

Action Plan to Follow-up the Fitness Check of the EU Nature Directives



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Introduction

The above mentioned members of the European Habitats Forum (EHF) welcome the Staff Working Document on the 'Fitness Check' evaluation of the EU Birds and Habitats Directives.

The Staff Working Document (SWD) concludes that, *“within the framework of broader EU biodiversity policy, the Nature Directives remain highly relevant and are fit for purpose. However, full achievement of the objectives of the Nature Directives will depend on substantial improvement in their implementation in close partnership with local authorities and different stakeholders in the Member States to deliver practical results on the ground for nature, people and the economy in the EU.”*

We strongly welcome this conclusion; but a lot remains to be done, as much of Europe’s biodiversity is still in decline due to the poor national implementation of the Nature Directives and unsustainable agriculture and infrastructure development. Enhanced action for biodiversity is crucial for meeting international obligations under the CBD, notably its strategic plan and 20 Aichi targets, and for meeting the 2030 Agenda for Sustainable development and the Sustainable Development Goals.

The Action Plan that will be developed as a follow-up to the Fitness Check therefore must contain strong proposals to implement and enforce the Nature Directives but also proposals to further tackle the drivers of nature loss.

During the CGBN meeting of January 26, the Commission presented a list of possible actions for this Action Plan. According to the EHF members mentioned above, there are three main gaps in the current proposals.

1. The first gap is the role the Commission can play regarding the **enforcement** of the Birds and Habitats Directives. There are no concrete suggestions concerning this in the current proposals, although the SWD clearly states that *“enforcement has been central to progress in implementing the Directives.”*
2. The second gap is the need to improve the **coherence with other sectors**, mainly **agriculture**. This is also clearly mentioned in the SWD, but clear wording is lacking in the current proposals about the need for greater coherence between the CAP and the EU Nature Directives.
3. The third gap is the need for **increased investment**, which is mentioned in the slides concerning the “diagnosis”, but not followed up in the slides concerning the proposed actions on funding and integration. To facilitate compliance with legal obligations of the Nature Directives, and the achievement of biodiversity objectives at national and EU levels, there is an urgent need to better target existing funding streams, and close funding gaps for nature conservation. The Action Plan should clearly mention the need for the next Multiannual Financial Framework (MFF) to address this.

Below we give an overview of the actions needed to halt the loss of Europe’s biodiversity and to better implement the Birds and Habitats Directives, which should therefore be included in the Action Plan as a follow up of the Fitness Check.

Actions needed to halt the loss of biodiversity in the EU and to better implement the Birds and Habitats Directives

1. **Robust implementation of the Birds and Habitats Directives must be achieved.** Coverage of the Natura 2000 network is still not complete – mainly in the marine environment -, and there are still frequent cases of illegal activities in Natura 2000 sites, directly deteriorating the status of protected features. Member States must improve the processes of designation, monitoring and management of Natura 2000. The Commission must also use the available means of enforcement such as freezing EU funds or applying for court injunctions.
2. **The Commission and the Member States need to invest in nature.** At least 6 billion EUR annually of dedicated EU and national funding for biodiversity, are needed in order to achieve a major improvement in the state of nature. Funding is needed for the management of the Natura 2000 network, for targeted conservation actions for threatened biodiversity, actions on Green Infrastructure and restoration of degraded ecosystems, for land purchase and for monitoring the state of nature.
3. **The Commission must improve compliance with environmental legislation** through a new legislative proposal on Environmental Inspections to improve enforcement of existing legislation.

4. **The Commission and Member States must support and develop improvements to the monitoring of wildlife, recording biological data and assessing status.** Identifying the components of biological diversity important for its conservation, and monitoring those components, form a basic foundation of the Convention on Biological Diversity. Gaps in knowledge about the current status of species and habitats are apparent in EU Red List Assessments and Article 17 reports. The Commission and Member States should put greater emphasis and resources towards improving the gathering and collating of biological data and converting those data into outputs that will provide improved geographical focus of conservation action, a more taxonomically complete set of EU Red Lists, and more certain assessments of progress towards achieving conservation aims.
5. A key element of the Action Plan should be **to emphasise the aims of the Birds and Habitats Directives in maintaining and achieving the Favourable Conservation Status (FCS) of key habitats and species.** The Action Plan should clarify and emphasise the way in which the Directives seek positive outcomes, with clear direction being given towards the need for enhancement and restoration of conservation. This will also help ensure synergy with achieving the aims of other Directives such as the Water Framework Directive and Environmental Liability Directive; these Directives also importantly provide the main legislative basis for implementing other international obligations such as CBD and the Bern and Bonn Conventions which again seek enhanced conservation status of species and habitats. This outcome focus is important in setting the standards against which the implementation of the Directives should be measured. However, this does indicate that we need enhanced and more harmonised monitoring to demonstrate that the necessary positive trends are achieved for biodiversity across Europe, as stated above.
6. **In line with the EU Biodiversity Strategy, Member States should speed up the restoration of 15% of degraded ecosystems.** In many EU Member States a large proportion of ecosystems has been degraded; restoration of ecosystems contributes to halting biodiversity loss, and safeguarding the ecosystem services that they provide. Specific attention should be given to providing space for natural processes to restore and sustain ecosystems and stimulate partnerships with other economic sectors such as forestry and water management in developing nature-based economies.
7. **The Commission should roll out an EU wide network of Green Infrastructure (TEN-G).** Green Infrastructure is crucial to improve connectivity of the Natura 2000 network on land, which is essential to protect biodiversity in the face of climate change, and delivers a wide range of benefit for EU citizens, such as flood protection and recreational space.
8. **The Commission and Member States should tackle the threats from agriculture to biodiversity.** The EU should therefore reform its Common Agricultural Policy (CAP) to ensure that it adequately protects farmland biodiversity, specifically halting the further loss of grasslands and restoring grasslands that have been lost. The CAP must clearly focus on providing better support to nature-friendly farming techniques and stop wasting tax-payers money on harmful subsidies. In the meantime, the Commission must take immediate measures to ensure full implementation of the Nature Directives on farmland in terms of

species and habitats protection. At the same time the Commission should enforce the protection of environmentally sensitive grasslands, and the Member States must improve their implementation of grassland protection. Emergency funding is needed to support this. The Commission should make Ecological Focus Areas (EFA) deliver better for biodiversity under the current CAP during the 2017 EFA review.

9. **An EU Pollinator Initiative is urgently needed.** Pollinators are an important part of biodiversity. Many pollinators are threatened with extinction and pollination is a vital ecosystem service. Threats affecting pollinators are often a threat for other biodiversity. The initiative must contain concrete actions to remove the threat of pesticides to pollinators and to halt the destruction of pollinator habitat.
10. **Member States must robustly implement the Water Framework Directive (WFD) to better protect all water bodies including groundwater and terrestrial wetlands (peatlands).** The latter have decreased the fastest of all habitat types in the EU, yet have a pivotal role in combatting greenhouse gas release and associated climate change. The EU Biodiversity Strategy and climate change policy can complement each other but need to be much better integrated and coordinated. Other problems more specific to surface water bodies include irrigation, over-abstraction, navigation, pollution, barriers to fish migration and hydroelectric dams. The overuse and abuse of derogations and the non-implementation of economic aspects of the WFD should be addressed.
11. **Member States must fully implement the Marine Strategy Framework Directive (MSFD) to achieve Good Environmental Status of the marine environment by 2020.** The status of many marine species and habitats continues to deteriorate, and reversing this trend requires additional, specific measures beyond those included within the Nature Directives. The MSFD and the Nature Directives are clearly inter-related and their objectives are mutually supportive. However, the MSFD can also complement the Habitats Directive, for instance by protecting marine features beyond the scope of the Habitats Directive, and by building on the work done under Regional Seas Conventions.
12. **Important pressures of diffuse pollution on biodiversity must be better addressed by the Commission and member States,** including through an ambitious implementation of the Nitrates Directive, a revision of the National Emissions Ceilings (NEC) Directive and an adequate implementation of relevant EU pieces of legislation such as the Environmental Impact Assessment Directive, the Strategic Environmental Assessment Directive.