

WRITTEN QUESTION E-2580/08

by Cornelis Visser (PPE-DE) and Lambert van Nistelrooij (PPE-DE)
to the Commission

Subject: Spring mussel seed harvesting in the Dutch part of the Wadden Sea

On 27 February 2008 the Dutch Council of State overturned the decision of the Minister of Agriculture, Nature and Food Quality whereby the Minister had upheld, following a complaint, the issuing of a licence to existing licence-holders for spring mussel seed harvesting in the Wadden Sea in 2006. Consequently the Minister decided not to issue a licence for spring mussel seed harvesting in the Wadden Sea this year.

Is the Commission aware of this judgment of the Council of State, and does it support the underlying interpretation of the Wild Birds Directive (79/409/EEC)¹ and the Habitats Directive (92/43/EEC)²?

Does the Commission agree with us that the Dutch Minister of Agriculture, Nature and Food Quality made an appropriate assessment in connection with a type 1110 habitat?

Does the Commission consider that the knowledge gaps referred to by the Council of State in its judgment are sufficient to constitute an obstacle to the issue of licences, particularly taking into account the extensive research on which the revised Dutch shellfish fishery policy is based?

Can the Commission state whether German or Danish mussel fishers are permitted to fish for mussels or harvest mussel seed in the same type of habitat in the Wadden Sea this year? What is the situation in the United Kingdom?

Does the Commission consider that the Netherlands, in implementing the Wild Birds and Habitats Directives, took sufficient account of the economic, social, cultural and regional aspects of the Directive and is the Netherlands right to exclude Article 2(3) of the Habitats Directive from the direct effect of that directive?

Is the Commission prepared to assess this directive and, if necessary, revise it now that it is clearly having unintended consequences for a regional industry as well-established as the mussel sector?

¹ OJ L 103, 25.4.1979, p.1.

² OJ L 206, 22.7.1992, p.7.