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Protection of fish from wild catch of Lake Constance

Alexander Wirsig, Richard Balling, Wolfgang Heisrath, Bruno Krieglstein, Michael Baldenhofer and Andreas Cretnik¹

Abstract – Lake Constance (German: 'Bodensee') is Europe's third largest freshwater lake. Its shorelines are bordering three countries. The lake represents an important drinking water reservoir and - from the food perspective - fish source for the region. However, in the last decades, the situation of commercial fisherman on Lake Constance continuously deteriorated hardly allowing to sustain an economic livelihood. In a multi-stage stakeholder process, a protection strategy for the preservation of fish from wild catch of Lake Constance was elaborated. Establishment of common quality standards in a statute and international registration of a collective mark was achieved. The study demonstrates the importance of support from public and private organizations to address the complex interests of stakeholders.

Keywords – indigenous species, EU quality schemes, geographical indications from multi-countries.

INTRODUCTION

Lake Constance (German: 'Bodensee') is Europe's third largest freshwater lake. Its international shorelines (Figure 1) are bordering the Swiss cantons of St. Gallen, Thurgau, and Schaffhausen, the Austrian state of Vorarlberg and the German states of Bavaria and Baden-Württemberg. The lake represents an important drinking water reservoir and - from the food perspective - fish source for the region.



Figure 1. International shoreline of the fishing area.

Around 30 species of fish live in Lake Constance. In particular, the whitefish 'Bodenseefelchen' (*Coregonus wartmanni*) and to a lesser extent the European perch (*Perca fluviatilis*, German: 'Kretzer'), enjoy great popularity by local consumers and tourists. Beyond economic benefits through fishing, an intact Lake Constance fishery is of significant importance for both the culinary heritage of the region and its touristic sector.

However, in the last decades, fish yields in Lake Constance declined sharply to around 435 t (mean value over the last ten years) resulting in around 4 tons per fishing patent (LAZBW, 2021). These catches hardly allow to sustain economic livelihood of professional fisherman of Lake Constance. The increasing purity of the lake water led to a depletion of nutrients, in particular of phosphorus, which in turn resulted in a decrease in algae and plankton growth and subsequently in decreasing fish yields. An active or passive fertilization is incompatible with the goal of water protection and would endanger both: the natural ecosystem and the fragile balance of user interests in the region represented by the public actor 'International Conference of Lake Constance' (IBK, www.bodenseekonferenz.org). In order to meet the ever-increasing demand of fish at Lake Constance by consumers, tourism and gastronomy, around 500 to 600 tons of coregons (whitefish, vendace) are imported and sold as whitefish, currently. Low level of self-sufficiency of around 50% with fish from wild catch of Lake Constance encourage fraud with fish from other origin (Landtag BW, 2021).

To this end, regional and local public actors such as e.g. the association for integrated rural development at Lake Constance, the agricultural ministries of the respective regions and their entrusted agencies e.g. the food promotion agency (MBW) from the state of Baden-Württemberg, initiate and support measures to improve and secure the economic situation and livelihood of Lake Constance fisherman and to preserve their traditional methods and skills used to

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catch the Lake Constance fish. By protecting the geographical designation "Wildfang Bodensee" for fish from wild catch of Lake Constance following goals shall be achieved:

- reduction of imports and fraud
- preservation of traditional fishing methods and maintenance of a high quality
- increase of added value for the fisherman

METHODS

Multi-stage stakeholder process

In order to consider the interests of the actors on the international shoreline of the geographical area common quality standards which reflect traditional fishing methods were developed in a multi-stage stakeholder process initiated by public and private organizations. Only fish from wild catch caught with traditional fishing methods reflecting the regional knowledge and skills at Lake Constance shall be permitted.

Tools for preservation

Intellectual property rights such as Geographical Indications (GIs) represent an option to control access to local and traditional resources. To register the name of a product as GI, the EU producers or producer groups need to lay down the product's specifications and link to the geographical area, if applicable (BLW, 2017; SVGH, 2021). Collective Marks (CMs) represent a further possibility of protection. This is a trademark that is registered by an association for its members and lays down the rules of use in a binding statute. CMs can refer to the geographical origin as a special feature.

RESULTS

On October 2020, an international association for the protection and promotion of fish from wild catch of Lake Constance was founded ('Schutzgemeinschaft Bodenseefisch e.V.', Wasserburg, Germany, www.bodenseefischerei.com). Apart from restaurateurs and processors the core of its 60 members are represented by professional Lake Constance fisherman from Austria, Switzerland and Germany - thereby reflecting the international shorelines of the lake. On January 2022 registration of the CM under the EU trademark system including the establishing of common quality standards in the trademark statute was achieved. In a binding statute common quality standards for the use of the CM were laid down on international level (Table 1).

Table 1. Statute of the international collective mark for wild catch of Lake Constance ('Wildfang Bodensee')*.

Criteria	characteristic
fisherman	Traditional fishing methods (gill nets, traps, row fishing rods etc.)
Restaurateurs and processors	Proof of origin, documentation of quality control and flow of goods

*EU: Appl. Nr. 018526860 and CH: Appl. Nr. 1654879.

DISCUSSION AND CONCLUSION

Support from public bodies and private organizations is essential to address complex stakeholder interests. Further, the preconditions of CMs such as the existence of a producer group and producer guidelines in form of a statute - although not directly comparable to the more detailed requirements of the product specification of GIs - may provide a basis for their later registration as GIs (Wirsig et al., 2021a). Subsequently in the next step fish from wild catch of Lake Constance will be applied as GI under the EU Quality scheme. In this process, other intellectual property rights granted by biodiversity NGOs such as the Slow Food Foundation for Biodiversity may additionally support the protection as GI (Wirsig et al., 2021b). In the event of successful registration, this would be a precedent for a GI shared by two EU Member States on common ground.

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