



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

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FF D(2008)

Hugo Andersson
Chairman of the NSRAC
NSRAC Secretariat
Woodhill House
Westburn Road
Aberdeen AB16 5GB
Scotland

Subject: Response time for notification of Natura 2000 fisheries management measures.

Dear Mr Andersson,

Thank you for your letter of 17 April 2008 expressing your concerns about the consultation procedure for introducing fisheries management measures in future Natura 2000 areas in Community waters and asking us to reconsider the time frame for the consultation procedure under Article 9 for the specific case of the Dutch Voordelta.

The Commission recommends that Member States' requests for fisheries management measures are submitted at an early stage in the process of designation of marine Natura 2000 sites. As you know, different procedures apply depending on the jurisdiction in which the areas are located.

If proposed sites are located beyond 12 nm of the Member States' coast, they must submit a formal request for adoption of fisheries management measures to the Commission. The Council, based on a proposal by the Commission, may adopt such measures under the CFP.

If proposed sites are located in territorial waters (within 12 nm of the coast), Member States can take fisheries management measures to minimise the effects of fishing on marine ecosystems in those areas but only after the Commission, Member States affected and RACs concerned have been consulted.

In both cases, Member States are encouraged to provide the relevant RACs with comprehensive information on proposed sites and fisheries management measures from the beginning of the process. Such early consultation is particularly important in the second case, where Article 9 applies and the time frame for consultation is very tight.

The Commission strongly recommends RACs to start working on their opinion as soon as they receive the first information from Member States without waiting for submission of the formal notification, which in practice leaves them with only 5 working days to provide their opinion.

While we are aware that it will be difficult for all parties to make comments on the Dutch proposal in the tight time frame for consultation under Article 8, we nevertheless have to comply with current legislation.

In the specific case of the Voordelta, the Dutch Authorities held an informal consultation round as part of the pre-notification procedure, explaining their plans and giving the Member States concerned, the NSRAC and the Commission an opportunity to make comments on the basic documentation. You say in your letter that on 7 April 2008 the Dutch Authorities gave a presentation to your Demersal Working Group on the Dutch management plan for the relevant Natura 2000 area. This informal consultation round has given all of us more time to work on our comments.

We understand that this is a new procedure, and we will need some time before it is up and running. However, we regret to say that we are not in a position to grant you 4 weeks from the notification date to respond, as you request in your letter.

The formal notification for the Dutch Voordelta under Article 9 will be made on 5 May 2008. This means that, from that date, the Member States concerned and the North Sea RAC will have five working days to submit their comments. Subsequently, the Commission will have ten working days to take a decision.



Fokion Fotiadis

c.c.: Ms Bruno, Mr Theophilou, Ms Schirmer,
Mr Papoulias (DG ENV)