

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

© Copyright IEEP 2014

The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.

Related legislation: Biodiversity policy

Biodiversity policy is a core environmental policy of the EU and, as a result, a number of other items of EU law explicitly make reference to the obligations contained in the biodiversity legislation. Furthermore, the goals of achieving biodiversity protection can often only be achieved by implementing legislation in other areas that either establish procedures which highlight biodiversity interests or that tackle pressures on biodiversity.

It is initially important to note that EU law in other areas also establishes ecological goals based on broad ecosystem protection frameworks. The most notable of these are the following:

- Water Framework Directive ([2000/60/EC](#)).
- Marine Strategy Framework Directive ([2008/56/EC](#)).

Both Directives have explicit references to the Birds and Habitats Directives, whereby Natura 2000 site protection is integrated in their management frameworks. They also provide an additional framework for species protection through the setting of goals for the ecological or environmental status of water bodies. The Marine Strategy Framework Directive also has an explicit objective to establish Marine Protected Areas.

Appropriate assessment, as required in accordance with Article 6(3) of the Habitats Directive, is a key process for assessing and regulating activities that may threaten habitats and species of Community interest within Natura 2000 sites. Procedurally this has interactions with Environmental Impact Assessments (EIA) and Strategic Environmental Assessment (SEA). Also the EIA and SEA Directives provide assessment frameworks within which protected areas and species issues should be assessed regarding individual proposed developments and in the development of plans and programmes:

- SEA Directive [2001/42/EC](#).
- EIA Directive [2003/35/EC](#).

Species and habitats are under a wide range of threats, from pollutants (point and diffuse) discharged to water, oil spills at sea, emissions to air causing acidification and eutrophication, pesticides in agriculture, etc. Therefore, much of the environmental acquis is relevant to biodiversity protection, although the following deserve particular mention (noting also that controls on pressures are a feature of Directives 2000/60/EC and 2008/56/EC):

- National Emission Ceilings Directive [2001/81/EC](#).
- The Integrated Pollution Prevention and Control Directive [2008/1/EC](#).
- Industrial Emissions Directive 2010/75/EU.
- The Nitrates Directive [91/676/EEC](#).
- The Plant Protection Products Directive [91/414/EEC](#).
- Directive [2005/35/EC](#).
- On ship-source pollution (see section on oil pollution at sea).

Climate change is an existing and growing threat to biodiversity. A key interaction is therefore with the development of policies on [climate adaption](#). In fact there is increasing recognition that facilitating biodiversity adaptation can also provide multiple benefits in

terms of ecosystem-based adaptation for other sectors and reductions in greenhouse gas emissions, etc. However, some mitigation and adaptation measures can impact on biodiversity, particular those promoting bioenergy production, which could threaten some important habitats and species. Therefore, criteria to protect such land from bioenergy production are important. The following Directives are, therefore, particularly relevant:

- Directive [2003/30/EC](#) on the promotion of the use of biofuels or other proposed renewable fuels for transport.
- Directive [2009/28/EC](#) on the promotion of the use of energy from renewable sources.

The importance of protecting Natura 2000 sites is also exemplified by the inclusion of damage to them resulting in liability to those causing the damage under the Environmental Liability Directive [2004/35/EC](#).

The Directive (2008/99/EC) on [environmental crime](#) requires Member States to treat as criminal offences certain activities that breach EU environmental legislation. These offences include trade in endangered species and the significant deterioration of wildlife habitats forming part of the Natura 2000 network.

Finally, as the full value of biodiversity is not currently captured in economic systems, high levels of funding are required to maintain these public goods. Under the EU's integrated framework, funding of biodiversity measures comes from a variety of sources. Regulation (EC) No [614/2007](#) concerning the Financial Instrument for the Environment (LIFE+) is of particular importance as it provides specific funding for the implementation of the Birds and Habitats Directives (and other EU environmental objectives). However, the LIFE+ budget is relatively small and the vast majority of funding for biodiversity comes from other instruments, in particular support for environmentally beneficial farming and forestry practices under the European Agricultural Fund for Rural Development Regulation (EC) No [1698/2005/EC](#).

Each section of each chapter of The *Manual* also contains a related legislation section specific to that section.