



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

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Dear Madams, dear Sirs,

Thank you very much for your letter of 17 June 2019 in which you outlined options about possible measures to be taken to address the serious situation of eastern Baltic cod. Earlier this year the Commission had invited all Member States and stakeholders concerned to express their views, and we appreciate that you did so. Your letter has retained our full attention and Commissioner Vella asked me to reply on this behalf.

On 22 July 2019 the Commission adopted Commission Implementing Regulation (EU) 2019/1248 establishing until 31 December 2019 emergency measures to alleviate the serious threat to the conservation of the eastern Baltic cod stock. When preparing these measures the Commission carefully listened to the views expressed by the various stakeholders and the Member States. The Commission strived to adopt measures, which are effective but at the same time proportionate.

The emergency measures establish until year-end a prohibition to target cod in subdivisions 24-26. In order to be proportionate, subdivisions 27-32, in which cod is hardly present, are not covered by the prohibition. Following the same logic, small-scale coastal fisheries using passive gear in the shallow coastal waters of subdivision 24, in which mostly western Baltic cod occurs, are exempted from the prohibition.

Furthermore, the pelagic fisheries have a derogation for their unavoidable by-catches of cod which are limited. Finally, small-scale coastal fisheries using passive gear have a derogation from the prohibition for up to 10% of unavoidable cod by-catches in subdivisions 25-26 and in subdivision 24 when fishing in waters deeper than 20 meters or beyond 6 nautical miles from shore.

I am confident that the emergency measures address most of your immediate concerns. It should be kept in mind that emergency measures are an extraordinary instrument permitting the Commission to temporarily derogate from legal acts adopted by the legislator. Emergency measures are therefore limited in time and scope, and particular attention has to be paid to proportionality considerations. The issues you raise relating to fisheries having significant by-catches of cod and extensive total spawning closures could be part of the discussion about future fishing opportunities. Moreover, the wider ecosystem-related issues will have to be addressed by the appropriate fora. Regarding the aspects related directly to fisheries management, Article 5 of the Baltic Sea multiannual plan provides for the necessary rules on how to address a situation in which a stock's spawning biomass is below the level capable of producing MSY.

I look forward to our continued constructive cooperation.

Yours sincerely,

Bernhard Friess