

Copenhagen 9th November 2017

**BSAC recommendations to the BALTFISH draft Salmon Multiannual Plan
(of 29th September 2017)**

Background

The BSAC held a sub-group on ecosystem based management on 3rd October 2017. A representative from the Ministry of Agriculture and Forestry, Finland presented a revised draft of the BALTFISH Salmon Multiannual Plan (the version of 29th September 2017). The sub-group went through the paper article by article and exchanged views. It was agreed by the sub-group that a BSAC drafting group would draft a basic text with draft recommendations to send to the BSAC ExCom. The draft was discussed and adopted by the Executive Committee at its meeting on Tuesday 7th November 2017.

The draft begins with a series of statements which reflect where there is common ground within the BSAC. This is followed by general comments to the proposal made by the other interest group and the fisheries interest group. After that come separate comments and details to each Article where relevant. The version presented by BALTFISH contained track changes. These are retained in the document below. All the amendments and comments made by the BSAC throughout the proposal are highlighted in yellow.

Statements of common ground from the BSAC

The BSAC appreciates the initiative taken by Finland to re-start the process with developing a multiannual plan for salmon and for inviting the BSAC to provide input to the draft sent to the BSAC, dated 29th September 2017 (with the track changes in it). The BSAC supports the ambition by BALTFISH to get on with the work and aim to have a document ready for presenting to the Parliament by December 2017¹.

The BSAC unanimously advises BALTFISH to:

- clearly state that the scope of the plan applies to all marine waters in the Baltic Sea from the shore line and the outermost points of the river mouth
- set different targets of MSY for weak and stronger rivers
- not support any quota transfer from the Main Basin to the Gulf of Finland

¹ Link to the approved BSAC report from sub-group meeting: <http://www.bsac.dk/getattachment/Meetings/BSAC-meetings/Executive-Committee-and-sub-group-on-ecosystem-bas/ReportEBMSubgroup031017SALMONFINAL.pdf.aspx?lang=en-GB>

- consider safeguards and to be able to both add and change existing safeguards when conditions change and not only deteriorate
- support the use of a landing declaration, done at least 48 hours after landing
- remove reference to the age of salmon when released
- fully adhere to existing scientific advice regarding the listing of wild salmon rivers in Annex 1 of the proposal

General comments to the proposal

The Other Interest Group (OIG) is of the opinion that the proposal constitutes basically a whole new text compared to the original from 2011 and questions whether BALTFISH is empowered to put forward a proposal.

The BALTFISH proposal omits large parts of the Commission proposal from 2011² and the amendments made by the European Parliament in 2012³, for example recreational fishery, phasing out of rearing and release, and control. Chapter VII Control and Enforcement of the Commission's proposal has now been limited to a simple text requiring a landing declaration. Salmon stocks have suffered from false reporting and this is still highlighted as a problem by ICES, with Member States catching their TAC several times through false reporting. This in turn leads to fewer resources available for "wanted reported" landings.

Requirements for landing inspections (previously Article 20) should be reinserted in the plan, as was the wish of the European Parliament. National control action programmes should also be included from the previous plan (Article 21).

The OIG calls for provisions for a bag limit for recreational fisheries and proposes a max of 1 salmon per fishermen per day. One OIG member⁴ finds it unacceptable to include a bag limit. In their opinion there is currently no scientific evidence that shows a need for a bag limit, although this should be reviewed if scientific evidence and catch statistics can show a clear cause for a bag limit.

The OIG finds that the proposal does not include the Habitats Directive 92/43/EEC, where salmon is listed in 2 of the annexes (Annex II and Annex V).

The OIG does not consider the proposal to be fully in line with the CFP, for example in Articles 2, 9 and 10, as well as the task force agreement between the EP and Council, which states that plans must have conservation reference points to trigger safeguards. Moreover, a clear revision clause is lacking.

²

[http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2011/0470/COM_COM\(2011\)0470_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2011/0470/COM_COM(2011)0470_EN.pdf)

³ <http://www.bsac.dk/Meetings/BSAC-meetings/Executive-Committee-and-sub-group-on-ecosystem-bas>

⁴ The European Anglers Alliance

The Annex 1 listing the rivers is unacceptable and should follow scientific advice from ICES and should not be subject to amendment by Member States. All rivers with wild salmon spawning must be part of this regulation.

The OIG also calls for the development of trigger points as well as secondary targets based, for example, on the number of ascending spawners / parr density. A stock recruitment model based on egg deposition could be the base for any trigger (this requiring a migrating spawner goal and count). This is more responsive than the current system of smolt production against psp. Smolt production can take 3-5 years to show that there are problems within a river, whereas a stock recruitment model will pick up problems within a year.

The Fisheries Interest Group focuses mainly on the practical implications of the suggested text. It is not concerned with formalities, such as the need to have trigger points, reference to specific other regulations or articles, or the need for a revision or evaluation. Essentially, it is a management plan to regulate the activities of the fisheries targeting salmon. Therefore, there is no need to repeat specific details from environmental regulations. Abiding by existing EU legislation should be a given thing. It makes reading of the regulation complicated and detracts from the focus of the plan: the regulation of the fishery.

The Fisheries Interest Group wants to continue releases of salmon in order to support a commercial fishery. The existing releases are regarded as a compensatory measure for all the mistakes made in the rivers, and for which the fishermen pay the price.

Separate comments and details from the BSAC to each Article where relevant

**Regulation of the European Parliament and of the Council
establishing a multiannual plan for the Baltic Salmon stock and the fisheries
exploiting that stock**

**CHAPTER I
SUBJECT MATTER, SCOPE AND DEFINITIONS**

Article 1

Subject-matter and scope

The BSAC is of the opinion that the geographic limit to the operable area of the plan must be determined, otherwise most of the commercial fishing of Member States such as Finland and Sweden will be considered outside the plan. The plan must include all commercial fishing in the Baltic Sea, including coastal fisheries, otherwise it does not deal with the fisheries exploiting the stock. Without clearly delineated boundaries for what is river and sea, the plan will not be effective.

1. This Regulation establishes a multiannual plan ('plan') for the Baltic Sea salmon stock and for the fisheries exploiting the salmon stock concerned in the Union marine waters of the Baltic Sea:

(a) salmon (*salmo salar*) in ICES Subdivision 22-31 (~~Main basin and Gulf of Bothnia~~);

(b) salmon (*salmo salar*) in ICES Subdivision 32 (~~Gulf of Finland~~).

2. The plan shall apply to Union fishing vessels in the Union marine waters of the Baltic Sea.

Article 2

Definitions

1. 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 apply:

(1) "Baltic Sea" means ICES zones IIIb, IIIc and IIId ~~Subdivisions 22-32~~; **(correction by the BSAC)**

~~(2) "Baltic Sea rivers" means the rivers connected to the Baltic Sea on the territory of Member States;~~

~~(23)~~ "Baltic Sea salmon stock" means all salmon stocks in the Baltic Sea;

~~(4) "wild salmon river" means a river with self-sustaining wild salmon stocks with no or limited releases of reared salmon as listed in Annex I;~~

~~(3) "wild salmon stock" means a wild salmon stock originating from a river with self-sustaining salmon stock with no or limited releases of reared salmon as listed in Annex 1.~~

~~(45) "potential smolt production capacity" means the production capacity of smolts calculated for each ~~river~~ wild salmon stock on the basis of relevant stock ~~river~~-specific parameters;~~

~~(6) "technical conservation measures" means measures that e.g. regulate the species composition, size composition of catches and impacts on components of the ecosystems resulting from fishing activities through conditioning the use and structure of fishing gear and restrictions of access to fishing areas;~~

~~(57) "stocking" means the deliberate release of smolt or earlier life stages of reared salmon.~~

~~(6) "MSY" (Maximum Sustainable Yield) means the largest average catch or yield that can continuously be taken from a stock under prevailing environmental conditions. For wild salmon stocks, MSY and status of individual wild salmon stock is evaluated based on current smolt production in relation to the potential smolt production capacity.~~

~~(7) "potential salmon stock" a salmon stock with little or no natural reproduction that has the potential for developing into a self-sustaining wild salmon stock~~

The fisheries representatives question the proposal to change river parameters to stock parameters. The OIG points out that the definition of recreational fishing is missing.

CHAPTER II OBJECTIVES AND TARGETS

Article 3

Objectives of the plan

In Article 3.1, the OIG wants to include the wording "the plan shall aim to achieve" to make it consistent with relevant legislative acts. The Fisheries Interest Group wants to insert

“the objective of achieving the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies, through”, so as include a clear reference to the need to preserve a viable salmon fishery.

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of the marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

2. The plan shall contribute to the elimination of discards, by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the Baltic Sea salmon stock covered by this Regulation.

In Article 3.3, a representative of small scale fisheries wants the inclusion of “***and that, where appropriate, negative impacts of the marine ecosystem on fisheries are mitigated.***”, because coherence with environmental legislation should not only mean fisheries fulfilling the environmental and biodiversity needs, but equally environmental and biodiversity policies should bear in mind the situation and needs of sustainable fisheries, especially the small-scale segment. This is particularly important in relation to the seal-fisheries interactions.

An OIG member finds the reference to the EU environmental legislation particularly important, since a range of problems in the freshwater environment plays a significant role in explaining the poor status of stocks in the Baltic rivers. Connectivity between river habitat, coastal transitional zone and open sea is the lifeline for Baltic salmon. Today, Baltic salmon reproduce naturally in nearly 40 rivers. In the past, however, the number of rivers with wild Baltic salmon stocks is known to have been considerably higher, i.e. around one hundred rivers. Damming, habitat destruction, pollution and intensive fishing have been identified as the main causes of the decline. Salmon plays an important role in maintaining the balance in riverine foodwebs, both by harvesting invertebrate populations and also providing an important food source for other predatory species.

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and that, where appropriate, negative impacts of the marine ecosystem on fisheries are mitigated. **(Proposed by BSAC small scale fisheries representatives).** It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC and with the objectives of Directive 2000/60/EY.

The Fisheries Interest Group proposes to delete the following, because it finds it redundant:

~~In particular, the plan shall:~~

- ~~(a) aim to ensure that the conditions described in descriptor 3 contained in Annex I to Directive 2008/56/EC are fulfilled; and~~

aim to contribute to the fulfilment of other relevant descriptors contained in Annex I to that Directive in proportion to the role played by fisheries in their fulfilment. (the OIG finds this section important)

An OIG member proposes the same amendment in Article 3.4 as in Article 3.1., as this is in line with the wording agreed by the Commission and European Parliament in the original MAP.

4. The plan shall contribute to the biodiversity, genetic integrity and diversity of the Baltic Sea wild salmon stock.
5. Measures under the plan shall be taken in accordance with the best available scientific advice.

Article 4

MSY target levels for the wild salmon ~~stocks~~ rivers

The fisheries representatives question the proposal to change “river” to “stock”.

An OIG member is of the opinion that the plan shall ensure the achievement of MSY as soon as possible. The OIG also supports the proposed target of 80% with respect to the potential smolt production capacity for each stock, already agreed in 2011 by the European Parliament.

The fisheries representatives are of the opinion that a target for the potential smolt production should be 75%, as recommended in the latest ICES advice. The fisheries representatives are not in favour of timelines.

1. The plan shall aim at achieving maximum sustainable yield as soon as possible or on a progressive, incremental basis at the latest by 2020 and maintaining thereafter the Baltic Sea salmon stock at the levels which can produce maximum sustainable yield. ~~Such maximum sustainable yield is defined as wild salmon smolt production levels of the potential salmon production levels in each wild salmon river.~~
2. For wild salmon ~~stocks~~ rivers which have reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, the wild smolt production shall reach at least (75)(80)% of the potential smolt production capacity for each ~~stock~~ river in five years after the entry into force of this regulation.
3. For wild salmon ~~stocks~~ rivers which have not reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, the wild smolt production shall reach 50% of the potential smolt production capacity for each ~~stock~~ river in five years and (75)(80)% in ten years after the entry into force of this regulation.
4. For wild salmon stocks added to the Annex I after the entry into force of this Regulation, the smolt production shall reach 50% of the potential smolt production capacity within 15 years, and

reach at least (75)(80)% of the potential smolt production capacity in ten years after being added to the Annex I.

5. After ten years from the entry into force of this Regulation, the wild salmon smolt production shall be maintained at a level of at least (80)(75)% of the potential smolt production capacity in each wild salmon stockriver.

65. The achievement of the MSY target levels for the wild salmon production level of the potential production level set in paragraph 2, 3 and 4 shall be calculated as a three year average of salmon smolt production level in each wild salmon stockrivers.

76. In addition to targets in paragraphs 2 and 3, Member States may set, for each wild salmon stockriver, additional and other more stringent targets and express such additional targets by other means, such as the number of ascending salmon or by other comparable relevant targets.

7. By way of derogation to the paragraph 5, for rivers with a catchment area of less than 1000 square kilometers, the achievement of MSY target levels for the wild salmon production level of the potential production level shall be calculated as an average of the best three years out of the last five years of salmon smolt production level in each salmon stockriver.

CHAPTER III CONSERVATION REFERENCE POINTS

Article 5

Fishing opportunities

1. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, the fishing opportunities shall be fixed in accordance with the objectives and targets of the plan.

The OIG is of the opinion that the overall fishing mortality rate of 0.1 is problematic as it does not take into account the different status of salmon stocks. A fishing mortality rate of 0.1 may be too high for the weakest stocks and is not evaluated by scientific methods. However, the fishing mortality rate of 0.1 corresponds to the current exploitation rate. According to ICES (2017), the exploitation rate of Baltic salmon in the sea fisheries has been reduced to such a low level that most stocks are predicted to recover.

The proposed F of 0.11 is a clearly a change to that already agreed by the Parliament, and would have a major effect upon the probability of the ability of the regulation to reach MSY goals, which in turn will have a considerable effect upon the size of returns to rivers and thereby potential future increase in TACs. Leaving F at 0.1 will increase returns and possibly TAC increases, which is good for the species as well as recreational and commercial fisheries.

2. The fishing opportunities for the Baltic Sea salmon stock in the ICES subdivisions 22-31 Main basin and Gulf of Bothnia shall be set at the level corresponding to a fishing mortality rate of 0.1. When 870% of the wild salmon stocks in all of the rivers listed in the Annex 1 in ICES subdivisions 22-31 outside the Gulf of Finland have achieved the potential salmon smolt production level of 50%, the Council may set the fishing opportunities at the level corresponding to a fishing mortality level of 0.11.

A representative of small scale fisheries is of the opinion that due to lack of quantitative scientific advice, the Gulf of Finland salmon stock receives much more lenient treatment in terms of the Council's TAC-setting flexibility than the Main Basin stock, which has an MSY-based advice (Article 2). For stocks where ICES advice is composed using the Bayesian method, heavily reliant on expert opinion, this must be seen as unequal treatment for fishermen of the North versus fishermen of the Main Basin. What prevents ICES from forming MSY-based advice for the Gulf of Finland stock?

3. By way of derogation from paragraph 2, Until a quantitative assessment is available enabling to define and apply defining the appropriate fishing mortality value(s) or a range of values, the fishing opportunities for the Baltic Sea salmon stock in the ICES subdivision 32 Gulf of Finland shall be set at the level improving the wild salmon stock status with a high probability towards the MSY target levels set in Article 4.

With reference to Article 5.4, an OIG member draws attention to the need to provide definitions of the operable area of the plan. Do "marine waters" include coastal waters? Without the definitions, the plan risks to fail.

4. When fixing the fishing opportunities in accordance with paragraphs 1-3, the Council may set, in accordance to the objectives and targets of the plan, area or time limitations in marine waters of the Baltic Sea at sea on the exploitation of the fishing opportunities.

The BSAC is unanimous to delete **Article 5.5** from the plan. **Quota transfers have no scientific basis.**

5. A Member State having fishing opportunities of salmon both in the ICES subdivisions 22-31 and in the ICES subdivision 32 may transfer annually no more than 15 % of the fishing opportunities available to it in ICES subdivision 22-31 to ICES subdivision 32.

6. Where, on the basis of a scientific advice, the Commission considers that the fishing mortality values or ranges set in paragraph 2 or 3 no longer correctly express the objectives of the plan, the Commission may as a matter of urgency submit a proposal for revision of those values or ranges.

Safeguards

In Article 6.1, the BSAC agrees that it should be possible to adopt measures when conditions change – not only when they deteriorate.

1. When scientific advice indicates that Baltic Sea salmon stock conditions have **changed deteriorated exceptionally** and/or that the applied fishing mortality rate is not in accordance with the objectives and targets in Articles 3 and 4, appropriate remedial measures shall be adopted to ensure rapid return of the Baltic Sea salmon stock concerned to target levels as set out in Article 4. These may include Commission measures in case **of serious** of serious threat to marine biological resources in accordance with Article 12 of Regulation (EU) No 1380/2013, Member State emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013 or the submission of appropriate legislative proposal for legal acts by the Commission.

2. In case of sudden outburst of diseases, critically low post smolt survival rates or other unforeseen developments, the Council may fix the fishing opportunities at a level which is lower than the one resulting from the application of paragraphs **2 and 3 in Article 5** in order to facilitate the return of the stock concerned to MSY target levels set in Article 4.

In Article 6.3, the OIG opposes the choke species clause. Salmon stocks are being subordinated to potential choke problems, which will lead to a slow recovery of the weakest stocks and take a longer time to achieve MSY goals.

3. The choice of measures referred to **in** this Article shall be made in accordance with the nature, seriousness, duration and repetition of the situation **and may take due account of possible choke species situations in other fisheries** where salmon occurs **as a by-catch**.

4. Where, on the basis of scientific advice, the Commission considers that the MSY target levels set out in Article ~~4~~ no longer correctly express the objectives of the plan, the Commission may, as a matter of urgency, submit a proposal for the revision of the MSY target levels.

5. Where, on the basis of a scientific advice, the Commission considers that the salmon stocks- listed in Annex I do not correspond to the wild salmon stocks in the Baltic Sea, the Commission may, as a matter of urgency, submit a proposal for the revision of Annex I

Article 7

Member States measures to conserve weak salmon stocks

In Article 7.1, a representative of small scale fisheries finds the measures on potential salmon stocks, where the state of spawning habitats (i.e. rivers) is decisive, unjust towards fisheries, particularly small-scale ones. The fisheries is not the most important factor determining the potential production capacity of rivers. Therefore, measures to be applied

here should go way beyond just regulating fisheries. Moreover, restricting the measures to marine waters only is illogical, given that measures improving smolt production capacity of individual stocks should be undertaken mainly in the rivers. Small scale fisheries representatives are against this Article, especially Article 7.1. There should be a comprehensive protection of salmon going to spawning grounds and back, including hydroelectric dams, impact from seals and fisheries.

The OIG is of the opinion that the proposal under Article 7.1 is a step in the right direction and supports it. The plan should also enable the Commission to intervene in cases where national measures are not efficient enough to achieve the objectives.

River specific reference points/secondary targets (such as number of ascending spawners and smolt production) would also be useful in order to identify whether the problems are caused by the fishery or by conditions in the rivers. For example, in the Finnish river Simojoki it is rather clear that the observed smolt production/parr density does not match the number of spawners and therefore the main cause for the poor smolt production is most likely due to problems in the freshwater environment.

The fisheries representatives find the proposal under Article 7.1. unacceptable. The target mortality is already set very low in order to compensate for the mixing of stocks. If a target for a specific stock is not reached, it must be caused by other activities than fishing.

The OIG proposes two years instead of three.

1. For wild salmon ~~stocks rivers~~ which have not reached 50 % of the potential smolt production capacity by the time of the entry into force of this Regulation, Member States exploiting such wild salmon stocks shall establish and apply no later than three years after the entry into force of this Regulation national technical conservation measures in the marine waters of the Baltic Sea to be applied to its own fishing vessels exploiting salmon stocks referred to in this paragraph.

2. If after the entry into force of this Regulation, wild salmon ~~stocks rivers~~ which have reached the targets set in Article 4, fall under the set targets, Member States shall establish and apply national additional technical conservation measures in marine waters of the Baltic Sea to be applied to its own fishing vessels exploiting wild salmon stocks referred to in this paragraph. These additional measures shall be applied until the targets in Article have been achieved.

3. Member States referred to in paragraph 1 and 2 of this Article, shall notify other Baltic Sea Member States and the European Commission without any unduly delays measures referred to in paragraph 1.

4. Technical conservation measures referred to in paragraph 1 and 2 of this Article shall be based on stock specific requirements to adequately contribute to achieving the objectives and targets set in Articles 3 and 4. The location, timing and other relevant provisions of such measures shall be based

on best available information on Baltic Sea wild salmon feeding and migration routes in marine waters of the Baltic Sea.

5. Member States may establish technical conservation measures or other necessary stock recovery measures for potential salmon stocks to be applied to its own fishing vessels exploiting such stocks in the marine waters of the Baltic Sea.

CHAPTER IV CONTROL AND ENFORCEMENT

Article 8

The OIG regrets the deletion of this Article and calls for its reinsertion. Furthermore, the plan should address means to improve monitoring and control. Misreported and unreported salmon catches have been a constant and long-lasting problem in the salmon fisheries and there is an alarming trend in estimated misreported catches which have increased from 6% in 2014 to 16% in 2016.

Marking of salmon

~~Salmon caught in the Baltic Sea shall be marked individually with a method allowing a clear identification by the control authorities of the fishing vessel used in catching or commercial fisherman having caught that salmon. Such marks shall be immediately attached to the fish after being caught and remain attached to the fish before landing, during landing and transportation, storage and first sale either in retail or wholesale. Only marked whole salmon may be landed and the mark shall remain attached to the whole salmon beyond landing until it is filleted or otherwise processed to smaller pieces.~~

Article 89

Landing declaration

By way of derogation from Article 23 of Regulation (EC) No 1224/2009, masters of Union fishing vessels of all lengths fishing for salmon in the Baltic Sea shall provide a landing declaration concerning Baltic Sea salmon at the latest of 48 hours after the landing has ended.

CHAPTER V PROVISIONS LINKED TO THE LANDING OBLIGATION

Article 910

The OIG questions the lack of inclusion of the rules in place and at the same time the lack of updated rules justifying the derogations based on survival after releases from salmon traps. The measures in place are not in line with the requirements of the CFP.

Provisions linked to implementation of the landing obligation

1. The Commission is empowered to adopt delegated acts in accordance with Article 150 of this Regulation and Article 18 of Regulation No 1380/2013 regarding the following measures:

- (a) exemptions from the application of 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, in order to facilitate the implementation of the landing obligation;
- (b) de minimis exemptions in order to facilitate the implementation of the landing obligation; such de minimis exemptions shall be provided for cases referred to in Article 15(4)(c) of Regulation (EU) No 1380/2013 and shall not exceed the percentage points, as foreseen in that Article, of total annual catches of a species subject to the landing obligation to which this plan applies;
- (c) specific provisions on documentation of catches, in particular for the purpose of monitoring the implementation of the landing obligation; and
- (d) the fixing of minimum **and potentially also maximum** conservation reference sizes, with the aim of ensuring the protection of juveniles of marine organisms **and large female spawners (proposed by one OIG member)**.

In Article 9.1 d, one OIG member proposes to include the reference to potentially setting maximum size, in order not to repeat mistakes of targeting the largest fish only. This is especially important under the LO derogation rules that clearly risk high-grading.

Another OIG representative is of the opinion that a maximum reference size increases the risk of high grading. He questions the protection of adipose fin clipped females and does not support this clause.

The fisheries representatives do not support setting a maximum landing size, unless this is used as an argument to increase the TAC, which is set on the assumption that there is only a minimum size. The TAC is set on the assumption of fishing patterns being stable.

2. The measures referred to in paragraph 1 of this Article shall aim at to achieving the objectives set out in Article 3.

CHAPTER VI TECHNICAL MEASURES

Article ~~10~~1

Technical measures

The fisheries representatives are of the opinion that there is no need for new rules for the commercial fishery, other than the acceptance of gill nets, and have no comments to the lack of regulations regarding recreational gears.

1. The Commission is empowered to adopt delegated acts in accordance with Article ~~15~~8 of this Regulation and Article 18 of Regulation No 1380/2013 regarding the following measures

- (a) specifications of characteristics of fishing gears and rules governing their use, including recreational fishing (proposed by the OIG) to maintain or improve selectivity, to reduce unwanted catches or to minimize negative impact on the ecosystem;
- (b) specifications of modifications or additional devices to the fishing gears, including recreational fishing (proposed by the OIG) to maintain or improve selectivity, to reduce unwanted catches or to minimize negative impact on the ecosystem;
- (c) limitations or prohibitions on the use of certain fishing gears and on fishing activities or certain areas or periods, including also recreational fishing (proposed by the OIG), in order to protect feeding or migrating fish or fish below the minimum conservation reference size or to protect weak salmon stocks; and
- (d) minimum and potentially also maximum conservation reference sizes, with the aim of ensuring the protection of juveniles of marine organisms and large female spawners. (proposed by the OIG)
- (e) Setting of maximum allowed catches for recreational fishing such as daily bag limits of 1 salmon per day or other limitations on catches of wild salmon with intact adipose fin (proposed by the OIG)

A representative of the anglers can support Article 10.1 (e) providing there is scientific advice stating the need for a catch bag limit.

2. The measures referred to in paragraph 1 of this Article shall aim at achieving the objectives in set out in Article 3.

CHAPTER VII

REGIONALISATION

Article ~~14~~2

Regionalisation

1. Article 18 (1) to (6) of Regulation 1380/2013 shall apply to the measures referred to in Articles ~~94~~0 and ~~104~~ of this Regulation.

A representative of small scale fisheries notes that the Plan should make it possible to regulate recreational fisheries for salmon if the need arises, as decided within BALTFISH. This could best be done by means of a “regionalised” delegated act.

2. For the purpose of paragraph 1 of this Article, Member States concerned **must** submit (**proposed by one OIG member**) joint recommendations for the first time not later than XXXX and thereafter 12 months after each submission of the evaluation of the plan in accordance with Article 14. They may also submit such recommendations when deemed necessary by the Member States concerned, in particular in the event of an abrupt change in the situation for Baltic Sea salmon stock. Joint recommendations concerning a given calendar year ~~not~~ shall be submitted well in advance not later than 1 July of during the previous year preceding the planned implementation year.

An OIG member questions the BALTFISH track record with respect to setting dates. **A small scale representative** draws attention to the fact that there is no obligation for the Member States to submit Joint Recommendations. This would not be in line with Article 18 of the Basic Regulation. **Another OIG member** requests a definition of “abrupt change”.

3. The empowerments granted under Articles ~~98~~ and ~~109~~ of this ~~R~~regulation shall be without prejudice to powers conferred to the Commission under other provisions of Union law, including under Regulation (EU) No 1380/2013.

CHAPTER VIII FIN-CLIPPING

Article ~~132~~3

Fin-clipping

The OIG supports fin-clipping to separate wild and reared salmon. Any release should be done in as early a life stage as possible. It can already be done on fish from 5-10 grammes and younger than 1 year. The reference to the 1-year old fish should be removed.

In the view of one OIG member, the plan should also include other measures to control compensatory releases. Lack of adherence to the Commission and European Parliament ambitions of phasing out large scale releases is problematic and a disappointment. The ambition in HELCOM is already to set a series of very strict principles for how rearing and releasing must be done. **A representative of anglers** supports fin-clipping. A text about “releases in wild rivers being a temporary measure to support existing wild salmon stocks” is necessary.

1. All released salmon ~~1-year or older~~ **(this removal is supported by the BSAC)** excluding salmon releases done to establish new salmon stocks or to support existing weak salmon stocks, to the Baltic Sea or to other water bodies with the ~~possibility intention~~ of the released salmon to migrate to the Baltic Sea must be fin-clipped before stocking.

Article 14

Conservation measure

With reference to restocking, **the OIG** is of the opinion that this measure is not acceptable without scientific justification. Continuing as before will not work unless the rivers are restored. Rearing and releasing are NOT sustainable. Such a paragraph must be more complete in order to make sense. **A small scale fisheries representative** is of the opinion that restocking should be coupled with measures which aim at improving the status of habitats. But this does not mean that restocking as such should be cast in doubt.

1. Direct re-stocking of salmon may be considered as a conservation measure for the purpose of Article 37(2) of Regulation (EU) No 508 /2014 when conducted in order to support the achievement of the objectives and targets in Articles 3 and 4 of this Regulation.

An OIG representative notes that there is no definition of "direct re-stocking" of salmon. A text about "releases being only a temporary measure to support existing wild salmon stocks" is necessary.

2. The measures referred to in paragraph 1 of this Article shall aim at achieving the objectives set out in Article 3. **(the BSAC supports this addition, a minority opposes it)**

3. Any re-stocking must be supported by best available scientific advice and the effectiveness of measures in accordance with paragraph 1 must be evaluated **(the BSAC supports this addition, a minority opposes it)**

CHAPTER IX

FOLLOW-UP

Article 15

Evaluation and review of the plan

The OIG is of the opinion that all management plans must have a review clause, not just an evaluation clause. This must be included in this paragraph.

The Commission shall ensure an evaluation of the impact of this plan on the wild salmon stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular to take account of changes in scientific advice, at the latest three years after the entry into force of the plan or at an earlier stage if deemed necessary by all Member States concerned. **In light of the results from the evaluation the Commission shall initiate a review of the plan (proposed by the OIG).** Thereafter, the Commission shall ensure an evaluation at least every six years or at earlier stages if deemed necessary by all Member States concerned or by the Commission. The Commission shall submit the results of these those evaluations **and proposals to review essential elements of the plans (proposed by the OIG)** to the European Parliament and to the Council.

CHAPTER X PROCEDURAL PROVISIONS

Article 16

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 98 and 109 shall be conferred on the Commission for five years for a period of time from the date of the entry into force of this Regulation. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 98 and 109 may be revoked at any time by the European Parliament or by the Council. A decision of to revoke 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 ~~98~~ and ~~109~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 two 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 to the Council have both informed the Commission that they will not object. That period shall be extended by 2 two months at the initiative of the European Parliament or of the Council.

CHAPTER XI FINAL PROVISIONS

Article ~~17~~16

Entry into force

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

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

Done at , XXXX 201 .

ANNEX I

The BSAC finds this annex to be incorrect. The existing list of rivers should be used. It proposes to add :”*The Annex 1 of this regulations is based on best available scientific data and will be evaluated and updated in accordance with Article 14 of this regulation.*”

Wild Salmon stocks Rivers in the Baltic Sea

Finland

- Simojoki

Finland/Sweden

- Tornionjoki/Torneälven

Sweden

- Kalixälven, Råneälven, Piteälven, Åbyälven, Byskeälven, Rickleån, Sävarån, Ume/Vindelälven, Öreälven, Lögdeälven, Emån, Mörrumsån, Ljungan, Testeboån, Kågeälven

Estonia

- Pärnu, Kunda, Keila, Vasalemma

Latvia

- Salaca, Vitrupe, ~~Peterupe, Irbe~~, Uzava, Saka

~~Latvia/Lithuania~~

- ~~Barta/Bartuva~~

Lithuania

- Nemunas river basin (Zeimena)