

EDITORIAL

New life for the Sustainable Development Strategy

The EU's Sustainable Development Strategy (SDS) has always suffered from a bit of an identity crisis: was it contained in the Communication produced by the Commission in 2000 or in the conclusions of the Gothenburg Summit in 2001? Was it the environmental dimension the Lisbon strategy for jobs and competitiveness or was it the long-term process to which the Lisbon strategy contributed? Where was it actually written down?

Confused? We certainly were!

In an attempt to clarify its scope and content, the Commission published a proposal for a revision of the SDS in December 2005. Lacklustre and lacking in vision, the document was given a cool reception by NGOs when it finally limped out.

Thankfully, the Austrian Presidency has worked hard to improve, to streamline and to clarify the SDS in order to make it meaningful

for citizens. Debates have been organised in each of the Council formations and a conference hosted at the Economic and Social Committee in March.

So what progress is being made and what priority is being given to biodiversity?

Importantly for BirdLife, natural resources (including biodiversity) are firmly established as a key issue for the renewed Strategy. While previous Commission drafts of the SDS failed even to include natural resources as a priority, the Presidency has reaffirmed the EU's commitment to halt biodiversity loss by 2010. Particular attention is paid to the need for improved implementation of both Natura 2000 and of species protection and management policies.

The role of the EU's own funding programmes in supporting the delivery of the SDS is also highlighted. By 2008, the Commission should put forward a road-map for the reform, sector

by sector, of subsidies that are incompatible with sustainable development, with a view to gradually eliminating them. Moreover, the Strategy states that Member States and the Commission should enhance the use of co-financing mechanisms such as cohesion policy, rural development and LIFE+ to deliver sustainable development.

The big question now is: will the SDS actually make a difference?

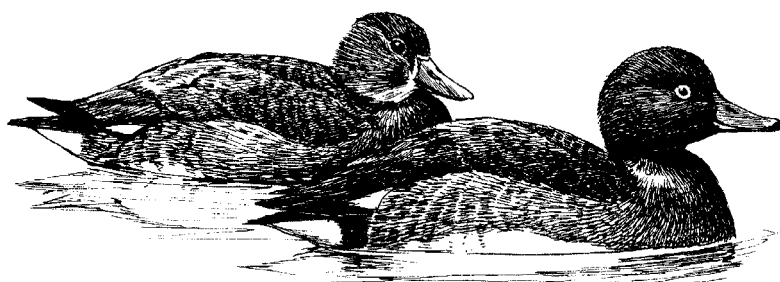
BirdLife certainly hopes so. The SDS has suffered in recent years from being the poor relation of the Lisbon strategy for economic growth and competitiveness. If Europe is to meet the considerable challenges of climate change, biodiversity loss and the overexploitation of resources – with all associated economic and social impacts - it is essential that sustainable development becomes the guiding principle for all policy development at the EU level.

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Special points of interest:

Malta forced to bring hunting legislation in-line with EU Birds Directive



Aythya nyroca by Pavel Prochazka



Regional Policy

The European Council's 'structural actions working group' (civil servants from the EU-25) have finished meeting to discuss the regulations. At the beginning of their Presidency the Austrians asked Member States to drop their objections, in order to reach an agreement more quickly. Agreement was reached with the European Parliament on the Financial Perspectives on 5th April (adding €300 million to the Cohesion Policy budget) putting the spotlight on the remaining issues raised by the European Parliament or relating to continued disagreement over financial management.

At this point in the negotiations, the NGO coalition has focused on two key issues: Partnership and a new article in the General Regulation on the protection and improvement of the environment. The new article is to prevent the new regulation for 2007-13 being weaker than current requirements in Article 1 of 1260/1999/EC. There is strong support for this issue from MEPs. Regarding Natura 2000, the situation is as good as it going to get – the opportunities for financing the network are there in the European Regional Development Fund regulation. It is the responsibility of Member States to choose Natura 2000 as an investment priority.

MEPs were kept well briefed. This included preparing a joint briefing on partnership and on the standalone article with social NGOs. The partnership and the standalone article were discussed at COREPER (Council of Permanent Representatives) on 26 April, with the recommendation from the Austrian Presidency to support the MEPs' requests. The meeting was a success, and ensured the new article on sustainable development (and environmental protection and improvement) and partly improved the Partnership article. In the latter case, environmental partners are listed, but their inclusion remains at Member States' discretion.

Another cloud on the horizon has since emerged with the inclusion of proposals to 'ear-mark' funds for actions supporting the Lisbon 'growth and jobs' agenda in the General Regulation. The list of eligible actions, which originated from President Barroso in November last year, has been watered down by Member States, but still excludes investment in Natura 2000. We will be urging Member States to make best use of the flexibility to complement actions in the list, by including Natura 2000.

The general regulation and the cohesion fund will be decided according to the 'assent' procedure (i.e. the Parliament has one reading before the

Council common positions are decided, and then can vote 'yes' or 'no' to the Council common position at the second reading). The ERDF will be decided according to the 'co-decision' procedure, which gives equal weighting to the Parliament and Council, and Parliament can amend the Council's common position at the second reading. The European Parliament will vote 2-5 July.

With regard to the Community Strategic Guidelines, the Commission has not worked on the guidelines since publishing a summary of the responses to the Internet consultation in October last year. They will present the final proposal at the end of July after the regulations have been agreed. They will then be presented to the Council and Parliament for a decision under the 'assent' procedure. Meanwhile, the European Parliament appointed Mrs Krehl as the rapporteur on the guidelines and the coalition has successfully lobbied her to include key environmental considerations in her report.

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Malta forced to bring hunting legislation in-line with EU Birds Directive

Two years after EU accession and following strong European wide pressure Malta has finally changed its hunting legislation in order to comply with EU bird protection requirements. BirdLife Malta and BirdLife International have submitted a formal complaint to the European Commission in July 2005 triggering EU action against the country, which ultimately could lead to the European Court of Justice. Facing this imminent threat of legal action Malta fundamentally revised its hunting regulations in the end

of March 2006. Preliminary assessments of the European Commission and BirdLife International show a significant improvement: From now on any taking of birds during the spring migration and breeding period will be illegal in Malta, and derogations can only be granted under very strict conditions. The use of high-speed boats for hunting is prohibited, as well as any bird trapping (with a transition period for several species of finch until 2008).

The next objectives of BirdLife are to

work against the still ongoing alleged derogation for spring hunting of Turtle Dove and Quail, as well as the widespread illegal hunting of threatened species. The BirdLife Secretariat and RSPB support BirdLife Malta in this case, as it represents an important precedent for the whole of the EU.

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EU Bioenergy strategy rolls on but environmental safeguards yet to be in place

Following the publication of the Commission Communication on the Biomass Action Plan and the Biofuels Strategy, the EU debate around bioenergy has intensified in recent months.

Council conclusions, expected on June 9th, are likely to press ahead with the aim of a significant increase in the use of all forms of bioenergy, including biofuels for the transport sector. It will also call upon the Commission to ensure that bioenergy is produced sustainably: that is that it delivers real greenhouse gas reductions and does not conflict with other environmental priorities such as biodiversity conservation.

A certification system is mentioned as one of the tools that could deliver this. The Parliament is expected to deliver a report on bioenergy in September, while the Commission has just launched a public consultation on the review of the Biofuel Directive.

BirdLife International believes that this is a key moment when effective environmental safeguards must be built into the fledging EU bioenergy sector. If this opportunity is missed, the sector may cause significant harm to biodiversity both inside and outside the EU while delivering little in the way of addressing climate change.

In the long run, this would deprive the bioenergy sector of its best asset- its environmental credibility. Using the review of the Biofuel Directive to establish a mandatory accreditation scheme to ensure the sustainability of any biofuels that would count toward EU targets and obligations would be a key step in the right direction. It is in order to discuss such a system that BirdLife is organising, together with EEB and T&E, a stakeholders' conference on June 7th.

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Avian Influenza

The issue of the spread of Highly Pathogenic Influenza H5N1 to wild birds continued to be a daily topic in the months of March and April. At the end of April infected wild birds had been detected in 13 Member States, as well as Bulgaria, Romania, Switzerland, Turkey and other European countries.

BirdLife continued to follow the issue actively, by issuing position statements, briefings and updates on outbreaks. It was considered necessary to have a meeting of Partners on this issue and for this reason on 22 March, at short notice, nine BirdLife Partners met with staff from the Secretariat offices in Cambridge and Brussels, in Brussels in a meeting organised by the BirdLife Brussels office. Partners exchanged information about recent outbreaks in their countries, the ways they dealt with publicity, the press and lessons learnt. They also ex-

plored what kind of support BirdLife could offer them and what they could offer BirdLife.

In the afternoon, two senior Commission officials joined the meeting. Dr Alberto Laddomada from DG SANCO and Dr Micheal O'Briain from DG Environment. DG SANCO is the lead Directorate General for this issue in the European Commission. Both officials outlined the Commission's views and position on the role of wild birds and answered questions. BirdLife is grateful to both of

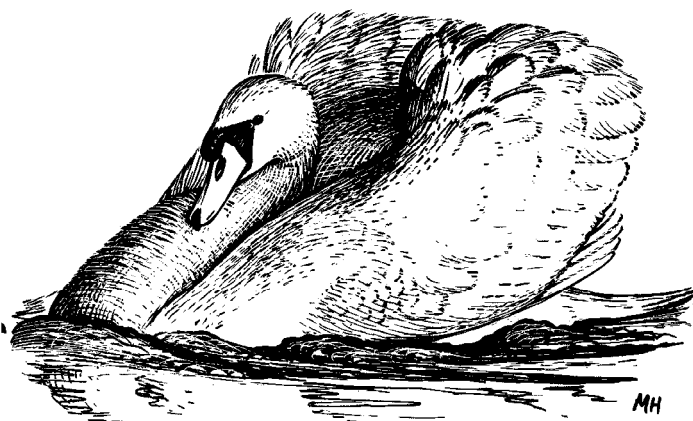
them for joining the meeting and making useful contributions.

BirdLife also took part in the Scientific Working Group Ornithology on 30 March which was dedicated almost entirely to Avian Influenza. BirdLife was represented by Claire Papazoglou, Konstantin Kreiser and Chris Feare at this meeting.

The discussion was largely about surveillance and monitoring. BirdLife largely concentrated on the need to have good ornithological information from the outbreaks.

BirdLife updates regularly its statement on Avian Influenza and posts updates or reports on its website. BirdLife has also posted advice for nature users as well as recommendations on surveillance on the same website.

For further information please see: http://www.birdlife.org/action/science/species/avian_flu/index.html



Cygnus olor by Mark Hulme



The EU's Sustainable Development Strategy: putting biodiversity at the top of the political agenda

The Austrian Presidency organised discussions on the revision of the Sustainable Development Strategy (SDS) at the Agriculture and Fisheries Council on 20/21 March and the General Affairs and External Relations Council on 10/11 April, in preparation for a wide-ranging debate on the SDS at the European Summit in June. The Presidency is seeking to improve the weak proposals presented by the Commission in a number of areas in order to bring forward a Strategy that is both understandable for citizens and meaningful in terms of future EU policy development.

BirdLife has been working with the Green 10 group of European environ-

mental NGOs in order to put biodiversity at the heart of the debate. Of prime importance to us is the achievement of the target to halt biodiversity loss by 2010 and the SDS' s potential to inform further reforms of the Common Agricultural Policy and the Cohesion Policy. Specifically, we are calling for biodiversity to be given its own section as a key issue in the revised Strategy and we are asking EU decision-makers to highlight vital actions to ensure that the 2010 target is achieved. These must include allocating sufficient funding to Natura 2000, fully implementing the Birds and Habitats Directives and overhauling the EU's budget in 2008/2009.

The Green 10 has developed a set of common recommendations for decision-makers, which were presented to Environment Ministers in March, and open letters have been circulated to all Council formations in advance of debates on the SDS. It is essential that further lobbying work is undertaken in advance of the Summit in June in order to ensure that biodiversity is highlighted as a top political priority for the SDS revision.

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The financial perspective 2007-2013: Parliament adds an environmental sweetener but the overall deal is sour

The next financial perspective will determine how the EU's annual budget of EUR 120 billion is spent by the Commission and Member States over the period 2007-2013. On 4th April, the Parliament and Council eventually struck a deal on the financial perspective 2007-2013, after three months of difficult negotiations. Following intensive lobbying by BirdLife and BirdLife Partners, this deal includes an extra EUR 100 million for Natura 2000 activities under the LIFE+ instrument, which means

that the overall budget is likely to remain as proposed by the Commission: EUR 1.9 billion. Moreover, it includes a 'declaration' calling on the Commission and Member States to ensure adequate Natura 2000 financing and does not weaken the European Council's deal as regards the option to transfer 20 per cent of CAP Pillar I funds to Pillar II.

While we remain deeply concerned about the impacts of cuts to the EU's rural development budget on the im-

plementation of biodiversity commitments, BirdLife wishes to congratulate European Parliamentarians for raising Natura 2000 financing as a priority in the negotiations and to thank those Partners who actively lobbied on this issue.

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Vikki Phillips= Vikki Bruce

Many of you have been working with Vikki Phillips for several years. Vikki is the EU Institutions Manager in the RSPB and does a lot on EU Institutions, SDS, Regional Funds and other EU policy Issues. No wonder many of you worried when Vikki Phillips recently disappeared. But do not worry, it's only because Vikki got married on 29th April and changed her name to

Vikki Bruce.
We wish Vikki and Alex all the world's happiness.
Vikki's e-mail is now
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RSPB/BirdLife European Funding workshop, Cardiff 26-29 March 2006

Across Europe, the future of the Natura 2000 network depends on financial support from European Union subsidies, such as LIFE+, Agri-environment and the Structural Funds. The Structural Funds, which are designed to reduce differences in economic wealth between and within Member States, will be the hardest to reach. To date the funds have paid for new visitor centres, management plans, habitat restoration and 'green' employment training – but, projects must contribute to the wider remit of promoting economic growth and job creation.

With this challenge in mind, the RSPB hosted a workshop for BirdLife Partners in Cardiff, 26-29th March, on how to access Structural Funds for nature conservation. We succeeded

in our aim to get conservationists to think 'outside the box' to think up ways to present biodiversity in a development context.

The event was attended by 14 BirdLife Partners, 2 external European NGOs, BirdLife Secretariat as well as RSPB fundraisers from England, Wales and Northern Ireland. An official day with a (very wet) site visit to Newport Wetlands was followed by two days of workshops addressing a range of issues from scoping a 'super project' to the organisational implications of running large projects. The exercises were set against the experience of "Aren't Welsh Birds Brilliant", a £2.85 million project financed by Structural Funds in Wales. We also benefited from participation from the Countryside

Council for Wales and the Welsh European Funding Office. In a novel twist, BirdLife Partners were then given three months in which to prepare a project proposal. The idea with the best business case will win RSPB expertise to help turn it into a Structural Funds application.

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Linnet by Chris Gommersall



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.

Biofuels - P-3177/05 - by Mary McDonald (GUE/ NGL)

Can the Commission say what stage the EU decision to rate biofuels at 0% Vat is at?

Answer by Mr Kovacs - 3.10.2005

Under the current Community VAT system (as regulated by the 6th VAT Directive 77/388/EEC), Member States must apply a single standard rate (of at least 15%) and they may apply a maximum of two reduced rates (set no lower than 5%). The latter rates may be applied only to categories of goods and services listed in Annex H to the Directive. These rules apply to all Member States except where specific temporary derogations have been granted.

Annex H does not list biofuels among categories of goods that can be subject to a reduced rate of VAT.

As VAT is a consumption tax, it should apply to any taxable transaction at a positive rate (in principle the standard rate). Zero rate is only allowed as a temporary derogation granted to some Member States for limited categories of supplies.

No Member State has received any derogation as regards biofuels and no new zero rate is envisaged.

Widening the scope of reduced rates was considered at the time when the Com-

mission was drafting its proposal on reduced VAT rates, which aimed essentially at improving the functioning of the Internal Market by rationalising the use of reduced rates by Member States to avoid potential distortions of competition.

The Commission decided to propose an extension of the option to apply reduced rates to the categories for which a significant number of Member States were already authorised to apply reduced rates under specific derogations and where, thus, a common need had already existed.

As regards biofuels, a standard rate of VAT applies in all Member States. Given this existing political consensus between Member States, it was decided not to propose the option of reduced rates for this portfolio new category. Consequently, no reduced rate is proposed in the Commission proposal concerning the supply of biofuels.

On the other hand, in the field of excise duties, the Energy Tax Directives gives the possibility to the Member States to grant duty reductions/exemptions in favour of biofuels, under certain conditions. Notably, the exemption or reduction in taxation cannot be greater than the amount of taxation payable on the volume of the biofuels present in the products eligible for the reduction, and the exemption or reduction must be adjusted to take account of changes in raw material prices to avoid over-compensating for the extra costs involved in the manufacture of the biofuels.

Degradation of regions forming part of the Natura 2000 network in Greece - E-2900/05 - by

Nikolaos Sifunakis (PSE), Evangelia Tzampazi (PSE), Stavros Lambrinidis (PSE), Stavros Arnautakis (PSE), Maria Matsouka (PSE), Panagiotis Beglitis (PSE), Helga Trüpel (Verts/ALE), Carl Schlyter (Verts/ALE), Satu Hassi (Verts/ALE) and Caroline Lucas (Verts/ALE) - 03/10/05

According to a report on the current state of the system of protected regions in Greece recently published by seven Greek environmental protection NGOs, the regions which form part of the Natura 2000 network are systematically deteriorating because the Greek Government has not established a national plan for their management. Out of a total of 151 regions designated as special protection areas under Directive 79/409/EEC and 239 regions proposed as sites of Community interest within the meaning of Directive 92/43/EEC, only 27 regions, for which management bodies have been set up, are covered by a national protection scheme. However, in actual practice, these regions are not protected because, two years after their classification, the legal framework for their operation has still not been finalised and funding is inadequate.

Given the above, what measures does the Commission intend to take to guarantee the protection and management of regions forming part of the Natura 2000 network in Greece?

Answer by Mr Dimas - 3/10/2005

The Commission is aware of the report by seven environmental protection non-governmental organisations (NGOs) that addresses the current state of the Greek

Natura 2000 network. The Commission has already taken appropriate measures to ensure that Greece properly implements its obligations under EC legislation, with regard to the designation and protection of sites that form the Natura 2000 network.

The Commission has not hesitated to investigate all complaints made on disturbance and deterioration in Sites of Community Interest proposed by Greece and to take the appropriate legal actions or to take similar actions on its own initiative. There are well known cases against Greece, like the ones for the protection of Caretta caretta in Zakynthos, the degradation of the Lakes Koronia-Volvi, the protection of *Vipera schweizeri* in the island of Milos and others.

Experience indicates that there is need for coherent administrative structures and management plans that facilitate the administration and coherent protection of Natura 2000 sites. The Commission is aware of delays in making the 27 established Management Bodies fully operational and has brought the issue to the attention of the Greek authorities on several occasions. These delays resulted in not allocating on time funds for the management of the Natura 2000 sites affording to the responsible Management Bodies. Greece has earmarked in its Operational Programme for the Environment, supported through the Structural Funds, € 51.37 million for the period 2000 to 2006 for Measure 8.1. The Measure addresses primarily the needs of the established Management Bodies of Natura 2000 sites but also supports the network in general.

However, the take-up rate of



the Measure was only 9% at the end of 2004. Greece has increased its efforts in the interim and in May and June 2005 approved and included the sub-programmes for numerous Management Bodies in the Measure 8.1. These sub-programmes provide support for actions targeting the protection of species and habitats of the sites, projects for restoration, the surveillance of the sites and support for monitoring and administration.

The Commission will continue to monitor the operation of the Management Bodies for the Natura 2000 sites in Greece, as well as other efforts by the Greek authorities, that will contribute to the efficient protection of the remaining sites of the Natura 2000 network. The Commission will also continue to monitor the implementation of nature protection legislation in Greece and will not hesitate to take measures to ensure its correct application for the protection of nature

Designation of Special Protection Areas in Cyprus - E-4442/05 **by Chris Davies (ALDE)**

Cyprus is a key bird migration staging area and home to two endemic species and three endemic sub-species of birds listed in Annex I to the Birds Directive. Despite this wealth of European birds, Cyprus is lagging well behind other new Member States in designating Special Protection Areas (SPAs) for birds, as provided for under the Directive. Sixteen Important Bird Areas (IBAs) have been identified in Cyprus using BirdLife International criteria which are acknowledged as a sound scientific basis for designating SPAs. Many of the IBAs identified face considerable and immediate development threats that could seriously damage and degrade the vital bird habitats concerned (e.g. planned airport expansions at the Larnaca salt lake IBA,

tourism development at the Akamas IBA).

Implementation of the provisions of the Birds Directive is crucial to the attainment of the EU's target of halting biodiversity decline by 2010. All the new Member States were obliged to designate SPAs by accession. Almost 19 months later, does the Commission believe that Cyprus will fully meet the obligations for designating SPAs in the near future? Furthermore, can the Commission give assurances that the key bird sites on the Island are currently being, and will continue to be, afforded adequate protection and proper management?

Answer by Mr Dimas - 23/1/2006

The Cyprus authorities have communicated to the Commission the list of sites classified as Special Protection Areas (SPAs) according to the obligations deriving from the Birds Directive. The list is currently pending approval by the Cypriot Government. The Commission expects the official notification of this list, according to the established procedures, soon. This list includes seven sites to be classified as SPAs, two of which (Larnaca Salt Lakes and National Forest Park of Troodos) had already been proposed as Sites of Community Interest under the Habitats Directive. The Akamas site, although it has been proposed as a Site of Community Interest, is not part of the SPA list. However, the Commission is aware that its designation and classification as an SPA, as well as the management of the site, is currently being discussed at the Council of Ministers. The communicated list of SPA sites does not include the sites identified as Important Bird Areas (IBAs) in the northern part of the island.

Following the official notification of these sites and the related technical information and maps, the Commission

will assess whether the classified SPA sites sufficiently meet the objectives of the Birds Directive in the part of the island where the Directive is applicable. The Commission will also address the issue of the protection and management of these sites following their classification. The Commission is currently examining the transposition of the provisions of the Birds Directive in the national legislation of all the new Member States. This will allow it to see if adequate protection has been afforded to the classified sites.

The Commission, within the limits of its powers, will continue monitoring the implementation of bird protection legislation in Cyprus and will take all appropriate measures to ensure its correct application

WTO negotiations and animal welfare by Chris Davies (ALDE)

What steps has the Commission taken (1) to secure inclusion of payments for enhanced animal welfare provision in the Green Box, and (2) to have egg product lines classified as 'sensitive' products in order to reduce the competitive threat to EU egg producers from those attaching less priority to animal welfare?

What is the Commission's assessment of the state of trade negotiations with regard to the inclusion of such animal welfare provisions in a final agreement?

Answer by Mrs Fischer Boel - 19 May 2006

The Commission conducts the Doha negotiations based on negotiating objectives which include non-trade concerns including animal welfare issues. Against this background, the EU proposed to include compensatory aids related to animal welfare in the so-called Green Box. In these negotiations no progress has so far been made on this issue.

The Commission has not taken steps to designate egg product tariff lines as 'sensitive products'. What is currently under negotiation at the level of World Trade Organisation (WTO) is the number of tariff lines which WTO Members may designate as 'sensitive products'. Once this percentage is agreed, it will be up to each Member to designate individual tariff lines as 'sensitive products', within the limits agreed multilaterally. It is only within this context that the specific issue of designating or not egg tariff lines as sensitive will be addressed.

A key objective for the EU in the Doha Development Agenda (DDA) negotiations is to maintain the integrity of the Green Box, in order to safeguard common agricultural policy (CAP) reform. Clearly, there is a need to maintain a balance between this objective and the EU's ambition to achieve progress on the EU's agenda on animal welfare under the domestic support pillar.



Carduelis spinus by Ernest Leahy



Yellowhammer by Chris Gommersall



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The Brussels Briefing

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Editor: Claire Papazoglou

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and the European Commission.



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.