quotas for the Baltic Sea for 2012, the Fisheries Council recognised the need for a multispecies plan by inviting the Commission to propose a long-term multispecies management plan that took into account interactions between cod and pelagic species in the Baltic (See statements by the Council to be entered into the minutes, document [16684/11 ADD 1](#), point 3).

### National parliaments

The [scrutiny](#) of this proposal at national level did not lead to any concerns on subsidiarity (and hence no reasoned opinion) from EU national parliaments.

### Parliamentary analysis

An [initial appraisal](#) of the European Commission's impact assessment, prepared by the European Parliamentary Research Service, concludes that 'the impact assessment has been prepared in line with the established procedure of DG MARE for the evaluation of fish stock management plans. The analysis of specific impacts remains rather general and both this and the problem definition could usefully have been strengthened and assessed in more detail. The language used is clear and accessible. Stakeholder consultation appears to have been thorough, although a breakdown of results would have been helpful. The question of impacts on SMEs, in particular, might merit further attention.'

## Legislative process

**EU Fisheries Ministers** held a **first exchange of views** on the Baltic multiannual plan proposal on 26 January 2015. According to the [Council press release](#) on the outcome of the meeting, Member States generally welcomed the proposal and considered that it would be a test case for a new generation of multiannual management plans. Some ministers however pointed out some issues deserving further discussion, particularly the **legal basis** and the details of the **delegation of powers**. According to the [press](#), some Member States expressed particular **institutional concern** about the content of such a multiannual plan, notably over the **target ranges of fishing mortality and their reach on fishing opportunities**, the setting of which are the prerogative of the Council.

On 31 March 2015, the **EP Committee on Fisheries** voted its [report](#) (20 votes in favour, 1 against, 2 abstentions – Rapporteur: Jarosław Wałęsa, EPP, Poland).

Among its [main positions](#), the PECH Committee proposed to change the **objectives** of the multiannual plan. Members insisted that the plan should be coherent with Union environmental regulation and be in line with the reformed CFP. In this latter regard, beyond its contribution to the elimination of discards, the plan should aim at 'restoring and maintaining the stocks concerned above biomass levels that can produce MSY'. The objective proposed by the Commission was only to 'achieve and maintain MSY for these stocks' (i.e. cod, herring and sprat). Similarly, the plan should 'contribute' to the conservation of some other species caught in association (plaice, brill, flounder and turbot), but this regulation could not be aimed at 'ensuring' such conservation – considering in addition that the proposal did not provide for any operational measure other than giving the Commission delegated powers to act on this basis. The PECH Committee suggested that such delegated powers should be limited to technical measures relating to the by-catches of these flatfish species when fishing for the concerned stocks. Not only would such delegated acts need prior consultation, notably with the EP, but the Commission would have to analyse their impact on an annual basis.

Amongst other key elements of substance, the PECH committee suggested reviewing the approach on quantifiable targets for **conservation reference points** and some associated measures. While lowering the maximum possible fishing mortality rate,<sup>4</sup> the PECH Committee also considered that this target should be achieved by 2015 where possible and, if not, on a progressive incremental basis by 2020 at the latest. The Committee also saw the need to ensure that the spawning stocks were above those capable of producing MSY ( $B_{MSY}$ ), or return to these levels if they went down. It also requested the setting of minimum limits of biomass levels for each stock, below which the fisheries concerned should be halted.

Concerning the proposal for setting a general framework for possible **delegated acts on fisheries technical measures** – where necessary even in derogating thereby to rules already established by the legislators in the Baltic Technical Measures Regulation (No 2187/2005) – the PECH Committee refused to give, in this case, powers to the Commission to modify the existing trawling prohibition for the Gulf of Riga, but it added powers for the Commission to set specifications on minimum fish sizes (minimum conservation reference size). However the Committee also suggested amending immediately the above mentioned Regulation in this regard, by reducing therein the minimum size for cod from 38 to 35 cm.<sup>5</sup> The PECH Committee also proposed to establish within this new Baltic Multiannual Plan some technical rules such as defined closed areas or specific gear prohibitions (to which the proposed repeal of the existing

Baltic cod management plan would put an end). On **regional cooperation** concerning technical measures and the implementation of the landing obligation, it suggested requiring prior consultation with the regional advisory councils and enlarging the calendar or conditions (e.g. abrupt change in the situation of a stock) for possible joint recommendations from Member States at regional level, and adding a scrutiny mechanism in cases in which the Commission deviated therefrom when adopting delegated acts in that respect. In terms of **control**, the EP Committee considered the need to continue requesting special permits when fishing for cod in the Baltic Sea (a provision which would also fall with the repeal of the existing Baltic cod plan), while clarifying some provisions on prior notification of entry into port and giving greater flexibility on this matter.

The EP Committee on Fisheries also wanted to add new provisions according to which this Baltic plan should provide for the temporary cessation of activities and corresponding **financial support** as defined in some provisions of the European Maritime Fisheries Fund ([EMFF](#), namely Article 33 thereof).

In terms of **follow-up**, it felt that the **delegations of powers** should not be granted indefinitely to the Commission, but should be subject to regular reporting and possibly tacit renewal on a five-yearly basis. Similarly, instead of regular **evaluations** every six years, the Commission should evaluate the impact of the plan, particularly in terms of progress towards MSY, for the first time after three years, and then thereafter every five years.

On 20 April 2015, the **Council** of [Fisheries Ministers](#) came to a political agreement, by qualified majority, on a **general approach** on the proposal (see [doc. 8167/15](#)). The Council wanted to review the main elements of the proposal, among others on issues relating to fishing mortality and biomass levels<sup>6</sup> (including in terms of legal architecture), on measures to be drawn up on this basis, and on possible delegation of powers to the Commission based on recommendations at the Baltic regional level. According to the [press](#), France and Spain would have preferred to adopt only a partial general approach, while awaiting the outcome of the on-going legal proceedings (see 'Existing situation' section above). Ministers considered that this plan would be a test case for a new generation of multiannual plans.

After having [debated the proposal](#) on 27 April 2015, the **EP plenary** [voted](#) legislative amendments ([P8\\_TA\(2015\)0104](#)) to the proposed regulation on the Baltic Multiannual Plan. In [summary](#), the plenary supported all the main changes proposed by the PECH Committee in substance, except for its suggested amendments concerning the setting of minimum biomass levels for the different stocks below which concerned fisheries should be stopped. The plenary instead adopted an amendment introducing a general requirement that minimum spawning biomass levels should be set at the level of the Biological Precautionary reference point (see note 3). The plenary also added an amendment to increase, derogating from the current Control Regulation (No 1224/2009), the margin of tolerance on the accuracy of data recorded in the fishing logbook concerning the catches of pelagic or industrial fish species kept on board fresh and unsorted.

The matter was referred back to the Committee responsible for reconsideration.<sup>7</sup> This was notably requested by the rapporteur, for the purpose of trying to reach a first reading agreement. On 6 May 2015, the Committee of Fisheries [decided on the opening](#)

[of negotiations](#) with the Council based on the report as adopted in plenary (the formal negotiating mandate was adopted by 22 votes to 2, with 1 abstention).

On 24 June 2015, after several meetings between the EP, Council and Commission, the [EP Press Service](#) echoed the declarations made by the rapporteur on the lack of progress, including the risk of complete blockage of negotiations, as the Council was not willing to respect the reformed CFP. Other [press sources](#) highlighted that one key element at stake concerned the acceptable levels of fishing mortality. While the EP considered that fishing activities must maintain fish stocks at levels above those that can produce the maximum sustainable yield (MSY), in full accord with the adopted CFP reform, the Council position was that mortality rate should be seen only as an objective, not a limit, and that exceeding  $F_{MSY}$  was hence possible.

On 22 September 2015, the EP Committee on Fisheries organised a [web-streamed public hearing](#) on Multispecies Management Plans for Fisheries, the first part being dedicated in particular to questions of delegated acts concerning landing obligations and technical measures in the Baltic Sea, and in other waters. During the [discussions](#), it was indicated that negotiations with the Council on the proposal for the Multiannual Baltic Plan were to resume. No consensus had however been reached by the end of the Luxembourg Presidency.

In the meantime, on 1 December 2015, the Court of Justice [ruled](#) on the cod management plan case (see above), thereby setting out elements which need to be taken into account in the interinstitutional debate on the Baltic plan proposal. Also during December 2015, through an own-initiative resolution ([2015/2092\(INI\)](#); rapporteur Gabriel Mato, EPP, Spain), the European Parliament expressed its main [positions](#) of principle concerning technical measures and multiannual plans, also in anticipation of new proposals from the Commission on this matter.

On 14 January 2016, during an [exchange of views](#)<sup>8</sup> on the priorities of the Netherlands Presidency with Members of the Fisheries Committee, Martin Van Dam, Dutch Minister in charge for agriculture and fisheries, expressed his hope that an agreement could be reached before the end of June. Several Members stressed the need to conclude matters urgently. Jarosław Wałęsa, as rapporteur on the Baltic Multiannual Plan proposal, expressed his confidence over a positive outcome, and indicated that technical and trilogue meetings had already been scheduled.

## References

[Multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks](#), European Parliament, Legislative Observatory (OEIL).

[Initial appraisal of the European Commission impact assessment](#) on the multiannual plan for the Baltic Sea stocks of cod, herring, European Parliamentary Research Service, January 2015.

## Endnotes

<sup>1</sup> The entry into force of the Lisbon Treaty in December 2009 extended the ordinary legislative procedure to almost all regulatory measures concerning the exploitation of marine living resources under the Common Fisheries Policy (Article 43(2) [TFEU](#)). However, some competences, particularly for 'fixing and allocating fishing opportunities' remain within the remit of the Council only (Article 43(3)).

<sup>2</sup> As decided in the reform of the CFP, all catches of species which are subject to catch limits (TACs) shall progressively be retained on board and landed (discard ban). This requirement (landing obligation) is applicable since 1 January 2015 in the Baltic Sea for sprat, herring, cod, plaice and salmon. For the three latter species, also subject to size limits (now so-called 'minimal conservation reference size'), undersized fish cannot be used for direct human consumption (as a way to limit their commercial value).

<sup>3</sup> As defined in its objectives (cf. Article 2(2) of [Regulation No 1380/2013](#)), the CFP shall apply the precautionary approach to fisheries management, but it also builds on the Maximum Sustainable Yield (MSY) principle. In fisheries management, this translates notably into '**conservation reference points**', which mean values of fish stock population parameters, such as biomass or fishing mortality rate, used for example in respect of an acceptable level of biological risk or a desired level of yield.

If a stock falls below a certain level, the ability of the remaining fish to continue to reproduce efficiently is itself significantly affected and there is a high risk of an irreversible collapse, even if fishing is stopped. The precautionary approach aims at keeping away from such high risks, and in managing fisheries based on reference points such as the **precautionary spawning stock biomass** (which corresponds to the minimum level (weight) of sexually mature fish in a stock in respect of an accepted level of biological risk).

Beyond avoiding high risks of stock collapse, the new CFP shall progressively restore and maintain populations of fish stocks above biomass levels capable of producing Maximum Sustainable Yield (MSY), by achieving the **MSY exploitation rate** by 2015 where possible, and at the latest by 2020 for all stocks. MSY is defined as 'the highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process'. MSY roughly corresponds to the largest catch of a fish stock that can be taken over an indefinite period without harming it (with environmental conditions remaining constant). The MSY approach is more about defining where the stock should be and managing fisheries accordingly in order to exploit the stock on a maximised but sustained pattern (in a stable ecosystem). In the EU, MSY is classically defined in terms of **fishing mortality rate (or F)**, i.e. an expression of the level (intensity) of fish removed by fishing. F can subsequently be translated into, and expressed in terms of, amounts (weight) of fish which can be harvested. When fishing mortality remains close to a given value –  $F_{MSY}$ , the overall average catch taken from the stock remains close to the maximum possible without harming the future of the stock.

<sup>4</sup> Instead of setting a possible fishing mortality rate (F) for the concerned stocks within a given interval set on both sides of the  $F_{MSY}$  value, the EP PECH Committee was of the view that fishing mortality should never exceed  $F_{MSY}$  (F may vary, but between 0 and  $F_{MSY}$  as the upper limit), with  $F_{MSY}$  being set based on latest scientific advice available, and with F aiming at  $0.8 \times F_{MSY}$ .

<sup>5</sup> The current applicable minimum size for cod had already been reduced to 35 cm in October 2014 under [Commission Delegated Regulation](#) (EU) No 1396/2014 establishing a discard plan in the Baltic Sea. This Regulation is however only applicable until the end of 2017.

<sup>6</sup> Ministers also modified the quantitative values for F range and biomass reference points, based on the updated scientific advice as then available (see the section above on the 'preparation of the proposal', last paragraph under scientific developments).

<sup>7</sup> Pursuant to Rule 61(2), second subparagraph, of the [EP Rules of Procedure](#).

<sup>8</sup> See also the full [web-streamed debate](#) (start 11:08).

## Disclaimer and Copyright

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. It is addressed to the Members and staff of the EP for their parliamentary work. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2016.

[eprs@ep.europa.eu](mailto:eprs@ep.europa.eu)

<http://www.eprs.ep.parl.union.eu> (intranet)

<http://www.europarl.europa.eu/thinktank> (internet)

<http://epthinktank.eu> (blog)

