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**NOTE FOR THE ORIENTATION DEBATE ON FOLLOW UP TO THE
FITNESS CHECK OF NATURE LEGISLATION**

This note has been prepared taking into consideration the views of:

More than half a million citizens

At least 18 EU Member States

86% of Members of the European Parliament

Scientists and experts



This document reflects the position that WWF is asking the European Commission to take.

Intro

As part of its Regulatory Fitness and Performance Programme (REFIT), the Commission is undertaking a Fitness Check of the Birds and habitats Directives. According to the Commission's Better Regulation Guidelines, Fitness checks are intended to provide an evidence-based critical analysis of whether the regulatory framework is "fit for purpose" and delivering against its policy objectives. The Commission is now close to completing the fitness check of the EU Birds and Habitats Directives and in this note the main findings of the evaluation as well as the options for the necessary follow-up, are outlined.

Summary

The Birds and Habitats Directives are a European Union success story. They are globally recognized as the cornerstone of EU wide efforts to halt and reverse the loss of biodiversity. The nature conservation framework they establish aims for the effective protection of Europe's rare and threatened species, and has led to the creation of the largest network of protected areas in the world – the Natura 2000 network, covering 18% of EU land and about 6% of its seas.

Not only does our wildlife benefit from these laws, but our economic prosperity is directly dependent on the services nature provides. The economic benefits provided by the Natura 2000 network are valued at €200-300 billion/year¹. Tourism and recreation activities related to the Natura 2000 network have even been estimated to support between 4.5 and 8 million jobs².

Main outcomes of the fitness check of the Birds and Habitats Directives

In order to evaluate if the Birds and Habitats Directives are fit for purpose, an in depth analysis of the Directives has been carried out by independent experts.

The evaluation consisted of an extensive research and evidence gathering exercise, completed by a broad-ranging consultation process via: an evidence gathering questionnaire with targeted stakeholders; national missions to 10 member states; focus groups and commissions meetings; a 12 – weeks online public consultation; and a high-level conference.

The Directives were assessed on the extent to which they have been:

- **Effective** in meeting their objectives
- **Efficient** in the use of the resources needed for the achievement of the objectives
- **Relevant** given the current needs and circumstances
- **Coherent** both internally and with other EU legislation, policies and measures
- And whether they represent **EU added value**.

The overall conclusion of the independent evaluation study³ is the following:

¹ IEEP et al., 2011, URL:

http://ec.europa.eu/environment/nature/natura2000/financing/docs/Economic_Benefits_of_Natura_2000_report.pdf

² Bio Intelligence Service, 2011, URL:

http://ec.europa.eu/environment/nature/natura2000/financing/docs/Estimating_economic_value.pdf

³ Milieu, IEEP and ICF, Evaluation Study to support the Fitness Check of the Birds and Habitats Directives, March 2016, http://d2ouvy59p0dg6k.cloudfront.net/downloads/study_evaluation_to_support_fitness_check_of_nature_directives_final.pdf

The balance of the evidence shows that the **Directives are fit for purpose, and clearly demonstrate EU added value.**

- The Directives have generated many important benefits for nature conservation and sustainable development overall.
- They provide **a balanced and workable framework for addressing the varying interests of stakeholders** while respecting nature conservation objectives.
- Overall the **costs of implementation are reasonable, and outweighed by the benefits**, although they do impact some stakeholders more than others.
- The evaluation shows that **problems** with the pace and extent of progress towards the objectives of the Directives are **not due to the legislation itself but stem from its implementation.**
- The Directives have evolved over time (e.g. the accession of new Member States) and remain relevant, with no major suggestions for changes to the main texts arising during the stakeholder consultations.
- One possible exception relates to the evidence suggesting that the **Annexes of the Directives** should be updated (to improve species coverage, align with international agreements' annexes or take account of changes in the conservation status). However, the balance of evidence suggests that **updates at this stage would generate uncertainty and be counter-productive in both nature conservation and economic terms.**

Despite the overall positive conclusion on the Directives' fitness for purpose, a number of significant **implementation challenges** have been identified:

- These impact not only the achievement of the objectives of the Directives, but also the costs and burdens placed on authorities and stakeholders, and the ability to simultaneously achieve the goals of other EU policies, especially in key economic sectors.
- While some problems have decreased over time as a result of experience, others require future action, such as **increased funding, improved management planning, more and better information, increased guidance, more integration and joined-up delivery with other policies, and increased awareness and involvement of stakeholders.**
- Those measures should mirror the numerous examples of cost-effective implementation, developed over many years of experience, which demonstrate that, when implemented well, the Directives provide an efficient framework for protecting.

Public and political support for the EU Birds and Habitats Directives

There is **wide public and political support for upholding the Nature Directives** and for ensuring their full and effective implementation:

- The European Commission carried out an open public consultation on the Birds and Habitats Directives between April and July 2015. The consultation generated an unprecedented level of interest with participants responding from all 28 EU countries and beyond. In total, 552,472 replies were submitted. To date, this is the largest response received by the Commission to an

on-line consultation. More than 94 % of respondents asked the Commission to maintain the laws in their current form⁴.

- In December 2015 **Member States** adopted unanimously Environment Council Conclusions in which they underlined the importance of “not lowering the nature protection standards” of the Birds and Habitats Directives and “maintaining legal certainty for all stakeholders” and confirmed that their effectiveness “depends on consistent implementation and adequate financial resources, as well as on the integration of biodiversity into other sectoral policies”. A large majority of EU Member States from across the EU has also directly called upon the European Commission to retain the current legal framework and to focus on better implementation⁵.
- The **European Parliament**, having acknowledged that the key problem with nature conservation is not the EU legislation in itself, has voted by overwhelming majority to oppose a possible revision of the Directives⁶.

Conclusion

From the above it is clear that **the Birds and Habitats Directives are fit for purpose**. Problems with the pace and extent of progress towards the objectives of the Directives are not due to the legislation itself but stem from its **poor implementation**. It is therefore proposed to **develop an EU Action Plan for Biodiversity**.

This Action Plan should primarily focus on ensuring the full and effective implementation of the EU Nature Directives, supported by adequate financing and effective enforcement. In addition, the proper and coherent integration of EU biodiversity objectives into key sectoral policies, in particular in agriculture and infrastructure development should be a key element of the action plan.

⁴ Public Consultation executive Summary
http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/consultation/Executive%20summary%20of%20the%20Public%20consultation%20EN.pdf

⁵ <http://www.consilium.europa.eu/en/meetings/env/2015/12/16/>

⁶ 86% of MEPs voted in favour of the report, 8% against and 7% abstained.