

Danish Ministry of Food, Agriculture and Fisheries
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NSAC Advice Ref. 16-2122
NSAC Advice on the Fisheries regulation in five Danish Natura 2000 sites in the North Sea and Skagerrak

This paper was approved with consensus by the NSAC Executive Committee on 23 September 2022 via written procedure.

1 Background

On 25 July 2022 the Danish Administration reached out to the NSAC in accordance with Article 18 of the Framework Regulation (EU) No 1380/2013 on the Common Fisheries Policy with a request to comment on the draft proposal regarding Fisheries Conservation Measures under Article 11 for protection of reef structures in five Danish Natura 2000 sites designated under the Habitats Directive 92/43 EEG of 21 May 1992.

In the document Denmark proposes to regulate fishing activities in the Danish part of the North Sea and Skagerrak for the protection of reef structures designated under the Habitats Directive. In accordance with Article 6 of the Habitats Directive, Member States are required to establish conservation measures for Natura 2000 sites in order to prevent deterioration and disturbance of habitats and species for which the sites are designated and to fulfil their ecological requirements.

Denmark has designated 97 marine Natura 2000 sites in Danish territorial waters in the western Baltic, Kattegat, Skagerrak and the North Sea. A total of 65 Natura 2000 sites have been designated for reef structures, including Habitats Directive Annex I habitat type 1170 “Reefs” and/or habitat type 1180 “Submarine structures made by leaking gasses” (also known as bubbling reefs).

The presented proposal entails fisheries management measures in the following four Natura 2000 sites located in the Danish Exclusive Economic zone in the North Sea and Skagerrak (outside 12 nautical miles):

- Thyborøn Stenvolde (EU site code: DK00VA348)
- Jyske Rev, Lillefiskerbanke (EU site code: DK00VA257)
- Store Rev (EU site code: DK00VA258)
- Gule Rev (EU site code: DK00VA259)

In addition, one Natura 2000 site is located in the Danish part of the Skagerrak between the baseline and 12 nautical miles:

- Lønstrup Rødgund (EU site code: DK00VA301)



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As stated in the proposal, the measures shall be taken with respect to fishing activities exercised by all vessels including fishing vessels carrying the flag of other Member States of the EU, and to this end Denmark consulted Sweden, Germany, Belgium, the Netherlands, the UK and France, the North Sea Advisory Council, ICES and the Commission.

The NSAC thanks the Danish Administration for the opportunity to provide input to the five draft proposals for Danish Natura2000 sites. In this paper the NSAC set out to comment on proposed joint recommendation from a perspective of different national fleets affected by the draft regulation and which have been traditionally fishing in the proposed areas.

2 NSAC Advice

For the Belgian and Dutch fishing industry the areas Gule Rev and Jyske Rev have been and are important fishing areas for many years. Both areas are fished annually by beam trawlers from the large scale fleet segment targeting plaice, with cod, lemon sole and monkfish as important by-catch species.

VMS-data show that these areas have become increasingly important since 2014, with more than 1 million euros for Gule Rev alone as of 2018. Together with Jyske Rev, nearly 1.5 million had been fished in these areas in 2018. With current challenges such as Brexit and future developments, we can only assume that these areas will become increasingly important for Dutch and Belgian fisheries. After the ban for pulsfisheries in 2019 are the Danish areas more important for the Dutch fleet.

Alternative options are very limited. Gule Rev is largely located in the Skagerrak, where Belgian vessels do not currently fish. In addition, the Norwegian Zone with restrictions is hampering fishing opportunities as well. Finally, experience shows that moving west produces very limited catches.

Shifting to other areas will therefore automatically cause a displacement of effort to areas that are less fished, with possibly even more adverse consequences. Gule Rev and Jyske Rev have been extremely important areas for Belgian fisheries for many years, so these fleets question whether the conservation objectives will be achieved with the current Danish proposal. In addition, we also question the ecological justification given that these areas are of economic importance for the Belgian fishing industry. Besides that, shifting to other areas is now and in future more difficult for the fleet because of more and larger area's for windmills and more closed area's for nature purposes. Not only in EU waters but also in the close by Norwegian waters.

Finally, we would like to reiterate the low impact of the small Belgian and Dutch fleet, which fishes in these areas for a limited period of the year (mid-August to mid-December). The fishing techniques have been adapted (lighter fishing gear + roller shoes for the Belgian fleet) with a limited bottom impact as a result.

As shown by the data on effort, catches and revenues, the area is also relevant for German fisheries. Especially the Skagerrak areas have to be evaluated in relation to the relatively small quota Germany takes up in the Skagerrak. Because of that, it would be necessary to use the data for socio-impact assessment with a statement on the real economic consequences of the

closure. Such an assessment has to include potential costs for effort allocation, similar to analysis DTU Aqua prepared for some Baltic areas. This is important to evaluate the proportionality of the closures. It has also to be taken into account that the losses of fishing grounds due to new offshore windfarms will lead to further concentration of fishing effort in the remaining areas.

Furthermore, ICES advised to differentiate between “heavy” and “light” bottom trawls in relation to the impact on Natura 2000 habitats, as having different degrees of impact. These differences should be taken into account.

For a final decision on proportionality, it is also relevant to have a description of the potential benefits of a closure for nature in the specific areas. There is a need for a baseline study with description of the status quo in terms of species richness and abundance and expected improvements after the closure. These are the preconditions for evaluation of losses for fisheries and benefits for nature that is objective and sufficiently substantiated.

3 Conclusion

The Danish industry has been involved in the process of designating the MPAs in the regulation since 2016. The process has been characterized as a bottom-up process where positions of national stakeholders were considered. The stone reefs in the Natura2000 areas were mapped and the regulation only covers the areas where stone reefs effectively exist. Danish fishers do not any longer target reef structures with active gears such as trawl and use instead passive gears on the stone reefs areas such as gillnet and pots. This means that the regulation does not affect Danish fishing to a particularly high degree because the fishery is already adapted to accommodate the plans. However, in the buffer zones around the reefs the Danish trawl fishery will to some degree also be impacted by the regulation. Overall, the Danish fishermen are less directly affected by these plans as opposed to vessels carrying the flag of Belgium, the Netherlands and Germany. The NSAC advice is to take into account possible displacement effects and economic consequences the designations might cause for the fleets that have been traditionally fishing in the areas. For legal security in relation to European law it would be helpful to clarify all aspects of proportionality and necessity of closures. As always, the NSAC remains open to further discuss the matter.