

# A Race to Protect Europe's Natural Heritage

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

### NETHERLANDS

Score: 20/30

<b>I. Legal Aspects of Implementation</b>			<b>Score: 7/9</b>
<i><b>Transposition:</b> To what extent has the Habitats Directive been transposed into national or regional law?</i>			
Good/complete transposition <div style="text-align: right;">3</div>	<b>Some gaps remaining</b> <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>
In general Dutch nature conservation policies and legislation are rather good, at least on paper. Species protection requirements of the Habitats Directive (HD) are largely transposed, but Article 6 is not at all (apart from SPA/ pSCIs designated under the Nature Conservation Act). The Commission sent a formal notice on the implementation of this Article in October 2000. Following this letter it has been decided that the Nature Conservation Act will be amended to transpose Article 6.			
<i><b>Complaints in Progress at the European level:</b> How significant are current Commission complaints in progress against your Member State?</i>			
No outstanding complaints <div style="text-align: right;">3</div>	<b>Some complaints not yet dealt with</b> <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>
Nowadays complaints from the Commission are dealt with within the prescribed period (including requests for two-month extensions). The number of complaints is not very large but includes some serious cases (eg application Article 6(4), Schelde estuary). The rather good score allocated here is also influenced by the adequate implementation of Court ruling C-3/96 (on SPA designation).			
<i><b>Member State Response to Complaints:</b> How adequate do you consider your Member State's response to Commission complaints to be?</i>			
<b>Good response at stage of Letter of formal notice</b> <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>
The score is based on "current performance". A good response was also provided for the recent formal notice on Article 6 (see question 1.1), but this is the first time that this has ever happened in relation to either Birds Directive or Habitats Directive cases (a defensive approach is more common).			
<b>II. Protecting Habitats and Species</b>			<b>Score: 9/12</b>
<i><b>Natura 2000:</b> How adequate is the list of proposed Natura 2000 sites for the protection of habitats and species?</i>			
<b>coherent national network</b> <div style="text-align: right;">3</div>	more than 50 % sufficient <div style="text-align: right;">2</div>	less than 50 % sufficient <div style="text-align: right;">1</div>	no list submitted <div style="text-align: right;">0</div>
The score is based on the assumption that additions to the site list, as requested by the Commission after the Kilkee seminar, will be adopted by the Dutch government soon (and subsequently submitted to the Commission). It assumed that the additions will be in line with the proposals made after the extensive			

scientific evaluation of the current pSCI list.			
<b>Natura 2000: How does your Member State score on the putting in place of management measures?</b> (Article 6)			
All of the above measures have been adequately addressed 3	<b>Some of the measures have been adequately addressed</b> 2	Very few measures are being addressed or are in place 1	Measures are non-existent 0
Many pSCIs have already some form of protection but the legal and practical implementation of Article 6 is far behind schedule (see comment 1.1).			
<b>Protection of species beyond Natura 2000: How adequate are non-site based measures for the protection of species?</b> (Article 12, 13, 14 and 16)			
All of the requirements have been adequately addressed 3	<b>Some of the of the requirements have been adequately addressed</b> 2	Very few of the requirements are being addressed or are in place 1	Efforts to address the requirements are non-existent 0
Transposition of the species requirements of the Habitats Directive is rather good (see 1.1), but these are insufficiently enforced - as recently shown by an annulment by the Court of State of a license to destroy a <i>Cricetus cricetus</i> habitat. The monitoring system for Annex I habitat types and Annex II species is still largely inadequate, but this will probably be addressed soon.			
<b>Complementary measures: Is your Member State giving adequate attention to complementary measures, such as for research, planning and species reintroduction?</b> (Articles 10, 11, 18 and 22)			
Good effort to implement complementary measures 3	<b>Mixed effort to implement complementary measures</b> 2	Poor effort to implement complementary measures 1	No effort to implement complementary measures 0
Intentions are often quite good (eg some species protection plans are being executed now), but implementation is often frustrated by local interests and weak policy making (eg compensation for deepening of the shipping lane in the Westerschelde estuary is mainly restricted to restoration of inland habitats which was already planned).			
<b>III. Putting Plans into Practice</b>			<b>Score: 4/9</b>
<b>Finance: Is your government devoting adequate human and financial resources to implementation of the Directive?</b>			
Significant additional resources dedicated to implementation of the Directive 3	Some additional resources dedicated 2	<b>Very few additional resources dedicated</b> 1	No additional resources dedicated 0
We have hardly noted any positive steps in this direction, apart from measures taken by the conservation department of the Ministry of Agriculture, Nature Management and Fisheries. The general feeling among officials and politicians is that we already do so much to protect and restore nature that current efforts			

should be considered to be sufficient. However, few existing measures are specifically aimed at the implementation of the Habitats Directive (ie they would have been taken without the Directive). Typically the rural development plan which was submitted to the Commission last year, did not include any reference to the Natura 2000 network.

**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 3	Some good activities 2	<b>Few information and awareness raising activities</b> 1	No information and awareness raising activities 0
--	---------------------------	--	--

Information is provided largely as part of the public preparation procedure for the recent SPA designations (under the Birds Directive) following Court ruling C-3/96 (which are of course part of the implementation of the Natura 2000 network). Hardly any public information was provided on the selection of SCIs under Article 4 of the Habitats Directive.

**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 3	<b>Good efforts to consult stakeholders + public</b> 2	Limited efforts of consult stakeholders + public 1	No consultations with stakeholders + public 0
--	---	---	--

Efforts up until now took place only as part of the public preparation procedure for the recent SPA designations (see 3.2).

#### 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.*

Yes, recently political will and determination have improved (at least for the time being) after the 49 recent SPA designations and the decision to fully transpose Article 6 of the Habitats Directive (see 1i). However, this positive attitude is only based on a small majority in parliament. So the situation is quite good at the moment, but this could change in a negative direction when we get a more conservative government in the near future.

#### V. Conclusions and Recommendations

Author: Gjjs Kuneman, European Habitats Forum  
Date: May 2001