



Brussels
MARE.C.1-D3/MAM-PCO

Dear Sir / Dear Madam,

I would like to thank you for sending us the document *Advice on lessons learned from the Dogger Bank process*. This detailed report gives a good overview of the different procedural steps, various challenges and suggestions coming from stakeholders involved in developing conservation measures for Dogger Bank Natura 2000 sites. This feedback has been already carefully considered during the last few months, as the Dogger Bank conservation measures are still in the process of being finalised by the regional group. During these months, we have had many exchanges with the regional group of Member States involved in the preparation of the joint recommendation as well as with different stakeholders. We are working relentlessly to achieve an optimal outcome, fully aligned with the scientific advice provided by Social, Technical and Economic Scientific Committee (STECF)¹ and Member States' legal obligations.

The report lists several recommendations, and I would like to address the specific points that are relevant for the Commission, notably on the consultation process and on the scientific procedure to evaluate joint recommendations.

The Commission agrees that the **engagement of stakeholders** is key to ensure transparency, a smooth process and a framework to exchange information and expertise. The appropriate involvement of the Advisory Councils is one of the principles of good governance, as stated in the common fisheries policy² (CFP). The relevant Commission's staff working document³ details the guidelines for stakeholder's participation in the establishment of conservation measures for Natura 2000 sites and for Marine Strategy Framework Directive purposes. It recalls the elements of good practice for a meaningful consultation, including timely disclosure of and easy access to relevant information, an indicative timeline, sufficient time for partners to analyse and comment on key preparatory documents, available channels through which partners may ask questions, provide contributions and are informed of the way in which their proposals have been taken into consideration, and dissemination of the outcome of the consultation. However, in accordance with the provisions of article 18 (2) of the CFP, the Advisory Council's

¹ https://stecf.jrc.ec.europa.eu/documents/43805/55543/STECF+19-04+-+OWP_JR_Dogger_Bank+-+report.pdf

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

³ Commission Staff Working Document on the establishment of conservation measures under the Common Fisheries Policy for Natura 2000 sites and for Marine Strategy Framework Directive purposes, 24.5.2018, SWD(2018) 288 final

consultation takes place before the joint recommendation is submitted to the Commission.

I would also like to stress the importance of active contributions from your side as NSAC. We strongly encourage you to present detailed advice and supporting information (including of scientific nature), if possible with consensus. If no consensus is possible, dissenting opinions shall be clearly reported. This way we can ensure that stakeholder's positions are documented, disclosed and available for consultation and understanding. I can assure you that over the last few months we have strongly encouraged the Scheveningen Group to involve the North Sea Advisory Council in the revision of the existing joint recommendation. The Commission will assess the (final) joint recommendation in light of the objectives and the scientific advice by the STECF, and I believe stakeholders input is important in this context.

This brings me to the point of the **scientific advisory process**. Conservation measures proposed under article 11 of the CFP need to be based on scientific evidence as stipulated in Article 11(3) of the CFP. Measures in the joint recommendation need to be clear and fit for purpose in line with Article 11(1) of the CFP. The obligations under Union environmental legislation and the conservation objectives of the sites concerned are the starting point of the process. Each joint recommendation submitted to the Commission and its supporting scientific information are evaluated by an independent scientific expert group – the STECF⁴. The STECF is the Commission's independent scientific expert group tasked to provide the best available scientific advice in support of matters pertaining to the conservation and management of living marine resources. The STECF uses, where available and where deemed necessary, peer reviewed and published scientific studies to evaluate the evidence provided. Based on scientific assessment, the Commission assesses if the proposed management measures are necessary for achieving the desired conservation objectives. If necessary, the Commission may ask the regional group to further align the measures to the scientific advice or to provide additional supporting information.

As stated at the beginning of this letter and in relation to the specific measures envisaged for the Dogger Bank, I would like to stress that the Commission is still working closely with the Member States concerned to agree on an appropriate set of measures necessary for achieving the conservation objectives of these sites in line with Article 11 of the CFP. We are currently expecting a revised version of the joint recommendation that addresses several concerns pointed out by the STECF in its final assessment. This revised version affects not only the Dogger Bank, but also other surrounding Natura 2000 sites and we expect to receive it in the coming weeks.

In this regard, please be assured that if the efforts at regional level fail to deliver a joint recommendation for the Dogger Bank in line with the legal provisions of Article 11 of the CFP and Article 6 of the Habitats Directive, the Commission will explore other options under the existing legal framework, including those laid down in Article 11 CFP or enforcement action if appropriate.

Let me also assure you that the Commission remains fully committed to achieve an effectively managed network of marine protected areas and to have the necessary fisheries management measures established in all marine protected areas according to

⁴ Members of the STECF shall act independently and the Commission appoints them following an open and transparent selection procedure, based on their expertise. STECF is consulted in accordance with the provisions of article 26 of the CFP.

clearly defined conservation objectives and on the basis of the best available scientific advice - these are some of the key commitments under the EU Biodiversity Strategy to 2030⁵. In order to have a process that works, we strongly encourage you to continue working together and not to disengage from the discussions at this advanced stage of the process.

I am looking forward to continuing our cooperation on this important issue.

Yours faithfully,

Charlina VITCHEVA
Director-General

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX:52020DC0380>