

Final draft – ready for
layout. Will be updated
within shortly.

Licensing Procedures Manual

Dr. Yvonne Rößner
Marine Aquaculture Consultant,

*assigned by the Ministry of Energy Transition,
Agriculture, Environment, Nature and
Digitalization Schleswig-Holstein*

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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 Tartu (EE)*
- *Coastal Research and Management (DE)*
- *Orbicon Ltd. (DK)*
- *Musholm Inc (DK)*
- *Coastal Union Germany EUCC (DE)*
- *RISE Research institutes of Sweden (SE)*

Table of contents

Table of contents	2
1 Scope of this guideline.....	5
2 General information and practical hints.....	6
.....2.1 Preliminary work	6
.....2.2 Required permissions.....	9
.....2.3 Planning the hard slog	13
.....2.3.1 Planning the procedure.....	13
.....2.3.2 Preparing the application.....	15
.....2.4 How to proceed after the granted permissions	17
3 Obligatory Permissions.....	18
.....3.1 River and Shipping Police Permit.....	18
.....3.1.1 Legal issues	18
.....3.1.2 Responsible authority.....	18
.....3.1.3 The granted permission and the following conditions	19
.....3.2 Fisheries Permit	22
.....3.2.1 Legal issues	22
.....3.2.2 Responsible authority.....	22
.....3.2.3 The granted permissions following conditions	23
.....3.3 Coastal Protection Installation Evaluation.....	24
.....3.3.1 Legal issues	24
.....3.3.2 Responsible authority.....	24
.....3.3.3 The granted permissions following conditions	25
.....3.4 Aquatic Animal Disease Permit.....	25
.....3.4.1 Legal issues	25
.....3.4.2 Responsible authority.....	26
.....3.4.3 The granted permissions following conditions	27
4 Additional Permissions	28
.....4.1 Mussel Production Area Classification.....	28
.....4.1.1 Legal issues	28
.....4.1.2 Responsible authority.....	28
.....4.1.3 The granted permissions following conditions	30
.....4.2 Animal by-Product Authorisation.....	32
.....4.2.1 Legal issues	32
.....4.2.2 Responsible authority.....	32
.....4.2.3 The granted permissions following conditions	32
.....4.3 Feed Permit.....	33
.....4.3.1 Legal issues	33
.....4.3.2 Responsible authority.....	33
.....4.3.3 The granted permissions following conditions	34
.....4.4 Offshore Installation Permit.....	35
.....4.4.1 Legal issues	35
.....4.4.2 Responsible authority.....	35
.....4.4.3 The granted permissions following conditions	35
.....4.5 Appropriate Assessment	35

.....4.5.1	Legal issues	35
.....4.5.2	Responsible authority	37
.....4.5.3	The granted permissions following conditions	38
.....4.6	Biotop Protection Assessment.....	39
.....4.6.1	Legal issues	39
.....4.6.2	Responsible authority	40
.....4.6.3	The granted permissions following conditions	41
.....4.7	Species Protection Assessment	41
.....4.7.1	Legal issues	41
.....4.7.2	Responsible authority	42
.....4.7.3	The granted permissions following conditions	42
.....4.8	Impact Assessment.....	43
.....4.8.1	Legal issues	43
.....4.8.2	Responsible authority	43
.....4.8.3	The granted permissions following conditions	44
.....4.9	Organic Production Certification.....	45
.....4.9.1	Legal issues	45
.....4.9.2	Responsible authority	45
.....4.9.3	The granted permissions following conditions	46
5	Additional Obligations.....	48
.....5.1	Employer's liability insurance.....	48
.....5.1.1	Legal issues	48
.....5.1.2	Responsible authority	48
.....5.1.3	The granted permissions following conditions	49
6	Practical Hints.....	50
7	Annexes	52

Tables

Tab. 1: Required permissions & competent authorities	8
Tab. 2: Permission costs	13
Tab. 3: application content	14

Figures

Fig. 1: Schleswig-Holstein Baltic protected areas	7
Fig. 2: Permission procedure duration	12
Fig. 3: exemplary label for food mussels (bio certified).....	27

1 Scope of this guideline

Since 2013, Aquaculture is an integral part of the common EU fishery policy. However, no unified EU-aquaculture permission system exists. Rather than one particular aquaculture authority, several authorities are concerned with aquaculture matters in most EU Member States. In Germany these are fisheries, environmental and coastal protection authorities, as well as administration of waterways and veterinary inspection offices.

The Legislation Issues Status Report¹ reveals that at least four permissions are required for mussel cultivation in German Baltic coastal waters. Depending on the product and farm location other permissions are required additionally, meaning that the mussel farmer needs to apply for at least four but also up to more than twice as much permissions. This enormous amount of applications causes substantial costs and results in an even greater amount of bureaucratic work (applications, special terms and conditions for each permission, time limits, controls/ self-controls, registration, documents, etc.).

Mussel farming in the Baltic Sea has not gone beyond experimental scale so far. The BBG project wants to advance Baltic mussel farming to full scale by clarifying legal and regulatory aspects for mussel farming. This manual is one of the projects main outputs. It was developed by the evaluation of the applicants and authorities experiences about the permission process. A preceding international BBG stakeholder questioning² revealed the permission procedures major challenges:

- lack of experience
- amount of different permits and involved authorities resulting in several parallel processes.

This Licensing Procedures Manual aims at overcoming these challenges by providing an overview of all possible permission procedures and their application requirements in Germany.

At least half of all permissions mentioned in this manual directly implement EU law which is valid in all EU member States equally. However, due to EU federalism, the implementation of EU law in national law is organised by all EU Member States individually and accordingly the aquaculture permission system differs significantly in the EU Member States and also within their regions.

Therefore this manual only consists of legal information (e.g. legislation background, responsible authorities) and practical instructions (e.g. practical hints, application template) for all permission procedures concerning Schleswig-Holstein Baltic mussel aquaculture. This manual also enables an estimation for the permission procedure duration and costs, which are crucial for the farm schedule. Moreover it shall also be regarded as a potential example for other EU Member States that have no aquaculture permission system yet.

As most permissions have only been granted once and some haven't been granted at all for mussel farming in Germany, the pool of experiences is rather shallow. In addition, it is complicated to develop this kind of guideline “into the blue”, meaning without concrete areas/locations.

Therefore, this guideline must be considered as a document in process. It shall be revised at a later time and new legislation information (in case of new/changed law), experiences and practical hints

¹ WP 5, GoA 5.2(2018) Legislation Issues Status Report, Yvonne Röbner, Roland Lemcke, MELUND, financed by the EU Interreg Baltic Sea Regions project: Baltic Blue Growth.

² WP 5, GoA 5.2(2018) Stakeholder Questioning in an ongoing permission process (report), Yvonne Röbner, Roland Lemcke, MELUND, financed by the EU Interreg Baltic Sea Regions project: Baltic Blue Growth.

need to be filled in.

Although not many experiences are available for the mussel farming permission procedure, this licensing manual has already more than 40 pages. Therefore a short version of this manual is additionally provided. The short version is available in German and English language.

2 *General information and practical hints*

.....2.1 Preliminary work

Depending on the mussel product, **different permissions** are required, **different authorities** need to be involved and a **different permission procedure duration** and **cost development** can be expected. Therefore it is important to elaborate the mussel project by answering these basic questions before starting the permission process:

What will the mussels be used for? (e.g. food, feed, ...)

This decision is the most crucial for mussel farm planning. E.g. mussels for human consumption need to be produced in a mussel production area³ that needs to be evaluated for at least 12 months in a sanitary survey, which may be very cost intensive. The results of the survey might also reveal the necessity of a dispatch centre with a mussel washing unit, and thus, extra investment for the farmer.

Although feed mussels do not require a mussel production area, they need to be considered twice: for the Animal by-Product Authorisation and for the Feed Permit (also both EU law).

In case of mussels for food production, some authorities might regard this project more valuable in potential conflicts of interests with other water use e.g. leisure activities.

Food mussels may be sold fresh or processed – depending on the product and on the quality of the mussel production area. Feed mussels may enter the market in different ways, e.g. as single feed material, as pet food, aquaristic material or as animal feed for livestock farming (fish, poultry, swine).

Whereas food and feed mussels generate an “out of the water” product, mussels may also be farmed without the intention to harvest and process the mussels. Biofilter mussels for example may be used to clean up highly eutrophic bays or harbours by significantly increasing water transparency.

Another option is the mussel spat production for other mussel production areas. Also the generation of artificial “living” reef structures for nature conservation or compensation measures is a “harvestless” mussel production idea.

Mussel cultivation may also be used as extractive part in IMTA systems and thus, contribute to nutrient cycling. However, mussels in the sense of IMTA would require harvesting.

Also the possibility of an e.g. EU bio certification (EU law) shall be discussed, because this might increase the price for the mussels, but on the other hand requires a respective registration and causes additional costs.

³ Required by EU Hygiene package. Mussel production areas are required in all EU Member States for food mussel production.

What technique will be used for production? (e.g. smartfarm, longline (surface or submerged?), raft, bottom farming, ...)

Although this decision is more or less technical, it is significantly important for the mussel farm impact on the environment. Bottom culture for example is likely to have a significantly negative impact on the flora and fauna in most Baltic areas due to the harvesting technique (dredging). Other farming techniques like longlines, rafts or smartfarm systems are detached from the bottom.

Although the environmental impact of the harvesting method is lower than in bottom culture, the increased sedimentation from these farming systems may still have an impact on the environment, because the amount of farmed mussels per area is higher than in bottom culture (3-dimensional farming) or in nature⁴.

Bottom-detached mussel farming systems are usually installed on the water surface and may influence the visual impression for people, which is why submerging the lines could be an issue.

Mussel production requires permanent maintenance of the farm, a harvesting technique and installation operations. All these may have different potential to negatively influence the environment, which shall be avoided and thus, shall be thoroughly evaluated by the farmer.

Also winter conditions (sea ice, material storage, etc.) and potential predators need to be considered.

What is the production yield? (tons)

Of course this defines how much is earned with the mussels per year, but rather than speculating about the profit, this question concerns the required farming area. Although Baltic waters are quite suitable for farming blue mussels, not all waters are similarly productive.

Thus this information defines the scales of the mussel company (boat, staff, processing unit)⁵.

However, the profit from mussel farming still needs to be considered. Food mussels for example require a permanent quality analysis by the veterinary authority, resulting in permanently high running costs that need to be covered e.g. by the mussel sales. Because mussel quality analysis costs are not relative to the company size/ production yield, small farms are charged with the same costs like big farms. Therefore it is important to start big enough in order not to be consumed by the mussel quality analysis costs.

How shall the mussels be processed? (washing, sorting, packaging, cooking, ...)

This question is mostly answered by the definition of the intended mussel usage. However, selling the product requires a packaging, labelling, documentation, etc.⁶.

Dependent on the product the usually land based processing unit has to be scaled, equipped and potentially registered or authorised by a competent authority.

Where will the mussels be farmed? (distance to the coast/ protected areas)

Whereas user interests of maritime waters and the visual “pollution” by surface farms decrease with distance to the coast, costs for technical infrastructure and risk potential (due to heavy weather)

⁴ For environmental impacts and nature conservation objectives, the EU directives (Water framework Directive, Marine Strategy Framework Directive, Habitats Directive, Birds Directive) as well as additional regional legislation in the Member States have to be considered.

⁵ Marine water use is object to EU Maritime Spatial Planning.

⁶ EU relevant law on labelling of products to be placed on the market need to be considered as well as the EU Hygiene package.

increase.

Besides the technical challenges for the farmer, the distance from the coast also results in different authorities that are in charge to grant permissions if the mussel farm is installed in municipal waters, coastal waters (up to 12 nm from coast) or even in the EEZ (Exclusive Economic Zone 12-200nm from coast).

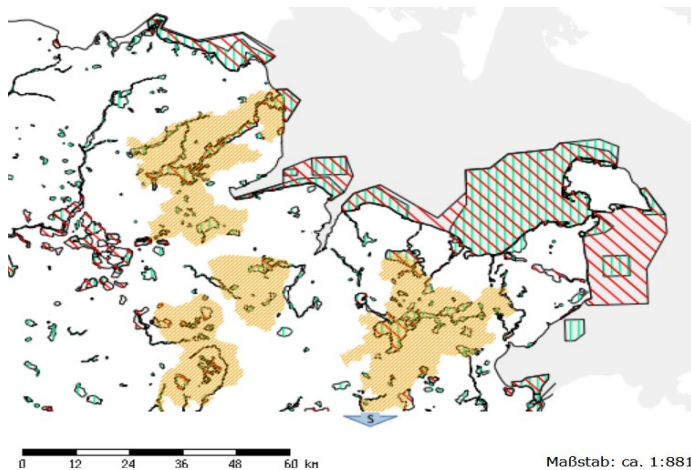


Fig. 1: Schleswig-Holstein Baltic protected areas

(Natura 2000 areas hatched in green and red, nature parks in yellow) in coastal waters ©LLUR

All actual Schleswig-Holstein marine aquaculture facilities are located in municipal waters and thus, only experiences for permits in municipalised waters exist. Nevertheless, municipalised waters are very rare in Schleswig-Holstein and sufficient space for aquaculture in municipal waters exists only in the Kiel and Flensburg Fjord⁷, of which the latter is a habitat and bird protected Natura 2000 area (Fig. 1). All other municipalised waters are shallow waters (<5 m water depth) along the coastline or harbours/ ports.

A thoroughly evaluation of the mussel farm location is also important because of the potential environmental impact from mussel aquaculture, that might be even worse if situated close to a protected area (e.g. Natura 2000 areas, nature reservation area). This also results in a permission process which is longer, more cost intensive and potentially with a negative result for the farmer.

As already considered for the production yield definition, not all waters are similarly productive. It is best to do research before planning the farm location.

The diligent evaluation of the mussel production
intention, technique, dimension, processing and location
is the inevitable step forward to a **successful mussel permission procedure**,
and thereby also a **successful mussel business**.




⁷ District borders in the Baltic Sea (borders of municipalised marine waters) can be seen in the interactive map on the official LLUR Umweltdaten webpage: <http://www.umweltdaten.landsh.de/atlas/script/index.php>
www.balticbluegrowth.eu

.....2.2 **Required permissions**

As there is no uniform permission procedure, all permissions and authorisations are decided on a case by case basis. Even different authorities might be involved for the same permissions.

Although the intended mussel use might be quite diverse, especially with regards to biotechnology, mussel use options discussed in this manual are limited to mussels for human consumption (food mussels), mussels for animal consumption (feed mussels) and mussels as biofilters (nutrient recycling). Tab. 1 lists the required permissions for these three possible mussel use options in all possible Schleswig-Holstein marine locations (Fig. 1): municipal waters, coastal waters (12nm from coast) and in the EEZ (12-200nm from coast).

Tab. 1: Required permissions & competent authorities
for mussel farming for food, feed and biofilter/ nutrient recycling

Product									
	food			feed			biofilter / nutrient recycling		
Permit / Location	I	II	III	I	II	III	I	II	III
River & Shipping Police Permit*	A	A		A	A		A	A	
Fisheries Permit*	B	B		B	B		B	B	
Coastal Protection Installation Evaluation*	C	C		C	C		C	C	
Aquatic Animal Disease Permit* (authorisation/ registration)	D	E	F	D	E	F	D	E	F
Mussel Production Area Classification (Food Law Permit)	D	G	H						
Animal by Product Authorisation				D	E	F			
Feed Production Authorisation				J	J	J			
Offshore Installation Permit			K			K			K
Appropriate Assessment	(L)	(M)	(O)	(L)	(M)	(O)	(L)	(M)	(O)
Biotope Protection Assessment	(L)	(N)	(O)	(L)	(N)	(O)	(L)	(N)	(O)
Species Protection Assessment	(N)	(N)	(O)	(N)	(N)	(O)	(N)	(N)	(O)
Impact Assessment	(B)	(B)	(O)	(B)	(B)	(O)	(B)	(B)	(O)
Organic Production Certification**	P	P	P	P	P	P	P	P	P

“() ” = permit potentially required, decided on a case by case basis; letters represent the competent authorities (please see text for details); in different locations (I = municipal waters, II = coastal waters, III = Exclusive Economic Zone), *obligatory permit/ evaluation, **if organic certification is planned

Competent authorities to grant permissions according to Tab. 1 :

- A Wasserstraßen- und Schifffahrtsamt Lübeck
Moltkeplatz 17
23566 Lübeck
- B Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung des Landes Schleswig-Holstein
Referat „Grundsatzangelegenheiten des gesundheitlichen Verbraucherschutzes und des Veterinärwesens, Fischerei, Absatz- förderung von Lebensmitteln, Gartenbau“
Mercatorstraße 3
24106 Kiel

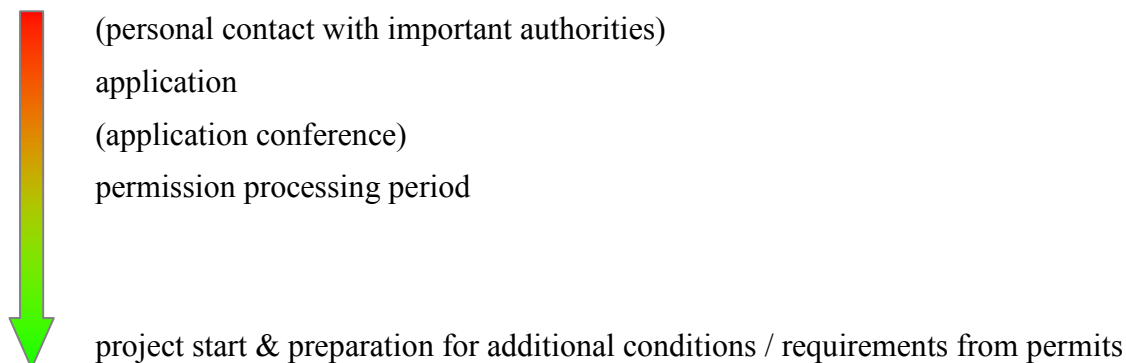
- C Landesbetrieb für Küstenschutz, Nationalpark und Meeresschutz Schleswig-Holstein
Fachbereich Koordination und Vollzug
Herzog-Adolf-Str. 1
25813 Husum
- D veterinary authority (districts & district free cities)
- E Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung des
Landes Schleswig-Holstein
Referat Veterinärwesen
Mercatorstraße 7
24106 Kiel
- F Bundesministerium für Ernährung und Landwirtschaft
Wilhelmstraße 54
11055 Berlin
- G Ministerium für Justiz, Europa, Verbraucherschutz und Gleichstellung in Schleswig-Holstein
Referat Lebensmittel tierischer Herkunft
Lorentzendam 35
24103 Kiel
- H Bundesministerium der Justiz und für Verbraucherschutz
Mohrenstraße 37
10117 Berlin
- J Landeslabor Schleswig-Holstein
Amtliche Futtermittelüberwachung
Max-Eyth-Straße 5
24537 Neumünster
- K Bundesamt für Seeschifffahrt und Hydrographie
Bernhard-Nocht-Straße 78
20359 Hamburg
- L competent lower nature conservation authorities (districts & district free cities)
- M Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung des
Landes Schleswig-Holstein
Referat Meeresschutz und Nationalpark
Mercatorstraße 3
24106 Kiel
- N Landesamt für Landwirtschaft, Umwelt und ländliche Räume
Department 5: Nature Protection and Forest
Hamburger Chaussee 25
24220 Flintbek
- O Bundesamt für Naturschutz
Konstantinstr. 110
53179 Bonn
- P eco certification body

In any case, aquaculture enterprises need to accede the employer's liability insurance. This insurance is obligatory in Germany and has special requirements concerning the farm equipment and staff that are listed in this manual as well (Chapter 5.1).

Again, the distance from coast is decisive for the insurance competence. In municipal waters, the SVLFG is the responsible insurance. In other waters more distant from the coast, its the BG Verkehr.

.....2.3 Planning the hard slog

This chapter lists all application requirements, administrative charges, and estimates the potential duration and costs of a permission procedure. The logical step after a conscientious project evaluation and preliminary work is an application schedule. Each permit requires an extra application at a different authority. This requires a diligent planning and ideally follows the outlined course:



The direct **personal contact** and the **application conference** are not obligatory but are very **helpful tools** to make the permission process **short, less cost intensive and as efficient as possible.**

.....2.3.1 Planning the procedure

First of all the farmer shall get in personal contact with the WSA and the competent fisheries authority. These meetings provide information about basic mussel farming aspects and the probability to receive the required permissions.

Once these basic aspects are clear, the application can be developed and shall be sent to all definitely involved competent authorities (Tab. 1) including a request for an application conference.

Mussel farming in coastal waters requires at least four obligatory permissions / evaluations: River & Shipping police permit, Fisheries Permit, Coastal Protection Installation Evaluation and Aquatic Animal Disease Authorisation / Registration. But also other permits are likely to be necessary for mussel production, therefore as much information as possible shall be included in the application. The helpful tool to discuss the conditions of all necessary permits is an informal application conference.

The authorities will organise this kind of conference themselves (potentially guided by the fisheries authority) and invite the applicant. The applicant may also ask the supreme fisheries authority directly to invite for and to guide the conference. The preliminary application evaluation by the authorities might reveal the consultation necessity of more authorities than originally expected by the applicant. These authorities will be invited automatically by the conference guiding authority.

At the conference, the applicant shall present the mussel farm project. The authorities will discuss the required permissions on the basis of the application and their own preparations.

The successful conference will potentially reveal gaps and shortages of the application and thereby request additional documents and information that needs to be added to the application. Ideally the permission procedures start directly after the conference.

The most crucial obligatory permission for mussel aquaculture is the River & Shipping Police Permit. Other obligatory permissions are the Fisheries Permit, the Coastal Protection Installation Evaluation and the Aquatic Animal Disease Permit. Fig. 2 reveals that it takes at least half a year to receive all obligatory permits.

Depending on the mussel product, that will be generated by the farmer, additional permits are required. E.g. if the mussels are intended to be used for human consumption, the classification of the mussel production area (MPAC) requires a sanitary survey that takes at least 12 months.

Neither the duration, nor the costs of potentially required nature conservation assessments can be estimated generally, because these are always decided on a case by case basis.

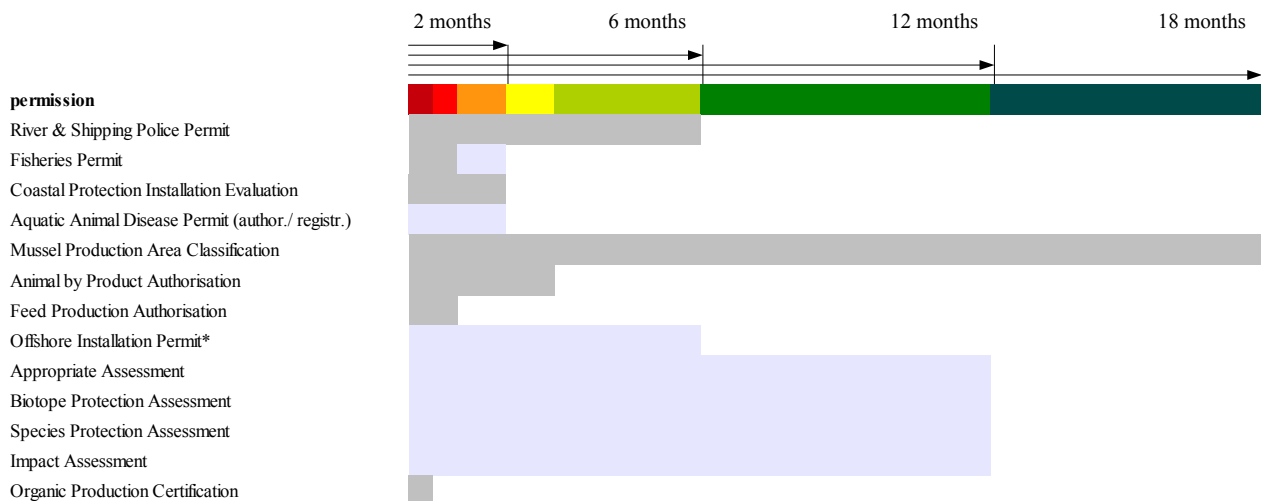


Fig. 2: Permission procedure duration

grey areas represent the minimum duration, light grey areas the potential duration;

*OIP, no information available, at least the same duration like RSPP to be expected

Permissions for mussel production in the EEZ will potentially take more time compared to locations nearer to the coast, because no permission procedure experiences exist in this case in Germany so far.

The production of food mussels requires the most expensive and time consuming permission (Fig. 2 & Tab. 2). The costs for analysis are charged even if the farmer will not be able to install the farm.

Therefore it is very important to precisely evaluate the location before applying for these permits.

The **permission process is costly**,
therefore the farmer needs to consider a **sufficient budget** for the permission process,
especially if an **Appropriate Assessment** is required and / or
if the mussels are sold as (potentially bio certified) food.

Tab. 2: Permission costs

Permission	Costs
River & Shipping Police Permit	dependent on the construction costs. 125 € (at least)
Fisheries Permit	<1000€ dependent on the authority effort
Coastal Protection Installation Evaluation	100 – 4000 € (dependent on installation costs)
Aquatic Animal Disease Permit	dependent on the authority effort
Mussel Production Area Classification	App. € 30 000 (1 year sanitary survey (water and mussel quality analysis), service costs for sample transports to the lab & permission costs)
Animal by Product Authorisation	Dependent on authority effort (quarter of an hour costs 25 €)
Feed Production Authorisation	Dependent on authority effort (at least 170 €)
Offshore Installation Permit	(no information available yet)
Appropriate Assessment	Dependent on effort (authority fees, expert reports,..)
Biotope Protection Assessment	
Species Protection Assessment	
Impact Assessment	
Organic Production Certification	~ 800 €

.....2.3.2 *Preparing the application*

Generally all permission applications require an individual application letter to each competent authority. This letter can be designed using the template (Annex I) of this manual. It is more or less a short summary of the complete application allowing the authority to have a quick overview about the planned project.

The complete and detailed application (Tab. 3) can usually be used for all permissions equally. It shall include general information about the applicant, information about the mussel production, the location, and nature/ marine protection, as well as it shall contain a serious risk assessment. In cases of a planned bio certification, additional data shall be included.

The application must include the original applicant signature and the place and date of the application on the application letter and on all annexes.

Tab. 3: Application content

general information	<ul style="list-style-type: none"> • applicant information (contact details, address, website, VAT) • business registration (Gewerbeanmeldung) • certificate of good conduct (Führungszeugnis) • commercial register entry (Handelsregistereintrag) • eventually an extract from the trade register (Auszug aus Gewerberegister)
mussel production information	<ul style="list-style-type: none"> • detailed project description (farmed species, use/product, production technique and harvesting yield, anchorage, maintenance, every day work, harvest) + drawing • detailed installation description (intention of use, construction costs) • detailed description of the working boat/aquaculture vessel (number of boats, name, number, dimension, hp, vessel berth) • winter storage of farm equipment
location information	<ul style="list-style-type: none"> • detailed location description (coordinates; dimensions; water body; water depth; environmental description, distance to: coast, harbour, protected areas, species & biotopes; seafloor material, general plan (1:5000 overview map with farm location in red, north and current arrows); site plan (1:200 – 1:500, north and current arrows); floor plan; longitudinal & transverse profile • Evidence: free from explosive ordnance • water quality data (microbiology, algae toxins, contaminants (if available))
nature / marine protection	<ul style="list-style-type: none"> • description of compliance with WFD and MSFD goals (obligatory!) • detailed description of potential impact in nature and landscape and description of measures to avoid/minimize impacts • compensation concept for remaining impact
risk assessment	<ul style="list-style-type: none"> • description and evaluation of potential farm damage/ accident • description of expected user conflicts and measures to avoid /minimize these conflicts • Risk evaluation for sea ice appearance • Mussel disease (Marteiliosis) risk assessment; e valuation of the potential of Marteiliosis infection in the planned area; description of avoidance measures to prevent disease spreading
bio certification	<ul style="list-style-type: none"> • description of separation of conventional production (if parallel to organic production); description of neighbouring conventionally used areas (if suitable); sustainability plan (eventually in form of a biological report)

.....2.4 **How to proceed after the granted permissions**

Once the permission procedure is completed, the farm set up may start. Congratulations!

However, some permissions are time limited and require an extension application at a later time. Other permissions require regular sampling, reports, controls, costs or the obligation to carry documents or to use labels.

Therefore a coordinated, permanent systematic approach for all permissions is important, not to say crucial for a successful mussel business.

In the case of a permission denial, farmers shall get in touch with the authority/ ies and discuss the reasons for the denial and a possible adaptation of the project/ installation/ requested area and a reapplication.

Important to know: the **permission process is ongoing** and is never really finished!
Keep in mind **all permissions additional requirements**
And prepare a **proactive schedule** for (time limited) **permission extension application**

3 *Obligatory Permissions*

.....3.1 **River and Shipping Police Permit**

.....3.1.1 *Legal issues*

The Federal Waterways Act⁸ is the legal basis for the River and Shipping Police Permit (RSPP). The installation of structures for e.g. mussel farms in German Federal Waterways require a RSPP according to § 31 (1) 2. WaStrG. All mussel farm installations have to be reported to the responsible WSA before starting (§31(2) WaStrG). In all German coastal waters (12 nm from coast), the usage of a water area for aquaculture purposes requires a private law usage contract with the WSA. No such contract is needed in the German EEZ, due to limited sovereignty in this area.

The water area use is national law and thus, is controlled and managed by each EU Member State separately. This represents a major difference between the BBG partners in legislation, management, and costs.

.....3.1.2 *Responsible authority*

The responsible authority for mussel farming in Schleswig-Holstein coastal waters (within 12 nm), is the Wasserstraßen- und Schifffahrtsamt (WSA) in Lübeck (responsible for coastal areas from the Danish border until lighthouse Buk in Mecklenburg-Vorpommern. Further east from the Lighthouse Buk in Kühlungsborn, the WSA Stralsund is the competent authority).

Wasserstraßen- und Schifffahrtsamt Lübeck
Moltkeplatz 17
23566 Lübeck
<http://www.wsa-luebeck.wsv.de/>

Application letters shall be sent directly to the competent branch offices:

a) Areas between the German/ Danish border until district Laboe (Kiel Fjord):

Wasserstrassen- und Schifffahrtsamt Lübeck, Außenbezirk Kiel, Tiessenkai 40, 24159 Kiel.

b) Areas between district Stein until Klein Klützhöved, Untertrave including Kanaltrave until the railway bridge Genin-Nord:

Wasserstrassen- und Schifffahrtsamt Lübeck, Außenbezirk Lübeck, Am Wasserbau 8, 23568 Lübeck.

c) Areas between Klein Klützhöved until Lighthouse Buk (including the Wismar Bay, Salzhaff and Kirchsee):

Wasserstrassen- und Schifffahrtsamt Lübeck, Außenbezirk Wismar, Tonnenhof, 23970 Wismar.

If the mussel farm shall be installed beyond 12 nm from the coast, no RSPP is required however, installations need an approval by the BSH. (→ See Chapter 4.4 Offshore Installation Permit)

⁸ Bundeswasserstrassengesetz (WaStrG) in der Fassung der Bekanntmachung vom 23. Mai 2007 (BGBl. I S. 962; 2008 I S. 1980), das durch Artikel 2 des Gesetzes vom 23. Dezember 2016 (BGBl. I S. 3224) geändert worden ist.

The RSPP concerns two sovereign tasks: the shipping police task (Does the mussel farm represent a danger to shipping?) and the nautical task (Is the farm put at risk by shipping traffic?). The WSA uses different factors to evaluate the requested area for mussel farming. For example the distance to the fairways, shipping routes, harbour/port entrances must be respected, as well as bathing areas and leisure activity areas. Also munition relicts have to be considered. Furthermore, the farm must be visible from ships and must be safe installed to avoid a possible drift. The WSA also discusses alternative locations.

Duration of permission process

Depending on the presence of all necessary documents for the application, the permission procedure duration expands. After four weeks at latest a first reply (via email) is guaranteed. It is best to calculate half a year for the permission procedure including the area use contract. Usually the first reply includes information about other authorities, that need to be contacted by the farmer (e.g. Fisheries Authority).

permission costs (administrative charges)

The authority demands an administrative fee for the permission of at least 125€. This fee is calculated depending on the financial investment volume of the farm, therefore information about the constructional costs must be included in the application. Permissions for installations of up to 500 000€ cost for example 0.5% of the construction costs, if the construction cost exceed 500 000€, the permission cost follow a graduated price scale according to the WaStrG-KostV⁹.

.....3.1.3 The granted permission and the following conditions

Usually, the WSA always grants the RSPP. Depending on the special additional conditions, it must be evaluated if the project is still practicable or not.

The RSPP may only be performed, if all other permissions are granted (water use permission, fisheries permission, nature conservation permission etc.).

Time limit

The permission is not time limited, although it is possible to set a time limit in the application but this is rather atypical. The permission can be withdrawn any time without compensation, if the waterway requires maintenance or expansion.

However, the obligatory usage contract is valid for only one year and it is extended each year for 1 year automatically.

Controls (self controls/ official controls/ audits), sampling or reports

The WSA may control the water area.

⁹ Annex (cons. No 11) Federal Waterways Act Cost Regulation (Kostenverordnung zum Bundeswasserstraßengesetz (WaStrG-KostV) vom 8. November 1994, BGBl. I S. 3450, zuletzt geändert am 17. Mai 2017, BGBl. I S. 1436).

Costs (usage fees)

The successful permission procedure of all necessary permissions leads to a claim for the respective area. The WSA Liegenschaftsabteilung contracts the use of the water area (private law) and determines the fee. The application for this usage contract is automatically generated with the application for the RSPP, no action from the farmer is needed.

The usage fee for the water area is calculated according to the specific location value per square meter. The water area value is generally 50 % of the neighbouring land area value with a comparable use¹⁰. Such neighbouring areas are usually grassland or arable land. Details about the land value in Schleswig-Holstein Germany are published in the digital atlas webpage of the evaluation team (Gutachterausschuss Schleswig-Holstein)¹¹. The fee for the water area is 7% of value of the water area value.

Calculation example for water area¹² usage fee:

land value: from 1.60 €/m² to 3.40 €/m².

water area value (50% land value): from 0.80 €/m² to 1.70 €/m².

water area usage fee (7% of the water area value): from 0.056 €/m² to 0.119 €/m²

An hectare (10 000m²) water area would therefore cost between 560 and 1190 € per year.

The land values differ significantly between regions, mostly depending on the popularity of the area. The WSA Liegenschaftsabteilung decides each fee on a case by case basis, constantly endeavoured to achieve a representative price for the water area but also to claim moderate fees for the user.

The usage fee must be paid until the 1st January without an invoice receipt. The termination (always until the end of the year) of the usage contract (and concurrently of the RSPP) must be submitted until the 30th September at latest.

¹⁰ WSV: Verwaltungsvorschrift der Wasserstraßen- und Schifffahrtsverwaltung des Bundes (VV-WSV) Nutzungsentgelte. VV-WSV 2604, vom Version 2016.1. (online available at: https://www.wsv.de/Wir_ueber_uns/leistungen/geobasisinformationen_liegenschaften/2016.pdf) (German only)

¹¹ DigitalerAtlasNord Bodenrichtwerte SH (<http://www.gutachterausschuesse-sh.de/bodenrichtwerte.html>)

¹² Area for calculation example chosen according to the Schleswig-Holstein concept study (Haas, S. et al. (2005): Konzeptionierung einer umweltverträglichen, marinen Aquakultur in Schleswig-Holsteinischen Ostseeküstengewässern. Konzeptstudie im Auftrag des Ministeriums für Energiewende, Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein. Abschlussbericht.)

Required documents to carry

The permission includes a labelling obligation. This means, the permission number must be visible on the farm site (e.g. on the navigational signs). Mussel farm areas usually require also the installation of closed areas and the usage of navigational signs (possible usage of WSA navigational signs including maintenance and installation service cost approximately 10 000€ per year). The registration in navigational maps is decided on a case by case basis by the BSH.

The RSPP must be aboard (in copy) to prove the closed area access authorisation in cases of controls by the water police.

The **WSA** is a **service authority** and thus, **offers guidance** during the permission procedure.

If possible, **get in touch prior to the application** for the RSPP.

Arrange a face to face meeting with the authority and present your plans personally.

This **clarifies most questions** on both sides and helps during the permission process.

.....3.2 Fisheries Permit

.....3.2.1 Legal issues

Mussel farming in Schleswig-Holstein coastal waters (within 12 nm from coastline) requires a fisheries permit according to §40 State Fisheries Act of Schleswig-Holstein¹³.

The economic efficiency of a project and its impact on other fishery, nature protection, the protection of islands and coasts, as well as other common utilization has to be evaluated by the competent authority.

.....3.2.2 Responsible authority

The competent authority to grant the Fisheries Permit is the Supreme Fisheries Authority which is the Schleswig-Holstein Ministry of Energy, Agriculture, the Environment, Nature and Digitalization.

Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung
Mercatorstraße 3
24106 Kiel

The Fisheries Permit is the carrying procedure for the Nature Conservation Permits and it clarifies questions concerning the compatibility with goals of the WFD¹⁴ and MSFD¹⁵.

The potential environmental impact by the planned mussel farm on Natura 2000 areas is evaluated by the authority in consultation with the nature conservation authority in a so called Natura 2000 pre-assessment. Other aspects of nature conservation (species protection, environmental impact compensation) are also evaluated in cooperation/ agreement with the nature conservation authority. The results of the mentioned pre-assessments reveal the requirement for additional assessments like a separate detailed Species Protection Assessment, an Impact Assessment or a Natura 2000 Appropriate Assessment. If protected biotopes are affected, the competent conservation authority needs to grant an exemption from restrictions according to an extensive Biotope Protection Assessment that is evaluated by the lower nature conservation authorities (see chapter 4.6 for details).

Natura 2000 appropriate assessments (AA) are required in Natura 2000 areas and in neighbouring areas. The necessity of such an assessment is evaluated in a pre-assessment carried out by the superior fisheries authority. In cases of a required AA decisions of the fisheries authority have to be not only in consultation but also in agreement with the competent nature conservation authority (see chapter 4.5).

¹³ Fischereigesetz für das Land Schleswig-Holstein (Landesfischereigesetz – LFischG), 10.02.1996, Textnachweis ab: 01.01.2003, Fundstelle: GVOBl. 1996, 211. Stand: letzte berücksichtigte Änderung: mehrfach geändert (Ges. v. 26.10.2011, GVOBl. S. 295)

¹⁴ Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy; OJ L 327, 22.12.2000, p. 1–73)

¹⁵ Marine Strategy Framework Directive (Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Text with EEA relevance); OJ L 164, 25.6.2008, p. 19–40)

Duration of permission process

The permission procedure for the FP generally takes 1-2 months. Depending on the presence of all necessary documents for the application and depending on the requirements of nature conservation assessments the permission procedure duration expands.

The application content is also decisive for the procedure duration. If the application is as detailed and informative as possible, it helps the authority in the decision processes that needs to be in agreement or even in conduct with other authorities.

A personal meeting with the fisheries authority and discussion of the planned mussel project **prior to an application** is very helpful and shall not be underestimated.

It generally **reveals all necessary information** for the application and thus, **avoids additional claims** during the process, thereby **shortening the complete permission procedure**.

Permission costs (administrative charges)

The declaration of a mussel culture area (bottom culture) is charged per hectare. Fees for mussel longline cultivation are calculated according to the authority effort using the fees regulation¹⁶ that defines the salary of the involved officials.

.....3.2.3 The granted permissions following conditions

Time limit

The permit is granted for at least 5 years. 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 (at least the same time required for the first permission duration before permit expiry) to allow the authority to evaluate all aspects concerning a further permit. It is valuable to stay in (personal) contact with the authority in order to avoid delays and to jeopardise the mussel business.

Controls (self controls/ official controls/ audits), sampling or reports

In cases of justified suspicion the purpose of the farm is potentially controlled.

Generally the harvest yields/ operating results/ revenue must be reported to the Superior Fisheries Authority to evaluate economic efficiency.

¹⁶ State Regulation on Administrative Charges (Landesverordnung über Verwaltungsgebühren (VwGebV)) vom 15.10.2008, GVOBl. 2008, 383; letzte berücksichtigte Änderung: Anlage geändert (LVO v. 13.12.2016, GVOBl. S. 963)

Costs (usage fees)

No fees are charged.

Required documents to carry

Mussel aquaculture usually requires a working boat, which is used for farm maintenance, installations, harvest etc. The FP (in copy) must be aboard.

Until 31st January 2018, aquaculture vessels have been defined by EU regulation¹⁷, which is now out of force. According to this (now invalid) regulation mussel vessel had to be registered, they required a fisheries hallmark, and had to be listed in the fleet register. The new EU regulation¹⁸ contains no details about aquaculture vessels.

However, the handling with aquaculture vessels and the implementation of the new regulation is not yet clear at the moment in Schleswig-Holstein. Therefore farmers shall reckon on being asked to register their vessel at the Superior Fisheries Authority. Vessel information is also sent to the employers liability insurance by the Fisheries authority.

The aquaculture vessel is not “capacity” limited due to its solely use in aquaculture. But it must be measured (vessels less than 15 m require a less strict measurement) and a safety certificate is required.

Eventually additional requirements emerge from the Natura 2000 appropriate assessment.

.....3.3 Coastal Protection Installation Evaluation

.....3.3.1 *Legal issues*

The mussel farm installation has the potential to adversely influence coastal protection (e.g. coast morphology). Therefore the farm installation requires a Coastal Protection Installation Evaluation in Baltic coastal waters (within 12 nm from coastline) according to §77 WasG SH. In cases of no adverse effects by the mussel farm on coastal protection, no permission but a legal coastal protection weighing is required.

The permission is always decided on a case by case basis.

Detailed information about the location, the regular water area usage and installation maintenance are important for this permit.

.....3.3.2 *Responsible authority*

The competent authority to evaluate the risks of adverse effects of mussel farms on coastal protection and thus, for granting the permission is the Schleswig-Holstein Agency for Coastal

¹⁷ Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register, OJ L 5, 9.1.2004, p. 25–35

¹⁸ Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register, OJ L 34, 9.2.2017, p. 9–17

Protection, National Park and Marine Conservation.

Landesbetrieb für Küstenschutz, Nationalpark und Meeresschutz Schleswig-Holstein (LKN)
Department 40 Coordination and Enforcement
Herzog-Adolf-Straße 1
25813 Husum

Duration of permission process

Depending on the application document completeness, the permission procedure requires approximately two months.

Permission costs (administrative charges)

The permission fee complies with the installation costs and is between 100 and 4000 €.

.....3.3.3 The granted permissions following conditions

Time limit

If adverse effects on the coastal protection can't be excluded, the permission is time limited – again decided on a case by case basis from 5 to 15 years. Also in cases of possible adverse effects on the coastal protection, regular measurements (bearing) could be required.

Controls (self controls/ official controls/ audits), sampling or reports

As there are only very little experiences with mussel farm installations, it is impossible to list all possible extra conditions to this permission.

Costs (usage fees)

No fees are charged.

Required documents to carry

No documents to carry.

.....3.4 Aquatic Animal Disease Permit

.....3.4.1 Legal issues

This permit is depending on the product and the marketing. Producers, that sell small amounts directly to the consumer or to small companies that sell directly to consumers only need to be registered and need no authorisation. Mussel producers that intend to use mussels for mussel meal must be authorised and registered (§3 FischSeuchV).

www.balticbluegrowth.eu

This permit aims at prevention of mussel diseases. The only notifiable mussel disease (must be officially reported to the veterinary authority) is Marteilirosis and is an infection with the unicellular parasite *Marteilia refringens*.

Mussel farming areas are classified into six categories: I (disease free); II (under surveillance), III (not susceptible), IV (eradication program), V (infected). Mussel farms are usually Cat. III areas, but optionally can be declared as Cat. I area. In this case, more frequent observations and laboratory controls are needed and the respective analytic expenses must be covered by the farmer.

Detailed information about the location and size of the installation, cultured species and their purpose as well as a description of avoidance measures to prevent disease spreading are important for this permit.

.....3.4.2 **Responsible authority**

Depending on the location of the mussel farm, different competent authorities are in charge to decide about the Aquatic Animal Disease Permit (AADP).

In municipal waters, the local official veterinarians of the districts Schleswig-Flensburg, Rendsburg-Eckernförde, Plön, Ostholstein and of the district-free cities Flensburg, Kiel and Lübeck have to grant the permit.

In coastal waters, meaning within 12 nm from the coastline, the Schleswig-Holstein Ministry has to grant the AADP:

Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung
Referat 26 Veterinärwesen
Mercatorstraße 3
24106 Kiel.

In the EEZ, the German Federal Ministry is the competent authority:

Bundesministerium für Ernährung und Landwirtschaft
Wilhelmstraße 54
11055 Berlin.

Duration of permission process

Very little experience exists with Marteilirosis in Schleswig-Holstein waters, because no cases of infection have been recorded ever since. The permit potentially takes at least 1-2 months to be granted.

Permission costs (administrative charges)

No administrative charges.

.....3.4.3 *The granted permissions following conditions*

Time limit

The permission is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Mussel farmers must apply good hygiene praxis. The mussel farmer has to document all imports, exports, the results of the mussel sampling (Marteiliosis testing and risk-based animal health surveillance) and an increased mortality of mussels. Mussel disease Marteiliosis as well as unexplained high mortalities of mussels must be reported to the responsible authority.

The compliance of the aquaculture premise with animal health principles of the EU Directive (2006/88/EU) is controlled by the responsible authorities (§ 9 FischSeuchV).

If Marteiliosis is neither reported nor suspected, mussel surveillance is carried out by routine controls (clinical inspections). In the case of a suspected infection laboratory observation is required. This observation is carried out by the veterinary authority which also cover the costs in such case. The laboratory samples are analysed in the Landeslabor Schleswig-Holstein. The Friedrich Loeffler Institute (FLI) on Riems island needs to confirm the primary disease outbreak.

Costs (usage fees)

No fees are charged.

Required documents to carry

The permission is granted allocating a 12 digit number, representing the companies district code originating from the district code list provided by the Federal Statistical Office, as well as a 4 digit number for the company. Using this number, all companies are collected in an official register. And the number has to be used for communication with the authorities (e.g. transportation documents, analysis documentations, ..).

4 *Additional Permissions*

.....4.1 **Mussel Production Area Classification**

.....4.1.1 *Legal issues*

Mussels for human consumption must be produced in a mussel production area, this is regulated by the EU hygiene package (Regulations 178/2002, 852/2004 & 853/2004)¹⁹. The4.1 Mussel Production Area Classification (MPAC) not necessarily has to be applied for by every mussel enterprise in one area. It is possible to declare a bigger mussel production area (MPA) including more mussel farmers. The decisive aspect is the representative sampling point for all samples in the MPA to allow a representative water and mussel quality measurement.

Selling mussels as food means that food of animal origin is sold and the mussel farmer is a food company, this requires specific hygiene rules. According to Art. 3 (853/2004/EC) food companies have to comply with Annex II & III of this regulation:

Annex II contains identification mark information (form, method, food chain information).

Annex III (Section VII) contains information explicitly for live bivalve molluscs: general information, harvest & relaying requirements, structural requirements & hygiene in dispatch/purification centres, mussel health standards (limits for toxin contents), mussel wrapping and packaging; mussel identification marking and labelling.

.....4.1.2 *Responsible authority*

Competent authorities to classify mussel production areas in municipal waters are the official veterinarians of the districts Schleswig-Flensburg, Rendsburg-Eckernförde, Plön, Ostholstein and of the district-free cities Flensburg, Kiel and Lübeck.

¹⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. OJ L 31, 1.2.2002, p. 1–24

Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs. OJ L 139, 30.4.2004, p. 1–54

Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin. OJ L 139, 30.4.2004, p. 55–205

Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption. OJ L 139, 30.4.2004, p. 206–320

The competent authority to classify MPAs in Schleswig-Holstein coastal waters is the

Ministerium für Justiz, Europa, Verbraucherschutz und Gleichstellung
Referat Lebensmittel tierischer Herkunft
Lorentzendamm 35
24103 Kiel

The competent authority to classify an MPA in the German EEZ is theoretically the

Bundesministerium der Justiz und für Verbraucherschutz
11015 Berlin

Because no cases of food mussel production in German coastal waters or the German EEZ occurred in the past, the Ministry has no experiences in this topic. It is also possible that the BSH may be contacted for further MPA evaluation.

Duration of permission process

The MPAC will take approximately 18 months – including the 12 months sanitary survey.

For the sanitary survey a representative sampling point has to be defined by the competent authority. And a sampling schedule has to be determined that defines the sampling interval and procedure (amount of mussels per sample, sampling by farmer or inspector, transport to lab, ...). The samples include microbiology, algae toxins, contaminants, phytoplankton analysis. The MPAC is based on the microbiological data of *E.coli*.

Classification in of MPA:

A-quality (230 MPN/100 g *E.coli* mussel flesh and shell fluid)²⁰

B-quality (4 600 MPN/100 g *E.coli* mussel flesh and shell fluid)²¹

C-quality (46 000 cfu/100 g *E.coli* mussel flesh and shell fluid)²²

Additionally a register of all sources of pollution has to be established including a map and the risk evaluation of the pollution source potential to negatively influence mussel quality.

Permission costs (administrative charges)

The costs are for sample analyses (e.g. microbiology, algae toxins, contaminants, phytoplankton) and for expenses of the authority (delivery service of mussel samples from farm to lab by the

²⁰ Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (Text with EEA relevance); OJ L 338, 22.12.2005, p. 1–26 (Annex I; Chapter I Food safety criteria, Food category 1.24)

²¹ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption; OJ L 139, 30.4.2004, p. 206–320; (Annex II Live bivalve molluscs, Chapter II A Classification of production and relaying areas, #4)

²² Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption; OJ L 139, 30.4.2004, p. 206–320; (Annex II Live bivalve molluscs, Chapter II A Classification of production and relaying areas, #5)

inspector).

The sanitary survey including all analyses and expenses costs approximately 30 000 Euros.

.....4.1.3 *The granted permissions following conditions*

Classification A → mussels may be sold fresh

Classification B → mussels may be sold fresh after treatment in a purification centre or relaying in an MPA Class A before mussel sale

Classification C → mussels may be sold fresh after relaying over a long period in an MPA Class A or cooking of mussels is required before sale

Time limit

The MPAC is not time limited but limited on the quality of mussel products. Depending on the consistent mussel quality in the MPA, the sampling intervals are determined. In the case of constant high mussel quality, the sampling interval time may eventually be increased and thus, less samples will be required in the same sampling period.

Controls (self controls/ official controls/ audits), sampling or reports

The classification is rather dynamic and requires continuous sampling. The sampling intervals are determined on a case by case basis.

Generally the microbiology and algae toxins have to be analysed more frequently than the occurrence of contaminants in mussels. The latter is usually analysed twice a year. Toxins and bacteria contamination is analysed before and also continuously during the mussel harvesting period.

The analysis has to be carried out by an accredited laboratory which is usually the Schleswig-Holstein Landeslabor in Neumünster.

The farmer may also (in own interest) analyse the mussel quality (microbiology) in other laboratories, but the MPAC bases on the results of the accredited lab.

It is important to **foster good professional relationships**.
Be as **accurate** and as **transparent** as possible in your business.
Most authorities offer **help and guidance** – **ask for it!**

Costs (usage fees)

Due to the permanent sampling, permanent relatively high running costs occur for sample analyses and for expenses of the authority.

Exemplary costs (to be determined on a case by case basis by the authority and the lab):

microbiology (weekly, *E.coli*) ca. 40 €
microbiology (2x per year, big sample) ca. 80 €
algaetoxins (weekly) ca. 500 €
contaminants (2x per year) ca. 800 €
phytoplankton (every 2 months) ca. 80 €

Required documents to carry

Mussel products are required to be labelled according to the Regulation (EU) No 1379/2013²³.

The label must indicate:

- locally accepted species name and its scientific name (Miesmuschel; *Mytilus spp.*);
- the production method;
- location of farming
- status of frosting/defrosting;
- expiration date
- in case of organic certification: eco-inspection body number and eco label (see Chapter 4.9 for details).

[product name]

content	Blue mussels (fresh)
origin	EU biocertified Aquaculture in Schleswig-Holstein [sea area]
production type	longline farming
packing date	[dd.mm.yyyy]
best before	Mussels must be alive on date of preparation. no preservatives
storage information	store cool, consume quickly Mussels are natural products and may vary in size, form and colour.
biocertification	EU Bio Mussel Aquaculture DE-ÖKO-[XXX]
producer	[Adress producer, email, homepage]
meat content	ca. 45%
number of mussels / kg	70 – 80
nutritional value data	Pro 100 g
calorific value	301
water	83 g
protein	9,8 g
fat	1,3 g
polyunsaturated fatty acids	0,42 mg



Fig. 3: exemplary label for food mussels (bio certified)

²³ “[..]” need to be filled by the producer

No

.....4.2 **Animal by-Product Authorisation**

.....4.2.1 *Legal issues*

Mussels that are not meant to be used for human nutrition, are treated as animal by-products (ABP). This requires at least a registration but can also require an authorisation of the company, depending on the risk that is posed to the public by these products and is decided on a case by case basis.

Mussel (non food) business generally requires a registration. Depending on the required authorisation, controls are time and cost intensive. Every step in the process from the mussel production until the mussel meal needs to be registered. The storing, transporting and processing of ABP require separate registration numbers nevertheless if the producer is the same company.

.....4.2.2 *Responsible authority*

Competent authorities to register and/or to authorise mussel ABP are the official veterinarians of the districts Schleswig-Flensburg, Rendsburg-Eckernförde, Plön, Ostholstein and of the district-free cities Flensburg, Kiel and Lübeck.

Duration of permission process

The permission procedure duration tends to be rather short – but depends on the ABP and the process. It can be very quick (1 week) but can also take longer but at maximum three months.

Permission costs (administrative charges)

The authorisation costs are determined by the relevant schedule of fees. Fees are charged by time and a commenced quarter of an hour costs 25 €.

.....4.2.3 *The granted permissions following conditions*

Time limit

The registration/authorisation is conceived on a lasting basis and is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Depending on the potential risk posed to the public or animal health, official controls are carried out (to assure processing according to the rules) from half yearly to every three years. The controls generally examine the proper documentation and the ABP compliance with the registered ABP.

Costs (usage fees)

Controls (e.g. on site inspections) are charged by time.

Required documents to carry

All ABPs require a commercial document (CD)²⁴. Copies of the CD must be stored/ registered by the producer, the carrier and recipient (receives the original copy) of the ABP.

Packages must be colour coded (mussel meal must be coded with green signs).

The company receives a registration or authorisation number. These numbers are reported to the competent ministry (BMEL) that publishes the number in the Federal Gazette. The numerical code for the type of establishments or plants is developed as follows: District code e.g. DE (Germany) 01 (Schleswig-Holstein) 00 (Kiel) XXXXX (5 digits (consecutive number of companies)) XX (2 digits that describe the type of APB according to the list²⁵ e.g. 08 (processing cat. III ABP).

.....4.3 Feed Permit

.....4.3.1 *Legal issues*

Germany, as a EU Member State, requires a registration/an approval for feed production²⁶.

The feed producing company must be registered and the production must be performed according the feed hygiene regulation²⁷ that lists the requirements concerning the equipment, the staff, the production, quality management, storage and transport, documentation, as well as complaints and product recalls.

.....4.3.2 *Responsible authority*

The responsible authority for feed production permissions is the official feed control in the Schleswig-Holstein Landeslabor:

Landeslabor Schleswig-Holstein,

Amtliche Futtermittelüberwachung,

Max-Eyth-Straße 5

24537 Neumünster.

To apply for authorisation, use the online available form²⁸.

²⁴ Details about the CD are provided by the Annex 1 in the TierNebV.

²⁵ Zugelassene und registrierte Betriebe für tierische Nebenprodukte gemäß Artikel 23 und 24 der Verordnung (EG) Nr. 1069/2009 published by the Ministry (BMEL)

²⁶ EC 183/2005 (Art. 9 & 10) and §§18, 21, 22 FutMV

²⁷ EC 183/2005 Annex II

²⁸ [http://www.schleswig-](http://www.schleswig-holstein.de/DE/Fachinhalte/L/lebensmittel/Downloads/Registrierung_Futtermittelhygieneverordnung.pdf?__blob=publicationFile&v=4)

[holstein.de/DE/Fachinhalte/L/lebensmittel/Downloads/Registrierung_Futtermittelhygieneverordnung.pdf?__blob=publicationFile&v=4](http://www.schleswig-holstein.de/DE/Fachinhalte/L/lebensmittel/Downloads/Registrierung_Futtermittelhygieneverordnung.pdf?__blob=publicationFile&v=4)

Duration of permission process

The registration is very quick (registered with receipt of application form), the approval requires an inspection of the company. Duration in this case depends on the company size and the product.

Permission costs (administrative charges)

Only the written confirmation of the registration is costly. The approval costs depend on the length of the inspection, but are at least 170 €. Information about costs is available²⁹ online.

.....4.3.3 The granted permissions following conditions

Time limit

The permission is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Companies are frequently controlled. Self control is required. When a risk analysis is required (approval), samples may be taken.

Costs (usage fees)

No fees are charged.

Required documents to carry

Documentation according to the feed hygiene regulation is required. Mussel meal requires a legal feed label as feed material³⁰.

²⁹ http://www.schleswig-holstein.de/DE/Fachinhalte/L/lebensmittel/Downloads/Merkblatt_Gebuehren_Futtermittel.pdf?__blob=publicationFile&v=4

³⁰ (single feed stuff) (Art. 11 767/2009/EU)
www.balticbluegrowth.eu

.....4.4 **Offshore Installation Permit**

.....4.4.1 ***Legal issues***

If the mussel farm shall be installed beyond 12 nm from the coast, no River and Shipping Police Permit (RSPP) is required, but all installations require an official approval.

.....4.4.2 ***Responsible authority***

The competent authority to grant an Offshore Installation Permit (OIP) and thus, to approve offshore installations is the Bundesamt für Seeschifffahrt und Hydrografie (BSH):

BSH Hamburg

Bernhard-Nocht-Straße 78

20359 Hamburg

Duration of permission process & permission costs (administrative charges)

This kind of application has not been granted yet in Germany so far. Get in touch with the authority and ask for details. They are experienced in permissions for offshore wind energy production and accordingly will probably adapt this permission procedure.

The application shall include at least the information required for the RSPP (see Chapter 3.1).

.....4.4.3 ***The granted permissions following conditions***

See above.

.....4.5 **Appropriate Assessment**

.....4.5.1 ***Legal issues***

According to §34 BNatSchG water usage requires an Appropriate Assessment (AA) in Natura 2000 areas and potentially in neighbouring areas to avoid a negative impact on marine habitats and protected species.

Marine habitats in terms of the Habitats Directive that might be influenced by mussel culture are:

- ☐ Sandbanks which are slightly covered by sea water all the time
- ☐ Posidonia beds (priority habitat type)
- ☐ Estuaries
- ☐ Mudflats and sandflats not covered by seawater at low tide
- ☐ Lagoons (priority habitat type)
- ☐ Large shallow inlets and bays

www.balticbluegrowth.eu

☐ Reefs

☐ Marine 'columns' in shallow water made by leaking gases

Bird species on wintering/resting grounds potentially affected by mussel cultivation (SPA)³¹:

☐ *Alca torda* (Razorbill/ Tordalk)

☐ *Anas penelope* (Wigeon/ Pfeifente; Status: RL 3 SH)

☐ *Anas platyrhynchos* (Mallard duck/ Stockente; SPA 7)

☐ *Anser albifrons* (Greater White Fronted Goose/ Bläßgans)

☐ *Anser anser* (Greylag/ Graugans)

☐ *Aythya f. feina* (Pochard/ Tafelente)

☐ *Aythya fuligula* (Tufted Duck/ Reiherente)

☐ *Aythya marila* (Greater Scaup/ Bergente)

☐ *Bucephala clangula* (Goldeneye/ Schellente)

☐ *Clangula hyemalis* (Long-tailed Duck/ Eisente)

☐ *Cygnus cygnus** (Whooper Swan/ Singschwan)

☐ *Cygnus olor* (Mute Swan/ Höckerschwan)

☐ *Fulica atra* (Black Coot/ Bläßhuhn)

☐ *Gavia stellata*(Red-throated Diver/ Sterntaucher)

☐ *Larus minutus* (Little Gull/ Zwergmöwe)

☐ *Melanitta nigra* (Common Scoter/ Trauerente)

☐ *Mergus merganser* (Goosander/ Gänsesäger, Status: RL 3 SH)

☐ *Mergus serrator* (Red-breasted Merganser/ Mittelsäger; Status: RL 3 SH)

☐ *Phalacrocorax carbo* (Cormorant/ Kormoran)

☐ *Pluvialis apricaria** (Eurasian Golden-Plover/ Goldregenpfeifer)

☐ *Podiceps auritus**(Slavonian Grebe/ Ohrentaucher)

☐ *Podiceps cristata* (Great Crested Grebe/ Haubentaucher)

☐ *Podiceps grisegena**(Red-Necked Grebe/ Rothalstaucher)

☐ *Somateria mollissima* (Common Eider, Eiderente; Status RL 3 SH)

³¹ *strictly protected according BArtSchV § 2, Annex I

.....4.5.2 *Responsible authority*

The necessity of an AA is preliminarily evaluated by the competent Fisheries Authority (see Chapter 3.2) that is the competent authority for the Fisheries Permit. In a piggy back procedure the nature conservation permissions (and the respective additional conditions or compensation measures) such as an AA, are granted in agreement with the lower nature conservation authorities in Schleswig-Holstein. In municipalised areas these are the district county commissioners of Schleswig-Flensburg, Rendsburg-Eckernförde, Plön, Ostholstein and the mayors of the district-free cities Flensburg, Kiel and Lübeck;

in coastal waters, this is the

Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung
Mercatorstraße 3
24106 Kiel;

and in the German EEZ this is the

Bundesamt für Naturschutz
Konstantinstr. 110
53179 Bonn.

The purpose of an AA is to assess the implications of the plan or project in respect of the site's conservation objectives, individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether or not the plan or project would adversely affect the integrity of the site concerned.

The appropriate assessment must consider all the potential pressures and impacts on the sites' conservation objectives. The Appropriate Assessment must focus on the species and habitats that have justified the site's designation as a Natura 2000 site and all the elements that are essential to the functioning and the structure of that site.

Plans or projects inside and outside the Natura 2000 site have to be evaluated if they are likely to have a significant effect on the Natura 2000 site (sites proposed under the Birds³² and/or Habitats Directive³³).

The assessment must be made case by case and is legally binding. The conclusions should enable the competent authorities to determine whether or not mussel cultivation would adversely affect the integrity of the site concerned. Therefore it must consider all the potential pressures and impacts on the sites' conservation interests, by focusing on the species and habitats that have justified the site's designation as a Natura 2000 site and all the elements that are essential to the functioning and the structure of that site.

³² Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds; OJ L 20, 26.1.2010, p. 7–25

³³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50

Duration of permission process

The AA procedure should be carried out in stages. Every stage determines whether a further step in the process is required.

1. Screening (is mussel farming likely to significantly affect the site?)
2. Assessment (Assess implications for the sites conservation objectives and conclude if mussel farming is still likely to adversely affect the sites integrity, if yes redraft the mussel farming plan including mitigation measures)
3. Derogation Art. 6.4 (if no alternative solutions exist, mussel farming can only be granted (and must provide compensation measures) if it is regarded as an imperative reason of overriding public interest).

Depending on the presence of all necessary documents for the application, the permission procedure duration expands.

The farmer need to send a full description of all mussel farming impacts that are likely to have a significant negative effect on a Natura 2000 site by means of an Appropriate Assessment. To carry out the screening exercise, sufficient information should be gathered both on the aquaculture plan or project and on the Natura 2000 site(s) that might be affected.

Information should include data on the location of the farm and associated infrastructures in relation to the Natura 2000 site(s), as well as details on the timing and duration of all the planned activities during each stage of the project's cycle, i.e. construction, operation, maintenance, etc. Information must also be gathered on the species and habitat types for which the sites have been designated and on the overall conservation objectives of the site. Part of this information can be found in the Natura 2000 Standard Data Forms or in the site designation or management plans where available³⁴.

Permission costs (administrative charges)

Fees are calculated according to the authority effort using the fees regulation³⁵ that defines the salary of the involved officials.

.....4.5.3 The granted permissions following conditions

There might be additional conditions according to the AA results. However, all conditions are determined on a case by case basis.

³⁴ available in the Commission Implementing Decision of 11 July 2011 concerning a site information format for Natura 2000 sites (notified under document C(2011) 4892) OJ L 198, 30.7.2011, p. 39–70

³⁵ State Regulation on Administrative Charges (Landesverordnung über Verwaltungsgebühren (VwGebV)) vom 15.10.2008, GVOBl. 2008, 383; letzte berücksichtigte Änderung: Anlage geändert (LVO v. 13.12.2016, GVOBl. S. 963)

Time limit

The permission is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Companies are frequently controlled. Self control is required. Various sampling might be required.

Costs (usage fees)

No fees are charged. Compensation measures by the farmer may cause costs or are designed as compensation payments.

Required documents to carry

No documents need to be carried.

.....4.6 Biotope Protection Assessment

.....4.6.1 *Legal issues*

The § 30 (2) No. 6 BNatSchG in conjunction with §21 LNatSchG determine a list of protected biotopes. These biotopes are specified (size and definition) in detail according to § 1 of the biotope protection Regulation (BiotopV³⁶). Measures that may lead to destruction or other significant or adverse deterioration of these biotopes are prohibited. Biotopes that might be affected by mussel farming are³⁷:

- seagrass beds and marine macrophytes areas (seafloor areas below sea level with perennial or periodically spatial seagrass abundance or other macrophytes with large leaves; Minimum size: 10.000 m²)
- reefs (natural or biogenic hard substrates, or closed rock fields rising up topographically from the seafloor. Minimum size: 1.000 m²)
- Baltic sublittoral sandbanks (sandy elevations without or with very little vegetation that always are covered with water and are significantly surrounded by deeper water. Minimum size: 10.000 m²)
- mudflats with boring megafauna
- marine/ coastal species rich gravel, coarse sand and grinded mussel shell areas (low vegetated, faunal species rich seafloor areas and periodically flooded coastal strip consisting of gravel, coarse sand and grinded mussel shells, as well as dead plant material and wash margin vegetation. Minimum size: 10.000 m²).

If protected biotopes are affected, the local competent nature conservation authority needs to grant

³⁶ Landesverordnung über gesetzlich geschützte Biotope (Biotopverordnung) vom 22. Januar 2009 ,GVOBl. 2009, 48

³⁷ § 30 (2) No. 6 BNatSchG in conjunction with §21 LNatSchG

an exemption from restrictions.

.....4.6.2 *Responsible authority*

Competent authorities for Biotope Protection Assessment (BPA) in Schleswig-Holstein municipal waters are the district county commissioners of Schleswig-Flensburg, Rendsburg-Eckernförde, Plön, Ostholstein and the mayers of the district-free cities Flensburg, Kiel and Lübeck.

The competent authority for BPA in Schleswig-Holstein coastal waters is the

Landesamt für Landwirtschaft, Umwelt und ländliche Räume
Department 5: Nature Protection and Forest
Hamburger Chaussee 25
24220 Flintbek.

The competent authority for BPA in the German EEZ is the

Bundesamt für Naturschutz
Konstantinstr. 110
53179 Bonn.

If the location chosen by the mussel farmer is located in or close to an area with protected biotopes and a significant deterioration or considerable impairment of protected biotopes can not be excluded, an exemption from restrictions has to be applied for.

The application must enable the responsible authority to evaluate the impact of mussel farming technique and farm size at the intended location on the protected biotope. Hence, the mussel farmer has to describe potential physical (hydro-morphology, sedimentation, noise), chemical (organic load and oxygen demand of the sediment, content of nutrients and hazardous substances) and biological (presence of biotope types, plants, animals; aquatic fauna and flora) characteristics of mussel farming on the ecosystem prior to installation of the farm. The responsible authority may require (to be justified) an expert opinion to evaluate the impact of mussel farming.

Duration of permission process

Depending on the presence of all necessary documents for the application, the permission procedure duration expands.

Permission costs (administrative charges)

Fees are calculated according to the authority effort using the fees regulation³⁸ that defines the salary of the involved officials.

³⁸ State Regulation on Administrative Charges (Landesverordnung über Verwaltungsgebühren (VwGebV)) vom 15.10.2008, GVObI. 2008, 383; letzte berücksichtigte Änderung: Anlage geändert (LVO v. 13.12.2016, GVObI. S. 963)

.....4.6.3 *The granted permissions following conditions*

There might be additional conditions according to the BPA results. However, all conditions are determined on a case by case basis.

Time limit

The permission is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Companies may be frequently controlled. Self control is required. Sampling or reports might be required.

Costs (usage fees)

No fees are charged.

Required documents to carry

No documents need to be carried.

.....4.7 **Species Protection Assessment**

.....4.7.1 *Legal issues*

According to §44 BNatSchG, some species are especially protected by law. It is forbidden to considerably disturb especially protected species.

Especially protected species that might be affected by mussel farming are:

- harbour porpoise (*Phocoena phocoena*)
- common seals (*Phoca vitulina vitulina*)
- gray seals (*Halichoerus grypus*)

also birds may be affected by mussel farming³⁹:

- Greater Scaup (*Aythya marila*) „threatened with extinction“
- Eider ducks (*Somateria mollissima*) is on the early warning list
- Common gull (*Larus canus*) is on the early warning list
- Great black-backed gull (*Larus marinus*) under national responsibility (Rote Liste,

³⁹ Die Brutvögel Schleswig-Holsteins Rote Liste (2010) ISBN: 3-937937-45-8 Schriftenreihe: LLUR SH – Natur - RL
20

Brutvögel Schleswig-Holsteins, LLUR).

.....4.7.2 *Responsible authority*

The necessity of an SPA is preliminarily evaluated by the competent Fisheries Authority (see Chapter 3.2) that is the competent authority for the Fisheries Permit. In a piggy back procedure the nature conservation permissions (and the respective additional conditions or compensation measures) such as an exemption from species protection prohibitions, are granted in agreement with the competent nature conservation authorities. In municipalised areas and coastal waters this is the

Landesamt für Landwirtschaft, Umwelt und ländliche Räume
Hamburger Chaussee 25
24220 Flintbek;

and in the German EEZ this is the

Bundesamt für Naturschutz
Konstantinstr. 110
53179 Bonn.

If the location chosen by the mussel farmer is located in or close to an area with protected species and a significant deterioration or considerable impairment of protected species can not be excluded, an exemption from restrictions has to be applied for.

If the preliminary evaluations reveal a significant threat of mussel farming to protected species, this manual recommends to change the farming area to a more suitable location rather than to initiate proceedings to achieve this restriction exemption.

Duration of permission process

Depending on the presence of all necessary documents for the application, the permission procedure duration expands.

Permission costs (administrative charges)

Fees are calculated according to the authority effort using the fees regulation⁴⁰ that defines the salary of the involved officials.

.....4.7.3 *The granted permissions following conditions*

There might be additional conditions according to the SPA results. However, all conditions are determined on a case by case basis.

⁴⁰ State Regulation on Administrative Charges (Landesverordnung über Verwaltungsgebühren (VwGebV)) vom 15.10.2008, GVOBl. 2008, 383; letzte berücksichtigte Änderung: Anlage geändert (LVO v. 13.12.2016, GVOBl. S. 963)

Time limit

The permission is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Companies may be frequently controlled. Self control is required. Sampling or reports might be required.

Costs (usage fees)

No fees are charged.

Required documents to carry

No documents need to be carried.

.....4.8 Impact Assessment

.....4.8.1 *Legal issues*

According to §13 BNatSchG, the mussel farming impact has to be considered.

Aquatic protective goods potentially affected by mussel aquaculture are :

- biotopes
- animal and plant species
- sediment
- water
- landscape view

To evaluate the potential impact on nature and landscape the location has to be examined (biotope type, species and biotic communities) and the status of other protective goods has to be recorded (according to WFD, MSFD). Significant negative impact of nature and landscape has to be avoided, minimised and (if not possible to be avoided or minimised) to be compensated.

.....4.8.2 *Responsible authority*

The necessity of an Impact Assessment (IA) is preliminarily evaluated by the competent Fisheries Authority (see Chapter 3.2) that is the competent authority for the Fisheries Permit. In a piggy back procedure the nature conservation permissions and the respective additional conditions or compensation measures from impact assessment, are granted in agreement with the competent nature conservation authorities. However, the competent authority to grant a mussel farming permission according to the requirements of the IA in municipalised areas and coastal waters this is the

Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung des
Landes Schleswig-Holstein
Referat „Grundsatzangelegenheiten des gesundheitlichen Verbraucherschutzes und des
Veterinärwesens, Fischerei, Absatzförderung von Lebensmitteln, Gartenbau“
Mercatorstraße 3
24106 Kiel,

and in the German EEZ the

Bundesamt für Naturschutz
Konstantinstr. 110
53179 Bonn.

If the location chosen by the mussel farmer impairs a significant deterioration of aquatic protective goods, compensation measures have to be applied.

Duration of permission process

Depending on the presence of all necessary documents for the application, the permission procedure duration expands.

Permission costs (administrative charges)

Fees are calculated according to the authority effort using the fees regulation⁴¹ that defines the salary of the involved officials.

.....4.8.3 The granted permissions following conditions

There might be additional conditions according to the IA results. However, all conditions are determined on a case by case basis.

Time limit

The permission is not time limited.

Controls (self controls/ official controls/ audits), sampling or reports

Companies may be frequently controlled. Self control is required. Sampling or reports might be required.

Costs (usage fees)

Compensation for remaining impacts that can not be avoided or compensations may be charged as

⁴¹ State Regulation on Administrative Charges (Landesverordnung über Verwaltungsgebühren (VwGebV)) vom 15.10.2008, GVOBl. 2008, 383; letzte berücksichtigte Änderung: Anlage geändert (LVO v. 13.12.2016, GVOBl. S. 963)

compensation payments.

Required documents to carry

No documents need to be carried.

.....4.9 Organic Production Certification

.....4.9.1 *Legal issues*

If grown in waters which meet the criteria for Class A or Class B areas⁴² and in areas of high ecological quality⁴³, Baltic blue mussels produced on longlines may be certified organic⁴⁴.

.....4.9.2 *Responsible authority*

The competent authority to bio-certify a mussel farm in Schleswig-Holstein is the

Ministry of Justice, European Affairs, Consumer Protection and Equality
Lorentzendamm 35
24103 Kiel.

The organic certification procedure is usually carried out by a private eco inspection body:

- Lacon GmbH (DE-ÖKO-003)
- ABCERT GmbH (DE-ÖKO-006)
- Grünstempel® - Ökoprüfstelle e.V. (DE-ÖKO-021)
- ÖKOP Zertifizierungs GmbH (DE-ÖKO-037)
- GfRS Gesellschaft für Ressourcenschutz mbH (DE-ÖKO-039).

Blue mussel culturing must be species appropriate and mussels must receive all their nutritional requirements from nature. Mussel production areas must be located in areas that are not subject to contamination by products or substances not authorised for organic production, or pollutants that would compromise the organic nature of the products. The cleaning and disinfection, involving the exclusive use of authorised products¹. Seedlings for mussel culture must originate from organic production mussel culture areas, stocking density must not exceed the density used for non-organic shellfish in the locality. Sorting, thinning and stocking density adjustments shall be made according to the biomass and to ensure animal welfare and high product quality. Biofouling on mussels must be removed by physical means or by hand and where appropriate returned to the sea away from mussel farms.

Mussel farmers have to design a sustainable management plan and to keep it up to date. The management plan must include effects on the environment, environmental monitoring measures, measures to reduce the environmental impact, data on repair and maintenance of technical

⁴² as defined in Annex II of Regulation EC/854/2004

⁴³ as defined by Directive 2000/60/EC

⁴⁴ (EC) No 834/2007

installations.

The mussel farmer is required to use renewable energy and to develop a concept for waste reduction. The protection against predators must meet the requirements of the Habitats Directive⁴⁵.

The producer must deliver a detailed description of his facility and the measures to ensure compliance with the organic production rules. The description must also contain precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures.

The producer must report his:

- ☐ name and address
- ☐ location of production (land and sea facilities)
- ☐ type of practises/ products
- ☐ declaration of commitment to apply the Organic Production Regulation (EC/834/2007)
- ☐ date of transition (if applicable)
- ☐ name of eco inspection body
- ☐ results of the appropriate assessment
- ☐ sustainable management plan-description of the mussel production system

to the responsible authority.

Mussel cultivation areas need a transition period of 3 months.

Duration of permission process

The auditing takes 1 day. If the yearly production exceeds 20 tonnes, an appropriate assessment has to be carried out⁴⁶.

Permission costs (administrative charges)

Ca. 800 €.

.....4.9.3 The granted permissions following conditions

Time limit

The bio certification is valid for 1 year. The company has to be audited yearly.

⁴⁵ 92/43/EEC

⁴⁶ (Art.6b (3)) based on Annex IV of the council Directive 85/337/EEC

Controls (self controls/ official controls/ audits), sampling or reports

Compliance with the Organic Production Regulation provisions is guaranteed by a strict system of controls⁴⁷ as well as precautionary and control measures drawn up by the Commission with controls at every stage of the organic chain. The type and frequency of controls are determined depending on the risk of infringement.

Every product labelled with the German Bio Siegel has to be registered prior to placing on the market at the Bio-Siegel information service and has to fulfil the requirements of the organic products labelling act.

Every operator (farmer, processor, trader) is checked at least once a year. For bivalve mollusc production inspection visits take place before and during maximum biomass production.

Violations of the EU legislation governing organic farming are liable to one-year imprisonment or a fine of up to € 30,000. This applies especially to the unlawful use of indications referring to organic production methods in the labelling and advertising of organic products (labelling).

Costs (usage fees)

Yearly 800 €.

Required documents to carry

Labelling, advertising or commercial documents may use terms such as ‘eco’ and ‘bio’ to describe organic products, ingredients, or raw materials. The labelling must be clearly visible on the packaging and must contain a reference (code number) of the eco inspection body that certifies the product concerned. The code number scheme for the authorised German eco inspection body is “DE-ÖKO-000”.

"DE" means Germany, "000" represents the three-digit control body code number. The German Bio-Siegel may be shown in addition to the EU Bio Logo (as shown in Fig. 3) including the inspection body code and the designation of origin.

The Bio label must be graphically designed as follows (§ 1 ÖkokennzV):

1. minimum size of 10 mm;
2. maximum size of 33 mm;
3. size is measured from the outer left to the outer right corner of the green frame;
4. maximum width may only be used to an extent where the size of the Bio-Siegel „B“ does not exceed 60 % of the largest letter contained in the product title;
5. if the minimum size is used, the „60% rule“ need not be observed;
6. in case of a coloured background, the Bio-Siegel, in its original colour, must be surrounded by a white contour of the same size as the green frame;
7. the spatial relation of words and graphic elements must not be modified.

⁴⁷ based on Regulation (EC) No 882/2004

5 *Additional Obligations*

.....5.1 **Employer's liability insurance**

.....5.1.1 *Legal issues*

In Germany the membership in an employers' liability insurance association (Berufsgenossenschaft (BG)) is obligatory.

Major Employer's liability insurance (ELI) duties are:

- avoidance of accidents at work or on the way to work, occupational diseases and work-related health hazards;
- medical, professional and social rehabilitation by application of appropriate means in cases of accidents or occupational diseases;
- financial protection and compensation of insured persons surviving dependents and relatives.

Legal information about the membership in an ELI can be found in the German 7th book Sozialgesetzbuch (SGB VII), the statutory accident insurance (Gesetzliche Unfallversicherung), as well as in the insurance constitutions.

.....5.1.2 *Responsible authority*

Either the SVLFG or the BG Verkehr is the competent insurance.

In municipalised areas (Fjords, Harbours) the SVLFG is responsible and in all other areas, the BG Verkehr is responsible.

The agricultural ELI is a branch of the German statutory social insurance. The competent institution of the agricultural ELI is the social insurance for agriculture, forest and horticulture (Sozialversicherung für Landwirtschaft, Forsten und Gartenbau (SVLFG)).

Competent marine ELI (BG Verkehr) institutions are the ship safety office (Dienststelle Schiffssicherheit) and the shipping and fishery office (Referat Seeschifffahrt und Fischerei) of the BG Verkehr prevention division (Geschäftsbereichs Prävention). The BG Verkehr is the accident insurance agency for a large business variety such as traffic, transport, aviation as well as shipping and fishery. As accident insurance the BG Verkehr publishes standards for safety at work and health protection (e.g. ship safety check) and takes care of the insured person in cases of accidents at work or occupational diseases.

Duration of permission process & permission costs

The competent insurance is officially informed by the superior fisheries authority and will get in contact with the farmer directly and will send questionnaires to determine the responsibilities and costs.

.....5.1.3 *The granted permissions following conditions*

Controls (self controls/ official controls/ audits), sampling or reports

The BG Verkehr carries out ship surveys according to the guideline on Ship Safety. If the ship survey has shown compliance with the provisions of this guideline, the ship safety division of the BG Verkehr issues a ship safety certificate, valid for a maximum of 5 years.

Costs (usage fees)

Insurance contributions are calculated on the basis of various factors (income, working time, work risk tariff etc.) and thus have to be defined on a case by case basis with the help of questionnaires.

Required documents to carry

Depending on the responsible insurance, different conditions are required. For example in the SVLFG the farmer is obliged to be insured, whereas the BG Verkehr only requires the farmer to insure his staff and his own insurance is facultative.

6 *Practical Hints*

Nobody said it was easy. However, if some hints are considered, the permission procedure shall be less frustrating.

A hint for mussel farmers:

Save yourself some valuable time and be as accurate as possible in your descriptions.

Lacking documents are the main reason for delays in permission procedures.

Use easy words to assure easy understanding. Be aware of this: your request is special and each permit is decided on a case by case basis.

Consider the practical hints that are provided for all permissions. This will save money and time!

Remove your blinkers

Your business potentially may have an impact on the environment and in particular on conservation objectives of neighbouring protected areas (e.g. Natura 2000 areas and/ or other nature conservation areas). Study your desired location not only for your required infrastructure. Study the environment and evaluate its capacity for commercial mussel cultivation.

Do door-knocking

Make friends not opponents right from the beginning! Do not expect to be welcomed with open arms by other local water users. Mussel farming excludes other uses from the use of water – be aware of a conflict of interests with sailors, fishermen, anglers, tourists, etc. you need to welcome others into your project to achieve good acceptance.

Get in touch with locals and be as transparent in your business as you can account for. For example consider contracts/jobs for local fishermen, offer tourism possibilities (diving, farm visits), do networking with local restaurants etc. . Use your local network as much as possible and open your doors instead of keeping secrets. This helps to improve understanding and impedes concerns.

Grab the red tape

Permissions are official authorisations and not revoked prohibitions. Most authorities are service agencies. Remember, cooperativeness is two sided. Get in touch with your authorities personally before applying for permissions. Ask for help and there shall be help and guidance.

Hint for authorities

Translate your officialese

Your official language includes vocabulary that is not easy to understand and that potentially creates a gap between you and the applicant.

Sharing is caring

Mussel farmers must apply for a variety of permissions each consisting of a lot of exemptions and specific conditions. They might not be aware of all legislation issues required for mussel farming. Share your information with the applicants and also other authorities. Discuss your concerns with involved colleagues from other departments.

Achieve comprehensibility

Be transparent not only in your decisions but also during the procedure as much as you can account for. Transparency allows to gain a deeper insight in your work and thus allows the applicant to switch between perspectives. This may improve the applications information quality you receive, thereby shortening the permission procedure duration.

7 Annexes

Annex 1 Template for permission applications

Empfänger / recipient

Beantragung Muschelaquakultur / mussel aquaculture application

(Achtung: Unverbindlicher Vorschlag; kein Behördendokument

Attention: non-binding proposal; no authority document)

Ort, Datum / place, date

Informationen zum Antragsteller / applicant information

Firmenname / company name	
Ansprechpartner / competent person	
Anschrift / adress	
Telefonnummer/ phone number	
Email / email	
Sonstiges / additional information	
Firmenbeschreibung / company description	
USt. Nr / VAT number	
Firmenwebsite	

Informationen zur Muschelproduktion / mussel cultivation information

Kultivierte Art / species	
Produktionstechnik / cultivation technique	
Produktionsziel (t) / production goal (t)	
Vorgesehene Verwendung der Muscheln / planned mussel usage	
Verankerungstechnik / anchoring technique	
Anzahl Farmbesuche (pro Woche/Monat) / farm visit frequency (per week/month)	
Erntezeitraum / harvest season	

Informationen zum Standort / location information

UTM Koordinaten / UTM coordinates	1 2 3 4
Abmaße der Farm (m) / farm dimension (m)	...m x ...m
Wasserkörper (gemäß EU-WRRL) / water body (according to EU-WFD)	
Wassertiefe (m) / water depth (m)	
Kürzester Abstand zur Küste (m) / shortest distance to coast (m)	
Benachbarte Schutzgebiete / neighbouring protected areas	
Material Meeresboden / seafloor material	

Angaben zum Arbeitsboot / vessel information

Anzahl Arbeitsboote / number of vessels	
Liegeplatz Arbeitsboot (Ausgangshafen) / vessel berth (harbour)	
Motor (PS) / motor (hp)	
Abmessung / dimension	
Sonstiges / additional information	

Bemerkungen / comments:

z.B. Überwinterung der Ausrüstung (wann, wo, wie...) / winter storage of farm equipment

Anlagen / annexes :