



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE.A.2/BVT

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

Dear Mr Brian Thomsen,

I would like to thank you for your mail including the “*AAC Recommendation on the stress test of the Birds and Habitats Directive*”. While your contribution will be analysed and taken into account as part of the stress test study, I would like to already react on the recommendations brought forward.

In this Recommendation, the Aquaculture Advisory Council asks the European Commission to:

- *Harmonise the **compensation schemes** for losses caused by protected species to aquaculture;*

I would like to point out that the design and operation of compensation schemes, including decisions on whether and how to compensate losses, remain the responsibility of the Member States, in line with the subsidiarity principle and the applicable EU legislation on nature conservation, state aid and fisheries and aquaculture support.

- *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;*

The Commission considers that the existing legislation already provides the necessary tools to respond, where justified, to serious damage by protected birds to aquaculture and fisheries or to protected fauna and flora or other relevant risks. In particular, Article 9 of the Birds Directive allows for derogations from the general protection regime under specific conditions, provided that there is no other satisfactory solution and that the measures taken are proportionate and duly justified. Through derogations, both non-lethal and lethal control methods can be used, if

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justified. Derogations are granted by the competent national authorities and there is no need of prior approval by the Commission. It is up to the Member States to design their regulatory framework in a way that ensures that derogation provisions are applied in line with the principle of legal certainty.

In March this year, the Commission published also a new guidance on the implementation of the Birds Directive, including a dedicated annex on the Great cormorant clarifying how derogation provisions can be applied and providing best practices from across the EU. The guidance aims to better explain the available flexibilities and to reduce administrative burden for national authorities while providing greater legal certainty for economic operators.

- *Provide and finance a **framework** to implement **preventative measures** to reduce and mitigate impact of cormorant predation on aquaculture;*

The Commission is not in a position to provide and finance such a framework. Further reflection is needed on its added value, its implications, and its relationship with the existing EU legal framework, including relevant environmental and nature protection legislation. The Commission believes that work on the issue of conflicts between the Great Cormorant and fisheries and aquaculture should continue on the basis of the best available scientific evidence, while fully respecting the applicable Union acquis and the respective competences at EU, national and regional level. In this context, the Commission remains ready to continue supporting the Member States and relevant stakeholders on the management challenges linked to the Great Cormorant.

I would like to remind you that the Commission updated the EU Cormorant Platform in 2024, which provides detailed information on how to deal with conflicts between cormorants and human interest ⁽¹⁾. The Commission issued Birds Directive guidance with a dedicated cormorant annex in March 2026. A call for tender for a Commission study was launched in June 2026 that will provide a stronger evidence base on population trends, impacts on fisheries, aquaculture and conflict management, including coordinated European censuses in 2027. A Member State exchange on challenges and good practices is planned for November 2026. In addition, a 2027 Staff Working Document on predator management under the “Strategic Guidelines for EU aquaculture” will also address cormorants.

- *To be actively involved 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.*

EIFAAC has prepared this framework benefiting from a grant provided by the EU (EMFAF) to compile and analyse information on the status of cormorant predation in Europe, on the measures applied to reduce its impact and to produce management advice for reducing the impact of cormorant predation on fish, fisheries and aquaculture.

The Commission will continue to engage with EIFAAC on this important topic.

(¹) https://environment.ec.europa.eu/topics/nature-and-biodiversity/birds-directive_en.

I am looking forward to our continued fruitful cooperation. Should you have further questions on this reply, please contact Ms Julia RUBECK, coordinator of the Advisory Councils (Julia.rubeck@ec.europa.eu; +32.2.296.88.89), who will forward them to relevant colleagues.

Yours sincerely,

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