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Cc: DG MARE

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NSAC Advice Ref. 11-2324
NSAC Advice on a Joint Recommendation (JR) on fisheries
conservation measures in Stora Middelgrund och Röde bank,
Fladen, Lilla Middelgrund and Morups bank

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

1 Background

On 30 April 2024, the NSAC received a request for advice from the Swedish Agency for Marine and Water Management (SwAM) concerning their draft Joint Recommendation amending Delegated Regulation (EU) 2017/118 on fisheries conservation measures in Stora Middelgrund och Röde bank, Fladen, Lilla Middelgrund and Morups bank.

On 2 February 2021, after consulting the North Sea Advisory Council, Sweden, Denmark, and Germany submitted to the Commission a joint recommendation to manage fisheries in certain marine protected areas of the Swedish part of the Kattegat with the objective to protect sensitive species and habitat types only allowing certain fishing gears in four marine protected areas. The Commission adopted the proposed measures with the delegated regulation (EU) 2022/952 of 9 February 2022 amending Delegated Regulation (EU) 2017/118 establishing fisheries conservation measures for the protection of the marine environment in the North Sea.

In the new request for advice, the following recommendation is proposed to be adopted. The recommendation should apply in general, i.e., also include recreational fisheries in accordance with Article 3(4) of Regulation (EU) 2017/118:

A prohibition for fishing with gillnets and trammel nets (GTN) in Areas 3. Accordingly, point (d) of Article 3(3) of Regulation (EU) 2017/118 should be repealed.

This proposed amendment does not entail any amendments of applicable control measures in the concerned marine protected areas or any other amendments in general.

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 agrees that the accidental by-catching of porpoises in gillnet fishing is a threat to harbour porpoises. However, the industry does not consider it the main threat to the population, the main threat being the general degradation of the marine environment and other threats, including the lack of effective seal management, shipping, and, last but not least, existing and planned offshore wind farms.

The industry reiterates that no professional fisher intentionally contributes to the bycatch of harbour porpoises. According to the information from fishers, the Belt Sea population is in good condition, and the industry believes that there is significant uncertainty as to the estimated condition of the population.

Concretely, the assessment of harbour porpoise in 2012 and 2016 estimated 40,000 animals. A stock assessment in 2022 showed a significant drop to 14,000 individuals. In the opinion of the industry, it is unlikely that 26,000 harbor porpoise would have disappeared in a six year period. It is estimated that approximately 1000 animals are by-caught annually in the fishery. There is therefore uncertainty regarding the remaining 20,000 animals. The data on recruitment also seem misleading showing little to no recruitment in 6 years.

In view of the fact that there are no significant issues regarding the harbour porpoise population according to the regional fishers, the industry considers that banning gillnets and trammel nets (GTNs) in the areas concerned is a disproportionate measure, with commercial fishing being an important part of seafood production. Instead, the industry proposes alternative measure, which is to provide for the **compulsory use of acoustic deterrent devices**.

The industry also believes it unsatisfactory to have continuous dialogues and input to the Swedish hearings nationally and through the NSAC, and having no significant impact on the proposed measures so far.

Last but not least, the uncertain and difficult application procedure for access has resulted in no Danish fishermen applying for access to these areas. For this reason, the Danish Fishers PO specifically cannot in any way support additional closed areas for fishing and different gear in the southern Kattegat, as virtually the entire Swedish part has now been closed to fishing.

If the areas are closed to all types of fishing gear, this will render impossible any future fishing in the areas which will significantly hamper the utilization of the marine resources in the Kattegat. It is therefore crucial that in the future access is granted to passive gears in the specified areas.

2.2 NSAC Other Interest Group position

Responses from two OIGs were received in the course of the consultation, namely the North Sea Foundation and the Swedish Society for Nature Conservation, both of which support the proposal to repeal point (d) of Article 3(3) of the regulation and thereby entirely prohibit static net fisheries in the areas of Stora Middelgrund och Röde bank (SE0510186), Fladen (SE0510127), Lilla Middelgrund (SE0510126) and Morups bank (SE0510187).

NSAC OIGs believe that the measures are in line with the need to minimise harbour porpoise bycatch in the Belt 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 areas of Stora Middelgrund och Röde bank, Fladen, Lilla Middelgrund, and Morups bank. We remain available for further discussion on the subject.