

A Race to Protect Europe's Natural Heritage

WWF European Snapshot Report on the Status of Implementation of the Habitats Directive

DENMARK

Score: 21/30

I. Legal Aspects of Implementation			Score: 7/9
<p>Transposition: To what extent has the Habitats Directive been transposed into national or regional law?</p>			
Good/complete transposition <div style="text-align: right;">3</div>	Some gaps remaining <div style="text-align: right;">2</div>	Key/major gaps remaining <div style="text-align: right;">1</div>	Failure to transpose <div style="text-align: right;">0</div>
<p>In general the existing Danish legislation is considered sufficient to secure the level of protection required by the Directive.</p> <p>Analysis of the relevant articles:</p> <ul style="list-style-type: none"> Article 3 & 4 - some gaps remain in the designation of sites; Article 6 – discussions initiated but not concluded; Article 10 - according to the Nature Act most small habitats are not allowed to be altered without approval and all watercourses are protected according to the Water Act. However there are significant exceptions, for example there is no existing legal protection of old forests; Article 12 - all species are protected (few species relevant for Denmark, mostly reptiles/amphibians); and Article 13 - all species are protected (few species relevant for Denmark). 			
<p>Complaints in Progress at the European level: How significant are current Commission complaints in progress against your Member State?</p>			
No outstanding complaints <div style="text-align: right;">3</div>	Some complaints not yet dealt with <div style="text-align: right;">2</div>	Significant complaints not yet dealt with <div style="text-align: right;">1</div>	Decisions of the ECJ not yet dealt with <div style="text-align: right;">0</div>
<p>The only issue known to WWF having been raised with the European Commission, relates to Porpoise by-catch. It has, however, not reached the ECJ as the issue was settled after negotiations between the Commission, the Danish Government and a Danish NGO. It seems, however, that there is no system at present in the Ministry of Environment to keep track of complaints raised by the Commission.</p>			
<p>Member State Response to Complaints: How adequate do you consider your Member State's response to Commission complaints to be?</p>			
Good response at stage of Letter of formal notice <div style="text-align: right;">3</div>	Response before case was referral to the ECJ <div style="text-align: right;">2</div>	Response only after ECJ case decided <div style="text-align: right;">1</div>	No response <div style="text-align: right;">0</div>
<p>The only issue raised, regarding the Porpoise, was settled before the complaint was taken to the ECJ. Because there have been no major complaints raised so far it is quite a theoretical question. However, the NGOs report that the Commission was far too slow when dealing with the issue and the response from the Danish Government was not very qualified.</p> <p>[An example with the Birds Directive: The Danish Ornithological Society has send a complaint relating to the establishment of large windmill-parks at sea. It took a year before the Commission acknowledged having received the complaint and now two years later they have still haven't taken any action.]</p>			

II. Protecting Habitats and Species			Score: 7/12
Natura 2000: How adequate is the list of proposed Natura 2000 sites for the protection of habitats and species?			
coherent national network 3	more than 50 % sufficient 2	less than 50 % sufficient 1	no list submitted 0
<p>The process of designating areas is well under way. At present there is a public hearing on additions to the Danish list of sites (after Denmark was considered to have insufficient representation of several habitats during the first round of bio-geographical meetings). The WWF Shadow-list has had a positive effect on the process as several sites from this list are now being suggested for addition. However, there is a lack of discussion about the whole Natura 2000 network idea. Designation is focused on areas where relevant habitats are present today, but do these make a network? We have on-going discussions, running in parallel to the designation procedures, which consider how to create large, coherent areas allowing for wide-ranging movement, large herbivores etc. Conclusions from this discussion will be vital for testing if Natura 2000 will be an effective network.</p>			
Natura 2000: How does your Member State score on the putting in place of management measures? (Article 6)			
All of the above measures have been adequately addressed 3	Some of the measures have been adequately addressed 2	Very few measures are being addressed or are in place 1	Measures are non-existent 0
As long as areas are not formally designated there will be no in situ measures. However, there is a discussion group on how to address management in the future. We do not know the results of discussions but as first actions have been taken towards clarification of this problem, a score of 1 is given.			
Protection of species beyond Natura 2000: How adequate are non-site based measures for the protection of species? (Article 12, 13, 14 and 16)			
All of the requirements have been adequately addressed 3	Some of the of the requirements have been adequately addressed 2	Very few of the requirements are being addressed or are in place 1	Efforts to address the requirements are non-existent 0
Most species in Annexes IVa and IVb are fully protected through non-site based measures, but some still face serious problems. One example is the by-catch of Porpoise. The present status for all species relevant for Denmark has been analysed and there is a good basis for future monitoring. Much additional monitoring work is being carried out by volunteers/NGOs.			
Complementary measures: Is your Member State giving adequate attention to complementary measures, such as for research, planning and species reintroduction? (Articles 10, 11, 18 and 22)			
Good effort to implement complementary measures 3	Mixed effort to implement complementary measures 2	Poor effort to implement complementary measures 1	No effort to implement complementary measures 0
The Habitats Directive is a supplement to the existing planning-system in Denmark. In this respect			

environmental protection is quite strong already as is planning and sectoral integration.

Species reintroduction is a much-discussed issue. We presently have trials for the reintroduction of Beaver. This is being attempted in order to provide a more dynamic environment in selected areas. This is not a result of implementation of the Directive.

III. Putting Plans into Practice

Score: 7/9

Finance: Is your government devoting adequate human and financial resources to implementation of the Directive?

Significant additional resources dedicated to implementation of the Directive	Some additional resources dedicated	Very few additional resources dedicated	No additional resources dedicated
3	2	1	0

A fairly comprehensive effort has been put into preparing for implementation of the Directive, e.g. providing information of the distribution of relevant habitats and species in Denmark. There is also an on-going process for developing monitoring systems etc. (refer to previous and following sections as well for illustrations of efforts undertaken)

Information and Awareness Raising: Is your government doing enough to provide information and raise awareness about Natura 2000 and biodiversity conservation?

Good information and awareness raising activities	Some good activities	Few information and awareness raising activities	No information and awareness raising activities
3	2	1	0

The main emphasis has been at the technical level and among other things the Ministry of Environment and Energy has produced a detailed book with a presentation of all habitats relevant for Denmark - this has been extremely useful for work on the designation of sites.

For the wider public little extra work has been done. A general pamphlet, issued at an early stage to introduce the Directive, was considered less than adequate. Most public attention is focused on local discussions related to designation of local sites.

Stakeholder Participation: Is your government doing enough to involve stakeholders and the general public in the Natura 2000 process?

Significant amount of effort to consult stakeholders + public	Good efforts to consult stakeholders + public	Limited efforts of consult stakeholders + public	No consultations with stakeholders + public
3	2	1	0

There is a public hearing on the designation of areas and in this respect there is formal involvement of stakeholders and the general public in the process. Thus we are giving a score of 2. However, the preparation of the Directive's implementation has mainly been done at a technical level and with no direct consultation with the public. ***From the public debate it is clear that many people are confused over the Directive and see it as yet another top-down initiative.***

IV. Political Will

In your opinion, has there been a change in political will or momentum in your Member State around implementation of the Directive? Describe the current political climate surrounding the Directive if you can.

When the Directive was approved the official feeling within the Danish 'system' was that this Directive would not have any major impact on the protection measures already in place in Denmark. It was believed that a list of already protected areas would be sufficient. *The process since the first round of bio-geographical seminars has clearly changed this understanding and today the Directive is seen an important supplement to the existing protection system in Denmark.* We are still far from having the Directive developed into an active tool for creating a more diverse environment in Denmark. I believe the Directive has the potential for this, but there will be difficulties in the development of both monitoring and management in the years to come.

V. Conclusions and Recommendations

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