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Cc: DG MARE

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NSAC Advice Ref. 10-2324
NSAC Advice on Swedish proposal for JR on fisheries
conservation measures in the Nordvästra Skånes havsområde MPA
in the Kattegat

This paper was approved by the NSAC Executive Committee on 7 June 2024 via fast track procedure.

1 Background

On the 19th of April 2024, the NSAC received a request for advice from the Swedish Agency for Marine and Water Management (SwAM) concerning their Joint Recommendation proposal on fisheries conservation measures in the Nordvästra Skånes havsområde marine protected area (MPA) in the Kattegat.

The area Nordvästra Skånes havsområde is designated as Natura 2000 (SPA and SCI), and part of Nordvästra Skånes havsområde, Skånska Kattegatt, is designated as a nature reserve, and also designated as an OSPAR MPA.

This Swedish proposal on fisheries conservation measures, aiming at ensuring adequate protection of designated habitats and species of the areas, is developed based on the request for conservation measures identified in the concerned MPAs by the responsible County Administrative Board of Skåne.

The main purpose of the proposed conservation measures is to ensure adequate protection of designated and sensitive species and habitat types including the associated ecological functions in the concerned marine protected area in the Kattegat, according to the Habitats Directive, the Birds Directive and the Marine Strategy Framework Directive.

On the request of NSAC, on the 23rd of April 2021, SwAM forwarded the AC an early draft proposal including a short summary on regulations within the nature reserve Skånska Kattegatt, and the decision for appointing Skånska Kattegatt as a nature reserve including the

management plan for Skånska Kattégatt. The NSAC members have provided their response to this in the form of advice¹.

2 NSAC Advice

Since the NSAC members were not able to reach a consensus on the draft Joint Recommendation, the positions of the fishing industry and Other Interest Group are presented separately.

2.1 NSAC industry position

The **NSAC industry** is concerned by the Swedish Authorities' ongoing attempts to close vital fishing grounds in the southern Kattégatt, which they believe was conducted without meaningful dialogue with the fishers in the area. The top-down approach taken by the authorities appears to disregard the impacts on other activities present in the area, which is contrary to the intended spirit of directives on nature conservation.

The proposed fishing measures in the Nordvästra Skånes havsområde, which is already extensively regulated, threaten to endanger fishing in the southern Kattégatt, potentially leading to the closure of the Gilleleje Fishery Association and the auction. While the area's value may seem low, local fishers lack opportunities to fish elsewhere and thus depend on the area as their source of income. As the southern Kattégatt increasingly becomes a nature conservation area, fishers are left with ever fewer options, aggravated by plans for offshore wind farms in remaining fishing grounds. Ensuring that commercial fishing in the area continues is crucial. Therefore, it is crucial that key fishing areas in the southern Kattégatt are not closed.

Despite several years since the proposal for nature conservation measures, the lack of substantive evidence supporting the regulations remains evident. The proposal initially intended to protect harbor porpoises in the northern area by proposing a ban on trawling. However, it appeared that trawling did not impact harbor porpoises, leading to challenges in justifying the proposal to Danish authorities, who sought further evidence. From their side, Swedish authorities aimed to extend the scope of protection to encompass sandbanks and rocky reefs. However, Danish fishers predominantly operate on the muddy seabed in the area, raising questions about the relevance of protecting habitat types not utilized by fishers in the area.

With this in mind, the **NSAC industry** wishes to highlight the concern that there is still no informed basis supporting the proposed regulation. Over the past 5-10 years, a tendency to push for the establishment of conservation areas has been observed, regardless of whether they seem sensible and are supported by evidence or not. Such actions do not correspond to

¹ <https://www.nsrac.org/wp-content/uploads/2020/10/17-1920-NSAC-Advice-on-JR-on-Swedish-MPAs-in-Kattégatt.pdf>

objectives outlined in either the Habitats Directive or the Marine Strategy Framework Directive. In the long term, this approach threatens the prospects for coexistence at sea.

While the NSAC industry acknowledges the laudable objective of minimizing harbour porpoise bycatch, the key concern lies in determining the most effective approach through an overall assessment. Reasonably, no fisher desires to accidentally capture harbour porpoises. The concern indicated in section 8.1 that fishers equipped with cameras may behave differently is unwarranted, as there is no basis for such consideration. According to fishers from the area, the population of harbour porpoises in the Belt Sea appears healthy and stable. The optimal solution for minimizing harbour porpoise bycatch is to prescribe the obligatory use of pingers.

On seals, **the industry** believes that there is no necessity for measures aimed at safeguarding the population. Conversely, there is a need to mitigate the negative impacts of a surplus of seals. Grey seals and harbour seals are eager consumers of fish. We reject the view that historical hunting pressure has been harmful; rather, hunting has helped maintain fish stocks at reasonable levels. The absence of a functional seal management strategy determines poor conditions for fish stocks.

While focusing on minimizing the risk for bycatch of harbour porpoise and seabirds as well as reducing the physical impact on the seafloor and disturbance of natural food webs is essential, the current measures are not adequate to achieve such goals. An addition could require German fishers to be subject to the same conditions as their Danish and Swedish counterparts. The current proposal appears to lack assurance of the existence of fishing practices in the future. We believe that local food production derived from fishing is crucial and both gillnet fishing and fishing overall have experienced a decline in recent times. If the proposed measures are adopted, there is a substantial risk of exacerbating this decline further.

The Danish fishers specifically, especially those in the southern Kattegat and members of the Gilleleje Fishing Association and Auction, require a process that ensures coexistence between conservation and fishing activities. The **NSAC industry** believes that the intermediate zone overlapping with the "cod closing box" in the southern Kattegat should be available for fishing with passive gear. At a minimum, the area should remain accessible for fishing with lines and pots, in order to enable fishers to adapt their practices accordingly, a task made impossible if all areas are closed to all gear.

In light of this, **the industry** asks the Swedish Authorities to reconsider the conservation areas in the Kattegat and to carry this out following a proper stakeholder engagement plan.

2.2 NSAC Other Interest Group position

The **North Sea Foundation (NSF)** and the **Swedish Society for Nature Conservation (SSNC)**, both members of NSAC Other Interest Groups, have provided a statement in response to the Joint Recommendation proposal.

In their position, the **NSF** considers the year-round ban of bottom-trawling gear as a proactive measure for safeguarding sensitive habitats and minimizing ecosystem disruption. They also commend the establishment of significant no-take zones, as this approach aids in safeguarding critical habitats and allows marine ecosystems to recover and thrive without human interference. Regarding the prohibition of static nets in most parts of the area, and particularly in regions important for harbour porpoises, this is considered vital for their conservation. However, concerns are raised regarding the potential allowances for commercial fishing methods like static nets, fyke nets, and longlines. It is crucial to ensure that any such activity, permitted by competent national authorities, aligns with the conservation objectives of the MPA. For instance, if such fishing methods are allowed, stringent regulations should be in place. On the other hand, it is important to emphasize that pingers should not be used within an MPA designated for the protection of harbour porpoises. Finally, the NSF expressed reservation about allowing recreational fisheries with fyke nets in the area, particularly considering their association with potential impact on eel populations. It would have been advisable to exclude such gear from recreational fishing activities within the area. Alternatives that pose minimal risk to sensitive species should be encouraged for recreational fishing endeavours.

At the same time, in their position, the **SSNC** have called for the inclusion of maps delineating the Nordvästra Skånes havsområde, to complement its written description. Regarding the reduction of Belt Sea harbour porpoise bycatch risk, recent reports on the population indicate a decline likely due to high levels of bycatch. Therefore, permitting fishing with gear known to result in bycatch does not guarantee decreased levels. In this scenario, the use of pingers is not sufficient, as it is not intended for the Belt Sea harbour porpoise population to mirror the Baltic sea population. Furthermore, if the aim of an area is to safeguard the harbour porpoise, the most sensible approach is a complete closure of fisheries posing a risk of bycatch. While pingers may reduce bycatch, they won't entirely eliminate the risk, and their sound could disturb porpoises in what should be a refuge. Therefore, SSNC also does not support the use of pingers within MPAs.

SSNC suggests extending closures of static nets, fyke nets, and longlines beyond proposed dates (15 November to 15 March), to cover peak sensitivity periods for harbour porpoises (late summer and early fall, as stated in section 6.1 and 8.1 and of the proposal). The closure should also take place when bycatch rates are the highest, in an extended period from July to December. The proposed fisheries closure only cover 1.5 months of the sensitive period.

Regarding Figure 4 in section 7.2, precisely the map showcasing bottom trawling activity and proposed no take zones, SSNC question the limited extension of proposed no-take zones within MPAs, urging reflection on their alignment with areas of current fishing activity.

In section 8.1 of the proposal, it is indicated that there is a great risk that bycatch rates of certain cetaceans are underestimated. In view of this, SSNC calls for precautionary measures such as extended fisheries regulations, bans on detrimental methods and gears, and larger no-take zones until more data is gathered and available.

Finally, SSNC points out that while this proposal is a step forward, it falls short in ensuring sufficient protection for Belt Sea harbour porpoises, risking similar declines to the Baltic Sea population.

3 Conclusion

The NSAC wishes to thank SwAM for the repeated opportunity to provide input to the draft Joint Recommendation proposal on fisheries conservation measures in the Nordvästra Skånes havsområde MPA in the Kattegat and remains available for further discussion on the subject.