MEETING DOCUMENT

**Expert Group Swimway (EG-Swimway 23-1)**

February 2023

Online meeting

**Agenda Item: 7. Work plan**

**Subject: Terms of Reference**

**Document No.:** EG-Swimway 23-1/7

**Date:** 02 February 2023

**Submitted by: CWSS**

At the Wadden Sea Board (WSB) 40 meeting on 29 November 2022, the Board agreed to conduct a quick review and when necessary, update of the existing groups and/or install any new group in the Trilateral Wadden Sea Cooperation. Against this background, chairs of all trilateral groups were kindly invited to consider, if they would like to propose any changes in the Terms of Reference (TOR) or composition of the group they are chairing and/or any other relevant proposal in this respect to improve the performance of our cooperation focused on the issues listed in the draft Wilhelmshaven Declaration. Proposals shall be sent to CWSS/appropriate secretary before mid-February 2023. The proposals will be assembled by CWSS to be considered at the next WSB meeting (see Annex 1).

The Expert Group Swimway with its current TOR, was installed at the Wadden Sea Board (WSB) meeting 23 in March 2020 (Annex 2). The TOR of EG-Swimway excludes a mandate to tackle implementation of the Framework Sustainable Fisheries (Tønder Declaration, 2014) and other issues related to fisheries. EG-Swimway agreed at Swimway 22-1 on 10 February 2022, on proposing a change to the TOR to widen the mandate of the group towards certain activities related to fisheries (compare document EG-Swimway 21-1 7, Annex 3). As format for discussion, the draft Ministerial Declaration, which contains an instruction to review and, if necessary, change the composition, memberships and Terms of Reference of trilateral groups was noted at Swimway 22-2 on 10 May 2022.

The group is invited to discuss changes to the TOR and any further feedback to the Wadden Sea Board.

This document contains a draft proposal to be shared with CWSS, the letter to the chairs of trilateral groups (Annex 1), the current TOR of EG-Swimway and the most actual list of members (Annex 2), as well as the document on relation of the group to fisheries (Annex 3).

**Proposal:** EG-Swimway is invited to agree on a draft proposal for TOR and on any additional suggestion to improve the performance of the TWSC, focused on the issues listed in the draft Wilhelmshaven Declaration.

# Draft proposal on TOR and to improve the performance of our cooperation focused on the issues listed in the draft Wilhelmshaven Declaration “Together for ONE Wadden Sea World Heritage”

Related to the current TOR of EG-Swimway and to the issues listed in the Wilhelmshaven Declaration, the group proposes the following:

*19. Reaffirm that the Wadden Sea ecosystem is closely interconnected and dependent in its ecological functions and integrity with the offshore zone, the adjacent coastal area and the coastal mainland;*

*20. Instruct the Wadden Sea Board to promote these interactions, especially in the field of migratory species protection such as marine mammals, fish and birds, e.g., by supporting the creation of ecological corridors or safe passages;*

*29. Promote and support exchange on animal species conservation issues related to spatial and temporal use, habitat quality and food availability, especially for birds, but also for fish, seals and harbor porpoises, also in the context of climate change impacts;*

🡪 Proposal to amend the TOR by integration of fisheries in the view of predator-prey relationships and as for species occurrence and abundance (see document Fisheries in SWIMWAY Vision and Action Programme, here Annex 3)

*31. Instruct the Wadden Sea Board to foster the Trilateral SWIMWAY Vision focussing on the extended supra-regional interconnections relevant for fish species, through contributing to the further implementation of the Trilateral SWIMWAY Vision Action Programme (2018 –2024) by supporting knowledge exchange, monitoring, and identifying fields for collaboration while supporting conservation action.*

🡪 Proposal to amend the TOR by integration of fisheries in the view of predator-prey relationships and as for species occurrence and abundance (see document Fisheries in SWIMWAY Vision and Action Programme, here Annex 3)

🡪 Proposal to be discussed by EG-Swimawy: Improvement for pillar stakeholder involvement, communication and education? Also in view of signees of the Swimway vision?

*67. Adopt the single integrated management plan for the Wadden Sea World Heritage as developed in accordance with the request from the UNESCO World Heritage Committee (WHC-14/38. Com/16) in conformity with the requirements of § 111 of the Operational Guidelines for the Implementation of the World Heritage Convention;*

*68. Instruct the Wadden Sea Board to ensure and oversee the effective, coordinated implementation of the single integrated management plan for the Wadden Sea World Heritage and to report on the implementation status in time as part of the policy assessment reporting for the next Trilateral Governmental Conference;*

🡪 Proposal to amend the TOR by integration of fisheries in the view of predator-prey relationships and as for species occurrence and abundance (see document Fisheries in SWIMWAY Vision and Action Programme, here Annex 3), in particular referring to Fisheries Actions 1 and 5.

* *Activity 1: The TWSC to stimulate and facilitate exchange of information, knowledge, best practices, management experiences about fields of action especially important for their potential impact on the Wadden Sea World Heritage Site while keeping an overview of other existing groups treating fisheries and aquaculture at the local, national, and regional levels. The outcome of such a thematic exchange may lead to identify and develop, where adequate, pilot studies and concrete measures while including the relevant authorities as well as stakeholders such as the fisheries sector, environmental NGOs, and site managers. Potential subjects for the dialogue process: [..] E. Mitigation, handling and monitoring of bycatch of undersized target species (e.g. flatfish, brown shrimps) and non-target species (e.g. invertebrates, protected species, migratory fish, sharks, rays, etc.), improvement of the manipulation procedures to release bycatch alive*

🡪 In particular E, with focus on handling and monitoring of bycatch as source of information on species presence and as mortality factor for fish (bottleneck), is integral part of the Swimway Vision and Action Programme.

* *Activity 5. The TWSC through the trilateral groups responsible for science and fish to initiate research on fish ecology (e.g. population’s quantity and quality, ecosystem function, closed areas, nursery function for juvenile fish, endangered species, historic species and habitats occurrence, food web) to support the OUV and sustainable management*.

🡪 This is partly done through EG-Swimway (Swimway vision and action programme). Population trends: Quality status report thematic report on fish, Fish ecology: Dutch Swimway project, Historic species: SHIRE project (EG-Swimway) Within the next four years to start trilateral project on aspects of fish ecology, with demonstration of major bottlenecks in life cycle stages of Swimway fleet species. Ideally including a follow up of the SHIRE historical reference project.

*69. Instruct the Wadden Sea Board to review and update the Wadden Sea Plan 2010 where necessary in time for the next Trilateral Governmental Conference, to strengthen its coordinating function as overarching trilateral framework for nature conservation with a particular focus on the implementation of the EU Directives on Habitats and Birds and the EU Biodiversity Strategy for 2030;*

Take up the proposed amendment for fish targets in the Quality Status Report thematic report fish (Tulp et al 2017), which are corresponding to the current WSP 2010 fish targets. Foster implementation and evaluation of general fish targets by means of SMART sub-targets (e.g., in temporal action plans).

#### Additional points:

* Substantial progress has been made in contributing to the Swimway Vision (Leeuwarden Declaration 2018) and related Action Programme as integrated approach to achieving the Trilateral Fish Targets. This progress could only be achieved through additional efforts, including external coordination and dedicated input of engaged fish experts, and by sub-groups in addition to the regular trilateral EG-Swimway.

Proposal: Enrich EG-Swimway with members with scientific expertise and fish monitoring, e.g., by nominating fish experts that regularly join EG-Swimway meetings.

Allow sufficient resources (e.g., allocate sufficient working time) for group members to contribute to the group work.

* Abbreviate EG-Swimway as EG-SW.

Annex 1: Letter to chairs of Task/Expert/Network Groups of the Trilateral Wadden Sea Cooperation

To the

**Chairs of the Task/Expert/Network Groups of the Trilateral Wadden Sea Cooepration**

Dear chairs,

The German presidency of the TWSC concluded with the 14th Trilateral Wadden Sea Governmental Conference on the Protection of the Wadden Sea ‘Together for ONE Wadden Sea World Heritage’ from 28 November to 1 December 2022 in Wilhelmshaven. With more than 250 participants, the conference was a success in demonstrating the interest, relevance and support for the joint challenge we all share to safeguard the Outstanding Universal value of the Wadden Sea.

At the end of the Conference, the presidency was handed over to Denmark. In the first Wadden Sea Board meeting under the new Danish presidency, directly after the Conference, the new Wadden Sea Board chair, Ms Anne-Marie Rasmussen, vice DG of the Danish Ministry of Environment, expressed her gratitude to all those who contributed constantly to the TWSC. With this letter, this appreciation is passed on to all the existing Task/Expert/Network groups in the network of the TWSC whose engagement is fundamental to the performance of the TWSC. You are kindly invited to inform your group accordingly!

In the same meeting it was agreed to use this momentum of changing presidency to allow for a quick review and when necessary, update of the existing groups and/or install any new group. Against this background you are kindly invited to consider if you would like to propose any changes in the TOR or composition of the group you are chairing and/or any other relevant proposal in this respect to improve the performance of our cooperation focused on the issues listed in the draft Wilhelmshaven Declaration.

It would be welcomed to receive any proposal before mid-February, to be send to the CWSS/appropriate secretary. This enables the CWSS to assemble the full picture to be considered at the next WSB envisaged to take place end-of March.

We are looking forward to continue to work together for the protection of our common Wadden Sea World Heritage, and please don’t hesitate to contact the CWSS if you have any question now or in future.

Yours sincerely,

Bernard Baerends

Executive Secretary, CWSS

# Annex 2: Draft Terms of Reference for a trilateral Expert Group Swimway

# (EG-Swimway) (including changes suggested at EG-Swimway 22-2)

## Background

At the Ministerial Council Meetings in 2014 and 2018, Denmark, Germany and the Netherlands stated and decided to work on the further implementation of the five Trilateral Fish Targets as laid down in the Wadden Sea Plan 2010. To that effect, the trilateral Swimway Vision 2018-2024 was approved by the ministers at the 13th Governmental Conference on the protection of the Wadden Sea on 18 May 2018 in Leeuwarden, NL, and the Trilateral Wadden Sea Swimway Vision Action Programme as adopted by the Wadden Sea Board (WSB) at WSB28. EG Swimway reports to the Common Wadden Sea Secretariat (CWSS) and to the Task Groups Management (TG-M) and Monitoring and Assessment (TG-MA) if appropriate. ~~The implementation of the Framework Sustainable Fisheries and other issues related to fisheries are excluded from the scope of work for this Expert Group.~~ The group may consider fisheries in the view of predator-prey relationships and as for species occurrence and abundance."

In fulfilling its mandate, this group will duly take into account and seek to promote the achievement of the United Nations Sustainable Development Goals (SDG).

## Objective

The overarching goal of the group is to contribute to improving the situation for fish in the Wadden Sea. This goal is to be achieved by fostering trilateral collaboration on the implementation of the trilateral fish targets as laid down in the WSP 2010 and to provide an overarching SWIMWAY approach as umbrella for initiatives related to achieving the targets according to the Swimway Vision Action Programme and its four pillars: research and monitoring; policy; measures and stakeholder involvement, communication and education.

## Tasks

(1) Develop, initiate, /support, document existing projects and evaluate activities targeted at improving the situation for fish in the Wadden Sea. Activities concern research, monitoring, conservation and restoration measures, capacity building, development of best practices, education and advice;

(2) Exchange on national monitoring programmes and development of a possible future (harmonized) trilateral fish monitoring programme as part of the Trilateral Monitoring and Assessment Programme (TMAP), including the promotion of complementary research programmes;

(3) Overseeing progress towards reaching the trilateral fish targets under the Trilateral Wadden Sea Cooperation (TWSC), in particular by liaising with and/or participating in relevant actions to improve the conservation status of Wadden Sea fish, such as national and international research projects and action plans;

(4) Conduct regular assessments based on the monitoring programme and relevant, scientific programmes in order to provide advice to management relevant for fish life cycles in the Wadden Sea. Contribution to and update of the thematic report on fish of the Quality Status Report (QSR);

(5) Define a concept for a forum to stimulate and support exchange of information on Wadden Sea fish, and for coordination with other, EU – wide or global SWIMWAY and related activities;

(6) Promote communication of its work and actions to other national, trilateral and international groups as part of the communication work of the TWSC via CWSS, including organization of Swimway conferences.

(7) Coordination and implementation of the Swimway Vision and Action Programme; including elaborating recommendations of the Swimway policy review.

(8) Acquisition of collaborative projects with relevance to the SWIMWAY vision and action programme, such as joint research projects, including an early exchange of information;

## Deliverables

(1) Regular documentation of how the group work has contributed to the improvement of the situation for fish in the Wadden Sea;

(2) Recommendation for operational fish monitoring programme(s) under TMAP;

(3) Regular trilateral progress reports on the status of Wadden Sea fish, including QSR thematic reports on fish, based on recent monitoring and under consideration of additional data, provide advice for measures to management;

(4) The group to function as platform for communication and for exchange of information with other SWIMWAY initiatives and entities to consider the wider geographical context of migrating fish; Collaboration and exchange, e.g. via Swimway conferences, support of the development of information material;

(5) Activity plan for implementation of SWIMWAY Vision and Action Programme with clearly defined products and results and division of tasks, with continuous updates.

## Composition/Membership

Chairperson plus

1-2 members per region (DK, HH, LS, NL, SH), preferably with scientific expertise in Wadden Sea fish and from monitoring and administrative/ management level, plus 1 -2 representatives of NGOs with Wadden Sea fish expertise.

Participation by additional experts to EG-Swimway meetings and activities is welcome upon invitation on specific tasks/topics.

## Time schedule

Permanent group.

According to the decision by the Ministerial Conference, the implementation of the Swimway Vision/Action Programme is foreseen to be accomplished within the German Presidency plus two years i.e. in the period 2021 – 2024.

# Annex 3: Document EG-Swimway22-1/6 Fisheries-Swimway-action-plan.docx)

*Excerpt from summary record EG-Swimway 22-1/6*

*Adi Kellerman introduced the document on the relation of SWIMWAY to fisheries, with the aim to widen the mandate of the group towards certain activities related to fisheries.*

*The group* ***noted*** *that also habitat destruction is an anthropogenic bottleneck for fish in the Wadden Sea, which should be included.*

*The group generally* ***agreed*** *with the content of the document to be shared with the next level. It may start with anthropogenic pressures in general. If necessary, the text may be revised in an ad hoc meeting.*

*The group further* ***agreed*** *that CWSS will investigate how to proceed with the document, e.g., sharing it with the next level.*

*The group* ***noted*** *that some activities, such as a communication plan which is under pillar 4 stakeholder involvement and engagement of the SWIMWAY Vision and action programme may be taken up in the mid term review and in the work plan of EG-Swimway.*

# Fisheries in SWIMWAY Vision and Action Programme

The overarching goal of the group is to contribute to improving the situation for fish in the Wadden Sea. This goal is to be achieved by fostering trilateral collaboration on the implementation of the trilateral fish targets as laid down in the WSP 2010 and to provide an overarching SWIMWAY approach as an umbrella for initiatives related to achieving the targets according to the Swimway Vision Action Programme and its four pillars: research and monitoring; policy; measures and stakeholder involvement, communication and education.

Both the trilateral fish targets and the SWIMWAY action programme contain multiple aspects, questions and tasks which cannot be sensibly addressed without considering certain aspects of the different forms of fishery occurring in the Wadden Sea and adjacent waters.

## Relevance of fisheries in SWIMWAY Vision and Action Programme

As laid out in the SWIMWAY Vision and Action Programme, predator prey interactions play a vital role.

Each of the four pillars of the SWIMWAY action programme needs to consider fisheries to be successfully addressed.

Pillar 1. **Research and monitoring** has the aim to detect population change and to generate a sound process understanding to identify conservation options. For this task, it is imperative to consider all factors potentially affecting fish life cycles.

Pillar 2. In addition to the **policies** relevant for fish conservation, synergies should be explored with fisheries regulations in order to address the fish targets.

Pillar 3. Trilateral exchange on **measures** for fish conservation should ideally be communicated with the fishing sector. A dialogue that integrates conservation objectives and the needs of the fishermen is a prerequisite for the success of measures.

Pillar 4. The aim of this pillar - **stakeholder involvement, communication and education** – is to gain commitment from all stakeholders, raising awareness, activating practitioners and facilitating knowledge exchange. The SWIMWAY action programme focusses on professionals having direct or indirect impacts on fish through their work, such as researchers, commercial and recreational fishermen, water authorities, relevant governmental agencies and NGO’s.

## Proposal:

While noting that not all relations to fisheries above are the responsibility of EG-Swimway, we propose to include the following concrete aspects of fisheries to the mandate of EG-Swimway:

* (By)catch as source of mortality (predator-prey relationship) e.g. (by)catch of recreational and commercial fisheries or cooling water extraction;
* (By*)*catch as source for record of species occurrence in the Wadden Sea;
* Fisheries induced bottlenecks on the food-web and life cycles of fish;
* Knowledge of fisherfolk on species (e.g., presence of sharks and rays);
* Explore synergies with fisheries regulations in order to address the fish targets.

Consequently, we invite an open discussion about how to “*consider fisheries in the view of predator-prey relationships and species occurrence and abundance”* in the work of EG Swimway and we propose to change the ToR of EG-Swimway as follows:

***Extract of Terms of Reference EG-Swimway***

***“Background***

*At the Ministerial Council Meetings in 2014 and 2018, Denmark, Germany and the Netherlands stated and decided to work on the further implementation of the five Trilateral Fish Targets as laid down in the Wadden Sea Plan 2010. To that effect, the trilateral Swimway Vision 2018-2024 was approved by the ministers at the 13th Governmental Conference on the protection of the Wadden Sea on 18 May 2018 in Leeuwarden, NL, and the Trilateral Wadden Sea Swimway Vision Action Programme as adopted by the Wadden Sea Board (WSB) at WSB28. EG Swimway reports to the Common Wadden Sea Secretariat (CWSS) and to the Task Groups Management (TG-M) and Monitoring and Assessment (TG-MA) if appropriate. The group may consider fisheries in the view of predator-prey relationships and as for species occurrence and abundance."*