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DRAFT REPORT

on the adoption of a European Cormorant Management Plan to minimise the increasing impact of cormorants on fish stocks, fishing and aquaculture (2008/2177(INI))

Committee on Fisheries

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the adoption of a European Cormorant Management Plan to minimise the increasing impact of cormorants on fish stocks, fishing and aquaculture (2008/2177(INI))

The European Parliament,

- having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹
 - having regard to the communication from the Commission to the Council and the European Parliament on the role of the CFP in implementing an ecosystem approach to marine management (COM(2008)0187),
 - having regard to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds² (the Wild Birds Directive),
 - having regard to the Commission communication on the reform of the Common Fisheries Policy (“Roadmap”) (COM(2002)0181),
 - having regard to the communication from the Commission to the Council and the European Parliament entitled ‘A strategy for the sustainable development of European aquaculture’ (COM(2002)511),
 - having regard to the conclusions of the meeting of the Agriculture and Fisheries Council of 27-28 January 2003 in Brussels,
 - having regard to its resolution of 15 February 1996 on the cormorant problem in European fisheries³,
 - having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁴,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0000/2008),
- A. having regard to the rapidly growing numbers of cormorants (*Phalacrocorax carbo*) in the territory of the European Union, the total population of which has grown twenty-fold over the past 25 years and is now estimated to comprise at least 1.7 to 1.8 million birds,
- B. having regard to the sustained damage which these birds can be shown to have done to

¹ OJ L 358, 31.12.2002, p.50.

² OJ C 103, 25.4.1979, p.1.

³ OJ C 65, 4.3.1996, p. 158.

⁴ OJ L 206, 22.7.1992, p.7.

aquaculture undertakings and numerous species of wild fish stocks along sea coasts and internal waterways in many Member States of the European Union,

- C. whereas the implementation of an ecosystem approach to the management of marine and coastal areas and internal waterways requires a balanced policy which can reconcile the differing but entirely legitimate objectives of the sustainable use of fish stocks: bird conservation and maintenance of diverse bird and fish fauna on the one hand, and the legitimate interest of fishermen and fish farmers in the economic use of fish stocks on the other; whereas, furthermore, Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel¹ sets an example for a balanced policy of this type,
- D. whereas there is at present no adequate bilateral or multilateral scientific or administrative coordination, either within the EU or with the third states concerned, to address this phenomenon and counteract this trend, particularly with a view to the collection of reliable and generally recognised data on the total cormorant population in the EU,
- E. whereas the sub-species *Phalacrocorax carbo sinensis* ('continental cormorant') was deleted from the list of bird species to which special conservation measures applied as far back as 1997 (Annex I of the Wild Birds Directive), since it had attained a favourable conservation status by 1995 at the latest, while the subspecies *Phalacrocorax carbo carbo* ('Atlantic cormorant'), which had never been endangered, was not included on that list at all,
- F. whereas Article 9 of the Wild Birds Directive permits the Member States and regions to take temporary measures to prevent 'serious damage', provided that this does not jeopardise the conservation aims of the Directive (specifically, the favourable conservation status of the bird species in question),
- G. whereas the risk of serious damage increases disproportionately the closer the cormorant population in a given region approaches the carrying capacity of the region's large waters, thus at the same time greatly reducing the effectiveness of local defensive measures,
- H. whereas the term 'serious damage', which is not clearly defined in the Wild Birds Directive,² and is the criterion permitting Member States to take direct action to regulate a bird population, has led to considerable legal uncertainty in national administrations and represents a major potential source of social conflict,
- I. whereas the conclusions of the international committees of experts on the cormorant problem in Europe contradict each other at a fundamental level, as the concluding reports by REDCAFE³, FRAP⁴ and EIFAC⁵ show,

¹ OJ L 248, 22.9.2007, p.17.

² Article 9(1)(a), second indent.

³ REDCAFE (Reducing the Conflict between Cormorants and Fisheries on a Pan-European Scale) is a project funded by the Commission under the 5th Research and Development Framework Programme, concluded in 2005.

⁴ FRAP (Framework for Biodiversity Reconciliation Action Plans) is a project funded by the Commission under the 5th Research and Development Framework Programme, concluded in 2006.

⁵ EIFAC (European Inland Fisheries Advisory Commission) is a FAO regional fisheries advisory body for inland

- J. whereas, although the approval and funding of measures to restrict cormorant damage falls within the area of responsibility of the Member States and/or regions, the migratory nature of the cormorant means that sustainable management of populations can only be ensured by coordinated action by all affected Member States and regions with the help of the European Union,
- K. whereas the Commission, in its communication ‘A strategy for the sustainable development of European aquaculture’, in the section headed ‘Predation by protected species’, states that: ‘Aquaculture facilities may suffer from predation by some protected wild species of birds and mammals. Predation may significantly reduce the profitability of an aquaculture enterprise and predator control is difficult, especially in large extensive ponds or lagoons. The efficacy of scaring devices is doubtful, because animals quickly become used to them. In the case of cormorants, probably the only protection for fisheries and aquaculture activities consists in the management of the still-growing wild populations’,
- L. whereas the Council, at its meeting of 27-28 January 2003, in connection with a strategy for the sustainable development of European aquaculture, said that it ‘is also necessary to develop a common strategy on fish-eating animals (for instance, cormorants)’,
- M. having regard to the Guidelines for Population Level Management Plans for Large Carnivores¹ recently distributed by the Commission, particularly as regards the clarification of the terms ‘favourable conservation status’ and ‘minimum viable population’, and the observation that it may be easier to achieve the conservation aims if the number of individuals of a species is kept below the theoretical maximum carrying capacity of an area,
- N. whereas the wide variety of national, regional and local measures attempted so far have clearly had only a very limited impact in restricting damage by cormorant populations,
- O. whereas in recent years the available resources for data collection in the fisheries sector (e.g. budget heading 11 07 02: Support for the management of fishery resources (improvement of scientific advice)) have not been fully exploited,
- P. whereas the derogations for local damage prevention currently in force in nearly all Member States under Article 9 of the Wild Birds Directive have not led to a sustainable alleviation of the problem in spite of considerable administrative expenditure and social costs,
- Q. whereas, in spite of repeated requests from those affected (fishermen’s and anglers’ associations, aquaculture undertakings, etc.), from the scientific world and from bodies and delegations from the Member States and regions, the Commission has not been prepared to submit new proposals to resolve this Europe-wide problem,
1. Calls on the Commission and the Member States, by promoting regular scientific research, to provide reliable and generally recognised data on the total size and structure of

fisheries and aquaculture.

¹ See: http://ec.europa.eu/environment/nature/conservation/species/carnivores/index_en.htm.

cormorant populations in Europe, as well as their fertility and mortality parameters;

2. Proposes that, by means of systematic monitoring of cormorant populations supported by the EU and the Member States, a reliable, generally recognised and annually updated database be drawn up on the development, size and geographical distribution of cormorant populations in Europe;
3. Calls on the Commission to put out to tender, and finance, a scientific project aimed at supplying an estimation modal for the size and structure of the total cormorant population on the basis of currently available data on breeding population, fertility and mortality;
4. Calls on the Commission and the Member States to foster in an appropriate manner the conditions for bilateral and multilateral scientific and administrative exchanges, both within the EU and with third countries;
5. Calls on the Commission to carry out a comparative study of the contradictory conclusions concerning a cormorant management plan reached by REDCAFE on the one hand and FRAP and EIFAC on the other;
6. Calls on the Commission to set up a working party with a binding mandate to carry out within one year a systematic study of the stakeholders' positions and arguments for and against a pan-European cormorant management plan, to assess their plausibility on the basis of logical and scientific criteria and to submit a recommendation;
7. Calls on the Commission to submit a cormorant population management plan in several stages, seeking to integrate cormorant populations in the long term into the cultural landscape without jeopardising the objectives of the Wild Birds Directive and Natura 2000 as regards fish species and marine and freshwater ecosystems;
8. Urges the Commission, in the interest of better legal certainty and uniform interpretation, to provide without delay a clearer definition of the term 'serious damage' as used in Article 9(1)(a), second indent, of the Wild Birds Directive;
9. Calls on the Commission to investigate whether – as with corvids, for example – it might be possible to simplify the administrative process by including both subspecies of cormorant (*Phalacrocorax carbo carbo* and *Ph. carbo sinensis*) on the list of species whose hunting is permitted (Annex II of the Wild Birds Directive);
10. Urges the Commission and the Member States to promote the sustainable management of cormorant populations by means of increased scientific and administrative coordination, cooperation and communication, and to create appropriate conditions for the drafting of a Europe-wide cormorant population management plan;
11. Calls on the Commission to consider all the legal means at its disposal to reduce the negative effects of cormorant populations on fishing and aquaculture and to take into account, when developing its initiative for the promotion of aquaculture in Europe, the positive effects of a Europe-wide cormorant population management plan and, where appropriate, to propose solutions to the cormorant problem in this context;

12. Calls on the Commission and the Member States to make some of the funds earmarked in the EU budget for data collection in the fisheries sector, in particular under heading 11 07 02: ‘Support for the management of fishery resources (improvement of scientific advice)’, available for investigations, analyses and forecasts of the cormorant population in the territory of the European Union, in preparation for the future regular monitoring of these species;
13. Instructs its President to forward this resolution to the Council and Commission, and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

The cormorant (*Phalacrocorax*) is a genus belonging to the order steganopods (*Pelecaniformes*). It is a medium-sized to large water-bird which breeds in colonies and is distributed all over the world¹. The commonest species of cormorant in Europe is the Great Cormorant (*Phalacrocorax carbo*), with the two barely distinguishable subspecies *Phalacrocorax carbo carbo* ('Atlantic cormorant') and *Phalacrocorax carbo sinensis* ('Continental cormorant'). They are indigenous to Europe, and are found both on sea coasts and around inland waters. Inland they favour large waters, although they also hunt in smaller rivers in low mountain ranges. Cormorants are partially migratory: after the breeding season they disperse over greater or lesser distances. Cormorants in the cool temperate zones of the northern hemisphere, in particular, often migrate hundreds of kilometres south in winter.

Cormorants eat nothing but fish, requiring 400-600 g per day. They are opportunists in the sense that they do not have any preference for particular species of fish but eat whichever are easiest to catch in the waters where they are. They most commonly catch fish between 10 and 25 cm long, but can also catch and consume fish up to 60 cm and 1 kg.

When hunting, cormorants dive from the surface in a straight line and then actively pursue their prey, which they catch in their beaks and take to the surface. As highly colonial birds, cormorants mostly fly to hunting waters in relatively large flocks. Upon arrival they then normally each hunt individually, but often also hunt in groups ranging from 25 to several hundred birds, which first surround the fish, with the result that in some waters they are able to consume a high percentage of the fish population in a relatively short time. As cormorants are large, long-lived birds, which start to breed only at the age of 3 to 5 years, the total population in Europe is probably around (at least) 1.7 to 1.8 million birds².

The Wild Birds Directive (79/409/EEC) of 1979 and the measures based on it to protect their breeding sites are among the instruments which have led to a disproportionate growth in the cormorant population, and the birds have now also taken up residence far outside their traditional breeding grounds in regions where they used never to occur.

This large population has had a direct impact on local fish populations and on fishing in many areas of the European Union, so that the presence of cormorants has become a problem throughout Europe.

In order to clarify the problem of fish stocks in coastal and inland waters, it may be observed that, with a daily consumption of 400-600 g fish, cormorants take more than 300 000 tonnes of fish from European waters every year. In many Member States this is many

¹ Cormorants have extremely large distribution areas and are found on every continent except Antarctica, but are not found in the extensive continental and arid areas of Central Asia, North America and Africa where there are few surface waters, as their diet consists exclusively of fish.

² The figures relate to the three European subpopulations *Ph. carbo carbo* (Norway, British Isles, Western France: moderate increase from 30 000 to 39 000 breeding pairs), West European *Ph. carbo sinensis* (increase from 5000 to 136 000 breeding pairs) and East European *Ph. carbo sinensis* (main areas: the Danube, Black Sea, Ukraine: increase from 5000 to 113 000 breeding pairs). As a rule of thumb for the estimation of the total population, the following formula can be used: 'number of breeding birds x factor 2.8' (Suter 1995). A similar order of magnitude also results when the non-breeding age cohorts are estimated.

times more than the volume of edible fish produced by professional inland fishermen and fish farmers. 300 000 tonnes is more, for example, than the combined fish production from aquaculture of France, Spain, Italy, Germany, Hungary and the Czech Republic.

Particularly serious are the losses of fish species which are already endangered, such as eel, grayling, nase and other species which spawn on gravel beds, as well as smolts. Fishing with nets also suffers not only from the reduced catch opportunities but also from direct damage due to torn nets.

So far there has not been any EU-wide coordination of such measures and/or harmonisation of national legal bases in this field. Two projects financed by the European Commission under the 5th Framework Programme for Research and Development¹, FRAP (completed in 2006) and REDCAFE (completed in 2005), dealt inter alia with the conflict of interests between fish farming and the protection of birds in the case of cormorants, on which they reached different conclusions.

At international level, the issue of cormorants was already discussed in 1994 at the meeting of the CMS Scientific Council², with the recommendation that a cormorant management plan be drawn up, although this did not then lead to any list of practical measures.

Official EU positions on a common strategy to solve the cormorant problem have existed since 1996³. Recently, in November 2007, the Bonn Conference of EIFAC⁴ (European Inland Fisheries Advisory Commission of the FAO) adopted a list of specific recommendations on a European Cormorant Management Plan. A majority of members of the AFCA (Advisory Committee on Fisheries and Aquaculture) have likewise expressed themselves in favour of such a plan⁵.

The measures permitted hitherto in individual Member States nearly all have the aim only of keeping cormorants away from certain waters or scaring them away, i.e. diverting them to other waters where the danger of damage is considered to be less.

Of the numerous methods employed, the one which has proved most effective in intensive farming in ponds has been suspending physical barriers above the ponds. In the case of larger ponds and open waters, where this is not a practicable option, measures were most effective if the scaring effect was reinforced by shooting individual birds⁶. Quite apart from the considerable expense, however, the effectiveness of all methods of scaring is limited because they only work if the total number of birds in the region is relatively small, so that they can find enough food in other nearby waters.

So far, measures and interventions in breeding colonies have only been permitted in a few

¹ Cf. www.frap-project.net and www.intercafeproject.net: INTERCAFE, financed under the COST programme as a follow-up to REDCAFE, is expected to be completed in autumn 2008.

² Convention on the Conservation of Migratory Species of Wild Animals (CMS): see www.cms.int

³ Cf. EP resolution B4-0138/96 and the Conclusions of the Fisheries Council of 28 January 2003.

⁴ <ftp://ftp.fao.org/docrep/fao/010/i0210e/i0210e00.pdf>

⁵ http://ec.europa.eu/fisheries/dialog/acfa090408_en.pdf

⁶ Between 1996 and 2002 the State of Bavaria approved the shooting of some 23 000 cormorants; France approved the shooting of some 30 000 in 2003-2004, without any significant impact on the number of cormorants wintering in the region.

Member States, and even there – with the exception of Denmark – only in a few individual cases.

So far, reducing the number of breeding sites has been the only factor which succeeded in bringing about a lasting reduction in the distribution of cormorants. Other available measures, such as destroying nesting places, disturbing birds during the breeding season or spraying the eggs with oil, have for various reasons proved too labour- or cost-intensive or politically controversial to be used systematically.

Legal situation

The cormorant is a naturally occurring bird genus and as such covered by Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds¹. Unlike the subspecies *Phalacrocorax carbo carbo* ('Atlantic cormorant'), which has never been endangered, the subspecies *Phalacrocorax carbo sinensis* was originally listed in Annex I as a bird species to which special conservation measures applied. However, in 1997 it was deleted from this list, as the state of the population had ceased to be unfavourable in 1995 at the latest.

As the cormorant is not included in the lists of species whose hunting is permitted by the Wild Birds Directive (Annexes II.1 and II.2), regular hunting is impossible. Like all other naturally occurring species, the genus as a rule enjoys virtually complete protection, for example as a result of the ban on deliberately trapping or killing them, deliberately damaging or destroying their nests or eggs, or deliberately disturbing them, particularly during the breeding season.

However, under the Wild Birds Directive² Member States may derogate from these strict conservation measures 'to prevent serious damage to crops, livestock, forests, fisheries and water' or 'for the protection of flora and fauna', where there is no other satisfactory solution. In order for such a derogation to be permitted, however, clear proof must be provided that there is a danger of 'serious damage'³.

In the absence of conclusive evidence of damage to fishing grounds and to wild fauna and flora which would justify a derogation, such actions would violate the Wild Birds Directive. In practice it seems that the concept of 'serious damage' caused by a bird species is interpreted in different ways, and a clearer definition of it is therefore required. Member States or their *Länder* and regions are therefore responsible for approving local or regional measures to reduce damage by cormorants.

In recent years there have been various examples restricted in space or time: e.g. shooting permits for certain areas (Sweden, Poland, Italy, Denmark, Germany, Austria), for certain periods (Romania, Estonia) or for fixed quotas (France, United Kingdom, Slovenia); in particular cases approval has also been granted for intervention in breeding colonies (felling of nesting trees, rendering eggs infertile). In some Member States which are also important as breeding areas (e.g. the Netherlands, Finland, Belgium), on the other hand, no measures of

¹ OJ C 103, 25.4.1979.

² Article 9(1)(a), second and third indents.

³ While production of 'scientific proof' of damage having occurred is often and keenly called for, it is not needed in every individual case and certainly not where damage has already occurred. Under the terms of the Directive it would be sufficient to have plausible indicators that the *danger* of serious damage existed. However, it would be for the competent authorities to judge the validity of the case.

any kind are permitted against cormorants, even where manifest damage is occurring.

The rapporteur considers that, although primary responsibility in this field rests with Member States and their regional or local authorities, it has already been demonstrated that purely local and/or national measures are not capable of reducing for any length of time the impact of cormorants on European fish stocks and fishing. A common, legally binding approach which is accepted and applied throughout Europe would therefore not only be desirable but absolutely essential, and would also have the advantage of creating greater legal certainty for all interest groups concerned.

Bearing in mind also the very considerable mobility of the cormorant as a migratory bird, a coordinated action plan or management plan for the whole of Europe seems the only effective approach, and this need not by any means be regarded as contrary to the aims of the Wild Birds Directive of 1979. Such a plan would, after all, naturally guarantee the central conservation aims of the Directive, particularly the 'good conservation status' of the genus. The aim is not to regulate the cormorant population as an end in itself but to strike a balance between different but perfectly legitimate aims, in the interests of the sustainable use of fish stocks: bird conservation and maintenance of diverse bird and fish fauna on the one hand, and the legitimate interest of fishermen and fish farmers in the economic use of fish stocks on the other.

To this end, up-to-date, reliable data on the actual cormorant populations are also needed, as the figures available so far not only seriously contradict one another but are often based on different criteria (subspecies, different geographical demarcations, breeding populations, etc.).