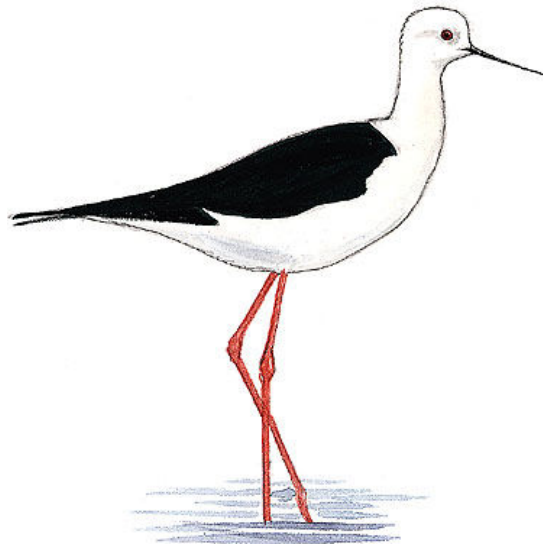




25 YEARS OF THE BIRDS DIRECTIVE CHALLENGES FOR 25 COUNTRIES

Implementation Report



**REPORT FROM DG ENVIRONMENT
based on earlier material produced by IEEP on Implementation of
article 12 of Directive 79/409/EEC for the period 1999-2001
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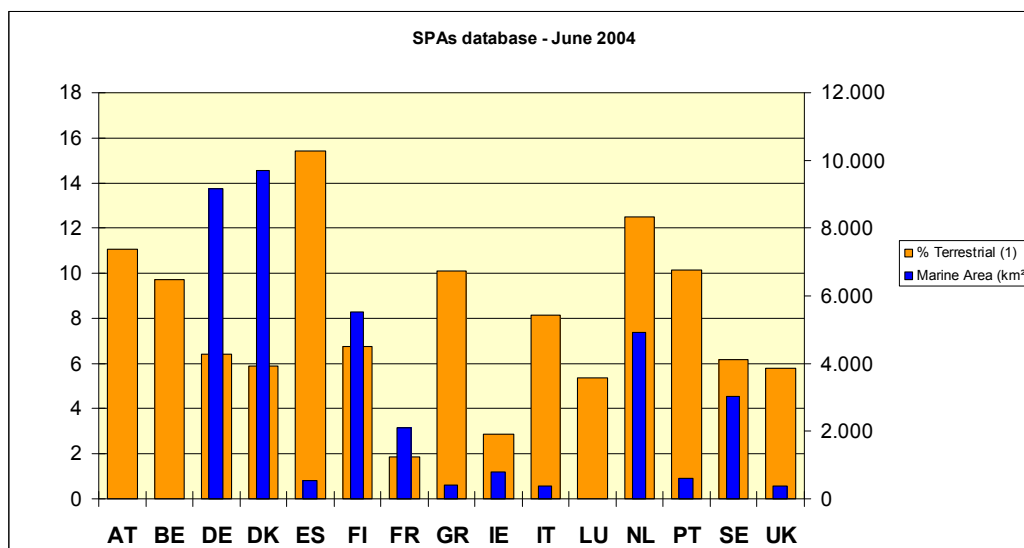
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1. INTRODUCTION

The 1979 Birds Directive is a landmark Directive. It was the EU's first substantial commitment to nature conservation policy. It was also innovative in that it brought a new focus to conservation, based on the protection and management of habitats as well as species. The Directive has subsequently set a standard for bird conservation across a Community of then 9, now 25 Member States. It has also made a significant contribution to conservation efforts beyond the European Union, at the regional and global levels.

The Directive arose out of public disquiet at the decline of a large number of bird species regularly occurring in Europe. The migratory nature of many bird species (including those being hunted) meant that conservation efforts in one country were being undermined in others. It was consequently agreed that European level intervention was needed, despite the Community's (then) limited powers in the environmental field.

The Directive's hunting provisions continue to attract much attention, but the Directive goes much further than the control of the taking of wild birds. It places a general duty on Member States to maintain or restore the population of all 'species of naturally occurring birds in the wild state' in the European territory. It also prohibits the destruction and pollution of habitats, and the disturbance of and trade in specimens. Importantly, it requires that Member States take habitat conservation measures for threatened and migratory bird species. In this regards there is a particular duty to classify and protect the most important sites – known as Special Protection Areas (SPAs) – which now include more than 3,600 areas, covering nearly 8 per cent of the European land territory of the 15 Member States as well as an additional significant marine area of over 37,000 km². These areas represent a substantial part of the European Natura 2000 network of protected areas. By providing a strong protection regime for these sites the Birds Directive has contributed in a major way to halting the loss of wetlands and other key habitats in the European Union.



While progress has been slow in the designation of marine areas (about 14% of the total), partly due to the lack of scientific knowledge and the high costs of carrying out research and survey in this environment, a significant number of sites has already been proposed (416).

A major challenge for the coming years will be the extension of SPA network in the 10 new Member States (Poland, Hungary, Czech Republic, Slovakia, Estonia, Slovenia, Latvia, Lithuania, Malta and Cyprus) which bring a significant increase in land area for great importance of nature and biodiversity. Since their accession, most new member States have already made substantial progress in designating sites.

Now, in its 25th year, the provisions of the Directive still remain ambitious and challenging for many EU Member States, regions and stakeholders. As identified in this report, much progress has been made since 1979 in support of bird conservation. However, continuing declines in European bird populations are worrying indicators not only of the populations themselves, but also of wider decline in environmental quality. Accelerated efforts are needed for the Directive to fulfil its objective of maintaining or restoring Europe's wild bird species, and to ensure that the Directive makes a proper contribution to the EU's objective of halting the loss of biodiversity by 2010, as agreed at the Göteborg European Council and set out in the Sixth Environment Action Programme (Decision 1600/2002).

1.1 Background and structure of report

This report has been produced to coincide with the Directive's 25th anniversary. It is providing a general overview of how the Directive has been implemented since 1979, whilst also identifying continuing and emerging challenges that need to be addressed in the coming years. A particular focus is on progress made since the last major assessment in 1993 (COM(93)572).

2 25 YEARS OF THE EU BIRDS DIRECTIVE - KEY TRENDS AND STATUS OF BIRDS

According to figures published by BirdLife International (2000), 278 of the 515 regularly occurring bird species in Europe (including non EU regions such as the Caucasus and parts of Russia), ie more than 50 per cent, qualify as of European conservation concern. Their populations are either declining or are small, or highly localised. Thirty-three species (6%) are considered endangered in Europe, and 25 per cent of European birds species are thought to be undergoing substantial declines.

Increasingly, information is being compiled and interpreted for the EU 25. This should in future provide an even better EU overview of individual or groups of threatened bird species, comparative trends for individual Member States or the combined EU 25, and an assessment of population trends for birds in protected areas compared to those outside.

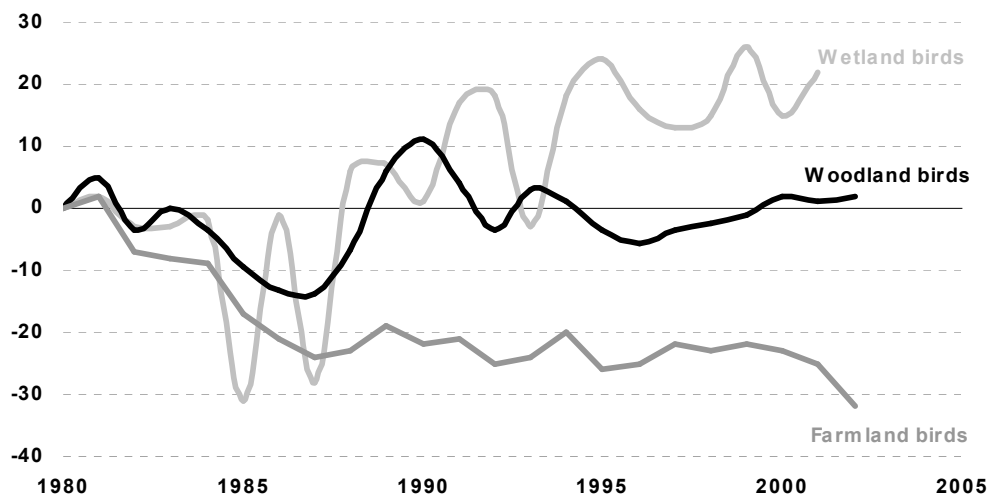
The following provides an overview of key trends in European bird populations (including some non EU regions), as well as the status of species. It should be noted that the EU also has responsibility for impacts on non-European birds within its territory, although these are not covered here.

2.1 Key trends in European bird populations

Overall trends in European common bird populations since 1980 are variable. It is clear that the status of many threatened bird species has improved, by targeted measures under the Birds Directive, supported by international action plans. However, census data covering 18 countries show that farmland birds have declined steadily since 1980¹, with numbers still falling rapidly (BirdLife International). They have suffered an estimated decline of over 30 per cent between 1980 and 2004, exhibiting the worst population trends amongst all common birds.

Common forest birds have also suffered declines, though they have deteriorated less significantly on average. While numbers of woodland birds are thought to have dropped by an estimated 15 per cent of their 1980 population level by 1987, they recovered during the late 1980s. Since then, numbers have decreased overall by approximately 10 per cent, with current levels similar to the 1980 level (see Figure 1). It is important to note that the decline of some species is masked by the increase of others (mostly related to younger stands). In addition, several more rare forest specialist bird species (e.g. Capercaillie) have continued to decline.

Figure 1: Pan-European Wild Bird Indicator (Environment Policy Review, 2003)



Wetland birds (including ducks, geese and swans) too, have shown severe early declines. Census data suggest that as much as 35 per cent of European populations disappeared in the mid-1980s, but trends subsequently recovered to reach 1980s levels in the early 1990s. Since then, population levels have fluctuated considerably around the 1980 level in particular, with an overall weak positive trend. Some fluctuation in wetland bird populations can be expected. Most wetland species are migratory, and will change their migratory behaviour in exceptionally warm or cold weather. This

¹ It is important to note that 1980 has been chosen as a somewhat arbitrary baseline year, notably reflecting the fact that good monitoring data for most birds and Member States only became available in the early 1980s and that this time sequence covers trends since the adoption of the Birds Directive. The 1980 population level cannot be taken to indicate good ecological status.

can lead to annual changes in count numbers. Despite what appears to be an overall positive population trend, several wetland bird species are in long-term decline. These declines have likely been masked by the population gains of species that have benefited from wide-scale agricultural intensification and related increases in food availability. The latter include crop-grazing species, such as geese.

European bird population trends may in some cases mirror those at international level. Some figures estimate that global bird populations have declined by 20-25 per cent since pre-agricultural times (BirdLife International, 2004). Over 12 per cent of all bird species are threatened globally, and about 45 per cent of species are declining. As in Europe, population declines can sometimes be rapid even amongst relatively common species. According to the international Red Data List Index, marine bird species are the most severely affected group. In the EU, farmland birds and waders are declining and many long-distance migrants are facing severe problems.

2.2 Current status of European bird species

According to IUCN, the World Conservation Union (2003), on average three to four bird species are presently considered threatened per EU Member State. Note that the species that are named for each country may overlap (see Table 2). Data for two species (Black-winged Pratincole and Scottish crossbill) is insufficient to permit classification.

<i>EU15</i>		<i>New Member States</i>	
Austria	3	Cyprus	<i>no information</i>
Belgium	2	Czech Republic	2
Denmark	1	Estonia	3
Finland	3	Hungary	8
France	5	Latvia	3
Germany	5	Lithuania	4
Greece	7	Malta	1
Ireland	1	Poland	4
Italy	5	Slovakia	4
Luxembourg	1	Slovenia	1
Netherlands	4		
Portugal	7		
Spain	7		
Sweden	2		
UK	2		

Reference: <http://www.redlist.org/>

Table 2 Globally threatened birds occurring in the EU25 (cf. IUCN criteria 2000) http://www.birdlife.org/datazone/search/species_search.html

Category	Number	Species (some of which have only very limited range within the EU 25)	Regionally Extinct
Extinct	2	Canarian black oystercatcher (<i>Haematopus meadewaldoi</i>) Great auk (<i>Pinguinus impennis</i>)	Endemic to Canary IIs./Spain Was present in Ireland and the UK.
Critically Endangered	2	Slender-billed curlew (<i>Numenius tenuirostris</i>) Madeira/Zino's petrel (<i>Pterodroma Madeira</i>) (Madeira only)	N/a N/a
Endangered	2	White-headed duck (<i>Oxyura leucocephala</i>) Azores bullfinch (<i>Pyrrhula murina</i>)	N/a N/a
Vulnerable	11	Aquatic warbler (<i>Acrocephalus paludicola</i>) Lesser white-fronted goose (<i>Anser erythropus</i>) Adalbert's eagle/ Spanish Imperial Eagle (<i>Aquila adalberti</i>) Greater spotted eagle (<i>Aquila clanga</i>) Imperial Eagle (<i>Aquila heliaca</i>) Red-breasted goose (<i>Branta ruficollis</i>)	Austria, Italy, Slovakia N/a N/a N/a N/a
		Laurel pigeon (<i>Columba junoniae</i>) (Canary Is. only) Corncrake (<i>Crex crex</i>) Lesser kestrel (<i>Falco naumanni</i>) Marbled teal (<i>Marmaronetta angustirostris</i>) Great bustard (<i>Otis tarda</i>)	Endemic to Canary IIs./Spain N/a N/a N/a N/a
Lower Risk/Near Threatened	16 (of which 2 are conservation dependent, and 14 are near threatened)	Black vulture (<i>Aegypius monachus</i>); Ferruginous duck (<i>Aythya nyroca</i>); Madeira Laurel pigeon (<i>Columba trocaz</i>); Cinereous bunting (<i>Emberiza cineracea</i>); Great snipe (<i>Gallinago media</i>); White-tailed eagle (<i>Haliaeetus albicilla</i>); Audouin's gull (<i>Larus audouinii</i>); Dalmation pelican (<i>Pelecanus crispus</i>); Pygmy cormorant (<i>Phalacrocorax pygmeus</i>), Cape Verde petrel (<i>Pterodroma feae</i>); Little bustard (<i>Tetrax tetrax</i>); Houbara bustard (<i>Chlamydotis undulata</i>) and Bolle's Laurel pigeon (<i>Columba bollii</i>) and Blue Chaffinch (<i>Fringilla teydea</i>) and Canary chat (<i>Saxicola dacotiae</i>) (Canary Is. only); Balearic shearwater (<i>Puffinus mauretanicus</i>) (Balearics only)	The Great snipe is regionally extinct in Denmark and Germany. The White-tailed eagle has been re-introduced in the UK. The Little bustard is regionally extinct in Austria, the Czech Rep., Germany, Greece, Hungary, Poland and Slovakia.
Data Deficient	2	Black-wingedpratincole (<i>Glareola nordmanni</i>) Scottish crossbill (<i>Loxia scotica</i>) (UK only)	N/a N/a

2.3 Addressing the main EU pressures on birds

The Birds Directive responded to a growing awareness of the need to protect birds' habitats from destruction and pollution resulting from human activities, as well as controlling their direct impact on birds (including the capture, killing and trade in birds). The potential effects of non-selective, unsustainable or large-scale hunting attracted particular attention at the time (cf. Article 7, Annex II), although the tendency towards agricultural intensification was also of concern. Pollution from agriculture, notably pesticides such as DDT, had a significant impact on egg and chick survival (cf. Article 10, Annex V).

Improvements in the conservation status of birds in the mid to late 1980s appeared to correlate with improved bird protection following adoption of the 1979 Birds Directive and subsequent implementing legislation. Increasing population trends also reflected improvements in terms of environmental pollution. For instance, EU-wide restrictions on the marketing and use of DDT and other organochlorine compounds (eg aldrin and dieldrin) in 1983² are considered to have had particularly positive impacts. Generally, the Directive resulted in stricter national rules on the taking of wild birds and in raising awareness for the need for any bird hunting to be sustainable (cf. first ten-year assessment).

That said, improvements in bird and habitat protection in the early 1980s and subsequently, are thought to have helped to secure the conservation status of birds across Europe. While progress in site designation has been rather slow and initially largely involved sites already protected under existing national schemes, the last 25 years have seen real improvements in the coverage of sites and the quality of their protection. On average, SPAs now cover nearly 8 per cent of the European land territory of the 15 Member States although, only four countries (Belgium, Denmark, Luxembourg and the Netherlands) have largely completed their contribution to the SPA network. Also, the percentage of national territory designated as SPAs varies widely from less than 2 % in France to over 15 % in Spain. The protection and conservation management of these sites, especially wetlands, has resulted in that the populations of some severely threatened species are recovering. But action varies from country to country, and some important sites are still not protected.

Despite efforts to address key pressures on Europe's birds, a major threat during this period has been agricultural intensification, partly driven by the Common Agricultural Policy (CAP) but also market prices and new technologies. Agricultural intensification is likely to become a particular problem in certain regions of Central and Eastern Europe, as a consequence of their accession to the EU. Agricultural land abandonment is also a concern for southern Europe and parts of central Europe (mostly mountain regions). The reforms of the CAP, agreed in July 2003, are likely to have variable implications for biodiversity. Some improvements can be expected in some agricultural sectors, such as arable farming, and therefore some regions, as the impetus for increasing production decreases and farmers reduce inputs and adapt farming practices. However, in other sectors, such as dairying, further intensification is likely to be a consequence of the reforms. Land abandonment could also be

² Directive 83/131 (OJ L91 9.4.83), amending Directive 79/117 prohibiting the placing on the market and use of plant protection products containing certain active substances.

exacerbated as incentives to produce decline. New cross-compliance provisions will, depending on implementation, be an important determinant of future impacts controlling, to some degree, possible changes in production patterns and practices arising from the reforms and counteracting stronger market influences. Measures under the EU's Rural Development Regulation 1257/1999 will also maintain a critical role in encouraging environmentally sensitive farming.

In addition to agriculture, unsustainable illegal killing, wetland drainage and otherwise unsustainable land-use patterns, and certain fishing practices continue to pose significant threats. For example, the expansion of transport infrastructure networks has meant that of the SPAs designated up to 1997, 66 per cent have at least one major item of transport infrastructure within 5 km of their centres (EEA 2000). The threats posed by sectoral activity in the EU also have an international dimension, as in the case of albatrosses affected by high seas long-line fisheries.

Other emerging threats include climate change, the construction of wind farms in sensitive areas, and the introduction of invasive species. Wind turbines, like other energy infrastructure (e.g. electricity lines), can impact on birds directly, by increasing the risk of collision, or indirectly, through habitat disturbance (e.g. noise and flickering effect). Impacts on habitat can occur both during the construction and operational phases, and are particularly critical in areas used by migratory birds for feeding and resting, e.g. coastal offshore sites and coastal flood plains.

Climate change is likely to have broad effects on birds, their distribution and habitats. This can be caused directly through changes in temperature, rainfall, and food availability, or indirectly, through the worsening of other pressures, such as from parasites, disease and disturbance through floods or forest fires. Much of this influence, however, is still poorly understood, and further research is needed.

One recent study (Thomas *et al* 2004) has estimated that 15-37 per cent of all species could be threatened by extinction by 2050 as a consequence of climate change. Most bird species are relatively mobile and can thus adapt their range and feeding patterns more easily to local changes in climate. This is likely to make them less vulnerable than species with a more restricted range. That said, climate related impacts are nonetheless thought to be a threat to bird conservation, and will have to be considered in bird conservation management.

Alien invasive species, including pathogens and parasites, have always been a problem, especially for the survival of island birds. It is estimated that currently nearly 30 per cent of globally threatened bird species are affected by alien invasive species (BirdLife, 2004). Most examples so far are from outside the EU. However, increasing global travel and climate change means that more species are being introduced and may establish viable populations in new environments, including in Europe.

3 IMPLEMENTING THE BIRDS DIRECTIVE: OVERVIEW OF PROGRESS SINCE 1979

At the time of its adoption in 1979, the Birds Directive represented the first major step forward for nature conservation in Europe. The Directive was born of the recognition

that national efforts to protect migratory birds in particular would be largely futile, unless these efforts were coordinated with protection in other parts of the species' range. While certain unsustainable hunting and trapping practices may have acted as a major catalyst for the Directive, the impact of EU agricultural and regional development policies on birds and their habitats strengthened the need for EU-wide action.

The resulting Directive obliged Member States to adapt - before May 1981 – their national and/or regional legislation in a number of key respects. Importantly, however, the Directive demanded that national laws were properly applied in practice, so as to maintain populations of bird species. This means ensuring the appropriate classification and management of protected sites, and the application of measures to ensure species are properly protected from hunting and other practices.

Twenty-five years after the Directive's entry into force, much progress has been made in terms of transposing and implementing the Directive, although, as the previous section highlights, this has not always been sufficient to maintain bird populations themselves.

3.1 Transposing the Directive's provisions into national law

Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Birds Directive, within two years of the Directive's notification, ie by 25 April 1981.

The Directive has resulted in a major strengthening of Member State legislation, initially in nine and now in the 25 Member States that make up the European Union from 1 May 2004.

However, even twenty-five years after its adoption, there are several outstanding cases against Member States for failing to fully and correctly transpose all the requirements of the Birds Directive.

There have been a number of court rulings against Member States for failing to fully transpose the Directive. By 1991, five Member States (Belgium, Italy, Germany, the Netherlands, France) had been ruled against for inadequate transposition (national or regional)³. It has to be stressed that in some cases, the European Court of Justice ruled for the second time and condemned those Member States who had failed to comply with the previous judgments⁴.

³ Judgments of the Court of: 8 July 1987, Commission/Belgium, 247/85, ECR 1987 p.3029; 8 July 1987, Commission/Italy, 262/85, ECR 1987 p.3073; 17 September 1987, Commission/Germany, 412/85, ECR 1987 p.3503; 13 October 1987, Commission/Netherlands, 236/85, ECR 1987 p.3989; 27 April 1988, Commission/France 252/85, ECR 1988 p.2243; 15 March 1990, Commission/Netherlands, C-339/87, ECR 1990 p. I-00851; 3 July 1990, Commission/Germany, C-288/88, ECR 1990 p.I-02721.

⁴ See the following Court judgments: 6 February 1992, Commission/Netherlands, C-75/91, ECR 1992 p.I-00549; 23 March 1993, Commission/Germany, C-345/92, ECR 1993 p.I-01115.

⁴ See the following Court judgments: 13 February 2003, Commission/Luxemburg, C-75/01, ECR 2003 p.I-0158; 27 February 2003, Commission/Belgium, C-415/01, ECR 2003 p.I-2081; 20 March 2003, Commission/Italy, C-143/02, ECR 2003 p.I-02877; 24 June 2003, Commission/Portugal, C-72/02, ECR 2003 p.I-06597.

Since then, the number of rulings and infringements regarding the transposition of the Directive has increased. Four Member States (Belgium, Italy, Luxembourg, and Portugal) have been condemned by the Court for failure to fully or correctly transpose the provisions of the Birds Directive⁵. It should be stressed that similar infringement procedures are ongoing against other Member States, for instance Austria, Ireland, Greece.

Despite this apparent lack of adequate transposition in some Member States, recent years have seen no major overhauls of national legislation. Incremental changes continue to be made, however, notably related to secondary legislation concerning specific conditions for hunting, impact assessment and the keeping of birds in the Member States.

3.2 Protection of habitats (Articles 3 and 4)

Under Article 3, Member States are to preserve, maintain or re-establish a sufficient diversity and area of habitats for birds. This is to be done primarily by creating protected areas, managing habitats both inside and outside protected areas, re-establishing destroyed biotopes and creating new ones. Since 1992, the Habitats Directive 92/43 replaces certain habitat protection obligations arising from the Birds Directive. In particular, the provisions in the first sentence of Article 4(4) of the Birds Directive have been replaced by the obligations provided under Articles 6(2), (3) and (4) of the Habitats Directive 92/43. This notably requires ‘appropriate steps’ to avoid the deterioration of sites and the ‘appropriate assessment’ of plans and projects which are likely to have a significant adverse effect on the site. Only if it can be shown that a project must be carried out for ‘imperative reasons of overriding public interest, including those of a social or economic nature’, can SPAs be damaged or destroyed.

For EU 25, Annex I lists 194 species and sub-species which are to be the subject of special conservation measures concerning their habitats. Member States are to classify the most suitable territories (both land and sea) as Special Protection Areas (SPAs) for the conservation of these species. Similar measures are to be taken for regularly occurring migratory species not listed in Annex I. Particular attention is to be paid to the protection of wetlands.

3.2.1 Progress in designating sites

According to the European Commission’s Natura Barometer,⁶ the EU-wide network of SPAs still shows significant deficits for most of the Member States, despite recent progress. Between 1986 and 1991 the number of SPAs doubled, reaching 667. Since then, this number of SPAs has more than tripled in the then EU 12, and an additional

⁵ See the following Court judgments: 13 February 2003, Commission/Luxembourg, C-75/01, ECR 2003 p.I-0158; 27 February 2003, Commission/Belgium, C-415/01, ECR 2003 p.I-2081; 20 March 2003, Commission/Italy, C-143/02, ECR 2003 p.I-02877; 24 June 2003, Commission/Portugal, C-72/02, ECR 2003 p.I-06597.

⁶ <http://europa.eu.int/comm/environment/nature/barometer/barometer.htm>

992 SPAs were classified in Austria, Finland and Sweden, which joined the EU in 1995.

In recent years, most Member States have added new SPAs to their national lists, and/or have extended the area of existing SPAs. In some cases, significant additions have been made (eg Greece, Italy, Netherlands, Portugal, Spain and Sweden). Only 11 per cent of all classified sites include a marine aspect, accounting for approximately 14 per cent of the total area classified.

The Commission has initiated infringement procedures, according to Article 226 of the Treaty establishing the EC, against Member States who had not designated sufficient Special Protection Areas in order to fulfil their obligations under Article 4 of the Directive. Four Member States, that have been brought before the Court, have already been condemned for having failed to classify as special protection areas their most suitable territories, in number and size⁷. Similar infringement procedures have been initiated against Denmark, Germany, Greece, Ireland, Portugal and Spain.

By June 2004, the grand total had reached 3,639 sites, with a fourfold increase since 1991 in total area coverage, reaching about 280,490 km² (see Table below). From 1 May 2004, new sites are also to be classified by the ten new Member States, making a major contribution to the overall network of sites.

In conclusion, only Belgium, Denmark, Luxembourg and the Netherlands have largely completed their SPA classification, process according to the Commission. At around two per cent coverage of the national territory, the French contribution to the SPA network is still considered 'notably insufficient', and the classifications of the remaining eleven Member States have failed to 'fledge'. Significant progress was made by Germany, Greece, Italy and Spain, as well as Finland, Austria, Portugal and Sweden after 1995.

⁷ See the following judgments: 19 May 1998, Commission/Netherlands, C-3/96, ECR 1998 p.I-03031; 26 November 2002, Commission/France, C-202/01, ECR 2002 p.I-11019; 6 March 2003, Commission/Finland, C-240/00, ECR 2003 p.I-02187; 20 March 2003, Commission/Italy, C-378/01, ECR 2003 p.I-02857.

SPECIAL PROTECTION AREAS

Update of June 2004

MS	MS Area (km ²)	Total Number	Total Area (ha)	Total Area (km ²)	Terrestrial Area (ha)	Terrestrial Area (km ²)	% Terrestrial (1)	No. of sites in which a marine part is noted	Marine Area (ha)	Marine Area (km ²)	MS
AT	83.859	94	927.549	9.275	927.549	9.275	11,1				AT
BE	30.528	229	296.439	2.964	296.439	2.964	9,7	0	0	0	BE
DE	357.031	497	3.207.974	32.080	2.290.884	22.909	6,4	17	917.090	9.171	DE
DK	43.093	112	1.224.598	12.246	253.590	2.536	5,9	58	971.008	9.710	DK
ES	504.782	417	7.838.960	78.390	7.784.755	77.848	15,4	17	54.205	542	ES
FI	338.145	452	2.837.270	28.373	2.286.145	22.861	6,8	65	551.125	5.511	FI
FR	549.192	153	1.241.505	12.415	1.030.541	10.305	1,9	50	210.964	2.110	FR
GR	131.940	151	1.370.323	13.703	1.329.827	13.298	10,1	4	40.496	405	GR
IE	70.280	131	281.480	2.815	200.442	2.004	2,9	66	81.039	810	IE
IT	301.333	503	2486491	24.865	2.446.875	24.469	8,1	13	39.615	396	IT
LU	2.597	12	13.916	139	13.916	139	5,4				LU
NL	41.526	77	1.010.930	10.109	519.678	5.197	12,5	7	491.252	4.913	NL
PT	91.990	50	995.644	9.956	933.433	9.334	10,1	10	62.211	622	PT
SE	414.864	509	2.864.780	28.648	2.563.123	25.631	6,2	107	301.656	3.017	SE
UK	244.820	252	1.451.140	14.511	1.413.482	14.135	5,8	2	37.658	377	UK
EU	3.205.980	3.639	28.048.998	280.489,98	24.290.678	242.906,78	7,58	416	3.758.320	37.583	EU

(1) % of SCI terrestrial area compared to MS terrestrial area

3.2.2 Site management

While there has been progress in classifying SPAs and building capacity, experience and expertise in positively managing habitats for birds with support from funds such as the EU LIFE Nature programme, sufficient measures to protect these sites are not always taken. Some SPAs are still threatened by construction projects or other sectoral pressures, such as farming, forestry, and fishing. Pollution and recreational activities also cause some problems.

However, since 1994 and the entry into effect of the protection regime of Article 6(2); (3) and (4) of the Habitats Directive, which applies to all classified SPAs, there is increasing awareness of the need for adequate site protection mechanisms for all NATURA 2000 sites. The European Commission has provided legal and methodological guidance on these protection provisions⁸.

It is difficult to evaluate the measures taken within SPAs, since reporting and the type of measures taken vary considerably between Member States. The first ten-year report listed a range of measures that had been taken by Member States. These commonly included voluntary or statutory management plans, land acquisition, impact assessment studies, the integration of the sites' conservation objectives into local and regional development plans, some monitoring and surveillance, and drainage and irrigation measures. More recent implementation reports highlight the use of EU funded agri-environment measures in many Member States (see insert). Finland alone emphasises the role of restoration plans.

Outside SPAs, contractual and agri-environment measures with land owners and managers are used by most Member States, at least more recently. These and other measures are aimed at the management and restoration of habitats, such as meadows, moorland, grassland, heathland, wetlands, oak and other native woodlands. The designation of land under conservation schemes (eg Special Areas of Conservation, nature reserves and national parks) and land purchase are also used to promote the protection of suitable habitats.

Agri-environment Schemes for Habitat Management and Restoration: the Castro Verde Plan

The Little Bustard (*Tetrax tetrax*) is considered vulnerable in Europe due to large declines in most of its European range, and is listed on Annex I of the Birds Directive. Little Bustards mostly inhabit arable and pastoral lands, selecting areas with a high diversity of ground cover, ie mosaics with pasture, long-rotation fallow and legume crops. However, present trends in agricultural intensification and moves towards forest planting are resulting in rapid loss and/or fragmentation of suitable habitats for the Little Bustard.

The most important site in Portugal for the preservation of the Little Bustard is Castro Verde. In order to support the local little Bustard population and its habitat, the site has been included in a zonal agri-environment plan. The plan includes a land management programme with incentives for farmers to preserve traditional land uses favourable to steppe birds and nature conservation in general. The Castro

⁸ **Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC and Assessment of Plans and Projects Significantly Affecting Natura 2000 sites. Available at http://europa.eu.int/comm/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/index_en.htm**

The selection, protection and management of marine sites is posing additional challenges, particularly when birds and habitats are affected by certain fishing activities. Recent fisheries regulation measures have been taken by the Community to protect the unique collection of cold-water coral populations in the Darwin Mounds. This site, located in the UK offshore waters, is to part of the Natura 2000 network. These and other marine issues are being addressed in a Commission working group, established in 2002 under the Habitats and Ornis Committees, with a view to the provision of guidance by the European Commission on this subject.

3.3 Protection and exploitation of birds

The Birds Directive establishes a general system of protection covering all species of wild birds found in the European territory of the Member States. The general protection granted to all wild bird species is qualified by three important provisions, which effectively permit the capture and killing for hunting or other purposes, in certain circumstances:

- *species listed in Annex II can be hunted owing 'to their population level, geographical distribution level and reproductive rate throughout the Community' (Article 7); and*
- *if birds are hunted, then such hunting must not involve certain methods of capture and killing (Article 8); but*
- *Member States can also derogate from the species protection measures if there are no other satisfactory solutions (Article 9, see below).*

3.3.1 Protecting bird species (Articles 5 and 6)

While taking account of economic and recreational requirements, the Birds Directive aims to protect all birds against deliberate killing or capture, as well as against the deliberate destruction, removal of or damage to nests and eggs (Article 5). Any significant and deliberate disturbance of birds is also prohibited, as is the keeping of species, which are not allowed to be hunted or caught (Article 6). A general sales ban is also imposed, covering live or dead birds, or parts thereof. Twenty-six species are not covered by this provision, however, as long as specimens have been legally killed or captured, or otherwise legally acquired.

Over the years, the Member States have developed the legislation necessary to establish the general system of protection. Although some legislation was already in place by 1991, this was in many cases consolidated during the 1990s. For example, Belgium, Denmark, France, Germany and Ireland extended the level of protection offered against the deliberate capture and killing, destruction or damage to nests or eggs, taking of eggs, etc. The Netherlands and the Flemish region of Belgium changed rules concerning the keeping of birds bred in captivity, in light of recent European Court of Justice (ECJ) case law (C-149/94). Legislation was also introduced in the three Member States that joined the EU in 1995 (Austria, Sweden and Finland).

The Directive has succeeded to eliminate trade in wild bird as a pressure on their populations. The requirements relating to the trade in birds were reportedly met by the

relevant Member States already within the first ten years of the Directive being adopted. That said, the laws applicable in Finland, Sweden and Denmark were changed to take account of their accession to the EU. Apart from this, only Ireland, Italy, Belgium and Austria report on legislative changes relating to the sale and keeping of birds.

During the 1990s, species conservation and restoration plans appear to have assumed a more prominent role in protecting birds. Plans were introduced by several Spanish regions in the 1993-95 period; by 1999-2001, Austria, Finland, Italy, Netherlands, Spain, Sweden and the UK had introduced species management plans or strategies, though in most cases just for a very limited number of species. The UK, with 26 plans, as well as other targeted conservation efforts aimed at six species, appears to be the most active in this regard. Spain has established management strategies for just two species but has set up a number of working groups to address species and related issues.

In 1993 the European Commission provided financial support from LIFE Nature to BirdLife International to prepare the first set of plans, focusing on 23 globally threatened species, which were approved by the Ornithological Committee in 1995. Financial contributions from the Community have since been made for the preparation of action plans for a further 24 species and sub-species. Management plans for 17 huntable bird species with an unfavourable conservation status have also been drafted. The progress and adequacy of the first 23 action plans has been reviewed in 2004, by BirdLife International, and a number of management plans is being reviewed in consultation with stakeholders. A new international format has been developed for use in conventions and is being applied for the EU plans.

3.3.2 Hunting (Article 7)

Hunting is permitted for species listed in Annex II owing 'to their population level, geographical distribution level and reproductive rate throughout the Community' (Article 7). Hunting has to comply with the principles of wise use and ecologically balanced control of the species of birds concerned. It must be compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2.

Annex II currently comprises 82 species, including 24 species that may be hunted in all Member States (Annex II/1), and 58 that may only be hunted in those countries for which they are indicated (Annex II/2). Apart from adaptations resulting from the accession of new Member States, there has been one amendment of Annex II to take account of the latest knowledge on the situation of birds. This resulted in the addition of five species of Corvidae (crow family). Three species of waders have also been removed for Italy, in order to protect a globally endangered species, which resembles the 'removed' species so closely in habitat use and appearance that there was an exceptional risk of confusion (cf. OJ N° L 164/9 of 30.6.94).

There has been much controversy and some confrontation over the compatibility of some Member States' hunting regimes and practices with the Directive. In some countries, notably France, Spain and Italy, conflicts are longstanding, and this situation has been accompanied by extensive litigation on the subject – more than 15

judgements of the European Court of Justice are directly relevant to the Directive's hunting provisions

Defining Reproduction and Pre-nuptial Migration Periods

Annex II species cannot be hunted during the rearing season or the various stages of their reproduction. In the case of migratory species, hunting is prohibited during the period of migration to the breeding and rearing grounds. The Commission and the ORNIS Committee have recognised the need to have a clear interpretation of the concepts of 'reproduction and pre-nuptial migration periods', following a 1994 Court ruling.⁹ A review was subsequently approved by the ORNIS Committee, which provides definitions for both the 'period of reproduction' and 'return to the breeding areas'.

A preliminary comparison between existing hunting season periods and the agreed pre-nuptial and reproduction periods for huntable species in each Member State reveals that there are a wide range of potential or actual overlaps and thus conflict, which vary in extent between the different species. All Member States are concerned, although the majority of them only have problems for a relatively small number of species. The problem of overlaps appears to be more complex in those Member States where hunting dates are fixed at regional levels. It should be noted that for the majority of species in the different Member States there is no overlap.

The most problematic species is the Wood Pigeon *Columba palumbus* (overlap for 13 Member States). The Mallard *Anas platyrhynchos* also appears to be a problem in eight Member States. Overlaps (or theoretical overlaps) for several Crow species *Corvidae* occur in several of the Member States. Several of these overlaps appear to be linked to species with long reproduction periods (or late reproduction) and/or early migration periods, or in large Member States where, eg on the periphery, local bird reproduction and migration cycles differ from those used to set hunting periods at the national level. Other possible causes for overlaps may be linked to temporal shifts in hunting activity due to inappropriate hunting conditions during the agreed hunting period or due to the unavailability of the huntable species at this time.

By 1991, ten years after the Directive's formal application, national legislation was still not fully adapted to reflect the Directive. The definition of game species was not fully aligned to the species listed in Annex II, with some species still being hunted despite not appearing on Annex II/1. This mostly concerned species which were seen as pests. Moreover, some species were classed as game in Member States for which there were no provisions under Annex II/2 to allow hunting of those species. While in most cases no hunting actually took place, there was nevertheless an issue of classification and transparency. Furthermore, national hunting seasons varied considerably from one Member State to another, and did not always appear to comply with the Directive's provisions.

⁹ Key concepts of Article 7(4) of Directive 79/409/EEC. Period of Reproduction and Prenuptial migration of Annex II Bird Species in the EU. September 2001 (document available at http://europa.eu.int/comm/environment/nature/directive/intro_en.pdf)

After 1991, hunting laws were introduced or amended in Denmark, Luxembourg and the Netherlands, as well as the then new Member States – Austria, Finland and Sweden. However, most Member States introduced rather limited changes in the list of huntable bird species and hunting seasons. In Ireland, two additional species had an open season in 1998-99, *Branta canadensis* (Canada goose) and *Anser anser* (Greylag goose).

To conclude, illegal killing of protected species, but also hunting of huntable species outside the hunting periods strictly in line with by Article 7§4 (cf. Key Concepts), and using prohibited methods of capture and killing, was and to a much lesser extent remains an issue. The reasons for this include insufficient awareness, education and training of the public and hunting community, and a lack of adequate commitment to effective controls and penalties at national level. Staff numbers and qualifications were an issue; staff in local or regional authorities more often than not inadequate (e.g. in Greece and Italy).

The controversy surrounding hunting has demanded an improved and mutual understanding of the provisions of the Directive at several levels and greater dialogue with those engaged in hunting. In order to contribute to such an understanding, the Commission launched the ‘Sustainable Hunting Initiative’ in 2001. The initiative marked the start of a new dialogue with a view to developing co-operation between the governmental and non-governmental organisations concerned with the conservation and wise and sustainable use of wild birds. One of the main results was a new Hunting Guide that was finalised in 2004 (see insert).

The EU Hunting Guide

A new EU Hunting Guide was finalised in 2004, following extensive discussions with relevant stakeholders. The Guide follows the Directive and the by now quite extensive case law of the Court, and explains the ecological principles that underpin the management of hunting under the Directive. It also aims to make use of the best available scientific data, although it is recognised that the lack of good quality scientific data creates a constraint in so far as trying to correctly and accurately manage populations. The Guide aims to provide better clarification of the requirements of the Directive relating to hunting, within the existing legal framework and strongly based on scientific principles and data and the overall conservation aim of the directive. Particular consideration is given to the timing of hunting, and to examining the basis for exercising derogations. The Guide is designed to serve as a tool for conservation managers and hunters, to improve implementation with the hunting provisions of the Directive and to promote a wider understanding of the issue. It is available on the Commission’s sustainable hunting web pages in 10 Community languages:

http://europa.eu.int/comm/environment/nature/sustainable_hunting.htm

3.3.3 Prohibited means of capture and killing (Article 8)

The Directive restricts the type of hunting that is permitted (Article 8), prohibiting the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species. This particularly includes the use of snares, explosives, nets, use of blind or mutilated live birds as decoys, and semiautomatic or automatic weapons with a magazine capable of using more than two rounds of ammunition (Annex IV(a)). Hunting from aircraft, motor vehicles and boats driven at more than five kilometres per hour (an exception to the speed limit can apply in the open sea for safety reasons) are also prohibited (Annex IV(b)).

While, by 1991, pre-existing national legislation had not been fully adapted to reflect the provisions concerning prohibited means of capture and killing, the situation appears to have improved considerably by the mid-1990, when Member States were on the whole reported to have adopted the necessary measures. Some subsequent changes were made after 1995.

Prohibited means appear to be still used in some cases. A few infringement cases are currently being considered by the Court. While overall the legal requirements appear to be largely in place, less is known about the extent to which the requirements are in fact enforced on the ground.

3.3.4 Derogating from the species protection and hunting provisions (Article 9)

*Derogations are 'exceptions' which allow for some flexibility in the application of a law, where particular problems or situations exist or may arise. The Birds Directive allows Member States to derogate from the general prohibition on hunting protected species, as long as three conditions are met:*¹⁰

- *first, the Member State must restrict the derogation to cases in which there is 'no other satisfactory solution';*¹¹
- *secondly, the derogation must be based on at least one of the following reasons - public health and safety; air safety; serious damage to crops, livestock, forests, fisheries and water; protection of flora and fauna; research and teaching; re-population, re-introduction and related breeding; and other judicious uses of certain birds in small numbers; and*
- *thirdly, derogations must comply with the precise formal conditions, limiting them to what is strictly necessary and enabling the Commission to supervise them.*

Large numbers of derogations have been issued each year since 1981, for a range of reasons, including avoidance of crop damage, disease control, air safety, impacts from non-native species, education and science. The Cormorant has been the subject of a series of derogations over the years, in relation to damage to fisheries. However, not all derogations are considered to be compatible with the Directive.

Individual derogations must specify: the species; the authorised methods of killing or capture; the time and place; the conditions of risk; the authority empowered to declare that the conditions have been met and to decide what methods may be used, within what limits and by whom; and, the controls which will be carried out. Annual derogation reports have to be submitted to the Commission, which examines their compatibility with the Directive.

The legality of derogations, notably those allowing on a selective basis, the capture, killing or other 'judicious uses' of 'certain birds in small numbers', has not been

¹⁰ Case C-118/94, *Associazione Italiana per il World Wildlife Fund and Others v. Regione Veneto*.

¹¹ Judgement of 12 December 1996, *Ligue royale belge pour la protection des oiseaux ASBL and Société d'études ornithologiques AVES ASBL v Région Wallonne*, case C-10/96, ECR 1996, p.6775. This provides the most extensive decision on 'no other satisfactory solution'.

without controversy. There has in particular been extensive debate about whether the derogation could be used for hunting purposes and particularly whether there are no other satisfactory solutions to hunting. The European Court of Justice has provided some clarification on this subject, most notably in a 2003 judgement (see insert).

Hunting – no other satisfactory solution?

A basic question arises as to whether the ‘no other satisfactory solution’ argument can ever be satisfied in relation to hunting, especially proposed extensions of hunting seasons. Some clarification has now been provided by the Court of Justice,¹² following a preliminary reference from the French *Conseil d'État*.

The Court did not describe at length under what circumstances recreational hunting would meet this condition. However, the Court did note that this condition ‘cannot be considered to have been satisfied when the hunting period under a derogation coincides, without need, with periods in which the Directive aims to provide particular protection... There would be no such need if the sole purpose of the derogation authorising hunting were to extend the hunting periods for certain species of birds in territories which they already frequent during the hunting periods fixed in accordance with Article 7 of the Directive.’

It is clear from this that there must be compelling reasons to justify a derogation. The possibility of a derogation whose sole purpose is to extend a hunting season for wild birds that are available to be hunted during a normal open season is clearly ruled out.

Relevant court cases can be viewed on the Court’s web pages <http://www.curia.eu.int/>

The Court has also considered the issue of what can be considered as ‘small numbers’ of birds in case 252/85, stating that ‘the criterion of small quantities is not an absolute criterion but rather refers to the maintenance of the level of the total population and to the reproductive situation of the species concerned’. In 2002 (C-182/02), the Court further stated that the ‘condition as to certain birds in small numbers cannot be satisfied if a hunting derogation does not ensure the maintenance of the population of the species concerned at a satisfactory level’.

To this end, the EU Hunting Guide, outlines that in order to determine an exact figure for the threshold of ‘small numbers’, two approaches are possible:

- the figure must be much lower, by at least an order of magnitude, than those figures characteristic of the taking of birds under Article 7. A figure of 1 per cent meets this condition.
- the taking must have a negligible effect on the population dynamics of the species concerned. A figure of 1 per cent or less meets this condition as the parameters of population dynamics are seldom known to within less than one percentage point and bird taking amounting to less than 1 per cent can be ignored from a mathematical point of view in model studies.

The figure of 1 per cent, and, in the case of abundant species with a favourable conservation status, up to 5 per cent of annual mortality, has thus been proposed as a guideline for the assessment of derogations.

¹² Judgment of 16 October 2003, *Ligue pour la protection des oiseaux and Others v Premier ministre and Ministre de l'Aménagement du territoire et de l'Environnement*, Case C-182/02.

3.4 Introduction of non-native species (Article 11)

The Directive seeks to prevent damage to local flora and fauna from the introduction of bird species which do not occur naturally in the wild state in the European territory of the Member States.

Reporting on introduced species has not been consistent over the years. For instance, not all countries report on introductions all of the time, despite a specific question in the reporting guidelines requesting information on species introductions. Moreover, most of the information available fails to distinguish between deliberate and accidental introductions. Nor do the reports always specify whether and to what avail control measures are taken (this information is not requested by the guidelines).

The overall inadequacy of reporting on introductions of non-native species belies the importance of the issue. For example, the Ruddy duck (*Oxyura jamaicensis*) has been introduced from North America, and is now threatening the survival of the White-headed duck (*Oxyura leucocephala*) in Europe, notably due to hybridisation.

The Ruddy duck is by far the most common non-native bird species reported to be a conservation threat (eg in Ireland, Spain, Sweden and UK). However, control measures, for example, in Spain have proven effective in the last few years. In Sweden and Ireland hunting is a means of controlling numbers, and in the UK, a limited control trial is underway to establish whether it is feasible to eradicate the species entirely. An objective of future work is to co-ordinate control measures across different countries.

Other non-native species frequently mentioned in the national reports are:

- Monk Parakeet (*Myopsitta monachus*) – eg in Italy and Spain;
- Rose-ringed parakeet (*Psittacula eupatria*) – eg in the UK;
- Wood duck (*Aix sponsa*) – eg in Belgium;
- Canada goose (*Branta canadensis*) – eg in Belgium, Ireland, and Italy;
- Egyptian goose (*Alopochen aegyptiacus*)- eg in Belgium and the UK; and
- Greylag geese (*Anser anser*) – eg in Ireland.

Also listed are various game bird species that have commonly been introduced for hunting purposes, notably the Common/Ring-necked pheasant (*Phasianus colchicus*), Reeves' pheasant (*Syrnaticus reevesi*) and the Japanese quail (*Coturnix japonica*).

A number of monitoring schemes for introduced species are undertaken in different Member States. The UK has monitoring schemes for small breeding populations, and non-native, non-breeding waterfowl and hybrids. In Italy, 110 non-native species are subject to monitoring.

3.5 Monitoring, Reporting and Indicators

Under Article 10, the Member States shall encourage research and other measures required as a basis for the protection, management and use of species, emphasising in particular research on (Annex V):

- *species in danger of extinction or particularly endangered, taking into account their geographical distribution;*
- *areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds;*
- *population levels of migratory species as shown by ringing;*
- *influence of methods of taking wild birds on population levels;*
- *refining ecological methods for preventing the type of damage caused by birds;*
- *role of certain species as indicators of pollution; and*
- *the adverse effects of chemical pollution on population levels of bird species.*

Birds are one of the best studied taxonomic groups in Europe. Nonetheless, there are still significant gaps in our knowledge of their biology, ecology, and conservation. For instance, IUCN statistics indicate that at least for two European species, data sets are deficient and thus do not allow classification into conservation categories. Surprisingly perhaps, the Scottish crossbill (*Loxia scotica*), endemic to the UK, a country with a strong ornithological past, is one of the species for which data is insufficient.

Scientific and technical work relating to the Directive has included research on population trends, hunting impacts, migratory behaviour and the role of birds as indicators of broader biodiversity or environmental health. It also includes regular bird surveys, monitoring and ringing schemes. Much of the research has taken place at Member State level, undertaken by research institutes and non-governmental organisations, notably BirdLife International and its partners, Wetlands International and the EBCC. This work has been further consolidated by EU co-funded bird conservation research on hunting, integrated management of wetlands, Cormorant management, the biodiversity of waders, the conservation of priority species such as the Bittern, Corn-crake and Great bustards, population ecology, species distribution, migration, ringing, etc. Co-ordinated reviews have in some cases also been undertaken, such as on the period of prenuptial migration and reproduction of huntable species, orchestrated by the European Commission and the ORNIS Committee.

This work has generated a great deal of information and knowledge, although information is still not always sufficiently accessible and does not always correspond with conservation priorities. Nor does it always respond to the specific needs of the Directive.

Consistent information on migratory birds at flyway level is particularly lacking, preventing an evaluation of the effect of potential disturbances, such as hunting, on bird populations and their conservation status.

Species protection as required under the Directive would appear to demand a better understanding at the local, national and European level. There is also scope to increase the use of information to support monitoring in other areas, for example, pollution, fish stock abundance and quality of life.

There is an opportunity to move towards more integrated approaches to monitoring, based on partnerships between the public and NGOs, and regional and national authorities. Some Member States have set up ‘observatory’ systems involving different types of schemes, and including information that is generated by stakeholders and the public (see insert). Overall, monitoring and research would benefit from greater networking and coordination at the EU and international levels.

An EU level system could be valuable here, providing access to scientific information gathered and kept at different levels and generated by different stakeholders. It could also provide a mechanism for data validation and peer review.

An interactive observation system for birds in Sweden

Sweden has recently developed an online bird reporting system – ‘Today’s birds’. As with many other successful bird monitoring schemes, it relies on the participation of keen citizens, who contribute to the online database by registering bird observations on a daily basis. Observations include recordings from all provinces and of migratory birds, with 6000 observers reporting on 40,000 sites.

The database is linked to online maps and lists of protected sites (including Ramsar and Natura 2000), permitting simple and fast analysis of many kinds of data. Moreover, internet accessibility provides for inexpensive and efficient access, with freely available information for users and for data contributions from citizens. However, an initial investment had to be made, as with any database, to transform data sets into useable formats. A contract between the Swedish EPA and NGOs was set up to ensure data quality within the system. The Swedish database ‘Today’s birds’ is available at:

http://svalan.environ.se/rappsyst/swedish_daily.asp

Other initiatives empowering citizens such as “Spring alive” from BirdLife International, the England and Wales Environment Agency’s “What’s in your backyard” initiative (http://216.31.193.171/asp/1_introduction.asp), are particularly interesting in this respect.

Similar systems could be promoted at the EU level. EEA is developing a range of projects that will open up public access to ‘neighbourhood’ information building on systems in place in several EU countries such as those mentioned above, and enable individual citizens or citizen groups to submit biodiversity data for wider public use and validation.

Among possible emerging issues for monitoring and research, there is a need to further develop research on land use and habitat fragmentation, climate change and the impact of various EU policies and socio-economic drivers, notably the Common Agricultural Policy. The effects and effectiveness of habitat management measures and protected area networks, such as Natura 2000, also requires additional attention.

3.5.1 Streamlining Monitoring

Apart from improving the monitoring of bird population levels, especially of migratory and hunted bird species, there is much scope for making better use of the significant amount of existing data. Key issues relate to the integration and assessment of existing data sets. One option is to develop EU guidelines for the collection and use of bird ringing and census work, as well as other data sets (eg wintering counts). Bag statistic schemes for huntable species could, for example, be harmonized in all Member States, but particularly along flyways. There is further scope to improve information exchange regarding the control of some species that cause problems, to ensure a consistent pan-European approach to local problems (see

REDCAFE insert on Cormorants). In some cases, the development of international management plans may be appropriate.

It is particularly important that existing monitoring data from a variety of sources is used and supplemented where necessary. In particular, certain organisations, such as the EBCC, have long-term experience in the monitoring of birds, and can rely on comprehensive and long-running data sets. Where this type of information relies on volunteers and amateurs, the approaches need to be standardised and information independently verified. The use of such wider sources, including from the NGO sector, cannot substitute, however, for national schemes in support of bird monitoring and research. This is a legal requirement on the Member States, and complements work at the EU and NGO level. Importantly, the value and cost of monitoring efforts needs to be recognised and resources provided to support work in the future.

Addressing Cormorant Damage to Fisheries (REDCAFE)

Two sub-species of Cormorant occur in Europe, *Phalacrocorax carbo carbo* and *P. c. sinensis*. Breeding numbers for *P. c. carbo* are estimated at 40,000, occurring mostly along the coasts of Norway, UK, Ireland and northern France. *P. c. sinensis* occurs throughout Europe, and these are estimated to be over 150,000 pairs, having increased dramatically since the 1960s. Both the numbers and range of both sub-species is thought to be at a historic high.

Cormorants are fish-eating birds, feeding in salt and freshwater. They are often attracted by aquaculture farms, which generally provide an easy meal, for such species. As a consequence, their increasing numbers and range has led to growing conflicts with commercial and recreational fishing interests, not least fish farming.

National and regional Cormorant management plans are now in place in eleven European countries, specifically aimed at addressing this conflict. However, their overall success is unclear, and there has been little if any coordination as regards implementation at the European level.

In order to address this gap, the REDCAFE project¹³ was initiated at the EU level, to synthesise information on the Cormorant/Fishing conflict and the bird's ecological needs. The aim has been to identify ways of developing a Europe-wide approach to reducing the problem without impacting on the species conservation needs. The project brought together avian, fisheries and social scientists and other stakeholders from across Europe and from outside the EU. The work was co-financed by the European Commission (DG Fisheries), and has been produced by the Centre for Ecology & Hydrology, UK.

3.5.1 Improved reporting

In order to inform the Commission on the state of implementation of the Birds Directive, Member States are required to report to the Commission every three years, on whether the necessary laws, regulations or administrative provisions have been introduced at the national and/or regional levels, and whether these have been implemented in practice. This, in conjunction with information on the status and trends of bird populations and their habitats, and associated pressures, impacts and socio-economic drivers, should enable an assessment of the effectiveness of the Directive, ie whether it has led to the maintenance of populations of wild birds in the EU. In turn, such assessments should allow weak areas to be identified and reinforced either at national or EU level.

¹³ Carss, D.N. (ed) (2003), Reducing the conflict between cormorants and fisheries on a pan-European scale: REDCAFE. Final Report to European Union DG Fish, August 2003, pp 169

In practice, reporting under the Birds Directive provides limited information on the current situation and on trends. The reports do not convey much impression of whether, or to what extent and how the Directive has resulted in the conservation of European birds and their habitats. Problems arise at three stages in the reporting process:

- 1 the reporting format or guidelines (adopted by the ORNIS Committee) are insufficient or insufficiently precise;
- 2 the reports produced by the Member States do not always fully respond to the guidelines, and/or are late or incomplete; and
- 3 the information is not sufficiently validated at EU level, and cannot be compared to independent data on trends and status to assess effectiveness.

Ways of improving reporting and reporting efficiency in an EU of 25 Member States are currently under consideration. There is particular potential to streamline and even combine aspects of reporting under the Birds Directive, with reporting under the Habitats Directive and other relevant (international) instruments. This would not least require synchronised reporting cycles and clear guidelines to avoid repetition. The approach to data exchange could also be improved, eg by using electronic files, intranet set-ups and questionnaire formats.

The ultimate aim is for EU-wide reporting to provide better information on policy effectiveness, with a view to achieving the objectives of the Directive. Importantly, an improved reporting system should also support information needs under other environmental directives, such as the water framework Directive, and the thematic strategies, including the Biodiversity Strategy. There should also be a clear link to spatial initiatives such as the GMES and INSPIRE. All of this information should be public and easily accessible.

3.5.2 Indicators

Substantial progress has been made in establishing bird indicators, both for the purpose of monitoring population trends, and of providing an indication of environmental trends, particularly in the context of the EU Structural Indicators, the development of Biodiversity Implementation Indicators (Bio-IMPS) and the 2010 target of halting biodiversity loss in the EU.

Attention has recently been given to assessing the level of available information and to identifying knowledge gaps with respect to bird indicators in the EU 15 and EU 25. While it is important to further improve data collection and monitoring, some useful information is available, particularly concerning common farmland, woodland and wetland birds. These common birds have been suggested for broader trend monitoring, including wider biodiversity monitoring. There is also scope to use bird indicators more broadly, for example, in the context of integrated spatial initiatives (eg GMES and INSPIRE) and also as quality of life indicators.

A number of important criteria for bird indicators can be identified in addition to the more general standards for good indicator use such as robustness, simplicity, and information availability. To contribute to the purposes of the Directive, bird indicators should be:

- sensitive to changes in environmental pressures on birds, notably on common and some specialist species;
- relevant to broader biodiversity trends and indicators;
- relevant to an evaluation of the effectiveness of the EU's Bird Action Plans, the Birds Directive, the European network of SPAs and broader management measures; and
- relevant to reporting requirements at EU and international level.

To meet all of these criteria, it is most likely that a set of pressure, state and response indicators is needed. Indicators should also help to communicate information, not least to support political decision-making.

At EU level, the EEA and the European Topic Centre for Nature Conservation have undertaken substantive work on biodiversity indicators. This has considered the relevance of bird indicators as a 'surrogate' for data on other taxa, and thus as a broader biodiversity indicator. Suitable indicators could help monitor trends at least until data sufficiency for other taxa has improved.

This work has also considered a bird protected area indicator, similar to that being developed under the Habitats Directive. For the latter, a distance-to-target indicator has been constructed for Special Areas of Conservation (SACs). Similar attempts to develop an indicator to evaluate progress in classifying SPAs under the Birds Directive, have, however, proved difficult since the Birds Directive does not provide a formally agreed target for the number or quality of SPAs. It is being considered whether BirdLife's inventory of Important Bird Areas (IBAs) may be a feasible reference value or target, or could be used as one element in the assessment of appropriateness of the SPA network.

Non-governmental organisations, such as BirdLife International, the European Bird Census Council (EBCC) and Wetland International, have widely supported and assisted the work on indicators. In 2004, BirdLife International in co-operation with the EBCC and Wetland International prepared and is refining data from a Pan-European Common Bird Monitoring Scheme. This provides amongst others broad indices for woodland, wetland and farmland birds (see Figure Section 2.1). The available data will also allow an evaluation of population trends for individual species, groups of species and individual Member States. It will further become possible to compare trends of populations of non-migratory birds between SPAs and unprotected areas, which is a useful step towards being able to assess the effectiveness of site designation.

It is important to note that due to limited resources, a significant part of the indicator work relies on voluntary schemes.

4 SUPPORTING IMPLEMENTATION EFFORTS

It is generally appreciated that the effective implementation of environmental laws cannot be taken for granted, particularly when legislation is as ambitious but also as controversial as the Birds Directive. Instead, a variety of instruments are deployed at different levels, to ensure provisions are implemented effectively. In relation to the

Birds Directive, this has involved work to clarify and elaborate certain provisions and principles that underpin the Directive, and the allocation of funds, such as under LIFE-Nature, to support implementation. Initiatives have included the exchange of good practice, and support for stakeholder involvement and public awareness raising. The Directive's reporting provisions have, furthermore, sought to provide information on overall progress in implementing the Directive's provisions, at the national and EU level.

4.1 Clarifying and elaborating provisions of the Directive

The ORNIS Committee, established under Article 16 of the Directive, assists with the implementation of the Directive and its adaptation to technical and scientific progress. The Committee consists of representatives from the Member States and is chaired by the Commission. It has an administrative and regulatory role, particularly as regards amendments of the Annexes of the Birds Directive. It is supported by a Scientific Working Group that is responsible for preparing the content issues and for giving scientific advice. Importantly, the Committee has also developed its advisory role, providing a forum for discussing and exchanging information in support of the Directive. In recent years, the Committee has also combined its meetings with a separate an ORNIS+ meeting involving stakeholders, in line with good governance principles.

The ORNIS Committee has engaged in numerous initiatives since its creation in 1979. These have included agreeing on revisions to the lists of Annex I and Annex II species, work on the Species Action Plans, and identifying priority bird species for LIFE funding. The Committee has played an important and active role also in assisting with interpreting the hunting related articles of the Directive, and in establishing more concrete breeding and migration periods for huntable birds. More recently, the Committee played a key role in relevant preparations for enlargement, including examination of amendments to the lists of species proposed by the ten new Member States.

In several cases, the work of the ORNIS Committee has been complemented by European Court of Justice rulings, which have over the years generated a substantial body of case law relating to the Directive (see below).

4.2 Funding to support implementation

EU funding has for many years been used to support implementation of the Birds Directive, under the LIFE instrument (see insert), but also funds designed primarily to support regional development, agriculture and fisheries. EU research funding has also been made available to relevant projects and programmes, although the current trend in EU research programmes is to focus less specifically on birds.

LIFE-Nature - A key funding programme for European Birds¹⁴

¹⁴ A report on "LIFE for Birds: 25 years of the Birds Directive the contribution of LIFE Nature projects" is available on DG Environment's web site at: http://europa.eu.int/comm/environment/nature/nature_conservation/focus_wild_birds/species_birds_diractive/pdf/life_for_birds.pdf

The LIFE-Nature instrument is dedicated to funding pilot demonstration projects for species protection and habitat management. Out of 777 LIFE Nature projects financed up to 2003, both in the EU countries and in the candidate ones, at least 295 had a direct relevance to bird species and their habitats. This figure includes also projects funded under the previous ACE and ACNAT instruments. The total expenditure for bird projects has exceeded 367 million Euros, with a co-financing by the European Union of almost 200 million Euro.

Since 1992, the annual LIFE Nature expenditure for birds increased from about 10 millions Euro up to 40 millions Euro, with a maximum of 48 millions Euro in 2001.

Even though classification of the main habitats benefiting from conservation projects is very difficult to assess, due to the overlapping of habitats types in any single project, a very general analysis reveals some major trends.

Most of the main EU habitat types have been addressed by several LIFE Nature projects, allowing their restoration, management and a recovery of the bird populations linked to them. Wetlands are certainly the habitat most commonly addressed: more than 120 projects have been carried out for a total expense of more than 160 million Euro up to 2003.

More than 21 million Euro have been spent on the conservation of forest habitats, from the northern taiga in Finland, to natural deciduous forest in Denmark and several forest habitat types in the Mediterranean countries.

Among the main groups of habitats, steppe has benefited from at least 10 million Euro LIFE Nature funding, coastal habitats, including dune systems, projects have seen an expense of more than 7 million Euro, islands and marine bird communities have been the subject of at least 17 projects for 15 millions Euro.

The top-ten species-oriented projects include many rare species of birds of prey. The total expenditure on raptors is more than 53 millions Euro, a sum justified by the fact that they are considered as emblematic species whose protection allows the conservation of entire ecosystems with their species and habitats. Among waterbirds, the Bittern has been the favourite, with at least 8 specific projects costing 14,5 million Euro. Other targeted species, pelicans, cranes, storks, ducks and geese have been addressed by projects totalling at least 40 million Euro. Endangered, localized or endemic species such as Cory's Shearwater, Zino's Petrel and Audouin's Gulls are another important group: about 20 millions Euro have been dedicated to their conservation. A special effort has been devoted to the endemic species of the Macaronesian Islands (Canary and Azores), namely the Azores Bullfinch, the Blue Chaffinch, Dark-tailed Laurel Pigeon and White-tailed Laurel Pigeon. The budget spent for these species is about 6 millions Euro.

For the conservation of steppe species, such as Little, Great and Hubara Bustards, 9 projects have been carried out with an expense of more than 10 millions Euro. Finally, for the Corncrake, dependent on traditional managed meadows, a minimum of 5 projects have spent 4,5 millions Euro.

LIFE Nature has certainly been the most important financial programme to support bird conservation in the EU. It has proven to be a well adapted instrument, capable of responding to the needs of bird conservationists on the ground and supportive to the Commission strategy in this sector. Further to a better conservation status of many of the most endangered species, especially those listed as a priority for funding, LIFE Nature has helped in identifying and spreading good habitats and species management practices, in involving stakeholders and establishing wise management practices, improving awareness of the EU citizens on the need and the ways of conserving the natural resources and the biological diversity. Finally LIFE Nature has largely invested in capacity building. The overall capacity to carry out bird conservation projects has significantly improved in various EU countries. Without this support a large part of the NATURA 2000 network would be no more than paper parks to the detriment of many wild birds in the EU.

EU funds have been used in other ways, to help secure improved implementation of the Birds Directive. During the late 1990s, the Commission used the threat of withholding EU regional and rural development funding from Member States failing

to adequately implement EU nature conservation policy. This linkage between funding and compliance was based on legal requirements for EU funding to be used in ways that did not conflict with other EU legislation. Similar provisions were also introduced as part of the 2003 Common Agricultural Policy (CAP) reforms, with the main CAP subsidies now explicitly linked to compliance with the Birds Directive and other Directives.

The effects of such ‘cross-compliance’ measures should be twofold: they should focus attention on the need to speed up implementation of the Birds Directive, as well as mitigating some of the negative impacts of EU funding on bird habitats and species.

Options for targeting additional funds towards the implementation of SPA management are set out in a 2004 Commission Communication on financing Natura 2000¹⁵. The need for funding to support implementation, including monitoring of Natura 2000 will need to be reflected in discussions on the future of the LIFE instrument and the new EU budget covering the period 2007-2013.

4.3 Challenging poor compliance

Despite the progress that has been made in implementing this Directive, often involving cooperation between the Member States, the Commission and stakeholders, progress has been slow. In a significant number of cases, the Commission has had to institute legal proceedings against Member States failing to fully transpose the provisions of the Directive, or failing to ensure their proper implementation in practice. The main problems with implementation relate to the Directive’s application, namely the insufficient classification of Special Protection Areas (SPA) for birds and hunting arrangements. The result is that the Birds Directive is now among the most heavily litigated Directives.

While Court judgements date back to the 1980s, legal proceedings have continued in recent years, with fifteen Court judgements on the Birds Directive since the beginning of 1999 (CELEX). The cases involved France (6), Italy (3), and Austria, Belgium, Finland, Ireland, Luxembourg and Portugal (1 case each). During this period the Commission has also begun new legal proceedings against several countries.

4.4 Getting the public on board

While birds generally win public support easily, bird conservation has not been without its controversy. Public information and awareness raising initiatives aimed at getting the public on board, have therefore been particularly critical. In practice, awareness raising has consisted of information materials and campaigns, training and educational programmes. Some of the most common means used are:

- publication of technical and scientific publications – such as Bird atlases, scientific articles and Red Data Lists;
- development of teaching and training materials for schools and the wider public;

¹⁵ Communication from the Commission to the Council and the European Parliament - Financing Natura 2000 SEC(2004)770, SEC(2004)771, COM/2004/0431 final.

- organisation of conferences and symposia;
- support to help desks and national reference points; and
- training schemes for conservation and management staff.

In some cases, efforts have been loosely coordinated across the EU, as in the case of the ‘Green Days’ events to promote Natura 2000.

Information on Europe’s birds, including pressures and policy responses, is also provided by the European Environment Agency (EEA) and its European Environment Information and Observation Network (EIONET). The Agency and its Topic Centres provide data and information on the environment to European and national institutions and the public, and are contributing in particular to work on biodiversity and agriculture indicators. In particular, they can integrate biodiversity data with that of other environmental ‘sectors’, such as water, climate and soil.

A significant contribution to information and knowledge about the plight of European birds and the implementation of the Birds Directive has also been made by NGOs, most notably BirdLife International and its national member organisations, but also others such as Wetland International, the World Conservation Union (IUCN) etc. Apart from engaging the public in bird conservation, BirdLife and others have used their extensive research base to advance work on bird population status, habitats, indicators and monitoring, as well as work on the impacts of different economic sectors on birds. BirdLife International has also produced a number of well-established publications, often with the support of the European Commission, including:

- Birds in Europe – Their Conservation Status (1994);
- Important Birds Areas in Europe (1989 and 2000);
- European Bird Populations – Estimates and Trends (2000); and
- Habitats for Birds in Europe – A Conservation Strategy for the Wider Environment. (1997)
- Birds in the EU – a status assessment (to be published in November 2004)
- Birds in Europe II – Their Conservation Status (to be published in November 2004).

4.4.1 Engaging the hunters and other stakeholders

Other stakeholders, in the past most notably hunters, have proven more difficult to get on board. Particularly in some southern Member States, where bird hunting is considered as a tradition and a right, the Directive’s implementation has met significant opposition. The need to accommodate these interests without compromising bird protection, led to a process of stakeholder consultation.

In 2001, the Commission launched a “sustainable hunting initiative” in partnership with the two main representative bodies for hunters and bird protection societies (FACE and BirdLife) as well as the Member States. This aims to promote

constructive dialogue and collaboration on promoting sustainable hunting under the directive. A series of ten measures have been agreed as a basis for this dialogue¹⁶.

The “Sustainable Hunting Initiative”

The Sustainable Hunting Initiative aims at a constructive dialogue between hunters and bird protection societies. Indeed, the Commission has always considered that hunters and bird conservationists have much in common and are both key partners to contribute to the solution. They have an intimate knowledge of nature and a vested interest in ensuring the continuation of species – and with proper management, their activities can bring added value to the process of habitat protection.

The Birds Directive fully recognises the legitimacy of hunting but this must be in accordance with key sustainability principles. These are that only certain species can be hunted, that hunting should not be allowed during the most sensitive periods (spring migration and nesting season) and that large-scale and non-selective hunting practices are forbidden. It also implies that hunters are well informed and proficient in this practice.

The “sustainable hunting initiative” identifies 10 important issues that need to be addressed in order to reconcile sustainable hunting with the overall objective of the directive as regards maintaining healthy bird populations. It clearly recognises the importance of having reliable data on hunting take, the need for management plans for huntable species with unfavourable conservation status etc.

The first measure aimed to provide better clarity about the hunting provisions of the directive through a process of stakeholder consultation resulting in a recently published EU guidance document on hunting¹⁷.

The notion of wise use of natural resources also applies to bird hunting; good practice and sound knowledge and skills are essential, as is co-operation between users and conservation managers. Hunters need to be well informed about the need for correct species identification, hunting legislation and reporting requirements etc. The unlawful actions of some hunters conflicts with management objectives and can bring the entire activity of hunting into serious disrepute, with consequence for stakeholder involvement.

Moreover, the management of certain habitats (eg heathlands) for game management purposes also benefits other birds. Maintaining the management of these areas with the support of gamekeepers, hunters and landowners is thus often beneficial for broader conservation reasons as much as for the purpose of sustainable use.

The development of the hunting guide provided an important focus for discussions, and supported greater ownership of and responsibility for bird conservation issues. In

¹⁶ a document outlining the proposed steps to launch the dialogue on sustainable hunting is available on the Commission’s web site at

http://europa.eu.int/comm/environment/nature/nature_conservation/focus_wild_birds/sustainable_hunting/index_en.htm

¹⁷ The Commission working with the ORNIS Committee and its SWG has provided guidance on the biological basis for determining reproduction and pre-nuptial migration periods⁽ Key concepts of Article 7(4) of Directive 79/409/EEC. Period of Reproduction and Prenuptial migration of Annex II Bird Species in the EU. September 2001 (document available at http://europa.eu.int/comm/environment/nature/Directive/birdshome_en.htm).

future, similar guidance documents could be developed, eg regarding the construction and use of wind farms and electric power lines.

Another important measure under the Sustainable Hunting Initiative is the development of a charter of sustainable hunting in the context of implementation of the Birds Directive (cf. measure 10). On 12 October 2004, an agreement on the Birds Directive has been signed by BirdLife International and the Federation of Associations for Hunting and Conservation of the EU (FACE) with the support of the Commissioner, Margot Wallström.

This agreement is an historic event considering that, when the initiative was launched the two organisations were having a major conflict regarding hunting under the Birds Directive and the debate was increasingly polarised (opposing petitions to EP secured by millions of signatures). This marks an important step forward in reconciling their differences. The agreement contains ten key points that enable hunting to continue within a well-regulated framework, while fully respecting the provisions of the Directive. It enshrines the above principles of the Birds Directive. It means that scientific information will be the basis in which hunting seasons are fixed. Hunters also commit themselves to contribute better data on hunting, to ensure that the level of taking is not damaging bird populations. In return for these commitments, hunters rights are recognised, including the possibilities for managed hunting in Natura 2000 areas where this is consistent with the conservation of these sites.

From confrontation to cooperation – Lessons learnt from the Sustainable Hunting Initiative / Experience of BirdLife International and FACE working on the agreement on the Birds Directive

The *Sustainable Hunting Initiative* was launched in February 2001 by the European Commission. Our two organizations, invited to be part of this new initiative, BirdLife International and the *Federation of Associations for Hunting and Conservation of the EU*, FACE, could at the time be considered arch enemies and had just finished a major confrontation at the European Parliament over a *Written Declaration* that was asking the Commission to consider an amendment to the 1979 Birds Directive. FACE was supporting such an amendment and BirdLife was entirely opposed. The first meetings and the first years of this initiative were slow in progress, and there was an overwhelming feeling of distrust between the two organisations, mainly as a result of misunderstandings and strong feelings on both sides. In BirdLife International on a number of occasions it was thought this initiative was not going to go anywhere.

So how did it all happen in the end? Well, firstly the European Commission played an important role because its officials didn't give up. They continued to press and insist on bringing the two organisations together. They also insisted strongly on us having bilateral meetings. We think the real breakthrough happened after we started having bilateral meetings without the Commission, as this helped the two organisations build the trust between them and it was only then that the real progress could be made. Trust is indeed essential for achieving respect between the organisations, without which no constructive dialogue can take place. Of course people's personalities matter too.

So to summarise, it's important to have a mediator who doesn't give up, especially in the face of slow process. . Old foes can never become new friends overnight but trust helps to build respect that leads to success.

Clairie Papazoglou, Head of EU Policy, BirdLife International
Dr. Yves Lecocq, Secretary General, FACE

The Commission, which acted as a facilitator throughout the process, is willing to promote this contractual approach between key stakeholders, such as farmers,

fishermen and other land users. This is also fully in line with the ‘El Teide Declaration – Natura 2000: a partnership for Natura’ signed by all 25 ministers and the Commissioner to take positive action to the target of halting the decline of biodiversity by 2010 made by the Heads of State in the Gothenburg Summit.

Finally, workshops such as at the 2002 ‘Green Week’, help to establish a better shared understanding of certain aspects of the Directive. In 2004, Green Week celebrated the 25th Anniversary of the Birds Directive with a series of discussions and events, including sessions on the legal and economic dimensions of the Directive, expectations from our children. It involved big audience including major stakeholders and civil society.

5 CONTRIBUTING TO GLOBAL CONSERVATION EFFORTS

The EU and its Member States have have an important role to play in international efforts to protect birds, using the commitment and combined expertise of the Member States and Community institutions. The EU’s role is most explicit in relation to six global and regional agreements, which are relevant to European bird conservation:

- The Ramsar Convention on Wetlands (1971)¹⁸;
- The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979);
- The Bonn Convention on Migratory Species (1979);
- The Convention on the International Trade in Endangered Species (CITES) (1983);
- The Convention on Biological Diversity (1992); and
- The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) under the Bonn Convention (1995)

Most of the 25 EU Member States are Contracting Parties to these agreements. The European Community itself is party to CITES, the Berne Convention, the Bonn Convention and the Convention on Biological Diversity, and is in the process of ratification of AEWA. The EU and the Member States are also committed to the FAO International Plan of Action for reducing incidental catch of seabirds in longline fisheries.

The legally binding Birds Directive has served as the primary instrument for implementing the bird related aspects of these agreements in the EU. It therefore makes a major contribution to global conservation efforts.

6 LOOKING TO THE FUTURE

Despite being one of the oldest EU environmental Directives, the Birds Directive remains a central pillar for European nature conservation, and for delivering the 2010 target of halting the loss of biodiversity in the EU. As we look to the future of the Directive, there is an opportunity, as well as a need, to build on past work and to learn from the rich experiences already gathered.

¹⁸ This convention does not allow for supranational bodies such as the European Community to become contracting parties

6.1 Completing the network of SPAs

Recognising the enormous strides made in classifying SPAs, particularly during the last decade, efforts should nevertheless be made to enhance and complete the network of sites, with a particular emphasis on classifying and protecting areas that overlap with major flyways. This challenge is being discussed in the context of.

There is no agreed target at which point sites would be considered 'sufficient'. Consideration should be given to developing such a target, perhaps based in parts on the list of Important Bird Areas, and including all relevant marine SPAs. Political commitment should be secured to ensure that such a target is met at the latest by 2008, for example.

The challenge for the next phase will be for the EU and its Member States to achieve the site protection objective of the Birds Directive, through the implementation of measures to ensure the coherence and integrity of the network, the management and restoration of the sites, particularly with a view to the 2010 target of halting biodiversity decline.

6.2 Managing the wider countryside/marine environment

Site and wider countryside/marine management needs to be strengthened, to support upward trends and/or maintain populations of common birds. For vulnerable bird species, including those subject to hunting, the relevant management needs should be identified in the context of Action Plans for Annex I and II species, with key messages taken forward to the various sectoral integration initiatives, notably the Biodiversity Action Plans as well as the other relevant Thematic Strategies currently in preparation, and the sectoral Cardiff Integration Strategies.

The Commission's new Impact Assessment procedure provides a tool to assess, *ex ante*, the impacts of major EU policy proposals and should therefore allow impacts on birds to be identified and addressed, before proposals are formally agreed by the Commission. This includes forthcoming proposals on EU funding, for instance. The effects of sectoral policy reforms, including the recent reforms of the Common Agricultural Policy and the Common Fisheries Policy, also need to be monitored and assessed *ex post*, to ensure positive impacts are maximised and negative impacts halted.

6.3 Addressing specific issues and sectors

The development of the EU Hunting Guide has demonstrated the value of collaborative, multi-stakeholder initiatives in terms of clarifying difficult concepts, and in generating a shared ownership of the Directive and its objectives.

Similar initiatives should be developed to address specific infrastructure developments (e.g. wind turbines and electronic power lines), as well as wider sectoral interactions (e.g. transport and fisheries) and what compensatory measures will be necessary to ensure that the overall coherence of Natura 2000 is protected. In

relation to the implementation of the protection regime, profit should be yielded from experiences with the Environmental Impact Assessments (EIA) and assessments made in accordance with Article 6 of the Habitats Directive, which applies to all SPAs. There is also scope for a more regular exchange of good practice in implementing the Directive, including efforts to integrate bird conservation within different sectoral activities.

6.4 Implementation, compliance and enforcement

There is much potential to improve the current reporting requirements under the Directive, in order to streamline and coordinate EU biodiversity reporting. There is particular scope to synchronise reporting cycles with those of the Habitats Directive, and in relation to some aspects, to merge reporting requirements. Reporting on Natura 2000 is an obvious area where such merging could be beneficial.

The aim must be to make better use of existing resources, so that the implementation and effectiveness of the Birds Directive can be assessed efficiently. The opportunity should also be taken to link biodiversity reporting to other directives, environmental and spatial initiatives, and international conventions.

IMPEL

Implementation could also be improved by developing new working methods with Member States at all stages of the implementation life-cycle. In particular, exchange of information and experiences on the practical application of the Birds Directive amongst practitioners could help to increase efficiency and enhance effectiveness of its implementation. The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)¹⁹ offers an example to follow, and could possibly expand its scope to nature conservation issues.

6.5 The global dimension

The central role of a global network of protected areas in the achievement the objectives of the Convention on Biological Diversity have been highlighted at the recent conference of the Parties (COP7) in Kuala Lumpur in February 2004.²⁰ Together with the sites to be protected as special area of conservation (SACs) under the Habitats Directive, the SPAs under the Birds Directive represent the major contribution of the EU and its Member States to the fulfilment of its obligations under the CBD as well as other international treaties such as the African Eurasian Agreement on the conservation of migratory waterbirds (AEWA)²¹.

¹⁹ IMPEL is an informal network of European regulators concerned with the implementation and enforcement of environmental legislation. Co-operation among practitioners in the fields of inspections, permitting and enforcement started in 1992. 29 countries – all 25 Member States, the three Candidate Countries and Norway – and the European Commission now participate in the network: <http://europa.eu.int/comm/environment/impel/index.htm>

²⁰ Decision VII/28 on "Protected Areas (Articles 8(a) to (e))

²¹ The Community is in the process of ratification of AEWA.

6.6 Recognising the value of ‘in kind’ conservation

A great deal has been invested by Member States, stakeholders and the public since the Directive was adopted in 1979, in order to support its implementation. The role of NGOs and volunteers in data collection and monitoring is particularly noteworthy, offering lessons for public engagement in other environmental sectors. Not only does this make a contribution to the ‘social fabric’, but it also provides a very valuable and otherwise costly service. The role of the NGOs should be more formally recognised, for example, by adopting a Memorandum of Understanding on data exchange.

While volunteer or NGO work is significant, their contribution should not be used as a reason for limiting public investment in monitoring, which is needed to underpin NGO and public sector activities. It is also important that data collection and other information is scientifically rigorous, and that the quality of data are not compromised by political messages.

6.7 Future research to underpin bird conservation and other monitoring

EU and national research programmes and initiatives have made a tremendous contribution to our knowledge of birds. However, there are key gaps and emerging issues that should be addressed under future research programmes, including research that is directly relevant to conservation needs and to the Directive itself. Research on socio-economic drivers and pressures affecting bird populations and habitats is critical. The potential to use bird monitoring to support monitoring in other areas also shows promise.

In these and other areas, biodiversity research, including bird related research, needs to continue to be funded at the national and EU levels, and over the longer term. The continuation of European research platforms, along the lines of the European Platform for Biodiversity Research supported under the 6th EU Research Programme, will also be important.

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