

# Stakeholder Questioning in an ongoing permission process

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## About

Baltic Blue Growth is a three-year project financed by the European Regional Development Fund. The objective of the project is to remove nutrients from the Baltic Sea by farming and harvesting blue mussels. The farmed mussels will be used for the production of mussel meal, to be used in the feed industry. 18 partners from 7 countries are participating, with representatives from regional and national authorities, research institutions and private companies. The project is coordinated by Region Östergötland (Sweden) and has a total budget of 4,7 M€.

## Partners

- *Region Östergötland (SE)*
- *County Administrative Board of Kalmar County (SE)*
- *East regional Aquaculture Centre VCO (SE)*
- *Kalmar municipality (SE)*
- *Kurzeme Planning Region (LV)*
- *Latvian Institute of Aquatic Ecology (LV)*
- *Maritime Institute in Gdańsk (PL)*
- *Ministry of Energy, Agriculture, Environment, Nature and Digitalization of Schleswig-Holstein (DE)*
- *Municipality of Borgholm (DK)*
- *SUBMARINER Network for Blue Growth EEIG (DE)*
- *Swedish University of Agricultural Sciences (SE)*
- *County Administrative Board of Östergötland (SE)*
- *University of Tartu (EE)*
- *Coastal Research and Management (DE)*
- *Orbicon Ltd. (DK)*
- *Musholm Inc (DK)*
- *Coastal Union Germany EUCC (DE)*
- *RISE Research institutes of Sweden (SE)*

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*Cover image: Schleswig-Holstein Baltic protected areas in coastal waters ©LLUR*

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## **Executive Summary**

This questioning aimed to identify the major challenges during the permission process for Baltic mussel farming to develop a permission guideline that simplifies the procedure.

Two different questionnaires, each consisting of three parts: characterisation of the participant; explicit permission procedure information; additional information, have been used.

The major aims of this stakeholder questioning were to reveal risks, problems, reasons for delays and costs of the permission procedure. This report summarises the results of the questioning of both sides of the permission procedure – the applicants and the permission granting authorities. The completed questionnaires have been transferred to an EXCEL sheet in Annex I to this report.

To sum up the results: the musselculture permission procedure has still room for improvements. There is a clear need for a simplified permission procedure and more transparency during the permission process.

The most important risks in Germany are the varying permissions time limits, the lacking international coordination (although in direct neighbourhood) and the small/not existing aquaculture lobby that is not involved as NGO in the permission process. Most problems in Germany are based on the fact that many authorities are involved and all are differently experienced. All permissions have different time limits and no general permission procedure exists. The costs related to the permissions are not possible to be generalised and thus to be calculated seriously in business plans.

Obviously the permission procedure was perceived differently between questioned parties. This was shown in the question about delays during the procedure. The authorities only reason for delays are lacking application documents from the farmers. On the other side the farmers opine that the cause of delays is mainly the lack of knowledge, lack of time and willingness in authorities as well as the lack of clear guidelines, and unclear responsibilities. Besides the farmers also considered personal reasons on their side as delaying.

## Questioning process

Permissions generally require two parties – the applicant and the granting authority. During past permission procedures, both parties made their own experiences and potentially identified different challenges during the permission procedure.

Therefore two mussel farmers and three authorities have been questioned in face to face interviews (Tab.1). All other questionnaires (5 farmers and 2 authorities) have been sent by email and

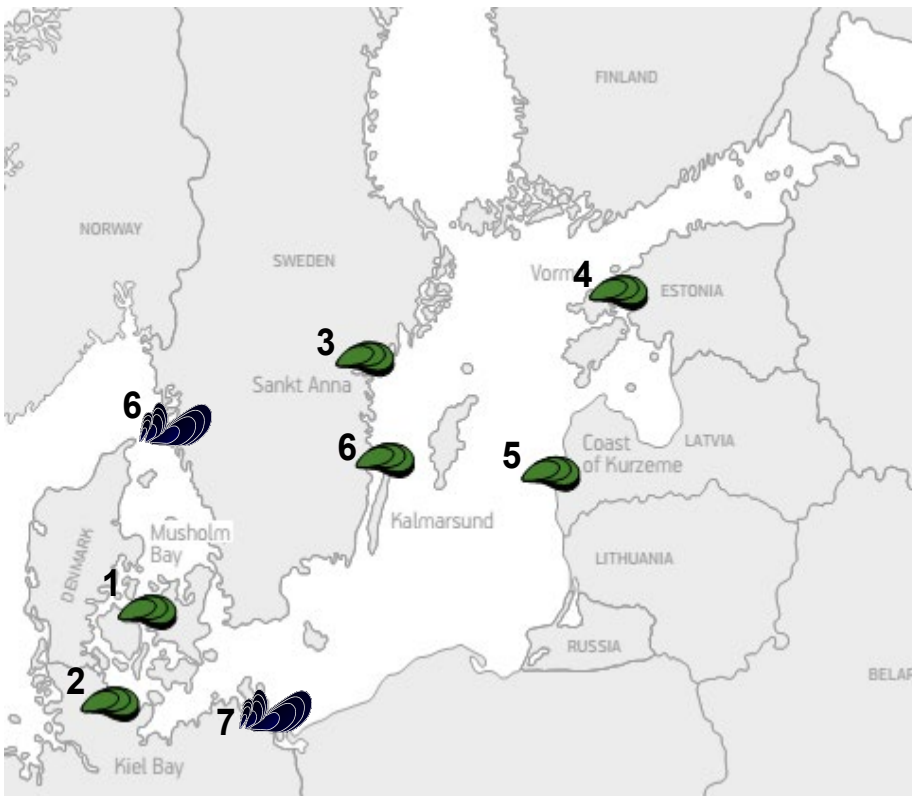
Tab. 1: Questioning participants (\*face-to-face- interviews)

Applicants (see also Fig. 1)	Authorities
Kieler Meeresfarm Kiel (SH, Germany)* IOW Warnemünde (MV, Germany)	Schleswig-Holstein Supreme Fisheries Authority (Germany)* Waterways and Shipping Office Lübeck (Germany)* Veterinary Authority Kiel (Germany)* Eco-Inspection Body ABCert (Germany)
Musholm (Denmark)*	Fiskeristyrelsen (Stig Prüssing)
Bohus Havsbruk (Sweden) Vatten brukscentrum Ost (Sweden)	
Kurzeme Planning Region (Latvia)	
Vormsi Agar OÜ / Est-Agar AS (Estonia)	

eventually have been additionally shortly discussed on the phone.

German key permits for mussel farming are the Fisheries Permit (FP) and the River and Shipping Police Permit (RSPP) therefore these authorities have been asked for their experiences in the stakeholder questioning. In Germany exists only one Baltic mussel farm. This farm (Kieler Meeresfarm) sells organically certified blue mussels for human nutrition. Therefore also the involved veterinary authority and the eco-inspection body have been questioned in Germany.

The questioning of foreign authorities have been challenging. Sent questionnaires to Denmark have only been completed by the Fisheries Department (Fiskeristyrelsen). Sent questionnaires to Sweden have been passed out to the responsible authorities in Swedish. The results have been evaluated by Izabela Alias (Länsstyrelsen Kalmar) and are presented in Annex II. The authorities in Estonia and Latvia have not been questioned, as there is very little mussel aquaculture legislation available and ready for application, not to speak about any experiences about a permission procedure.



*Fig. 1: Mussel farms that participated in the questioning*

*BBG-mussel farms: 1. Musholm (Denmark), 2. Kieler Meeresfarm (Germany), 3. St. Anna (Vatten brukscentrum Ost, Sweden), 4. Vormsi Agar OÜ / Est-Agar AS (Estonia), 5. Kurzeme Planning Region (Latvia)*

*Other mussel farms: 6. Bohus Havsbruk in the Kattegat (Also operating the Kalmarsund farm 6\*, Sweden), 7. OptiMus mussel farm in the Greifswald Bay.*

## Questioning results

### *Farmer questioning*

#### Who are the farmers?

Mussel farming used to be a historical business in the 19<sup>th</sup> century in Germany and Denmark, but modern Baltic mussel farming is still at the very beginning. 2010 mussel farming started in Kiel as a research project and went commercial in 2012. 2011/2012 the Danish farmer started mussel farming, and some of the BBG mussel farmers launched their farm in 2017.

All questioned farmers (7) produce blue mussels (*Mytilus edulis*) and more than half of them also produce other species such as trout (*Onchorhynchus mykiss*), Oysters (*Ostrea edulis*) or seaweed (*Saccharina latissima*, *Furcellaria lumbricalis*) (Fig. 2).

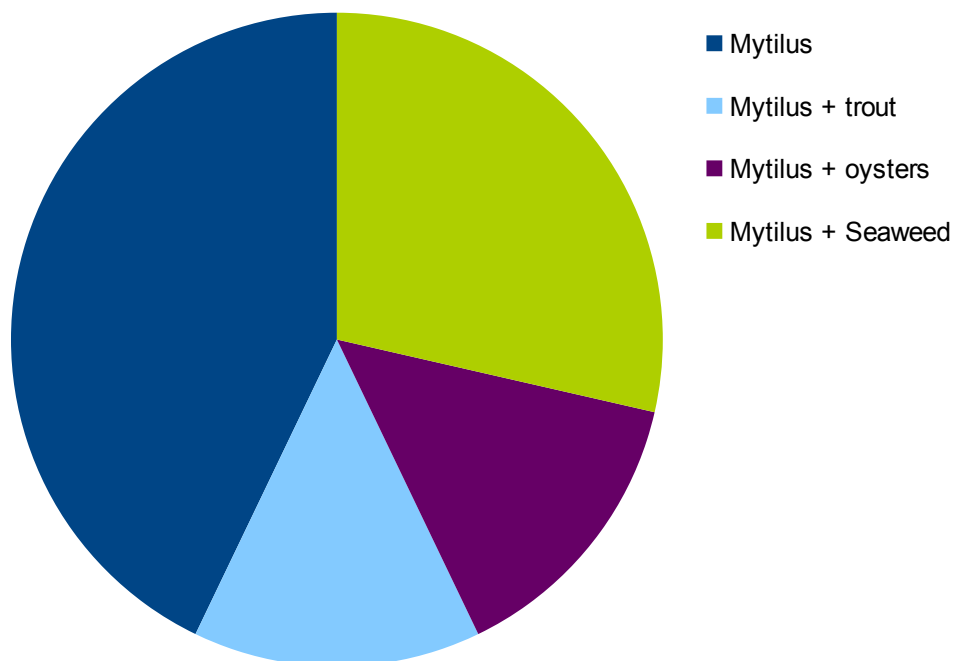


Fig. 9: Mussel farmers - farmed species

The business spectrum of mussel farmers represents the actual situation of Baltic mussel aquaculture quite good. Two thirds of the questioned mussel farmers were researchers, only three farmers are farming mussels with a commercial business background – and within these only two farmers (Kieler Meeresfarm and Bohus Havbrug) are actually earning money from selling the mussels (Fig. 3 &4).

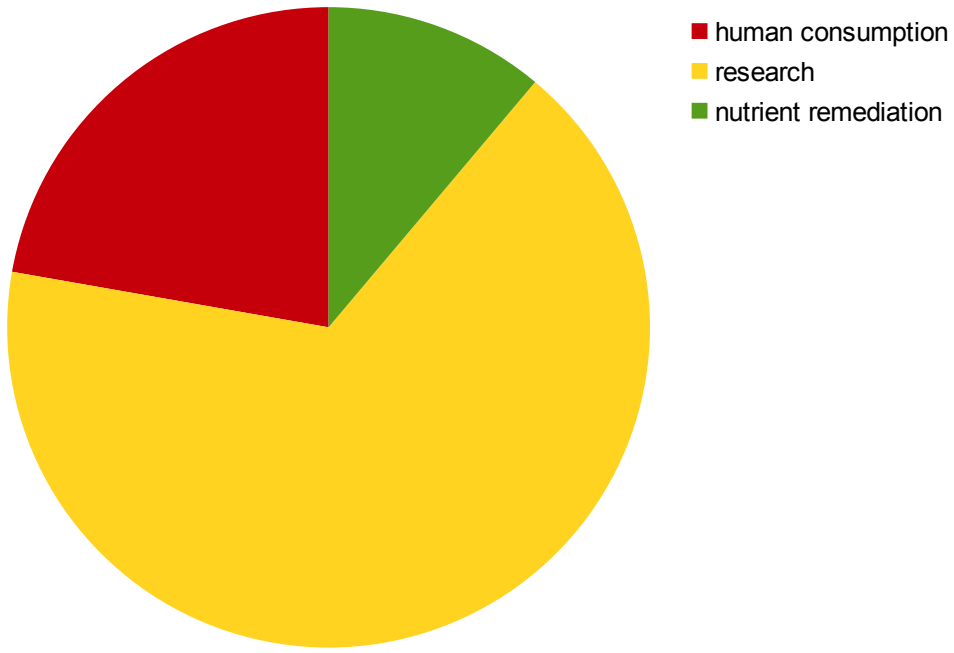


Fig. 17: mussel production purpose

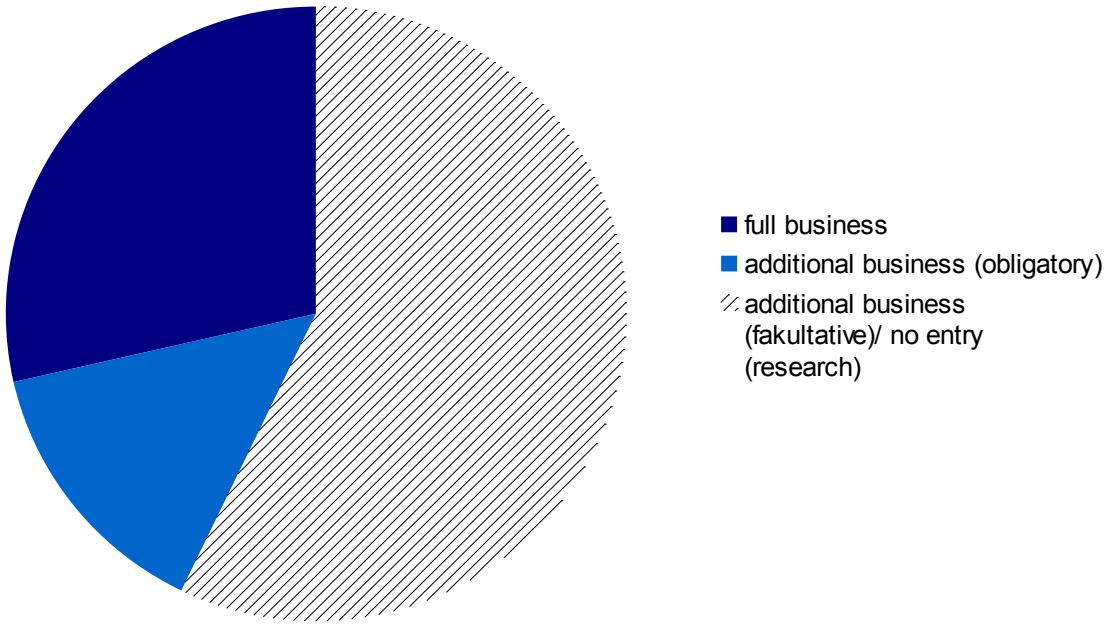


Fig. 25: mussel business profiles



The actual biomass production in Baltic mussel farms also represent the Baltic mussel farming situation dramatically. Only two of the seven questioned farmers harvested mussels in the past. Whereas the planned yields significantly differ from the actual harvest (Fig. 5).

[Comment: The farm in St. Anna harvested mussels, but no information was available from this questioning. The actual harvest has been underestimated, planned yields have been exceeded.]

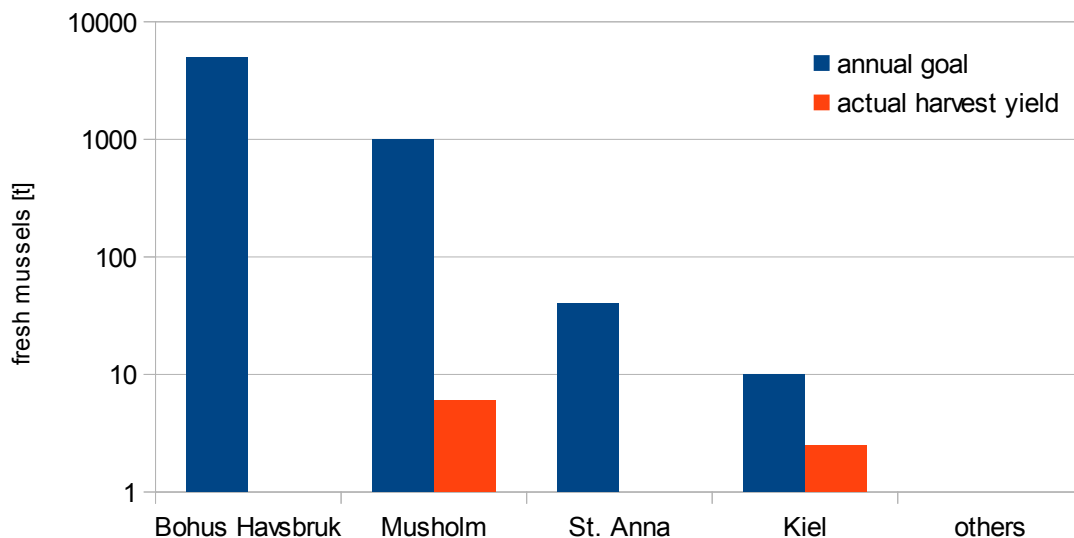


Fig. 33: mussel production yields

(please note the logarithmic y-axis)

#### Permission procedure – a farmer's perspective

The necessity of all permissions divides the farmers. Half of them thinks that all permissions are necessary, half of them not and 1 farmer has no opinion about that. This is mainly due to the highly diverse process and the big procedure differences in this questioning.

Depending on the production purpose, German mussel farmers have to apply for at least 4 permissions. The questioned German farmers required 4 (OptiMus) and 7 (Kieler Meeresfarm) permissions, whereas the Danish colleague “only” needed one permission and one registration. However, this tells nothing about the duration of the permission procedures in Baltic EU Member States, **ranging from 12 weeks for a research permission in the Greifswald Bay to 5 years for a production permission (nutrient remediation from fish farming) in the Danish Belt Sea.**

The permission procedure was sometimes characterised by delays. Ranging from no delays, to a very long procedure demanded a lot of patience from the farmer. These delays were reported to be

mostly due to a lack of knowledge, lack of time and willingness in other ministries/departments/ lack of clear guidelines, as well as unclear responsibilities. Other reasons were personal reasons on the farmers side (mussel farming only the additional business – not top priority on the company). Delays were observed only in the commercially working mussel farming companies.

As the duration for the permission procedure is different among the EU Member States, also the time limit for each permission is ranging from unlimited to only 1 year. In Germany each permission has a different time limit resulting in a permanently full schedule for re-application of different permissions.

As diverse as the permission duration and time limits are the costs for the permissions. Surely depending on the production purpose, costs are ranging from no costs to more than 44 000€ initial costs (and yearly 14 000€). **The cost burden to the farmers were rated from “life threatening” to “not at all”, showing the high pressure especially for small German mussel business (if intended for human consumption (here >80% of all costs)).**

The source of information about the permission procedure were mainly the granting authorities that provided guidelines for the farmers. But the permission process was also characterised by a lot of own research and own knowledge (Fig. 6).

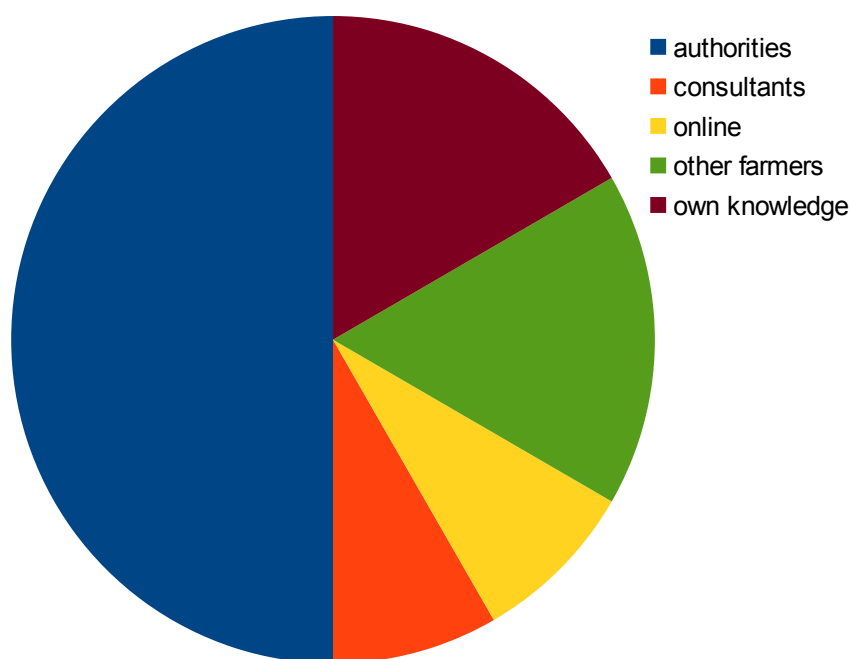


Fig. 41: Sources of information for the permissions

Assistance from the authority during the permission process was available in almost half of the cases that were reported from the farmers.

In Germany and on the Swedish East Coast informal application for permissions is common practice. Denmark, Latvia, Estonia and the Swedish West Coast requires the completion of a form. Except from the Latvian and Estonian form, the form was rated as understandable but limited

regarding the questioned information. In Denmark a detailed description of the mussel farm is required additionally.

Each permission procedure requires additional conditions to the farmer. The conditions amount and intensity was highly depending on the product purpose and also on the country (Fig. 7).

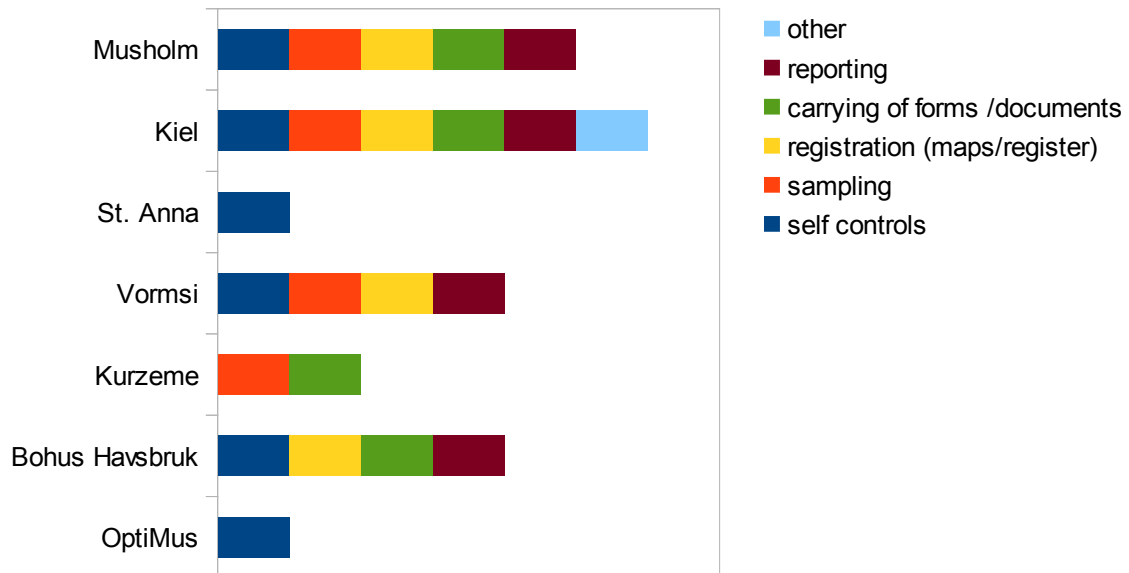
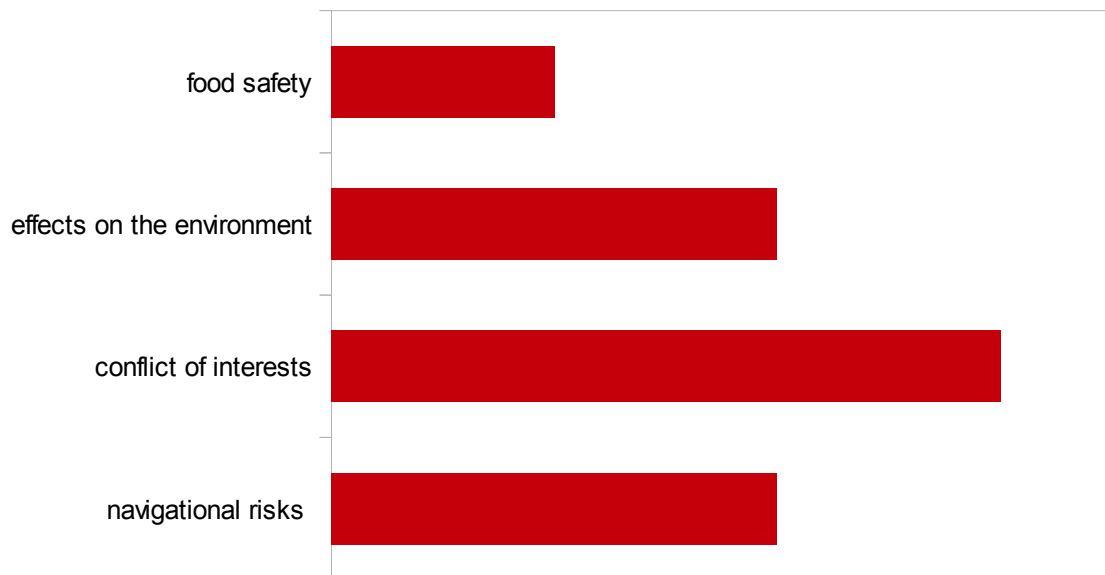


Fig. 49: Permissions additional conditions

Although some frustration about the permission process was noticeable, most of the farmers rated the transparency of the authority decisions as at least medium comprehensible up to scientifically justified.

The farmers identified the conflict of interests as the authorities greatest concerns during the permission process (Fig. 8).



*Fig. 57: Authorities greatest concerns - from farmers perspective*

The farmers were mostly satisfied with the authority communication although they identified for themselves that a personal contact would have improved the permission process (see next section). In fact a personal meeting with the authorities happened only in three cases (Fig.9).



Fig. 65: farmer-authority communication

Additional information with suggestions / wishes for the future

The farmers identified :

- clear guidelines / digital available guideline (e.g. as an APP inclusive a reminder for reapplications)
- better cooperation between authorities
- room to interpret/evaluate law
- proper knowledge of mussel aquaculture
- transparency / objectiveness

as significantly missing features during the permission process.

They wish for:

- 1-stop-permission (1 permission, 1 application at 1 responsible authority)
- quicker procedure
- more flexibility
- fees in relation to company size
- less bureaucracy
- max. time limit for procedure

Whereas some farmers seem very frustrated concerning the permission process, other farmers also have learnt their lesson and will improve their own behaviour during the procedure by:

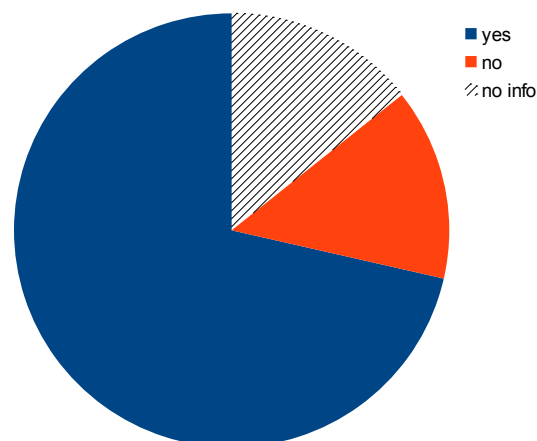
- Personal contact/ personal communication with authorities (not only email, phone or letters) to improve the authorities willingness to grant the permission
- plan more time for scheduling and planning.

All of the farmers considered a guidance institute/person as helpful. But a uniform EU permission procedure was only considered helpful by four farmers – but was also considered to cause more bureaucracy.

Except two farmers, all farmers think that the determination of aquaculture suitable areas in national maritime spatial plans would help improving the situation for Baltic mussel cultivation (Fig. 10).

All mussel farmers agree that mussel aquaculture provides significant environmental services (Fig. 11), six of them agreed that this service must be paid for. The money shall be extracted from the tourism industry, by offsetting with the user fee of the area, the EU or national government by emission trading.

Almost all farmers agree (except 1 without information in this point) that more mussel farms would improve the situation for mussel farmers in the Baltic.



*Fig. 73: Determination of aquaculture suitable areas in national maritime spatial plans*

Baltic mussel farmers from Denmark, Germany, Sweden, Latvia and Estonia have been questioned and although all farmers differ significantly in their farming methods, mussel production targets and mussel farming/ mussel business expertise, all agree on basic complications about in the permission procedure:

too slow procedure

too much prejudices

lack of knowledge.

**From Farmer to farmer:**

→ inform yourself

→ get in touch with the authority before application

→ prepare for pros & cons

→ persevere

→ consult locals (prevent conflict of interests)

→ include the permission process in the business plan

→ consider setbacks

## ***Authority questioning***

### **Authority details**

The Wasserstraßen- und Schifffahrtsamt Lübeck (granting the RSPP), the Veteriäramt of Kiel (Mussel Production Area Classification (MPAC)), the Supreme Fisheries Authority Schleswig Holstein (granting the Fisheries Permit) and the Eco-inspection body ABCERT AG from Esslingen (Eco-Certification) as well as the Danish Fisheries Authority have been questioned.

### **Authority experience**

All authorities are differently experienced in the permission process for mussel farming. Whereas the German authorities processed only 1 or 2 permission applications *at all*, the Danish authority processes 9 applications *yearly*.

The permissions requires 2-3 persons in Germany, in Denmark 3 persons always depending on the case, of course.

#### Guidance and training for authorities

Whereas all authorities (except the eco-inspection body) offer guidance for the applicants, guidance and training for the authorities is not offered equally.

The Danish authority received neither training and nor guidance concerning the permission procedure. In Germany, the authorities received at least a training (WSA) or some guidance (Veterinary office and Fisheries authority). In case of the Eco-inspection body guidance and a respective training was offered by EU and German control authorities.

### **Applications**

Applications are submitted from the mariculture industry, food production and also research. Most applications aim at farming mussels for food production. Besides food production also the environmental aspect of mussel farming (nutrient extraction) is a considerable mussel production purpose in Denmark.

In Germany all authorities have been in written/email/ phone and personal contact with the applicants. In Denmark only email and phone contact was registered.

All communication has been described as satisfying.

In Germany applications are generally informal – except the application for Eco-certification. In Denmark, the permission is requested by filling out a form.



## **Time limits**

The permissions time limits vary. In Denmark, the permission is valid for 10 years – in Germany the permission time limits are much shorter. Generally all permissions are somehow time limited. Although the RSPP is not time limited – the usage contract that comes along and that is inevitable is limited for 1 year.

The MPAC itself is also not time limited, however, it requires regular samples to proof the water quality and therefore the water quality and the approval for food mussels is under permanent investigation.

The fisheries permit is generally limited to 5 years although no general legal obligation concerning time limits exists. The time limitation also depends on the application - the applicant can define the period in the application (e.g. 15 years). The follow-up application need to be submitted in time to allow the authority to evaluate all aspects concerning a further permit.

The Eco-certification is only valid for one year, this is EU wide equal.

## **Permission procedure duration and costs**

In Denmark, the permission is granted within 6 months and no fees are charged from the applicant. In Germany the procedure duration varies between the permissions from one day (Eco-certification) to 18 months (MPAC). In Germany, the fees that are charged vary between permissions and cannot be generalised, because everything is determined on a case by case basis.

Delays in the permission procedure have been due to lacking documents in the application.

## **Permissions additional requirements and conditions**

Official requirements are a common authority tool to individualise permissions in Germany but also in Denmark (Fig. 12). Expert reports are seldom required (only for FP in case of an appropriate assessment).

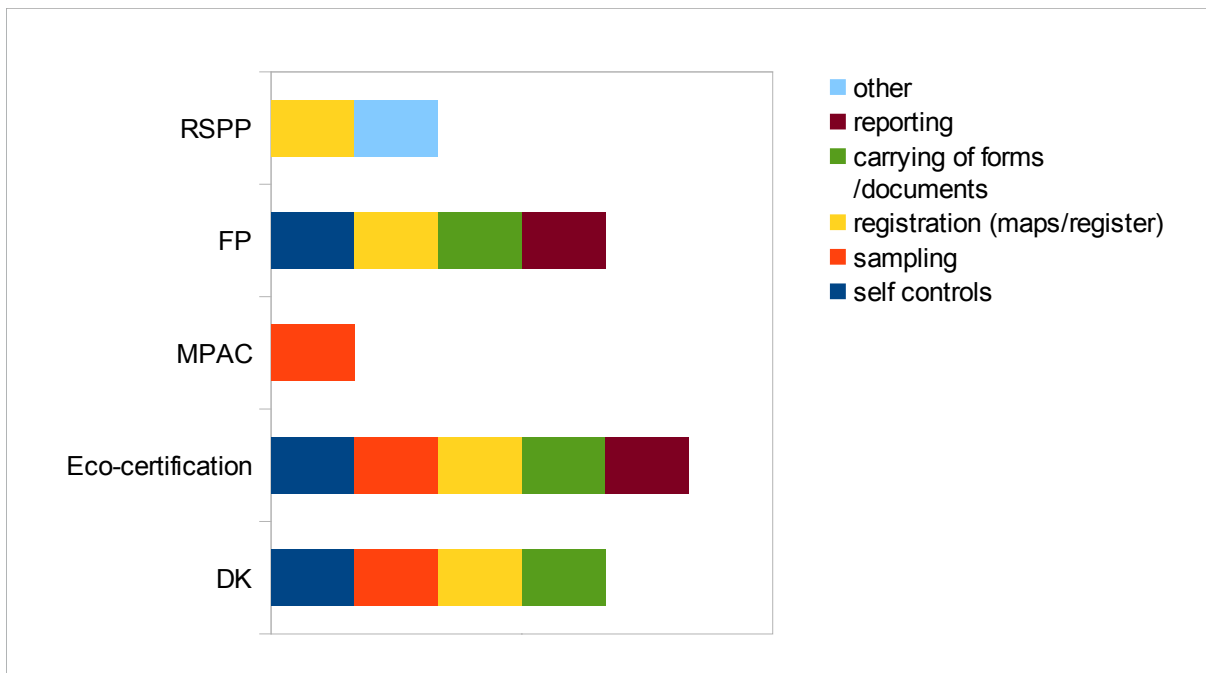


Fig. 81: Permissions extra conditions

#### RSPP:

- labelling obligation (permission number must be visible on the farm site (on the navigational signs))
- the installation of closed areas
- the usage of respective navigational signs
- eventually the registration in navigational maps

#### MPAC:

- continuous sampling

#### FP:

- Vessels must be registered
- permits must be aboard
- harvest yields/ operating results/ revenue must be reported to evaluate economic efficiency
- purpose of the farm is potentially controlled (justified suspicion)
- eventually more conditions (depending on an eventual required appropriate assessment)

#### Eco-Certification:

- Self-controls
- sampling
- registration (register/maps)
- carrying of forms/documents
- reporting

Denmark:

- Self-controls
- sampling
- registration (register/maps)
- carrying of forms/documents

### **Coordination with others**

The coordination with other authorities is practised in Germany and Denmark as well. Partly voluntary (RSPP, MPAC, Eco-certification), partly obligatory (other permits).

However, international coordination and coordination with NGO's is seldom required and practised. Only the Eco-certification procedure mentions eventual coordination in this area and depending on the location (if e.g. in Natura 2000 area) the FP requires NGO consultation.

### **Authorities greatest concerns**

The authorities greatest concerns have been motivated by their usual work and their experiences with other permissions.

Responsible for shipping safety, the WSA worried about the possible drift of the farm infrastructure.

The veterinarian was worried about a possible hazardous contamination of the mussels.

The Fisheries authority was worried about the farms economic efficiency.

The Danish authority worried most about the conflict of interests.

Nobody mentioned or was worried by possible negative impacts of mussel culture on the environment as greatest concern. In fact, the environmental service provided by mussel culture was recognised by some authorities. The water quality monitoring and thus the developed database was considered valuable and also payable (by funds or society). These authorities also took the view that more mussel farms would push forward the consideration of mussel farms as environmental service.

## **Uniform EU permission**

All authorities agreed that the permissions they are granting are necessary.

German authorities generally promoted a uniform EU permission procedure. In the case of Eco-certification, a uniform procedure was established already. The Danish authority denied a need for a uniform EU aquaculture permission procedure.

### **Practical hints for farmers:**

- get in personal contact before application
- consider consultancy
- start big enough
- use a dispatch centre

## Questioning outcome

### *Repeating difficulties*

The permission procedure needs to be **simplified, speeded up and more transparent**. Changing this systematic problem will help to change the system on a long term basis.

Clear guidelines and eventually a **guidance** person would definitely help to simplify the permission procedure.

A better and more transparent **cooperation** between the authorities would improve the permission process.

Almost all involved parties agreed that a **1-stop-permission** (1 permission, 1 application at 1 responsible authority) and eventually a maximum time limit for procedure duration would decrease bureaucracy, ease and speed up the procedure.

The mussel aquaculture lobby needs to make themselves heard by forming associations that is consulted by authorities during the permission process.

A EU unified permission procedure (based on the model of the EU Eco-certification) would also be helpful. Less experienced EU Member States could take data & methods of more experienced EU Member States as example.

The **lack of knowledge** needs to be filled on both sides of the permission process to improve the acceptance and understanding between the parties. Farmers need to be aware of the legal requirements in their country that are designed by their democratic society. Authorities need to make use of training concerning legislation (and its implementation) and also basic aquaculture knowledge to create room to interpret/evaluate law – to simplify the procedure and to allow more objectiveness.

In Germany, costs cannot be estimated due to a lacking **generalised permission procedure**. It also has a negative aftertaste that mussel aquaculture is treated differently in the same country (major differences between Niedersachsen and Schleswig-Holstein) and even in the same Federal State (e.g. Schleswig-Holstein: North Sea mussel aquaculture vs. Baltic Sea mussel aquaculture) with different costs and legal requirements. Also the **cost differences** within the EU create a negative aftertaste – in Denmark for example, no fees are charged for the permissions – whereas in Germany this is generally a major point in the business plan.

### *Single case problems*

Most case specific problems can be solved by **personal communication** in a **direct personal contact** with authorities before permission application.