



# Convergence with EU Nature Protection Policies

## Short Guide for ENP Partners and Russia



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environment

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# 1 Introduction

The European Neighbourhood Policy (ENP) was created in 2003/2004 and is now well established as the principal vehicle for cooperation with the neighbour countries. It is a collective EU response to the aspirations of its Eastern and Southern neighbours to jointly promote prosperity, stability and security in our region.

The recent historic enlargement of the EU in 2004 and 2007 contributed to the creation of a large zone of democracy and prosperity in Europe. The political, economic, social and environmental gaps between the Union and its neighbours to the East – Belarus, Ukraine, Moldova and the Southern Caucasus, and to the South, in the Mediterranean region, are worryingly large and in certain cases increasing. The EU wants to prevent the emergence of new dividing lines between the enlarged EU and its neighbours.

The European Neighbourhood Policy represents a new approach in the EU's relations with its neighbours. This "partnership for reform" is offered by the EU to 16 partner countries to the South and to the East of the EU<sup>1</sup>. It goes beyond classical co-operation: it consists of intensified political dialogue and deeper economic relations, based on shared values and common interest in tackling common problems. The ENP is not about membership of the EU – if an accession perspective were to be offered at some point in the future to any of the countries covered by the ENP, this would be a separate process.

The necessary legal and institutional framework for intensified cooperation with ENP partners are Partnership and Cooperation Agreements or Association Agreements. The tools, however, to deliver concrete results are jointly agreed, tailor-made ENP Action Plans<sup>2</sup> with short and medium term priorities (3–5 years). They cover a wide range of issues: political dialogue and macro-economic reforms, trade, co-operation in Justice, Liberty and Security, various sector-policies (transport, energy, environment and climate change, research, information society, social policy and employment) as well as a deep human dimension – people to people contacts, education, health, civil society. The ENP Action Plans also provide a means of technical and financial support in the partner's own reform efforts and modernisation.

The European Neighbourhood and Partnership Instrument (ENPI), as a "policy driven" financial instrument, will support in the period 2007–2013 the implementation of the ENP Action Plans, and, in the case of Russian Federation, which is not covered by the ENP<sup>3</sup>, the road-maps for the four common spaces. In that context, it goes further than promoting sustainable development and fighting poverty to encompass, for example, considerable support for measures leading to progressive participation in the EU's internal market. Legislative and regulatory convergence and institution building is supported through mechanisms such as the exchange of experience, long term twinning arrangements with Member States or participation in Community programmes and agencies. The ENPI replaces MEDA and TACIS and other existing geographical and thematic instruments.

The Commission has set up a web-site explaining the ENP and its processes and containing key ENP documents such as the Strategy Papers, the Action Plans and Progress Reports. Please refer to: [http://ec.europa.eu/world/enp/index\\_en.htm](http://ec.europa.eu/world/enp/index_en.htm).

ENP partner countries are expected to benefit considerably from full implementation of the ENP Action Plans, including from enhanced convergence with the EU approaches. For benefits resulting from enhanced environment protection, including convergence, please refer to Chapter 3.

<sup>1</sup> Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Occupied Palestinian Territory, Syria, Tunisia, Ukraine.

<sup>2</sup> With exception of Algeria, Belarus, Libya and Syria ENP Action Plans have been agreed with all the countries mentioned

<sup>3</sup> The EU and Russia are linked by the Strategic Partnership.

In order to help partner countries to realise these benefits, the European Commission has decided to provide information on EU environment policy and legislation in key policy areas. To this end, the European Commission has initiated the production of **six short guides** on the following topics:

- **Water quality**, with a focus on the Water Framework Directive and related developments, such as the Flood Directive or the Groundwater Directive;
- **Waste management**, with a focus on the Waste Framework Directive;
- **Air quality**, with a focus on the Framework and Daughter Directives;
- Environmental **Impact Assessment**, Strategic Environmental Assessment, Access to Information, Participation in Decision-Making, and Reporting;
- **Nature protection**, with a focus on the Habitats and Birds Directives (e.g. cross-border co-operation) and the Natura 2000 network (e.g. ways to establish measures or monitoring);
- **Industrial pollution**, including the Integrated Pollution Prevention and Control Directive.

Where relevant the guides address the seven Thematic Strategies under the 6th Environment Action Programme (EAP)<sup>4</sup>. The Thematic Strategies constitute the framework for action at EU level in each of the concerned priorities and cover the following fields: soil and the marine environment (in the priority area of biodiversity), air, pesticides and urban environment (in the priority area of environment, health and quality of life) and natural resources and waste recycling (in the priority area of natural resources and waste).<sup>5</sup>

Climate change issues are becoming an increasingly important component of the EU's environmental cooperation with partner countries, which bilateral dialogues will increasingly address. Documents on this crucial topic of common interest will be issued separately from this series of guides.

The **purpose** of this policy guide on nature is to provide information on EU policy and legislation by describing the policy background and explaining how progress can be achieved through the prioritisation and sequencing of activities. The guide shows how gradual or partial convergence with the EU environment policy and legislation can assist the ENP partner countries and Russia in addressing environmental concerns.

The policy guide sets out the key principles and concepts of the relevant pieces of legislation and outlines the main policy instruments used within the EU. This includes summarising the main provisions of the legislation. The guide also addresses the current general policy situation of Eastern and Mediterranean ENP partners and looks at potential challenges to convergence. Finally, it identifies useful steps to be taken to promote convergence. Since the individual situation in partner countries varies considerably, the guides take a general approach and references to specific countries are not made. The relevance of full or partial convergence is also to be seen in this light.

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<sup>4</sup> For the 6<sup>th</sup> EAP please refer to: <http://ec.europa.eu/environment/newprg/index.htm>.

<sup>5</sup> For the seven Thematic Strategies please refer to: [http://ec.europa.eu/environment/newprg/strategies\\_en.htm](http://ec.europa.eu/environment/newprg/strategies_en.htm).

# 2 In a Nutshell

## The problems that this policy aims to address:

- **Loss of biodiversity:** The main concern is the loss of biodiversity in ecosystems at the species and gene levels. It also addresses the ongoing fragmentation of habitats directly linked to the provision of ecosystem services<sup>6</sup>. These services, such as water supply, the buffering of nutrients or toxic substances in the water supply, and the provision of native or agricultural plant and animal species are essential for ensuring the continued use of natural resources upon which human life depends.
- **The ability of ecosystems to provide ecosystem services:** Most ecosystem functions are related to biodiversity; therefore, maintaining a certain level of biodiversity is essential for an ecosystem's ability to provide services needed by human life. Therefore, for the well-being of ecosystems and the people relying on them it is crucial to conserve biodiversity.

## How the policy addresses these problems:

The EU's nature protection policy aims to halt the decline of biodiversity by 2010 by,

- restoring habitats and natural ecosystems,
- creating a network of protected sites (NATURA 2000) and
- applying appropriate management within these protected areas.

## Benefits expected include:

- preservation of existing areas of nature value,
- increased hectares of protected area,
- restored ecosystems to prevent the loss of biodiversity,
- Creation of new opportunities with regard to socio-economic benefits:
  - initiation of economic developments by branding regional products,
  - regeneration of rural areas and life through nature conservation,
  - diversification and promotion of rural employment opportunities
  - preservation of unique cultural landscapes as a precondition for tourism, leisure and health value,
  - ensuring the provision of ecosystem services.

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<sup>6</sup> Ecosystem services are the benefits people obtain from ecosystems. These include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services such as nutrient cycling that maintain the conditions for life on Earth. (Glossary, Millennium Ecosystem Assessment)

# 3 Expected Benefits of Convergence

By converging to EU Nature Protection Policy, the ENP partner countries can obtain certain benefits that address some of the environmental problems of biodiversity and nature conservation within their countries. These include insufficient protected areas, unsustainable resource and land use management, fragmentation and degradation of habitats, deforestation, loss of biodiversity and ecological pathways between nature reserves, lack of monitoring as well as rapid and unsustainable spatial planning processes. Moreover, EU Nature Protection Policy can assist in improving weak socio-economic situations and the provision of ecosystem services in general.

The key directives are the **Habitats Directive** and the **Wild Birds Directive**. These directives that comprise the **Natura 2000 sites** can provide the following **environmental benefits**:<sup>7</sup>

- Increase the amount of land in protected areas to ensure better protection of natural ecosystems and (endangered) species.
- Conserve biodiversity and designate areas based on sound scientific evidence.
- Raise the level of protection in existing protected areas.
- Identify species to be protected and thus maintain high levels of biodiversity.
- Adopt specific protection measures against identified threats faced by each designated area.

Moreover, certain **socio-economic benefits** that are linked to the provision of ecosystem services and could result in increasing social stability and improving living conditions, can be realised, such as:<sup>8</sup>

- Communities can benefit significantly from the provision of ecosystem services (e.g. availability of high-quality water, flood control, maintenance of soil fertility).
- Increased protect of nature, which often also means preservation of important characteristics of landscapes and the cultural heritage that are widely valued aspects of (local) community identity.
- Protected areas can be a key tourist attraction, attracting external purchase of local products and services and supporting diverse local economic activity, as well as helping visitors gain greater awareness of habitats and their function and value.
- A significant number of local jobs can be supported through Natura 2000 related activities diversifying rural employment opportunities and encouraging skills retention and development.

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<sup>7</sup> European Commission (2001): The benefits of compliance with the environmental acquis for the Candidate Countries.

<sup>8</sup> WWF (2004): p. iv

# 4 Overview of EU Nature Protection Policy

This section briefly provides a background of the Nature Conservation and Biodiversity Policy of the EU. It thereby highlights concepts and policy instruments in selected pieces of EU Nature Protection legislation.

Europe is home to a wide range of habitat types, which together host a great diversity of flora and fauna. The vast majority of European habitats have been shaped and managed by people for millennia, resulting in a unique mosaic of natural and semi-natural habitats. The biodiversity of the EU – essential for providing important services for human living – continues to be under serious threat. Poor planning, wasteful land use and intensive farming methods have over the years resulted in the destruction of many natural habitats such as wetlands, which many wild species depend upon for their survival.

In Europe, 335 species of vertebrates are at risk of extinction, and 42 % of native mammals, 15 % of birds, 45 % of butterflies, 30 % of amphibians, 45 % of reptiles and 52 % of freshwater fish are threatened. Habitats and ecosystems are also at risk; for example, around 60 % of wetlands have been lost in Northern and Western Europe. Only a fraction of the natural forest that once covered much of Europe remains intact; forest fires continue to cause severe problems in Southern Europe.

The European Union has been involved in efforts to protect the continent's heritage for the past 30 years. Several steps have been taken, including participation in international conventions and forums.

## Strategic EU Targets of Importance for Nature Protection

During the 2002 World Summit on Sustainable Development in Johannesburg, 130 world leaders committed themselves to significantly reducing global biodiversity loss by 2010. This target was set as a priority and strengthened in the EU under the Sustainable Development Strategy, launched by EU leaders in Gothenburg in 2001, as well as within the **Sixth Environment Action Programme (6<sup>th</sup> EAP)**, the **Lisbon partnership** for growth and jobs and in a wide range of environmental and sector policies. The EU committed to halt the loss of biodiversity by 2010. Opinion polls show that these concerns for nature and biodiversity are strongly supported by EU citizens.<sup>9</sup>

Halting the loss of biodiversity is an objective of 'Nature and Biodiversity', one of the four environmental areas for priority actions within the 6<sup>th</sup> EAP of the European Community (2002–2012). Specific objectives within this environmental area are:

- Protect and where necessary restore the structure and function of natural systems.
- Halt the loss of biodiversity both in the European Union and on a global scale.
- Protect soils against erosion and pollution.

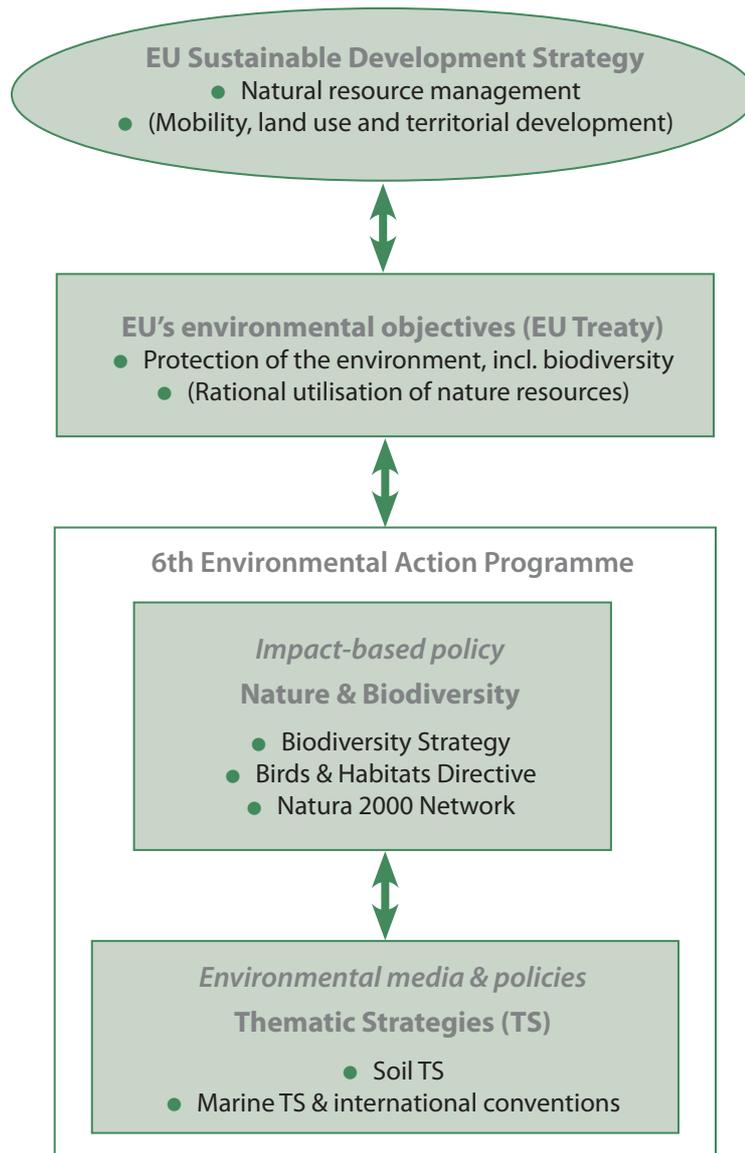
To achieve these aims and to move environment policy towards integrated approaches, thematic strategies were established under the 6<sup>th</sup> EAP. This thematic approach should ensure that different parts of environmental policy are linked to other policy areas. Both the Marine Thematic Strategy and Soil Thematic Strategy were also established with the aim of achieving the aforementioned objectives.

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<sup>9</sup> Special Eurobarometer 217 (2005), COM(2006) 216 final

To implement the 6th EAP's aims of biodiversity, various instruments are available, namely the **European Community Biodiversity Strategy**<sup>10</sup> and the **Biodiversity Action Plans**<sup>11</sup> in the areas of conservation of Natural Resources, Agriculture, Fisheries and Economical Co-operation. In order to speed up the move towards the overall goal of halting the loss of biodiversity by 2010, the **Commission issued in 2006 a Communication 'Halting the loss of Biodiversity by 2010 – and Beyond. Sustaining ecosystem services for human-being'**, accompanied by an **Action Plan**<sup>12</sup> that aims to structure and define the responsibilities between national and EU institutions and moreover to monitor the progress of halting the loss of biodiversity. The requirements, listed in the Communication, need to be integrated in other policy areas, such as farming, fishing and other industries.

The following diagram shows the relationship of the Sustainable Development Strategy, the EC Treaty objectives and the thematic strategies of the 6<sup>th</sup> EAP regarding the issues of nature protection policy.



Relationship between EU Nature Protection Policies  
(Modified on the basis of: COM(2005) 466 final)

<sup>10</sup> COM(1998)42

<sup>11</sup> COM(2001)162

<sup>12</sup> COM(2006) 216 final: Halting the Loss of Biodiversity by 2010 – and beyond. Sustaining ecosystem services for human well-being

## Nature Protection Legislation

Within this framework, EU Nature conservation policy is implemented by two main pieces of legislation – the Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (named herein after **Birds Directive**) and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (named herein after **Habitats Directive**). These two Directives aim to provide protection for listed species and habitats and to create the European ‘coherent European ecological network’ of sites – called **Natura 2000** to enable the maintenance or restoration of natural habitat types and the habitats of species at favourable conservation status (Art. 3, Habitats Directive).<sup>13</sup>

The Birds Directive requires that **Special Protection Areas** (SPAs) be established for listed bird species and for regularly occurring migratory species of birds. The Habitats Directive similarly requires **Special Areas of Conservation** (SACs) to be designated for listed plant and animal species, and habitats. Together, SPAs and SACs make up the Natura 2000 sites. SPAs and SACs areas can overlap. The Natura 2000 network already comprises more than 20,000 sites, covering almost a fifth of the EU territory. It is co-financed through the Commission’s **LIFE Nature Programme**<sup>14</sup> (set up in 1992 to develop EU environmental policy) and other Community financial instruments.

Besides these two directives there are further relevant pieces of EU nature protection legislation, summarised in Box 1. The following sections present selected elements of EU nature protection policy in more detail. More information about EU nature protection policy and the full text of legislation and other documents is available at the Commission’s website.<sup>15</sup>

### Box 1: EU nature protection related legislation<sup>16</sup>

#### The Framework Legislation:

- Council Directive 79/409/EEC on the conservation of wild birds
- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
- Council Directive 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived therefrom
- Council Directive 1999/22/EC relating to the keeping of wild animals in zoos
- Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein
- Council Regulation (EEC) No. 348/81 on common rules for imports of whales or other cetacean products
- Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards
- Regulation (EC) No. 2494/2000 on measures to promote the conservation and sustainable management of tropical forests and other forests in developing countries

Other EU legislation relevant to nature protection include:

- Environmental Impact Assessment Directive (85/337/EEC), amended by Council Directive 97/11/EC,
- Access to Environmental Information Directive (90/313/EEC),
- Reporting Directive (91/692/EEC).

<sup>13</sup> Report from the Commission on the implementation of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [SEC(2003)1478: page 8]

<sup>14</sup> The new Financial Instrument for the Environment, the so called “LIFE+” (for the period 2007-2013), has entered into force with the publication of the Regulation in the Official Journal L149 of 9 June 2007. (For more detailed information see: <http://ec.europa.eu/environment/life/funding/lifeplus.htm>).

<sup>15</sup> [http://ec.europa.eu/environment/nature/index\\_en.htm](http://ec.europa.eu/environment/nature/index_en.htm) (Accessed on 07.10.2007)

<sup>16</sup> Handbook on the Implementation of EC Environmental Legislation

## Related multilateral environmental agreements

Various multilateral environmental agreements or conventions have been concluded for nature protection. The European Community takes an active part in the elaboration, ratification and implementation of multilateral environmental agreements. The EC Treaty explicitly foresees the possibility for the European Community to participate in international environmental agreements, together with its Member States.<sup>17</sup>

They are named chronologically below (see Box 2) and will be described briefly in section 4.3 after the section on the Habitats and the Wild Birds Directive.

### Box 2: Multilateral environmental agreements on nature protection

- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973)
- Convention on Conservation of Migratory Species of Wild Animals (Bonn, 1979)
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)
- Convention on Biological Diversity (Rio de Janeiro, 1992)

## 4.1 Habitats Directive 92/43/EEC

The aim of the Directive is to contribute to the maintenance and protection of biological diversity (biodiversity) in the European Union through the conservation of wild plants and animals as well as natural habitats. The Directive established the European ecological network "Natura 2000" in order to ensure habitat and species protection. The network is comprised of **Special Areas of Conservation (SAC)** as designated by Member States in accordance with the provisions of the Directive and special protection areas classified pursuant to Directive 79/409/EEC on the conservation of wild birds (see 4.2).

A **habitat type** is defined as being of Community interest if it is in danger of disappearing ("priority" habitats) within its natural range, has a small natural range or represents an outstanding example of one or more of five biogeographic regions. **Species** are of Community interest if they are *endangered* ("priority species"), *vulnerable*, *rare* or *endemic* and require particular attention (see Box 3).

### Box 3: Definitions of Species of Community interest

Species of Community interest are defined in Article 1 of the Directive as:

- (i) **Endangered**, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region; or
- (ii) **Vulnerable**, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or
- (iii) **Rare**, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range;
- (iv) **Endemic** and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

Annexes I (Natural habitat types of Community interest) and II (Animal and plant species of Community interest) to the Directive list the habitats and species whose conservation requires the designation of special areas of conservation. Annex IV lists animal and plant species in need of particularly strict protection. These annexes were amended to take into account the biodiversity of new Member States.

<sup>17</sup> [http://ec.europa.eu/environment/international\\_issues/agreements\\_en.htm](http://ec.europa.eu/environment/international_issues/agreements_en.htm) (Accessed on 07.10.2007)

## Designation of Special areas of Conservation (SACs)

“Special areas of Conservation (SACs)” are designated in three stages.<sup>18</sup>

The **first stage** involves a scientific assessment at the national level. Each Member State identifies important sites for the species and habitats present in their territory on the basis of common scientific criteria and following the criteria set out in the annexes. These national lists are then sent formally to the European Commission.

The **second stage** involves selecting sites of Community importance (SICs) from the national lists according to one of the biogeographical regions in Europe. This is done by the European Commission in close collaboration with the Member States and scientific experts.

Because each biogeographical region covers several countries or parts of countries with similar natural conditions, sites can be chosen across the natural range of each species or habitat type, irrespective of political or administrative boundaries.

**Stage three:** Once the sites are selected under stage two, they become part of the Natura 2000 Network. Member States then have up to 6 years to designate them as Special Areas of Conservation (SACs) and, if necessary, introduce positive management measures to maintain or restore the species and habitats to a favourable conservation status.

Within the designated Natura 2000 sites, the Member States are required to take all necessary measures to guarantee the conservation of habitats and avoid their destruction in Special Areas of Conservation (SACs) according to Art. 6(1) & (2). How this is achieved is up to the Member States to decide, in order to legally ensure site conservation. The provisions used can be *statutory* (e.g. making a nature reserve), *contractual* (e.g. signing management agreements with the land owner) or *administrative* (providing the necessary funds to manage the site).

Furthermore Member States shall also:

- If they consider it necessary, encourage the management of features of the landscape which are essential for the migration, dispersal and genetic exchange of wild species (Art. 10).
- Establish systems of strict protection for those animal and plant species that are particularly threatened (Annex IV(a)) including, for example, a prohibition on the use of non-selective methods of taking, capturing or killing, deliberate disturbance of these species and deterioration or destruction of breeding sites or resting places (Art. 12(1)).
- Take measures to ensure that the taking in the wild of specimens of species of wild fauna and flora listed in Annex V<sup>19</sup> as well as their exploitation is compatible with their being maintained at a favourable conservation status (Art. 14 (1)).
- Establish a system of strict protection for the animal species listed in Annex IV (b) in their natural range (Art. 13) and carry out monitoring activities and report on the measures they have taken pursuant to the Directive every six years (Art. 17(1)).
- Prepare appropriate assessment for any plan or project (except direct management of site) that is likely to have a significant effect on site, either individually or in combination with other plans or projects (Art. 6(3)). This appropriate assessment might be a separate document or part of the Environmental Impact Assessment package and shall be agreed on by competent national authorities after having concluded that it will not adversely affect the integrity of the site concerned.

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<sup>18</sup> COMM (2005): Natura 2000 – Conservation in partnerships.

<sup>19</sup> Annex V lists animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures.

The following box gives an overview of environmental and socio-economic benefits that can be achieved by implementing the Habitats Directive.

#### **Box 4: Results from implementation the Habitats Directive in the Member States**

Good signs of commitment to the conservation of biodiversity by European countries are shown by the increase in the total surface cover of nationally-designated areas over time. There has also been an increase in the cumulative area of sites comprising the European Natura 2000 network during the past ten years (e.g. from 0 to approximately 45 million hectares under the Habitats Directive as Sites of Community Importance).<sup>20</sup>

The implementation of the Habitats Directive has shown that **environmental** as well as **socio-economic benefits** can be obtained. The following best practice examples should give a short insight into these benefits.

##### **Natural Heritages**

The Carpathian Mountains contain many spectacular natural treasures currently being brought into the EU fold. The arc of low mountains stretching from the Czech Republic in the west to Romania in the southeast are Europe's last bastion for large carnivores, including lynx, wolf, and bear and home to the continent's largest remaining areas of virgin forest. Through implementing the Natura 2000 network and signing the Carpathian Convention (2003), countries of the region have already committed to preserving these unique natural riches.

##### **Green corridors**

Ensuring connections between individual sites is essential for securing and maintaining favourable conservation status for many of the habitats and species protected under the Habitats Directive. For this reason, special attention has been paid in proposing habitat sites to ensure links between sites, either in the form of corridors or "stepping stones" and especially in cross-border areas. Examples of this are the Tatra Mountains, comprising connecting sites in Poland and Slovakia, the Carpathians or Beskydy Mountains in the Polish, Slovak and Czech Republic border region, and the corridor function that Slovenia has for the Balkan and Alpine populations of brown bears (*Ursus arctos*).

##### **Developing products and logos<sup>21</sup>**

The Natura 2000 identity can offer a valuable opportunity to brand regional products, complementing specific local brands and underlining particular local qualities. These include 'Vildmose potatoes' in Denmark, 'Salt from the Laessoë', vodka with bisongrass from Poland, pumpkin oil from the Mur region in Austria and Piirissaar Island onions from Estonia.

##### **Cultural landscapes: Hungarian puszta**

Many of the Natura 2000 sites reflect the richness in biodiversity that is a 'by product' of traditional, extensive agricultural practices that are still widespread in the new Member States. An exceptional example of this is the Hungarian Puszta, a semi-natural grassland ecosystem which stretches between the Alpine and Carpathian mountain ranges, that is the result of centuries of extensive grazing by Hungarian grey cattle and sheep.

##### **Tourism, leisure and health value**

Moreover, Natura 2000 can provide significant amenity benefit as well as tourism and leisure facilities, including walking routes (e.g. Belgium), cycle paths (e.g. Austria), horse-riding tracks and water-based activities, such as boating (e.g. Latvia), rafting or fishing (e.g. Latvia, Estonia). In Belgium, a network of cycle routes and nature trails and a network of horse-riding trails is currently being developed. In Denmark, access and proximity to the site supports local people's quality of life as well as attracting new inhabitants to the area. The Austrian landscape and nature resource of the Border Mur forms the basis for a growing tourism based on hot springs and cycling.

<sup>20</sup> EEA: Designated areas (CSI 008) – May 2005 Assessment.  
[http://themes.eea.europa.eu/Specific\\_media/nature/indicators](http://themes.eea.europa.eu/Specific_media/nature/indicators) (Accessed on 07.10.2007)

<sup>21</sup> WWF (2002): Promoting the socio-economic benefits of Natura 2000.

## 4.2 Wild Birds Directive 79/409/EEC

The objective of the Directive is to provide for the protection, management and control of naturally occurring wild birds and their nests, eggs and habitats, as well as to regulate the exploitation of these species within the European Union. It serves to ensure that all wild birds receive basic protection from trapping and killing; that sufficient habitat is protected for wild birds, especially to assure the survival of threatened and migratory species; that large-scale or non-selective means of taking birds are prohibited and that the sale or commercial exploitation of most species is prevented.

To this extent, Member States are required to enact special conservation measures to ensure that wild birds and their habitats, in particular Annex I species, are protected. These include the designation, management and control of **Special Protection Areas (SPAs)** and prohibiting certain harmful activities (e.g. in agriculture or forestry). Besides creating SPAs, Member States shall maintain habitats, restore destroyed biotopes and create biotopes for naturally occurring wild birds.

Comparable to the Annexes of the Habitats Directive, the Annexes of the Wild Birds Directive were amended to take into account the biodiversity of new Member States.

Certain exceptions are made for legitimate sporting and hunting practices and to allow governments to take action under certain specified conditions, including those when birds pose serious risks for human health and safety, crops, livestock, fisheries, forests, water or other flora and fauna.

Apart from these exceptions, the sale, transport for sale, detention for sale and offering for sale of live or dead birds or of any part of a bird or any product produced from it is also prohibited, except of species listed in Annex III to the Directive.

Furthermore, the Member States must encourage research and activities conducive to the protection, management and exploitation of the bird species covered by the Directives.<sup>22</sup>

The following Box 5 provides information on important environmental results that have been achieved by implementing the Wild Birds Directive.

### ***Box 5: Results from implementing the Wild Birds Directive***

According to an assessment study carried out by the European Environmental Agency in May 2005, the cumulative area of sites, designated under the Birds Directive as Special Protection Areas (SPA) for the Natura 2000 network, over the past ten years has increased from approximately 8 to 29 million hectares.<sup>23</sup>

All globally threatened bird species occurring in the EU-25 are now protected either under the Birds Directive.

A recent assessment study carried out by Birdlife International and the Royal Society for the Protection of Birds (Donald et al. 2007)<sup>24</sup> shows that the Birds Directive has clearly helped those species considered to be most at risk, partly through the designation of Special Protection Areas (SPAs). This research study, taking into account the fifteen Member States for which sufficient data were available, showed that the populations of threatened birds not only fared better, on average, than other bird species in the European Union, but also that the same species perform better within the EU than in European countries outside.

<sup>22</sup> <http://europa.eu/scadplus/leg/en/lvb/l28046.htm> (Accessed on 07.10.2007)

<sup>23</sup> EEA (2005): Designated areas (CSI 008) – May 2005 Assessment.

URL: [http://themes.eea.europa.eu/Specific\\_media/nature/indicators](http://themes.eea.europa.eu/Specific_media/nature/indicators) (Accessed on 07.10.2007)

<sup>24</sup> Donald, P.F., Sanderson, F.J., Burfield, I.J., Bierman, S.M.; Gregory, R.D. and Waliczky, Z. (2007): International Conservation Policy benefits for Birds in Europe. Published in: Science Vol. 317, August 2007, page 810–813.

### 4.3 Related multilateral environmental agreements

In this section, the most relevant agreements are briefly described.

#### **Convention on Wetlands of International Importance Especially as Waterfowl Habitat** (Opened for signature in Ramsar, Iran: 1971; Entered into force: 1975)

The overall aim of the Ramsar Convention is to stem the encroachment on and loss of wetlands, which are defined as areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres. To achieve this goal, the convention promotes the concept of wise use of wetlands through comprehensive national policies and obliges parties to designate at least one site for inclusion in the List of Wetlands of International Importance.

Sites included in the Ramsar list should be the subject of conservation measures, which include the establishment of nature reserves. If a site has to be de-listed, the party should compensate for the loss by creating additional nature reserves or by protecting in the same area or elsewhere an adequate portion of the original habitat.

#### **Convention on Biological Diversity**

(Opened for signature in Rio de Janeiro, Brazil: 1992; Entered into force: 1994)

The Convention on Biological Diversity (CBD) seeks to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at the source because of the intrinsic, ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic value that biodiversity has. This Convention addresses important issues such as access to genetic resources, the equitable distribution of benefits derived from the use of these resources, transfer of relevant technologies and financial support. Moreover, cooperation among states and intergovernmental organisations should be promoted.

Signatories to the Convention prepare national biodiversity strategies and plans to integrate the conservation of biodiversity and sustainable use of biological resources into relevant sectoral or cross-sectoral plans, programmes or policies. Furthermore, parties are committed to survey their biodiversity; identify components that may need special protection; identify, monitor and subsequently regulate or manage activities that may threaten biodiversity; encourage research and training; increase public education and awareness; and develop such techniques as impact assessment and contingency plans for emergencies to minimise any loss of biodiversity. The EU is a signatory to the Convention and has developed an EU Biodiversity Strategy as well as Biodiversity Action plans dealing with integration of biodiversity into different policy sectors.

#### **Convention on International Trade in Endangered Species of Wild Fauna and Flora**

(Opened for signature in Washington: 1973, Entered into force: 1975)

The **CITES convention** aims to protect species of wild fauna and flora and to guarantee their conservation by regulating their trade. Trade in endangered species, listed on the Convention's Appendix I, is normally prohibited (exceptions may be made, for example to establish captive breeding schemes). Species included in Appendix II are subject to limitations on their trade, controlled by a permit system that aims to ensure that exploitation does not further diminish their populations. Each Party needs to establish a Scientific (to advise on whether export levels are detrimental to national populations of the species concerned) and a Management Authority (to ensure that trade takes place legally).

The **European Community's Endangered Species Council Regulation No 338/97** seeks to implement the CITES convention. The Regulation introduced a number of measures that are stricter than those provided for in CITES.

## **Convention on Conservation of Migratory Species of Wild Animals**

(Opened for signature in Bonn, Germany: 1979; Entered into force: 1983)

The Bonn Convention (CMS) aims to protect migratory animals over the whole of their range. On the one hand, the Convention provides a framework and practical mechanisms for linking protected areas along migration paths to form a common bond between them. On the other hand it provides a rationale for the increasingly popular trend of twinning protected areas<sup>25</sup>. An essential need is to consider the international migration behaviour of animals within national or regional protected areas to highlight gaps in coverage of routes, especially geographic bottlenecks (e.g. narrow mountain corridors) and vital resting places.

Listed in the two appendices to the CMS are migratory species that would benefit from conservation measures in countries that host any part of a species' distribution (so called Range States). The Range States are required to give them full protection from such activities as hunting, fishing, capturing, harassing and deliberate killing and should endeavour to conserve their habitat.

The Council Decision on Amendments to the Bonn Convention 98/145/EC aims to approve the additions made to the Appendices of the Bonn Convention on the Conservation of Migratory Species of Wild Animals at the Fifth Meeting of the Parties, since the EC is a party to the Convention in its function as a 'regional economic integration organization'.

## **Convention on the Conservation of European Wildlife and Natural Habitats**

(Opened for signature in Berne, Switzerland: 1979, Entered into force: 1982)

The Bern Convention is an international legal instrument in the field of nature conservation that seeks to conserve wild flora and fauna and their natural habitats, with particular emphasis to endangered and vulnerable species and sustainable development. The convention provides measures to be taken by the parties to maintain the populations of wild flora and fauna and their habitats in general, as well as special protection actions needed for species listed in Appendix I (strictly protected plants), Appendix II (strictly protected animals) and Annex III (protected animals).

In 1998 the Emerald Network was launched by the Council of Europe as part of its work under the Bern Convention. The Emerald Network is an ecological network of areas of special conservation interest (ASCIs), which is to be established in the territory of the contracting parties and observer States to the Bern Convention, including, among others, central and east European countries and the EU Member States. For EU Member States, Emerald Network<sup>26</sup> sites are those of the Natura 2000 network, established through the Habitats Directive.

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<sup>25</sup> e.g. cross-border-activities on biodiversity protection in the Caucasian region between all neighbouring countries.

<sup>26</sup> The Bern Convention (1979) and the Habitats Directive (1992) have a complete coincidence of objectives. Both are international legal instruments aimed at the conservation of wild flora, fauna and natural habitats. Their main differences come from the territory they apply to (European Union member States for the Directive and the whole of Europe and part of Africa for the Convention) and to the fact that the Directive is more explicit on the obligations concerning conservation of natural habitats.

Table 1 provides an overview identifying which ENP partner countries are contracting parties to these Multilateral Environmental Agreements.

**Table 1: Contracting parties from the ENP partner countries of MEAs (Status July 2007)**

ENP partner	RAMSAR	CBD	CITES	CMS	BERNE
Algeria	X	X	X	X	
Armenia	X	X			
Azerbaijan	X	X	X		X
Belarus	X	X	X	X	
Egypt	X	X	X	X	
Georgia	X	X	X	X	
Israel	X	X	X	X	
Jordan	X	X	X	X	
Lebanon	X	X			
Libya	X	X	X	X	
Moldova	X	X	X	X	X
Morocco	X	X	X	X	X
Russia	X	X	X		
Syria	X	X	X	X	
Tunisia	X	X	X	X	X
Ukraine	X	X	X	X	X

#### 4.4 Further relevant EU Nature Protection Policy

Besides the Directives and International Agreements described in the previous paragraphs, there exists some further EU strategies and documents focussing on Nature Protection that could be of interest for the European neighbours.

##### **Integrated Coastal Zone Management (ICZM)**

The EU has produced a series of recommendations, guidance and studies on integrated coastal zone management. From 1996 to 1999, the Commission carried out a Demonstration Programme on ICZM with the purpose of collecting technical information and stimulating a debate among different stakeholders on coastal zone management. In a next step the Commission adopted a Strategy on ICZM, followed by a Recommendation on the implementation of ICZM in Europe that was adopted by the Council and the Parliament in May 2002<sup>27</sup>. The non-binding Recommendation defines the steps that the Member States should take to develop national strategies for ICZM, due by 2006.

##### **Common Fisheries Policy (CFP)**

Under the CFP, the EU has developed a series of measures designed to reduce and eliminate over fishing. Moreover, there exists a Communication<sup>28</sup> on a Strategy for integrating environmental protection considerations into the CFP, produced by the Commission. This strategy provides useful concepts, which could be referred to by European neighbours when developing their own policy or strategy on sustainable fisheries.

<sup>27</sup> Communication on Integrated Coastal Zone Management: A strategy for Europe (COM/00/547 of 17.09.2000) and Recommendation concerning the implementation of ICZM in Europe (30 May 2002)

<sup>28</sup> Communication of 14 July 1999 on Fisheries Management and Nature Conservation in the Marine Environment, COM (99) 363 final



# 5 Current situation with respect to the Nature Protection Policy sector

## 5.1 EU's Eastern ENP partner countries and Russia

### 5.1.1 Particular concerns and challenges

The main environmental pressures and related challenges in **Eastern ENP partner countries<sup>29</sup> and Russia** are similar and include chemical and nuclear pollution and waste, water and air pollution from industrial sources, loss of biodiversity, deterioration of habitats and soils. These problems, which are related to nature protection issues, are caused by other issues that often result from inadequate land use management, missing control mechanisms, deficient nature protection funding, policy and public awareness.

In particular, the **Black Sea** is under serious stress from untreated sewage, leading to degradation of its biodiversity, habitats, fisheries resources, aesthetic and recreational value and water quality.

### 5.1.2 Institutional set up

Meanwhile, environmental authorities have been established in all countries, mostly through the creation of a Ministry of Environment. These ministries are responsible for setting environmental policy, developing and implementing legislation and regulation. Environmental policies of the Eastern ENP partner countries have been formulated through a number of national strategies, legislation and policy statements. Many countries have also stated their interest in working toward convergence with the EU, expressed by Partnerships and Co-operation Agreements (PACs) as well through the adopted **ENP Action Plans<sup>30</sup>**. Key environmental objectives of these plans include the development of framework legislation and basic procedures and ensure planning for nature protection. In addition, some Eastern ENP partner countries seek to develop and implement existing national plans and programmes on biodiversity and specially protected areas or to include the adoption of the legislation on wild flora and ecological networks.

Moreover, most of the Eastern ENP partner countries have ratified international agreements such as the CITES-Convention, Convention on Biological Diversity, Bern Convention, Espoo Convention or Aarhus Convention, but lack the resources at regional and local levels to implement their requirements. There are certainly efforts to bring forward nature protection within the countries and to enhance the development of legal procedures for public participation in environmental, economical and social decision making and co-operation between NGOs and state authorities.

The Common Economic Space roadmap under the EU-Russia Strategic Partnership provides for 'cooperation in the sphere of biodiversity conservation including the development of systems of protected areas, according to the Convention on Biological Diversity'.

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<sup>29</sup> These comprise Moldova, Belarus, Ukraine, Georgia, Azerbaijan and Armenia.

<sup>30</sup> Such plans are adopted for Ukraine, Moldova, Armenia, Azerbaijan and Georgia.

## 5.2 EU's Mediterranean ENP partner countries

### 5.2.1 Particular concerns and challenges

The Mediterranean partners<sup>31</sup> mostly suffer from the **scarcity of fresh water**, a growing gap between supply and demand of water, decreasing water quality and dominance of agricultural water use. For this reason, key environmental challenges concern the **depletion** and **salinisation of water** supplies.

### 5.2.2 Institutional set up

Very few countries have environmental legislation dating back before the early 1980s. However, today all Mediterranean ENP partner countries have regional environmental authorities. In general, the key institution is the Ministry of Environment. Ministries of Environment have been established over the past few years in some countries. These Ministries are responsible for policy setting and legislative development, environmental monitoring as well as the designation and management of protected areas.

There are specific efforts to enhance co-operation for nature protection between Europe and the European neighbouring countries. These include the developed Framework of the Euro-Mediterranean partnership, the **Short and Medium-Term Priority Environmental Action Programme (SMAP)**<sup>32</sup> and the **Mediterranean Action Plan (UNEP/MAP)**. Several regional activity centres have been set to implement the UNEP/MAP at the regional, national and local levels.

Within the existing **ENP Action Plans**<sup>33</sup> most of the Mediterranean ENP partner countries envisage to develop framework and secondary (implementing) legislation and basic procedures and ensure planning for key environmental sectors including nature protection. Moreover, some countries focus on action towards adoption of plans and programmes related to biodiversity and the exchange of experience on protection of biological diversity and rural landscape, with special attention to the relevant migratory species.

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<sup>31</sup> These countries are considered those in the Middle East (Israel, Jordan, Lebanon, the Palestinian Authority and Syria) and in North Africa (Tunisia, Algeria, Morocco, Egypt and Libya)

<sup>32</sup> Adopted at the 1997 Helsinki Conference on the United Nations Environment Programme

<sup>33</sup> No ENP Action Plans exist yet for Lybia and Syria. For Lybia, no Association Agreement exists; for Syria the Association Agreement has not yet been ratified.

# 6 Conclusions for ENP partner countries

## *Box 6: EU funding for ENP*

From the beginning of the new Financial Framework 2007–2013, the EU is providing financial support for the ENP through a dedicated **European Neighbourhood and Partnership Instrument (ENPI)**. It targets various areas of co-operation including sustainable development and the environment, supporting jointly agreed reform priorities in the ENP Action Plans. The ENPI will target sustainable development and convergence with EU policies and legislation, and bring a radical improvement in capacity to support cross-border cooperation along the EU's external borders – thus giving substance to the aim of avoiding the creation of new dividing lines and promoting harmonious territorial development across the EU external border. The ENPI replaces MEDA (for the Southern Mediterranean neighbours) and TACIS (for the Eastern neighbours and the Russian Federation).

Guided by the agreed priorities in the ENP Action Plans, the ENPI provides for assistance under national, regional, cross-border and interregional programmes. There are also a certain number of thematic programmes with global scope from which the ENPI countries can benefit. This includes a thematic programme for environment and sustainable management of natural resources including energy.

The ENPI budget is fixed at around € 12 billion for the period 2007–2013. In real terms it means an increase of 32% as compared with the previous financial framework.

As a means of delivering technical assistance under the ENP, the **Technical Assistance and Information Exchange (TAIEX)** instrument and long-term **twinning** arrangements have been made available to the ENP partner countries:

- **TAIEX** provides technical support and training in areas related to the implementation of the ENP Action Plans, including with regard to the convergence, application and enforcement of legislation. It is largely demand driven and channels requests for assistance and contributes to the delivery of appropriate tailor-made expertise to address problems at short notice.<sup>34</sup>
- **Twining** aims to help beneficiary countries in the development of modern and efficient administrations. It can also facilitate gradual convergence to EU legislation where relevant and appropriate.

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<sup>34</sup> <http://taiox.ec.europa.eu/>

## 6.1 Main challenges and priority tasks

As for the Eastern ENP partner countries and Russia, movement toward the environmental acquis in the area of nature protection will be challenging for the Mediterranean ENP partner countries. There are significant challenges that will need to be overcome in order to adapt<sup>35</sup> national laws to the EU Nature Protection legislation. These challenges include institutional, administrative, technical and financial challenges and differ between countries. Therefore, the development of individual strategies for each interested country is required.

The following paragraphs suggest potential steps toward convergence with EU Nature Protection Policy and issues to be considered during the process. These steps address a gap analysis and the setting of convergence priorities, general requirements as well as five specific tasks, listed in chronological order.

### GAP analysis and set convergence priorities

Initial step for all countries should be the setting of convergence priorities and targets. It should be realistically assessed to which extent the ENP partner country can align with the EU Nature Protection Directives and in what areas convergence can bring the greatest benefits. This should lead to both a prioritisation of tasks (based on the urgency of issues, legislative considerations, cost-effectiveness and economic considerations) and the development of a national strategy to convergence with European Nature Protection legislation.

One important task within this process is a gap analysis considering in particular:

**Legal gap analysis:** The legal form of convergence that best fits with the existing legal framework needs to be identified – for instance, whether a new nature protection law needs to be developed, or whether it is sufficient to amend the existing law or issue additional regulations.

**Institutional gap analysis and implementation gap analysis:** In addition to the legal gap analysis, it may be helpful to compare the existing institutional structure and implementation of existing nature protection legislation to those required under convergence in order to identify necessary changes and improvements.

### General requirements for the implementation process

To ensure successful adaptation of the nature protection legislation, competent authorities need to **involve stakeholders**, such as farmers, private landowners, user groups, planning authorities and NGOs, from the beginning.

In this context, an **informed dialogue and debate** is required to increase confidence in site designation, to reduce resistance and concern and to increase collaboration between individual stakeholders. In addition, dialogue to **clarify real costs and opportunities** is essential.

**Public Participation** has to be put into practice, for example by implementing the Aarhus Convention<sup>36</sup>. In general, there is a strong need to enhance environmental awareness. Public information should be available and consultation processes should be established. Most European neighbouring countries do not provide procedures for public participation in drafting and implementation of laws and regulations within the state. This is one of the main causes for lack of implementation.

In the following section convergence with EU Nature Protection Policy is described in five specific steps. ENP partner countries should assess which step is the most appropriate, taking into account their starting points.

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<sup>35</sup> Adaptation means in this context 'approximation' or 'convergence' to EU Nature legislation. The term "implementation" is not used when referring to non EU Member States, because EU legislation is not binding for them.

<sup>36</sup> For the Mediterranean countries, which have not signed the Aarhus Convention, could be of interest to consider the Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information, as well as future directives under the current proposals submitted by the Commission on these issues.

## ***1. Strengthening nature protection legislation***

Some ENP partner countries need to strengthen their environmental legislation or even to develop a new nature protection law in order to transpose the selected requirements of the Directives into national legislation. When creating an ecological network of protected areas (on the model of the EU network of sites covering EU Member States, Natura 2000), corresponding articles of the Habitats and Birds Directive need to be implemented, as for example, Art. 4 of the Habitats Directive that stipulates countries to propose a list of sites accompanied by the necessary geographic and scientific information or Art. 6 of the Habitats Directive that envisage the conservation measures required for the sites in the ecological network Natura 2000. National legislation should also set conditions in order to establish systems of strict protection for those animal and plant species which are particularly threatened (Art. 12, Habitats Directive).

## ***2. Institutional set up at national level***

In most cases ENP partner countries will have to strengthen their weak administrative structures. Putting into place a system of protected areas or adapting to European Nature Protection Policy requires administrative and coordinative tasks in the following areas: identification and designation of sites (SACs and SPAs), introduction of land use management measures within these areas and their monitoring.

Therefore, **administrative and institutional capacity** must be strengthened to ensure that the whole Natura 2000 process can be handled as an opportunity for promoting nature conservation and sustainable rural and regional development. For example, **co-ordination mechanisms** need to be established in order to ensure integration of nature protection concerns within other policies, ministries and institutions, for example, agriculture, fisheries, forestry or tourism.<sup>37</sup>

In some countries **administrative and institutional reform** and/or **capacity building** will be necessary in order to successfully adopt Nature Protection legislation that converges toward EU Directives. This also includes appropriate scientific evidence to identify sites that qualify for designation, such as SACs or SPAs.

Overall, more **clearly defined responsibilities and functions** of the different state environmental authorities and specialised institutions at national, regional and local level are needed in order to make the policy process more effective and efficient. Clearly defined responsibilities and functions will help to improve **accountability and transparency**.

Currently, in the ENP partner countries, several institutions are involved in the biodiversity management and overlap in their responsibilities. Therefore, they would benefit from the assignment of one or two institutions and their respective authorities to designate, establish and monitor the protected areas.

## ***3. Institutional set up at regional/local level***

Future management of protected areas requires the establishment of competent authorities for nature conservation at regional or local level. These authorities will be responsible for the implementation of protected areas and introduction of land use management measures within these areas.

A further important task of these authorities is to assess, monitor, and evaluate the occurrences of particular habitats and species in these areas. This will require **co-operation between specialist staff and between all management authorities and enforcement agencies**. In addition, it may be necessary to train members of the various competent authorities, ensuring co-operation at national, regional and local levels at every stage.

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<sup>37</sup> WWF (2004): p. 20

#### **4. Selection process of SCIs and SPAs**

One of the most demanding and time consuming tasks is the identification and selection of important sites (SCIs) for the species and habitats in the territory based on common scientific criteria as well as the criteria set out in the annexes. The selection process should also include nomination of Special Protection Areas (SPAs) in accordance with the requirements of the Birds Directive.

Through experiences of EU Member States, it became obvious that this process can take up to 10 years. Therefore, **this action should start as soon as possible**.

In this process the assistance of a specially trained expert may be useful, in particular when ENP partner countries have to cope with limited environmental management capacity and experience within environmental authorities and institutions.

ENP partner countries that have already joined the EMERALD network as part of the Bern Convention and designated Areas of Special Conservation Interest (ASCIs) could consider them within this process.

The next potential step would be the designation of these sites as Special Areas of Conservation (SACs) or Special Protection Areas (SPAs) and the establishment of management plans and other necessary actions following discussions with landowners and managers and arrangements for site management. In some cases, compensation for restricting management operations might be necessary.

#### **5. Further steps**

**Coherent and integrated policies and programmes for designated areas** can enhance successful adaptation of European nature protection legislation. Therefore, Natura 2000 sites' assets and associated activities and benefits should be integrated into local, rural, regional and national development plans as far as possible. This requires a comprehensive review of sectoral objectives (e.g. covering transport, local economic development incentives). Integrated spatial planning can also clarify issues of access, most notably by identifying areas for access restrictions and areas that should remain open to economic and recreational development.<sup>38</sup>

An **efficient national environmental monitoring system** for protected areas, using a harmonised methodology carried out by one institution, should be established. This may also require staff training.

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<sup>38</sup> WWF/IEEP (2002): p. vi–vii, 24–25

## 6.2 Costs estimates for implementing EU Nature Protection Directives and experiences in the new Member States

Costs of implementing environmental legislation play an important role in regions that face severe financial limitations for environmental management such as in most of the ENP partner countries.

Unlike legislation dealing with waste management or air protection, Nature Protection Policy will not require large infrastructural investments. The Habitats and Wild Birds Directive may be more demanding in terms of organisational and institutional cost.<sup>39</sup> The extension of these costs also depends on the chosen level of implementation by the countries.

When discussing costs of Natura 2000, local stakeholders are often referring to constraints to their economic activity resulting from the designation or management of a site. Such constraints may in fact be more limited than many expect, since Natura 2000 will not normally require discontinuation of economic activities. However, Natura 2000 can result in additional costs, such as reducing agricultural land prices or increasing house prices in neighbouring areas. Land use changes, such as the introduction of more sustainable fish or agricultural farming methods may also be necessary within the protected sites.

Overcoming such costs will require information and awareness raising initiatives by government officials. Authorities will need to explain to stakeholders how and why a site has been designated, including the ecological and potential socio-economic benefits that the designation offers. Local stakeholders might benefit from ecosystem services; for example, if expensive water pre-treatment or alternative sources of water options are avoided by limiting the threat of pollution to the groundwater. In order to ensure the successful realisation of the socio-economic benefits of protected areas, sufficient resources to support and develop initiatives (e.g. a new information centre, cycle paths) and long term management activities are needed.

Based on previous experience, the cost of Natura 2000 in designation, planning, management, and investments varies significantly according to the site. Estimates range from € 20/ha to € 500/ha per year, or € 15.000/site to € 2 million/site/year.<sup>40</sup> Further estimations of costs resulted in € 6,1 billion per year for EU 25, but also need to be further refined and improved.<sup>41</sup>

Funds may be available from a number of sources (e.g. national, international<sup>42</sup> or bilateral programmes, EU funds). The private sector could also play a role in environmental investment and funding. In general, such funding usually becomes available when a positive connection between environmental protection and sustained economic and social development is made. Receiving such funds requires awareness of funding possibilities and capacity to access funds.

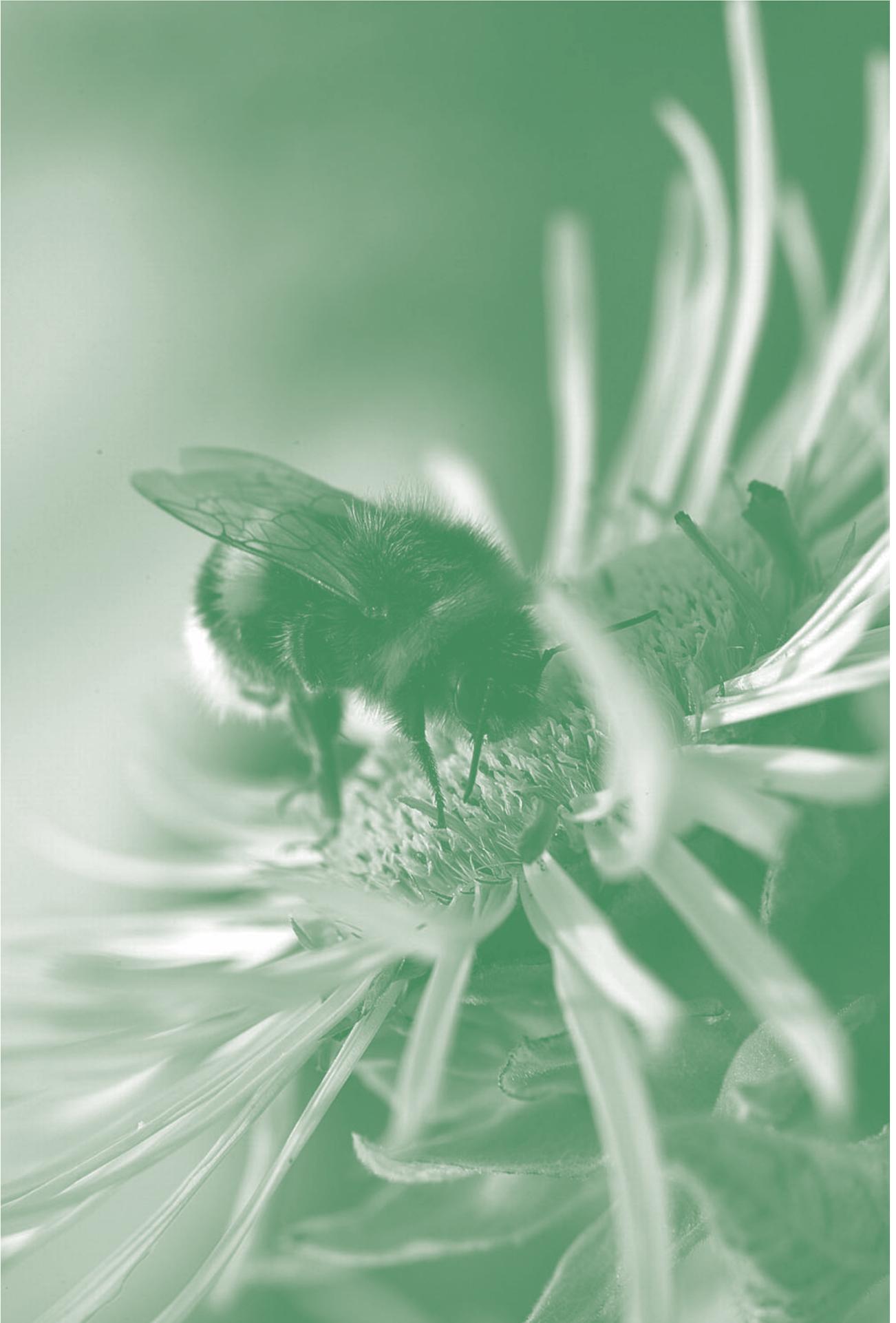
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<sup>39</sup> European Commission (2004): p. 36

<sup>40</sup> WWF/IEEP (2002): p. 24

<sup>41</sup> Communication on Financing Natura 2000. COM (20499) 431 final

<sup>42</sup> e.g. IUCN's West/Central Asia and North Africa (WESCANIA) programme



# 7 Further Information

## 1. Further guidance on convergence and implementation of EU environmental and nature protection policy:

- Environmental Resources Management (ERM) (2003): Convergence with EU environmental legislation in Eastern Europe, Caucasus and Central Asia: a Guide. Prepared for the European Commission.
- European Commission (2001): Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC.
- European Commission (2001): The benefits of compliance with the environmental acquis for the Candidate Countries. Part E – Nature Protection Directives. Final report. Available at [http://ec.europa.eu/environment/enlarg/benefit\\_en.htm](http://ec.europa.eu/environment/enlarg/benefit_en.htm) (Accessed on 07.10.2007)
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- European Commission (2004): Applicability of Convergence Road-Map for the NIS for the Mediterranean region. Final report
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- European Habitats Forum (2006): Towards European Biodiversity Monitoring – Assessment, monitoring and reporting of conservation status of European habitats and species. Results, comments & recommendations of a NGO consultation within the European Habitats Forum. June 2006
- LDK-ECO S.A. (2006): Support to DG Environment for the development of the Mediterranean De-pollution Initiative “Horizon 2020”. Review of Ongoing and Completed Activities. Prepared for DG Environment, European Commission.
- WWF/IEEP (2002): Promoting the Socio-Economic Benefits of Natura 2000. Background Report for the European Conference on ‘Promoting the Socio-Economic Benefits of Natura 2000’ Brussels, 28–29 November 2002
- WWF (2004): Natura 2000 in the new EU Member States: Status report and list of sites for selected habitats and species – Covering the Czech Republic, Hungary, Lithuania, Malta, Poland, Slovakia and Slovenia, and with status reports for Cyprus, Estonia and Latvia as well as Bulgaria and Romania.

## 2. Websites:

[http://ec.europa.eu/environment/nature/index\\_en.htm](http://ec.europa.eu/environment/nature/index_en.htm)

EEA: <http://themes.eea.europa.eu/>; Information related to specific media (Nature): [http://themes.eea.europa.eu/Specific\\_media/nature](http://themes.eea.europa.eu/Specific_media/nature)

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