

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.

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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.
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Overview of EU policy: Biodiversity

The development of nature conservation policies in the EU did not come to the fore until the later stages of the development of the Community's environmental policy, as it was a secondary concern to the control of pollution. However, from the outset, migratory species were identified by the Commission as a possible focus for Community intervention and the protection of birds and other animal species was referred to briefly in the first Action Programme on the Environment which appeared in December 1973. The proposal for a Directive on the conservation of wild birds was put forward by the Commission three years later. However, many Member States had reservations about the Community's entry into a sphere which was both politically delicate and relatively remote from the functioning of the common market and consequently the [Birds Directive](#) was not agreed until 1979.

Until 1992, the protection of flora inside the Community had not been a prominent feature of environment policy, aside from EC involvement in a number of international Conventions, in particular the 1982 Convention on the Conservation of European Wildlife and Natural Habitats (widely known as the Bern Convention). The 1992 [Habitats Directive](#) redressed this balance by requiring the protection and conservation management of habitats, which are primarily defined in terms of their vegetation. The Habitats Directive also importantly extended protection to a wide range of species groups other than birds, including plants, vertebrates and invertebrates.

Other Community measures also provided protection for some species, primarily outside the EU, including Regulations on [whales](#) and the Regulation on [trade in species of wild fauna and flora](#), which ensures Member State compliance with the 1973 Convention on International Trade in Endangered Species of Flora and Fauna (CITES). A number of other Community measures were also developed to ban the import of commercially derived seal pup skins (Directives 83/129/EEC, 85/444/EC and 89/370/EEC), ban the use of leghold traps and importation of derived pelts and goods (Regulations (EEC) No 3254/91 and (EC) Nos 1771/94, 35/97) and regulate zoos (Directive 1999/22/EC). However, these measures are primarily related to animal welfare issues rather than environmental protection, and are therefore not described further in this Manual.

The Birds and Habitats Directives are now the cornerstones of EU biodiversity policy. However, it is important to note that these dedicated nature conservation legislative instruments have relatively little influence over land and sea use practices (e.g. farming, forestry and fishing) and developments outside protected areas, and have limited financial resources. Therefore overall biodiversity conservation very much depends on additional support from a range of other interacting policies described elsewhere in this Manual. These include measures that attempt to regulate changes in the use of the land and sea, including [Strategic Environmental Assessment](#) and [Environmental Impact Assessment](#), and to control agricultural practices (e.g. [Common Agricultural Policy cross-compliance measures](#)). There are also measures that require the regulation of activities that impact on the quality of aquatic habitats and marine habitats, in particular the [Water Framework Directive](#) and more recently the [Marine Strategy Framework Directive](#). Furthermore, measures taken under environmental regulations that relate to pollutants to air, water and soil contribute to some extent to biodiversity conservation, as they target environmental pressures relevant to biodiversity. The National Emission Ceilings Directive, the Nitrates Directive and emission standards for vehicles and industrial plants are amongst the most relevant. The [Environmental Liability](#)

[Directive](#) also reinforces the Habitats Directive by, in accordance with the polluter pays principle, requiring restoration measures for damage that are determined by their impacts on the conservation status of affected habitats and species. In addition to the LIFE+ program that provides dedicated funding for nature restoration projects, a range of instruments provide financial incentives for land use and management practices that help to maintain or restore habitats of high biodiversity value, of which the most important are the agri-environment and other similar measures under the [European Agricultural Fund for Rural Development](#). Biodiversity considerations are also increasingly taken into account in the development and implementation of other sectoral policies.

There is therefore, at least in theory, a relatively comprehensive policy framework addressing biodiversity conservation in the EU. As a result, in 2001, EU Heads of State and Government felt able to commit to halting the decline of biodiversity in the EU by 2010 and to restoring habitats and natural systems. However, to achieve this it was recognized that conservation efforts would need to be further encouraged and coordinated. The European Commission therefore produced a strategy to achieve its target in a Communication in May 2006 on 'Halting Biodiversity Loss by 2010 – and Beyond: Sustaining ecosystem services for human well-being' ([COM\(2006\)216](#)), which was accompanied by a detailed EU Biodiversity Action Plan. The plan included few new measures, but instead focussed on redoubling efforts to implement intended actions, such as the designation of protected areas, appropriate management of habitats (e.g. through [agri-environment measures](#)) and secure adequate financing. The plan also recognised the important interlinkages between climate and biodiversity, and therefore included measures that may not only help biodiversity adapt to climate change, but may provide wider ecosystem-based adaptation and mitigation benefits..

However, despite the production of this plan and significant progress with the implementation of many conservation measures, monitoring of a range of biodiversity indicators¹ led the Commission to conclude that the EU failed to achieve its target ([COM\(2010\)548](#)). This appears to have been due to a range of ongoing pressures on biodiversity, including:

- Changes in agricultural systems, in particular ongoing increases in intensification leading to further losses of semi-natural grasslands and other High Nature Value habitats², declines in farmland species, soil damage and external impacts from pollution.
- Abandonment of marginal agricultural land and traditional management practices, which often leads to the loss of High Nature Value habitats and associated species.
- Afforestation, conversion of some forests to plantations of low biodiversity value or felling of some forests in eastern Europe.
- Loss and fragmentation of habitats as a result of developments, for example related to urbanization, tourism and recreation, energy production and transport infrastructure, especially in favoured areas such as valleys and coasts.
- Overexploitation of marine fish stocks and associated by-catch impacts and damage to sensitive habitats from fishing gear.
- Unsustainable hunting of some species, and continued illegal hunting in parts of Europe.
- Eutrophication and acidification of many natural and semi-natural ecosystems (from water and air borne pollutants).
- Increasing numbers and spread of invasive alien species, especially in marine and freshwater ecosystems.

- Climate change, which is already having detectable direct impacts on ecosystems, habitats and some species (especially but not exhaustively in Arctic, coastal and mountain regions and on islands) and indirect impacts through some mitigation and adaptation measures (e.g. inappropriately sited wind farms or flood defence measures).

It appears therefore that progress with the implementation of the Directives and other actions have not been sufficient to overcome these pressures and halt biodiversity losses. Key problems have been the slow designation of protected areas (especially marine sites) under the Habitats Directive and Birds Directive, incomplete application of some measures (e.g. wider landscape and ecological connectivity measures of the Habitats Directive), insufficient funding³ (e.g. of habitat management measures) and ineffective application of some provisions, such as the protection of some species of hunted birds. Capacity issues appear to have been a common and significant problem with the implementation of the nature conservation Directives because most Member States have limited institutional resources to tackle many of the demanding tasks. Typically, the effective implementation of the Directives require field work for inventories and ongoing monitoring, primary research, liaison with a wide range of stakeholders, frequent production of information, and guidance, training, the ability to design effective policies and practical management measures, and sufficient funds to pay for management and/or buy land (or buy out user rights if necessary).

However, the nature conservation Directives cannot halt biodiversity loss alone, and therefore perhaps the most fundamental problems have related to other sectoral policies. For example, delays in the development of Directives (e.g. the [Water Framework Directive](#) and [Marine Strategy Framework Directive](#)), the slow or incomplete application of some instruments (e.g. the [Urban Waste Water Treatment Directive](#), and aspects of the [Nitrates Directive](#) and [Common Fisheries Policy](#)) or constraints on funding (e.g. for agri-environment measures). Furthermore some Directives, such as the [National Emissions Ceilings Directive](#) (NECD) are insufficiently ambitious and only attempt to limit pollutants, rather than reducing them to levels with acceptable biodiversity impacts. Despite this several Member States are struggling to reduce airborne nitrogen oxide emissions below the NECD ceilings⁴, which is leading to widespread eutrophication impacts on sensitive habitats. The [Strategic Environmental Assessment](#) and [Environmental Impact Assessment](#) Directives have also had limited success in addressing development related biodiversity pressures. This weakness is exacerbated by the absence of a clear EU wide non-net-loss policy for biodiversity. Such a policy would ensure that all unavoidable residual impacts would be compensated for through biodiversity offsets (which is currently only a requirement in Natura 2000 sites).

Whilst pressures on biodiversity have grown over recent years, there has also been an increasing awareness of its value in terms of its provision of ecosystem services (such as healthy soils, clean water, carbon sequestration and the basis for much tourism and recreation)^{35, 64}. There is therefore a renewed political desire to conserve biodiversity. Consequently, a new post-2010 biodiversity target was proposed by the Commission ([COM\(2010\)4](#)) and agreed by the Council on 26 March 2010 ([EUCO 7/10](#)), which is “To halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss”. The explicit addition of ecosystem services to the target reflects the increased recognition of the value of biodiversity to society and the need to broaden concern for biodiversity across society and sectoral interests.

Further to the adopted post 2010 target, the Commission developed an EU 2020 biodiversity strategy ([COM\(2011\)244](#)), comprising six main targets and 20 measures to help Europe reach its goal. The six targets cover:

- Full implementation of EU nature legislation to protect biodiversity.
- Better protection for ecosystems, and more use of green infrastructure.
- More sustainable agriculture and forestry.
- Better management of fish stocks.
- Tighter controls on invasive alien species.
- A bigger EU contribution to averting global biodiversity loss.

This updates the 2006 Biodiversity Action Plan. The Council (ENV) adopted conclusions on the Strategy in June 2011 and December 2011, endorsing the Strategy and its' targets and stressing the need for adequate funding and the integration and mainstreaming of biodiversity objectives in sectoral policies, particular in relation to the negotiations the Multiannual Financial Framework for the period 2014-2020 (i.e. the reforms of the Common Agricultural Policy, the Common Fisheries Policy and the Cohesion Policy). The strategy does not foresee new major biodiversity instruments, other than a possible legislative instrument on invasive alien species by 2012, the development of a Green Infrastructure strategy and the development of the 'no net loss' initiative by 2015. Instead, it focusses on improving the valuation of biodiversity and ecosystem services and the integration of biodiversity objectives into key sectors (e.g. agriculture, forestry and fisheries).

Consequently, the commission has set out its views on integrating EU funding for nature and biodiversity in the period 2014-2020 in its' Communication ' a budget for Europe 2020' ([SEC \(2011\)867](#)) and the related policy fiches ([COM\(2011\)500 - Part II](#)). Detailed sectoral proposals contain opportunities for funding of Natura 2000 measures (see section on Funding instruments). These are now being discussed in the European Parliament and European Council in relation to the Multiannual Financial Framework.

Complementary to the biodiversity strategy and the sectoral policy reforms, the Commission published a Staff Working Paper on Financing the Natura 2000 network in December 2011 ([SEC\(2011\)1573](#) final). The Paper makes a case for mainstreaming the financing of Natura 2000 through wider EU programmes, particular the Rural, Fisheries and Regional Development Funds. To encourage Member States to adopt a more strategic approach and to better seize financing opportunities provided by the EU funds, the Commission promotes the developments of Priority Action Frameworks (PAFs) under Article 8 of the Habitats Directive. In these PAFs, Member states define the national funding needs, actions and priorities. These would then feed in to the national or regional Operational Programmes under the relevant EU financial instruments.

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