

Questions to DG Environment, European Commission

Impacts of cormorant populations

Question: How does the Commission view the threat to natural fish populations in the light of recent documentation?

Answer: The Commission is aware that Cormorants can cause local damage to fisheries and aquaculture interests. The different projects and studies that it has supported (such as INTERCAFE¹) have documented available evidence. This knowledge is being shared on the EU Cormorant Platform² that has been set up by the Commission to assist Member States and stakeholders in managing Cormorant-fisheries conflicts.

Question: Will the Commission accept that many rivers cannot achieve good status (WFD) of the fish BQE due to the unsustainable predation pressure from cormorants?

Answer: The Commission is not aware of Cormorants posing a significant pressure on the status of EU water. According to the information reported by Member States, the main causes of the failure of the good status of EU waters are hydromorphological changes (including river fragmentation, which highly impacts fish) and diffuse pollution. This last pressure is particularly relevant for the Baltic Sea which suffers from serious eutrophication problems which directly affect fish populations. Cormorants have not been reported as a pressure in the latest reporting for the Water Framework Directive. In case you have scientific evidence of such pressure significantly affecting water status locally you can share this information with us.

Birds Directive and derogation measures

Question: Is the Commission likely to make changes to, or open the Birds Directive in the foreseeable future?

Answer: Following the fitness check of the Nature Directives in 2016³, the Commission does not have any plans for proposing amendments to the Birds Directive or its Annexes.

Furthermore, the Commission considers that the existing legal framework provides the necessary flexibility to enable Member States to manage conflicts between Cormorants and fisheries.

Question: Managers have expressed uncertainty as to what can be considered appropriate derogation measures with respect to the directive and EC supervision. From the

¹ <http://www.intercafeproject.net/>

²

https://ec.europa.eu/environment/nature/cormorants/home_en.htm#:~:text=The%20EU%20Cormorant%20Platform&text=This%20EU%20Cormorant%20Platform%20is,%2C%20fish%2C%20fisheries%20and%20aquaculture

³ The Commission findings of the Fitness Check are presented in the Staff Working Document published on 16 December 2016 - SWD(2016) 472 final -

http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

Commission's perspective, what derogation measures fit the Birds Directive? Is the Commission planning to issue guidance on this topic?

Answer: The Commission has published a dedicated guidance⁴ on the application of derogations under the Birds Directive to Cormorants, which clarifies the legal basis as well as key concepts such as preventing serious damage to fisheries.

It makes clear that the general concept of serious damage caused by Cormorant populations is relative and, as such, should be evaluated on a case-by-case basis where, and when, a conflict occurs.

- First, it clarifies that there should be economic damage to fisheries and/or also economic damage to fisheries-related recreational interests.
- Secondly, derogations issued under Article 9 of the Birds Directive are intended to prevent serious damage.
- Thirdly, there must be a basis for concluding that damage will be serious in the absence of action.

When exercising the flexibility under the Birds Directive to deal with the Cormorant-fisheries conflict it is essential to remain science-based. Furthermore, when it comes to mitigation measures, non-lethal solutions must be tested first and applied if effective in addressing the serious damage. It is only if these measures are demonstrated to be ineffective that lethal options can be taken.

Cross-border management – especially the Baltic/Nordic region

Question: It has been documented that the damage induced by cormorants is global or pan-EU, the same birds forage in coastal Baltic, Danish rivers, and Czech lakes. Does the Commission see such documentation provide a basis for cross-border management?

Answer: It is for each Member State to take the measures it considers necessary to address any conflicts that arise in relation to other interests, within the framework established by the Birds Directive. The scale of damage is very different from one region or country to another. The Commission considers that Member States have the necessary flexibility under the Birds Directive to address conflicts with Cormorants and that an EU Action Plan would not add to this. The Commission's guidance on the use of derogations fully outlines this possibility.

Furthermore, recent studies on Cormorant populations in Europe show that the composition of wintering populations is complex as birds from many breeding areas occur in each wintering area. This underlines the fact that it is very difficult to solve problems in specific wintering areas by management actions in specific breeding areas. Solutions should preferentially be sought at the local scale where conflicts occur, and where Cormorants can be excluded or discouraged from exploiting specific fisheries by various means, including lethal control where justified.

The Commission would welcome Member States sharing knowledge and information for the management of Cormorants, including in relation to their use of derogations, particularly with

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

neighbouring countries. However, this is not a substitute for each Member State taking decisions on the basis of the situation in its own territory.

Question: How does/would the Commission view the potential of a Nordic co-operation in Cormorant Management (joint management plan/ strategy)?

Answer: As indicated above, the Commission welcomes the sharing of knowledge and information for the management of Cormorants between Member States. Any joint management plan or strategy should be fully in line with the Birds Directive.

It is necessary to be aware that there has been a previous attempt at an international management plan under the Bonn Convention on Migratory Species to manage Cormorants. However, this clearly failed as no consensus could be reached between the parties. The Commission does not have any information to suggest that such an approach would be more effective or that it would bring any added value to the current approaches adopted at Member State level.

Question: The Commission supports AEWA. What kind of support could the EU provide for cormorant management and research in the Baltic / Nordic region?

Answer: The Commission has supported a range of initiatives under different EU programmes.

The work of the EU Cormorant Platform has been supported by the Commission which is open to further support where this would be strategically valuable to Member States and stakeholders.

Work on initiatives such as REDCAFE and INTERCAFE have been supported under EU research funding opportunities.

Member States can make use of the European Maritime, Fisheries and Aquaculture Fund (EMFAF) for a range of measures such as preventive and compensation measures. This fund pays great attention to the particularities and the difficulties of small-scale fishermen.