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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Second report on the implementation of the Multiannual Plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, and on the delegation of powers conferred to the Commission by this Mutliannual Plan

{SWD(2024) 703 final}

CONCLUSIONS

Both the Baltic Sea marine environment and the fish stocks of the Baltic Sea have continued to deteriorate since the first report.[1] The implementation of the multiannual plan for the Baltic Sea (hereinafter the 'MAP')[2] has contributed to a decrease in fishing pressure. Nevertheless, according to the International Council for the Exploration of the Sea (ICES), mortality factors other than fishing have become predominant for certain stocks, most notably for the two cod stocks which continue to be at historically low biomass levels. Several herring stocks are also in a problematic state.

The overall assessment by the consulted **stakeholders and Member States shows divergent opinions about the MAP**. The Baltic Sea Advisory Council (BSAC)[3] sees value in the MAP but is disappointed about the results. Industry is mostly negative on the MAP although some have a neutral view. The NGOs are split between negative and positive views, like the three responding Member States.

The Commission continues to consider that the MAP has proven to be a **helpful tool to implement the common fisheries policy (CFP)**[4], notably for setting fishing opportunities. As mentioned in the first report, the MAP provides rules for regionally adapted fisheries management. For fish stocks with a data-rich (or maximum sustainable yield (MSY)) assessment, the MAP allows for the use of upper limits when setting total allowable catches (TACs), while enabling **flexibility for healthier stocks**. For stocks whose biomass is below minimum levels, the MAP creates a **safety net**. The safety net ensures that, for these stocks, quotas are reduced as much as possible and additional remedial measures are taken to rebuild them.

The Commission considers that **certain difficult decisions taken by the Council** on the Baltic stocks were made **possible thanks to the** framework put in place by the **MAP, which combines both a safety net and flexibilities**. Without a MAP it may have been difficult for the Council to agree on remedies to help weak stocks to recover, and quotas would likely have been set at a higher level. On the other hand, the MAP also allowed flexibility for healthier stocks by allowing to use the upper F_{MSY} range under certain conditions. The MAP has ensured that today all fisheries are either managed in line with MSY or that subject to measures to bring them back to MSY. Healthy stocks are the only basis for the long-term profitability of the fishing industry and ancillary sectors.

However, despite setting the TACs at or below F_{MSY} at the moment of setting them, the size of many fish stocks has decreased and their age-size structure deteriorated. This has had a negative

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1 COM(2020)494 final of 14.9.2020.

2 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 (OJ L 191, 15.7.2016, p. 1).

3 http://www.bsac.dk/BSAC/About-the-BSAC.

4 Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (OJ L 354, 28.12.2013, p. 22).

impact on the related fisheries. Moreover, it has become increasingly challenging to apply the rules of the MAP and strive to manage all stocks at F_{MSY} in a mixed fisheries context with an increasing number of weak stocks. The deterioration of fish stocks has occurred in the context of the Baltic Sea ecosystem undergoing a fundamental change and not being in balance. In addition, there are indications of substantial misreporting of catches of pelagic species, which might both: (i) weaken the accuracy and reliability of the assessments of pelagic stocks; and (ii) contribute to overfishing. Finally, Russia sets its TACs autonomously which are not in line with MSY and do not respect the best available scientific advice.

The Commission nevertheless continues to conclude that the **MAP provides a stable long-term instrument to implement the CFP** in the Baltic Sea. The MAP: (i) offers **less uncertainty for quota setting**; (ii) allows the adoption of **remedial measures for stocks under pressure** (including in the case of a fishing closure); (iii) makes the **quota-setting process more transparent** for stakeholders and Member States; and (iv) **allows the fishing industry to better plan its fisheries**.

1. INTRODUCTION

The MAP requires the Commission to report to the European Parliament and the Council on the results and impact of the MAP on the stocks and the fisheries exploiting those stocks, in particular as regards achieving its objectives. The first report was published in 2020, and this second report focuses on relevant developments since then. It also covers the reporting obligation pursuant to Article 16(2) of the MAP on the delegation of powers conferred to the Commission.

The MAP's objectives are to: (i) contribute to achieving the objectives of the CFP; (ii) aim to ensure that fishing restores and maintains fish stocks above levels which can produce MSY; (iii) contribute to eliminating discards by avoiding and reducing unwanted catches, and to the implementation of the landing obligation for the relevant species; and (v) implement an ecosystem-based approach to minimise the negative effects of fishing activities on the environment. The MAP has rules for setting fishing opportunities for certain fish stocks with an MSY assessment. It also contains specific rules on control and empowers the Commission to adopt delegated acts on: (i) certain by-catch stocks; (ii) exemptions from the landing obligation; and (iii) some technical measures.

The MAP covers: (i) cod, herring and sprat as target species; and (ii) by-catches of plaice, flounder, turbot and brill.[5] The target species represent about 95% of total catches in the Baltic Sea.[6] The annual Council regulations on fishing opportunities in the Baltic Sea set TACs and quotas for the target stocks, as well as for plaice and salmon.

This report is based on (i) the latest ICES advice for the relevant stocks in the Baltic Sea[7]; (ii) its ecosystem[8] and fisheries[9] overviews; (iii) the analysis made by the Commission's Scientific, Technical and Economic Committee for Fisheries (STECF) of the 2021 national reports on both the landing obligation[10] and the 2023 Annual Economic Report[11]; and (iv) information held by the Commission. Moreover, the Baltic Sea Member States group[12], the BSAC and their

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5 For Baltic salmon, the Commission proposed (COM(2011) 470 final of 12.8.2011) and then withdrew a multiannual plan (2020/C 321/03, OJC 321, 29.9.2020, p. 37) following a negative assessment by ICES (ICES Advice 2020 – sr.2020.02 (https://doi.org/10.17895/ices.advice.6008).

6 ICES Advice 2022 – Baltic Sea Ecoregion Fisheries Overview, version 2 of 6 February 2023, p. 5 (https://doi.org/10.17895/ices.advice.21646934).

7 https://www.ices.dk/advice/Pages/Latest-Advice.aspx.

8 ICES Advice 2022 – Baltic Sea Ecoregion Ecosystem Overview of 15 December 2022 (https://doi.org/10.17895/ices.advice.21725438).

9 Cf. footnote 6.

10 STECF 69th plenary meeting report (PLEN-22-01), item 6.1, pp. 16-31; Ad hoc contract report 'Evaluation of Member States' Annual Reports on the Landing Obligation (for 2021), March 2022', background document to the plenary meeting report.

11 STECF 23-07, The Annual Economic Report of the EU Fishing Fleet.

12 Memorandum of Understanding on the Principles and working methods of the Baltic Sea Fisheries Forum of 13 December 2013, http://www.bsac.dk/BSAC-Resources/Documents-section/BALTFISH, hereafter 'BaltFish'.

respective members were consulted.[13] Finally, the first and second report[14] on the implementation of the Technical Measures Regulation (EU) 2019/1241[15] were also considered.

2. DEVELOPMENTS IN RELEVANT AREAS

This report presents developments in the implementation of the MAP since 2020 in the following five areas: fishing levels, discards, the ecosystem-based approach, regional cooperation, and socio-economic aspects.

2.1. THE FISHING OPPORTUNITIES SET SINCE 2020

Since 2014 an MSY assessment has not been available for eastern Baltic cod; or for herring in the Gulf of Bothnia when setting the TAC for 2021, or for western cod for 2024.

In the four TAC-setting exercises for the fishing years 2021 to 2024, a total of 32 TACs covered by the MAP had to be set. Of these, 18 cases don't require specific comments while 14 do.[16]

For the first set of 18 cases, the Commission proposed TACs at or below the F_{MSY} point in 17 cases. Because both cod stocks are in a dire situation and are an unavoidable by-catch in the flatfish fisheries, the Commission systematically proposed plaice TACs in the F_{MSY} lower range, for 2024 even below the ICES advice. For Gulf of Riga herring for 2024, the Commission proposed, in accordance with the MAP and given its proposal to close the targeted fisheries for central Baltic herring, a TAC which the Commission considered to be in the F_{MSY} upper range. Out of the above-mentioned 18 cases, the Council followed the Commission proposal in 9 cases. In the other 9 cases it increased the TAC within the applicable F_{MSY} ranges of the MAP (central Baltic herring for 2022 and 2023, Gulf of Riga herring for 2024[17], plaice for 2021 and 2022, and sprat in every year).

The 14 cases presenting a particular context are western Baltic herring and both cod stocks over the entire period, and Bothnian and central Baltic herring for 2024.

2.1.1. Western Baltic herring

Since 2018, ICES estimates that the spawning stock biomass of the western Baltic herring stock is below the reference point B_{lim}, which is the lowest safety point below which the stock may

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13 The questionnaire and replies are contained in the Commission staff working document SWD(2024)703 accompanying this report.

14 COM(2021) 583 final of 23.9.2021 and COM(2024) 349 final of 30.7.2024.

15 Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

16 A detailed table is provided in the Annex to the staff working document accompanying this report.

17 As the Council decided to keep the targeted fishery for central herring open, the question about the calculation methodology for this TAC became irrelevant.

struggle recovering in a timely way, and below which its reproductive capacity may be reduced such that it will not recover above that level in the following year. ICES has hence advised to stop all fishing of western Baltic herring. The TAC was reduced substantially in 2019 and 2020 (in total -82% compared with the 2018 TAC). Given that the biomass was only about half the minimum reference value, the Commission proposed for 2021 to halve the level of the TAC, to which the Council agreed. Because the situation hardly improved, the Commission proposed for 2022 to close the targeted fisheries and to set a lower TAC (50% of the 2021 TAC) for unavoidable by-catches in other fisheries. The Council agreed while introducing a derogation for certain small-scale coastal fishers. For 2023, the Council agreed on the proposed roll-over of the 2022 rules. For 2024, given the critical state of the stock, the Commission proposed to discontinue the derogation for small-scale fishers and set a lower by-catch TAC. However, the Council decided on a full roll-over, thus keeping the derogation.

2.1.2. Eastern Baltic cod

Since 2019, ICES has estimated that the biomass of the eastern Baltic cod stock is below B_{lim} and therefore advised to stop all fishing of eastern Baltic cod. Since the fishing year 2020, the Council has agreed to close the targeted fisheries for eastern Baltic cod. The TAC for unavoidable by-catches in other fisheries has also remained unchanged since 2021 at 595 tonnes. Moreover, recreational angling in the main distribution area has been prohibited, and there has been a 4-month summer spawning closure with a derogation for certain small-scale coastal fishers, extended by the Council since 2021 to certain pelagic fisheries. Given this severe situation, the MAP and the former European Maritime and Fisheries Fund were amended in 2020 to strengthen certain management measures and to offer operators to decommission their vessels.[18]

2.1.3. Western Baltic cod

Since 2020, western Baltic cod has been characterised by increasing uncertainty of the stock assessment. This finally resulted in the downgrading of the advice for 2024. Moreover, since 2021 ICES has no longer been in a position to provide separate advice for commercial and recreational catches.

For 2021, the Commission proposed a TAC (-11%) in the lower F_{MSY} range because (i) the spawning stock biomass was estimated to not yet have recovered above the reference point MSY $B_{trigger}$, which is a safety point below which appropriate management action has to be taken; and (ii) to avoid the relocation to subdivisions 22-23 of the fishing effort of subdivision 24, where a summer spawning closure of the targeted cod fishing was introduced due to the high abundance of eastern Baltic cod in that area. The Commission also proposed to keep unchanged the recreational bag limit and the spring spawning closure in subdivisions 22-23, and to prolong the

[18] Regulation (EU) 2020/1781 of the European Parliament and of the Council of 25 November 2020 amending Regulation (EU) 2016/1139 as regards fishing capacity reduction in the Baltic Sea, and Regulation (EU) No 508/2014 as regards permanent cessation of fishing activities for fleets fishing for eastern Baltic cod, western Baltic cod and western Baltic herring (OJ L 400, 30.11.2020, p. 1).

summer spawning closure in subdivision 24 by 2 months so as to align it with the summer spawning closure in subdivisions 25-26. The Council agreed but increased the TAC by +5% (4 000 tonnes), extended the summer spawning closure in subdivision 24 only by one month, and introduced a derogation from the spawning closures in subdivisions 22-24 for certain pelagic fisheries.

For 2022, and ever since, ICES has estimated that the stock size had actually been below B_{lim} for over 10 years. ICES therefore reduced its catch advice. In addition, ICES was no longer able to provide separate advice on commercial and recreational catches. The Commission proposed to close the targeted fisheries for western Baltic cod and to set a lower TAC (-92%) for unavoidable by-catches in other fisheries. Furthermore, it proposed to: (i) add 2 weeks to the spring spawning closure; (ii) also apply it to recreational anglers; (iii) reduce the recreational bag limit outside this closure to one cod per day; and (iv) prohibit certain recreational catch-and-release techniques. The Council followed the Commission but limited the TAC decrease to -88% (489 tonnes), extended the derogation from the spring spawning closure to certain dredges for bivalve molluscs, and did not regulate recreational catch-and-release techniques.

For 2023, ICES increased its catch advice while estimating that the stock's biomass was at a historic low and highlighting that its short-term forecast was highly uncertain. The Council agreed to the proposed full roll-over of the 2022 TAC and accompanying measures.

For 2024, ICES downgraded its advice to precautionary advice. The catch advice was for only 24 tonnes, which was not enough to cover the by-catches of other fisheries. The Commission proposed to prohibit all recreational angling of cod and to decrease the by-catch TAC (-72%). The Council agreed with the prohibition but limited the TAC decrease to -30% (136 tonnes).

2.1.4. Bothnian and central Baltic herring for 2024

For 2024, ICES estimated that the biomass of Bothnian herring had fallen below $B_{trigger}$ and that of central Baltic herring even below B_{lim}. Moreover, ICES stated that, even with no catches, the probability for the biomass of both stocks to fall/remain below B_{lim} was greater than 5%. Based on Article 4(6) of the MAP, the Commission proposed to close the targeted fisheries for both stocks and to set a TAC for unavoidable by-catches in other fisheries. The Council decided to keep the targeted fisheries open, to set the TAC in the lower F_{MSY} range (respectively -31% and -43%), and to introduce a 1-month spawning closure for fisheries using pelagic trawls in the central Baltic herring management area.

2.1.5. Summary

Over the entire period, the TACs for the stocks which have an MSY assessment (i.e. all stocks except western cod for 2024, and eastern cod) were set in line with F_{MSY} at the moment of setting the TAC, except for western herring. However, the related catch volumes have almost halved since 2017, and certain fisheries have been closed since 2020 (eastern cod) or 2022 (western cod and western herring).

The BSAC and its members express the same negative opinions on the MAP's role regarding the TAC setting as in the first report. Two members express concerns that the MSY reference points are incorrect and/or too low. The three responding Member States are split between positive and negative assessments. In addition, some point out that (i) non-fisheries related aspects seem to be given insufficient consideration in the MSY approach; (ii) inter-species relations should be considered; and (iii) more flexibility would be needed.

The Commission remains of the view that without the MAP it would have been more difficult to agree on TACs which are coherent and in line with the CFP's objectives.

2.2. LANDING OBLIGATION AND DISCARDS

One of the key objectives of the reformed CFP is to implement the landing obligation and gradually eliminate discards by avoiding and reducing unwanted catches. The landing obligation applies to species managed by a TAC. In the Baltic Sea, the landing obligation came into force on 1 January 2015 for cod, herring, sprat and salmon, and on 1 January 2017 for plaice. To facilitate its implementation, Article 7 of the MAP empowers the Commission to adopt delegated acts on certain exemptions. In November 2020, a legal base was added in the MAP for adopting high-survivability exemptions for Baltic salmon.[19]

ICES estimates[20] that discard practices have not changed much since the landing obligation came into effect. Discards of pelagic species continue to be very low, and officially reported discards for the other fisheries have been reduced substantially although illegal discarding continues. In its evaluation of the Member States' 2021 annual reports on the landing obligation[21], STEFC indicated that implementation in general continued to be weak and that the risk of non-compliance in 2021 remained high or very high for several fisheries in the Baltic Sea. To be noted that the derogation from the general 'margin of tolerance' rule laid down by Article 13 of the MAP for unsorted landings will be phased out by January 2028.[22]

The consulted stakeholders expressing an opinion have diverging views on discarding. One responding Member State has no opinion, and the other two and some industry members do not consider this to be an issue. Other parts of the industry and NGOs share the view of ICES and STECF. Almost all consulted stakeholders are of the view that the MAP has not helped to reduce discards, and that the MAP does not make it possible to take into account the situation of mixed fisheries. The BSAC adds that discarding practices have not been properly controlled.

The Commission remains of the view that the continuing problem of discards is primarily a control and enforcement issue to be addressed within the EU's fisheries control system.

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19 Regulation (EU) 2020/1781, Article 1(1); cf. footnote 18.

20 Cf. footnote 6, p. 8, and footnote 8, p. 8.

21 Cf. footnote 10.

22 Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009 and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control (OJ L, 2023/2842, 20.12.2023).

2.3. ECOSYSTEM-BASED APPROACH

According to Article 2(3) of the CFP Basic Regulation, the CFP has to implement the ecosystem-based approach to fisheries management to reduce negative impacts of fishing activities on the marine ecosystem. Article 3(3) of the MAP states that the MAP must be coherent with EU environmental law and in particular with the objective of achieving good environmental status by 2020, as required by the Marine Strategy Framework Directive (MSFD).[23]

The MSFD provides 11 qualitative descriptors for determining good environmental status. The MAP aims to ensure that the conditions of descriptor 3 (the most relevant for fisheries management) are fulfilled, and to contribute to the fulfilment of other relevant descriptors in proportion to the relative role played by fisheries.[24] Descriptor 3 is directly linked to the fixing of fishing opportunities.[25] Its first criterion relates to fishing pressure, the second one to biomass and the third one to the age-size distribution. The first two criteria are covered by the TAC-setting rules of the MAP. On the third criterion, ICES published special advice in February 2024 which identifies indicators but could not provide thresholds nor suggest management options.[26]

The impact that fishing activities have on the population of harbour porpoises in the Baltic Sea, which is listed as critically endangered[27], continues to be a cause for concern. Following two joint recommendations from BaltFish legislation was adopted[28] to protect harbour porpoises, but the Commission considers that additional action is required.

ICES confirms that the Baltic Sea ecosystem is undergoing a fundamental change and is not in balance. Many species and habitats of the Baltic Sea are not in good environmental status because of human influence on the marine environment.[29] The five most significant pressures on the Baltic Sea are: (i) nutrient and organic enrichment; (ii) fishing; (iii) the introduction of contaminating compounds; (iv) the introduction of non-indigenous species; and (v) abrasion and substrate loss.

The consulted stakeholders consider, although often for very different reasons, that the MAP has not contributed to – or has even been counterproductive for – the implementation of the

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23 Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for the community action in the field of marine environmental policy (OJ 164, 25.6.2008, p. 19).

24 Fishing activities also have an impact on the descriptors relating to: biological diversity (1); the food web (4); sea-floor integrity (6); and marine litter (10). The contribution of fishing to the other descriptors is at best indirect and/or not substantial: introduction of non-indigenous species (2), human-induced eutrophication (5), hydrographical conditions (7), level of contaminants in the sea (8), level of contaminants in fish and seafood (9), introduction of energy including underwater noise (11).

25 It reads 'The populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.'

26 ICES Advice 2024 – sr.2024.01 (https://doi.org/10.17895/ices.advice.25265284).

27 Cf. footnote 8, p. 19.

28 Commission Delegated Regulation (EU) 2022/303 of 15 December 2021 amending Regulation (EU) 2019/1241 as regards measures to reduce incidental catches of the resident population of the Baltic Proper harbour porpoise (*Phocoena phocoena*) in the Baltic Sea (OJ L 46, 25.2.2022, p. 67).

29 Cf. footnote 6, p. 1, and footnote 8, p. 3.

ecosystem-based approach to fisheries management. However, some stress that the MAP has the potential to do so if it was (properly) implemented. All stakeholders agree that the ecosystem has a significant impact on fish stocks.

2.4. REGIONAL COOPERATION

As set out in the first report, the main tools of regionalisation under the current CFP are: (i) the institutionalised regional advisory councils, which must be consulted on various topics and may adopt recommendations on any topic; and (ii) the adoption by the relevant Member States of joint recommendations for the Commission to adopt delegated acts.

The consulted stakeholders continue to be unconvinced of the MAP's added value in strengthening regional cooperation, except for 2 of the 3 responding Member States. The BSAC notably mentions a lack of resources.

The Commission continues to consider that the MAP provides the necessary legal framework for strengthened regional cooperation notably via joint proposals and consulting with the advisory councils and other stakeholders on issues influencing the Baltic Sea. For example, BaltFish could have more detailed discussions with the stakeholders when preparing joint recommendations.

To be noted that the stocks of cod, central herring, sprat and salmon are shared with Russia. The EU and Russia agreed in 2009 to cooperate in the field of fish-stock management through a joint committee.[30] This committee has not met since 2019 due to the COVID-19 pandemic and Russia's unprovoked and unjustified war of aggression against Ukraine. Each party sets its TACs autonomously, since it has not been possible to agree on a sharing arrangement. The EU applies the shares of the former International Baltic Sea Fishery Commission[31] while Russia has been setting its TACs much higher for many years. Furthermore, contrary to ICES advice, Russia continues to target cod, albeit at lower levels than in the past, and has hardly lowered its TAC for central Baltic herring. Russia has not sent any data to ICES since 2022.

2.5. SOCIO-ECONOMIC DEVELOPMENTS

Overall, Baltic fisheries have been profitable over the period 2013-2021. Nevertheless, during this period a number of Baltic fleet segments – particularly small-scale coastal fleets – were unable to cover operational costs and most socio-economic indicators tended to decrease, often substantially.[32] Data on developments since 2021 have not yet been reported, but the environmental situation, the fact that only the stocks of plaice and Riga herring are doing well, and the various negative repercussions of Russia's continued war of aggression against Ukraine have certainly had a negative impact.

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30 Agreement between the European Community and the Government of the Russian Federation on cooperation in fisheries and the conservation of the living marine resources in the Baltic Sea (OJ L 129, 28.5.2009, p.2), notably article 14.

31 This was the regional fisheries management organisation for the Baltic Sea fish stocks.

32 Cf. footnote 11, pp 103-109, 112-115. It should be noted that the report covers all fisheries, not only the fisheries on the stocks covered by the MAP, which however represent about 95% of all catches in the Baltic Sea.

With the exception of one respondent, the stakeholders agree that socio-economic developments have been negative, although with significant differences between sectors according to most respondents. The BSAC and its members continue to claim that there is a causal link with the MAP because of the negative evolution of the stocks for which the MAP is blamed. The three responding Member States do not identify such a causal link.

The Commission remains of the view that the decline in fish stocks and fisheries is not due to the implementation of the MAP but to changes in the wider ecosystem. ICES refers to ongoing species misreporting which could also have negative effects. Only a healthy ecosystem and sustainable fishing can ensure thriving fishing communities in the long term.

3. DELEGATION OF POWERS CONFERRED TO THE COMMISSION BY THE MAP

The MAP delegates to the Commission the power to adopt delegated acts for conservation measures for by-catch species (Article 6), the landing obligation (Article 7) and technical measures (Article 8) insofar as they are not covered by the Technical Measures Regulation.

The empowerment of Article 6 has never been used. During the reporting period, Article 7 was used twice to keep a high-survivability exemption for Baltic salmon;[33] Article 8 has not been used, because its substance has mostly been superseded since August 2019 by the empowerment conferred by the more specific Technical Measures Regulation. Finally, to be noted that the Member States concerned have so far not provided the information required to reevaluate by the end of 2020 an exemption granted for plaice.[34]

[33] 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); Commission Delegated Regulation (EU) 2024/1296 of 28 February 2024 supplementing Regulation (EU) 2016/1139 concerning an exemption from the application of the landing obligation as regards salmon in the Baltic Sea for the period 2024-2026 (OJ L 2024/1296, 7.5.2024).

[34] Article 6 of Commission Delegated Regulation (EU) 2018/306 of 18 December 2017 laying down specifications for the implementation of the landing obligation as regards cod and plaice in Baltic Sea fisheries (OJ L 60, 2.3.2018, p. 1).