

EDITORIAL

Spanish National Hydrological Plan

The Spanish National Hydrological Plan (SNHP), approved in 2001, is a controversial undertaking involving the construction of 863 infrastructure works such as dams, river broadening, canalisation, desalination plants, pipelines and reservoirs. By far the largest element of the Plan is the proposed transfer of 1050 cubic hectometres of water a year from the Ebro river, via 1000 km of pipeline, to the South and East of Spain, primarily for the development of intensive agriculture and tourism.

BirdLife has serious concerns about the SNHP's compatibility with EU environmental legislation, particularly the Birds, Habitats, Environmental Impact Assessment and Water Framework Directives. SEO/BirdLife estimates that

126 Important Bird Areas (32% of the total in Spain) could be affected by projects under the Plan. The Ebro transfer alone is likely to affect a minimum of 23 Important Bird Areas.

The BirdLife ECO and EU Partners sent urgent 'intervention' letters against the Ebro transfer to Commissioner Wallstrom in advance of an exchange of views on this issue with MEPs in the European Parliament's Environment Committee on 16 December. There were fears that Commissioners Wallstrom and Barnier would use this debate to announce EU funding for the transfer.

However, no funding was announced. Instead, both Commissioners stressed the importance of a full assessment of the Ebro transfer, including cost-benefit analysis, socio-

economic assessment and Environment Impact Assessment (EIA), before any decision on funding could be taken. Commissioner Wallstrom was particularly cautious, and stated that her services still had concerns regarding the calculation of costs in the Plan, the impacts of climate change and the Ebro transfer's compatibility with the Habitats Directive, among other issues.

BirdLife will continue to follow closely developments with the SNHP. The Commission's funding and approval of the Plan would not only lead to the destruction of unique wildlife in Spain, it could also set a dangerous precedent as regards the large-scale non-implementation of EU nature conservation legislation, the repercussions of which would inevitably be felt across Europe.

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Special points of interest:

- Indicators: Environmental Policy Review
- BirdLife's priorities during the Irish Presidency
- Environment Council





Information on staff changes: Michael Blohm, the EU Policy and Advocacy Officer in ECO, resigned and no longer works at ECO since 20 January. Please remove his email address from your contacts lists and direct any enquiries about agriculture either to Edith Verhoestraete (CAP campaign) or Giovanna Pisano (Agriculture Task Force coordinator).

Financing Natura 2000

BirdLife in November agreed a position paper on the future financing of Natura 2000, with a number of other NGOs in Brussels. These were WWF, EEB and Eurosite. The position is based on that agreed by the BirdLife Partnership in April 2003, and essentially says:

The organisations believe that the solution for the most effective financing of Natura 2000 requires a combination of all three options presented in the Article 8 report in November 2002.

The objectives of Natura 2000 have to be integrated into other sectoral policies, following the Cardiff process and

Article 6 of the Treaty, as well as the EU Sustainable Development Strategy objective of halting biodiversity decline by 2010. Therefore there is potential for co-financing Natura 2000 from both CAP (Rural Development Budget) and Structural Funds.

For the Structural Funds, the organisations proposed that there should be a clear environmental objective for the new Regulations, and part of the money allocated should be specifically earmarked for Natura 2000. Finally, we argued that the LIFE fund has a crucial role to play. LIFE is a key instrument for guiding integration of the objectives

of Natura 2000 into other funds, by demonstrating best practice and it has a role for funding certain activities that cannot be financed by other funds (e.g. salaries).

Partners were encouraged to send letters to the four relevant Commissioners: Barnier (Regional Policy), Schreyer (Budget), Fischler (Agriculture) and of course Wallström (Environment). The Commission Communication on this issue is expected in spring 2004.

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Environmental Policy Review

The European Commission adopted in December its first Environmental Policy Review COM (2003) 745 final/2. The Review reports on progress made since the adoption of the EU Sustainable Development Strategy in 2001 and the Sixth Environmental Action Programme and highlights key issues for the future.

The key conclusion of the review is the continued need to decouple economic growth from environmental damage and pressures on the environment in line with sustainable development. The Review on the issue of Nature and Biodiversity states that in that

field the Birds and Habitats Directives are two key Directives, which however have had implementation problems in all Member States. For this reason, the Commission is moving forward by providing guidance documents (e.g. Hunting Interpretative Guide) to clarify implementation. The Commission also highlights the need to address the Financing of the Natura 2000 Network issue, as this will play a key role for the correct management of those sites.

Finally, in relation to biodiversity the Commission stresses the need to develop policy related indicators and

outlines that this is already in process in collaboration with the European Environment Agency. The Commission in this review has used the BirdLife/EBCC/RSPB indicator, derived from the Pan European Common Bird Monitoring Scheme, of farmland birds and woodland birds, in order to illustrate trends in biodiversity across the EU. It accepts that birds are a good indicator of biodiversity. The Commission intends to make this Review an annual report on progress towards Sustainable Development that will also feed into the environmental pillar of the Spring Report.

InterGovernmental Conference: the new EU Constitution

The hopes of the Italian Presidency of concluding the InterGovernmental Conference and text for the future Constitution in November were shelved when talks between Heads of States collapsed over disagreement on voting and power balances in the future Union.

The Green Eight had written to Heads of States before the summit recommending the adoption of a clause that would allow the revision of the Constitution in the future with a system of majority voting. This is because, as ex-

pected, the InterGovernmental Conference did not have time to seriously address the issue of inconsistency between Parts I-II and Part III of the Constitution. Part III of the Constitution includes the outdated texts for the different Union policies (e.g. Common Agricultural Policy), which are not in line with the principles of sustainable development and protection and improvement of the environment.

Now it is up to the Irish Presidency to kick start negotiations on the future EU

Constitution. Several governments have signaled that they would like to see agreement under the Irish Presidency but others are talking of a process that might last even 18 months. We will ask again for revision of part III and/or an 'easier revision clause' in order to be able to achieve real coherence between principles and policies in the future.

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The Environmental Liability Directive

The Environmental Liability Directive, which aims to make polluters responsible for cleaning up the environment after incidents such as chemicals leaks, mine spills and wildlife damage from GMOs, had its Second Reading in the European Parliament on 17 December. The Parliament's Legal Affairs Committee, the lead Committee on the Directive, adopted a series of industry-inspired amendments to wreck the Directive at its vote on 2 December.

BirdLife and other environmental NGOs worked hard to raise awareness of concerns regarding these amendments in advance of Parliament's Second Reading. Consequently, all amendments to weaken the Directive were rejected by the Parliament at the plenary vote.

In the end, Parliament only adopted four amendments, which marginally improve the Council Common Position by removing limits on liability in cases of oil pollution and introducing a 'phase in' approach to mandatory financial guarantees for high-risk operations. BirdLife was disappointed that Parliament did not adopt more amendments to improve the Council text, and bring forward a robust 'polluter pays' regime.

There was heavy lobbying from a wide range of different interests against improvements to this controversial new law: big business, small business, farmers, insurers, chemicals industry, to name but a few. It was therefore very difficult to find the necessary majorities in the Parliament to strengthen the Directive at Second Reading.

Final adoption at EU level is likely to take place in February, after a short 'conciliation' procedure between Parliament and Council on Parliament's amendments.



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LIFE extension proposal

The Commission published in November (COM(2003) 667 final) its proposal to extend the LIFE programme for the years 2005 and 2006. The current LIFE programme (LIFE III) expires at the end of 2004, and for this reason the Commission published this proposal to extend the programme until 2006. After 2006, there will be substantial changes in the financial perspectives in general, including funding for Natura 2000. BirdLife is in general very positive about the proposal to extend the programme. BirdLife in its comments to the Parliament, strongly encourages MEPs to make sure the proposal is adopted in

sufficient time to allow the programme to continue from the beginning of 2005.

BirdLife is also recommending that the total funding for the two year period be set at 354 million Euros, instead of the 317 million proposed by the Commission, in order to keep funding at 2004 levels.

Finally, BirdLife recommends an exception for small NGOs from the bank guarantee requirement, because that will effectively mean the exclusion of small NGOs from the programme.

Partners have written letters to the Council and especially Vikki Phillips (RSPB) will be following the passage of the proposal through Parliament.



Photo by Andy Hay

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BirdLife's priorities during the Irish Presidency

The Irish Presidency of the Council starts on 1st January and will last until 30 June 2004. BirdLife published its document on the priorities for the presidency, called 'Greening Europe', in December with the help of Bird-Watch Ireland and the document was distributed in the end of the year. The Priorities of BirdLife for the Irish Presidency are:

The Birds Directive 25th Anniversary and the issue of Financing Natura 2000, the Accession of the new countries on 1st May and the reform of three sectors under the Common Agricultural Policy.

Furthermore, the new regulations of the Structural Funds, Indicators for Biodiversity, the Spanish Hydrological

Plan and Environmental Liability. The document was also distributed electronically in pdf.

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Environment Council 22 December 2003

The Environment Council met in Brussels on 22 December 2003. One of the main issues on the agenda was the preparation for the EU's position at the CBD COP7 in February 2004. The Council adopted conclusions on this and among other things notes that despite many successful achievements, implementation of the Convention on Biological Diversity (CBD) still faces many and complex obstacles, many of which are external to the CBD forum, and that the destruction of biological diversity continues at an unprecedented rate.

Among the conclusions on the Protected areas and ecological networks, the Council urges the development, by 2010 on land and 2012 at sea, of comprehensive, ecologically representative and effectively managed national and regional systems of protected areas and ecological networks

integrated into a global network and calls for the establishment of effective means and mechanisms (including indicators) to monitor and evaluate the implementation of the programme of work and progress made in achieving the global system;

Another important issue on the agenda of the Council was the first Environmental Policy Review. The Council among other things underlined the need to further clarify, in the 2004 SDS Review, the interaction between the Lisbon strategy and the EU SDS and to actively implement the Cardiff process and the 6th EAP, with a view to better integrate the environmental protection requirements into the broader framework of the Community policies and promote the synergies between the respective pillars of sustainable development;

The Council, also, held an exchange

of views on the Commission proposal for the extension of the LIFE programme. Several delegations stressed the importance of rapid adoption of the proposal, and of the Commission making early proposals regarding the regime that would apply from 2007 onwards.

Some delegations argued that any future financial instrument for the environment should have a larger budget and wider scope, in particular to contribute to the financing of Natura 2000.

Commissioner Wallström explained that the current proposal was intended to fill the gap between the end of the current LIFE regime in 2004 and the new post-2006 financial perspective. The Commission would make proposals for the latter shortly.

NewsFlashes

AGRICULTURE

Agence Europe

26/11/2003

EU/WTO: Pascal Lamy presents Commission's strategy paper

ENDS

5/12/2003

MEPs take forward debate on green issues

EU Environment Daily

18/12/2003

GENETIC ENGINEERING: MEPs leave choice up to farmers and consumers

2/12/2003

AGRI-FOODS: Industry sees slight growth despite gloomy conditions

4/12/2003

AGRICULTURE: MEPs adopt report on GM co-existence with conventional crops

WATER QUALITY: Improvement in Europe but farming still a problem

5/12/2003

AGRICULTURE: MEPs support tighter organic labelling, reject civil liability

European Report

10/12/2003

AGRICULTURE: Commission to ease rules on state aid notification for small producers

Midday Express

11/11/2003

Commission authorises drought aid for agriculture and fish farms in Germany

13/11/2003

Conférence de Salzbourg sur le développement rural : "Un rôle moindre pour Bruxelles et accru pour Salzbourg, la Savoie, la Slovénie méridionale"

Opening speech by Franz Fischler : "Europe's rural areas an invaluable asset for us all" at the European Conference on Rural Development (Salzburg)

Speech by Franz Fischler : "Reform of olive oil sector" at Seminar Olive Oil (11/11)

14/11/2003

Note sur la préparation du Conseil Agriculture / Pêche Discours de M. Barnier : "Développement rural dans l'Europe élargie" à la Conférence européenne sur le développement rural (13/11, Salzbourg)

Closing remarks by Franz Fischler at the European Conference on Rural Development (Salzburg)

24/11/2003

Speech by David Byrne : "Small Food Producers and Rural Development" at Small Food Producers Forum (Maynooth, IRL)

Speech by Franz Fischler : "Future perspectives for organic farming in an

enlarged EU" at Conference on Perspectives of Organic Agriculture in an Enlarged EU (Plovdiv, Bulgaria)

3/12/2003

WTO and agriculture: Fischler's five tests to kick-start stalled talks

2/12/2003

Speech Dr. Franz FISCHLER, Member of the European Commission responsible for Agriculture, Rural Development and Fisheries "State of Food and Agriculture"

9/12/2003

Spanish aid for 2003 to producers of nuts and locust beans

10/12/2003

CAP reform: Commission introduces simplified agricultural state aid regime Commission proposes rules for first-ever "de minimis" aid in agriculture and fisheries

11/12/2003

Speech by David BYRNE, EU Commissioner for Health and Consumer protection, on "Enlargement, Food Imports and Rural Development"

18/12/2003

First estimates for 2003 EU real agricultural income per worker up by 0.9%

Official Journal

13/11/2003

L 295 Volume 46-Commission Regula-



tion (EC) No 1989/2003 of 6 November 2003 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-pomace oil and on the relevant methods of analysis

21/11/2003

C 280 E Volume 46-Replacement of members of the Agricultural Advisory Committees and Standing Groups

MARITIME TRANSPORT & OIL SPILLS

EU Environment Daily

18/12/2003

MARINE POLLUTION: "Cataglop", the boat that hoovers up pollution

MARINE POLLUTION: TOTAL-FINAELF takes legal action to win ERIKA compensation

5/12/2003

ENVIRONMENT: Parliament urges strict controls on emissions from ships

9/12/2003

EU/IMO: Total ban on single-hulled tankers by 2010 at the latest

15/12/2003

SHIPPING: Ecologists submit petition for tougher vessel inspection

European Report

10/12/2003

TRANSPORT COUNCIL: Issue of criminal sanctions for ship-source pollution still not settled

TRANSPORT COUNCIL: Restricts EMSA's tasks on safety at sea

INTER-GOVERNMENTAL CONFERENCE

Agence Europe

26/11/2003

EU/IGC: Italian Presidency remains faithful to Convention's text, but proposes many improvements and a couple of unfortunate steps backwards

Euractiv

15/12/2003

Summit failure re-opens debate over 'two-speed Europe'

European Report

8/12/2003

INTER-GOVERNMENTAL CONFERENCE: Presidency tables global package on the entire constitution

INTER-GOVERNMENTAL CONFERENCE: Presidency prefers abortive IGC to a bad constitution

Midday Express

26/11/2003

Commission discusses amendments to EU Constitution

13/12/2003

President Prodi statement at the IGC

final press conference

Official Journal

2/12/2003

C 292 Volume 46-Court of Auditors 2003/C 292/01 Special Report No 11/2003 concerning the Financial Instrument for the Environment (LIFE), together with the Commission's replies

FISHERIES

Agence Europe

28/11/2003

FISHERIES/MEDITERRANEAN: Venice ministerial conference confirms desire of neighbouring countries to better protect resources, fight against illegal activities and reflect on implementation of protected zones

EU/FISHERIES/MEDITERRANEAN: Coastal countries commit to measures to fight illegal fishing

ENDS

4/12/2003

Parliament urges more shipping emission curbs

EU Environment Daily

18/12/2003

FISHERY RESOURCES: Plankton could play a part in reduction of cod stocks

EU/ANTARCTICA: MEPs back update of fishing rules

22/12/2003

FISHERIES: EU ratifies 1995 UN Convention on migratory stocks

4/12/2003

ENVIRONMENTAL POLICY: First environment policy review by the Commission

5/12/2003

FISHERIES: Commission proposes harsh tacs and quotas for 2004

EurActiv

19/12/2003

Ministers debate cod saving measures

Midday Express

3/12/2003

First Environment Policy Review highlights need to speed up reforms to better protect the environment and promote sustainable development

18/11/2003

Note sur les résultats du Conseil Agriculture / Pêche

20/11/2003

Fisheries reform and enlargement : Commission proposes aid programme for expenditure in enforcement of CFP rules

21/11/2003

Commission co-organises conference on achieving sustainable fisheries in the Mediterranean

27/11/2003

Mediterranean fisheries : Ministers agree to step up management, controls and fight against illegal fishing (Venice)

4/12/2003

Fishing quotas: Commission wants better protection for fish stocks to avoid closing fisheries in 2004

10/12/2003

Commission proposes rules for first-ever "de minimis" aid in agriculture and fisheries

Official Journal 7/11/2003

L 289 Volume 46-Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95 better protection for fish stocks to avoid closing fisheries in 2004

10/12/2003 Commission proposes rules for first-ever "de minimis" aid in agriculture and fisheries

Official Journal 7/11/2003

L 289 Volume 46-Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95

ENVIRONMENTAL LIABILITY

EU Environment Daily 9/12/2003

Environment: MEPs hope to harmonise rules on Liability

Euractiv 18/12/2003

Environmental liability: MEPs back tight deadlines on compulsory insurance for companies

OTHER INTERESTING ARTICLES

EU Environment Daily 5/12/2003

Environment: Policy Review urges speedier reforms

Official Journal 11/12/2003

Regulation (EC) No 2152/2003 of the European Parliament and of the Council of 17 November 2003 concerning monitoring of forests and environmental interactions in the Community (Forest Focus)

EurActiv 16/12/2003

Meet the prospective EU Commissioners from the new Member States



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.

Funding the Natura 2000 network

P-0924/03 by Jorge Moreira Da Silva (PPE-DE) – 18/03/2003

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 – 14/04/2003

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora(1) 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.

Preservation of the Biebrza Marshes in north-eastern Poland

E-0762/03 by Charles Tannock (PPE-DE)

There are reports that a major road-building project is planned for north-eastern Poland which will involve the routing of the Via Baltica through the Biebrza National Park as well as the primeval forests of Augustow and Knyszyn. The reports also suggest that the road will be partly or wholly financed with EU funds. The Biebrza Marshes are considered to be one of Europe's most important wetland areas, and are home to an extraordinarily wide variety of

birds, including Black and White storks, eagles, goshawks, cranes, corncrakes, terns, rosefinches, bluethroats and kites, as well as other types of fauna. The World Wildlife Fund has been involved in a ten-year conservation project designed to protect the area.

Are these reports correct, and, if so, has the Commission discussed the routing of the road with the Polish authorities, including the possibility of using one of the many alternative routings? Has Poland agreed to be bound by the requirements of EU environmental directives prior to accession, and will EU funds for construction projects prior to accession in all the candidate countries be conditional upon respect for EU environmental legislation?

Mrs Wallström – 15/042003

The Via Baltica is one of the road branches of Corridor I, defined at the second Pan-European Transport Conference in Crete in 1994. In January 1996, a High Level Working Party on Via Baltica was set up and this has identified the needs for upgrading the road and to try to co-ordinate the investments through national budgets, loans and Community funds. The Via Baltica road mainly follows already existing road alignments.

The Pan-European Transport Corridor concept outlines the geography of transport development, it does not define transport projects. It is clear that in the first instance, the Polish Government is responsible for the construction and maintenance of any infrastructure on its territory.

From a legal point of view, Community legislation will only apply in the new Member States from accession onwards. However, the Commission takes the view that they should apply and implement the provisions of the environmental acquis during the pre-accession period. In other words, all new investments

should respect Community environmental law.

The Commission wishes to underline that no Instrument for Structural policies for Pre-accession (ISPA) funding has been provided for the construction of a motorway across the Biebrza National Park in Poland. Furthermore, no such project features in the current project pipeline. In cases where Community pre-accession funding of large infrastructure developments is involved, similar standards as set by Community environmental legislation need to be applied before any Commission funding is given to the Candidate Countries.

This would include the provisions of Environmental Impact Assessment Directive (Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment(1)). In addition, the Candidate Country would have to investigate whether environmentally sensitive areas are affected which might fall under the protection of the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora(2)) or the Birds Directive (Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (3)) at some point in the future.

The Biebrza National Park is of outstanding natural value. In addition, it seems more than likely that Biebrza will be identified as a Natura 2000 site on Polish accession. This implies that strict conservation rules apply. Article 6 of the Habitats Directive requires all Member States to carry out a full assessment of all alternatives to a proposed investment that risks having a negative environmental impact on a possible Natura 2000 site. If no alternative exists, the investment can only be allowed if it demonstrates overriding public interest and all compensatory



and mitigation measures have been applied.

The Commission has written to the Polish authorities to draw their attention to these matters and to seek assurance that the requirements set out in Article 6 of the Habitats Directive have been applied in this case. The Polish authorities have stated that a prognosis of the environmental impact of the proposed route has been prepared by the two municipalities concerned. A decision on the conditions for land development and use, determining the location of the road, has not yet been taken. They have undertaken to keep the Commission informed about further developments.

Environmental impact of wind farms

E-0550/03 by Laura González Álvarez (GUE/NGL) 26/02/2003

Environmental, cultural and local community groups have drawn our attention to their concerns about the uncontrolled proliferation of wind farms in the province of Guadalajara (Campisalabos, Cantalojas and Villa) and those that are planned in the Tiermes-Caracena (Canalejas, Sierra and De Grado) area in Soria. Farms at Hijes and Somolinos have not been authorised on environmental grounds.

The Tiermes-Caracena area is classified as an Important Bird Area (IBA No 079) and is located between the Altos de Barahona and Macizo de Ayllón Special Protection Areas (SPAs) for birds. The area is home to large populations of griffon vulture, black vulture, golden eagle, owl, Egyptian vulture and the highly-endangered Dupont's lark.

The archaeological site at Tiermes (which has been declared a cultural asset by the Castilla-Léon regional government), covering a period ranging from the Bronze Age to the Middle Ages, includes an important necropolis and an entire Roman town. The medieval buildings include the twelfth-century church of Our Lady of Tiermes. The local inhabitants, who, despite having applied to the relevant authorities, have yet to

receive the information they require on the matter, consider this situation to be a serious threat to the area's rich natural and artistic heritage.

Would the Commission not agree that directives:

- 97/11/EC(1) on environmental impact assessments,

- 79/409/EEC(2) on the conservation of wild birds,

- 92/43/EEC(3) on the conservation of natural habitats and of wild fauna and flora, and

- 90/313/EEC(4) on the freedom of access to information on the environment might have been breached in this instance?

What steps does it intend to take with a view to ensuring that the above directives are duly implemented?

(1) OJ L 73, 14.3.1997, p. 5.

(2) OJ L 103, 25.4.1979, p. 1.

(3) OJ L 206, 22.7.1992, p. 7.

(4) OJ L 158, 23.6.1990, p. 56.

Mrs Wallström 30/04/2003

The Honourable Member referred to two different areas both located in Castilla-La Mancha Autonomous Community.

According to information provided by the Honourable Member it is not possible to identify the exact location of the sites. Nevertheless, it seems that one of these areas is close to a site proposed by the Spanish authorities as one of Community Importance, Sierra de Pela, ES4240007 and the other to the SPA Altos de Barahona, ES0000203.

Therefore, an environmental assessment has to be carried out by the Spanish authorities in accordance with article 6(3) of the Habitats Directive, Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

So far as Council Directive 85/337/EC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (as amended by Council Directive 97/11/EC of 3 March 1997) is concerned, this requires an environmental impact assessment to be carried out of proposed installations for the harnessing of wind power for energy production (wind farms) if they are likely to have significant effects on the environment by virtue, inter alia, of their

nature, size or location. When an assessment is carried out, amongst other information it should cover the cumulative effects of the proposed project. It is not clear from the information provided by the Honourable Member whether there has been a breach of the Directive in the cases referred to in the question.

As regards the fact that the inhabitants have not received an answer from the competent authorities to their request for information, it should be pointed out that Directive 90/313/EEC of 7 June 1990, on the freedom of access to information on the environment obliges public authorities to provide access to available environmental information within a maximum of two months from receipt of the request, unless one of the exceptions to this obligation as laid down in Article 3 of this Directive applies. It is not clear from the information provided by the Honourable Member at what time the request was made, nor is it clear whether the local inhabitants have sought, on the basis of Article 4 of the Directive, judicial or administrative review in accordance with the relevant national legal system. It is, therefore, not clear from the information provided by the Honourable Member whether there has been a breach of Council Directive 90/313/EEC in this case.

Malta's accession to the EU and the Wild Birds Directive

E-2554/02 by Catherine Stihler (PSE) – 12/09/2002

Further to recent reports in the Maltese press about possible exemptions from the Wild Birds Directive for Malta on accession to the EU, with particular regard to spring hunting and trapping, can the Commission confirm that such reports are nothing more than speculation and that Malta will not be granted any transitional periods or exemptions with regard to the implementation of this Directive?

Mr Verheugen – 11/11/2002

The implementation of Directive 79/409/EEC of 2 April 1979

on the conservation of wild birds(1) has been negotiated in the framework of the accession negotiations on the environment chapter with Malta. As regards the specific aspect of spring hunting, Malta has committed itself to fully implement, as from accession, the relevant parts of the Directive. Article 9 of this Directive allows for exceptions under certain very stringent conditions. If Malta wishes to allow spring hunting, for instance in relation to turtle dove and quail, it would need to ensure that all the requirements of Article 9 are met and that any permitted hunting is carried out under strictly supervised conditions and limited to small numbers only. Furthermore, the use of Article 9 is subject to monitoring by the Commission and Malta is committed, where it chooses recourse to this article, to report each year on its possible use.

Therefore, bird hunting in Malta can, as from accession, only take place within the limits provided for by the Directive and Malta has not been granted a transitional period in this respect.

As regards trapping, Malta negotiated and the Council agreed to a transitional period of five years (until 31 December 2008) to allow the capture of seven finch species, by the use of traditional nets known as clap-nets within the Maltese islands, exclusively for the purpose of keeping them in captivity and to allow the setting up of a functioning breeding system. During this period, Malta must implement a series of measures, following an agreed timetable, to ensure full enforcement of the related provisions of the Directive by 31 December 2008. These measures include the establishment of the Maltese Ornithology Committee by 31 December 2002, the census of all trapping sites by 31 December 2003 and the introduction of a captive-breeding programme by 30 June 2005. The EU expects that, with these measures, the number of captured birds will be significantly reduced during the transitional period.



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The Brussels Briefing

This Brussels Briefing is produced by the staff of ECO. It is intended to give up-to-date information on the activities of BirdLife International and the European Union.

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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.