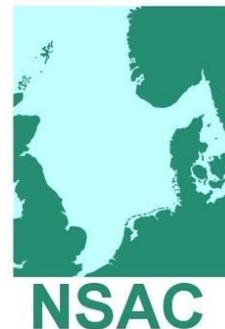


North Sea Advisory Council



NSAC Advice Ref.10-1718

Swedish proposal for fisheries conservation measures in the marine protected areas in Kattegat

This consensus paper was approved by the NSAC Executive Committee on the 20th September 2018.

1.0 Introduction

- 1.1 Under Article 11 and 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy Sweden has presented a proposal for Fisheries Conservation Measures for Marine Protected Areas at Fladen, Lilla Middelgrund, Stora Middelgrund och Röde bank and Morups bank.
- 1.2 The areas Fladen, Lilla Middelgrund, Stora Middelgrund och Röde bank and Morups bank, are all located in the Kattegat. According to the information presented from Sweden, the areas are mainly offshore shallow banks with species and habitats of high conservation value. The areas were designated as Natura 2000 sites for reef structures (habitat code: H1170 - reefs and H1180 – submarine structures made of leaking gases), sandbanks (H1110), harbour porpoise (*Phocoena phocoena*) in 2003 (Fladen, Lilla Middelgrund) and 2008 (Stora Middelgrund och Röde bank and Morups bank).
- 1.3 The areas are also important fishing grounds for Swedish, German and Danish fishermen for primarily *Nephrops*, common sole, plaice, cod, sprat, weever and turbot/brill.

2.0 Background Information

- 2.1 Under the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, Sweden is obliged to ensure favourable conservation status of designated habitats and species within their Natura 2000 sites.



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- 2.2 The Swedish proposal for Fisheries Conservation Measures in the Kattegat for Marine Protected Areas at Fladen, Lilla Middelgrund, Stora Middelgrund och Röde bank and Morups bank is based on a proposal from the County Administrative Board of Halland. In Sweden, the County Administrative Boards are responsible for the management of the Natura 2000 sites, where the Swedish Agency for Marine and Water Management is the authority implementing the proposed fisheries measures. In general, the Government has the responsibility for conducting international negotiations within the Common Fisheries Policy framework. Through a Government assignment, the Swedish Agency for Marine and Water Management has been given a mandate from the Government to conduct the international negotiations based on Articles 11 and 18 in the Common Fisheries Policy with concerned Member States with the aim of formulating a joint recommendation for the marine protected areas Fladen, Lilla Middelgrund, Stora Middelgrund och Röde bank and Morups bank.
- 2.3 The proposal includes the establishment of no-take areas and zones where only fishing with handheld gears like rod and line, fishing for *Nephrops* with pots / creels and fishing with pelagic floating trawls are allowed. It also includes a zone with compulsory use of AIS for all vessels fishing in the area to ensure efficient control.
- 2.4 Sweden has chosen an approach where all proposed possible protection measures are listed with reference to all four Natura 2000 areas. The designation of areas has been made with reference to the EU Birds and Habitats Directives as well as to the HELCOM and OSPAR conventions. During the development of management measures under the two directives, socio-economic aspects have to be considered.

3.0 NSAC remarks

- 3.1 The NSAC appreciates the dialogue with the Swedish authorities on the proposal and that representatives from the authorities have taken part in the meetings in the NSAC Skagerrak and Kattegat Working Group to present the proposal.
- 3.2 During the past ten years several areas in Kattegat have been restricted or closed for certain fisheries, in order to protect certain species and habitats. In the opinion of the fishing industry members of the NSAC the accumulated impact on fisheries has not been analysed enough. Moreover, an evaluation of the implementation, enforcement and resulting effectiveness of current fishing closures could be informative to support the designation of new fisheries restricted areas under a network approach. The OIG members of the NSAC find that according to an evaluation made by the Swedish University for Agricultural Sciences' aquatic division (SLU Aqua) the no-take zone in the southern Swedish Kattegat has had a positive effect on its target species, cod, and on the benthic fauna and habitats as a whole, the latter primarily due to the cessation of bottom trawling (Bergström et al. 2016¹).

¹ Bergström, U., Sköld, M., Wennhage, H. & Wikström, A. (2016). Ekologiska effekter av fiskefria områden i Sveriges kust- och havsområden. Aqua reports 2016:20. Institutionen för akvatiska resurser, Sveriges lantbruksuniversitet, Öregrund. 207 s.



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- 3.3 It would be helpful to show all areas in the Kattegat where fisheries are regulated in one way or another. Such a map should contain the fisheries restricted or closed areas of the Natura 2000 areas, the designated areas under the Marine Strategy Framework Directive as well as the fisheries closure for the protection of spawning areas for cod (in the Swedish part of the southern Kattegat) and other areas where restrictions or closures have been established.
- 3.4 The NSAC encourages that authorities should take fishing activities into account and consult all stakeholders before taking any final decision. The fishing industry involved in the appointed areas regrets that their comments to the proposal so far have not been taken into account.
- 3.5 The industry finds, that socio-economic consequences should be taken more into account, thus requiring that sampling of catch data in the proposed designated areas should be for a longer period than the chosen period of 2013-2016 (4 years). The industry suggests a ten years period as a minimum. A reference period should be sufficiently long to be able to reflect biomass trends and trends in catch data.
- 3.6 Furthermore, the industry finds that the protection should ensure favourable conservation status and if the status is already achieved, no further conservation measures should be implemented.
- 3.7 The eNGOs are of the opinion that protection measures should enable the proposed species and habitats to reach a favourable conservation status and when this has been achieved it is important to maintain the measures that enabled the improved status.
- 3.8 Fishing with towed gear is currently practiced mainly on a smooth seabed. It is evident from the maps in the report showing VMS and habitat types, that most instances where VMS for towed gear is located are above a smooth seabed. The fishing industry members of the NSAC are of the opinion that the impact on the smooth seabed of trawling gear is minimal and does not have an effect that prevents the area as such from achieving favourable conservation status. For this reason, one should also consider the ongoing fishing activities in these areas. Activities that are being carried out in these areas that do not affect the area's possibility to achieve favourable conservation status should not be regulated. The OIG members of the NSAC, however, support the proposal to have areas with no active gear to protect sensitive habitat to aid recovery and prevent degradation. They consider there to be ample evidence of the negative effects of trawling on all sea beds and the importance to reduce impact to allow recovery.^{2 3 4} Before any request to introduce mobile gears

² <https://www.int-res.com/abstracts/meps/v586/p41-55/>



can be considered an appropriate assessment should be conducted as obliged under Natura 2000 legislation.

- 3.9 When trawl routes are interrupted or closed it is not only the specific area that is affected by the closure. The very important trawl route between “Stora Middelgrund” and “Röde bank” is essential for trawlers in the area as the route links two trawl areas together. Trawling is not possible south of the area because of the closed areas in the southern part of Kattegat. The fishing industry members of the NSAC are concerned this will lead to effort displacement and unintended environmental impacts. The OIG members note that the proposal from the Swedish government has already addressed this concern and states that for the weever fishery effort will likely be displaced but that the effort increase will be in already fished areas and/or that the effort increase will be marginal compared to overall effort in Kattegat.
- 3.10 The proposal allows for fishing with creels for Nephrops. The reasoning that the status of certain habitats and species would improve if only fisheries with creels were used, is according to the fishing industry, not unconditionally correct. When towed above the seabed, creels can in principle have a larger impact on the seabed than gill nets. The OIG members point out that the creel permission is logically more linked with conservation of porpoises and birds (and large cod) than with seabed disturbance.
- 3.11 The fishing industry members of the NSAC doubt that there is a need for protection of areas to secure larger fish in the Kattegat as it is well-known among fishers and described in the ICES advice for e.g. cod that fish in the Kattegat migrates. The fishing industry believes, that closure of four Natura 2000 areas in Swedish waters will not have any measurable positive effect on the ratio of larger fish in Kattegat. The OIG members of the NSAC would like to point out that there is ample evidence of closures leading to an improvement in fish biomass, also benefiting the breeding population of a stock^{5 6 7}
- 3.12 The fishing industry members of the NSAC would like to point out that it appears from the proposal that the Swedish authorities have not complied with the request for access to the smooth seabed in the Natura 2000 areas as requested by Swedish fishermen. The Danish fishermen involved have a similar request. The reasoning in the proposal is that it is not possible to ensure a favourable conservation status if fishing activities occur in the soft mud areas. However, no explanation is presented.

³ https://www.slu.se/globalassets/ew/org/inst/aqua/externwebb/sidan-publikationer/aqua-reports-xxxx_xx/aqua-reports-2018-7.pdf (pg 16)

⁴ <https://onlinelibrary.wiley.com/doi/abs/10.1002/ece3.4395>

⁵ Piet, G. J., and Rijnsdorp, A. D. 1998. Changes in the demersal fish assemblage in the south-eastern North Sea following the establishment of a protected area ("plaice box"). *Ices Journal of Marine Science*, 55: 420-429.

⁶ <https://www.ncbi.nlm.nih.gov/pubmed/24090556>

⁷ <http://rspb.royalsocietypublishing.org/content/280/1754/20122679>



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The OIG members of the NSAC feel that the proposal has a balanced focus on conservation of sensitive species and habitat whilst still allowing commercial activities to continue.

4.0 Recommendations

4.0 The NSAC acknowledges that the Swedish authorities are working on implementing fisheries conservation measures in the marine protected areas in Kattegat. The NSAC welcomes this proposal as it contributes to the completion of the marine Natura 2000 network in the North Sea and supports the implementation of the EU Action Plan for nature, people and economy⁸. The NSAC recommends:

- That the proposal keeps a balance of proposed management tools in the four areas, including no-take zones and buffer areas together with specific control and enforcement rules (AIS) as a prerequisite for effective management of the areas;
- That a map is made of all areas in the Kattegat where fisheries are regulated in one way or another. Such a map should contain not only the fisheries-restricted or closed areas of the Natura 2000 areas but also the designated areas under the Marine Strategy Framework Directive as well as the fisheries closure for the protection of spawning areas for cod and other areas where restrictions or closures have been established.
- That all stakeholders involved in activities in the proposed areas should be consulted before any final decision is taken. This includes the socio-economic impacts over a relevant time period of the proposal. An inclusive dialogue with relevant stakeholders is very important to ensure a successful implementation of any management measures restricting stakeholders from carrying out their activities in the designated areas.
- That any measures taken must be on the basis of appropriate scientific risk assessments evaluating whether fishing activities are having a detrimental impact on the integrity of the sites, and monitored and evaluated, in relation to the objectives, and adjusted if necessary.
- That the areas should be closely monitored with the current baseline on 3 and 5-year surveys to show effectiveness of the measures and to increase knowledge of MPAs and proposed restrictions. This would greatly improve the discussions of management of these and other areas.

⁸ COM(2017) 198 final

