



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/C.5/PV/C.1/MAM il/Ares (2022)

Dear Mr Kenn Skau Fischer,

Thank you for your email received on 26 September 2022 [Ref. Ares (2022) 6623527] regarding a NSAC Advice on the fisheries regulation in five Danish Natura 2000 sites in the North Sea and Skagerrak (NSAC Advice Ref. 16-2122). I acknowledge the letter is addressed to the Danish Ministry of Food Agriculture and Fisheries, but I would like to take this opportunity to refer to some considerations as regards measures adopted under Article 11 of Regulation (EU) No 1380/2013⁽¹⁾.

The North Sea Member States (Denmark as initiating party) are working on conservation measures necessary to comply with obligations under EU environmental legislation and that will be proposed for the Natura 2000 sites of Thyborøn Stenvolde, Jyske Rev / Lillefiskerbanke, Store Rev, Gule Rev and Lønstrup Rødgrund.

Member States have identified vulnerable habitats and species within these Natura 2000 sites and, as you know, they can propose measures to protect reef structures pursuant to Article 6 of the Habitats Directive (Council Directive 92/43/EEC)⁽²⁾. In practice, they can propose fisheries conservation measures to ensure adequate protection of those reef structures that in the present case entail banning mobile bottom contacting gears on and around boulder reefs (habitat type 1170) and a prohibition of all fishing activities, both commercial and recreational, in areas with bubbling reefs (habitat type 1180). Should these proposed measures receive a positive assessment by the Scientific, Technical and Economic Committee for Fisheries (STECF), the Commission has to transpose the joint recommendation into a Delegated Regulation in accordance with Article 11 of the

⁽¹⁾ 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 (OJ L 354, 28.12.2013, p. 22).

⁽²⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

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Common Fisheries Policy (CFP). Furthermore, if/when Member States fail to comply with their obligations under the EU environmental legislation, the Commission is compelled to take legal actions against those Member States.

Having said this, I take note of your concerns. In particular, I appreciate the economic information provided, specifically the detailed explanation on the importance of the sites Gule Rev and Jyske Rev for the Belgian and Dutch beam trawling fleets. The Commission will strongly encourage Member States to engage in further discussions with the NSAC in order to better understand the situation and profit from the bottom-up approach that regionalisation provides.

It is important to bear in mind that any measures adopted to protect sensitive or vulnerable areas and/or species will inevitably have an impact. This may lead to prohibiting certain fishing activities when it is necessary to fulfil the ecological requirements of the sites that require protection. The CFP proposes a framework for implementing conservation measures to strengthen the protection of Natura 2000 sites, altogether contributing to comply with the EU's environmental obligations and delivering on environmental policies, such as the European Green Deal and the Biodiversity Strategy for 2030.

In this particular context, I recall the need to ensure an adequate balance between environmental concerns, conservation efforts, fisheries restrictions and their predictable impacts on diverse national fleets that traditionally operate in those areas, as well as the involvement and commitment of relevant stakeholders aiming ultimately to guarantee level-playing field within the fishing sector potentially affected by the proposed measures.

I thank you once again for this advice and I am looking forward to our continued engagement and fruitful cooperation on this important subject. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

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