

A Race to Protect Europe's Natural Heritage

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

FRANCE

Score: 16/30

I. Legal Aspects of Implementation			Score: 3/9
Transposition: To what extent has the Habitats Directive been transposed into national or regional law?			
Good/complete transposition 3	Some gaps remaining 2	Key/major gaps remaining 1	Failure to transpose 0
<ul style="list-style-type: none"> Further to the ruling of the European Court of Justice on 6 April 2000, the government has chosen the "ordonnance" procedure to speed up the adoption process of new legislation to fully transpose the Directive, in particular the provisions of Article 6.3 and 6.4. In application of this procedure, the "ordonnance" of 14 April 2001 modifies provisions of the "code rural". Nevertheless, this text still needs to be formally adopted by the national parliament by July 2001. <p>These new provisions do not yet address all the requirements to give a sound legal basis for the establishment and protection of Natura 2000:</p> <ul style="list-style-type: none"> legal uncertainty remains with the contractual approach for the establishment of the necessary management measures for Natura 2000 sites; which place will these contracts have in the juridical order? What kind of sanctions will there be if the conservation measures are not respected? There are still no legal provisions to avoid the destruction or deterioration of proposed Sites of Community Interest (not even for the priority sites)- (many deliberate site deterioration practices are to deplore without any reaction of the responsible authorities); The sanctions for the destruction of habitats are less stringent than those for the destruction of a protected species; 			
Complaints in Progress at the European level: How significant are current Commission complaints in progress against your Member State?			
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
The European Commission issued a reasoned opinion in 1999 for failure to present sufficient lists of sites. Following the Continental seminar, which took place in March 2000, 40% of the habitat types and 48,5% of species were still insufficiently represented. Further complaints have been made by NGOs concerning threats to or actual deterioration of several proposed Natura 2000 sites, including priority sites.			
Member State Response to Complaints: How adequate do you consider your Member State's response to Commission complaints to be?			
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
In too many cases, legal procedure had to advance to the final stage involving the judgement of the ECJ. (See various ECJ judgements against France concerning the Birds and Habitats Directives: 18 March 1999 absence of special conservation measures for the habitats of birds in the Seine estuary and measures to avoid			

deterioration of these habitats; 29 November 1999: failure to take appropriate steps to avoid deterioration of the habitats in the Marais Poitevin; 7 December 2000 Birds Directive site- Basse Corbières; 6 April 2000, failure to transpose Article 6.3 and 6.4)

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	more than 50 % sufficient	less than 50 % sufficient	no list submitted
3	2	1	0

The list of proposed Sites of Community Interest is at present incomplete. France had proposed 1029 sites in the end of 2000/beginning of 2001. But WWF estimate that this falls about 380 sites (30%) short of the total number of sites considered suitable for protection status. However, these figures do not take account of a recent proposal for new sites made by France in April of this year. Some of the proposed sites represent "enlarged versions" of existing sites but there are also a number of new sites proposed.

Some regions have a very low profile, such as Aquitaine important for bear habitat in the Pyrénées and Languedoc-Roussillon for 50% of species and habitats. In Alsace, during a process of local consultations for the proposed national list of sites, the area of proposed sites was considerably reduced, eg the forest Rhenane and the Ried were reduced from 75,000 ha to 25,000 ha, and the forest of Haguenau from 27,000 ha to 1,600 ha. Some were removed altogether.

Connectivity/integration:

France is undertaking a '*Schema d'aménagement rural*'. It is expected to be finished in September/October 2001 and **contains a concept of a green network beyond the Natura 2000 Network, containing "connection corridors"** (including links between ecosystems and species). It is a long way still, before this initiative has finished. It is due to begin as soon as the government validates the project. **All policy sectors will have to take into account this concept (eg transport and agriculture) and give reference to Natura 2000.**

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	Some of the measures have been adequately addressed	Very few measures are being addressed or are in place	Measures are non-existent
3	2	1	0

France has developed the principle of one action plan ("document d'objectif") for each Natura 2000 site. In each management plan all the impacts of site management must be taken into account. However, the management plans cannot yet be regarded as effective instruments as they have, as yet, no legal strength (see above). About 200 management plans are close to being finished and another 200 are expected to be completed each year. However, next year the target will be higher as the Minister has promised a larger budget. They may be finished by 2004.

The Environmental assessment procedures still do not fully address the objectives of the Directive (see ECJ 6 April 2000). For the moment no legal sanctions have been defined regarding the degradation of Natura 2000 sites.

<p>Protection of species beyond Natura 2000: How adequate are non-site based measures for the protection of species?</p> <p>(Article 12, 13,14 and 16)</p>			
<p>All of the requirements have been adequately addressed</p> <p>3</p>	<p>Some of the of the requirements have been adequately addressed</p> <p>2</p>	<p>Very few of the requirements are being addressed or are in place</p> <p>1</p>	<p>Efforts to address the requirements are non-existent</p> <p>0</p>
<p>The provisions of the 1976 Nature Conservation Law applies, until the transposition and adoption of a new list of protected species (of Community interest). The list of protected species should be reviewed, to reflect the priority given to species and habitats in the Habitats Directive.</p> <p>Effective enforcement of the provisions and sanction provided by the 1976 law proves to be difficult given the insufficient human resources available (warden).</p>			
<p>Complementary measures: Is your Member State giving adequate attention to complementary measures, such as for research, planning and species reintroduction?</p> <p>(Articles 10,11,18 and 22)</p>			
<p>Good effort to implement complementary measures</p> <p>3</p>	<p>Mixed effort to implement complementary measures</p> <p>2</p>	<p>Poor effort to implement complementary measures</p> <p>1</p>	<p>No effort to implement complementary measures</p> <p>0</p>
<p>A lot of effort is being put into completing the lists of sites, facilitating local consultation and the setting up of management plans. Each regional Environment Department has a budget to finance inventory research, but not in-depth research.</p> <p>When it comes to assessing the impacts of measures, the dynamics of eco-systems are not very well known. So perhaps we will gain more insight by in working with Natura 2000 sites, studying the application of the management plans closely.</p>			
<p>III. Putting Plans into Practice</p>			<p>Score: 6/9</p>
<p>Finance: Is your government devoting adequate human and financial resources to implementation of the Directive?</p>			
<p>Significant additional resources dedicated to implementation of the Directive</p> <p>3</p>	<p>Some additional resources dedicated</p> <p>2</p>	<p>Very few additional resources dedicated</p> <p>1</p>	<p>No additional resources dedicated</p> <p>0</p>
<p>For each site the government has allocated money to have a co-ordinator and an animator. The animator has resources to launch research, etc. When a site is proposed and when management plans are created, the site must appoint an organisation for stakeholder co-ordination. For example, for the first Natura 2000 sites launched in May last year (before the adoption of the ordonnance) 8,775 hectares were funded each year with 700,000 FF plus human resources. This was divided between site management and public awareness campaigns; contracts with farmers to provide services; and part for scientific studies of regeneration of species, (for example bats) and population dynamics.</p>			

Information and Awareness Raising: <i>Is your government doing enough to provide information and raise awareness about Natura 2000 and biodiversity conservation?</i>			
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 Ministry of the Environment has very recently created a very user friendly web site. However, the failure by the government and local and regional authorities to provide information and communication about the Directive and its implementation for eight years has created a fierce reaction to the Directive at the local level, from landowners, mayors, etc. with many misunderstanding about the implications and objectives of the Directive.</p> <p>The general public still has no adequate knowledge of the implications of the Directive, and access to information proved sometime to be difficult for the NGOs.</p>			
Stakeholder Participation: <i>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 3	Good efforts to consult stakeholders + public 2	Limited efforts of consult stakeholders + public 1	No consultations with stakeholders + public 0
Efforts to consult the different stakeholders are increasing with the development and progressive adoption of the "documents d'objectifs" (It has just begun to be carried out for 200 sites). "Some Natura 2000 conferences" have been organised at the national level and local level			
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>			
At the national level there is now strong political support for the Directive. However, the same cannot be said of regional governments.			
V. Conclusions and Recommendations			
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