



Transitioning from the Emerald Network to Natura 2000 – Advice for a Successful Process

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1979 : Birds Directive

- legal protection of all species of wild birds in the EU
- two pillars: species protection & site protection (Special Protection Areas - SPAs)
- introduces a strict protection regime for all SPA (confirmed by ECJ judgements)

1992: Habitats Directive (based on the Bern Convention!)

- same approach (site and species protection) covering certain species (other than birds) and certain “natural habitat types“ (new !)
- creates the term "*Natura 2000*" for all protected areas designated under both directives
- Introduces a system of derogation from the non-deterioration principle of the sites, thereby softening the strict protection regime of SPAs!
- achieve “favorable conservation status" for all species and habitat of EU interest (no deadline in time !)

1992: LIFE financing program

- financial instrument for establishing the Natura 2000 network of sites

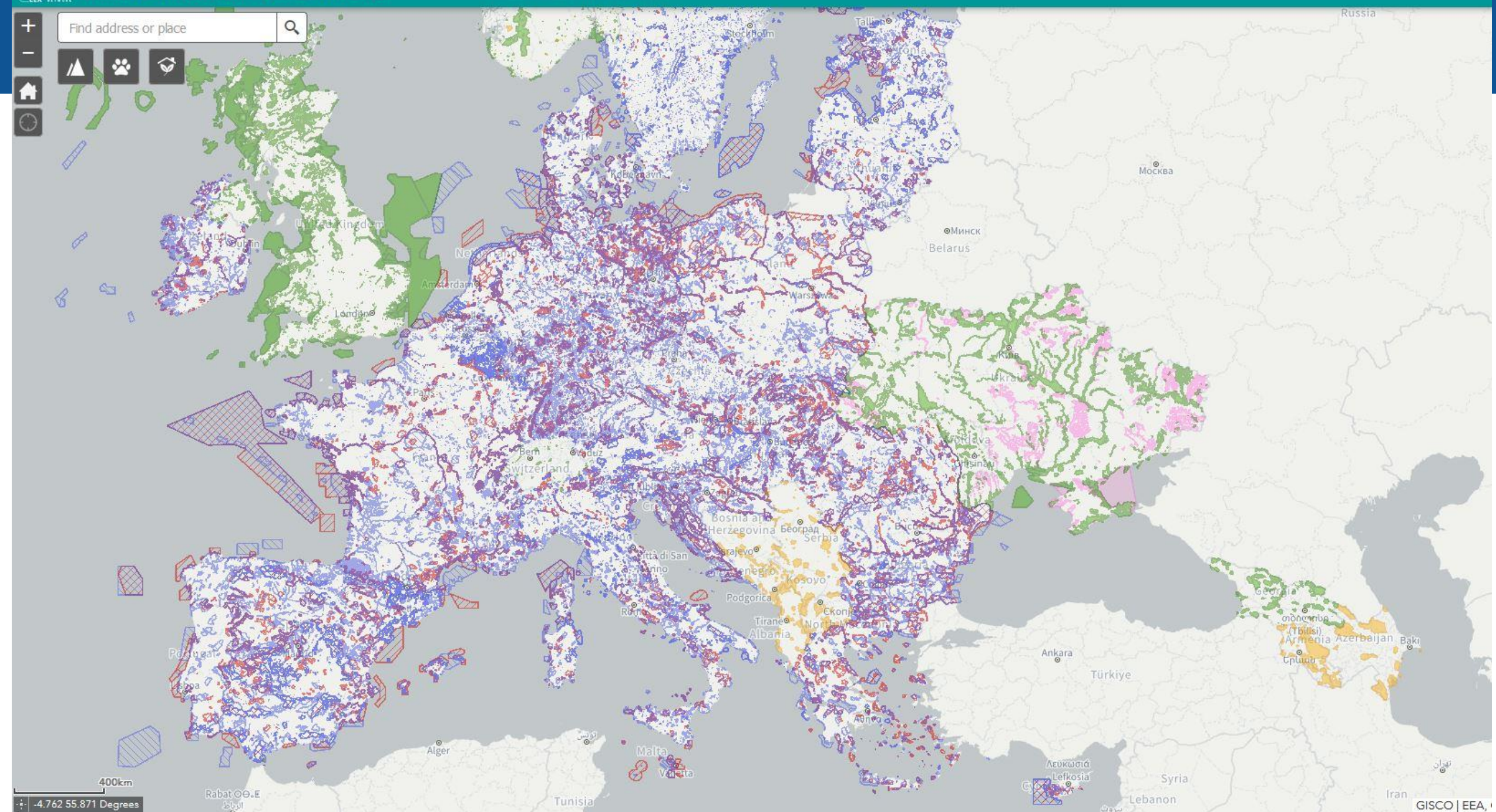


Since then...

- no significant changes to the two directives, but further additions of species and habitats to the annexes in the frame of each of the EU enlargements (1995, 2004, 2007, 2013)
- progress achieved in terms of site identification and legal designation of Natura 2000 sites, and establishment of site-specific conservation objectives and measures (management plans, etc.)
- clarifications of various legal interpretation questions of the two directives through judgements by the European Court of Justice (ECJ)
- production (by the Commission) of Guidance documents on certain legal and procedural aspects of the directives
- in 2017, a “health check” of the nature directives (« Fitness Check ») concludes that they remain fit for purpose... but that more efforts are required from EU Member States for their effective implementation

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Establishment of the Natura 2000 network

- a science-based approach
- a slow and difficult set-up



Currently, Natura 2000 sites in EU Member States are required for :

- 191 species/sub-species of birds (Birds Directive, Annex 1)
- 231 habitat types (Habitats Directive, Annex 1)
- 869 species/sub-species of animals and plants (Habitats Directive, Annex II)

species of Community interest in danger, vulnerable, rare or endemic

natural habitat types of Community interest in danger of disappearance, with a reduced natural range, or presenting present outstanding examples of typical characteristics of one or more of the nine following biogeographical regions (Alpine, Atlantic, Boreal, Continental, Macaronesian, Mediterranean, etc.)

Strong evidence for an « umbrella » effect for biodiversity, but there remain some deficiencies in the coverage for certain threatened species (EU Red listed species not covered by the annexes of the directives)



Set-up of Natura 2000: two-stage approach

- Stage 1: Member States propose an « exhaustive » list of sites, based on scientific information and criteria
- Stage 2: in agreement with each of the Member States, the Commission establishes a list of Sites of Community Importance

Selection criteria for Natura 2000 sites (Habitats Directive)

Site selection and site borders (ideally) based exclusively on scientific criteria:

- complete inclusion of all **best occurrences** for each species/habitat type
- the **required minimum coverage** at Member State level varies depending on the rarity and conservation status of an individual species/habitat type (<20% à >60%)
- take account of the entire **natural geographic range of the species/habitat type**
- take account of the full **internal variability of the species/habitat type**

Main difficulties encountered during the setting up of Natura 2000:

- insufficient scientific data for a correct application of the criteria
- reluctance of EU Member States to propose areas not already protected nationally
- opposition of landowners/land users against Natura 2000 designation
- divergences in the interpretation of habitat type definitions

Main difficulties encountered:

- insufficient scientific data
- reluctance of EU Member States
- opposition of landowners/land
- divergences in the interpretation

→ Adopted solutions:

- EU financial support for species/habitat inventories (LIFE, etc.)
- Infringement procedures against certain Member States (European Court of Justice)
- Information campaigns, guidance documents clarifying legal provisions, establishment of financial incentives, incl. through EU funding (compensation payments, financial support for active site management, land tax reductions, etc.)
- Scientific working group (of national experts) to clarify the definition of habitats, and publication of Habitats Interpretation Manual



Natura 2000 at present: a coherent network of protected areas?

18,6 % of EU Land surface; ca. **9%** of marine area

in most Member States, Natura 2000 is considered completed on land; there are strong variations in the national coverage: between **<9%** (DK) and **>36%** (SI, HR)

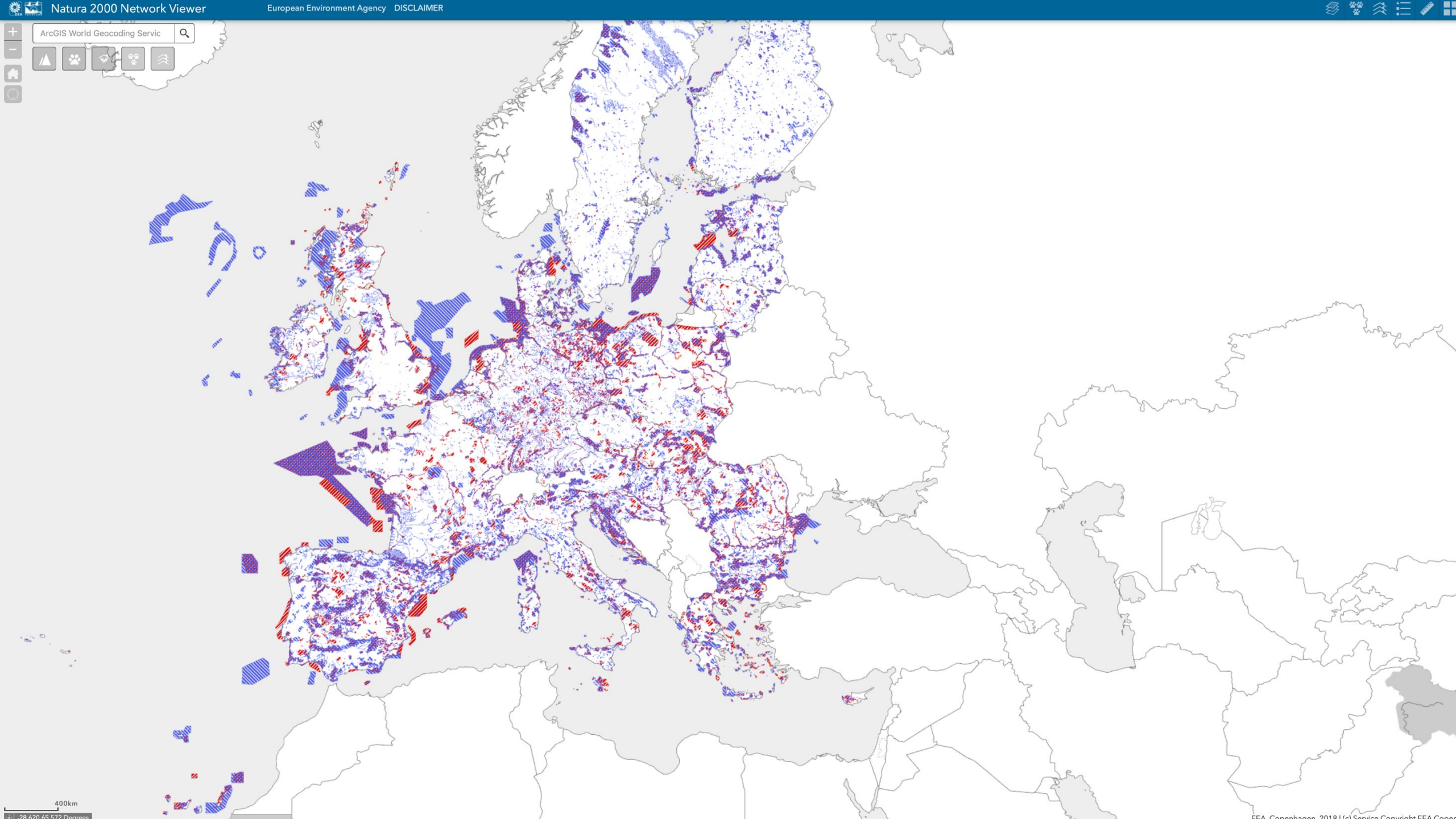
A lot of additional work still needs to be done in relation to the legal protection and effective management of the sites...

Natura 2000: a network conceived for the long term!

declassification of a site should remain exceptional (natural causes only)!

changes to site borders shall not affect the site's conservation objectives (species and habitats for which the site has been designated)

ArcGIS World Geocoding Service





Two key issues to be kept in mind !

The objective of Natura 2000 is to contribute significantly towards **maintaining or restoring favorable conservation status** of species and habitat types of EU interest.

Natura 2000 is not a network of strict nature reserves.
Most lands in Natura 2000 remain under private ownership, and with a more or less pronounced economic vocation. It is up to the Member States to ensure the right equilibrium between conservation and sustainable use.

Protection and management of Natura 2000

- principle of non-deterioration of sites
- achieving *favorable conservation status*: conservation objectives
- key ingredients for effective Natura 2000 site management
- current and future challenges

Non-deterioration principle of Natura 2000 sites

Legal obligation of the directives, that applies **at site level**, and uses as a baseline the **site's conservation objectives**.

in 1992, the Habitats Directive introduced a system allowing derogations from the non-deterioration principle:

- Plans and projects that are likely to impact a site must be subject to an “appropriate assessment” in view of the site's conservation objectives. Condition for the permit: the integrity of the site is not adversely affected
- If a plan or project must nevertheless be carried out for **imperative reasons of overriding public interest** (including of social or economic nature), the Member State must take compensatory measures to ensure that the overall coherence of Natura 2000 remains protected
- Stricter rules apply in case of impacts on “priority” species or habitat types (human health, public safety, benefits of prime importance for the environment)

Achieving favorable conservation status?

Current status: most species and habitats of EU interest are in a bad conservation status – it is not sufficient to keep them in this status quo.

According to the Habitats Directive, the aim of Natura 2000 is to contribute significantly to the maintenance or restoration of the favorable conservation status of species and habitats of EU interest.

- For each Natura 2000 site, Member States need to determine site-specific conservation objectives; collectively, these must contribute to achieve favorable conservation status.
- Management and restoration measures at site-level must be based on these objectives.
- It is up to the Member States to decide on the best way on how to achieve this (management plans, voluntary or contractual arrangements, payments, etc.)

Key ingredients for effective Natura 2000 site management

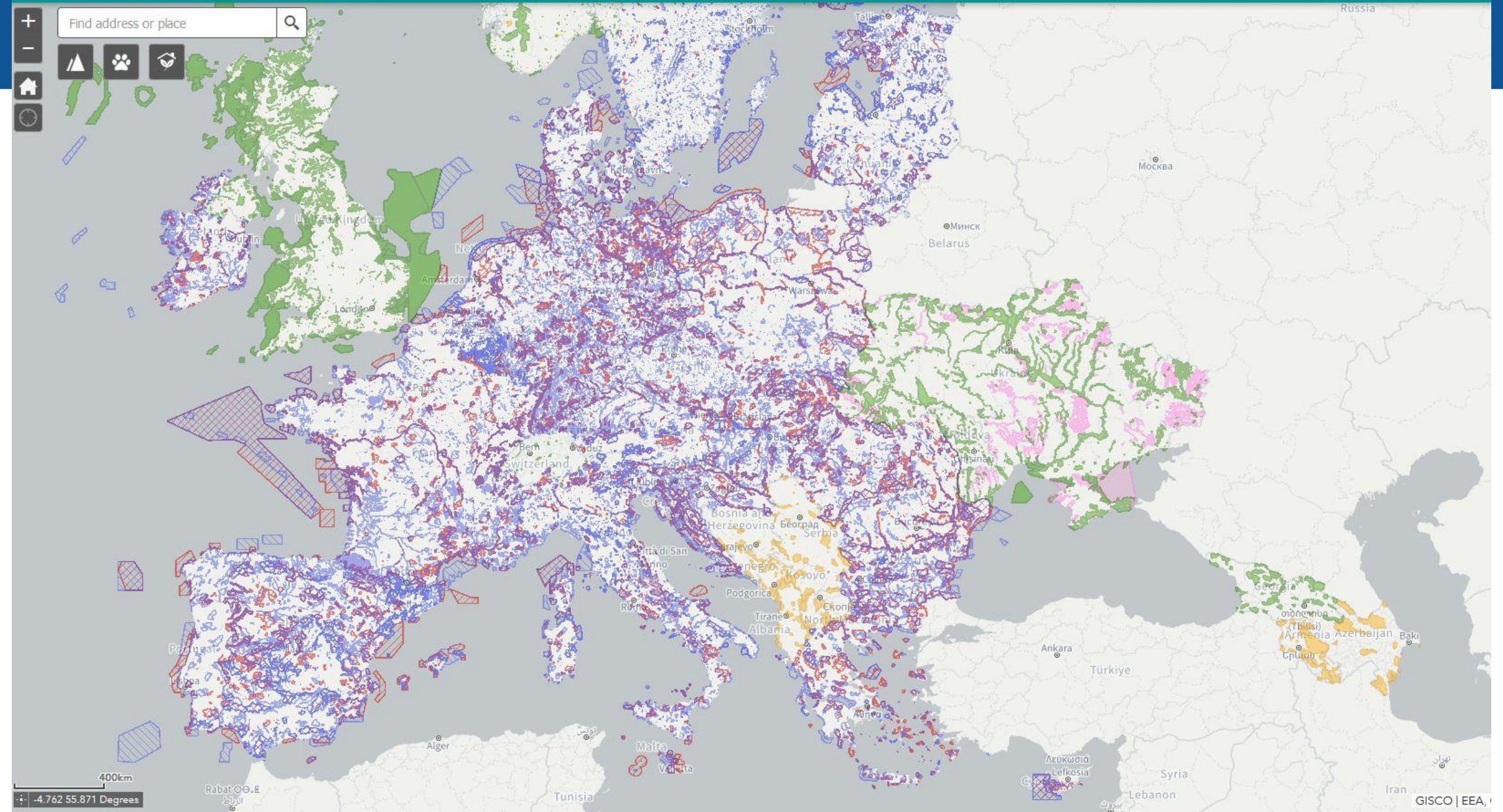
- site have SMART conservation objectives (Specific, Measurable, Ambitious, Relevant, Time-bound), for the species and habitats present in the site, in line with the site's potential for restoring Favourable Conservation Status
- available financial means are sufficient in relation to the identified needs
- sites have adequately-paid, well-trained and motivated staff with a long-term job perspective
- site management arrangements are sufficient long-term to allow for the establishment of a relation of mutual trust with all stakeholders, including landowners and -users

Current and future challenges

- increasing environmental pressures & trend towards further land use intensification and homogenization
- rural abandonment and disappearance of traditional agro-pastoral land use practices, leading to a loss of species and habitats that require an active intervention
- fragmentation and isolation of sites: many sites are too small, too isolated or not sufficiently well buffered against outside pressures
- climate change is likely to become more important as a pressure over time



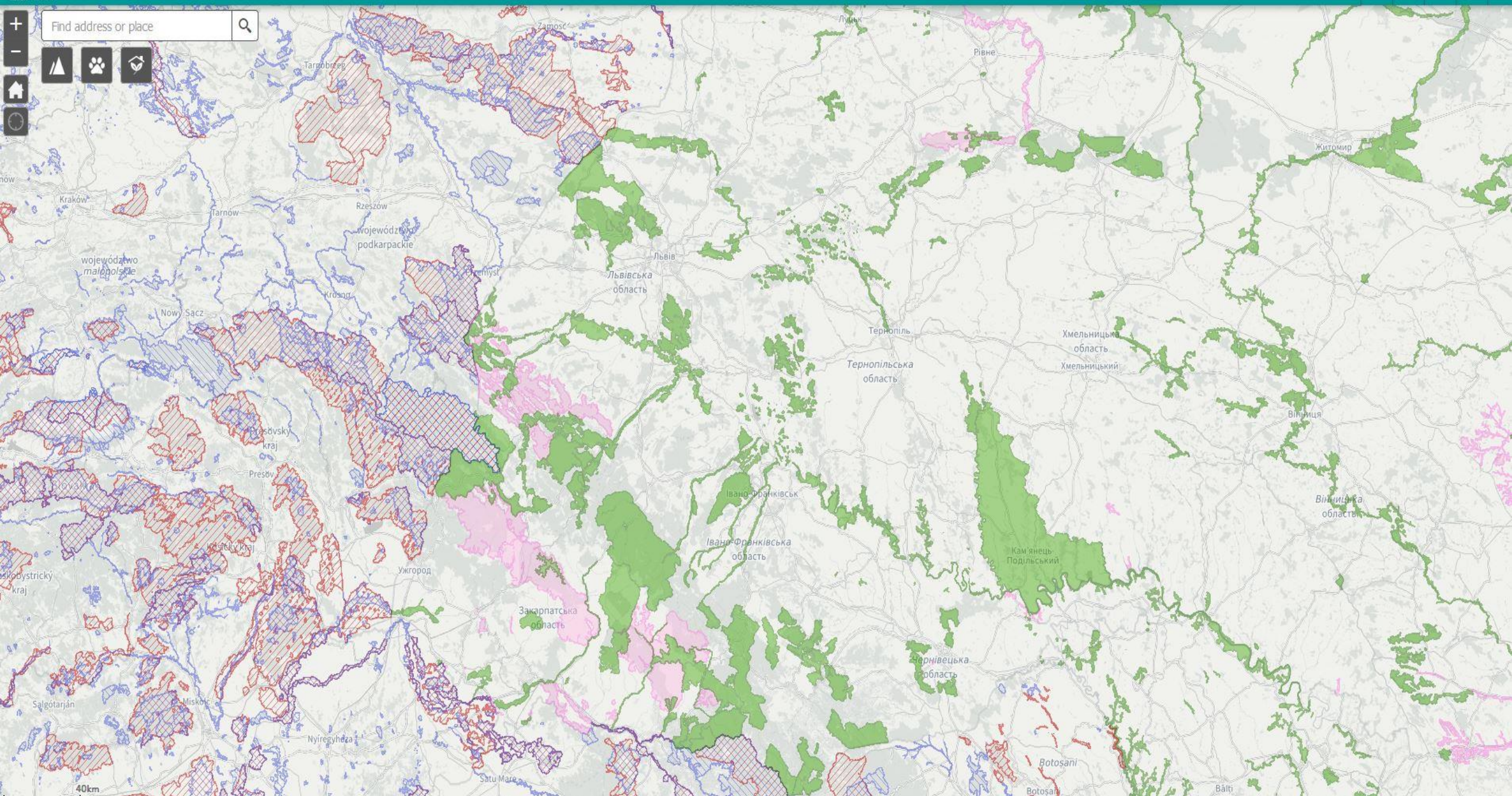
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Transitioning Emerald to Natura 2000 and the EU accession negotiation process

Negotiation process in the nature conservation sector:

- Full transposition of the BHD
- Develop and demonstrate management, enforcement and monitoring capacity
- Expected high level of sufficiency of the proposed Natura 2000 Network
- Sufficiency evaluation of the proposals for sites to take place prior to EU accession (submission to Commission 1,5 to 2 years before accession)



Main difficulties encountered during the setting up of ~~Natura 2000~~ **the Emerald network**

- insufficient scientific data for a correct application of the criteria
- reluctance of EU Member States to propose areas not already protected nationally
- opposition of landowners/land users against Natura 2000 designation
- divergences in the interpretation of habitat type definitions



Emerald Network/Bern Convention: a stepping stone towards Natura 2000

- Compliance with the Bern Convention, existing international obligations for all EaP countries
- Aligned methodologies and tools for Natura 2000 and Emerald, as well as lists of species/habitats subject to site protection

| Challenges in setting up a Network of protected sites | Opportunity provided by the Bern Convention framework |
|---|--|
| Insufficient scientific (ecological) data | Helps ensure sound and quality ecological data is gathered and used for the sites' identification and designation process |
| Going beyond areas already protected nationally – improving the sufficiency | Provides framework for assessment of the level of sufficiency of the Emerald (Natura 2000) network |
| Opposition of land users and other sectors | Can support preparations for management of Emerald/Natura 2000, stakeholder engagement, communication and capacity building of relevant structures |



Thank you for your attention !

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