



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/A2/LBS

Subject: AAC recommendation on freshwater aquaculture and wildlife

Dear Mr Thomsen,

Thank you for your letter including the recommendation of the AAC on freshwater aquaculture and wildlife.

The Commission fully recognises that predation on fish by certain protected species of birds and mammals may affect some freshwater aquaculture operations. Conflicts that may arise between the protection of these species and aquaculture can be fully addressed within the existing legal framework. These challenges are local and are best dealt with at that level.

As you know, in the case of predation by bird species, Article 9 of the Birds Directive¹ gives Member States the flexibility to derogate from the general system of protection for all birds established by Article 5 of the Directive. They can approve these derogations only for certain reasons if there are no other satisfactory solutions and the conservation status of the species is not put at risk. For birds listed in Annex II of the Directive, Article 7 makes it possible to hunt them under national legislation and under certain conditions, but hunting cannot jeopardise conservation efforts in their distribution area.

Concerning predation by species protected by the Habitats Directive², Article 16 of that Directive provides for the possibility to derogate from the strict protection provisions of Article 12 under certain circumstances and conditions. To assist Member States and stakeholders in the implementation of the relevant provisions of the Birds and Habitats Directives, the Commission has published a guidance document on aquaculture and

¹ Council 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.

² 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.

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Natura 2000³, a guidance document on applying derogations under Article 9 focusing on the management of Cormorants⁴ and has also recently updated the guidance on the strict protection of animal species of Community interest under the Habitats Directive⁵. Actions to address conflicts with Cormorants and other protected species, including prevention and compensation measures, can be funded by the European Maritime, Fisheries and Aquaculture Fund, provided that it is envisaged in the EMFAF programme.

Through its EU Cormorant Platform⁶, the Commission has been supporting stakeholders by providing information on Cormorants and available solutions to resolve potential conflicts between Cormorants and fisheries or aquaculture. As the platform was set up nearly a decade ago, it is currently being revised in order to provide the most up-to-date information. This platform includes information on EU-funded research projects on this topic, such as "INTERCAFE COST Action", "CORMAN" and "CORMO-DIST".

In addition to this, the future guidance document on environmental performance, planned as part of the implementation of the Strategic guidelines for EU aquaculture, will include the mapping of good practices at governmental and industry level covering also the management of predators. Furthermore, as you know, a new website dedicated to EU aquaculture has been set up (<https://aquaculture.ec.europa.eu/>). This website should contribute also to the dissemination of research results, innovation, good practices and guidance, including on predator management in freshwater farms.

I take note of your recommendation to support the development of research programmes for farmers' and conservationists' partnerships on the issues addressed in the recommendation. The Commission may consider management of predators as a topic for further research and innovation in the context of EU funding.

Concerning your recommendation to relax restrictions in Natura 2000 areas within the freshwater aquaculture farm limits by simplifying derogation procedures, it is for Member States authorities to ensure a simple and effective implementation of the rules on derogations in their national context. The above-mentioned guidance documents can assist Member State authorities and stakeholders to effectively implement relevant provisions which provide sufficient flexibility to address certain public interests, including those linked to aquaculture or fisheries.

I take note of your recommendation to provide a report on the application of the provisions under paragraph 4 of Article 7 of the Birds Directive. Although Member States are requested to send to the Commission all relevant information on the practical application of their hunting regulations, no reporting by the Commission is required under that article.

Regarding your recommendation on the establishment of a European Coordination Centre to protect Europe's carp pond farming and other freshwater or estuarine/lagoons aquaculture forms, I would like to confirm that the Commission is paying due attention to the importance of this type of aquaculture and the need to address challenges to it. While we consider it useful to have coordination at European level on this issue, the

³ <https://ec.europa.eu/environment/nature/natura2000/management/docs/Aqua-N2000%20guide.pdf>

⁴ https://ec.europa.eu/environment/nature/pdf/guidance_cormorants.pdf

⁵ C(2021) 7301 final. Commission notice. Guidance document on the strict protection of animal species of Community interest under the Habitats Directive.

⁶ https://ec.europa.eu/environment/nature/cormorants/home_en.htm

Commission is not considering establishing a dedicated European Coordinating Centre. The Commission already promotes exchanges and coordination of policies related to aquaculture in the context of the Open Method of Coordination.

Finally, I also take note of your recommendation to further investigate the scientific data related to population management of the *Phalacrocorax carbo sinensis* subspecies of the Cormorant in relation to its invasiveness and spread and in relation to any positive or negative impact on biodiversity and related ecosystem services. I would first like to clarify that there is no scientific evidence on the invasive character of this species in Europe. Also, scientific data on Cormorant populations are being compiled as part of the above-mentioned platform update. Finally, since the derogation system under Article 9 of the Birds Directive provides the necessary and most appropriate flexibility to Member States to address this problem at any time of the year whenever justified, the Commission does not intend to propose a change of the protection status of the Cormorant.

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; +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

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