

### **Why an EU-wide management plan is not appropriate**

Whilst recognising the need for some co-ordinated action, the Commission does not consider that an EU-wide management plan is an appropriate measure to address this problem. There are several reasons for not drawing up a pan-European management plan. Under the Birds Directive 79/409/EEC<sup>2</sup> 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 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 regional scale.

Moreover, the Birds Directive does not require the Commission to identify or set minimum sustainable population levels for Cormorants. 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.

### **Envisaged action at EU level to tackle this issue**

As an alternative to an EU-wide management plan, Article 9 of the Birds Directive already sets out a derogation system that provides a tool to protect fisheries interests. If used by the Member States in a more co-ordinated manner, it could contribute efficiently to reduce the impact of Cormorants on fisheries. The Commission is taking steps to prepare guidance on this issue. The deliberate capture and killing of Cormorants, disturbance, destruction of their nests or taking of their eggs can only be allowed by Member States if it is in accordance with this derogation system. 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. Member States can make full use of the derogations provisions to prevent serious damage by Cormorants to fisheries, where this is justified and in the absence of alternative solutions to protect the fisheries. In case of conflicts with other species and habitats, the derogation provisions of the directive are equally applicable for the protection of fauna and flora. It is for each Member State to take the measures it considers necessary to manage populations and any conflicts that arise in relation to fisheries interests. Apart from the conditions laid down in Article 9, the Birds Directive does not contain provisions restricting the use of the derogations to particular locations or periods of the Cormorants' life cycle, as long as the objective of maintaining or adapting the level of populations of Cormorants is achieved. Derogations can be used to respond appropriately, either by scaring, shooting or by other means, to the specific cases of localised impact of Cormorants on fisheries and fish stocks in certain regions.

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<sup>2</sup> Council Directive 79/409/EEC, OJ L 103, 25.4.1979, p.1.

The Commission is also in favour of ensuring better scientific data and bringing together relevant experts, officials and stakeholders to identify the best way forward. The Commission agrees on the need to monitor Cormorant populations and to make 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.

In addition to the above mentioned measures, the Commission is also 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 useful to promote regional cooperation among neighbouring countries concerned by this issue.