

## EDITORIAL

### Poland receives official warning from European Commission over Via Baltica road plans following NGO complaint

On 12 December 2006 the European Commission officially opened an infringement procedure against the Polish government about a series of eight developments along the Via Baltica international road corridor from Helsinki to Warsaw which would severely damage unique natural areas, that are part of the EU's Natura 2000 network.

This important step was welcomed by BirdLife International, the Polish BirdLife Partner OTOP and other collaborating NGOs. Environment

Commissioner Stavros Dimas said: "An extensive coherent Natura 2000 network is essential if the EU is to meet its 2010 target of halting biodiversity loss in Europe. I expect the Polish authorities to comply with EU legislation to protect their country's important natural sites." If the Commission assesses the Polish response to its first warning letter, which is due in Febru-

ary 2007, as not satisfactory it will send a second warning letter and ultimately may refer the case to the European Court of Justice.

The road developments as they are currently proposed run straight through the Augustow and Knyszyn Primeval

are identified as Important Bird Areas (IBAs) by BirdLife.

This significant move from the Commission follows several years of work by NGOs on the case. A formal detailed complaint was submitted by OTOP, WWF

Poland and Bankwatch in January 2006. Since then BirdLife along with the Polish NGO network has continued to keep the European Commission and the European Parliament well informed of further developments on

the ground.

The Polish government has initiated a Strategic Environmental Assessment (SEA) to assess various alternative routes for the Via Baltica corridor. But it has commenced to upgrade its preferred route via Bialystok to international corridor standards in advance of the SEA results.



Forests and the Biebrza Marshes National Park in Eastern Poland. These areas contain a magnificent array of threatened wildlife including wolf, lynx and both Lesser-spotted and White-tailed eagles. The Biebrza Marshes are also the most important breeding site in the EU for the globally-threatened Aquatic Warbler and the Greater-spotted Eagle. All of the areas in question

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#### Special points of interest:

- Via Baltica
- Prospects for the German Presidency



This is despite the reports compiled by experts which show that there are shorter, less damaging and more economically viable routes available. The SEA results are expected in September 2007 and are likely to recommend a route other than the government's preferred one, which would be most damaging to nature.

Over 10 000 supporters of BirdLife, Bankwatch and WWF from across Europe joined the 150 000 Polish citizens who signed a Polish national petition asking the Polish President Lech Kazyniski to suspend the start of construction work through the Rospuda Valley. In December in response to the petition, Poland's President commented that: "If this is a case where a mistake was made in the past, if any important elements were omitted then it is better to re-

think/reconsider the case".

Following the official opening of the infringement proceedings the Commission expects Poland to stop work on the projects until they are satisfied that Poland is complying with EU law, so the sites should have been given a reprieve. However, as there is a high danger that construction may continue despite the warning, the work of BirdLife and its partner organisations on this case needs to go on, in order to press Poland to await the results of the SEA and make the final decision on the route of the Via Baltica based on its results. BirdLife International will also closely follow the Commission's actions on the case as the Commission has a role to play as guardian of the Treaty.

For further information please contact

[Ellen.Townsend@birdlifeeco.net](mailto:Ellen.Townsend@birdlifeeco.net)



White tailed eagle by Lasy Parczews

## Bird hunting: European Commission increases its pressure on Malta

In November the European Commission opened a second complaint-file against Malta. This step followed evidence provided that the government is not making sufficient effort to fight illegal hunting and trapping of birds: In a leaked-through police memo officers were instructed to refrain from arraigning hunters booked for trapping of four species and for hunting from high-speed boats at sea. Both activities were made illegal by the Maltese Government in order to avoid an imminent infringement procedure of the European Commission (following a BirdLife complaint about the national law not being in line with the EU Birds Directive). The European Commission is now investigating the case and might open a legal infringement procedure.

In July 2006 the Commission had already opened an infringement procedure against Malta for allowing the spring hunting of Turtle Dove and Quail, which is a breach of the EU Birds Directive. If Malta does not stop

this practice it risks to be taken to the European Court of Justice.

BirdLife Malta, BirdLife International and the RSPB are working intensively at all levels to stop the ongoing and unacceptable infringements of Malta against EU law and to put an end to the extensive illegal shooting and trapping of birds, which affects many endangered species.

For more information please contact:

[Konstantin.Kreiser@birdlifeeco.net](mailto:Konstantin.Kreiser@birdlifeeco.net)





## European Parliament asks for environmental safeguards over biofuels

On December 14th, the European Parliament approved in plenary its own initiative report on the EU Biomass and Biofuels Strategy. In this vote the Parliament sent some important political messages, particularly relevant in view of the January publication of the Commission's "energy package" and the upcoming debates on new legislative proposals on heating and cooling from renewable sources and biofuels.

The Parliament endorses the promotion of biomass and biofuels as part of the solution to climate change and energy security problems but makes it clear that effective instruments must be put in place to ensure the sustainability of production and a real contribution to emission reduction. It stresses the importance of scientific "well-to-wheel" analysis in determining different fuels' carbon balance and

environmental impacts. In a landmark declaration, the Parliament asks the Commission to introduce a "mandatory and comprehensive certification scheme" to ensure the sustainable production of biofuels, such a system should cover both EU and non EU production and set binding standards on greenhouse gas balance as well as on the environmental impacts of cultivation, in particular on biodiversity. A particular attention is drawn to the risks posed by tropical deforestation to make space for expansion of feedstock such as palm oil.

BirdLife International welcomes the call for strong safeguards on biomass production and in particular the call for a mandatory certification scheme for biofuels. We also believe that any target in this field should be set in terms of greenhouse gas (GHG) reduction rather than volume substitu-

tion and be based on realistic and careful evaluation of the potential for sustainable production. Action against climate change must be taken and all renewables have a role to play beside energy efficiency and demand reduction.

However it is becoming ever clearer that without careful management, biofuels risk causing significant harm to biodiversity while failing to deliver real GHG emission reduction. Whether the promise of "green energy" actually materializes, or turns into a nightmare of further subsidized deforestation and agricultural intensification will largely depend on initiatives taken by the Commission in the coming months.

Further information:  
[Ariel.Brunner@birdlifeco.net](mailto:Ariel.Brunner@birdlifeco.net)

## A welcome end to wild bird imports

In early January 2007 the EU is due to extend the temporary ban on import of wild birds indefinitely. Although this ban will be based solely on health and disease grounds, BirdLife welcomes this as very good news for nature conservation and congratulates the Commission.

Until the introduction of a temporary ban in October 2005, the EU had imported an estimated 1-2 million wild-caught birds each year. Approximately half of these were imported under international wildlife trade rules (CITES). Few, if any, records were kept for the remaining non-CITES birds.

Little or no systematic information has been gathered on the conservation impacts for most species in trade. One species for which more was known was the African grey parrot. Despite 20 years of CITES protection the African grey parrot is now under threat across much of its range. The

wild bird trade has played a significant role in this decline, with the EU accounting for 90% of its international trade, importing 122,000 birds between 2000 and 2003.

The ban will be introduced on disease prevention grounds following an assessment by the European Food Safety Authority (EFSA) that imports of wild-caught birds risked spreading diseases such as Avian Flu and Newcastle Disease.

The new Regulation contains exemptions that allow, for example, the import of wild birds for zoos and for approved conservation projects, subject to certain quarantine restrictions. Captive bred birds will be allowed in only from approved breeding centres in a limited number of certified countries.

BirdLife has received support from Tony Blair, announcing that the UK Government's policy would be to

press for an indefinite extension of the temporary ban. The UK Prime Minister said the BirdLife campaign "has graphically demonstrated that the catching and transportation of birds also causes unacceptable levels of suffering ... and can have a damaging impact on their wild populations".

For more information contact  
[Sacha.Cleminson@rspb.org.uk](mailto:Sacha.Cleminson@rspb.org.uk)



African Grey Parrot by World Parrot Trust



## EU Ministers of Environment give strong backing to Biodiversity Communication and Action Plan

In their last Council meeting under the Finnish Presidency on 18 December 2006 the EU Environment Ministers endorsed the Commission's Biodiversity Communication and Action Plan and clearly reiterated the EU's commitment to halt biodiversity decline by 2010. In particular they stressed the importance of finalising the Natura 2000 network and of adequately financing and managing the sites.

Among many other important issues addressed by the Ministers are a call for more integration of biodiversity concerns into other policy sectors, the need for supporting ecosystem services in order to address and adapt to climate change, the importance to specifically deal with marine biodiversity and a call on the Commission to take action on Invasive Alien Species.

In May 2006 the Commission had presented a long awaited Communication outlining the gravity, urgency

and the detrimental consequences of biodiversity loss ongoing in the EU and globally with unprecedented speed. The report titled "Halting the Loss of Biodiversity by 2010 – and Beyond: sustaining ecosystem services for human well-being" defines key policy areas and outlines priorities for 2007-2013. It is accompanied by a detailed Action Plan further defining actions and targets necessary to halt biodiversity loss. BirdLife and other NGOs had welcomed the Communication but raised doubts about the level of commitment from other sectors, such as agriculture, to integrate biodiversity concerns in their policies.

It was therefore seen as a positive sign that the Communication was not only debated by Environment Ministers but also (at least briefly) discussed in the Council formations dealing with Competitiveness, Agriculture & Fisheries and Development.

The ongoing shaping of EU funding programmes in Member States (crucial for financing Natura 2000) and the upcoming review of the EU budget and the Common Agricultural Policy will show if decision makers take the importance of safeguarding ecosystems for the future of Europe seriously enough.

For more information please contact: [Konstantin.Kreiser@birdlifeeco.net](mailto:Konstantin.Kreiser@birdlifeeco.net)



by Stefan Benko



## Environment Ministers adopt a weak Marine Strategy Directive

The Environment Council of 18 December 2006 marked another step in the development of new EU marine legislation – the Marine Strategy Directive, by reaching a political agreement on the first reading text. It follows the publication of the Commission text in October 2005 and the European Parliament report adopted on 14 November 2006.

The intent of the Directive was to achieve “good environmental status” in all European seas by 2021 at the latest, through an ecosystem-based approach to management within Europe’s Marine Regions, by tighter control of human activities in the marine environment and an improved knowledge of marine ecosystems. The report from the Parliament recommended many positive improvements to the Commission’s text that have been greatly welcomed by environmental NGOs.

However BirdLife International, jointly with the other NGOs is very critical of the outcome of the Council as Member States have chosen to

undermine the substance of the Directive by pledging to merely “aim to achieve” rather than actually “achieve” Good Environmental Status. In addition, they limited their commitment to taking measures to protect the marine environment only where “reasonable and practicable” and where they do not incur a “disproportionate cost”.

Read in its entirety, the overall sense of a weak rather than strong commitment to protect our seas overshadows any improvements the Environment Ministers have adopted on the Commission proposal. Even important existing environmental objectives arising from regional and international conventions and accepted principles of good governance, such as the precautionary principle, have been deleted or ignored by the Council, despite the fact that the Member States and European Union have endorsed these commitments.

In addition, Environment Ministers have appeared all too willing to relinquish their responsibilities to protect all marine wildlife, which includes

Europe's fish, solely to their Fisheries Minister colleagues, apparently due to concerns over competencies. The Marine Strategy Directive, as suggested by Council, will do little to halt the loss of marine biodiversity and is an inadequate environmental ‘pillar’ for a possible future EU Maritime Policy.

In its second reading the Marine Strategy Directive will come back to the table during the Portuguese Presidency (second half of 2007) when the aspirations of the European Parliament will need to be reconciled with the lack of ambition shown by the Member States. BirdLife is still hopeful and will continue to work towards a result that brings long-term benefit to the marine environment and EU citizens.

For more information please contact [Tatiana.Sutiakova@birdlifeeco.net](mailto:Tatiana.Sutiakova@birdlifeeco.net)



Puffin by Stefan Benko



Common Guillemot by Stefan Benko



## Prospects for the German Presidency

The end of 2006 brought Finland's Presidency of the EU to a close. Enlargement of the EU to include Bulgaria and Romania must be highlighted as the Presidency's major success. But several important environmental dossiers can also be found in the Finns' basket of achievements, although with mixed outcomes for the environment: political agreement in Council on the Air Quality Directive and Marine Strategy Directive, conciliation agreement on the Groundwater Directive and INSPIRE (establishing infrastructure for spatial planning) and very important for BirdLife, strong conclusions on the Biodiversity Communication.

Germany, which will hold the EU Presidency at the time of the 50th anniversary of the Treaty of Rome (25 March 2007), will have an important role to play in determining the future direction of the European Union. One of the major strategic dossiers on which the Presidency will take a lead is the European Constitution, with a view to agreeing a 'roadmap' and perhaps a 'mini treaty' at the European Summit in June. Energy and climate change have also been highlighted as top priorities for the Presidency, and will dominate discussions at the Spring Summit.

What are BirdLife's aspirations for the German Presidency?

BirdLife hopes that the Presidency will

broker a conciliation agreement on LIFE+ which ring-fences at least 50% of the budget for nature and biodiversity, while ensuring that an additional EUR 100 million is allocated to Natura 2000 measures in accordance with the Institutional Agreement on the financial perspective of April 2006. Following the Council's endorsement of the Biodiversity Communication in



Tree sparrow by Stefan Benko

December 2006, the German Presidency should also promote swift implementation of the action plan for halting biodiversity loss by 2010. On the international stage, Germany should build political momentum in favour of achieving the 2010 target globally and work towards ambitious goals for COP 9 of the Convention on Biological Diversity (CBD), which takes place in Germany in 2008.

In the run-up to the CAP 'health check' in 2008, BirdLife believes that

discussions must focus on further compulsory modulation to ensure sufficient funding for agri-environmental schemes and Natura 2000. We are also urging decision-makers to ensure that the CAP simplification process does not lead to a lowering of existing environmental standards (e.g. cross-compliance).

The EU Budget Review in 2008 / 2009, on which progress may be made during the German Presidency, provides a unique opportunity to redirect the CAP towards the delivery of public goods, such as nature conservation and healthy ecosystems, in return for payments from the public purse. As regards bio-energy, BirdLife hopes that discussions will be taken forward in a way that guarantees safeguards for biodiversity and real greenhouse gas emission savings, through an EU-wide, mandatory certification system.

BirdLife looks forward to working with the German government to deliver a successful Presidency, bringing benefits to people and wildlife.

Further information:

[Tatiana.Sutiakova@birdlifeeco.net](mailto:Tatiana.Sutiakova@birdlifeeco.net)



The Wadden Sea by NABU



## 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.

### WRITTEN QUESTION by María Salinas García (PSE) to the Commission- 28 November 2006 E-5132/06

Subject: European 'renewable energies and biofuels' package in the context of Community aid for energy crops and biomass crops

Various Member States, including Spain, have expressed disappointment at the proposals put forward by the Commission on the Community scheme for energy crops. The Commission has responded to the doubts expressed by those states by announcing a full evaluation of the scheme on the occasion of the mid-term review of the CAP scheduled for 2008.

The fact that the current premium has been set at EUR 45 per hectare is leading to the abandonment of farming in Spain, which had not been expected, and no calculations have been made to establish whether the European Union can afford this decline in Spanish production of energy crops, given the ambitious package of measures on biofuels and renewable energies announced for January 2007.

Furthermore, the Commission's proposal for national aid amounting to 50 % to cover start-up costs for multiannual crops destined for the production of biomass on land benefiting from the en-

ergy crop scheme may give rise to imbalances among the Member States.

1. Does the Commission believe that it will be able to restore the situation in the emerging energy crop sector within a year or more, when the mid-term review of the CAP is to take place?

2. Does the Commission believe that a premium of EUR 45 per hectare is sufficient incentive to bring about a level of cultivation that will ensure the degree of utilisation of renewable energies and biofuels necessary in order to meet the Kyoto objectives that the Union wishes to impose?

3. Does the Commission not believe that, with regard to the proposal for 50 % national aid, the best option would be Community financing in order to prevent imbalances among the various Member States?

Answer given by Mrs Fischer Boel on behalf of the Commission - 17 January 2007 E-5132/06

As has been explained in detail in the 'Report from the Commission to the Council on the review of the energy crops scheme'(1), for the reason of timing the Report could have only a limited scope and could not deal with issues like the relations between the energy crops scheme and the ongoing review of the Biofuels Directive(2), which in itself — depending on its outcome — can have very different effects on the energy crops scheme. Also the results

and recommendations of the ongoing evaluation of the scheme were not available, which should serve as a basis for any substantial modifications in the scheme. If the Commission waited for the results of those ongoing issues, it would not be possible to adopt any measure in time so as to be applicable from 2007 and, for example, the new Member States would not be able to benefit from the aid from next year.

The data on areas benefiting from the aid for energy crops in Spain show a dynamic increase since the introduction of the regime. The same tendency can be observed at EU level. While in the first year of introduction in 2004 in Spain 6 705 hectares (ha) received the aid, the area increased to 27 321 ha in 2005 and in 2006 223 000 ha are foreseen to benefit from the energy crop support. According to those data there is no sign of any abandonment of the scheme in Spain and there does not seem to be a situation that should be restored. On the contrary, the data show an increasing interest for the scheme in the country.

The introduction of the possibility to cover up to 50 % of the establishment cost for multiannual crops intended for the production of energy crops will provide an additional possibility to subsidise the production of energy crops. Its utilisation is up to the decision of the Member States, where they can take into account their specific situation.

The Community support of EUR 45/ha will still be available for all Member States.

On the basis of the Report,

the Commission is already working on the simplification of the implementing rules for the aid for energy crops, to be adopted in January 2007 and applicable from 1 January 2007. Those simplifications are aimed at reducing the administrative burden both at the level of the players of the sector as well as the national administration and will also provide more flexibility for farmers and collectors/processors. This could provide additional incentives for participation in the scheme without additional budgetary expenditures.

As indicated in the Report referred to above, questions such as the level of the aid will have to be addressed in the framework of the common agricultural policy (CAP) 'Health-check' in 2008.

- (1) COM(2006)500 final.
- (2) Directive 2003/30/EC of Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport, OJ L 123, 17.5.2003.



Great grey shrike by Stefan Benko



Blue tit by Stefan Benko



# BirdLife

## INTERNATIONAL

European Division  
Av. de la Toison d'Or 67  
B-1060 Brussels  
Tel.: +32 (0)2 280 08 30  
Fax: +32 (0)2 230 38 02  
E-mail: [bleco@birdlifeeco.net](mailto:bleco@birdlifeeco.net)  
Website: [www.birdlife.org/eu](http://www.birdlife.org/eu)

## The Brussels Briefing

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Editor: Claire Papazoglou

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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.