

## European Habitats Forum (EHF) Briefing to the EU Nature Directors, for the 14<sup>th</sup> – 16<sup>th</sup> May Meeting

The European Habitats Forum (EHF) is a group of 15 nature conservation organisations working together to share experience and to work towards the development and good implementation of EU biodiversity policies and legislation, especially the Birds and Habitats Directives. We are pleased to provide the following briefing to the EU Nature Directors in advance of their next meeting, concerning two important issues, namely better implementation of the Birds and Habitats Directives, and monitoring and implementation of the Biodiversity Communication and 2010 Action Plan.

### 1. Better Implementation of the Birds and Habitats Directives

The Nature Directives are unique tools worldwide and the cornerstones of nature conservation in Europe, which are essential for achieving the 2010 target of halting biodiversity loss. They have already achieved significant successes, for example by including 1/5 of the land area of the EU into the Natura 2000 network, ensuring the possibility of using all EU funds for biodiversity or protecting migratory birds and promoting the sustainable development of certain regions. All the EHF members encourage and support their full implementation and want to stress the enormous benefits that these Directives bring to the EU.

Protecting biodiversity and implementing the Nature Directives is even more important in the context of climate change, both as biodiversity rich ecosystems are essential for climate change adaptation of human societies and because climate change poses a huge additional threat to biodiversity.

#### *Showcasing this Success Internationally*

The hosting of the CBD COP9 in Germany in 2008 is an excellent opportunity in which to celebrate and demonstrate the success of what has been achieved through the Directives, and show internationally how they contribute to the implementation of the CBD programme of work on protected areas within the EU. The IUCN World Conservation Congress in Barcelona, 2008, is another important international event being hosted within the EU, in which to showcase the successes of the Directives.

#### *Sharing Best Practice on Better Implementation*

We recognise that the establishment of the Natura 2000 network has taken much longer than expected, often due to lack of political will and lack of communication about what Natura 2000 means for land-use and development. **Much better use must therefore be made of existing guidance documents and positive examples of implementation, which need to be communicated among relevant stakeholders, to share best practice across Europe.** One of our latest contribution is the recently published report by EEB (on behalf of the EHF), presenting case studies of how bottlenecks to implementing Natura 2000 can be overcome, often by developing effective partnerships with other sectors, such as landowners, industries, infrastructure developers, planners and farmers.



As the Natura 2000 network is now almost complete (at least on land), it is high time to make it work and make best use of its opportunities for biodiversity and people. We would like to stress explicitly the serious risk of Natura 2000 remaining without adequate funding if Member States don't use the opportunities provided in the EU Rural Development, Structural and Fisheries Funds. To achieve significant success by 2010 and win political support for Natura 2000, it is necessary to share best practice on implementation, manage sites in partnership, be innovative in financing and better communicate the actual implications of Natura 2000 more widely.

### *Improving the data streams for better implementation and evaluation*

- **Comprehensive evaluation of the conservation status of species and habitats and setting Favourable Reference Values under both Directives:** The second reports under the Habitats Directive, which should provide comprehensive information on the conservation status of all the species and habitats listed under this Directive are due in the second half of 2007. Although not a legal obligation, it would be equally important to carry out a similar exercise for wild bird species protected under the Birds Directive, indeed, several EU Member States have already initiated or even completed this process. Member States should make use of all the available expertise and data during this process, including those within environmental organisations. For both the Birds and Habitats Directives, the process must be scientific and independent, only involving scientists and experts rather than being a stakeholder-led or political process.
- **Making the Natura 2000 database complete:** The EU Natura 2000 Database should be the repository of up-to-date, comprehensive scientific data regarding the values and status of the Natura 2000 network. Unfortunately, the database is not yet complete (especially due to the missing marine sites), and the content of the data forms is far from that ideal with some of the data missing, out of date or irrelevant for the site conservation objectives. The imminent completion of the network of Natura 2000 sites (including the marine sites) should be a good opportunity to update the standard data forms for the whole Natura 2000 network.
- **Making the Natura 2000 database, including boundaries, publicly available on-line:** The official Natura 2000 database and the boundaries of proposed and designated sites of the network are still not available at the EU level, despite being available online in many Member States. The Commission should set up, without delay, a publicly accessible, easy-to-use online Natura 2000 database including digital boundaries of all the Natura 2000 sites. This would be coherent with the EU legislation related to public access to environment information.
- **Up-dating and refining the costs of maintaining the Natura 2000 network across the EU27:** The working group of Article 8 of the Habitats Directive delivered its estimate of the financing needs of the Natura 2000 network in 2002. In 2004, the European Commission published its Communication on Natura 2000 financing, in which it presented an estimate based on partial data from the EU Member States. Now that the EU consists of 27 Member States and with the Natura 2000 network close to completion, it is essential to provide more detailed and realistic estimates for the costs of maintaining this network in perpetuity. Member States should work with the European Commission to collect, analyse and make available this information. This is essential to assess how far the so called "integration option" chosen for financing Natura 2000 through various EU funding streams is working.

- **Set up a body to monitor Natura 2000 management and financing:** A permanent body or unit should be set up with EU financial assistance and the cooperation of Member States to monitor how Member States manage Natura 2000 sites and how they finance this work (including through domestic as well as EU funding). It should aim to build up a body of evidence to exchange best practice and with a view to testing whether the EU's integration approach to financing is adequate for the long term viability of the network.
- **Streamlining and harmonising the monitoring of Globally Threatened Species and their Action Plans:** Over the last 10 years, international Species Action Plans have been published for many Globally Threatened Species of birds and work is underway to prepare such plans for other threatened taxa in Europe. Species qualifying under the IUCN threat categories as globally threatened are a special responsibility as these are the species that run the highest risk of disappearing forever in the near future. We urgently need a system of harmonised monitoring of their populations, as well as a method to assess the implementation of their Action Plans.
- **Standardise Member State Reporting on the Nature Directives and various International Conventions:** EU Member States have a regular reporting obligation to the Commission on the implementation of the Nature Directives, as well as to the Secretariats of various international Conventions related to nature conservation. The timetable and format of these reporting obligations are often very different, however, the scope of such reports often overlaps. It is important to harmonise the reporting requirements of the relevant international and EU environmental legislation and provide a secure and transparent online reporting system to meet these requirements.

## **2. Monitoring and Implementing the Biodiversity Communication and Action Plan**

On 22 May 2006, the European Commission adopted its Communication “*Halting the loss of biodiversity by 2010 – and beyond: sustaining ecosystem services for human well-being*”, which also includes a detailed Action Plan. On 18 December 2006, the European Council adopted its Conclusion, providing a strong support for the Communication and inviting the Commission and Member States to proceed urgently with its implementation. However, the challenge of monitoring the implementation and the final evaluation of whether the EU has achieved its 2010 target of halting the loss of biodiversity, remains. The key priorities for ensuring successful delivery of the Biodiversity Communication and Action Plan are:

1. **Full and swift implementation of legislation and mainstreaming biodiversity objectives into all other relevant policy sectors**
2. **Ensuring adequate financing of the actions: The mid-term review of the EU budget, (expected in 2009) will be a good opportunity to check how EU funding is delivering for biodiversity, including the effectiveness of the “integration option” for financing Natura 2000.**
3. **Ensuring accountability: Follow up and regular reporting on the action plan by the European Commission, Member States and other stakeholders is essential to ensure successful delivery, especially given the short amount of time remaining before 2010.**

We believe that implementation of this Action Plan is crucial in making progress towards the 2010 target and needs to be closely monitored, with all sectors held accountable for its successful delivery. However, we recognise the valid concerns of many Member States that reporting on the Biodiversity Communication Action Plan could become burdensome and we would therefore like to present the following recommendations concerning its monitoring and implementation.

***General Recommendations:***

- **The Commission should support, technically and financially, the finalisation and regular provision of the SEBI2010 indicator set:** The SEBI2010 process (Streamlining European 2010 Biodiversity Indicators) kicked off with a meeting in January 2005 with the aim of consolidating and helping to produce streamlined sets of policy-relevant biodiversity indicators meaningful in the context of the 2010 target. This process has now identified 24 - 26 indicators within 16 EU Headline Indicators, which together would provide very valuable information indeed for the evaluation of the 2010 target. EHF members are involved in the SEBI 2010 process and, in particular, advocate the development of the following indicators: pan-European common bird index, European butterflies, an IUCN EU red list index and a European Ecological Footprint indicator, as new elements within the headline set of biodiversity indicators. The priority now is to ensure that the Commission allocates enough resources to the actual delivery of these Headline Indicators by 2010.
- **Governance mechanisms for implementation:** When considering new governance structures to ensure an effective implementation of the Action Plan, the most important criteria is for strengthened capacity to ensure a consistent enforcement of the relevant legislation throughout all Member States.
- **Involve all relevant DGs, Parliamentary Committees and Council formations in assessing implementation:** EHF supports the timetable for reporting on progress of implementation of the Action Plan, outlined in Section C of the 2010 Action Plan and agrees that the Commission and Member States should submit progress reports to the Parliament and Council. However, we believe that this process should involve all relevant Parliament Committees and Council formations, not just the Environment Committee and Council. The Commission must ensure there is a structure in place that involves all relevant DGs in monitoring and assessing progress made in implementation of the Action Plan, including DG Agri, Fish, Tren, Budget, Regio, Research, Trade and Development. This is necessary in order for them to take ownership of delivery of the relevant actions.
- **Take into account the role that NGOs and other stakeholders can play in delivery of the Action Plan and formally involve them in the process.** The EHF and other initiatives such as Countdown 2010 have a valuable role to play in its monitoring implementation. The EHF represents at an EU level national networks of NGO partners who can assist Member States with the delivery of actions and monitoring progress. Furthermore, whether Member States have signed Countdown 2010 declarations and the actions they have agreed to under this initiative, can assist in assessing implementation.
- **Standardise Member State Reporting on the Communication and Action Plan:** The Commission should issue guidelines on how to evaluate the Biodiversity Communication Action Plan at the MS level in order to help the harmonisation of the monitoring process.

## *Biodiversity in the Wider Countryside*

- **Using the opportunity of the mid-term review of the EU financial perspectives and CAP “Health Check”**: This review is planned for 2008/2009 (starting already in 2007 with an issue paper of the Commission), and it will be an important opportunity to achieve the much needed mainstreaming of biodiversity into other policy sectors. In this context positive and negative impacts of the EU budget on biodiversity need to be assessed, including the effectiveness of the integration option for financing Natura 2000 but also how other policies like the CAP can be transformed in a truly sustainable land use and rural development policy. For this also the planned “CAP Health Check” in 2008 will be an opportunity.

## *Development Cooperation and International Trade*

- **Evaluate the impact of the EDF allocated for the EU OCTs**: The EU’s Overseas Countries and Territories that are recipients of EU development assistance should be obliged to set up a system to monitor the impact of these funds on biodiversity, including projects dedicated to biodiversity conservation. The EU should issue guidelines on how this monitoring should be undertaken.
- **Use the Message of Paris conclusions from the September 2006 Conference ‘Integrating Biodiversity into Development Cooperation’ to assist in assessing and monitoring work on integrating biodiversity into development cooperation**: This process was mentioned in the General Affairs and External Relations Council Conclusions of December 2006, in which “*The Council invites the Commission, within the framework of its biodiversity reporting and in close cooperation with Member States, to report to the Council on a regular basis on the implementation of main priority actions identified in the Message from Paris<sup>1</sup>; and recalls the importance of close cooperation with partner countries in monitoring processes, where relevant*”
- **Fund studies and surveys to assess the impact of the ban on wild bird trade**: The European Commission has just adopted a new regulation to ban the trade of wild birds on health grounds. It will be essential to monitor the impact of this ban on wild birds, especially on Globally Threatened Species, on the ground to eventually evaluate the effectiveness of this measure from a conservation, as well as health point of view.

## **3. A Vision Beyond 2010**

As foreseen in the Biodiversity Communication and Action Plan the Commission will produce a full evaluation in 2011 of the extent to which the EU has met its 2010 target. As part of this process, the European Commission should start in 2008 with an assessment of the overall conservation status of EU’s most important species and habitats, based on the results of the national monitoring reports under the Birds and Habitats Directives. Further studies should assess the contribution of other EU policies (like the CAP) to the 2010 target, which can also inform the planned 2008 CAP health-check and 2009 EU budget review.

These assessments could then inform a wide consultation post- 2010, to consider what more can be done for biodiversity across all sectors. Based on the outcome of the above described processes, and on whether the 2010 target has been met or not, the Commission should present a vision for biodiversity in Europe beyond 2010, and how this will be achieved. This vision could lead to further action in various areas, which could, *inter alia*, include discussions on agricultural,

fisheries and regional policies, additional efforts to improve the implementation and financing of Natura 2000, and further measures to address wider landscape and site connectivity issues to address climate change, all with a view to halting and reversing the trend of biodiversity loss.

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