



AAC Recommendation on the stress test of the Birds and Habitats Directive

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I. Background

The AAC welcomes the launching of a public consultation as a part of the stress test of the Birds and Habitats Directives.

The Birds and Habitats Directives after almost 50 years of implementation are considered a success story with more than 500 bird species and over a thousand species, including mammals, reptiles, amphibians, fish, invertebrates, and plants, and 230 characteristic habitat types, placed under a protection regime. The total area of the Natura 2000 sites in EU is 1,296,333km² of which 526,680km² are marine areas and 769,653km² are land areas. The total area of aquaculture areas (marine and inland) in EU 27 is around 4,000 km², representing 0.3% of the Natura 2000 network area.

The AAC recalls that the Birds Directive was focused on migratory birds as such species constitute a common heritage whose effective protection is typically a trans-frontier environment problem entailing common responsibilities.

The need for birds protection on the EU area was justified by “the repercussions of man's activities and in particular the destruction and pollution of their habitats, capture and killing by man and the trade resulting from such practices” even if at the time of adoption (1979) the conservation of birds and, in particular, migratory birds still presented problems which called for scientific research to make it possible to assess the effectiveness of the measures taken. The European Parliament emphasized that “a satisfactory level for the bird population needs to be established.”

The Birds Directive provided for the same protective measures for migratory birds, even not listed in Annex 1, both within and outside the Natura 2000 network.

The Habitats Directive provides that the Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range and ensure the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States. Consequently, Member States are required to pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

From the aquaculture perspective at least three types of aquaculture, namely pond aquaculture, shellfish aquaculture and lagoon aquaculture have a millennial history and are part of our common aqua-cultural heritage systems. They also provide a model of aqua-farming cohabitating with the biodiversity in a rational manner. This is proven by the fact that these three types of aquaculture methods were considered hot spots for biodiversity and were included in NATURA 2000 network even they were not pure natural habitats but engineered habitats.

II. The current situation

Although aquaculture was not the cause of the alleged decline in the populations of certain bird species, the economic impact it has suffered as a result of indiscriminate protective measures has been and remains a cause for concern. The traditional technological pattern considered some reasonable technological losses according to the development stage of the farmed biomass caused by natural predators. After the provisions of the Birds Directive were applied the technological losses caused by predators (fish eating birds or mammals) increased dramatically affecting the economic performance of rearing systems. Contrary to a wide spread opinion among conservationist the increased number of fish predators, especially birds, was not caused by the development of aquaculture, as it was not the case according to EUROSTAT data, but was caused by non-discriminatory protection, which led to increased pressure on natural habitats due to the exponential growth of certain, especially birds, species' populations that explored new fishing grounds in farming areas where they were not present before 1990s.

Even Both Directives are providing the Member States a derogation framework to be used for preventing serious damage to crops, livestock, forests, fisheries and water if there is no other satisfactory solution it is very hard for the SMEs in aquaculture to obtain those derogations within the aquaculture sites limits. Approval of the derogation applications is sometimes, a deeply bureaucratic system applied differently by each Member State affecting also the level playing field for aquaculture farmers. There is also an uneven compensation practice at the MS level allowing some countries to compensate aquaculture farmers more or less, while other countries, with the same problems are not compensating at all, leading to the same absence of level=playing field among EU aquaculture farmers.

As the protection of migratory birds is considered a trans-frontier environment problem entailing common responsibilities, the damage caused to some types of aquaculture by some protected predators (cormorants, otters, herons, pelicans) should be addressed as a common responsibility and not coordinated by non-binding instruments (recommendations, guidelines, good practices) which proved to be inefficient for the aquaculture farmers.

We acknowledge that the EC allocated resources for several cormorant linked projects and their conflict with aquaculture (RedCafe, InterCafe, CorMan, EIFAAC-FAO), and the European Parliament demanded since 2008 for a pan-European plan for the management of predators in aquaculture, but all these actions remained without effect on the conflict between some predators and certain types of aquaculture.

The AAC delivered to the EC and MS two recommendations on these aspects, **Recommendation on Freshwater Aquaculture and Wildlife¹** (AAC 2022-10) and

¹ <https://aac-europe.org/en/publication/aac-recommendation-on-freshwater-aquaculture-and-wildlife/>

Recommendation on the predation by birds in relation with shellfish farming² (AAC 2022-13) both resulting in transferring the responsibility to MS which is free of any obligation in this matter.

Beyond the impact of predation on economic activities, the AAC considers it worth noting that some scientific studies have highlighted the complexity of the interactions between cormorants and the ecosystems in which they live³. It also considers it worth citing the EIFAAC/FAO press release of 16 May 2025⁴ and the 2025 publication⁵. In fact, strategies aimed at protecting a single species can lead to serious imbalances in ecosystems (particularly when the species in question is a predator at the top of the food chain), to the extent of causing a decline in biodiversity – which is the very opposite of the objective pursued by the directives covered by this recommendation. This applies to the cormorant as much as to many other predatory species. This concept – whereby excessively high concentrations of a particular protected species may exceed the ecological carrying capacity of their environment – is now well established, but largely absent from the Birds & Habitats Directives, even though it represents, alongside climate change and the control of alien/invasive species, one of the greatest challenges facing us.

In addition to the impact on traditional aquaculture economic activities, it must be emphasised that imbalances in ecosystems can also compromise restorative aquaculture and regenerative aquaculture.

The term 'ecosystem' was coined in 1935, when the English botanist and ecologist Arthur George Tansley first used it in a scientific article, and today it should be at the heart of strategies for the restoration of biodiversity. The concepts of protected species (Birds Directive 1979) and protected areas (Habitats Directive 1992) may need to be expanded to encompass the management of the entire ecosystem.

The AAC welcomes the Commission's work on a Staff Working Document on predation, and hopes that it will adopt an approach that is both holistic and scientifically rigorous, taking into account all forms of predation along with the human and/or climatic factors that cause them.

² <https://aac-europe.org/en/publication/aac-recommendation-on-the-predation-by-birds-in-relation-with-shellfish-farming/>

³ https://protectfish.eu/wp-content/uploads/2026/08/2026_D5.6_PolicyBrief_July2026_FINAL.pdf

⁴ <https://www.fao.org/eifaac/news/news-detail/why-cormorants-need-european-level-management/en>

⁵ <https://openknowledge.fao.org/items/87235803-1cc8-4123-b9d0-cbf93a75052>

III. Recommendations

AAC recommendations:

To the European Commission

Considering that aquaculture development is still a strategic objective of the EU and that the Treaty of Functioning of the EU is setting up among the objectives attaining a fair standard of living for the agricultural and aquacultural community, to stabilise markets assuring the availability of supplies at reasonable prices for the consumers and since all these objectives are compromised inter alia by the predation magnitude within the open aquaculture facilities, documented enough to tackle this issue at least at the farm level where the farmers are entitled to defend their livestock by taking the following actions:

1. Harmonise the compensation schemes for losses caused by protected species to aquaculture;
2. Simplify the use of derogations within the aquaculture farms limits to authorise the controlled shoot to scare and shoot to kill combination that seems to provide a fair mitigation of predation effects;
3. Provide and finance a framework to implement preventative measures to reduce and mitigate impact of cormorant predation on aquaculture;
4. EC should be involved actively by supporting and co-financing the high-quality framework for a European Management Plan for the Great Cormorant developed for the EC by FAO-EIFAAC.

IV. Minority opinions

Eurogroup for Animals, Compassion in World Farming and Aquatic Life Institute strongly disagree with the phrasing and core angle of this answer to the public consultation and challenge the need for lethal measures covered under recommendations 2 and 4. Instead, the minority agrees on the recommendations 1 and 3. Aquaculture operators should be properly compensated for losses caused by protected species and such a compensation system should be harmonised. Additionally, mitigation measures for cormorant predation on aquaculture operations should be financed, **provided they are non-lethal and designed to minimise stress, injury, or harm to the birds, in line with the species' protected status under the Birds Directive.**

Vissenbescherming strongly doubts whether the economic impact suffered by aquaculture, as mentioned on page 4 of this contribution, was 'a result of indiscriminate protection measures'. We understand from this contribution that the 'economic impact' is due to predation, especially by birds and, more specifically, cormorants. We also understand that these 'indiscriminate protection measures' refer to the Birds and Habitats Directives.

We strongly disagree with the opinion expressed in this contribution, also mentioned on page 4, that 'the increased number of fish predators, especially birds, () was caused by non-discriminatory protection, which led to increased pressure on natural habitats due to the exponential growth of certain, especially birds, species' population that explored new fishing grounds in farming areas where they were not present before the 1990s.'

Science has shown that the growth of animal populations, including populations of predatory animals, is determined by the amount of food available to these animals in nature and by the opportunities they have to reproduce. In aquaculture farms, there is a lot of food that is relatively easily available to predatory animals, and it is the responsibility of aquaculture farmers to protect their animals against predation. The growth of the cormorant population will be caused to a large extent by the relatively easy opportunities they have to prey on fish at fish farms.

We are convinced that much more can be done to develop effective protection measures for fish and shellfish farms, and for that reason we support the third recommendation of this contribution 'to provide and finance a framework to implement preventative measures to reduce and mitigate impact of cormorant predation on aquaculture.' However, this should not be limited to cormorant predation, but should also include providing and financing preventative measures to reduce predation by other predatory animals such as otters, herons, seals, seagulls, crabs and starfish.

In our view, the 'economic impact aquaculture has suffered', as mentioned above, can only be reduced by developing and promoting measures to protect aquaculture farms against predation. Such protective measures should be used much more widely in aquaculture.

Also on page 4, it is stated that 'both directives (Birds and Habitats) are providing the Member States a derogation framework to be used for preventing serious damage to crops, livestock, forests, fisheries and water if there is no other satisfactory solution'. We disagree with the way this contribution continues: 'it is very hard for the SMEs to obtain those derogations within the aquaculture sites limits.' We think that it is currently too easy to obtain such a derogation. These derogations should be granted only in exceptional situations.

The second recommendation of this contribution states: 'Simplify the use of derogations within the aquaculture farms limits to authorize the controlled shoot to scare and shoot to kill combination that seems to provide a fair mitigation of predation effects.' There is no source for this statement, and we strongly doubt whether this combination will provide 'a fair mitigation of predation effects', particularly in the long term. Fish farms are far too attractive to predatory animals as feeding grounds for scaring a few and killing a few predatory animals to have a significant effect. To achieve a significant effect, much more drastic measures would be necessary, and because of the suffering these would cause, we do not want to contemplate such measures.

Concerning the recommendations of this contribution:

1. We can agree with this recommendation, but we want the harmonisation of compensation schemes to be combined with a requirement to better protect farmed animals against predation in the future.
2. We are against this recommendation because we think that the use of derogations should be limited rather than simplified.
3. We strongly support this recommendation, but we want it to apply to all animals that prey on fish and other aquatic animals farmed in aquaculture. We also propose adding that mitigation measures addressing these predatory animals should be financed if they are non-lethal and designed to minimise stress, injury or harm to the animals, in line with the species' protected status under the Birds and Habitats Directives.
4. We are against this recommendation because we do not want the EU to support and co-finance the European Management Plan for the Great Cormorant. From what we have seen so far, the ideas put forward by FAO-EIFAAC are far too focused on reducing the population, including through lethal methods, and do not pay enough attention to the development and use of effective measures to protect aquaculture farms against predation.

To summarise our opinion of this contribution: we strongly disagree with it. This contribution gives us the strange impression that the AAC believes that humans have the primary right to eat fish and are privileged over other animals. We think that, for example, birds that are specialised in preying on fish may have greater ecological claim to fish as a food source than humans, who have many choices regarding what to eat.



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