



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR FISHERIES AND MARITIME AFFAIRS

The Director-General

Brussels, 14.09.2007 D 10112
FISH/A/2/LMA/rs D(2007)

Ingvild Harkes
Pelagic RAC
P.O. Box 72
2280 AB Rijswijk
Netherlands

Subject: Pelagic RAC recommendations SACs

Dear Mr Harkes,

Thank you very much for your letter of 16 July including your recommendations on the proposed Irish Special Conservation Areas.

I would like to take this opportunity to reply at the same time to a letter from the NWWRAC on the consultation procedure on SACs.

The role of the CFP in the implementation of fisheries management measures in Natura 2000 marine sites is clearly outlined in the 'Guidelines for the establishment of the Natura 2000 network in the marine environment. Application of the Habitats and Birds Directives'. The guidelines were published last May and are available at http://ec.europa.eu/environment/nature/nature_conservation/natura_2000_network/marine_issues/index_en.htm. The Commission in consultation with stakeholders and scientific advisers must assess the proposed areas and proposed conservation measures. On the basis of Article 37 of the European Treaty the Council of Ministers, based on a proposal by the Commission, adopts measures regulating fisheries under the CFP.

The criteria for selecting candidate Sites of Community Importance are established by Annex III of the Habitats Directive¹. Member States have developed different public participation processes when carrying out the selection of Natura 2000 sites. This may include the RAC and other sectoral stakeholders.

While we agree that it would be very useful for the process if Member States could provide comprehensive information on proposed sites to the relevant RACs at an early stage, there is no obligation for Member States to consult the RACs.

¹ http://ec.europa.eu/environment/nature/nature_conservation/eu_nature_legislation/habitats_directive/pdf/hab-an3en.pdf

In accordance with the objectives of the Habitats Directive to protect vulnerable species and habitats, Member States must select their sites on the basis of scientific information. However the Commission follows a consultation process before proposing specific fisheries management measures under the CFP. RACs should play an important role in providing information about fisheries activities in those sites. We also envisage that scientific bodies such as ICES and STECF should peer-review the information as part of the process.

As regards the Pelagic RAC request that pelagic fishing vessels be exempted from any closures proposed and specifically be exempted from the proposed Irish SACs, the Commission agrees with the Irish request as it stands and will propose a prohibition on all active and passive fishing gear use in the areas, as requested by the Irish authorities. The rationale behind this is that although pelagic fishing above the bottom will not damage deep water habitats, it would be very difficult, according to our control experts, to ensure an efficient compliance control of the protection measures in such small areas unless all fishing vessels are excluded from such areas.

We look forward to working with you and would be very happy to consider any suggestions to ensure a more defined consultation procedure that will certainly involve the relevant RACs at an earlier stage.

Yours sincerely,



Fokion FOTIADIS