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Cc: DG MARE

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NSAC Advice Ref. 13-2324
NSAC Advice on Swedish proposal regarding JR for MAP Balgö in
the Kattegat

This paper was approved by the NSAC Executive Committee on 16 September 2024 via written procedure.

1 Background

On July 5th 2024, the NSAC was forwarded a request for advice from the Swedish Agency for Marine and Water Management (SwAM) concerning their Joint Recommendation (JR) proposal on fisheries conservation measures in the Balgö marine protected area (MPA) in the Kattegat.

The marine protected area Balgö is located in waters under Swedish sovereignty in the Kattegat in the North Sea. Balgö is designated as Natura 2000 (SPA and SCI), and also as a HELCOM and OSPAR MPA.

This Swedish proposal on fisheries conservation measures, aiming at adequate protection of designated and sensitive species and habitat types in the concerned marine protected area, has been coordinated with Denmark, having a direct management interest in the fisheries affected by these measures.

The proposed fisheries conservation measures are wanted for the protection of designated habitats and species within the marine protected area Balgö in the Kattegat and are applied in close coordination with the Member State having a direct management interest in the concerned site as described in Articles 11 and 18 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy.

The process for the JR started in 2022, when SwAM organised a pre-consultation meeting on 11th March 2022. SwAM has informed the NSAC Working Group Skagerrak and Kattegat on the general work with Balgö on 5th July 2023.

2 NSAC Advice

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

2.1 NSAC industry position

The **NSAC industry** wishes to convey gratitude for the opportunity to provide input on this matter and underscore the importance of being actively involved in the process. Protecting both the environment and the industry is a shared responsibility.

However, the industry stresses the need for a proper bottom-up approach in implementing regulations. In recent years, Sweden has implemented numerous Joint Recommendations concerning fisheries conservation measures within its Exclusive Economic Zone (EEZ). The implementation process requires approval from other Member States with activities in the affected areas before any restrictions can take effect. However, the Swedish Administration seems to maintain its proposed regulations over several years and across different administrations, eventually receiving approval from neighbouring countries when political conditions are favourable.

The sole instance where stakeholders were genuinely engaged in Swedish proposals was during the designation of the Bratten area in the Skagerrak in 2013, which was a truly bottom-up process. Since then, the designation of areas and the implementation of regulations in Swedish waters have been entirely top-down, with minimal consideration given to commercial activities or stakeholder input. As a result, the current process for implementing JRs on fisheries conservation measures is not functioning as intended.

There is a pressing need to return to a bottom-up approach, where stakeholders are actively involved, and management is carried out collaboratively. Without this shift, the ongoing consultations will be ineffective and will not lead to any significant change, as the past 11 years have clearly demonstrated.

Automatically adhering to percentages and international conventions as a basis for marine protection measures often results in ineffective management. In the case of Balgö and other existing Natura 2000 areas, it has not previously been considered necessary to also establish OSPAR and HELCOM MPAs, as commercial fishing has been able to coexist with conservation efforts. However, the current proposal puts an end to commercial fishing, which unfortunately appears to be the true underlying motive for the measure.

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 positions, both the **NSF and SSNC** have expressed support for the proposed fisheries regulations for Balgö which prohibits fishing in the area with the exception of handheld gear, pots, traps, and pelagic trawling. However, they emphasize that also pelagic trawling can result in bycatch of protected species, such as harbour porpoises, and can remove significant quantities of forage fish, which may impact the ecosystem integrity of the MPA and reduce food availability. Therefore, they recommend also excluding pelagic trawling to ensure more comprehensive and effective protection. In connection to this, the SSNC flags two relevant harbour porpoise surveys that are currently omitted from the proposed Joint Recommendation: the MiniSCANS survey conducted in 2020¹ and the SCANS-IV survey, for which final results of the are not yet available.

3 Conclusion

The NSAC wishes to thank SwAM for the crucial opportunity to provide input to the draft Joint Recommendation proposal on fisheries conversation measures in the Balgö MPA in the Kattegat and remains available for further discussion on the subject.

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https://dce.au.dk/fileadmin/dce.au.dk/Udgivelser/Eksterne_udgivelser/20210913_Report_MiniSCANSII_2020_revised.pdf