

**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**

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 <sup>(1)</sup>, and in particular Article 7(1)(a),

Whereas:

- (1) Regulation (EU) No 1380/2013 <sup>(2)</sup> aims to eliminate progressively discards in all Union fisheries through the implementation of a landing obligation for catches of species subject to catch limits.
- (2) In accordance with Article 15(1)(a) of Regulation (EU) No 1380/2013, the landing obligation applies in fisheries for salmon in the Baltic Sea from 1 January 2015.
- (3) Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission, in the absence of multiannual plans established pursuant to Article 9 of that Regulation, to adopt discard plans specifying details of the implementation of the landing obligation for an initial period of three years that may be renewed for another period of three years. Those discard plans are to be adopted on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils.
- (4) Commission Delegated Regulation (EU) No 1396/2014 <sup>(3)</sup> established a discard plan concerning fisheries for salmon, herring, sprat and cod in the Baltic Sea. That discard plan included an exemption from the landing obligation notably for salmon on account of high survival rates demonstrated for this species as provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013. Regulation (EU) No 1396/2014 expired on 31 December 2017. The said exemption for Baltic salmon was renewed by Commission Delegated Regulation (EU) 2018/211 <sup>(4)</sup>, which expired on 31 December 2020.
- (5) Regulation (EU) 2016/1139 establishes a multiannual plan for stocks fished in the Baltic Sea and provides for the details for the implementation of the landing obligation of those stocks, including salmon. Article 7(1)(a) of that Regulation empowers the Commission to adopt delegated acts in order to supplement that Regulation by specifying details of the landing obligation relating to high survivability rates.
- (6) Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden have a direct fisheries management interest in the Baltic Sea. On 12 May 2020, those Member States submitted a joint recommendation <sup>(5)</sup> to the Commission, after consulting the Baltic Sea Advisory Council. Scientific contributions were obtained from relevant scientific bodies. The joint recommendation was updated on 8 September 2020 and on 16 March 2021.

<sup>(1)</sup> OJ L 191, 15.7.2016, p. 1.

<sup>(2)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy of 11 December 2013, 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).

<sup>(3)</sup> Commission Delegated Regulation (EU) No 1396/2014 of 20 October 2014 establishing a discard plan in the Baltic Sea (OJ L 370, 30.12.2014, p. 40).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2018/211 of 21 November 2017 establishing a discard plan as regards salmon in the Baltic Sea (OJ L 41, 14.2.2018, p. 1).

<sup>(5)</sup> 'BALTFISH High Level Group Joint Recommendation on a derogation from the landing obligation in the Baltic Sea establishing a discard plan as regards salmon in the Baltic Sea (ICES Subdivisions 22-32)', transmitted on 12 May 2020. Updated versions of 8 September 2020 sent on 15 September 2020, and of 16 March 2021.

- (7) The amended joint recommendation suggests that the exemption from the landing obligation for salmon caught with certain passive gears provided for by Commission Delegated Regulation (EU) 2018/211 should continue to apply after 31 December 2020. It provides an incentive to use more selective and low impact gears when fishing for other species than salmon. Moreover, the exemption would potentially decrease by-catches of birds and mammals. In some regions it would also ease the quota management and allow the protection of wild salmon stocks by releasing wild salmon caught and only keeping reared salmon. However, creels/pots should no longer be exempted and regarding pontoon traps only those equipped with an attached knot-less bag ('Vittjanpåse') should be included. Moreover, the joint recommendation suggests that the exemption should be limited to 8 % of the annual catches from each Member State's quota for salmon in order to further reduce any potential negative impact of that exemption on the stock. Finally, in the context of the consultation of the Fisheries and Aquaculture Expert Group it was pointed out that, as referred in the joint recommendation, the exemption should cover salmon caught in all fisheries using the relevant passive gears.
- (8) The Scientific, Technical and Economic Committee for Fisheries (STECF) reviewed the scientific evidence provided with the joint recommendation. <sup>(6)</sup> STECF recalled its past assessment <sup>(7)</sup> made for trap nets and fyke nets, while recalling that more information was needed to confirm the survivability assumptions made for creels/pots and pound nets. On that basis, the updated joint recommendation no longer includes creels/pots. Furthermore, the Member States explained that previously submitted data included pound nets, while pound nets were not explicitly mentioned in the relevant study, and that further studies were being undertaken. The Member States therefore committed to submitting more information regarding survival rates for salmon caught in pound nets before the expiry of this delegated act. Considering that STECF in its past assessment stated that pound nets operate in a similar way to trap nets and fyke nets and that the Member States have committed themselves in the joint recommendation to carrying out further research, the exemption should continue to apply. As regards pontoon traps, STECF noted that those with an attached knot-less bag had the potential to be gentler than those without such a bag. The results show that the survival rate of salmon caught by pontoon traps equipped with an attached knot-less bag was 52 %, though the survival rate might potentially be significantly higher depending on the environmental circumstances. Further research projects are ongoing.
- (9) The measures suggested by the joint recommendation comply with Article 15(4)(b) of Regulation (EU) No 1380/2013 and can therefore be included in this Regulation in line with Article 18(3) of Regulation (EU) No 1380/2013 and Article 7(1)(a) of Regulation (EU) 2016/1139. However, based on STECF's assessment this exemption should be temporary only, and the Member States concerned should provide in due time before the expiry of this Regulation the relevant additional information and data suggested by STECF.
- (10) Given the above, the duration of this Regulation should be limited to three years, in order to ensure an updated assessment of the exemption and of the development of the fisheries concerned.
- (11) Since the exemption granted by Commission Delegated Regulation (EU) 2018/211 expired on 31 December 2020, in order to ensure legal continuity, this Regulation should apply with effect from 1 January 2021. For reasons of legal certainty and as a matter of urgency, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

#### Article 1

#### Subject matter and scope

This Regulation lays down rules and applies to the landing obligation relating to salmon caught in the Baltic Sea for the period 2021-2023.

<sup>(6)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf/6176f9ad-0855-4985-b7de-64685862b6cb>

<sup>(7)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf/e29cf181-8d63-40ef-8050-6d980b12528f?version=1.4&download=true>

*Article 2***Definitions**

For the purposes of this Regulation, the following definition shall apply:

‘Baltic Sea’ means ICES divisions IIIb, IIIc and IIId, as specified in Article 4(2)(b) of Regulation (EU) No 1380/2013.

*Article 3***Exemption for species with high survival rates**

1. The exemption for species with high survival rates referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to salmon caught with fyke nets, pound nets and all other types of trap nets, except pontoon traps without an attached knot-less bag.
2. The exemption referred to in paragraph 1 shall be limited to not more than 8 % of total annual catches of salmon from each Member State’s quota of salmon.
3. Salmon caught in accordance with the exemption established in paragraph 1 shall be released immediately back into the sea.

*Article 4***Final provisions**

By 1 May 2023, Member States having a direct management interest shall submit to the Commission additional scientific information allowing an assessment of the representativeness and quality of the discard survival estimate of salmon caught with pound nets and pontoon traps equipped with an attached knot-less bag, including information on the post-release mortality.

*Article 5***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 1 January 2021 until 31 December 2023. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 June 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN