

NATURE LEGISLATION

Fit for purpose and in need of action

#NatureAlert



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Natura 2000 covers 1.106.610 km², larger than the combined area of France and Germany. It is estimated that 65% of EU citizens live within 5 km of a Natura 2000 site, and 98% live within 20 km.

The Birds and Habitats Directives form the backbone of nature conservation in Europe and have led to the establishment of the Natura 2000 network of protected areas, covering 18% of Europe's land and 6% of its seas. Thanks to these Directives we've seen a spectacular recovery of iconic species such as the Iberian Lynx, the White-tailed Eagle, the Brown Bear and the Beaver.

Greater efforts will however be needed to effectively protect EU nature. The successes where the legislation has been well implemented and enforced are currently outweighed by poor national enforcement and severe underfunding in several Member States, as well as negative impacts on nature from other EU policies. This has led to continued loss of Europe's biodiversity. The latest European Commission and European Environment Agency (EEA) report on the State of Nature in the EU shows that only 23% of protected animals and plants and just 16% of protected habitats under the Habitats Directive are considered in favourable status; the rest are depleted or under threat.

The European Commission is currently carrying out an evaluation (so-called "Fitness Check") of the Birds and Habitats Directives and is considering revising them. **We believe, along with Member States, MEPs, progressive businesses, NGOs and more than half a million Europeans, that a revision of these Directives could create a long period of legal uncertainty and further undo the fragile recovery of species and habitats in Europe, and jeopardise achieving the biodiversity strategy towards 2020. Instead of a revision, the well-known root causes which slow the progress towards halting the loss of biodiversity should be tackled.**

The ongoing Fitness Check of the EU Nature Directives must not tamper with the existing legal texts but should instead be used as an opportunity to:

- 1** Ensure that EU nature legislation is fully and effectively implemented and enforced across all EU member states;
- 2** Improve coherence between biodiversity and relevant sectoral policies (e.g. agriculture, forest, energy);
- 3** Invest in nature via more biodiversity friendly financial and fiscal policies;
- 4** Ensure effective transparency and public participation to allow people and nature to work together.

ACTIONS NEEDED

to effectively protect Europe's nature

“Member States have also dragged their feet in implementing EU nature legislation. Even more than 20 years after the adoption of the Habitats Directive, many Natura 2000 sites have no clear conservation objectives, nor protection measures.”

Karmenu Vella, EU Commissioner for the Environment, Maritime Affairs and Fisheries

1 ENSURE THAT EU NATURE LEGISLATION IS FULLY AND EFFECTIVELY IMPLEMENTED AND ENFORCED ACROSS ALL EU MEMBER STATES

The lack of implementation and enforcement of the Nature Directives is recognised as a bottleneck by the European Environment Agency and the European Commission. Their research has shown that *“when implemented well, conservation measures work and improve the status of species and habitats on the ground”*¹.

While the Natura 2000 network has been largely completed on land, the network remains substantially incomplete in most marine regions. The marine network is currently just over halfway from meeting the 10% globally agreed target².

Nature protection also does not stop by simply designating sites. Site specific management plans are crucial to enact conservation measures and ensure a healthy balance between environmental, economic and social interests. Unfortunately, Member States have been slow in preparing and implementing these management plans. More than 40% of nature protected sites across Europe still don't have management plans; and where plans are drafted; they often exist only on paper.

Member States should step up their efforts to fully and more effectively implement the Birds and Habitats Directives, in particular by completing the designation of the Natura 2000 sites, and ensuring sufficient legal protection and management at site, national and biogeographic levels. Illegal activities (often condoned by national authorities) must be brought under control through improved inspections and sanctions, better access to justice for civil society and use of modern technologies such as remote sensing.



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¹EEA (2015), State of nature in the EU: biodiversity still being eroded, but some local improvements observed, consulted at <http://www.eea.europa.eu/highlights/state-of-nature-in-the/> ²European Commission (2015), Mid-term Review of the EU Biodiversity Strategy to 2020, Staff Working Document Part 1, page 20.



Krka National Park, Croatia © WWF Croatia

2 IMPROVE COHERENCE BETWEEN RELEVANT SECTORAL POLICIES (E.G. AGRICULTURE, FORESTS, ENERGY...) AND BIODIVERSITY

The 2015 State of the Environment Report (SOER) identifies intensive agriculture, along with urban sprawl and grey infrastructure as key pressures on biodiversity⁴. Data shows that pollution from pesticides and fertilisers are threatening 26% of species⁵ and more than 40% of rivers and coastal water bodies are affected by diffuse pollution from agriculture⁶. One of the key reasons is the new Common Agricultural Policy (CAP)⁷ and its implementation.

National governments are also allowing a wide range of damaging projects, for example the construction of small hydropower projects in Natura 2000 protected areas which are leading to fragmented river habitats affecting fish populations. Countries, in particular across Central and Eastern Europe, are allowing these projects detrimental for biodiversity – often supported by EU funds.

Also the lack of sustainable forest management is posing a threat to nature. Favourable conservation status assessments of forest habitats of European importance have in fact decreased from nearly 17% to about 15% in the latest assessment, instead of improving⁸.

To tackle these external pressures on biodiversity, national and EU decision makers must ensure a proper and effective integration of biodiversity protection measures in all relevant national and EU policies.

3 INVEST IN NATURE VIA MORE BIODIVERSITY FRIENDLY FINANCIAL AND FISCAL POLICIES

The economic benefits that flow from the Natura 2000 network are estimated to be worth €200-300 billion per year, with a total of about 4.5 million jobs being supported directly in and around these sites⁹. This is a

⁴ European Commission (2015), Mid-term Review of the EU Biodiversity Strategy to 2020, page 8 / ⁵ European Commission (2015), Mid-term Review of the EU Biodiversity Strategy to 2020, Staff Working Document Part 1, page 14 / ⁶ EEA (2015), State of the Environment 2015 / ⁷ Pe'er, G. et al (2014), EU agricultural reform fails on biodiversity, Science vol. 344, issue 6138 / ⁸ European Commission (2015), Mid-term Review of the EU Biodiversity Strategy to 2020, page 10 / ⁹ European Commission (2013), The Economic Benefits of Natura 2000 Network.

massive return on investment, considering the financial needs of managing Natura 2000 are estimated at around €5.8 billion year – a tiny fraction of the network's worth to society. For example, the full implementation of Natura 2000 in Spain is expected to result in a GDP increase between 0.1-0.26% and to generate over 12.000 new jobs¹⁰.

Member States are however not investing the required €5.8 billion annually, and only a very small share of EU budget is currently directed to Natura 2000. From the 2007-2013 EU budget between €550-1,150 million was invested in the Natura 2000 network (only 9-19% of the costs). While more funding is made available through EU structural funds¹¹, Member States are not using these opportunities to invest in nature.

Member States and the European Commission should act on their many existing commitments to reform environmentally harmful subsidies¹², including unsustainable agriculture (through the CAP) and energy policies, in line with global commitments made at UN level, while investing more in nature conservation and sustainable development.

4 ENSURE EFFECTIVE TRANSPARENCY AND PUBLIC PARTICIPATION TO ALLOW PEOPLE AND NATURE TO WORK TOGETHER

Europeans have expressed wide support for EU nature protection. More than half a million people have spoken out in favour of the current legal framework, and asked for it to be fully implemented and enforced, during the recent European Commission public consultation on the Nature Directives. The most recent Eurobarometer has further confirmed that more than 80% of Europeans are concerned about the loss of biodiversity.

A growing number of businesses are advocating for a more sustainable and efficient use of natural resources as central for their development, showing that through dialogue between stakeholders, nature and business can thrive side by side. The European Commission has for instance been developing guidance documents prepared in consultation with a wide range of stakeholders on issues such as agriculture and mining. Where conflict still arises around nature protected areas, it is often due to a poorly managed consultation process at local or national level.

Nature is important to people. National decision makers must guarantee openness, transparency and effective public participation in decision-making impacting nature, including in project and plan development, and by involving relevant stakeholders in Natura 2000 management.

¹⁰ European Commission (2015), Mid-term Review of the EU Biodiversity Strategy to 2020, Staff Working Document Part 1, page 16 / ¹¹ European Regional Development Fund, Cohesion Fund, European Agricultural Fund for Rural Development, European Maritime and Fisheries Fund / ¹² European Commission (2010), Europe 2020 – A strategy for smart, sustainable and inclusive growth.



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European souslik (*Spermophilus citellus*) family, East Slovakia, Europe © Wild Wonders of Europe /Konrad Wothe / WWF

THEY HAVE RAISED THEIR VOICE TO DEFEND NATURE

More than half a million Europeans raised their voice to defend nature, and are now supported by politicians, scientists and industry.

Ever since the European Commission launched the Fitness Check of the Birds and Habitats Directives, a steady stream of supportive messages has come out. Here are just a few of them.

“We [...] all agree that the directives should retain their current form. We believe that amending or merging the directives is not expedient.”

Environment Ministers of Germany, France, Italy, Spain, Poland, Romania, Slovenia, Luxembourg, Croatia – 26 October 2015

“We strongly believe that the key problem is not the legislation itself but rather its implementation. We therefore oppose a possible revision of the nature directives. Opening the nature directives would jeopardise achieving the biodiversity strategy altogether, would create a long period of legal uncertainty and could potentially weaken the legislation.”

Rapporteur and shadows from the seven largest political groups in the European Parliament on the own-initiative report on the mid-term review of the EU Biodiversity Strategy – 27 October 2015

“This dangerous project will be abandoned by President Juncker when people realise that modernisation is just a disguise for ‘weakening’.”

Stanley Johnson, one of the founding “fathers” of the Habitats Directive

“It would be better not to revise the Nature Directives, not least because local and regional authorities need more time to implement measures that are possible and recommended under the directives but have not yet been put in place, in order to realise the potential of the directives to the greatest possible extent.”

Roby Biwer, Rapporteur from the Committee of the Regions

“Re-opening the directives would introduce a degree of unnecessary uncertainty to energy project developments that would damage investor confidence at a time when it is vital to deliver new energy infrastructure.”

Energy UK, trade association for the UK energy industry with over 80 members generating more than 90 per cent of the UK’s total electricity output¹³

“The Habitats and Birds Directives have delivered demonstrable improvements for target habitats and species in the EU, although the results were and remain insufficient to attain the agreed international and environmental policy targets for 2010 and 2020. Insufficient implementation cannot be remedied by rephrasing the directives in a lengthy and complex political process.”

European Section of the Society for Conservation Biology¹⁴

¹³ The quote taken from Energy UK is part of their broader position on the Fitness Check of the Nature Directives, which can be consulted at the following link: <https://www.energy-uk.org.uk/publication.html?task=file.download&id=5467>¹⁴ The quote taken from SCB-ES is part of a broader statement on the Fitness Check of the Nature Directives, which can be consulted at the following link: <http://euroconbio.blogspot.de/2015/10/scientists-call-for-strengthening-eu.html>