

A Race to Protect Europe's Natural Heritage

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

FINLAND

Score: 18/30

I. Legal Aspects of Implementation			Score: 5/9
<i>Transposition: To what extent has the Habitats Directive been transposed into national or regional law?</i>			
Good/complete transposition	Some gaps remaining	Key/major gaps remaining	Failure to transpose
3	2	1	0
<p>The concept of favourable conservation status:</p> <ul style="list-style-type: none"> The definition of this concept in Finland's Nature Conservation Act (NCA) 5 § is not in conformity with the definitions given in the Habitats Directive Article 1 e) and g). <i>As the definitions are different, this means there is probably a misinterpretation of the concept. The concept of favourable conservation status in NCA 5 § can be interpreted restrictively because of the defective definition - this might jeopardise the correct implementation of the Directive as</i> maintaining the natural habitats and species at a favourable conservation status is the core aspect of the Directive and the interpretation of the key concept of the Directive should be uniform, otherwise the transposition of the Directive is not satisfactory. According to the principal rule of the Finnish legal system, national environmental authorities apply the definitions of NCA instead of the ones in the Directive. <p><i>The prohibition</i> of the deterioration or destruction of breeding sites (according to Article 12.1(d)) is defective and restrictive:</p> <ul style="list-style-type: none"> In NCA 49 § there is a <i>restrictive criteria</i> for the prohibition to damage or destroy breeding and resting sites; according to the Finnish law only 'clearly noticeable' breeding and resting sites are protected. This formulation is clearly more restrictive than the one in Directive; the protection of breeding sites of the species should not depend upon their visibility. Indeed, the Commission has started an official procedure towards Finland about this deficiency. This procedure is still under discussion. It concerns in particular to the Konikallio flying squirrel –case; see later paragraph a) ii <p>The transposition of the Habitats Directive Article 6.2 into Finnish law is defective:</p> <ul style="list-style-type: none"> According to the interpretation manual <i>Managing Natura 2000 sites</i>, Article 6.2 applies permanently in Natura 2000 sites and it can concern past, present or future activities or events and the scope of article 6(2) is broader than that of 6(3) and 6(4). In Finnish law there is <i>no such general legal instrument to prevent the deterioration or destruction of the natural habitat types in Natura 2000 – areas, which could be applied to activities not requiring prior authorisation</i>. The problem concerns especially the application of the NCA 65 – 66 § (ie Habitat Directive Articles 6.3 and 6.4); if there is no need to apply an environmental permit or some other administrative approval for a project or plan, there is no legal instrument to prevent them, even if they damage habitat in the Natura 2000 sites <p><i>The lack of necessary conservation measures in order to protect the Natura 2000 sites is also to be noted.</i> In many sites the protection is being implemented through laws that are not sufficiently effective in safeguarding the habitat types in question. <i>For example the scope of the application of the Finnish Forest Act and Land Excavation Act is too restrictive in order to ensure the protection of Natura 2000 sites.</i> The Finnish Water Act and Land and Building Act might also be insufficient to secure the conservation measures in Natura 2000 sites.</p>			

<p>There are also a number of inconsistencies between Article 16 (on derogations) of the Habitats Directive and the existing national Hunting Act (1.1.1993) enacted before Finland joined entry into the EU (1.1.1995), these include:</p> <ul style="list-style-type: none"> the concept of a favourable conservation status is not included in the Hunting Act. The system of special permits under the Hunting Decree for big predators, regarding Article 16.1 (c) of the Habitats Directive "in the interests of public health and public safety, or for other imperative reasons", in the Decree: the word "imperative" is missing. <p>Regarding 16.1 (e) of the Habitats Directive: 'to allow, under strictly supervised conditions ...', the word "strictly" is not in the Decree.</p>			
<p>Complaints in Progress at the European level: How significant are current Commission complaints in progress against your Member State?</p>			
No outstanding complaints 3	Some complaints not yet dealt with 2	Significant complaints not yet dealt with 1	Decisions of the ECJ not yet dealt with 0
<p>We know that approximately 10 complaints have been made on the basis of Habitats Directive and several others on the basis of the Birds Directive. Four of these complaints have been initiated by the NGOs. No final rulings of the ECJ concerning Finland have been issued.</p> <p>The following complaints are those for which Finland has received responses from the Commission.</p> <p>Vuotos</p> <p>The Commission has sent a reasoned opinion asking why the Vuotos area will not be in Natura 2000. It seems that the area should be protected on the basis of both Habitats and Birds Directive. The planned construction of artificial lake would destroy eg valuable mire areas (Kemihäärän suot) and would seriously affect the breeding populations of the birds in the area.</p> <p>Large predators (wolf, bear, lynx)</p> <p>This arises from an NGO's complaint about the hunting of large predators. Finland has received a formal notice together with a complaint on hunting of birds in Spring. The spring hunting of birds is now being dealt with separately from the hunting of large predators. The ECJ has already ruled against Finland for Spring hunting of birds on the basis of the Birds Directive. After receiving formal notice on hunting of large predators there has been correspondence between Finland and the Commission.</p> <p>Vuosaari harbour and östersundom-mustavuori</p> <p>NGOs complained on the basis that a new harbour would seriously decrease the favourable conservation status of the site. The complaint has been withdrawn since the decision process was returned to national level. The case may lead to new complaint depending on the final decision.</p> <p>Konikallio</p> <p>The complaint concerns the conservation of a breeding population of the Annex IV species, flying squirrel. Forestry activities threaten the species in the Konikallio area. Finland has received a formal notice on this issue and has answered to the notice. There has been further correspondence between Finland and the Commission on this case.</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 3	Response before case was referral to the ECJ 2	Response only after ECJ case decided 1	No response 0
<p>Finland has responded quite promptly to formal notices of complaint. However, the quality and adequacy of the answers has not been always satisfactory.</p>			

II. Protecting Habitats and Species			Score: 7/12
<i>Natura 2000: How adequate is the list of proposed Natura 2000 sites for the protection of habitats and species?</i>			
coherent national network 3	more than 50 % sufficient 2	less than 50 % sufficient 1	no list submitted 0
<p>The moderation process resulted in 249 new or revised sites. Of the new sites, approximately 50 sites proposed in the WWF Shadow List are included. WWF presented 100 sites in the Shadow List.</p> <p><i>The coherence of NATURA 2000 with respect to corridors and stepping stones is quite deficient especially in southern Finland (only 2.8 % of the total area is protected). The network is far more coherent in Northern Finland. The lack of coherence relates to the excessively strict borders of NATURA 2000 sites.</i></p> <p>The total coverage of nature conservation areas in different conservation programs in Finland is 3.5 million hectares, approximately 11 % of the national territory (including 1,4 million hectares of wilderness areas), of which in the beginning of 2000 about 77 % had been implemented and 23 % was yet to be implemented. For the Natura 2000 sites that are not included in any other conservation program, 99 % are not implemented.</p> <p>The assessment of the Natura 2000 network conducted by the Finnish Environment Institute, after the moderation process, finds that few habitat types and species are sufficiently represented in the network. The following habitats and species are not sufficiently represented: habitat types: 1640, 91D0, 9050 and almost all traditional rural biotopes. For the species insufficiencies concern: <i>Moehringia lateriflora</i>, <i>Dytiscus latissimus</i>, <i>Ophiogomphus cecilia</i>, <i>Pulsatilla patens</i>, <i>Euphydryas aurinia</i>.</p>			
<i>Natura 2000: How does your Member State score on the putting in place of management measures?</i> (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
<p><u>Conservation measures and plans:</u> In Finland, Metsähallitus (the former Forest and Park service) is responsible for planning and managing the conservation of state owned nature protection and wilderness areas. For a number of areas management plans have been prepared. Several management plans have also been prepared in LIFE projects. However, there are many state areas for which no official management plans exist.</p> <p><u>Monitoring Procedures:</u> The monitoring system for the Natura 2000 network is currently under development. The monitoring is divided into species monitoring and habitat monitoring.</p> <p><i>habitat monitoring: Currently the state/condition of habitats in NATURA 2000 areas is not regularly monitored and, if monitored at all, is not done through a commonly agreed method.</i> A habitat monitoring system is under development in FEI. The process has been started using gap analysis and this spring the monitoring of dunes and broad-leaved deciduous plants will be tested by using aerial photographs. <i>Habitat monitoring suffers also from inadequate guidance from the EU. The national authorities do not know the exact requirements of the EU in terms of habitat monitoring.</i></p> <p>The habitat monitoring is far less developed if compared to species monitoring. There is still a lot of work needed to find cost effective methods for habitat monitoring. The priority actions in <u>species monitoring</u> is to evaluate the current state of information and to further develop central system for storing the data. FEI is currently undertaking a GAP-analysis on the species monitoring. The species protected under the Directive have been prioritised. <i>The habitat monitoring system has to be developed further and it should first aim at monitoring the state of most threatened priority habitats in Finland.</i></p> <p><u>Impacts Of Conservation Measures:</u> Most of the conservation measures have had positive or stabilising effects on local environments and the populations of target species. The Annex to this scorecard contains a few examples of successful LIFE projects.</p>			

<p>Protection of species beyond Natura 2000: How adequate are non-site based measures for the protection of species?</p> <p style="text-align: right;">(Article 12, 13, 14 and 16)</p>			
<p>All of the requirements have been adequately addressed</p> <p style="text-align: right;">3</p>	<p>Some of the of the requirements have been adequately addressed</p> <p style="text-align: right;">2</p>	<p>Very few of the requirements are being addressed or are in place</p> <p style="text-align: right;">1</p>	<p>Efforts to address the requirements are non-existent</p> <p style="text-align: right;">0</p>
<p>All species mentioned in Annex IV for Finland are strictly protected by NCA with some exceptions regulated under legislation : European beaver is hunted. Quotas are calculated by the Finnish Game and Fisheries Research Institute on the basis of monitoring of European beaver populations.</p> <p>It is permitted to hunt wolves, bears and lynxes in reindeer breeding areas in Northern Finland. The hunting quota is strictly regulated. In areas outside reindeer breeding areas, killing of problem-causing wolves is allowed after licenses have been granted.</p> <p>The monitoring system for Annex IV species is quite well organised for the following species: European beaver, Wolf, Lynx, Brown bear, Saimaa Ringed Seal and for some rare plants species occurring in all few places and for some areas for Flying squirrel and Otter. Only the Saimaa Ringed Seal has a protection plan.</p> <p><i>There are evident gaps in the monitoring system of many Annex IV species, especially outside Natura 2000 areas. Only a limited number of the nationally most threatened species is monitored.</i></p> <p><u>Species Monitoring:</u> The easy-to-use species database is still under development. The GIS forms are very suitable and promising ground for the new TAXON-register. Currently the database suffers from limited capacity and also from the fact that lot of information is scattered in various databases existing in different organisations, the most important of which is the relatively outdated UHEX-register. UHEX is the central database where information from other species registers, monitored in fixed sites around the country, have been stored (e.g. Bees, wasps, bumblebees and moths). There are also important registers (e.g. of birds) in the Museum of Natural History.</p> <p>By 12.10.2000, in total, more than 30 000 sites and 50 000 observations of threatened species (on the basis of the Red Data book 1992) had been stored in the register. Information on another 400 threatened species is yet to be added. The monitoring of threatened species data has suffered from limited resources. The system is quite outdated and thus FEI is developing a better system – the TAXON-register. It will be an updated version of UHEX and will include, in addition to UHEX, mapping possibilities (based on GIS). The TAXON will include information on nationally threatened species, specially protected species, species that have been monitored for long time and also information on species listed Directives, acts and statutes. The monitoring and storage of information on Directive species will be of first priority.</p> <p>There is also a need for developing common methods for monitoring different taxa in order to improve comparability of gathered data. This process is also under development.</p>			
<p>Complementary measures: Is your Member State giving adequate attention to complementary measures, such as for research, planning and species reintroduction?</p> <p style="text-align: right;">(Articles 10, 11, 18 and 22)</p>			
<p>Good effort to implement complementary measures</p> <p style="text-align: right;">3</p>	<p>Mixed effort to implement complementary measures</p> <p style="text-align: right;">2</p>	<p>Poor effort to implement complementary measures</p> <p style="text-align: right;">1</p>	<p>No effort to implement complementary measures</p> <p style="text-align: right;">0</p>

<p><u>Research: Fibre program</u> 120 million marks have been given to a research program directed at studying biodiversity in different environments and at different taxonomical levels.</p> <p><u>LIFE projects</u> Several habitat types and species have been studied (see below) through projects of the Finnish Environment Institute, Finnish Forest Research Institute and Metsähallitus. These organisations have many projects dealing with the protection of habitats and species and restoration methods (eg restoration of natural forests).</p> <p><u>Existence and application of systems for monitoring conservation status</u> The monitoring of the conservation status of species is better organised compared to habitat monitoring. The monitoring systems are currently being developed. See more detailed answers in previous section.</p> <p><u>Species reintroductions</u> Of Annex IV species, the only reintroduction has been of <i>Parnassius mnemosyne</i> to Sipoo in the summer of 2000. The success of the reintroduction is not yet known.</p>			
III. Putting Plans into Practice			Score: 6/9
<p>Finance: <i>Is your government devoting adequate human and financial resources to implementation of the Directive?</i></p>			
Significant additional resources dedicated to implementation of the Directive 3	Some additional resources dedicated 2	Very few additional resources dedicated 1	No additional resources dedicated 0
<p>It has been estimated that the current Natura 2000 network can be financed within the proposed financial framework. On the other hand the funding of supplemented sites is still open.</p> <p>Total funding for 1996-2007 from the state budget for implementing nature conservation programmes is 3 285 million FIM (including the Natura 2000 network among other nature conservation programs). The funding of the Natura 2000 network is derived from land acquisition and compensation funds. The sum was estimated before the start of Natura 2000 process. The amount of management money used for Natura 200 areas is very difficult to calculate since Natura 2000 areas overlap with other protection programs.</p> <p><i>The management funds for Natura 2000 sites come mainly from the state budget and are mostly used by Metsähallitus who manages national nature conservation areas.</i> In the state budget for 2001 the reserved money for managing nature conservation areas is approximately 80.3 million FIM. Metsähallitus uses about 90 % of the management money of which roughly 90 % is used for management of Natura 2000 areas. Ten percent of the management money is used, for example, for privately owned conservation areas, management of threatened species and conservation of valuable landscapes. The funds for management are hardly sufficient.</p> <p>Finland has been quite successful in applying for funding from the Community LIFE program (both LIFE-Nature: 25 projects - EC contribution ~ 17 million EUR and LIFE-Environment: 27 projects – EC contribution 9.9 million EUR).</p>			
<p>Information and Awareness Raising: <i>Is your government doing enough to provide information and raise awareness about Natura 2000 and biodiversity conservation?</i></p>			
Good information and awareness raising activities 3	Some good activities 2	Few information and awareness raising activities 1	No information and awareness raising activities 0
<p>The website of Finnish Natura 2000 sites is available, though the map link is missing due to the moderation process. The site includes information on the process and on the Directive's habitat types present in Finland. No site-specific information is available due to the moderation process and complaints on the previous Natura 2000 proposal.</p> <p>Most of the Regional Environmental Institutes have their own Natura 2000 websites where information on the Natura 2000 sites is available (eg general description, most important habitat types,</p>			

important species).			
<i>Stakeholder Participation: Is your government doing enough to involve stakeholders and the general public in the Natura 2000 process?</i>			
Significant amount of effort to consult stakeholders + public <div>3</div>	Good efforts to consult stakeholders + public <div>2</div>	Limited efforts of consult stakeholders + public <div>1</div>	No consultations with stakeholders + public <div>0</div>
<p>An evaluation of the implementation of the Habitats Directive has been made for two separate periods:</p> <ul style="list-style-type: none"> • First implementation phase • Moderation phase <p><i>In the first implementation phase</i> only a limited amount of information was provided for the greater public and for landowners. NGOs had representatives in the Natura 2000 working committee. Still <i>the whole process suffered from secrecy leading to a huge number of complaints from private landowners that were dealt with by the Supreme Court.</i> In the first phase stakeholders were not involved in the preparation to a sufficient extent. Many landowners were almost surprised to find that their land had been proposed for the Natura 2000 network.</p> <p><i>In the moderation phase</i> much more attention has been placed on information provision. Several press conferences and public events have been arranged and the <i>whole process has been much more open compared to the first phase.</i> In the second phase all stakeholders were more involved in the process. Several public seminars were held for local people and NGOs' opinions were asked for.</p>			
IV. Political Will			
<i>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.</i>			
<p>The political will surrounding implementation of the Directive has improved. But there are still a few serious cases where implementation of the Directive is threatened by other, mainly economic interests (eg in the case of Kemihaara and the harbour of Vuosaari). The problem is also that the budget for implementing nature conservation has been set until 2007. The budget is very tight and environmental authorities suffer from lack of resources.</p> <p>The success in LIFE projects has had positive effect on political will.</p>			
V. Conclusions and Recommendations			
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