



**EUROPEAN COMMISSION**

**DIRECTORATE-GENERAL  
ENVIRONMENT**

Directorate D - Implementation, Governance & Semester  
ENV.D.3 - Enforcement, Cohesion Policy & European Semester, Cluster 3

Brussels, 13. 08. 2013  
Our ref: Ares(2013)

[REDACTED]  
Porthcawl Environment Trust  
[REDACTED]

Dear [REDACTED]

**Subject: CHAP (2010) 02552 concerning harbour porpoise protection**

I would like to provide you with an update on your complaint file. As you will be aware we received a wide ranging complaint and expert report on the failure to propose protection sites for the harbour porpoise from WWF. As a result of our investigations we have now decided to follow this matter up with infringement action under Article 258 of the Treaty on the Functioning of the European Union. A letter of formal notice was addressed to the UK Government on 21 June 2013. The Commission raised concerns about the failure to identify for the protection of the harbour porpoise for a number of sites including the Outer Bristol Channel concluding that the United Kingdom had failed to ensure compliance with its obligations under Article 4(1) of the Habitats Directive 92/43/EEC and in turn failed to make any substantial contribution towards the establishment of a coherent network of sites for the species in breach of its obligations under Article 3(2) of that Directive.

The Commission also raised concerns that the delay in proposing this site for the species under Article 4(1) of the Habitats Directive has meant that potentially damaging activities such as fishing and projects with the potential to cause acoustic disturbance have not been adequately considered. These include, for example, offshore windfarm developments such as those being considered in the Outer Bristol Channel which are being allowed to progress potentially without sufficient regard to the needs of the protection of the species as would have been the case had these areas been proposed for designation as Special Areas of Conservation for that interest under the Directive. We are now waiting for the reply of the UK authorities and will keep you informed of our further assessment of this file.

Yours sincerely

  
Günter Raad  
Acting Head of Unit