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MINUTES

From a meeting of Working Group 4, BISAC – 24 June 2022

Topic: "Spatial planning of fisheries"

On June 24, 2022, at the Astor Garden Hotel, St. Konstantin and Elena, Varna city, and via video link in ZOOM, a meeting of Working Group 4 of the BISAC was held on the topic: "Spatial planning of fisheries."

The meeting was attended by the following participants: Dr. Victor Nita – "Grigore Antipa" Institute, Dr. Magda Nenciu – "Grigore Antipa" Institute in Constanta, Mrs. Stefka Nikolova – EAFA, Prof. Dr. Galin Nikolov – Trakia University, Mr. Bogdan Ghinea – Ministry of Territorial development of Romania, Mr Alexandru Simeonov – NAFA Constanta, Mrs. Ivelina Aleksieva – Ministry of Environment and waters of Bulgaria, Mrs. Kety Balaci – NAFA.

The meeting was opened by the Chairman of BISAC – Mr. Daniel Buhai. Greetings to the guests and meeting participants follow. Mr Buhai stressed the importance of maritime spatial planning so that there are no points of conflict between operators in the Black Sea.

Following is a presentation by Mr. Bogdan Ghinea on the topic: "Maritime Spatial Planning". The Maritime Spatial Plan aims to define the principles and objectives in a long-term perspective for the guidelines on how to use the maritime space in order to minimize the negative impact on the marine environment and to support the sustainable development of the blue economy. Its main task is to promote a coordinated and integrated decision-making process regarding the sustainable development of the Black Sea region through coherent policies regarding maritime activities. The main principles of the plan for the development of marine territories are the following:

- Preservation and protection of biodiversity. The good ecological status of the marine environment, the protection of natural wealth and the restoration of marine biodiversity are a prerequisite for economic activity and an opportunity for sustainable economic development;

- Utilization of Black Sea resources. The development of the blue economy contributes to the sustainable use of marine resources, to the creation of new economic opportunities and jobs for coastal communities;
- Justifying decisions with empirical evidence and in collaboration with stakeholders. Decisions on the use of maritime space are based on data analyzed in relation to territorial specificity and on cooperation with stakeholders, including bodies and institutions of central and local public administration, business circles, academic circles, civil society and the general public.

The legislative framework of the Maritime Territories Plan in Romania is: **Directive 2014/89/EU** of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning; **Government Ordinance No. 18/2016** on maritime space management; **Government Decision No. 406/2017** on the approval of the Regulations for the organization and activities of the Committee on the Organization of the Maritime Space; **Government Decision No. 436/2018** on the approval of the Methodology for the development of the maritime spatial plan.

Specific objectives of the marine spatial plan in the field of: FISHING AND MARINE AQUACULTURE are:

1. Development of fishing infrastructure
2. Development of marine aquaculture.

Competent authorities for the marine spatial planning in Romania are:

- Committee for the organization of the maritime space - competent authority for the preparation and monitoring of the implementation of the marine spatial plan
- The competent bodies of the state administration for the implementation of the plan for the implementation of the marine spatial plan;

Discussion follows:

Mrs. Mihaela Mirea: It is good that for Romania there is still an opportunity for interested parties to send their points of view to the Ministry. In the future, the Ministry of Regional Development in Romania can count on the BISAC to send recommendations on this matter, taking into account the fact that the Advisory Council includes both fisheries and environmental organizations, and the given recommendation will be in these two directions.

Mr. Todor Georgiev: He thanks Mr. Ghinea for his clear and in-depth analysis. He asked Mr. Ghinea the following questions – 1) doesn't he think that the EC is acting rather closed in on itself and shouldn't this spatial plan be jointly agreed with all the Black Sea countries? This is due to the fact that the sea is shared, and Bulgaria and Romania are only a small part of the entire coastline. 2) The EC, including Bulgaria, speaks of "interested parties", but a distinction must be made between interested and affected, because in Bulgaria there is a big problem in practice: everyone can be defined as an interested party, but in reality, the affected people are those who operate at sea.

Mr. Bogdan Ghinea: Regarding the Marine Spatial Plan, the EC has done everything in its power to achieve cooperation and planning. There is harmonization between Bulgaria and Romania regarding marine planning, but each country also has its own jurisdiction over third countries. It is in the interest of all the Black Sea countries to cooperate on this issue - to conduct negotiations and bilateral talks, but Directive 89/2014 of the EC refers only to Bulgaria and Romania. As for the subject of the affected parties - indeed there are many, but each member state can centrally develop its own plan, tailored to the specifics of the country. The Directive itself provides freedom - each country can adapt it to its needs, and for this it is important that all interested and affected parties are consulted. This is the role of the national authorities – to ensure a transparent dialogue. In relation to fishing and aquaculture, the institutions responsible for open dialogue are the Ministries of Agriculture in both countries, EFA for Bulgaria and NAFA for Romania, the consultation process depends on them, and much less on the EC and the Directive.

Mr. Yordan Gospodinov: Fishermen, processors and producers of fish products are the affected parties and need to know what is happening regarding marine planning and in advance. It is very important to preserve the fishing grounds, the fields for breeding mussels and other aquacultures. The institutions should seek the opinion of the fishing associations and the BISAC, only in this way will the marine spatial planning be consistent with all interests. It can even be said that the institutions in the two Member States do not pay attention to the fact that there are associations of fishermen and NGOs dealing with the protection of the sea. These are the livelihoods of many people, not of two or three major oil companies or grain exporters. It will be a big mistake if it turns out that fishermen are faced with a fait accompli with some restrictions imposed by the Marine Spatial Plan. Mr. Gospodinov asks Mr. Bogdan Ghinea if they work together with the Ministry of Territorial Development of Bulgaria.

Mr. Bogdan Ghinea: The role of the Ministry of Regional Development (MRD) is to combine all the plans received from the various other ministries and stakeholders, rather than set the policies in the various sectors. MRD does not limit or impose anything on the relevant institutions, and does not determine the importance of different sectors and which of these should be privileged. In Romania, a Committee was created for this purpose, which unites the opinion of all interested parties. MRD works with the Bulgarian Ministry of Regional Development and Public Works and together they implement Directive 89/2014, and for this purpose the consultation with the interested parties must be very well done and every problem must be considered and reported.

Mr. Daniel Buhai: During the period of public consultations, the Romanian association "Ro-Pescador" has sent several opinions on the subject, including to NAFA Romania, and during the public discussion, NAFA does not make any remarks in defence of fishermen, while the energy sector enjoys a large lobby and impact and the marine spatial plan shows that this sector is much better supported – for example, wind energy installations are planned to be placed right in the traditional fishing grounds. In Art. 8 of Directive 89/2014 it is stated that Member States take into account all activities and may include in the plan firstly areas for aquaculture, secondly - areas for fishing and lastly – areas

for energy sources. In other words, priority is given to fisheries and aquaculture, and the tendency in Romania is to escape from this meaning of the Directive. Fishing is the oldest sector, followed only by shipping and the energy sector, and the previously presented maritime spatial plan secures the energy sector, neglecting fishing and aquaculture. Administrations in both countries must ensure safety for fishermen and a reasonable distance of energy facilities from the coastline, from fishing net deployment areas and fishing lanes, so as to protect fisheries and aquaculture and the environment in the continental shelf area where it is the most sensitive. From the very beginning of the process, there has been a lack of discussion with fishing organizations, they have not been consulted and the current plan does not satisfy them.

Mr. Bogdan Ghinea: There should be no fears among the fishermen that the matter has been decided definitively because it is being discussed by the competent authorities. Perhaps the discussions with the interested parties should have been more active, but in the Committee everything is being considered again and the goal is not to put restrictions on fishing in the Black Sea. On the subject of the more heavily represented lobbying sectors - the role of the marine plan is to find a solution that satisfies all stakeholders. In relation to the fact that there are perimeters in the plan in which more activities are superimposed on certain grounds, it is possible that there is an error, and if there is none, it should be checked.

A presentation by Dr. Magda Nenciu follows on the topic: "Establishing the suitability of the Agigea-Eforie area for designation as Allocated Zone for Aquaculture (AZA) and for unlocking the potentiality of mariculture in Romania". Allocated Zones for Aquaculture (AZAs), considered as an essential tool towards the sustainable development of mariculture, play a special role in maritime spatial planning despite being limited and crowded by uses in the Romanian coast. An AZA is a maritime area where the development of aquaculture takes precedence over other uses. The identification of an AZA results from the zoning processes through participatory spatial planning, through which administrative bodies (in Romania, the National Agency for Fisheries and Aquaculture) legally establish that certain spatial areas in a region have priority for the development of aquaculture. The study area pre-selected for potential establishment as AZA at the Romanian coast – Agigea-Eforie, is based on expert knowledge of its suitability for aquaculture development.

The square shaped polygon covers 4 x 4 km. The methodology used to delineate the most appropriate zone for aquaculture development was to assess the level of interest and to estimate the Degree of Compatibility of the pre-selected area. Analyzing all the activities in the area, corroborated with stakeholder consultation, it can be concluded that in the Agigea-Eforie North area there are no potential conflicts with other uses of the maritime space, the selected area for potential AZA designation not overlapping with maritime traffic routes, fishing areas, military areas or other types of activities. Regarding the depth: Based on the bathymetric map of the area, the water depth in many parts of the proposed AZA is estimated to be less than 20 m, which could be considered a limitation for the finfish cage culture. Water depth less than 20 meters should be avoided and, between 8 20 meters depth, the area should be considered only for the farming of shellfish. From the

conservationist point of view, the Eforie area is the only place in Romania where there are significant populations of the bivalves *Donacilla cornea* and *Donax trunculus* but the operation of an aquaculture farm would not affect these species.

The conclusions from the presentation are that the area is suitable for finfish farming at sea at depths greater than 20 m (covering about one third of the pre-selected polygon), while shellfish farming could be developed within the whole area in Agigea-Eforie. Regarding the uses' compatibility, corroborated with stakeholder consultation it can be concluded that in the Agigea-Eforie North area there are no potential conflicts with other uses of the maritime space, and the selected area for potential AZA designation is not overlapping with maritime traffic routes, fishing areas, military areas or other types of activities. The zoning process for the formal and official establishment of this AZA should follow a participatory approach, be transparent, coordinated by the responsible authority (Romanian National Agency for Fisheries and Aquaculture) and carried out in cooperation with the different authorities involved in aquaculture licensing and leasing procedures and monitoring – Romanian National Sanitary, Veterinary and Food Safety Authority, Romanian Waters National Administration etc. Once established, the AZA should be based on legal and regulatory provisions, and ultimately integrated into the national legislation

Discussion follows:

Mr. Marian Paiu: Asks Dr. Victor Nita – in the model used, does it take into account what the impact of such an aquaculture farm would be on tourism?

Dr. Victor Nita: In the evaluation of the marine spatial plan, there is also a proposed item for the assessment of the impact of aquaculture development. In terms of tourism, a market study has been carried out on whether products produced in aquaculture farms will be sought after in the Romanian market.

Mr. Daniel Buhai: the presentation states that water depth less than 20m should be avoided for fish farming and depth between 8 and 20m should only be considered suitable for shellfish farming - why is this distinction and is it not shallower depth more suitable for aquaculture?

Dr. Victor Nita: For the study, the institute used the GFCM methodology and the experiments were carried out in a very small test area of the marine space in which experiments were done with molluscs and algae.

Mrs. Mihaela Mirea: it is good to hear the opinion of the Bulgarian participants from the administration on the subject of maritime spatial planning.

Mr. Todor Georgiev: At this meeting, only the marine spatial plan of Romania was presented, and no one took a stance on Bulgaria's. The NABBS has informed the BISAC that the public discussion of the Bulgarian marine spatial plan has already ended, but the plan will always be amended, it cannot be permanent.

Mrs. Mihaela Mirea: Of course, representatives of the Ministry of Regional Development and Public Works of Bulgaria (MRDP) were invited to the meeting, and

representatives from the Ministry of Environment and Water and EAFA are present. The subject of the development of the Marine Spatial Plan remains at the attention of the BISAC and will be discussed at future meetings.

Mr. Daniel Buhai: It would be good if the representatives of the MRDP take a position on the subject. BISAC will make a recommendation regarding the Marine Spatial Plan, taking into account Directive 89/2014, which states that from the very beginning of the public consultation, the opinion of all interested parties should have been taken into account, and as far as fishermen are concerned, this has not been done.

Closure of the meeting follows.

Minute taker: Mrs. Elena Peneva

Chairman of BISAC: Mr. Daniel Buhai