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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock

{SEC(2011) 986 final}

{SEC(2011) 987 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Grounds for and objectives of the proposal

Scientific advice from the International Council for the Exploration of the Sea (ICES) has stated that some of the 30 wild salmon rivers' stocks comprising the Baltic salmon stock are outside safe biological limits and with the risk of genetic depletion. A non-binding management plan established by the International Baltic Sea Fisheries Commission in 1997 expired in 2010 and without a new plan the future management of the stock will be left without objectives and without predictability for fishermen and tourism enterprises. Member States, the BSRAC and stakeholders have therefore repeatedly asked the European Commission to come up with a proposal for a new management system.

The objective of the proposal is to establish a multiannual plan for the management of the fisheries on the salmon stocks in the Baltic Sea to ensure that the conservation status of the entire Baltic stock, i.e. including all salmon rivers' stocks, is favourable and provide for sustainable exploitation. The specific objectives of the initiative shall be to ensure that:

- a) the Baltic salmon stock is exploited in a sustainable way according to the principle of maximum sustainable yield;
- b) the genetic integrity and diversity of the Baltic salmon stock is safeguarded.

• General context

1. The current management of the Baltic salmon stock include setting of TAC on an annual basis and technical conservation measures such as closed seasons and minimum landing size. The driftnet ban which is in place for the protection of Baltic harbour porpoise has also limited salmon fishing effort in the main basin. Salmon is a species of EU interest, as defined by the Habitat Directive¹ and its inland habitat is protected by the Water Framework Directive². In addition, the Baltic Marine Environment Protection Commission (HELCOM),³ has defined some objectives for the species which is covered by the HELCOM Baltic Sea Action plan⁴.
2. In accordance with the overall ambition of the CFP on the conservation of fisheries resources and with specific regards to Articles 5 and 6 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (Basic Regulation) which requests the development of multiannual plans, the main elements of the plan are:

¹ OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

² OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC of the European Parliament and of the Council (OJ L 331, 15.12.2001, p. 1).

³ Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (entered into force on 17 January 2000).

⁴ Adopted on 15 November 2007 in Krakow, Poland by the HELCOM Extraordinary Ministerial Meeting.

- Objectives, and targets (reach 75% of potential smolt production in each wild salmon river within ten years after the entry into force of this regulation);
- TAC based on constant fishing mortality rate of 0.1 The TAC will only cover marine fisheries but will include masters of non-fishing vessels offering services for recreational fisheries;
- Obligation for Member States to define and implement technical conservation measures such as closed areas and seasons to protect migrating spawners in their coastal waters not later than 24 months from the entry into force of the plan;
- A phasing out of release of salmon in rivers with man made obstacles and without potential for re-establishment of self sustaining wild salmon populations in order to protect the genetic diversity of the wild stocks;
- Financial assistance from the EFF for direct restocking of rivers with potential for self-sustaining wild salmon populations as a conservation measure for the wild salmon stock.

- **Existing EU provisions in the area of the proposal**

The Basic Regulation sets the general framework for the CFP and identifies the situations in which the Council shall adopt multiannual plans.

- It has to be noted that in the context of the upcoming reform of the CFP some provisions of this draft proposal are subject to future changes.

Council Regulation (EC) No 2187/05 of 21 December 2005 outlining technical conservation measures in the Baltic Sea, i.e. minimum landing size and closed seasons for salmon fisheries.

The annual Council Regulation fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea sets the TAC levels for salmon (for instance for 2011 Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea).

Council Regulation (EC) 1224/2009 establishing an EU control system for fisheries sets the general control requirement for fisheries but also specific requirements for multiannual plans.

- **Consistency with the other policies and objectives of the Union**

The proposal's objectives are consistent with the European Union's environmental policy, especially the objectives of the Habitat Directive, the Water Framework Directive and the Marine Strategy Framework Directive.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation methods, main sectors targeted and general profile of respondents

Since salmon is a species of wide interest, not only for commercial fishermen but also for recreational fishermen, tourist companies and river interest groups, the consultation process

has tried to target all interest groups. An open consultation paper translated to all Baltic languages has been launched online. Fisheries and environmental administrations from the Baltic Sea Member States and key stakeholders have also participated in a consultation meeting on 28 April 2009 in Brussels. An Impact Assessment Steering Group (IASG) has been created and included representatives from 6 General Directorates, namely DG ENV, DG EMPL, DG REGIO, DG ECFIN, DG TRADE and the Secretariat-General.

Scientific/expertise domains concerned

The proposal is based on scientific advice from ICES for the environmental parameters⁵, the Finnish Game and Fisheries Research Institute for the social and economic assessments⁶ and assessments and advice from the Scientific, Technical and Economic Committee for Fisheries (STECF)⁷.

Summary of responses and how they have been taken into account

A summary of the scientific advice and consultations can be found in the Impact Assessment report accompanying this proposal.

Means used to make the expert advice publicly available

All advices and contributions to the consultation process can be found on DG MARE website: http://ec.europa.eu/fisheries/cfp/governance/consultations_en.htm

• **Impact assessment**

If well implemented and in combination with the implementation of environmental legal obligations for inland waters, the proposed measures will achieve the following objective:

- a) for the Baltic salmon stock
 - Rebuilding all wild Baltic salmon rivers' stocks to safe biological limits and favourable conservation statuses by limiting the fishing pressure on weak salmon river stocks.
 - Re-establishing self-sustaining salmon populations in rivers with extirpated or very weak populations which would lead to higher overall wild salmon production.
 - Safeguarding the genetic diversity of wild salmon as stocking of reared salmon with potential negative genetic effect will be substantially decreased.
- b) for the commercial catching sector
 - Predictability of fishing opportunities as a result of clear harvest control rules.
 - Increased production of wild salmon and recovery of all wild rivers stocks which will in the long term give increased fishing opportunities.

⁵ ICES special advice 2008, 8.3.3.3: Request to ICES for advice on management of Baltic Sea salmon.

⁶ Finnish Game and Fisheries Research Institute, 2008. Data analysis to support development of a Baltic Sea Salmon Action Plan, SI2.491891, FISH/2007/03 – Lot 6.

⁷ Report on the 31st plenary meeting of the Scientific, Technical and Economic Committee for Fisheries: (PLEN-09-02), 13-17 July 2009, Copenhagen.

c) for the recreational catching sector

– Increased production of wild salmon and recovery of all wild rivers stocks which will in the long term give increased fishing opportunities.

d) for the tourism sector

– Potential to grow due to increased fishing opportunities of wild salmon both at sea and in rivers.

3. LEGAL ELEMENTS OF THE PROPOSAL

• Legal basis

The legal basis for this proposal is Article 43 (2) of the Treaty on the functioning of the European Union⁸.

• Subsidiarity principle

In accordance with Art 3(1)(d) of the Treaty on the Functioning of the European Union (TFEU), the proposal falls under the exclusive competence of the European Union. Even though Baltic salmon is an anadromous species it is to be qualified as "marine biological resources" within the meaning of Article 3 (1)(d) TFEU. It is in the spirit of this provision to ensure effective conservation of marine species throughout their whole migratory cycle. The subsidiarity principle therefore does not apply.

• Proportionality

The proposed measures comply with the proportionality principle as they do not exceed what is necessary to achieve the objective of conservation of the Baltic Salmon stock under the CFP and are suitable to ensure long-term sustainability of this fishery.

4. BUDGETARY IMPLICATION

There are no new budgetary implications.

5. ADDITIONAL INFORMATION

• Review/revision/sunset clause

The proposal includes a review and revision clause.

⁸ OJ NO C, 09.05.2008, p 1-

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee⁹,

Having regard to the opinion of the Committee of the Regions¹⁰,

After transmission of the proposal to National Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Salmon Action Plan, adopted through the International Baltic Sea Fisheries Commission in 1997, expired in 2010. Contracting parties to the Baltic Marine Environment Protection Commission (HELCOM) have urged the EU to develop a long term plan for the management of Baltic salmon.
- (2) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee on Fisheries (STECF) state that some Baltic salmon river stocks are outside safe biological limits and that a multiannual plan should be developed at European level.
- (3) In accordance with Article 3(1)(d) of the Treaty on the Functioning of the European Union, the Union has the exclusive competence for the conservation of marine biological resources. Since salmon is an anadromous species, conservation of the marine Baltic salmon stocks cannot be achieved in the absence of measures being taken to protect such stocks during their river life. Therefore, such measures are also covered by the exclusive competence of the Union to ensure effective conservation of

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

marine species throughout their whole migratory cycle and should be addressed in the multiannual plan.

- (4) Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora¹¹, lists salmon as a species of European Union interest and measures taken pursuant to this Directive should be designed to ensure that their exploitation is compatible with a favourable conservation status. There is hence a need to ensure that measures to protect salmon taken under this Regulation are consistent and coordinated with those taken under the mentioned directive.
- (5) Directive 2000/60/EC establishing a framework for EU action in the field of water policy¹², is intended to protect, conserve and enhance the aquatic environment where salmon spend part of their life cycle. The multiannual plan for Baltic salmon stock should contribute to the achievement of the objectives of Directive 2000/60/EC. Measures already requested for in this Directive, such as river basin management plans, should not be duplicated in this Regulation but there is a need to ensure coordination and consistency between measures taken under this Regulation and those under the mentioned Directive for the protection and enhancement of salmon habitats in inland waters.
- (6) The Implementation Plan agreed by the World Summit on Sustainable Development at Johannesburg in 2002 states that all commercial stocks should be restored to levels that can produce maximum sustainable yield by 2015. ICES deems that for the Baltic salmon river stocks this level corresponds to a smolt production level between 60% and 75 % of the potential smolt production capacity for the different wild salmon rivers. Such scientific advice should constitute the basis for setting the objectives and targets of the multiannual plan.
- (7) Scientific advice indicates that genetic pollution of the Baltic salmon stocks may result in the decline of the survival rate and abundance of indigenous populations and in the erosion of the genetic capability to face diseases and changing local environmental conditions. Therefore preserving the genetic integrity and diversity of the Baltic salmon stocks plays a crucial role in their conservation and should be included as an objective of the multiannual plan.
- (8) The fishing mortality rate at sea and in rivers should result in a wild salmon stock size that produces the maximum sustainable yield in accordance with the set targets and timeframes. The fishing mortality rate at sea should be established based on STECF advice.
- (9) For a more effective implementation of the plan and in order to allow for a more targeted response to specificities of each salmon river stock, Member States concerned should be empowered to determine the level of salmon fishing mortality rate, the TAC and certain technical conservation measures in their rivers in accordance with Article 2(1) of the TFEU.

¹¹ OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

¹² OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC of the European Parliament and of the Council (OJ L 331, 15.12.2001, p. 1).

- (10) When adopting measures in the framework of this Regulation, Member States should fully respect their international obligations, in particular those deriving from Article 66 of United Nations Convention of 10 December 1982 on the Law of the Sea¹³ which requires inter alia that the state of origin of anadromous stocks and other states concerned should cooperate with regard to conservation and management of these stocks.
- (11) Provisions should be made for the periodical assessment by the Commission of the adequacy and effectiveness of Member States measures on the basis of the targets and objectives set out in the multiannual plan.
- (12) Scientific advice states that stocking procedures may have significant implications on the genetic diversity of the Baltic salmon stock and that there is a risk that the large number of reared fish released to the Baltic Sea every year is affecting the genetic integrity of the wild salmon and should be phased out. Therefore the condition of releases should be established in this multiannual plan.
- (13) The direct restocking of potential salmon rivers is considered under specific conditions to be a conservation measure as it will have a positive effect on the overall number of salmon and the fishery, since it can re-establish self-sustaining salmon populations. Provisions should be made to explicitly allow direct restocking which fulfils these conditions to be eligible for funding in accordance with Article 38(2) of Regulation (EC) No 1198/2006 on the European Fisheries Fund¹⁴.
- (14) However, since releases of salmon may be at present mandatory in certain Member States and in order to give Member States time to adjust to these requirements, releases of salmon other than stocking and direct restocking should remain allowed during a transitional period of seven years following the entry into force of this Regulation.
- (15) With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to those provided for in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy¹⁵.
- (16) A substantial part of the coastal vessels fishing for salmon are below 10 m in length. For this reason the use of fishing logbook as requested by Article 14 and prior notification as requested by Article 17 of Regulation (EC) 1224/2009 should be extended to cover all vessels.
- (17) To ensure that salmon catches are not misreported as sea trout and hence escape proper control, it is necessary to extend the obligation to submit prior notifications in accordance with Article 17 of Regulation (EC) 1224/2009 also to all vessels retaining on board sea trout.

¹³ OJ L 179, 23.6.1998, p. 1–2

¹⁴ OJ L 223, 15.8.2006, p. 1–44

¹⁵ OJ L 343, 22.12.2009, p. 1–50

- (18) To provide better and more scientific data on the salmon stock electrofishing should be permitted.
- (19) Recent scientific advice indicates that recreational salmon fisheries at sea have a significant impact on the salmon stocks, even though the data quality in this regard is not at a high precision level. In particular, recreational fisheries carried out from vessels operated by undertakings offering their services for profit can potentially account for an important part of catches of Baltic salmon. Hence, it is appropriate for the functioning of the multiannual plan to introduce certain specific management measures to control such activities.
- (20) In order to achieve in an efficient way the targets set in this Regulation and be able to react swiftly to changes in stock conditions, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of certain non-essential elements of this Regulation as provided for in its Articles 6, 7, 11 and 25. Those powers should include the possibility to amend the fishing mortality rate at sea, to amend the list of wild salmon rivers and certain technical information contained in the Annexes to this Regulation and to adopt measures for the Baltic river stocks, where Member States measures under the empowerment mentioned in recital 9 are not adopted or are considered ineffective.
- (21) The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (22) In order to ensure uniform conditions for the implementation of the provisions on stocking of salmon established in Article 12 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹⁶.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER , SCOPE AND DEFINITIONS

Article 1

Subject-matter

This Regulation establishes a multiannual plan for the conservation and management of the Baltic salmon stock (hereinafter referred as 'the plan').

¹⁶ OJ L 55, 28.2.2011, p. 13.

Article 2

Scope

1. The plan shall apply to
 - (a) commercial fisheries in the Baltic Sea and in rivers connected with it on the territory of Member States (hereinafter referred to as the Member States concerned);
 - (b) recreational fisheries of salmon in the Baltic Sea where such fisheries are conducted by service vessels.

Article 3

Definitions

1. For the purposes of this Regulation, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, Article 2 of Directive 2000/60/EC and Article 4 of Regulation (EC) No 1224/2009 shall apply.
2. The following definitions shall also apply:
 - (a) "Baltic Sea" means ICES Subdivisions 22-32;
 - (b) "Baltic rivers" means the rivers connected to the Baltic Sea on the territory of Member States;
 - (c) "Baltic salmon stock" means all salmon stocks in the Baltic Sea and in Baltic rivers, both wild and reared;
 - (d) "wild salmon river" means a river with self sustaining wild salmon populations with no or limited releases of reared salmon as listed in Annex I;
 - (e) "potential salmon river" means a river with historical wild salmon population(s) and currently no or little natural reproduction and having the potential for re-establishment of a self sustaining wild salmon population;
 - (f) "potential smolt production capacity" means the production capacity of smolts calculated for each river on the basis of relevant river-specific parameters;
 - (g) "technical conservation measures" means measures that 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;
 - (h) "stocking" means the deliberate release of smolt or earlier life stages of reared salmon into wild salmon rivers;
 - (i) "direct restocking" means the release of smolt or earlier life stages of reared salmon in potential salmon rivers;

- (j) "service vessel" means a vessel, that is operated by an undertaking offering services, including providing fishing equipment, transport and/or guidance, for the purpose of recreational fishing targeting salmon in the Baltic Sea;
- (k) "total allowable catches"(TAC) means the quantity of Baltic salmon that can be taken and landed from the stock each year.

CHAPTER II OBJECTIVES

Article 4

Objectives

The plan shall aim at ensuring that:

- a) the Baltic salmon stock is exploited in a sustainable way according to the principle of maximum sustainable yield;
- b) the genetic integrity and diversity of the Baltic salmon stock is safeguarded.

CHAPTER III TARGETS

Article 5

Targets for wild salmon river stocks

1. For wild salmon 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 75% of the potential smolt production capacity for each river in five years after the entry into force of this regulation.
2. For wild salmon 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 river in five years and 75% in ten years after the entry into force of this regulation.
3. 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 75% of the potential smolt production capacity in each wild salmon river.
4. Member States concerned may set, for each wild salmon river, other more stringent targets.

CHAPTER IV HARVESTING RULES

Article 6

Determining TAC in rivers

1. The annual TAC for salmon stocks in wild salmon rivers shall not exceed the level corresponding to the fishing mortality rate referred to in paragraph 2.
2. The fishing mortality rate for salmon stocks in wild salmon rivers shall be specified by each Member State in accordance with the targets set out in Article 5 and expert views of STECF and ICES and re-assessed regularly by those bodies when more information becomes available or the characteristics of the river are changed. For that purpose the Member States shall take account of potential smolt production capacity as calculated for each river by ICES on the basis of relevant river-specific parameters and re-assessed regularly by this body when more information becomes available or the characteristics of the river are changed.
3. Member States concerned shall publish the fishing mortality rate in wild salmon rivers and the corresponding salmon TAC on the publicly accessible part of their official website set up in accordance with Article 114 of Regulation 1224/2009 not later than one year after the entry into force of this Regulation and shall revise them annually.
4. The Commission shall assess every three years the compatibility and effectiveness of measures taken by Member States pursuant to this Article on the basis of the objectives and targets set out in Articles 4 and 5.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to specify the fishing mortality rate and/or the corresponding TAC in wild salmon rivers and/or the closure of the fishery concerned measures, if the Member States concerned do not publish such measures in accordance with paragraphs 1, 2 and 3 within the set deadline after the date of entry into force of this Regulation.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to specify the fishing mortality rate and/or the corresponding TAC in wild salmon rivers and/or the closure of the fishery concerned, if, on the basis of an assessment carried out pursuant to paragraph 4, Member State measures are deemed not to be compatible with the objectives and targets set out in Articles 4 and 5 or are deemed not to meet these objectives and targets.
7. The measures adopted by the Commission shall aim at ensuring that the objectives and targets set out in Articles 4 and 5 are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.

Article 7

Determining TAC at sea

1. The annual TAC for the salmon stocks at sea shall not exceed the level corresponding to a fishing mortality rate of 0.1.
2. When there are clear indications that stock conditions have changed and/or that the existing fishing mortality rate is not appropriate to reach the objectives set out in Article 4, the Commission may amend the value of the fishing mortality rate at sea referred to in paragraph 1 by means of delegated acts adopted in accordance with Article 26.
3. In case of sudden outburst of diseases, critically low post smolt survival rates or other unforeseen developments, the Council shall decide on a TAC that is lower than the TAC which would result from the fishing mortality rate referred to in paragraph 1.

Article 8

Use of the national quota by service vessels

Salmon caught at sea from service vessels shall be counted against the national quota.

CHAPTER V TECHNICAL CONSERVATION MEASURES

Article 9

Member States measures to protect weak salmon river stocks

1. For wild salmon 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 concerned shall establish not later than two years after the entry into force of this Regulation national technical conservation measures.
2. Technical conservation measures referred to in paragraph 1 shall be based on river specific requirements to adequately contribute to achieving the objectives and targets set out in Articles 4 and 5. The location of such measures shall be based on best available information on salmon migration routes at sea.

Article 10

Measures to protect other salmon rivers stocks

Member States may establish national technical conservation measures in their Baltic rivers for salmon river stocks not covered by Article 9 of this Regulation. Those measures shall be contribute to achieving the objectives and targets set out in Articles 4 and 5.

Article 11

Commission measures

1. The Commission shall assess every three years the compatibility and effectiveness of measures taken by Member States pursuant to Articles 9 and 10, in particular where wild salmon rivers run through several Member States, on the basis of the targets and objectives set out in Articles 4 and 5.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to specify such technical conservation measures as needed, if the Member States concerned do not adopt such measures in accordance with Articles 9 within the set deadline after the date of entry into force of this Regulation.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 to specify such technical conservation measures as needed, if, on the basis of an assessment carried out pursuant to paragraph 1, Member State measures are deemed not to be compatible with the objectives and targets set out in Articles 4 and 5 or are deemed not to meet these objectives and targets.
4. The measures adopted by the Commission shall aim at ensuring that the objectives and targets set out in Articles 4 and 5 are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.

CHAPTER VI RELEASES

Article 12

Stocking

1. Stocking of salmon may only be conducted in wild salmon river. The number of released smolts in each river shall not exceed the estimated potential smolt production capacity of the river.
2. Stocking shall be conducted in a way that safeguards the genetic diversity of the different salmon river stocks taking into account existing fish communities in the stocked river and in neighbouring rivers while maximising the effect of stocking.
3. The Commission may establish detailed rules for the application of this Article by means of implementing acts adopted in accordance with the examination procedure referred to in Article 27(2).

Article 13

Direct restocking

Direct restocking of potential salmon rivers shall only be made, provided that:

- (a) the river has free migratory waterways, appropriate water quality and habitat suitable for reproduction and growth of salmon;
- (b) the purpose of direct restocking is to establish or enhance a viable self sustaining wild salmon population;
- (c) there is a pre- and post-release monitoring program with evaluation in place;
- (d) there are suitable and adequate conservation and management measures in place to facilitate the re-establishment of a self-sustaining salmon population in the river.

Direct restocking in accordance with paragraph 1 shall be deemed to be a conservation measure for the purposes of Article 38(2) of Regulation (EC) No 1198/2006 on the European Fisheries Fund.

Article 14

Transitional period

Releases of salmon other than those made in accordance with Articles 12 and 13 may continue until 7 years after the entry into force of this Regulation.

CHAPTER VII CONTROL AND ENFORCEMENT

Article 15

Relationship with Regulation (EC) No 1224/2009

The control measures provided for in this Chapter shall apply in addition to those prescribed in Regulation (EC) No 1224/2009, save where otherwise provided for in the Articles of this Chapter.

Article 16

Logbooks

By way of derogation from Article 14 of Regulation 1224/2009 masters of European Union fishing vessels of all length holding a fishing authorisation for salmon shall keep a logbook of their operations in accordance with the rules set in Article 14 of Regulation (EC) No 1224/2009.

Article 17

Prior notifications

By way of derogation from the introductory sentence of Article 17(1) of Regulation 1224/2009, masters of European Union fishing vessels of all length retaining salmon and/or sea trout on board shall notify the competent authorities of their flag Member State immediately after the completion of the fishing operation of the information listed in Article 17(1) of Regulation 1224/2009.

Article 18

Special activity authorisations

1. Service vessels shall hold a special activity authorisation for salmon fishing, issued in accordance with Annex II of this Regulation.
2. Member States concerned shall include special activity authorisations in the list of fishing authorisations contained in the electronic database established in accordance with Article 116(1)(d) of Regulation (EC) No 1224/2009. Furthermore, they shall include the data with regard to special activity authorisations in the computerized validation system referred to in Article 109 of Regulation (EC) No 1224/2009.

Article 19

Catch declaration

1. The master of service vessel shall complete a catch declaration in accordance with Annex III and submit it to the competent authority of the flag Member State of the service vessel by the last day of every month.
2. By the 15th of each month Member States concerned shall register the information recorded in the catch declarations for the previous month in their electronic database established in accordance with Article 116(1)(f) of Regulation (EC) No 1224/2009 and in their computerized validation system referred to in Article 109 of Regulation (EC) No 1224/2009. The electronic data and the catch declarations shall be kept for 3 years.

Article 20

Landing inspections

Member States concerned shall verify the accuracy of the information recorded in the catch declarations by landing inspections. Such landing inspections shall cover a minimum of 10% inspection of the total number of landings

Article 21

National control action programmes

The national control action programmes as prescribed in Article 46 of Regulation (EC) No 1224/2009 shall also contain as a minimum:

- a) the application of technical conservation measures established in accordance with Chapter V of this Regulation;
- b) compliance with the rules on quota uptake, activity authorisation and catch declaration by service vessels;
- c) the monitoring of rules on stocking and direct restocking.

CHAPTER VIII DATA COLLECTION

Article 22

For the purposes of data collection each juvenile salmon cohort in all wild salmon rivers may be surveyed with electrofishing before smoltification.

CHAPTER IX FOLLOW-UP

Article 23

Member States reporting

1. Member States concerned shall report to the Commission on the technical conservation measures adopted in accordance with Chapter V and their fulfilment of the objectives set out in Article 5 in the third year after the entry into force of this Regulation and then every third year.
2. Member States concerned shall report to the Commission on the implementation of this Regulation and on the fulfilment of the objectives set out in Article 5 in the sixth year after the entry into force of this Regulation and then every sixth year. The Member State report shall in particular provide the following information:
 - a) development of the national fishery including the share of catches between offshore waters, coastal waters and rivers and between commercial fishermen, undertakings of service vessels and other recreational fishermen;
 - b) for each wild salmon river, the production of parr and smolt and the best available estimate of the potential smolt production capacity;
 - c) for each wild salmon river stock, available genetic information;
 - d) the activity of stocking and direct restocking of salmon;
 - e) the implementation of the national control action programme referred to in Article 46 of Regulation (EC) No 1224/2009.

Article 24

Evaluation of the plan

The Commission shall, on the basis of the reporting by Member States as referred to in Article 23 of this Regulation and on the basis of scientific advice, evaluate the impact of the management measures on the Baltic salmon stock and on the fisheries exploiting that stock in the year following that in which it receives the Member States reports.

CHAPTER X AMENDMENTS TO ANNEXES

Article 25

Amendments to Annexes

1. The Commission may amend the list of wild salmon rivers listed in Annex I to keep it up to date with recent scientific information, by means of delegated acts adopted in accordance with Article 26.
2. The Commission may amend Annexes II and III to provide for effective control, by means of delegated acts adopted in accordance with Article 26.

CHAPTER XI PROCEDURAL PROVISIONS

Article 26

Exercise of delegated powers

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The powers to adopt delegated acts as referred to in Articles 6, 7, 11 and 25 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Articles 6, 7, 11 and 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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 6, 7, 11 and 25 shall enter into force only if no objection has been expressed either by the European Parliament or the

Council within a period of 2 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 the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 27

Revocation of empowerment

Where a Member States concerned have not established or published, by the set deadline, the measures set out in Articles 6 or 11, or where such measures are deemed inadequate and/or ineffective following the assessment carried out in accordance with Article 6.4 or 11.1, the empowerment of the Member State concerned referred to in Articles 6 or 11 shall be revoked by the Commission. A decision of revocation 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.

Article 28

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

CHAPTER XII FINAL PROVISIONS

Article 29

Entry into force

This Regulation shall enter into force on the 20th day after its publication in the Official Journal of the European Union.

This Regulation shall apply from XXX.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Wild Salmon 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

Estonia

- Pärnu, Kunda, Keila, Vasalemma

Latvia

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

Latvia/Lithuania

- Barta/Bartuva

Lithuania

- Nemunas river basin (Zeimena)

ANNEX II

MINIMUM INFORMATION FOR THE SPECIAL ACTIVITY AUTHORISATIONS

1. VESSEL DETAILS

Name of vessel¹⁷

Flag state

Port of registration (Name and national code)

External marking

International radio call sign (IRCS¹⁸)

2. AUTHORISATION HOLDER, VESSEL OWNER AND MASTER¹⁹

Name and address of natural or legal person

3. VESSEL CHARACTERISTICS

Engine power (kW)²⁰

Tonnage (GT)

Length overall

4. FISHING CONDITIONS

1. Date of issue:

2. Period of validity:

3. Conditions of authorization including, where appropriate, species, zone and fishing gear:

¹⁷ For vessels having a name

¹⁸ For vessels requested to have an IRCS

¹⁹ Indicate for each person applicable

²⁰ In accordance with Regulation (EC) No 2930/86

ANNEX III

CATCH DECLARATIONS

Each Member State concerned shall issue for its service vessels an official form to be completed as catch declaration. This form shall contain minimum the following information:

- a) Reference number of special activity authorisation issued in accordance with Article 18 of this Regulation;
- b) Name of the natural or legal person holding the special activity authorisation issued in accordance with Article 18 of this Regulation;
- c) Name and signature of the master of the service vessel;
- d) Date and time of departure and arrival to port and duration of fishing trip;
- e) Place and time of landing by fishing trips;
- f) Gear used by fishing operations;
- g) Quantities of fish landed by species and by fishing trips;
- h) Quantities of fish discarded by species and by fishing trips;
- i) Area of catches by fishing trips expressed as ICES statistical rectangles.