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Mr Reine J. Johansson
Ms Ewa Milewska
Baltic Sea Regional Advisory Council
H.C. Andersens Boulevard 37, 3rd
DK – 1553 Copenhagen V
bsrac@bsrac.org

Subject: The Baltic Sea RAC resolution of 23.06.2009 on measures to solve the conflict between cormorants and fisheries

Dear Mr Johansson and Ms Milewska,

Thank you for your letter of 3 July 2009 in relation to the above-mentioned resolution. In the resolution, the Baltic Sea Regional Advisory Council calls upon the Commission to address the impact of Cormorants on fisheries through a number of measures comprising in the following order 1) the use of derogations under Article 9 of the Birds Directive¹, 2) a long-term Cormorant management plan and 3) the listing of Cormorants as a 'hunnable' species as per Annex II of the directive.

As indicated in your letter, Article 9 of the Birds Directive already sets out a derogation system that provides a tool to protect fisheries' interests. Member States can make full use of the derogation provisions to prevent serious damage by Cormorants to fisheries, where this is justified and in the absence of alternative solutions to protect the fisheries. Member States do not require prior agreement from the Commission before applying the derogations, but must have regard to the conditions set out in Article 9 (1) and (2) of the directive. If used in a more co-ordinated manner, this could contribute efficiently to reducing the impact of Cormorants on fisheries. The Commission is taking steps to prepare guidance on this issue.

As stated in its position to the European Parliament, in response to the Resolution of 4 December 2008², the Commission recognises the need for co-ordinated action but does not consider that an EU-wide management plan would be an appropriate measure to address this problem. There are several reasons for this. Under the Birds Directive there is no legally binding mechanism for an EU-wide management plan. Furthermore, as it was clear from earlier debates, there is no consensus between Member States on the type

¹ Council Directive 79/409/EEC, OJ L 103, 25.4.1979, p.1

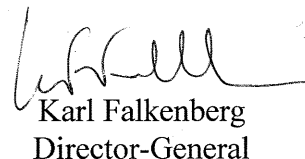
² <http://www.europarl.europa.eu/oeil/file.jsp?id=5666102> (doc ref. SP(2009)401).

of action to take, or on the need and value of managing Cormorant populations at a pan-European scale. If one Member State decides that there is no need for measures, the Commission cannot change that position. Also the Commission considers that it is not proportionate to argue for action at EU level to solve problems of a regional scale. Moreover, simply reducing the population will not necessarily reduce the numbers of Cormorants around the most attractive feeding sites or the impact on those fisheries and fish stocks. A combination of control and mitigation measures specific for each location has probably more chances of success than a general reduction of the population.

You also raise the possibility of adding the Cormorant to Annex II of the Birds Directive, listing the species whose hunting is permitted. However, putting the Cormorant on that list would not bring added value to the possibilities provided by the derogation system, even if there was an interest of hunting this species. The derogations can be used to respond appropriately, either by shooting or by other means, to the specific cases of localised impact of Cormorants on fisheries and fish stocks in certain regions. On the contrary, a general hunting permission would be less specific to address the impact of Cormorants on fisheries and would have a limited effect due to restrictions in respect of hunting seasons and national hunting legislation. In addition, for any considered control measures during the reproductive season, derogations would still be required under Article 9.

In addition to the above mentioned guidance, the Commission is also in favour of ensuring better scientific data and making available objective and updated information that could be widely accepted by all stakeholders regarding the populations and the biology of the Cormorants across the EU and their impact on fisheries. With this purpose in mind, the Commission is planning to establish a platform for exchange and dissemination of technical information in particular on mitigation, non-lethal and lethal measures, social and economical issues and data on Cormorant populations. This will be an opportunity to bring together relevant experts, officials and stakeholders to identify the best way forward. It will be useful to promote regional cooperation among neighbouring countries concerned by this issue.

Yours sincerely,



Karl Falkenberg
Director-General