



Brussels,  
MARE.A.2/BVT/2022

**Subject: Reply on AAC recommendation on predation by birds in relation with shellfish farming**

Dear Mr. Ojeda,

I would like to thank you for your e-mail of 7<sup>th</sup> April 2022 and for sharing the “*Recommendation on predation by birds in relation with shellfish farming*” from the Aquaculture Advisory Council.

As you know, the “*Strategic guidelines for a more sustainable and competitive EU aquaculture for the period 2021 to 2030*”<sup>1</sup> recognise that the management of predators is an important challenge for the sustainable growth of aquaculture that needs to be addressed. The Guidelines propose that the Commission develops a “guidance document on environmental performance in the aquaculture sector” that includes the mapping of good practices covering, among other issues, the management of predators. We plan to finalise this guidance document by the end of 2023.

I would like to recall that the Commission has already published a guidance document<sup>2</sup> clarifying the key concepts under Article 9 of the Birds Directive that relate to preventing serious damage by cormorants and to protecting flora and fauna. This guidance document offers practical advice on how to implement these concepts. The guidance is intended to be of assistance to authorities as well as other interested parties, including in the aquaculture sector.

I would also recommend focusing actions on identifying, applying and promoting effective measures to prevent and/or minimise production losses caused by protected species in shellfish farms. Techniques to scare away birds using visual and acoustic deterrents or using barriers to prevent them from getting to the shellfish are already available and may be useful in the context of shellfish aquaculture. If these solutions are not sufficient, Article 9 of the Birds Directive gives Member States the flexibility to derogate from the general protection regime on some specific grounds, if there is no other

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<sup>1</sup> COM(2021)236 final

<sup>2</sup> [https://ec.europa.eu/environment/nature/pdf/guidance\\_cormorants.pdf](https://ec.europa.eu/environment/nature/pdf/guidance_cormorants.pdf)

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satisfactory solution and the conservation status of the species is not put at risk. Under this provision, it is possible to take control measures for the herring gull (*Larus argentatus*), including limited egg collection.

It is for each Member State to take the measures it considers necessary to address conflicts that arise in relation to economic interests, including regarding shellfish farming. As the Birds Directive already provides the necessary flexibility, a European management plan in this case would have no additional value, especially as the conflicts are mostly concentrated in few Member States. The solutions should rather be sought at the local level where conflicts occur and where they can be discussed and implemented in cooperation with local stakeholders.

Concerning your first recommendation (to forward your letter to the various competent authorities in the Member States), I would like to recall that the Advisory Councils may submit recommendations to the Commission and to the Member States, and to encourage the AAC to send also recommendations to the relevant authorities in Member States.

Concerning your fifth recommendation to the Commission, DG MARE will remind Member States that compensation for avian predation on farmed mollusc stock is possible under their national EMFAF operational programme.

Concerning your sixth recommendation to the Commission, in December 2021, the College of Commissioners endorsed a draft version of a new block exemption regulation ('draft FIBER'), which contains a provision allowing Member States to grant compensatory aid for damages caused by protected animals. That draft version was subject to public consultation from 11 January 2022 to 13 March 2022, and the Commission's services are currently reviewing the feedback provided by stakeholders. In addition, the draft version of the Guidelines for State aid in the fishery and aquaculture sector, which was also subject to that public consultation, includes such a category of aid, as well. It is important to stress, however, that the scope of these proposed provisions is limited to damages caused by protected animals, and not any fish predator. Under the draft FIBER, a 'protected animal' is defined as any animal protected either by Union or by national legislation."

Finally, we take note of the last recommendation to the Commission 'to open a HORIZON EUROPE call for projects with a view to investigating the feasibility of alternative measures for the protection of farmed mollusc stocks to combat avian predation other than the use of "plastic" solutions, in particular the encouragement of natural predators'.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils ([Pascale.COLSON@ec.europa.eu](mailto:Pascale.COLSON@ec.europa.eu); +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

(e-Signed)  
Charlina VITCHEVA

Enclosure: AAC Recommendation - Predation by birds in relation with shellfish farming\_2022\_13

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