

Wadden Sea Board

WSB 6
5 October 2012
CWSS



Agenda Item:	5
Subject:	Seed mussel import into the conservation/cooperation area
Document No.	WSB 6/5-7
Date:	26 September 2012
Submitted by:	TG-M

The WSB telephone conference of 28 June 2012 requested TG-M to investigate the feasibility of a common trilateral policy on mussel transport to the Wadden Sea. In the attached document an overview is presented of the current status with regard to mussel transport.

Proposal	The meeting is invited to note the information
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SEED MUSSEL IMPORT INTO THE CONSERVATION/COOPERATION AREA

Germany

Some years ago one green NGO had demanded in a court case that permission on seed mussel (blue mussel) imports according to a national park law was required by the responsible nature protection administration, for the import of seed mussels from GB and Ireland into the national park, including the formal and mandatory involvement of NGOs in the decision process. This NGO case was rejected and then raised to the next higher court level (higher administrative court) level, which decided in December 2011 that:

1. The NP-administration has to prohibit seed mussel imports.
2. This is the final judgement, it is not allowed to raise this to the next (and highest) court level.
3. The lawsuit was legally allowed and fully justified.

The fishery sector has complained at the highest administrative court (federal level) against the non-admission of a revision (ruling No 2).

It is unclear when the highest court ruling can be expected.

Both the Schleswig-Holstein and Lower Saxonian responsible authorities will not issue licenses for mussel seed imports, pending the ruling of the court.

Netherlands

In 2009 a covenant on the transition of mussel fisheries was agreed by the responsible ministries, the fisheries sector and green NGO's. The central element of the covenant is that dredging for seed mussels will gradually (until 2020) be phased out and mussel seed collected by means of seed collectors.

In 2012 the covenant parties agreed on a license for importing seed mussels from the Eastern Scheldt into the Wadden Sea, i.e. from outside the cooperation/conservation area to within the cooperation/conservation area, to compensate for a lack of seed mussels.

Until then, seed mussel imports from the Eastern Scheldt were forbidden because of the risk of import of alien species.

The license was issued for some 100 transports, a number based on the amount of seed mussel present at the controlled culture lots in the Eastern Scheldt. It prescribes strict conditions under which import is allowed, in order to minimise the risk of alien species import. These include intensive monitoring, rinsing with fresh water and the fact that all transports had to be carried out in April 2012. In total 30 transports have taken place, which displaced ± 1.5 Mkg of seed mussels.

Denmark

There is no seed mussel import into the Danish Wadden Sea.

Conclusion

TG-M concluded that it is currently not possible to come to a common trilateral position on seed mussel import. This is due to the fact that responsible German authorities will have to base their position on the ruling of the highest federal administrative court and possible following court cases. Because of ongoing

developments and readjustments it seems nevertheless promising to negotiate a common approach in the coming months.

TG-M also recognised that imports of seed oysters to the oyster culture at Sylt should be subject to the same regime as seed mussels.