



2024/1296

7.5.2024

COMMISSION DELEGATED REGULATION (EU) 2024/1296

of 28 February 2024

supplementing Regulation (EU) 2016/1139 of the European Parliament and of the Council concerning an exemption from the application of the landing obligation as regards salmon in the Baltic Sea for the period 2024-2026

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 ⁽¹⁾, and in particular Article 7(1)(a),

Whereas:

- (1) Regulation (EU) 2016/1139 establishes a multiannual plan for stocks fished in the Baltic Sea and specifies the details of the landing obligation of those stocks, including salmon. Article 7(1)(a) of that Regulation empowers the Commission, on the basis of joint recommendations developed by Member States, to adopt delegated acts to supplement that Regulation by granting exemptions from the application of the landing obligation for species for which scientific evidence demonstrates high survival rates for all stocks of species in the Baltic Sea to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾.
- (2) Commission Delegated Regulation (EU) 2021/1417 ⁽³⁾ specifies the details of implementation of the landing obligation for salmon fisheries in the Baltic Sea for the period 2021-2023. That delegated regulation was adopted based on a joint recommendation submitted by Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden (the Baltic Sea Member States, hereinafter 'BALTFISH'), which have a direct fisheries management interest in the Baltic Sea.
- (3) On 28 October 2022, BALTFISH, after consulting the Baltic Sea Advisory Council, submitted an initial joint recommendation to the Commission. Scientific contributions were obtained from the relevant scientific bodies.
- (4) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the initial joint recommendation during the Plenary of 14-18 November 2022 ⁽⁴⁾ and concluded that some missing data and flaws prevented the STECF from drawing final conclusions.
- (5) BALTFISH submitted additional scientific information on 28 February 2023 and an updated joint recommendation on 22 June 2023.

⁽¹⁾ OJ L 191, 15.7.2016, p. 1.

⁽²⁾ 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).

⁽³⁾ Commission Delegated Regulation (EU) 2021/1417 of 22 June 2021 supplementing Regulation (EU) 2016/1139 concerning the specifications for the landing obligation as regards salmon in the Baltic Sea for the period 2021-2023 (OJ L 305, 31.8.2021, p. 3).

⁽⁴⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/43440856/STECF+PLEN+22-03.pdf/d0acb3d4-6b6a-4067-9d08-0b6004660e25>

- (6) The updated joint recommendation requests that the exemption from the landing obligation for salmon should continue for trap nets, including pontoon traps that are fitted with an attached knot-less bag ("Vittjanpåse") and pontoon traps that are combined with a water hold in the fishing vessel where the salmon can be emptied; and fyke nets. However, pound nets should no longer be exempted. The joint recommendation also suggests continuing to limit the discards of salmon to 8 % of the total annual salmon catches by the Member State concerned in, respectively, ICES subdivisions 22-31 and ICES subdivision 32.
- (7) The STECF assessed the additional evidence in the Plenary of 20-24 March 2023 ⁽⁵⁾ and the updated joint recommendation in the Plenary of 10-14 July 2023 ⁽⁶⁾. The STECF concluded that the release mortality is 24 % from pontoon traps combined with a water hold and 13 % from pontoon traps with a knotless bag ⁽⁷⁾. For salmon caught with other trap nets and fyke nets, the STECF concluded in previous reports that the mortality was less than 10 % ⁽⁸⁾. The STECF, however, also observed that the updated joint recommendation included self-reported (logbook) discards as the best available evidence. The STECF concluded that, even allowing for the possibility of the reported discards being an underestimate, it is still likely that the effect of the exemption from the landing obligation in terms of mortality is low, as similarly observed with other trap fisheries where the survivability is high and the discard rates are usually low, although the joint recommendation included self-reported (logbook) discards as the best available evidence.
- (8) The Expert Group for Fisheries and Aquaculture expressed its opinion on a draft delegated act on 15 November 2023 in a meeting that the European Parliament attended as an observer. The Expert Group was consulted on a revised draft via a written procedure of 16 January 2024.
- (9) For those reasons, the Commission considers that the exemption requested should be granted from 8 May 2024 to 31 December 2026.
- (10) The measures in the updated joint recommendations are in accordance with Article 15(4)(b) and Article 18(3) of Regulation (EU) No 1380/2013, and Article 7(1)(a) of Regulation (EU) 2016/1139.
- (11) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force as soon as possible.
- (12) As the salmon season takes place in spring and summer, this Regulation should apply from 8 May 2024,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation provides for an exemption from the landing obligation as regards salmon (*Salmo salar*) caught in the Baltic Sea.

⁽⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/55639782/STECF+PLEN+23-01.pdf/bb78d95d-735e-429c-b639-5d2b1a060600>

⁽⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/67497497/STECF+PLEN+23-02.pdf/94846c76-e677-408e-b23c-ec0d572a9bca>

⁽⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/67497497/STECF+PLEN+23-02.pdf/94846c76-e677-408e-b23c-ec0d572a9bca>

⁽⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf/e29cf181-8d63-40ef-8050-6d980b12528f>

*Article 2***Definition**

For the purposes of this Regulation, 'Baltic Sea' means ICES divisions IIIb, IIIc and IIId.

*Article 3***Exemption from the landing obligation for salmon with high survival rates**

1. The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall not apply to salmon caught in the Baltic Sea with one of the following devices:

(a) all trap nets; with the exception of the following categories:

(i) pound nets;

(ii) pontoon traps unless they are:

- fitted with an attached pontoon knotless bag to which salmon is channelled without being lifted above the water surface, or
- combined with a water hold in the fishing vessel where the salmon is directly placed; the water hold shall be filled with water and be large enough to hold and keep immersed in the water all the salmon coming from the trap;

(b) fyke nets.

2. The exemption provided for in paragraph 1 shall, for each Member State concerned, apply to a maximum of 8 % of the total annual catches of salmon in, respectively, ICES subdivisions 22-31 and ICES subdivision 32.

3. When discarding salmon caught with trap nets and fyke nets, the salmon shall be released immediately back into the sea.

*Article 4***Entry into force**

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

It shall apply from 8 May 2024 until 31 December 2026.

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

Done at Brussels, 28 February 2024.

For the Commission

The President

Ursula VON DER LEYEN