

EDITORIAL

On 20 March 2003, the European Court of Justice issued its judgment against the Republic of Italy (case C-378/01) for classification of insufficient number of SPAs under the Birds Directive (79/409/EEC). The judgment against Italy is the fourth judgment of the Court of justice on this issue, the first being the one against the Netherlands in 1998 (case C-3/96), the second the one against France in November 2002 (case C-202/01), and the third the one against Finland on 6 March 2003 (case C-240/00).

In all four cases the Court used the BirdLife IBA inventories as evidence of the list of sites that the respective Member States should have classified as SPAs. In the Italian case the Court again made a very strong statement in favour of IBAs saying "In those circumstances, in view of the scientific nature of the IBA Inventory 89 and of the absence of

any scientific evidence adduced by the Italian Republic, tending particularly to show that the obligations flowing from Article 4 (1) and (2) of the Directive could be satisfied by classifying as SPAs sites other than those appearing in that inventory and covering a smaller total area, that inventory, although not legally binding on the Member State concerned, can be used by the Court as a basis of reference for assessing whether the Italian Republic has classified sufficient number and area of territories as SPAs...".

All these cases represent a huge victory and success for BirdLife International and for Important Bird Areas. But they bring with them obligations and increased responsibility for BirdLife as well. Stability of the list of IBAs, updated data, scientific criteria, digital boundaries, monitoring are all issues that concern daily our IBA coordinators and reflect the credibility of our inventories. In

April, BirdLife Partners discussed the strategy for monitoring IBAs and committed themselves to finding ways to do a minimum of regular monitoring of IBAs. Monitoring IBAs is clearly linked to monitoring SPAs and one can easily imagine a future scenario where the Court will refer to the BirdLife monitoring data for assessing the status of an SPA, in the same way that it refers to our inventories. Or better still, that Member States will take notice before the case reaches the Court and the site is damaged. Let's all congratulate ourselves about these successes and continue to work as hard, and with a sense of international responsibility, for the protection, management and monitoring of IBAs and the birds that live in them.

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Special points of interest:

- Accession Treaty signed
- Sustainable Hunting Initiative
- Spring Council
- Environment Council Conclusions



Spring European Council

The European Council met in Brussels on 20 and 21 March for its third annual Spring meeting on the economic, social and environmental situation in the Union.

At its annual Spring meetings, the European Council assumes the central role in setting the direction for the Union's economic, social and environmental action in order to meet the objectives of the Lisbon strategy to make the European economy the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.

The Spring Council reports

on the Union's Sustainable Development strategy. The Council adopted conclusions on enlargement and on a number of international issues. Among others:

The European Council provided a comprehensive response in the aftermath of the Prestige disaster and renewed its commitment to the Union's leadership in promoting sustainable development around the world.

The European Council urged the Council to accelerate work towards a more responsible management of natural resources, including action to meet the 2010 targets for biodiversity and 2015 for fish stocks.

The European Council also urged the Council to reform subsidies that have considerable negative effects on the environment and are incompatible with sustainable development.

Finally, the European Council also invited Member States to accelerate progress towards meeting the targets of the Kyoto Protocol.



Environment Council Conclusions

The Environment Council met in Brussels on 4 March 2003. Among the items debated were the recent Communication by the Commission on the Marine Strategy, a first policy debate on the Environmental Liability Directive, the Environment Council's contribution for the report to the Spring Council on the Sustainable Development Strategy (SDS) and a policy debate on the upcoming meeting 'Environment for Europe' in Kiev. On the marine strategy the Council adopted conclusions requesting the Commission to propose as soon as possible and before May 2005, a thematic strategy on the Marine Environment. The

Council also invited the Commission to elaborate a rational approach for the full implementation of Natura 2000 at sea. The Environment Council debated some aspects of the Environmental Liability Directive such as obligatory financial security and the scope. The Greek Presidency stated its intention to reach political agreement on this directive in the June Council.

On the Sustainable Development Strategy the Council's contribution emphasized the need to improve the existing instruments for implementing the SDS, the need to strengthen the environmental pillar of the SDS and proposed a num-

ber of priorities for action for the next 12 months.

Finally, on the Kiev conference the Environment Council adopted conclusions, which will act as the Union's contribution towards the outcome of the conference in Kiev.

The Environment Council also discussed GMOs, the Forest Focus initiative, the Chemicals package and other environmental issues.



Signing of the Accession Treaty

On 16 April 2003, in a historic ceremony, the Heads of State and Heads of Government of the existing EU Member States and of Accessing Countries signed in Athens the Accession Treaty. The countries that will join the EU on 1st May

2004 are: Hungary, Poland, Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Cyprus and Malta. The signing of the 2003 Treaty is a historic moment and marks the biggest accession ever to the EU that will make the

number of Member States 25. The full text of the Accession Treaty in all 20 languages can be found on: http://europa.eu.int/comm/enlargement/negotiations/treaty_of_accession_2003/



Convention on the Future of Europe

The Convention on the Future of Europe presented some more articles of the draft Constitution in March and April 2003. The Green eight NGOs based in Brussels of which BirdLife is a member continued to press in order to influence the future constitution. Following the comments made in February aiming at reinstating the wording of the current Treaty in the draft Constitution, the Green 8 in April lobbied for the revision of part III of the future Constitution. According to the current plan the future

Constitution will have three parts. One part of general principles, one on institutions, and one part on the policies. The Convention Praesidium has said that the intention is to copy-paste the policies from the existing Treaty to the new Constitution Part III. The Green 8 has reacted saying that by copying the existing policies section the EU risks to lose a historic opportunity to modernise the policies of the Union and make them compatible with the overarching principles of sustainable development

and integration of environmental concerns in all policies.

The Green 8, including BirdLife made detailed comments on the wording of the existing policy chapters. BirdLife, in particular, made comments on the Agriculture and the Economic Cohesion policies. The full text of the draft Constitution is expected in the end of May/June.

For more information contact: **Clairie Papazoglou** @birdlifeeco.net



Financing Natura 2000

In April, BirdLife International presented its comments to the report on Financing Natura 2000, according to article 8 of the Habitats Directive. The report proposed three options for the financing of Natura 2000 and BirdLife proposed Option 3 as a principal delivery mechanism. Option 3 proposes the creation of a special 'Natura 2000' fund. Ac-

ording to BirdLife this new fund should fund pluri-annual programmes and should be administered by the Environmental Authorities and DG Environment. BirdLife also made a strong statement in favour of the continuation of the LIFE Nature fund and stressed the importance of continuing to integrate the objectives of Natura 2000 into the

Common Agricultural Policy and the Structural Funds, although these funds were not preferred as the principal delivery mechanism. The Commission will present its Communication on this issue in September 2003.

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CAP Campaign

Following the European Commission's weakened package of Mid Term Review proposals launched in January 2003, BirdLife International published a detailed environmental analysis of the European Commission's proposals in April. This new position paper points out why real support for rural development, meaningful cross-compliance and decoupled farming support is a must. The brochure called 'Making the CAP Fit, for a fairer, greener and simpler agricultural policy', was sent by post and further promoted by Partners at a national level and it was widely distributed in Brussels to European decision makers and other stakeholders such as media, interest groups and NGOs

working on the Common Agricultural Policy Reform. Letters and presswork in advance of the Council of Ministers' meeting in May in Brussels will follow the distribution of the new BirdLife brochure.

Also in April, BirdLife launched its partnership with Euractiv, a Brussels based, European information website. From now on BirdLife position papers and press releases will also feature on the Euractiv website on www.euractiv.com on the section on CAP reform.

Finally, work continued on the preparation of the CAP campaign website on agricultural policy reform and rural development which will be launched in

May 2003 www.birdlifecapcampaign.org
For more information: Edith Verhoestraete
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Environmental Liability

BirdLife continued to follow developments on the Environmental Liability Directive in the Parliament and Council with keen interest. While we were disappointed with the report adopted by the Legal Affairs Committee, which failed to address the shortcomings of the Commission proposal, we welcomed the outcome of the Parliament's First Reading vote on 14 May. At the First Reading, MEPs

adopted amendments which improve the Directive in a number of important areas, in particular the deletion of the 'permit' and 'state-of-the-art' exceptions, the requirement for high-risk operators to be covered by financial security, improved definition of biodiversity, NGO access to justice and a wider scope of the Directive. We now hope that Ministers will adopt a political agreement at the Environ-

ment Council on 13 June, which ensures that the 'polluter pays' principle is effectively implemented. For more information contact: Victoria Phillips@rspb.org.uk



Sustainable Hunting Initiative

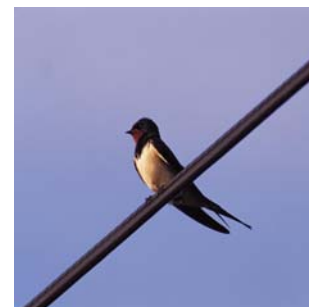
In April, there was the hearing at the European Court of Justice (ECJ) for the reference to Court case made by the French Conseil d'Etat in 2002. The questions posed to the ECJ by the Conseil were "Does Article 9(1)(c) of Council Directive 79/409 of 2 April 1979 permit a Member State to derogate from the opening and closing dates for hunting set in the light of the objectives specified in Article 7(4) thereof?" and if yes, what are the criteria. LPO/BirdLife France as party to the original case in France was able to plead before the Court and it was represented by its

president Alain Bougrain-Dubourg. Alain Bougrain-Dubourg pleaded that the answer to the first question has to be 'No' and the second question should be dismissed. The Advocate General of the Court will present his conclusions on this case on 6 May 2003.

In March, the Commission employed two contractors to facilitate the work of the Sustainable Hunting Initiative. The two contractors are Flemming Pagh Jensen from Hedeselskabet (has absorbed Ornis Consult) and Marc Lutz from the Biological Station of Tour du Valat. Flemming and Marc as a first task will

aim to complete the adoption of the management plans for huntable species. They will also report on the Birds and farming workshop which took place in April 2003 in Brussels. BirdLife was represented in that workshop by Szabolcs Nagy, Phil Rothwell, Andy Evans and Sylvie Flatres. Phil and Andy gave talks on behalf of BirdLife and we thank them a lot for that.

The next steps of the Sustainable Hunting Initiative involve the preparation of another workshop on monitoring in autumn this year. More details to follow. For more information contact: Clairie.Papazoglou@birdlifecco.net



NewsFlashes

Call for Proposals

OJC49 - 01/3/03

Call for proposals for the Phare Small Projects Programme.

OJC56 - 11/3/03

Corrigendum to call for proposals 2002/C 310/15 "Support for information measures relating to the common agricultural policy"

Agriculture

OJL62 - 06/3/03

Commission Regulation laying down detailed rules for applying Council Regulation on measures to provide information on, and to promote, agricultural products in third countries.

AE53 - 15/3/03

Agriculture/Fisheries Council: CAP Reform, WTO negotiations, Food Safety and cod crisis on agenda of Monday and Tuesday's Council.

OJL74 - 20/3/03

Commission Regulation laying down detailed rules for applying Council Regulation on information and promotion actions for agricultural products on the internal market.

AE63 - 26/3/03

CAP Reform will have little effect on farmers' income in current or enlarged EU.

AE64 - 28/3/03

Fischler recalls CAP reform proposals would make it possible to save EUR 337 million in 2006.

AE65 - 04/4/03

Eurostat confirms fall in EU agricultural income per worker in 2002.

AE73 - 18/4/03

France proposes more effective and realistic system of aid "conditionality" in context of negotiations on CAP Reform.

AE79 - 26/4/03

Parliament may postpone its vote on CAP Reform until September.

AE80 - 26/4/03

Commission is expected to at least develop guidelines for helping Member states with the problem of coexistence of GM and non-GM crops.

AE81 - 29/4/03

Creation of high level group on CAP Reform - Presidency sends powerful signal with view to reaching agreement by end June.

Enlargement

AE49 - 06/3/03

Commission warns nine of the ten candidate countries about delays in preparing for accession.

Newsflashes will, as previously, be listed by theme. But they will be labelled as follows:

Newsflashes from Official Journals will be preceded by mention OJ + C or L nr + date + title.

Newsflashes from Agence Europe will be preceded by AE + date + title

Newsflashes from other sources will mention source + date + title.



NewsFlashes (cont.)

AE50 - 12/3/03

Parliament may defer assent on accession treaty if solution to budgetary problems not found quickly

AE54 - 19/3/03

EP Committee on foreign affairs is to approve accession treaty on Wednesday, but there is still the threat that the final plenary vote will be postponed due to budgetary problems.

AE55 - 20/3/03

Foreign Affairs committee opens way for approval of accession treaty by EP on 9 April, despite opposition linked to Iraq-outline of solution to budgetary now.

OJC67 - 20/3/03

Resolution of the EEA consultative committee on enlargement and the future of EEA.

AE57 - 26/3/03

On Wednesday, Commission will adopt accession partnerships for Bulgaria, Romania and Turkey.

AE58 - 27/3/03

Wim Kok report suggests five areas for action to make enlargement a success.

AE59 - 08/4/03

Commissioner Fischler defends farming deals negotiated with future Member states.

AE60 - 09/4/03

Commission warns Member states and candidate countries to make necessary preparations for allowing nationals from 25 to vote in European elections in 2004.

AE61 - 09/4/03

Council and Parliament agree on budget.

AE62 - 10/4/03

Parliament endorses accession of ten candidate countries which can now sign

treaty in Athens on 16 April - confirmation of agreement on financial aspects of enlargement.

AE67 - 15/4/03

The Commission and Parliament welcome the "yes" vote in Hungary in the referendum on 12 April.

AE68 - 15/4/03

Victory of the nationalist party in the elections paves the way for EU accession.

AE69 - 15/4/03

Decision on accession by ten new Member states is formally adopted.

EIS8 - 17/4/03

Call from WWF to safeguard natural heritage in accession countries.

AE71 - 17/4/03

Fifteen welcome ten future member states—call for greater unity and presence on world scene.

AE72 - 18/4/03

Unanimous satisfaction following signing of accession treaty - will of candidate countries to join strong union and to actively participate in pursuit of European integration.

AE75 - 23/4/03

EU/EEESC/Plenary session : next session to be held in May, at seat of EP, with the participation of 50 representatives of the civil society of countries signing accession treaty.

Marine Transport & Oil Spills

AE45 - 04/3/03

Prestige disaster : On Wednesday, Commission to approve report on Community measures taken following the sinking of Prestige.

AE47 - 06/3/03

Commission adopts report on measures taken after Prestige oil tanker disaster and calls for

negotiating brief

EIS1 - 21/3/03

EIB/Spain: Euro 150 million loan to relieve damage done by Prestige sinking.

EIS2 - 21/3/03

EU/IMO: Common Desire to improve safety at sea

EIS3 - 04/4/03

Call for International measures to improve Maritime Safety.

EIS4 - 4/4/03

Transport Ministers agree early phase-out of single-hull tankers.

Transport

AE46 - 06/3/03

Commission adopts proposal of directive imposing sanctions for serious maritime pollution

AE48 - 14/3/03

Parliament supports granting negotiation mandates to Commission in field of air and maritime transport

AE52 - 15/3/03

Commission could start legal proceedings "before summer" against Member States who have not transposed the first rail "package".

OJC66 - 19/3/03

Opinion of the Committee of the Regions on European railway.

AE74 - 23/4/03

Improvement to funding of trans-European transport network on Commission agenda—towards European electronic pricing system.

Environment

AE51 - 06/3/03

Council divided about possibility of compelling companies to have contractual guarantees for financial insurance in future environmental liability system.

AE56 - 20/3/03

NGOs and Unions call on summit to boost sustainable development.

EIS5 - 21/3/03

NGOs appeal to EU leaders for new step towards sustainable development.

AE70 - 16/4/03

Commission takes action against four Member states for failure to provide information needed to judge whether complaints are founded.

AE76 - 25/4/03

Action plan 2002-2004 for co-operation concerning accidental or intentional marine pollution is approved.

AE77 - 26/4/03

Africa and sustainable development central to environment G8 - Margot Wallström to present proposal for creation of fund for water.

AE78 - 29/4/03

Commission gives conditional go-ahead for three buildings projects in Natura 2000 sites—thumbs down for new industrial zone in Germany.

Conservation

AE66 - 08/4/03

Commission takes legal action against Germany, Spain, Finland and Ireland over Wild Birds and Habitats Directive.

EIS6 - 17/4/03

France, Spain and Greece pulled up for flouting EU law.

EIS7 - 17/4/03

Wild birds and Habitats directives still being flouted.



European Parliamentary Questions & Answers

The Questions & Answers are set out as follows:

Subject, Question nr., Name & Party asking, date of question, Summary of Question, Commissioner answering, date of answer, Summary of answer.

Please contact us for more information on any of these questions & answers.

NATURA 2000

Funding the Natura 2000 network

P-0924/03 by Jorge Moreira Da Silva (PPE-DE) - 13/3/03

The Natura 2000 network is a basic instrument of national and European nature conservation policies. Although the list of Natura 2000 sites is not complete, it already counts for 18% of the territory of the Union. 22% of Portuguese territory is covered and adequate financial arrangements are required to guarantee the protection of the sites included in the Natura 2000 network. Furthermore, in order to meet the objectives established by the Gothenburg Strategy and the Johannesburg Implementation Plan, a Natura 2000 network needs to be extended to cover the marine environment.

1. When will the new rules for funding Natura 2000 be submitted? What is the total amount earmarked for it?

2. How does the Commission intend to extend the Natura 2000 network to the marine environment?

Mrs Wallström - 14/4/03

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora includes, in Article 8, a provision for Community co-financing of the management of Natura 2000, within the framework of the existing

financial instruments. A preliminary assessment of the financial needs and of the possible options for Community co-financing was prepared in 2002 by a working group composed of experts from several Member States, including Portugal. The final report of the working group is available on the Internet, and indicates three possible ways to proceed.

The Commission is presently analysing the above-mentioned report of the working group and will present a Communication to the Council and the Parliament in September 2003 on possibilities to finance the Natura 2000-network.

Concerning the marine environment, the Commission is aware that the implementation of the relevant provisions of Directive 92/43/EEC for the protection of marine species as well as the establishment of the Natura 2000 network in the marine environment is making slow progress. The delays are mostly linked to a lack of scientific knowledge and the high costs of carrying out research and surveys in offshore marine areas. To accelerate this implementation, the Commission created a Marine expert group, with the participation of experts from most Member States, including Portugal. The aim of the expert group is to establish a European common approach to deal with the problems of full implementation of Natura 2000 in the marine environment, and its first meeting took place in Brussels in March 2003.

SPANISH NATIONAL HYDROLOGICAL PLAN

E-0686/03 by Marie Isler Béguin (Verts/ALE), José Mendiluce Pereiro (PSE) and Alexan-

der de Roo (Verts/ALE) - 26/2/03

The Commission is currently examining the Spanish Government's request for EU monies to co-fund planned building schemes under the National Hydrological Plan (NHP), and particularly, those for transferring water from the Ebro to the Barcelona metropolitan area and South-eastern Spain.

A group of scientists claims that the areas which would surrender the water and suffer the heaviest impact are poorer than those which would be in receipt of this water

1. Does the Commission not believe that the NHP Water Transfer Policy, far from reducing territorial imbalances between Spain's inland regions and those of its Mediterranean coast, is going to increase those imbalances?

Under Article 9 of Regulation (EC) No 1260/1999⁽³⁾, the ERDF shall co-fund operations designed to promote economic and social cohesion, by correcting major regional imbalances.

2. Does the Commission not believe that the NHP's Water Transfer Policy, by exacerbating territorial imbalances, should not be co-funded by the Structural Funds and, in particular, the ERDF?

Mr Barnier - 9/04/03

The Union has two instruments that can be used to support investment in infrastructures, including that relating to water management: the European Regional Development Fund (ERDF) and the Cohesion Fund.

The ERDF intervenes in support of economic development programmes in the areas eligible under Objectives 1 and 2 of the Structural Funds as well as

under the Community Initiatives URBAN and INTERREG.

With the exception of major projects, the selection of individual projects is the responsibility of the authorities in the Member States once the broad strategic objectives of the programmes have been agreed by the Commission. The projects selected by the authorities must, however, conform with Community law in all respects, including that relating to the environment.

Major projects, as well as projects supported by the Cohesion Fund, are subject to individual approval by the Commission. The environmental impact of such projects must be assessed.

The social and economic impact of the current generation of programmes will be assessed in the course of 2003 in the framework of the mid-term evaluation of the programmes, the results of which will provide the Member States with an opportunity to adjust their development strategy as appropriate.

An ex-post evaluation of the programmes is also foreseen by the regulation once the programmes have come to an end. This will provide a more definitive assessment of their impact on the eligible regions in social and economic terms.



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Further information on specific topics

The Briefing is not large enough to contain the text of all the source materials used to compile it. If you would like further information on specific topics reported in the Brussels Briefing, please contact us - details above.