

***Introductions to the EU legislation on  
nature and closely related/cross cutting  
issues***  
***Ike van der Putte***

**Multi-country workshop on Capacity building on compliance  
with environmental legislation  
- Nature Inspection –**

Kopacki Rit

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  - Nature/IED interactions



# ***Biodiversity – Why Does it Matter?***

Ban Ki-moon, Secretary General of the United Nations

*“.....biodiversity underpins the functioning of the ecosystems on which we depend for food and fresh water, health and recreation, and protection from natural disasters. Its loss also affects us culturally and spiritually. This may be more difficult to quantify, but is nonetheless integral to our well-being”*



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# *What is happening to nature and biodiversity worldwide*

- Driven mainly by human activities, species are currently being lost 100 to 1,000 times faster than the natural rate
- 60% of the world's ecosystems are degraded or used unsustainably
- 75% of fish stocks are over-exploited or significantly depleted
- 75% of the genetic diversity of agricultural crops has been lost worldwide since 1990
- An estimated 13 million hectares of tropical forests are cleared each year
- 20% of the world's tropical coral reefs have already disappeared, while 95% will be at risk of destruction or extreme damage by 2050 if climate change continues unabated



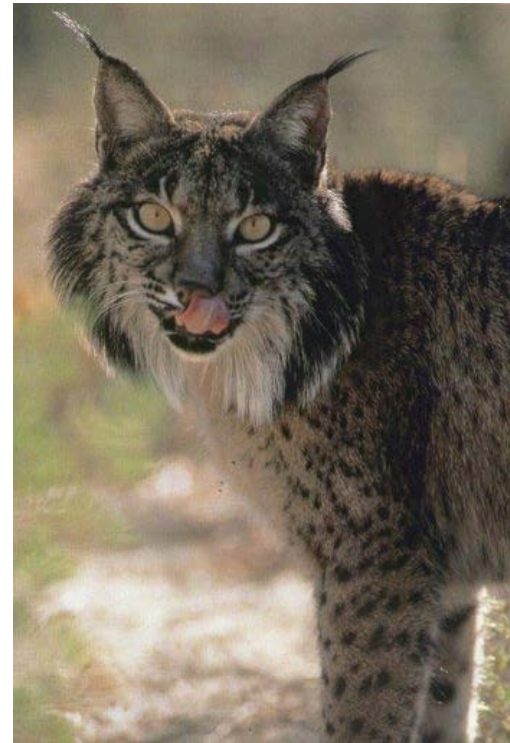
Source: [http://ec.europa.eu/environment/nature/info/pubs/posters\\_en.htm](http://ec.europa.eu/environment/nature/info/pubs/posters_en.htm)  
And EU Biodiversity Strategy 2020 (COM 2011,244 final)



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## *What is happening to nature and biodiversity in Europe?*

- Europe has suffered more human-induced fragmentation than any other continent
- 50% of wetlands and high-nature-value farmland gone
- BirdLife assessments show > 40% of all European bird species have unfavourable status
- About 15% of mammal species in Europe are threatened with extinction
- Only 17% of species and habitats of EU conservation concern (Habitats Directive) have favourable conservation status



Source: RENA 2013, Imre Csikos



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# *International Conventions*

- Convention on Biological Diversity (CBD)
- Bonn Convention - Convention on the Conservation of Migratory Species of Wild Animals
- Bern Convention – Convention on the Conservation of European Wildlife and Natural Habitats
- RAMSAR Convention – the Convention on Wetland



# *International Conventions*

- The World Heritage Convention
- OSPAR Convention
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):

An international agreement between governments with the aim to ensure that international trade in specimens of wild animals and plants does not threaten their survival



## ***Cornerstone EU Legislation on Nature***

- Birds Directive (79/409/EEC as amended 2009/147/EC)
- Habitats Directive (92/43/EEC)
- With the Natura 2000 Sites



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# *Habitats Directive 92/43/EEC*

## *Key features*

- Adopted on 21 May 1992
- 24 Articles.
- 16 definitions.
- 6 Annexes.
  - Annex I. Natural **habitats**
  - Annex II. **Species** of fauna and flora
  - Annex III. Criteria for selecting sites
  - Annex IV. Priority species (fauna and flora)
  - Annex V. Species allowed to be taken
  - Annex VI. Prohibited hunting methods and modes of transport



# *Directive 2009/147 on Conservation of Wildbirds*

## •Structure

- Articles 1 – 2      Scope
- Articles 3 – 4      Protection of habitats  
                              (general measures and  
                              **SPAs**)
- Articles 5 – 9      Protection of species  
                              (general prohibitions,  
                              marketing, hunting,  
                              derogations)
- Articles 10 – 20    Miscellaneous
- Annexes I - VII



# *Habitats Directive*

## Article 3

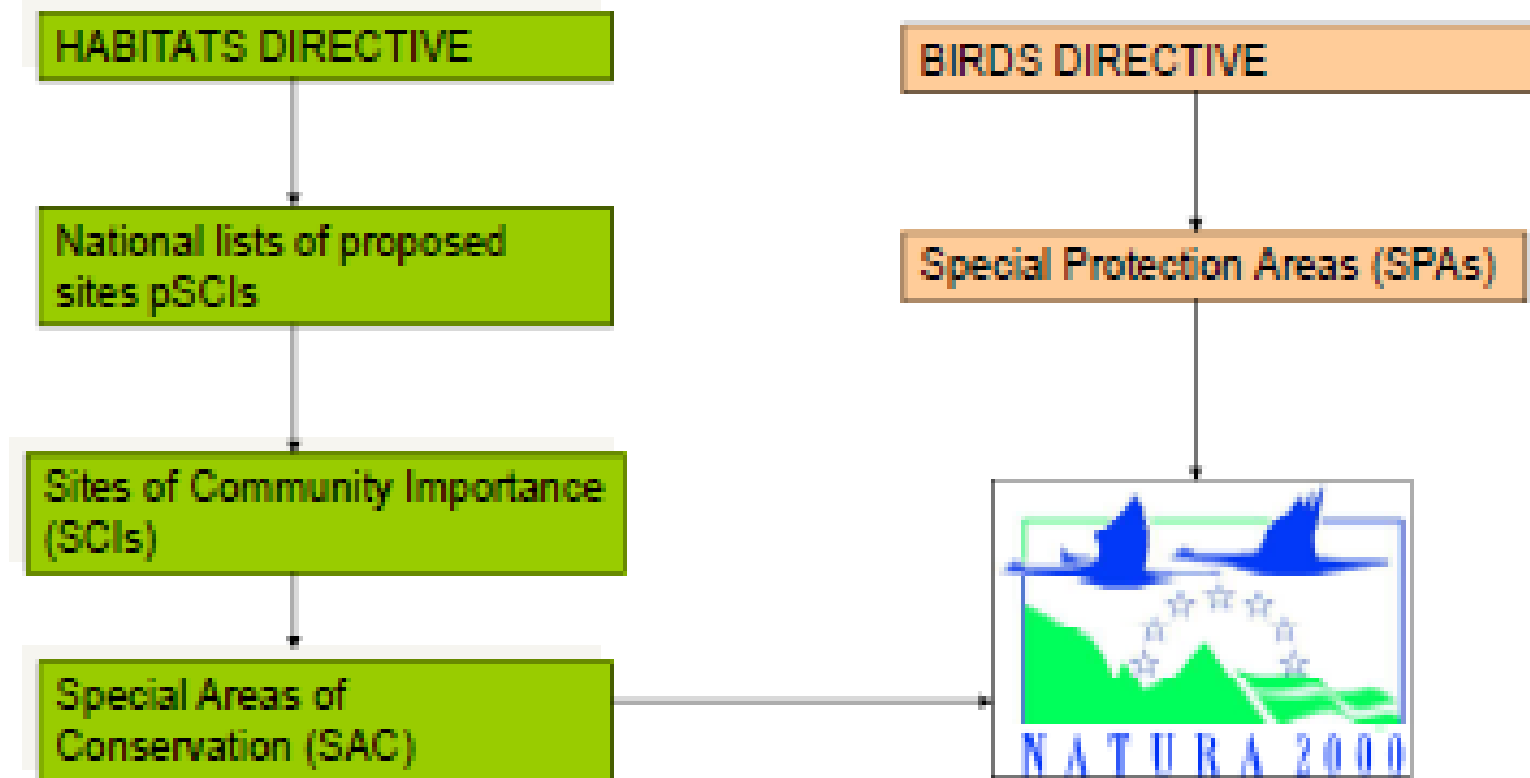
- A coherent European ecological network of special areas of conservation shall be set up under the title **Natura 2000** (Annex 1 Habitats and Annex 2 species to be maintained or restored)

The Natura 2000 network shall include the special protection areas pursuant to the Wild Birds Directive 79/409/EEC –codified: 2009/147/EC

- Ecological coherence of Natura 2000 to be endeavoured



# EU Natura 2000 network





# Natura 2000 Viewer



Reykja



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<http://natura2000.eea.europa.eu/#>



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# EU Nature Directives

- Probably strongest legal tool in the world for protecting and maintaining the integrity of nature areas and biodiversity
- Many court cases (and thus jurisprudence) on development projects versus integrity of Natura 2000 sites  
([http://ec.europa.eu/environment/nature/info/pubs/docs/others/ecj\\_rulings\\_en.pdf](http://ec.europa.eu/environment/nature/info/pubs/docs/others/ecj_rulings_en.pdf))



# Management Plans and Article 6 Habitats Directive

- Article 6 is one of the **most important** of the 24 articles of the directive, being the one which most determines the relationship between **conservation** and **land use**.
- It sets out the framework for site conservation and protection, and includes proactive, preventive and procedural requirements



# Management Plans and Article 6

- Article 6(1) makes provision for the establishment of the necessary conservation measures and '***if need be***', the form of '***appropriate management plans***'
- Article 6(2) makes provision for avoidance of habitat deterioration and significant species disturbance
- Article 6(3) and (4) set out a series of procedural and substantive safeguards governing plans and projects likely to have a significant effect on a Natura 2000 site





## ***Related /Cross cutting Issues***

- EU Timber Regulation
- Environmental Crime Directive
- Nature/IED interactions



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# ***EU Timber Regulation***

Illegal logging is the harvesting of timber in contravention of the laws and regulations of the country of harvest. Illegal logging is a global problem with significant negative economic, social and environmental impact.

In environmental terms illegal logging is associated with deforestation, climate change and a loss of biodiversity.

In October 2010 the EU adopted a new Timber Regulation (EU (995/2010) to combat trade in illegally harvested timber.

This is one of a number of actions under the 2003 EU Action Plan on Forest Law Enforcement Governance and Trade (FLEGT).

Note: The EU currently contains 5 % of the world's forests and EU forests cover together more than 42 % of EU land area



# ***Environmental Crime Directive***

Directive 2008/99/EC on the protection of the environment through criminal law aims at obliging Member States to impose criminal penalties on certain behaviour which is seriously detrimental to the environment.

Member States should class the following behaviour as a criminal offence, if a Community regulation in the area of environmental protection is infringed and if the behaviour is committed intentionally or through serious negligence:

- ----
- the unlawful killing, destruction, possession or taking of, or trade in, protected animal and plant species;
- unlawful damage to protected habitats;



## *Nature/IED interactions*

The link between permitting activities for industrial installations (IED and non-IED activities) and Natura 2000 sites is defined in Article 6 of Directive 92/43/EEC (Habitats Directive) According to Article 6 par. 3:

*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. ----*



## *Nature/IED interactions*

*In 2013 IMPEL explored the need for projects dealing with requirements concerning nature protection in permitting and inspection of industrial installations*

*Concerning Natura 2000 sites it was identified that permit writers face the following challenges:*

- difficulty in assessing the likelihood of significant impacts on site's conservation objectives due to the lack of information and the management plans;*
- lack of scientific studies and concrete criteria for the assessment of "significant" effects and its likelihood beyond reasonable scientific doubt;*
- difficulties in determining boundaries for the assessment;*
- difficulties in the identification of contributors for the cumulative impact assessment.*



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## Some Issues discussed in RENA programme 2010 - 2013 (Lake Ohrid/Shkodra Lake):

- Habitat loss (illegal logging, erosion etc.)
- Lack of cooperation (cross border issues)
- Problems in protected areas (illegal construction, hunting, fishing)
- Low priority for Nature
- Legislation (ownership, lack of enforcement, overlapping responsibilities)

## Issues to be discussed in present ECRAN programme 2013 -2016 (Kopacki Rit/Pelister National Park)

- the need for transboundary cooperation;
- the need for joint management;
- legal framework harmonisation with integrated roles into national legislation
- -----
- -----.



# Thank you



**Workshop participants at the site visit (Lake Ohrid), RENA programme,  
October 2012**



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