

Manual of European Environmental Policy

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Habitats and species conservation

Formal references	
92/43/EEC (OJ L 206 22.7.1992)	Directive on the conservation of natural habitats and of wild fauna and flora
Proposed 22.9.88 – COM(88)381 and 3.8.90 – COM(90)59	
Amended by	
1993 Act of Accession (OJ C 241 29.8.1994) adapted by Council Decision 95/1/EC , Euratom, ECSC (OJ L 1 01.01.1995)	
97/62/EC (OJ L305 08.11.97)	Council Directive amending Annexes I and II
Regulation (EC) No 1882/2003 (OJ L 284 31.10.2003)	
2003 Act of Accession (OJ L 236, 23.9.2003)	
2006/105/EC (OJ L 363 20.12.2006)	Directive amending text and Annexes
Decision 2011/484/EU	Amends the Standard Data Form
Legal base (original Directive)	Article 192 TFEU (originally Article 130s EEC Treaty)
Binding dates	
92/43/EEC	
Notification date	21 May 1992
Entry into force and deadline for transposition in Member States	10 June 1994 (or date of accession if later)
List of potential Sites of Community Importance sites to be supplied by Member States to Commission	5 June 1995 (or date of accession if later)
List of Sites of Community Importance to be adopted	5 June 1998
First composite implementation report by the Commission	5 June 2002
Designation of Special Areas of Conservation	6 years after adoption as a Site of Community Importance

Purpose of the Directive

The stated aim of this Directive, widely known as the Habitats Directive, is to contribute towards the maintenance of biodiversity within the European territory of the Member States through the conservation of natural habitats and of wild fauna and flora. Many habitat types in Europe have deteriorated and a growing number of species have become threatened or increasingly rare. It imposes obligations on Member States similar to those laid down in the [Bern Convention on the Conservation of European Wildlife](#), and contributes to European implementation of the [Convention on Biological Diversity](#).

The Directive aims to maintain or restore at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest, as listed in the Directive. It introduces robust protection for these habitats and species but also allows measures to take

account of economic, social and cultural requirements and regional and local characteristics. Site protection provisions are extended to include Special Protection Areas (SPAs) classified under the [Birds Directive](#) 2009/147/EC (originally 79/409/EEC).

Summary of the Directive

The measures required fall into two main categories: the conservation of selected sites for habitats and species of Community interest listed in Annex I and II; and the strict protection of species of Community interest listed in Annex IV and V, wherever they occur. The common aim is the maintenance or restoration at favourable conservation status of habitats and species of Community interest.

The concept of favourable conservation status is central to the Directive. In general terms, favourable conservation status can be described as a situation where a habitat type or species is prospering (in both quality and extent/population) and with good prospects to do so in future¹. It is assessed by reference to factors such as species population dynamics, trends in the natural range of species and habitats and the area of habitat remaining. Natural habitats are defined in the Directive as ‘terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features whether entirely natural or semi-natural’. In practice, the Directive applies to a substantial number of mostly semi-natural habitats. A habitat type is defined as being of Community interest, and listed in Annex I, if it is in danger of disappearance within its natural range or has a small natural range or represents an outstanding example of one or more of nine biogeographical regions - Alpine, Atlantic, Continental, Macronesian, Mediterranean, Boreal, Pannonian, Steppic and Black Sea². The basis for the natural habitats listed in Annex I is the classification system developed for the [CORINE](#) biotypes project, which, with the amendments of Directive 97/62/EC, was replaced by the new Natura 2000 codes, which identify each natural habitat type. Some of these are specific to a particular region, or are rather precisely defined, such as Siliceous Pyrenean grassland with *Festuca eskia* while others are more widespread - such as estuaries. Some habitat types are identified as ‘priority habitat types’ because they are in danger of disappearance and the Community has a special responsibility for their conservation because of the proportion of their natural range falling within Community territory.

Annex II contains a list of animal and plant species of Community interest which should benefit from the protection of their habitats under the Directive, because within the EU they are endangered, vulnerable, rare or endemic. The list comprises mammals (35), reptiles (19), amphibians (19), fish (62), arthropods (1 crustacean, 36 insects, 22 molluscs) and plants (290 higher plants, 19 lower plants and 122 plants for the macaronesia) A number of priority species are identified because they are in danger of disappearance.

Sites that contribute significantly to the maintenance or restoration of Annex I habitats and Annex II species at a favourable conservation status should be designated and protected as Special Areas of Conservation (SACs). Member States have obligations to protect and appropriately manage SACs for the habitats and species of Community interest that they were designated for.

Annex IV lists species of Community interest that are subject to strict protection measures throughout their range.

Annex V lists species of Community interest whose taking in the wild and exploitation may be subject to management measures.

Natura 2000

Under Article 3 the Directive requires the establishment of a ‘coherent-European ecological network’ known as Natura 2000. This comprises sites designated as Special Areas of Conservation (SACs) hosting habitat types and species of Community importance as listed in Annexes I and II respectively. The network also includes Special Protection Areas (SPAs) for birds as classified by Member States under the Birds Directive. The reference to coherence in Article 3(1) is of key importance as it indicates that Natura 2000 sites may not be seen as isolated ecological hot spots that can survive on their own, but as elements of a broader ‘green infrastructure system’, with numerous functional links amongst sites. The Natura network is to make a significant contribution to the maintenance or restoration at favourable conservation status of habitats and species of Community interest listed in Annexes I and II. There is no requirement to maintain or restore at favourable conservation status birds listed in the Birds Directive. However, there are similar provisions in the Birds Directive that require the maintenance of populations according to ecological, scientific and cultural requirements.

In accordance with Article 4, Member States are required to propose a list of sites (according to the Stage 1 criteria listed in Annex III of the Directive), that include the most important sites at a national level for Annex I habitats and Annex II species and that occur within their European territory. The sites proposed by each Member State of each Annex I habitat and Annex II species is to be proportional to their representation within their European territory. The list and necessary supporting information must be transmitted to the Commission, using a Standard Data Form for each site (including a list of habitats and species of Community interest present), within three years of the notification of the Directive. The information required from Member States on each Natura site and the Standard Data Form have recently been amended as a result of Implementing Decision [2011/484/EU](#). The Commission, after consultation with the Member States, will subsequently list sites as being Sites of Community Importance (SCIs). This listing takes into account their contribution to the conservation of the habitats and species concerned at a biogeographical region level and in the context of the EU territory as a whole. Member States must then designate each SCI as a SAC ‘through a statutory administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of the species to which the site is designated’. SACs must be designated within six years of adoption as SCIs, with Member States establishing priorities according to conservation needs.

Under Article 6 SCIs and SACs are subject to site management and protection measures.

Under Article 6(1) Member States must establish the ‘necessary conservation measures’, for each site, for example through contractual agreements with landowners, to provide the necessary ecological conditions for the habitats and species of Community interest that are present. This may involve the development of management plans where necessary, although this is not mandatory. Article 6 (1) applies to SACs only and enters into force when sites are designated.

Article 6(2) requires that Member States take ‘appropriate steps’ to avoid the deterioration of the habitats concerned and any significant disturbance of those species for which the sites have been designated.

Under Article 6(3), plans or projects which individually or in combination with others are likely to have a significant effect on a site, but are not directly connected to their management (for nature conservation), are to be subject to an ‘appropriate assessment’ of the implications in view of the site's conservation objectives. The conservation objectives for a site are those for all Annex I habitat types present at a site and all Annex II species occurring at the site.

Importantly, in accordance with the precautionary principle, competent national authorities can permit a plan or project only if they have established that it will not significantly affect the integrity of the site. According to the Waddensea case (C127/02) this is the case when no reasonable scientific doubt remains as to the absence of such effects. If it cannot be excluded, on the basis of objective information, that a project will not have a significant effect on that site, it cannot be permitted. In other words, absence of data is not a justification for concluding an absence of effects. If appropriate, the general public may be consulted.

However, under Article 6(4), following a negative assessment a plan or project may still be permitted if there are no alternative solutions and there are ‘imperative reasons of overriding public interest’, including those of a ‘social or economic nature’. Where a site affected hosts a priority habitat type or species the only considerations which may be raised are those relating to human health and public safety, to the beneficial consequences of primary importance for the environment or further to an opinion from the Commission.

However, where such plans and projects are approved Member State must take all compensating measures necessary to protect the overall coherence of Natura 2000, and inform the Commission of the measures adopted. Although coherence is not defined in the Directive, it can be taken to mean that the adequacy of the network in terms of providing all the ecological conditions necessary to maintain favourable conservation status of habitats and species must be maintained.

Under Article 7 of the Directive Articles 6(2), (3) and (4) are extended to all SPAs classified under the Birds Directive. Formally, these obligations replace any arising under the first sentence of Article 4(4) of the Birds Directive as from the date on which a Member State implements the Habitats Directive or the date on which it classifies or recognizes a SPA, if this is later. This modification of the Directive was made in response to the judgement of the European Court of Justice (ECJ) on the Leybucht case, referred to in the Section on the [Birds Directive](#). It should be noted that the concept of priority habitats and species is not found in the Birds Directive.

In addition to the designation of Natura 2000 sites, Member States shall according to Article 10 ‘endeavour’, where they consider it necessary, to encourage the management of landscape features in their land-use planning and development policies to improve the ecological coherence of the Natura 2000 network (as referred to in Article 3). These should include features of major importance to wildlife such as rivers and hedges, or habitat patches that act as stepping stones, such as ponds, etc.

Periodically, the Commission will review the contribution of Natura 2000 towards achieving the objectives of Article 2 and 3 of the Directive, based on the 6-yearly reports from Member States. In the light of this evaluation, SACs may be considered for declassification.

Conservation of species

Under Article 12 Member States are required to establish a system of strict protection for animal species of Community interest listed in Annex IVa. All forms of deliberate capture or killing of specimens in the wild are to be prohibited, as is deliberate disturbance, destruction or taking of eggs and deterioration or destruction of breeding sites or resting places. Member States must also prohibit the keeping of specimens from the wild, their transport and their sale or exchange or offers to do so. In addition they must set up a system to monitor the incidental capture or killing of the species listed. If necessary, further research or conservation measures must be taken to ensure that incidental take of this kind does not have a significant negative effect on the species.

Under Article 13 Member States are required to establish a system for the strict protection of plants listed in Annex VIb prohibiting deliberate picking, collecting, cutting, uprooting or destruction of such plants in their natural range in the wild. Under Article 14 in the light of surveillance results, Member States may adopt measures to ensure that taking in the wild of species listed in Annex V of the Directive as well as their exploitation, is compatible with their being maintained at favourable conservation status. Such measures may include continuation of surveillance and other steps, such as establishing close seasons, licensing systems, the Regulation of purchase and sale, etc.

Article 15 requires Member States to prohibit all indiscriminate means of capturing or killing wild fauna listed in Annex V(a) and any listed in IV(a) if capture or killing is permitted under a derogation that may result in their local disappearance or serious disturbance of their populations. More particularly, they must prohibit methods and means of capture and killing set out in Annex VI(a) and any form of capture or killing from the modes of transport listed in Annex VI(b).

In certain circumstances the species protection measures afforded by Articles 12–15 may be subject to derogations in accordance with Article 16, provided that there is no satisfactory alternative and they are not detrimental to the maintenance of the populations of the species at a favourable conservation status. These circumstances are specified and include the prevention of serious damage to crops and livestock, and public health and safety requirements, etc. Member States must send a report on derogations to the Commission every two years according to the information requirements and standard format specified in the Directive. The Commission must give an opinion on the derogations within 12 months.

Derogations

In accordance with Article 16 Member States are allowed derogations from the strict species protection provisions. However, they are required to produce biennial reports to the Commission. The Commission then compiles and assesses the Member States reports and provides a summary in a composite report.

Financial support

As described further below, it was agreed during the development of the Directive that Community co-financing would be provided to help Member States meet their obligations. This was judged to be necessary to avoid excessive financial burdens falling on Member States, e.g. in case when a Member State hosts a high proportion of habitats and species of Community interest. However, financing support from the EU budget is to be confined to the measures essential to maintain or re-establish a favourable conservation status on sites hosting priority habitats or species. Article 8 sets out a procedure whereby Member States submit cost estimates for the management measures necessary to achieve favourable conservation status of priority habitats and species. The Directive then requires the Commission to review the measures and costs involved and adopt a framework of aid measures (although the precise source of Community aid is not referred to). In some circumstances Member States may postpone management measures that have yet to attract Community funding, but they must refrain from action likely to damage sites in such cases.

Research

Under Article 18, taking into account the Directive's objectives set out in Article 2 and Article 11 surveillance requirements, Member States and the Commission are to encourage research and scientific work and to exchange information to improve research coordination at Member State and Community levels. In implementing the Directive the Member States are to study the desirability of reintroducing native species listed in Annex IV under certain circumstances, ensure that the introduction of non-native species is regulated and promote education and general information on the need to protect species and their habitats.

Monitoring and reporting

Under Article 11 Member States must undertake 'surveillance' of the conservation status of the habitats and species found in their territory, with special attention to priority types. In accordance with Article 17, Member States must draw up a report on implementation of measures in the Directive (every six years from the notification date of the Directive) and forward it to the Commission. Within two years of receiving these reports the Commission must draw up and publish a composite report, submitting relevant parts to the Member States for verification.

Amendments

Under Article 19 proposals to amend Annexes I, II, III, V and VI may be submitted to the Council acting by qualified majority on a proposal from the Commission. Amendments to Annex IV require unanimity in the Council. A committee of Member State representatives to assist the Commission is established to deliver opinions by qualified majority vote. This Committee is known as the Habitats Committee.

Other measures

Article 22 requires Member States to consider the desirability of reintroducing species listed in Annex IV that are native to their territory (if previous experience from other Member States indicates that this could help maintain or restore favourable conservation status).

Member States must also ensure that reintroductions of non-native species do not prejudice native habitats and flora and fauna. Under Article 22 Member States must also promote the need to conserve habitats and wild flora and fauna.

Development of the Directive

The seeds of an ambitious proposal to extend the conservation measures of the Birds Directive to the protection of habitats and other species were present when the second Action Programme on the Environment emerged in 1977. The text noted that the Commission was participating in the preparation of an instrument being developed by the Council of Europe to protect wildlife and biotopes and would submit appropriate proposals for Community action if this seemed necessary 'in order to ensure that the instrument is satisfactorily applied'. The instrument in question was the [Bern Convention on the Conservation of European Wildlife and Natural Habitats](#), signed in September 1979. The Habitats Directive, agreed 13 years later, enshrines many of the provisions of the Bern Convention in EC law and takes it a step further, particularly by seeking the protection of certain types of habitat (often referred to in scientific terms as biotopes) for their own sake rather than because they harbour valued species.

The arguments in favour of a Community initiative on habitat conservation were rehearsed in the third Action Programme on the Environment of 1983: 'The main problem is the conservation of habitats where their gradual, irreversible disappearance in many cases constitutes the chief threat to the survival of species. While it is recognized that local, regional and national responsibilities are decisive in this case, a Community framework is becoming essential, if greater cohesion is to be given to such efforts. Such a framework would ensure that a network of properly protected biotopes, sufficient in both extent and number, and interlinked in a rational fashion, was set up and maintained. The network should be designed in such a way as to guarantee – as far as the habitat is concerned – the survival of all species native to the Community. This would be made much easier if it were possible to use Community financial resources, and in particular those destined for the protection of the environment. One cost-effective use of these resources may be to grant support to voluntary organizations, within a framework of appropriate rules to manage nature reserves'.

By the mid-1980s the potential merits of an EC Directive protecting habitats and species other than birds were being discussed by NGOs. In the United Kingdom, for example, organizations concerned with the conservation of plants became aware that the site protection mechanisms under the Birds Directive potentially could benefit other species. In 1985 the British Association for Nature Conservation held a meeting on 'Britain's international obligation to wildlife' during which the case was made for a new Directive for species other than birds. This point was taken up by Friends of the Earth which wrote a letter to the journal *ECOS*³ proposing that non-governmental organizations should promote a Directive on wildlife habitats, which it sketched in outline.

Initiatives of this kind may have influenced the Commission's Decision to include a fairly specific proposal for what was to crystallise as the Habitats Directive in the fourth Environmental Action Programme of 1987. The proposal was prefaced by the words '... the time is now ripe for the Community and the Member States to make a major new thrust in the field of nature conservation ...'. Underlying the Commission's confidence in making this proposal was the Single European Act which was enacted shortly before the fourth Environmental Action Programme was agreed. For the first time, this gave the Community

clear competence in the environmental sphere and a legal basis for measures concerned with nature conservation.

However, the proposal was not one of the 22 priorities identified explicitly in the Council Resolution noting the Action Programme in October 1987. Nevertheless, the Commission proposed a Directive in September 1988. Although the proposed Directive was based in large measure on the provisions of the Bern Convention, the text was more ambitious than The Convention in many or even most respects and reflected some of the current criticisms of it. All Member States at the time were signatories, but France and Belgium were yet to ratify the Convention and implementation by others was relatively poor, as had been pointed out by the European Parliament, the International Union for the Conservation of Nature, and others. Improving the effectiveness and coherence of The Convention was one of the main justifications for the Directive.

The provisions of the draft Directive changed significantly between 1988 and December 1991, when political agreement on the text was reached under the Dutch Council Presidency. Initially, the Commission had hoped that the text would be agreed without including eight of the 11 proposed annexes. Amongst those omitted were the lists of the species and habitats to be protected. In the event, this proved unacceptable to the Member States and to the European Parliament. Some further draft annexes appeared in mid 1989 but it was not until March 1990 that a formal proposal was published for the missing eight (COM(90)59). Most were further amended during the ensuing negotiations. Other controversial aspects of the text included the extent of the Commission's powers to propose sites for inclusion in the Natura 2000 network, the mechanisms for amending the annexes, the obligations to undertake environmental assessment of projects and plans likely to affect sites in the network, the degree to which the Directive should apply to the wider countryside outside protected areas and the proposed controls over hunting.

The European Parliament prepared a substantive report on the Directive, suggesting 53 amendments to the Commission's draft. Some of these were accepted in a modified proposal from the Commission dated February 1991. One of the innovations due to the Parliament, supported by many NGOs, was a sharpening of the aim of the Directive so as to protect both habitats and species 'at a favourable conservation status'.

In 1991 the ECJ made an important judgement about the interpretation of Article 4 of the Birds Directive which is concerned with site protection (Case 57/89, often referred to as the 'Leybucht Case', see discussion under the [Birds Directive](#)). It suggested that Member States were obliged to protect such sites more stringently than most were accustomed to doing under national implementing legislation⁴. Consequently, there was pressure on the Commission to introduce new clauses into the text of the Habitats Directive in order to amend the Birds Directive and take account of the impact of the Court's judgement. This occurred.

However, it was the budgetary implications of the Directive for certain Member States which came to the fore in the final months of negotiation over late drafts of the Directive. The Spanish government, aware that a significant proportion of the national land area might qualify for the Natura 2000 network, led a group of Member States arguing for Community aid to cover at least part of the costs of implementation. Some governments regarded this as a dangerous precedent although there was widespread recognition that the costs of implementing the Directive would be uneven and fall disproportionately on some of the poorer Member States. In the event, agreement was reached that financial aid would be

provided although the mechanisms for doing so were not spelled out. Subsequently, there has been a significant expansion in the Community's environmental expenditure, but as discussed below under-funding of nature conservation remains a major constraint on progress with the implementation of the Birds and Habitats Directives.

The Directive was adopted in 1992, but there was some delay in its practical implementation. Although Member States were required to transpose the Directive into national law within two years, many took significantly longer, which resulted in several being subject to legal proceedings.

Following the completion of the Directive, Commission Decision [97/266/EC](#) of 18 December 1996 provided detailed specifications for the information and format required to support proposals for Natura 2000 sites (now commonly known as the 'Standard Data form'). The Standard Data Form (SDF) has recently been amended as a result of Implementing Decision [2011/484/EU](#), in order to improve, streamline and modernise the data flow. Rather than just a format for site proposals, the SDF is now seen as a tool for providing site information, which contributes to the Natura 2000 network database, and is used for a variety of purposes.

As a result of the enlargement of the EU the Directives' Annexes were updated. This included the addition of new typical and endangered species and habitats in the new Member States (with a limited number of geographic exceptions granted). The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia in 2004 resulted in the addition of a new biogeographic region to the existing six (Continental, Mediterranean, Alpine, Atlantic, Macaronesian, Boreal): the Pannonian region. The accession of Romania and Bulgaria in 2007 resulted in the addition of the Steppic and the Black Sea biogeographical regions.

Implementation of the Directive

Measures taken by the Member States to transpose the Directive can be found in their national [execution measures](#).

As regards the legal transposition of the Directive and the implementation of the Natura 2000 network, no transition periods were agreed. Acceding Countries were obliged to implement the Habitats Directive (and Birds Directive) from the date of accession, including the provision of a proposed list of SCIs to the Commission.

The Commission is assisted with the implementation of the Directive by a committee (in accordance with Article 20) of representatives of Member States, known as the Habitats Committee, which is supported by a scientific working group (and other ad hoc groups that have reported to it) and the European Topic Centre on Biological Diversity, which provides technical and scientific support. To aid the consistent identification of habitats across the EU the Commission has produced an *Interpretation Manual of European Union Habitats*, which has been subject to occasional updates to reflect increased knowledge and the expansion of the EU; the most recent version of which was produced in 2007⁵.

Identification of sites of Community importance

A common problem (which was similar to the Birds Directive implementation problems) has been the slow and incomplete identification of sites by Member States that should be considered for inclusion in the list of SCIs and thereby, subsequent designation as SACs. The Directive includes criteria for the selection of SCIs, which avoided some of the ambiguity seen in the selection of SPAs under the Birds Directive. However, progress was also slowed by the need to assess national proposals in the context of biogeographical needs. This led to lengthy iterative negotiations between many of the Member States and the Commission on their proposed lists of SCIs, in some cases legal challenges and ECJ rulings (see discussion of key examples below). Despite the scientific and political difficulties related to site selection, the network is now nearing completion on land, but not yet at sea⁶.

In December 1997, the European Commission initiated infringement proceedings against several Member States. Following a ‘moderation’ meeting in September 1999, where draft lists of sites for individual biogeographical regions were examined together, the Commission rejected all the Member States’ proposed lists as they were considered to be inadequate. For example, with respect to the United Kingdom list, the Commission argued in particular that the proposed list did not sufficiently reflect the overall geographical and ecological range of habitats and species or ensure that submitted sites reflected all the species present.

As discussed briefly under the Birds Directive, since July 1999, the Commission has warned Member States that where implementation of the Birds and Habitat Directives is considered particularly poor, failure to meet their commitments may jeopardize chances of receiving regional funding under the [Structural Funds](#). In January 2000, when the Commission took further steps against several Member States for failure to submit complete lists of sites of potential importance for the establishment of the Natura 2000 network and for failure to properly transpose the Habitats Directive into national legislation. The Commission stated that Member States would not receive funds for infrastructure development unless applications showed that the development would not threaten areas likely to be included in the Natura 2000 network. This is believed to be the first time Member States have been threatened with withholding funding as a way to make them apply environmental legislation. The Commission also warned governments that access to funding under the [LIFE environment fund](#) ‘may be more difficult’ in the future for Member States that had not yet proposed a comprehensive list of sites for protection. In June 2000 the Commission took further steps and wrote a letter to agriculture ministries in all Member States with regard to the implementation of the Birds, Habitat and Nitrates Directives. This letter warned Member States that support under the [Rural Development Regulation](#) may be withheld in the future if individual countries did not make sufficient progress in implementing the Natura 2000 network and the Nitrates Directive. The letter required that Member States had to submit lists of Natura 2000 sites as soon as possible, certainly within a year. Member States that were behind schedule must include in their Rural Development Programme documents ‘clear and irrevocable commitments to guarantee consistency of their programmes with the protection of sites as provided under Natura 2000’. Despite these actions by the Commission, the submission of national lists of proposed SAC sites, as specified under Article 4(1) of the Directive, was delayed for all Member States. Many received warning letters, and a high proportion led to ECJ rulings (some of which are described below).

A major landmark in the realization of the Natura 2000 conservation network was the approval by the European Commission of the first list of SCIs for the Macaronesian

biogeographical region in December 2001. Subsequently, lists of SCIs for the Alpine, Continental, Atlantic, Boreal and Mediterranean biogeographical regions have been adopted and updated. An initial list for the Pannonian region was approved in 2008 and was updated for the first time in 2009. Initial lists for the Steppic region (2008) and the Black Sea region (2009) were also adopted. Table 1 sets out the lists that have been approved and the corresponding Commission Decisions.

Table 1.

Biogeographical region	Decision	Official Journal reference	Type
Alpine	2012/12/EU	OJ L10, 13.1.2012	5 th update
Atlantic	2012/13/EU	OJ L11, 13.1.2012	5 th update
Black Sea	2009/92/EC	OJ L43 13.02.2009	Initial list
Boreal	2012/11/EU	OJ L10, 13.1.2012	5 th update
Continental	2012/14/EU	OJ L11, 13.1.2012	5 th update
Macaronesian	2009/1001/EU	OJ L344, 23.12.2009	2nd update
Mediterranean	2012/9/EU	OJ L10, 13.1.2012	5 th update
Pannonian	2012/10/EU	OJ L10 13.1.2012	3 rd update
Steppic	2008/966/EC	OJ L344 20.12.2008	Initial list

Note: The most recent biogeographical lists approved by the Commission as of April 2011. For details see

http://ec.europa.eu/environment/nature/natura2000/sites_hab/biogeog_regions/index_en.htm

In November 2011 the Commission released its fifth set of updated lists of ‘Sites of Community Importance’, for six bio-geographical regions. This revealed an increase of 166 sites as a result of which Natura 2000 now covers almost 18 per cent of the EU's landmass. Of particular importance has been the recent steps that have been taken to protect many marine sites, despite a lack of information on some species’ distributions and hence problems with defining site boundaries.

The DG Environment [Natura 2000 Barometer](#) gives an evaluation on the progress made in establishing the Natura 2000 network, both under the Birds and the Habitats Directives. According to the Barometer provided on DG Environment's website, as of May 2010 no Member States were considered by the Commission to have ‘notably insufficient’ SCI networks. At the time most national networks remained ‘incomplete’, with only Belgium, Czech Republic, Denmark, Germany, Greece, Italy, Malta, the Netherlands and Portugal considered to have ‘largely complete’ SCI networks. The current version of the Barometer does not provide an evaluation of the adequacy of each Member States’ SCI network. However, it indicates that as of June 2011 22,594 terrestrial SCIs have been identified covering some 583,888 km² and 1,247 marine SCIs have been identified covering 149732 km².

Co-financing

An expert working group on Article 8 (co-financing provisions) of the Directive was set up in 2001 to establish an estimate of the cost of managing the Natura 2000 network, and to explore sources of financing for this work, specifically the possibility of Community co-financing. The final report of the group was published in December 2002⁷ The report gave

estimates of the cost of managing the Natura 2000 network of between €3.4 and 5.7 billion per year between then and 2013 but considered those estimates to be conservative. It considered that current funding mechanisms were insufficient to support these costs. Recommendations were made in the report for increasing funding focused on integration of nature conservation into the CAP and other existing funding schemes as well as enhancement of the [‘LIFE’ fund](#).

The report was followed in 2004 by a Commission Communication on funding Natura 2000 ([COM\(2004\)431](#)), which estimated the costs of Natura 2000 to be €6.1 billion per annum for the EU 25. The Communication was published at the same time as a draft of Commission proposals concerning funding arrangements for the 2007–2013 period. The Natura 2000 financing Communication was followed by intensive discussions on future financing arrangements, both in the European Parliament and the Council of Ministers. Finally, it was agreed that during the 2007–2013 funding period the management of Natura 2000 would be integrated into all existing Community funding instruments, including funds for rural and regional development. Thus, funding of Natura 2000 now forms a part of the EU [Agricultural Fund for Rural Development](#), [European Fisheries Fund \(EFF\)](#), [Structural and Cohesion Funds](#) and the 7th [Framework Programme for Research and Development \(FP7\)](#). In addition, [LIFE+](#) (that is the successor of LIFE fund) will also continue to support the implementation of the Habitats and Birds Directive.

In 2010, the Commission requested an updated estimate on the costs of Natura 2000 network to be developed with a view to prepare for the 2014-2020 EU funding period⁸. The financing needs for implementing the Natura 2000 network were estimated to be around €5.8 billion per annum for the EU 27. As before, this was considered to be a conservative estimate, because it does not fully reflect the level of financial investment required to maintain and/or restore the favourable conservation status of habitats and species across the network.

Appropriate assessments and compensation measures

Under Article 6(3) competent authorities must undertake appropriate assessments of plans and projects that may have a likely significant effect on a Natura site. Following the precautionary principle, plans and projects can only proceed having ascertained that they will not have an adverse effect on the integrity of the site, or shown that there are imperative reasons of overriding public interest and no alternatives.

If projects that do affect the integrity of the site go ahead then, in accordance with Article 6(4), compensation measures must be taken to protect the coherence of the overall network. These measures have been the subject of some controversy and confusion, leading to interventions from the Commission and ECJ cases (see below). In particular, Member States have often struggled to understand and properly apply the precautionary principle (see Case C-127/02 concerning the Waddenzee below). There were also concerns that appropriate assessments were too general in nature, that the concept of ‘imperative reasons of overriding concern’ required clarification and that compensation measures, where provided, were often inadequate or not targeted to the species and habitats of Community interest that are the subject of impacts.

To help overcome these problems the Commission produced some important guidance documents, including in 2001 methodological guidance on the provisions of Articles 6(3) and (4)⁹, and a 2007 update on Article 6(4) clarifying the concepts of alternative solutions,

imperative reasons of overriding public interest, compensatory measures, overall coherence and the opinion of the Commission¹⁰. The Commission has also published on its website its opinions, where requested by Member States in accordance with Article 6(4) subparagraph 2, on proposed developments that may have a significant impact on priority species or habitats in Natura sites.

It is also a requirement under Article 6(4) that Member States must report to the Commission on any measures that they undertake to compensate for residual impacts on habitats and species of Community interest in Natura sites. However, despite several letters from the Commission reminding the relevant authorities of such obligations, Member States have not systematically reported on adopted compensatory measures. As a result of this, and a written question (E-1888/07), the Commission made a specific request to Member States for relevant information on the use of compensation measures that were taken in 2004–2006.

Although three requests were made for the information, ten Member States did not provide any substantial feedback: Belgium, Cyprus, Greece, Finland, France, Ireland, Malta, Portugal, Slovenia and the United Kingdom (although the United Kingdom had provided information on compensation measures in previous years). Eight Member States informed the Commission that compensation measures were not applied over the 2004–2006 period. The remaining seven countries provided information on 42 cases, where compensation measures under Article 6(4) subparagraph 1 were applied during the period in question (15 in Portugal, 10 in Germany, 7 in Spain, 4 in Italy, 2 in Hungary, 3 in Austria and 1 in Luxembourg). These concerned a variety of projects, from large infrastructures, including motorways (6), airports (4), train lines (1), to wind farms (11) and urban developments related to tourist resorts (5).

The information that was provided by the Member States was also often found to be ‘partial, vague and insufficient’ and this further hampered the Commission's assessment of Article 6(4) measures. Although the Commission acknowledged that the Directive does not stipulate the information required, advice on reporting had been provided in the Commission's 2001 guidance document referred to above; but this was not being routinely followed.

Despite, these information limitations the Commission considered that the assessments of the effects of projects are frequently vague and too general’ and was concerned by the way biodiversity matters and nature aspects are addressed. Given that the evaluation of impacts determines what needs to be compensated, both in quantity and in quality, this issue is crucial. The majority of the Member States that had provided information did appear to have applied Article 6(4) correctly, and had taken a highly precautionary approach. However, there were substantial concerns that some of the compensatory measures proposed were not compensation measures (but mitigation measures that may have only partially reduced impacts), or were not related to the impacts caused by the project, or were not able to offset its biodiversity impacts (e.g. by building interpretation centres for the site). Furthermore, in some of the cases reported, the compensatory measures were not additional to the actions that should be normal practices under the Habitats and Birds Directives (such as the monitoring of species or preparation of management plans).

Consequently, in its conclusions, the Commission noted that ‘it is also remarkable the lack of understanding of the purpose of compensatory measures and the very common low quality of the measures proposed’. However, it is important to note that the 2004–2006 period over which the compensation measures were assessed was before the production of the

Commission's 2007 guidance on Article 6(4). The Commission therefore noted that it hoped the guidance would lead to improvements. To date the Commission does not appear to have published any further updates on the implementation of Article 6(4) compensation measures, and therefore it remains to be seen if the practical compensation standards and reporting have in fact improved.

Article 10 measures to maintain important landscape

Another area of concern has been the limited actions by Member States to implement Article 10 (and related Articles concerning the coherence of the network), by maintaining important features in the landscape, such as hedgerows, trees and ponds. The necessity to improve the coherence of the network is also increased by the growing impacts of climate change on biodiversity. Adaptation measures to reduce these impacts will need to improve the coherence of the network to increase resilience of existing habitats and populations¹¹. In the longer term increased connectivity may also facilitate the movements of some species and habitats to new areas with suitable climatic conditions. Such features can provide important habitat in the wider environment and help to maintain ecological connectivity between habitat patches, which can support coherence of the Natura network. A reason for this limited progress may be that Article 10 provisions unequivocally subject decisions on how and where to implement connectivity measures to the full discretionary power of the Member States. A key issue to consider is therefore when connectivity measures are deemed to be necessary. This was discussed in a Commission organised workshop on Article 10 on the Island of Vilm in 2005. This was not an official EU Commission workshop, but was attended by representatives from the Commission and Member State delegates from the Scientific Working Group of the EU Habitats Committee, representatives of the nature conservation authorities of the German States, NGO representatives and selected experts for different groups of species. The workshop report was then provided as a background document to a meeting of the Scientific Working Group on 21st September 2005. It was also discussed in a guidance report for DG Environment by IEEP on Article 10¹². Both concluded that in principle Article 10 measures should be taken when Member States regard them as necessary to achieve the overall objectives of the Directive, especially for the maintenance or restoration of species and habitats of Community interest to a favourable conservation status. Furthermore a European Commission paper¹³ (on reporting under Article 17 of the Habitats Directive) noted that 'Member States are expected to take all requisite measures to reach and maintain the objective of FCS [Favourable conservation status]'

The Commission's composite report on the implementation of the Habitats Directive for the period 1994–2000 suggested that some actions to implement Article 10 were being taken¹⁴. But according to the more recent 2007 guidance report for the Commission on Article 10 it appears that few Member States are actively taking new measures (e.g. legal provisions) to conserve and increasing connectivity within and between protected areas. In addition, even when legal measures are in place, actual implementation is patchy and inconsistent. For example, progress has been particularly slow in most countries with establishment of ecological networks that go beyond Natura sites. This is primarily as a result of the limited legal powers of proponents, the costs of large-scale land purchase and long-term management and poor consultation with stakeholders¹⁵.

Strict protection measures for species

Some problems and uncertainties have also arisen with the Directives provisions under Articles 12 and 16 that aim to provide strict protection for certain animals and plants (i.e. listed on Annexes IV). A Working Group of Member States was therefore formed under the Habitats Committee, which met eight times between June 2002 to February 2005 to discuss certain concepts and definitions used in Articles 12 and 16, which have caused some implementation problems. Despite these efforts, the groups' final report was not used as guidance as it was considered to be unduly influenced by political issues, including infraction proceedings against some Member States. Instead the Commission produced its own guidance document on the strict protection of animal species¹⁶. The document is intended to ensure a common understanding of the respective provisions in the Directive and help foster pragmatic, flexible and practical solutions to problems that are in accordance with the legal framework.

Derogations under Article 16

The most recent composite report by the Commission on derogations was produced in July 2011 and provided an analysis of the EU-24 Member States¹⁷.

The report revealed that the Member States' reporting was very variable both in terms of the accessibility of the reports and the quality of the data provided. The official standard 'Model of report according to Article 16.2' was not always used and in some cases the provided data were too general to allow a reliable assessment of the derogation. Nevertheless, despite these data deficiencies the report concluded that 'none of the Member States' derogations are in apparent conflict with the species protection measures of the Habitats Directive'.

In total some 5,790 derogations were issued by Member States authorities within the biennial period. However, there was considerable variation across the Member States in terms of derogations, from two in the case for Estonia, to several hundreds in others, such as Germany and Poland. The United Kingdom issued the highest number of derogations (1,010 licences).

According to the data provided by the national reports, the most frequent reason for derogations (about half of derogations) was 'for research and education purposes, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants'. Most of these derogations were for research and monitoring purposes (e.g. inventories, censuses, genetic analysis or studies of population dynamics). A substantial number of derogations were also issued in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment' These derogations mainly affect bats allowing the destruction of resting places in particular in Germany, The Netherlands and Hungary, but are also used in Slovakia to kill the brown bear and to sell *Helix pomatia* (the latter also in Poland).

Mammals were the most derogated class followed by amphibians. More than half of the derogations concerning mammals affected bats, while the others concern Wolf (*Canis lupus*), Eurasian Lynx (*Lynx lynx*), Brown Bear (*Ursos arctos*), and Beaver (*Castor fiber*). Derogations affecting plants and insects are the minority

Conferences and reporting under Article 17

To mark the tenth anniversary of the Directive a conference was held in May 2002 in Tenerife. The El Teide Declaration was presented at the conference, as a joint initiative of the European Commission and the Spanish Presidency of the Council. It recommitted the signatories to implementing Natura 2000 and protecting the Community's biodiversity. All EU Environment Ministers and Environment Ministers from Candidate Countries signed the Declaration.

The Commission published the first composite report on the implementation of the habitats Directive on 5 January 2004 ([COM\(2003\)845](#)). It highlighted some of the major obstacles that delayed the implementation of the Directive in certain regions and Member States, often due to national debates. There was a lack of suitable scientific data and of a clear process for site selection; and some ecosystems presented particular difficulties, such as marine sites, either as a result of inadequate data or overlapping administrative responsibility.

The second reporting period under the Directive ended with national reports to be submitted to the Commission by the end of 2007. The second report covered the period June 2000 to May 2006 and focused on the first systematic assessment of the conservation status of all habitats and species of Community interest in accordance with Article 17 monitoring obligations. The reports produced by all Member States other than Romania and Bulgaria, classified each habitat's and species' status as 'favourable', 'unfavourable inadequate', 'unfavourable bad' or 'unknown' according to a common framework agreed by the Habitats Committee¹⁸. After consultations with the Member States and the public, the Commission published its composite report in July 2009¹⁹, which was based on the Member States' reports and an integrated assessment across biogeographic regions by the [European Environment Agency's](#) Biodiversity Topic Centre.

The results showed that biodiversity is in a poor state in many regions of the EU, and that we have poor knowledge of the status of many habitats and species. At a bio-geographical level, only 17 per cent of the 701 Annex I habitats across the EU-25 were found to be in 'favourable' condition. The results also displayed regional differences with regard to status; none of the habitat assessments from the Atlantic region (covering United Kingdom, Ireland and the Atlantic coasts from Spain to Denmark) were considered to be in 'favourable' condition (despite occasionally achieving 'favourable' status at a national level).

Of nine habitat groups broadly encompassing the habitat types in the Habitats Directive, only three had more than 20 per cent in 'favourable' status, namely rocky habitats, sclerophyllous scrub (i.e. evergreen shrubs of arid Mediterranean regions) and forest habitats. Those habitats under the greatest pressure were:

- *Dunes*: less than 5 per cent in 'favourable' condition.
- *Bogs, fens and mires*: approximately 7 per cent in 'favourable' condition.
- *Grasslands*: approximately 7 per cent in 'favourable' condition.
- *Coastal habitats*: circa 9 per cent in 'favourable' condition.

Dunes were reported to be under severe pressure from tourism and coastal development and climate change. Land abandonment and intensification of agriculture resulted in the biggest losses of biodiversity in grasslands, as much of these habitats in Europe require active management. Bogs, fens and mires suffered from land conversion and climate change, and

were particularly affected in the Atlantic and Continental regions. It was also found that a much higher proportion of habitats associated with agriculture have an unfavourable status compared to non-agricultural habitats.

Overall across the EU-25, only 17 per cent of the assessments of species condition were classed as 'favourable' with 31 per cent unknown. The Boreal, Macaronesian (i.e. Atlantic islands off the coast of North Africa) and Alpine regions fare best while the high proportion of 'unknown' in the Mediterranean and Atlantic regions made comparisons difficult. It is difficult to discern any systematic differences between the major taxonomic groups. Some species, which had been the subject of conservation measures, such as Wolf, Eurasian Lynx, Brown Bear, Otter and Beaver had shown signs of recovery (despite some of these being killed under derogations in some Member States). However, the report noted that these and other species remain a long way from achieving healthy, sustainable populations. Amphibians appeared to be more affected by climate change than other groups (though it is likely that the impacts of climate change are yet to be detected in many species and habitats).

The report also highlighted concerns over the ability of many Member States to assess the condition of their habitats and species of Community interest. Overall, approximately 13 per cent of regional habitat assessments and 27 per cent of regional species assessments were reported by Member States as 'unknown'. And this is a particular problem in southern Europe, as Greece, Cyprus, Spain and Portugal all listed the conservation status of more than 50 per cent of the species found in their territories as 'unknown'. Knowledge of the marine environment is also poor, with 40 per cent of the habitat assessments and 57 per cent of the species assessments classified as 'unknown'.

Although the results of the composite Article 17 report are clearly worrying, the Commission notes that it is by and large too early to assess the overall impact of Natura 2000 designation on the status of the network as a whole. Furthermore, being the first report of its type, it was affected by difficulties with standardising assessments criteria and procedures, which made comparisons across habitats and countries, etc., unreliable. The Commission also pointed out that there were many cases in which sites have benefited at a local level from designation, particularly those receiving funding. Accordingly it is anticipated that by the time the second and third assessment reports are due in 2013 and 2019, respectively, the positive contribution of Natura 2000 to the conservation status of the habitat types and species covered by the Habitats Directive should be clearly discernible. However, the Commission also stresses that certain Member States (especially in southern Europe) need to significantly increase monitoring and reporting, particularly for marine environments.

It is clear that much needs to be done in order to increase the percentage of species and habitats in favourable conservation status. A large variety of approaches, experience and best practice has already become and still will become available. To help achieving coherence in management, monitoring, financing of, and reporting on the Natura 2000 network, the European Commission has initiated a programme of new biogeographic seminars. This process between Member States, experts, stakeholders and the Commission is intended as a mechanism to analyse and interpret the results from reporting on species' and habitats' conservation status at a biogeographical level and to make recommendation for future action. The first biogeographic seminar will be held in June 2012 for the Boreal region, the next biogeographic region will be the Atlantic region, with a seminar to be held late in 2012.

Enforcement and court cases

Many legal challenges have been brought against Member States, many of which cover similar issues to those encountered in the implementation of the Birds Directive (and are therefore described in more detail in that section), including the incomplete transposition of the Directive, slow or incomplete identification of sites for inclusion in the Natura network, inappropriate consideration of the economic issues when selecting sites and weak protection of sites and species. Some of the more significant ECJ that clarified the legal obligations of the Member States cases are summarized below:

- Case [C-2/10](#) (Azienda Agro-Zootecnica Franchini Sarl, Eolica di Altamura Srl v Regione Puglia). The Court ruled that Italy did not breach EU law by banning commercial wind farms from national parks. The regional law implementing the Habitats and Birds Directives in Puglia, Italy, was challenged by firms planning a wind farm in the Alta Murgia national park in Puglia on the basis that it contradicted Directive 2001/77/EU to [promote renewable energy](#). The Court rejected this position and confirmed that the ban was compatible with the Natura 2000 Directives, despite going beyond their requirements. This ruling therefore confirms that Member States may introduce stricter national protective measures than those laid down in the Habitats Directive.
- Case [C-383/09](#) (European Commission vs French Republic). France was found to have failed to meet its obligations under the Habitats Directive by failing to establish a programme of measures to ensure strict protection of the European Hamster (*Cricetus cricetus*), and ordered to meet costs
- Case [C-371/98](#) (United Kingdom – First Cooperate Shipping). Interpretation of Articles 4(1) and 2(3). The Court held that a Member State may not take account of economic, social and cultural requirements or regional and local characteristics, when selecting and defining the boundaries of the sites to be proposed to the Commission as eligible for identification as SCIs. That is, the Member State's role is only to present a list of all sites that meet the criteria in the annexes to the Directive. At that time, it can also furnish the Commission with relevant social and economic information to allow judgements to be made about which sites should eventually be designated.
- Case [C-117/03](#) (Società Italiana Dragaggi SpA and Others v Ministero delle Infrastrutture e dei Trasporti and Regione Autonoma Friuli Venezia Giulia). Protection of proposed SCIs. The Court found that the protective measures of Articles 6(2), (3) and (4) cannot be relied upon by a Member State for site protection until a site has been formally adopted by the Commission as a site of Community importance. Member States are required to protect the ecological interest of proposed sites, particularly those hosting priority species or habitat types, through strong national legislation. The Court considered that failure to provide sufficient national protection for proposed sites could undermine achievement of the Habitats Directive's conservation objective.
- Case [C-127/02](#) (Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij). Interpretation of Article 6. 'Plans and projects' and 'appropriate assessments'. The issuing of a fishing licence can fall within the concept of 'plan or project', even the activity has been carried on periodically for many years and licences are granted annually. Article 6(3) has to be interpreted as meaning that any plan or project has to be subject to an appropriate assessment 'if it cannot be excluded, on the basis of objective information, that it will not have a

significant effect on that site, either individually or in combination with plans or projects'. If a plan or project 'is likely to undermine the site's conservation objectives it must be considered likely to have a significant effect on the site. The assessment of the risk must be made in light of, amongst others, the characteristics and specific environmental conditions of the site concerned'. The competent authorities are to authorize activities 'only if they have made certain it will not adversely affect the integrity of that site'. This is the case where 'no reasonable scientific doubt remains' as to the absence of these effects.

- Case [C-6/04](#) (Commission v United Kingdom). The UK government was found by the ECJ to have failed to transpose correctly the requirements of the Directive in relation to 11 points. Specifically, the Court found that the United Kingdom had failed in its transposition of: Article 6(2) as regards Gibraltar; Article 6(3) and (4) as regards water abstraction plans and projects and land use plans; Article 11; Article 12(1)(d) as regards Gibraltar; Article 12(2); Article 12(4); Article 13(1); Article 14(2); Article 15; Article 16; and the whole of the Directive outside territorial waters. The case made clear that, in implementing Article 6(2), it may be necessary to adopt both measures to avoid external man-caused impairment, and measures intended to prevent natural developments (such as scrub growth) that may cause deterioration. Furthermore, the fact that surveillance practice may be in conformity with the requirements of Article 11, does not constitute a reason for not transposing the surveillance obligation into domestic law.
- Case [C-244/05](#) (Bund Naturschutz in Bayern eV and Others v Freistaat Bayern). The ECJ ruled that the appropriate protection regime applicable to potential SCIs included on a national list transmitted to the Commission, under Article 4(2) of Habitats Directive requires Member States not to authorize interventions which incur the risk of seriously compromising the ecological characteristics of those sites. Moreover, Member States must, in accordance with the provisions of national law, take all the measures necessary to avoid interventions which incur the risk of seriously compromising the ecological characteristics of the sites which appear on the national list transmitted to the Commission.
- Case [C-342/05](#) (Commission v Finland). The Court found that by authorizing wolf hunting on a preventive basis, without it being established that the hunting is necessary to prevent serious damage, Finland had not complied with the requirements for derogations in accordance with Article 16(1)(b) of the Directive and had therefore failed to fulfil its obligations of protecting the wolf under Articles 12(1) and 16(1)(b).
- Case [C-241/08](#) (Commission v France). The Court found that France had failed to fulfil its obligations under Article 6(2) and Article 6(3) of the Habitats Directive by providing generally that fishing, aquaculture, hunting and other hunting-related activities practised under the conditions and in the areas authorized by the laws and regulations in force do not constitute activities causing disturbance or having such an effect; by systematically exempting works and developments provided for in Natura 2000 contracts from the procedure of assessment of their implications for the site; and by systematically exempting works and development programmes and projects which are subject to a declaratory system from that procedure.
- Case [C-226/08](#) (Stadt Papenburg v Bundesrepublik Deutschland). Member States are not allowed to refuse to agree to the inclusion of sites on the draft list of sites of Community importance drawn up by the European Commission, on grounds other than environmental protection. On-going maintenance works in respect to the navigable channels of estuaries which were already authorised under national law before the expiry of the time limit for transposing the directive, may be subject to an

assessment of their implications for a site where they are continued after inclusion of the site on the Union list.

- Case [C-98/03](#) (Commission v Germany). The directive does not distinguish between measures taken outside or inside a protected site. Therefore the definition of ‘project’ outside a site cannot be narrower than that which concerns projects carried out inside a site. Assessments of plans and projects for which doubt remains as to the existence of significant effects, cannot be avoided in respect of certain categories of projects, on the basis of criteria which do not adequately ensure that those project will not have a significant effect.
- Case [C-353/07](#) (Commission v Austria). The requirement to designate SPAs and SACs and establish conservation objectives does not mean that those objectives have to be specified for each species considered separately. Nor can it be held that the conservation objectives must be contained in the designation act.

Related legislation

There are a number of other EU Directives that have a strong interaction with the Habitats Directive, in particular the:

- Birds Directive ([2009/147/EC](#)).
- Water Framework Directive ([2000/60/EC](#)).
- Urban Waste Water Treatment Directive ([91/271/EEC](#)).
- Marine Strategy Framework Directive ([2008/56/EC](#)).
- Environmental Liability Directive ([2004/35/EC](#))
- [Common Fisheries Policy](#).
- [Rural Development policies](#).
- [Forestry policies](#).

Of these the Birds Directive is of special importance as SPAs as classified under the Directive are also incorporated into the Natura 2000 network and are subject to the protection provisions contained within Articles 6(2), (3) and (4) of the Habitats Directive. Many SPAs and SACs overlap spatially and therefore in practice many conservation actions and protection measures are shared.

Habitat management and restoration measures within SACs are also often delivered through agri-environment schemes or Natura-specific measures through Rural Development Programmes.

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