



КОНСУЛТАТИВЕН СЪВЕТ ЗА ЧЕРНО
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CONSILIUL CONSULTATIV PENTRU MAREA
NEAGRA

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MINUTES

Of the meeting of Focus group 5 of BISAC – 27th September 2022

On: " Conservation of birds, species and habitats of Community interest in the context of fisheries and aquaculture."

On 27th September 2022, in VIP Residence Hotel, Nesebar, a ZOOM meeting of Focus Group 5 of BISAC on: 'Conservation of birds, species and habitats of Community interest in the context of fisheries and aquaculture'

The following people attended the meeting: Mrs. Yana Velina of the Ministry for the Environment and Water; Assoc. Prof. Dr. Violin Raykov – Institute of Oceanology, Dr. Victor Nita – Grigore Antipa Institute, Mrs. Pinelopi Belecku – DG MARE, Mrs. Oana Stancovici-Bianu, Mrs. Steliana Bejan and Mrs. Adina Iuliana Miu of the National Agency for Environmental Protection Constanta, and Mrs. Doina Cioaca – NAPNA, Romaina.

The Chairman of BISAC, Mr. Daniel Buhai opened the meeting, and emphasized the good attitude of fishermen towards the protection and conservation of birds and their habitats. In Romania, fishing activity has no negative impact on birds. Also, in recent years, since the introduction of monofilament nets, the cases of accidentally caught and drowned dolphins have also significantly decreased. In terms of habitat protection, there have been very good results in Romania, especially since the vessel monitoring system was introduced. What is seen as a new threat to species and their habitats in the Black Sea is the spread of the energy sector into the marine environment - gas extraction and construction of wind farms. For example, in Romania there is a "Pelican" perimeter covering both a marine area and a land one, which has been conceded for the generation of wind energy, and the mining of gas and other minerals without any public discussions before the announcement of a tender for it, and is even in contradiction to its name, because the pelican is a protected bird. In this way, in areas with species and habitats of Community interest that must be protected by law, sub-areas appear in which gas and minerals are extracted without even consulting the local community.

Mr. Todor Georgiev: The opening words of the Chairman are not consistent with the European and Romanian legislation.

Mr. Daniel Buhai: Could Mr. Georgiev be more specific and clarify what is inconsistent, because his statement is too general and unclear.

A presentation by Mrs. Ivelina Voynova, President of the Bulgarian Black Sea National Association, on the topic: "Protection and conservation of birds, species and habitats of interest to the Community in the context of fishing and aquaculture" followed. Mrs. Voynova acquainted the members of the BISAC with some of the European and Bulgarian documents concerning the essence of the subject. She also explained the structure of the Committee for the Environment, Oceans, Seas and Fisheries, headed by Commissioner Virginus Sinkevichus. Regarding EC documents related to wild birds and habitats of wild flora and fauna of interest to the community, they are two main ones:

- ✓ DIRECTIVE 2009/147/EC on the protection of wild birds;
- ✓ DIRECTIVE 92/43/EEC on the protection of natural habitats and wild flora and fauna.

Wild birds subject to special measures for protecting their habitats are listed in Annex 1 to Directive 2009/147/EEC on the protection of wild birds. The basic rules show that all species of wild birds that breed, feed or fly over EU territory are directly related to fisheries if they interfere with their breeding, feeding and flight in any way. In Art. 2 of the Directive it is clearly stated that measures taken by Member States to maintain or adapt populations should take into account cultural, economic and recreational conditions. A review of the Bulgarian Biodiversity Act shows that the provisions of Article 2 did not find a place in the provisions of the law. Art. 2 of Directive 2009/147/EEC was referred to in an ordinance to the law, which did not even transpose the true content and intention of Article 2 of Directive 2009/147/EEC. Bulgaria has developed an approach to the management of protected areas. Recreational green groups in Bulgaria are against its adoption in legislation, and for this reason the approach has not yet been adopted in the Biodiversity Act. Since 2009, 120 protected areas for birds have been designated in the country. Of these, 16 protected areas have, apart from the land and sea part in the Black Sea, a ban on fishing and aquaculture activities. The exception covers a few salt lakes on the Bulgarian Black Sea coast where fishing is prohibited.

As far as Directive 92/43/EEC on the protection of natural habitats and wild flora and fauna is concerned, it refers to plant and animal species of community importance, the conservation of which requires the declaration of special protected areas. In the European legislation on the conservation of animal species related or related to fishing of community interest are not: cetaceans - common dolphin and molluscs - Black Sea pearl mussel. Pursuant to the Bulgarian Law on Biodiversity, they are subject to protection, without being of interest to the community. In addition, species that do not exist, are neither of community interest nor as conservation species under the Biodiversity Act are listed as conservation species in the proposed marine protected areas, namely: black clam, veined rapa whelk, three species of shrimp and black sea Cancer Paur. Plants of community interest that are relevant to fisheries are: Red algae and coral species - Lithothamnium coralloides

Crouan frat, and Phymatolithon calcareum (Poll.) Adey & McKibbin, which however do not exist in the Black Sea.

Art. 4 paragraph 1 of Directive 92/43/EEC is directly related to fishing in the creation of marine protected areas. On the basis of the criteria set out in Annex III (step 1) and the relevant scientific information, each Member State shall submit a list of the territories, indicating the natural habitat types of Annex I and the endemic species of Annex II that inhabit these territories. In the case of animal species requiring large habitats, these territories correspond to the places in the natural range of those species that possess the physical and biological elements crucial for their life and reproduction. For aquatic species requiring large habitats, such areas are proposed only if such a site can be clearly identified as possessing the physical and biological elements critical to the life and reproduction of those species. According to Article 6, Paragraph 1 of this Directive, Member States determine the necessary conservation measures, which, if necessary, shall include appropriate management plans, specially developed for the territories or included in other development plans, and appropriate measures of a legal, administrative and contractual nature, which meet the ecological requirements of the natural habitat types of Annex I and the species of Annex II occurring in these areas. The Bulgarian Biodiversity Act has not transposed art. 4 para. 1 in its part on marine species, as well as the provision of an agreed nature from art. 6 para. 1 has not been transposed.

In Bulgaria, 233 protected areas have been designated to protect the natural habitats of wild flora and fauna, and 18 of them include marine parts. Prohibitions related to fishing and aquaculture concern the use of bottom trawling and dredging equipment, the deposition of dredged masses and the ballasting of ships in the maritime spaces of the zone; and construction of artificial underwater reefs and islands on the habitats subject to conservation in the marine spaces of the zone. In conclusion, Mrs. Voinova explained that the European legislation on the protection of wild birds and the natural habitats of wild flora and fauna of interest to the community in the context of fishing and aquaculture is one, and the Bulgarian legislation on the protection of wild birds and the natural habitats of the wild flora and fauna of community interest in the context of fisheries and aquaculture is another.

Comments followed:

Mr. Daniel Buhai asked a question to the representative of the National Association Bulgarian Black Sea (NABBS), Mr. Todor Georgiev, about the recommendation of NABBS concerning the presentation made.

Mr. Todor Georgiev explained that the presentation aims to acquaint the members of BISAC with the documents and European legislation, bird species and habitats of interest to the Community, concerning fishing in the Black Sea, as well as what the Bulgarian legislation is compared to the European one. Asking Ms. Pinelopi Belecku: a year ago he asked DG MARE who determined exactly which species are protected and he did not receive an answer. For this, the EC structure was shown in the presentation, from which it can be seen that the Department of Biodiversity is responsible for protected species.

Mrs. Pinelopi Beleku: praised the members of the BISAC and also for the chosen topic for the FG, which is very relevant. The 2030 Strategy of GFCM has clearly defined objectives, namely the reduction of bycatch of vulnerable species. For 2021, a number of recommendations were adopted that relate to the Mediterranean and Black Seas. As for the Biodiversity strategy, Member States must reduce by-catches of vulnerable species to a level that allows their recovery. On the other hand, work must also be done to restore marine ecosystems, which means the sustainable extraction of marine resources to the extent breeding areas are restored and zero tolerance to illegal practices. The EC will propose a new action plan for the preservation of marine ecosystems, measures are planned to reduce the use of fishing gear harmful to biodiversity. A key element of the action plan is to eliminate bycatch, and where this is not possible to minimize it. To Mr. Georgiev: The Scientific Council of the EC determines which species are endangered, and all decisions taken are based on the best scientific information. Ms. Beleku encouraged the members of the BISAC to participate in the pilot project of the GFCM to study cetaceans in the Black Sea, because there is evidence of quite high bycatch of cetaceans in the Black Sea.

Followed a presentation by Mr. Marian Paiu, NGO "Mare Nostrum" on the topic: "Conservation in the context of fisheries and aquaculture". The practice of protecting and conserving the richness and diversity of the planet's species, habitats, ecosystems and genetic diversity is relevant to human health, wealth, food, fuel and services. BIODIVERSITY encompasses the multitude of genes, species and ecosystems that represent life on Earth. We are currently witnessing a continuous loss of biodiversity, with serious consequences for nature and human well-being. The main causes are changes occurring in natural habitats due to intensive agricultural practices, construction, mining, overexploitation of forests, oceans, rivers, lakes and soils, introduction of non-typical species, pollution and - increasingly - global climate change. The presentation gives a visual example of disturbing the balance of natural ecosystems with a case study from practice - Porpoise (*Phocoena phocoena*). According to FAO data - 9160 individuals, bycatch in the period 2010-2020 for the Black Sea in the small-scale fishing segment (FAO, 2020).

Seasonal allocation for Bulgaria: considerably increased bycatch of *Phocoena phocoena*: from 2,25 ind./ден/km² nets in spring, to 24,13 ind./ден/km² nets in the summer (panayotova et al., 2019).

At the end of the presentation, the following conclusions were stated: the bycatch of species that usually fall together with cetaceans are: great cormorant (*Phalacrocorax carbo*), whiting (*Merlangius merlangus*), black sea shark (*Squalus acanthias*), sturgeons (Acipenseridae) sea cat (e.g. *Dasyatis Pastinaca*). It is recommended that national and regional cooperation programs be developed in order to protect the marine ecosystem and, by default, ensure the marine resources in the future as well.

Comments followed:

Mr Daniel Buhai: asked about the discrepancy between information on bycatch of cetaceans from FAO and from national fisheries agencies on the other hand. By-catch in

Romania has significantly decreased since the introduction of monofilament (mesina) nets in the fisheries.

Mr. Marian Payu: The data on bycatch in the presentation refer to all countries in the Black Sea, not just Bulgaria and Romania. It is also important to attach repellent devices to fishing nets, so-called pingers. It is necessary to carry out more additional research on the pilot projects implemented by GKRSM, and this should not lead to the banning of fishing activities or their limitation, but to looking for better options for this coexistence. Cooperation between the fisheries sector and the scientific community is also very important, because only in this way can the right solutions be found and these activities financed by the fisheries programs.

Followed a presentation by Dr. Victor Nita from the "Grigore Antipa" Institute on the topic: "Marine Habitat in Romania – Scientific Basis for Sustainable Management of Fisheries and Aquaculture". The analysis of recent GFCM statistics reveals that 97% of monitored fish stocks (including in the Black Sea) are overexploited, so taking action to counter this phenomenon is essential. In addition to implementing the general provisions of the Common Fisheries Policy, the establishment of spatial limits can help protect Essential Fish Habitats (EFH), thus reducing pressure on stocks. This can be achieved through the creation of "Fisheries Restricted Areas" (FRAs-Fisheries Restricted Areas), which is in full compliance with the GFCM2030 strategy, which aims to implement effective spatial measures to reduce the impact on vulnerable species, sensitive habitats and key fish habitats meeting conservation objectives at the international level.

A "Fisheries Restricted Area" (FRA-Fisheries Restricted Area) is a geographically limited area in which certain fishing activities are prohibited or restricted temporarily or permanently in order to improve exploitation patterns and protect specific stocks. Limiting fishing activities to certain areas essential to ichthyofauna is intended to reduce overall fishing mortality and habitat destruction or damage. In the Mediterranean and Black Seas, 1,760,000 km² are under protected regime as restricted fishing areas established under the auspices of the GFCM, with most of this surface occupied by the deep zone (in waters above 1000 m from the Mediterranean and Black Seas, all trawling and dredging activities are prohibited to protect bottom habitats).

Areas where fishing is restricted at a national level in Romania: Oastfeld is the area where fishing activities are restricted and sometimes declared at a national level (nFRA), proposed by the National Fisheries and Aquaculture Agency (NARA), as it is necessary scientific rationale for the selection of locations. Considering the specificity of the Romanian coast, fishing activities are carried out particularly close to the shore, up to a maximum depth of 90 m, so there may be some overlap with the essential fish habitats (EFH-Essential Fish Habitats), which may be significantly affected. Along the Romanian coast, most of the habitats are of conservation interest (Natura 2000) and are feeding/rearing and spawning areas that could be a starting point for the creation of fishing restricted areas (nFRA). At the European level, the ecological network Natura 2000 aims to ensure the long-term conservation of valuable and threatened species and habitats in Europe, included in both the Birds Directive and the Habitats Directive. As a member, Romania transposed both

directives (79/409/CEE and 92/43/CEE) into national legislation (GEO No. 57/2007, Order of the Minister of Environment and Forests No. 2387/2011. There are 9 sites of Community importance (SIC) in Romanian marine waters and these are:

- **Danube delta-marine area:** Protected species included in Annex IIa of the Habitats Directive: *Phocoena phocoena relicta*, *Tursiops truncates ponticus*, *Alosa immaculata*, *Alosa tanaica*. There is a Management Plan which is under review under project POIM123322 "Revision of the Management Plan and Regulation for RBDD". Sturgeon fishing is prohibited, there are also national fishing restrictions:, the Prime Minister specifies the fact that all fishing activities are carried out in accordance with national legislation/NARA permits (annual prohibition orders, annual remote permit orders, fishing effort and quotas). There are also areas where fishing is permanently or temporarily prohibited. The use of trawls and hydraulic dredges under 20 m is not allowed.
- **Submerged beach EforieNord-EforieSud-** The protected species included in Annex IIa of the Habitats Directive are *Phocoena phocoena relicta*, *Tursiops truncates ponticus*, *Alosa immaculata*, *Alosa tanaica*. The only place on the Romanian coast where the rare species of bivalve psamobionte *Donacilla corneas* and *Donax trunculus* survive. National restrictions related to fishing are not explicitly stated in the Management Plan. It applies national legislation and permits issued by NARA. The use of trawls and hydraulic dredges under 15 m is not allowed.
- **Marine area cape Tuzla** - Protected species included in Annex IIa of the Habitats Directive: *Phocoena phocoena relicta*, *Tursiops truncates ponticus*, *Alosa immaculata*, *Alosa tanaica*. Here are the most diverse types of micro-habitats, characteristic of the hard substrate and extremely high biodiversity. The Management Plan does not explicitly state national fishing restrictions. It applies national legislation and permits issued by NARA. The use of trawls and hydraulic dredges under 15 m is not allowed.
- **Kostinest -23 August-** Protected species included in Annex IIa of the Habitats Directive are *Phocoena phocoena relicta*, *Tursiops truncates ponticus*, *Alosa immaculata*, *Alosa tanaica*. Habitat subtype 1170-8 Photophilous infralittoral rock, of great extent and variability, hosts a rich algal flora. Sturgeon fishing is prohibited. The use of trawls and hydraulic dredges under 15 m is not allowed.
- **Cape Aurora** - Protected species included in Annex II of the Habitats Directive: *Phocoena phocoena relicta*, *Tursiops truncates ponticus*, *Alosa immaculata*, *Alosa tanaica*. National fishing restrictions: not explicitly stated in the Management Plan. It applies national legislation and permits issued by NARA. Sturgeon fishing is prohibited. The use of trawls and hydraulic dredges under 15 m is not allowed.
- **The sulphur springs of Mangalia** - Protected species included in Annex IIa of the Habitats Directive: *Alosa immaculata*, *Alosa tanaica*. Other important habitat-forming species: *Treptacantha barbata*, *Zostera noltei* (core habitats). There are deep hydrothermal springs that are easily found behind the yellow rings formed by the bacteria that thrive in these structures. National restrictions related to fishing are not explicitly stated in the Management Plan. It applies national legislation and permits issued by NARA. The use of trawls and hydraulic dredges under 15 m is not allowed.

- **Vama Veke – 2nd May** - Protected species included in Annex IIa of the Habitats Directive: *Phocoena phocoena relicta*, *Tursiops truncatus ponticus*, *Alosa immaculata*, *Alosa tanaica*. An area of extremely rich biodiversity. National fishing restrictions: not explicitly stated in the Management Plan. It applies national legislation and permits issued by NARA. The use of trawls and hydraulic dredges under 15 m is not allowed. Fishing for sturgeon is prohibited, as well as a permanent ban on commercial and recreational fishing in the Aa area of the marine reserve.
- **The southern part of the Phyllophora field of Zernov;**
- **Viteaz Canyon – the most remote area.**

The presentation concluded by stating that Natura 2000 Habitats represent feeding/rearing and spawning areas for many fish species (core habitats), especially in the southern coastal zone, which can be a starting point for the creation of restricted areas. fisheries (nFRAs). These areas can contribute to biodiversity conservation by complementing conventional marine protected areas, although their primary purpose is not conservation per se, but rather focuses on improving the status of fish stocks and related fisheries. Permanent fishing closures in certain marine areas, especially near the coast where the spawning and rearing/feeding habitats of the species are located, is a widely used practice for the conservation and recovery of fish stocks and should have significant positive effects on biomass and recruitment of reproductive stocks of fish species along the Romanian coast.

Comments followed:

Dr. Yordan Gospodinov: In reality, it is very important to have protected areas in order to continue the livelihood of fishermen, but this should not be at the expense of liquidating the sector. The zones must be tailored and discussed together with the business operators in them. On the other hand, it is necessary to carry out control in such areas, by those who define them, the National Fishing Agencies as well as by the fishing Associations themselves, for which a financial resource from the state directed in these three areas is needed.

Followed a presentation by Assoc. Dr. Violin Raykov on the topic: "Biodiversity and the state of populations - a key element for the protection of ecosystems in fishing areas "An ecosystem approach for assessing the biodiversity and state of populations of key species of fish from the Bulgarian Black Sea coast """. The research is comprehensive and shows the multiple stressors that affect populations of commercial fishing target species. Research has been carried out on fish populations and ecological studies focusing on biodiversity, morphology and genetics. The presentation shows a map of the Black Sea stations from which samples were taken for the trawl studies, noting that there are no Fishing Restriction Areas (FRAs) in the Bulgarian or Romanian waters of the Black Sea yet. Dominant species for all the stations studied, represented by 90% of the total quantities of catches, is the sprat (*S. sprattus*), with the next most abundant of the targets being the whiting (*M. merlangus*), the flounder (*N. melanostomus*) and the mullet (*M. barbatus*). In the particular study, there are 16 established species, only one of them is not a fish, but cetacean. Prof. Raykov explains that the genetic studies of the species are necessary for

comparison and analysis of the extent to which the populations of the same species taken from different areas of the Black Sea differ. For example, for mullet - there is only one species in the Black Sea, the so-called *M. Barbatius*, unlike other species found in the Mediterranean Sea.

Followed a presentation by Ms. Doina Cioacă from the National Agency for Protected Natural Areas (NAPNA) on the topic: "Marine Protected Areas - Romania". In total, there are 10 protected marine areas under Natura 2000, of which 9 correspond to the Habitats Directive and 1 to the Birds Directive (SPA). In Romania there is also one national protected area (Vama Veche – May 2). 9 of the areas are managed by the Protected Areas Agency and the remaining 2 are managed by the Danube Delta Management Authority DDBRA (ARBDD).

- The largest zone is called "Black Sea", created on the basis of the detection of birds with an area of 149143 ha. Object of protection – 37 species of birds. There is a management plan approved by ministerial order no. 1197/2016. It is along the entire coast of Romania.
- Submerged beach Eforie Nord - Eforie Sud with an area of 5716 ha. Object of protection - 3 habitats, 3 species of animals, 5 species of fish. There is a management plan approved by Ministerial Order no. 1432/2016. It is intertwined with the Black Sea protected area.
- The underwater sulfur springs of Mangalia. Area - 5786 ha. Object of protection - 4 habitats, 2 species of animals, 2 species of fish, 13 species of plants. There is a management plan approved by ministerial order no. 1225/2016
- Vama Veki-2 Mai - Area – 12311 ha. Object of protection - 4 habitats, 4 species of animals. There is a management plan approved by Ministerial Order no. 1530/2016 It is included in the nature reserve Vama Veche – 2 May, code 2.345, protected by national legislation.
- Marine area of Cape Tuzla - Area - 4947 ha. Object of protection - 4 habitats, 2 species of animals. There is a management plan approved by Ministerial Order no. 1433/2016
- Cape Aurora marine area - Area – 13592 ha. Object of protection - 4 habitats, 2 species of animals. The management plan is currently being developed and is part of a National Agency for Protected Areas (ANANP) project.
- Kostinesht - 23 August - Area - 4883 ha. Object of protection - 4 habitats, 4 species of animals. The management plan is developed under the project of the National Agency for Protected Areas (ANANP).
- Viteaz Canyon - Area – 35376 ha. Object of protection - 2 habitats, 1 species of dolphins. The management plan is being developed and is part of the ANANP project.
- The southern part of the Philophorus Field of Zernov - Area - 186815 ha. Object of protection - 2 habitats, 2 species of animals. Managed by the Danube Delta Management Administration.
- Marine area of the Danube Delta - Area – 336,200 ha. Object of protection - 6 habitats, 4 species of animals. Managed by the Danube Delta Management Administration.

According to the nature conservation legislation, various human activities can be carried out in the marine natural protected areas, with the mandatory condition being that there are regulations and that the surfaces of the habitats and populations of the species for which they are designated are not affected.

Comments followed:

Mr. Todor Georgiev asked Mrs. Doina Cioaca whether the protected areas in Romania are defined with geographic coordinate points?

Mrs. Doina Cioaca explained that the areas are defined with geographic coordinate points taken from the Territorial administration in Constanta.

Mr. Marian Paiu added that the said coordinates can also be found on the website of NATURE 2000. They also exist as GPS coordinates.

Afterwards the meeting was closed.

Minutes taken by: Mrs Elena Peneva

Chairman of BISAC: Mr. Daniel Buhai