

BALTFISH Presidency
Sea Fisheries Unit
Fisheries Department
Ministry of Agriculture and Rural Development
Poland

And

Fisheries Policy and Aquatic Biodiversity and Protected Areas Units
Swedish Agency for Marine and Water Management

By e mail to: Swedish Agency for Marine and Water Management -Lena Tingström (Aquatic Biodiversity and Protected Areas, lena.tingstrom@havochvatten.se) and Malin Wilhelmsson (Fisheries Policy, malin.wilhelmsson@havochvatten.se)-, BALTFISH Presidency (PI.Baltfish@minrol.gov.pl)
cc: BALTFISH Member States

BSAC 2023-2024/30

Copenhagen, 2nd November 2023

Subject: BSAC recommendations on the amendments to the BALTFISH draft Joint Recommendation regarding fisheries conservation measures in the marine protected areas Finngrundén (Norra, Östra and Västra banken), Svenska Högarna, Norra Midsjöbanken, Ottenby rev and Havet kring Ven in the Baltic Sea

Dear Madam, Sir,

Thank you for sharing the BALTFISH draft joint Recommendation with the BSAC¹. The draft Joint Recommendation presents fisheries conservation measures in five marine protected areas.

The BSAC Executive Committee was informed about ongoing work by Sweden on the topic in May 2022. Through your emails of the 12th and 19th October you have invited the BSAC to send comments on the Joint Recommendation within three weeks.

The deadline did not allow for a BSAC meeting dedicated to this topic.

Three replies were received and are annexed in full to this letter: one from the Fischereischutzverband, one from the European Anglers Association, and one from the Swedish Society for Nature Conservation.

¹ Not publicly available yet

- The Fischereischutzverband disagrees that the gillnet fishery is the main cause of decline in the harbour porpoise population and presents some data on harbour porpoise from Schleswig-Holstein. It therefore questions proportionality and possible effectiveness of some of the proposed measures.
- The European Anglers Alliance highlights that recreational angling opportunities should always be maintained if and when they do not directly affect the achievement of conservation goals of a Marine Protected Area. Examples are provided and disagreement is voiced against measures that unnecessarily prohibit angling e.g. prohibiting rod and line angling within the Ven MPA will not help in protecting harbour porpoise.
- The Swedish Society for Nature Conservation welcomes the proposal to prohibit all fishing in the first 4 MPA highlighting the Biodiversity Strategy objectives for 2030 and the expected contribution to local recovery of fish stocks and benefits to Baltic Sea fisheries in the long-term. A closure of the static nets fishery is advocated for instead of pinger use in the Havet kring Ven.

We thank you for this consultation and will continue follow the discussions on these two Joint Recommendations in BALTFISH.

Kind regards,



Jarek Zieliński
BSAC Executive Committee Chair

ANNEX: Individual responses

Fischereischutzverband

Zur besseren Bewertung der Einflüsse der Stellnetzfisherei auf den Schweinswalbestand erscheinen mir die Auswertungen der Totfunde von Schweinswalen an der Schleswig-Holsteinischen Küste bedenkenswert. Hier zeigt sich aus meiner Sicht recht deutlich, dass der Vorwurf an die Stellnetz- Fischerei: „Hauptverursacher für Rückgänge des Schweinswalbestandes in der Ostsee zu sein“ unter Würdigung der ermittelten Zahlen 1 in nachfolgender Übersicht nicht mehrhaltbar ist.

Ergebnisse

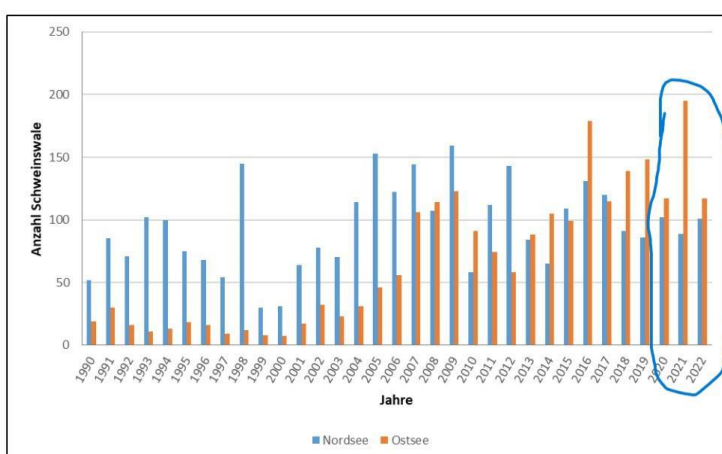


Abbildung 3: Anzahl der Schweinswalauftote in Schleswig-Holstein 1990-2022, aufgeteilt nach Fundjahren (nicht nach Berichtsjahren) und Seegebiet.

Tabelle 14: Erkrankungs- und Todesursachen der untersuchten Schweinswale [n=20] (ein Tier kann mehrere Erkrankungs- und Todesursachen aufweisen)

Erkrankungs- und Todesursachen	Anzahl
Beifang	3
Bronchitis	1
Bronchopneumonie	10
Dermatitis	1
Endokarditis	1
Endoparasitose	4
Fangschuss	3
finale Septikämie infolge von Brucellen	1
Enteritis	2
Gastritis	7
Hepatitis	1
Kachexie	4
Lebensschwäche	1
Meningoenzephalitis	1
neoplastisches Geschehen	1
Nephritis	1
perinataler Tod	1
Verdacht auf akustisches Trauma	2
Verdacht auf Beifang	5
Verdacht auf <i>Pasteurella multocida</i> Septikämie	1
Verdacht auf Septikämie infolge <i>Serratia fonticola</i>	1
Verdacht auf stumpfes Trauma	4

Der Rückgang der Totfunde im Jahr 2020 hätte durch den um mindestens 60 % verringerten Fangaufwand in der Stellnetzfisherei, verursacht durch die Corona-Pandemie, verbunden mit den gegen Null tendierenden Fangquoten für Dorsch in der Ostsee erheblich deutlicher ausfallen müssen, wenn die Annahme zutreffen würde, dass die Stellnetzfisherei den ihr zugeschriebenen negativen Einfluss auf den Schweinswalbestand wirklich hat. Dies gilt erst recht für den starken Anstieg im Jahr 2021, der vor diesem Hintergrund nicht erklärbar ist.

Betrachtet man zudem den festgestellten geringen Anteil von 3 Beifängen und 5 Verdachtsfällen an der Gesamtzahl der Totfunde, (siehe unterstehende Tabelle) so ist die Rolle der Stellnetz-Fischerei als Hauptverursacher für den Rückgang des Schweinswalbestandes nicht mehr seriös haltbar. Die Forderung des Naturschutzes: „Zur Rettung der Schweinswale als einzige Möglichkeit die Stellnetzfisherei einzustellen“ erscheint nach vorstehender Faktenlage nicht zielführend und ist als reiner Aktionismus einzuordnen. Gleichmaßen sind die angedachten Beschränkungen gem. Bezug auf ihre Verhältnismäßigkeit und mögliche Wirksamkeit zu hinterfragen.

Die Bewertung der Einflüsse der Stellnetzfisherei auf den Schweinswalbestand erscheint nach neuesten Erkenntnissen bedenkenswert. Gleiches gilt für die angedachten Schutzmaßnahmen und Gebietssperrungen. Vorstehende neue Erkenntnisse sollten in die Empfehlungen des BSAC einfließen.

European Anglers Alliance

Recreational angling opportunities should always be maintained if and when they do not directly affect upon achieving conservation goals of a Marine Protected Area. Routinely banning of the rights of European citizens to fish recreationally, without taking into account the actual effect of such fishing on conservation goals for different species or biotope, is unacceptable.

The following principles shall be utilised when considering recreational fishing and conservation measures within MPA's:

1. Fisheries conservation measures within MPA'S shall only include recreational fisheries when such fishing has a clear effect upon the species or biotope being protected, e.g. removing rod and line fishing around the Island of Ven MPA will in no way improve protection for harbour porpoise.
2. Different forms of recreational fishing methodology shall be clearly defined e.g. netting, trap net fishing, angling with the aid of anchoring, angling with the aid of electronic anchoring, trolling fishing. Conservation measures shall only apply to those forms of recreational fishing that have direct effect upon the species or biotope to be protected e.g. for protection of harbour porpoise netting shall be prohibited, for protection of sensitive sea floors (e.g. bubbling reefs) anchoring shall be prohibited and only trolling or angling with the aid of electronic anchoring shall be permitted.

Where fisheries actually effect upon EU goals for habitat and species protection then conservation measures shall apply. The rights of European citizens to recreation should never be curtailed if they do not prevent the reaching of conservation goals within an MPA. The proposed MPA's create areas where the majority of current recreational visitors (anglers) will effectively and unnecessarily be prohibited from using the area, the EAA finds this unacceptable.

For more information on recreational angling and MPA's please see [EAA position on Recreational Angling in Marine Protected Areas](#).

The Swedish Society for Nature Conservation

The Swedish Society for Nature Conservation welcomes the proposal from Sweden, together with Denmark, Finland and Poland, to prohibit all fishing in Finngrundén, Svenska Högarna, Norra Midsjöbanken and Ottenby rev, as part of the aim to establish areas unaffected by local human impact. This is a significant and important step towards fulfilling the aims of the EU Biodiversity strategy to 2030 and towards protecting the Baltic Sea marine environment. These strictly protected areas will be important reference areas and refuges for Baltic Sea species, especially when/if also other anthropogenic pressures are regulated in the areas. We are convinced that such measures will in time contribute to local recovery of fish stocks and benefit Baltic Sea fisheries in the long-term. We are looking forward to seeing similar closures in areas with higher fishing effort that would make a greater difference in terms of effective conservation as well as fish stock recovery.

We support the equal prohibition of both professional and recreational fisheries in the areas, as well as the obligatory use of AIS on all fishing vessels, including those smaller than 15 m, to allow transit through the areas.

Furthermore, we are very pleased to see the entire area on Finngrundén included in the JR, including all three Natura 2000 areas and creating a larger more coherent area of fisheries prohibition.

We appreciate the reasoning that seabirds such as long-tailed duck and eider duck are part of the reason for the proposed closures. The main reason is highlighted as preventing bycatch, but there

is also mention of fisheries closures as protection of the prey species and habitats of these birds, which we especially support and believe should be highlighted further. The protection of prey species and habitats, i.e. the entire ecosystem, is key in achieving effective marine protection.

For the JR on Havet kring Ven, the Swedish Society for Nature Conservation does not support the use of deterrent pingers within MPAs. Pingers are per definition designed to deter porpoises, and may therefor deter animals away from key habitats when used in MPAs designated for harbour porpoise. Such areas should instead be closed for static nets. If there is a risk of displacement of fishing effort this needs to be managed, but does not excuse deterring porpoises from important areas.