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Old-growth forest, Suomussalmi, Kainuu-region, Eastern Finland. This forest is in a natural state and is inhabited by the protected flying squirrel.

Case studies on species protection

What do the EU Birds and Habitats Directives say about species protection?

Both Directives include conservation measures for the protection of species.

The Birds Directive has created a far-reaching protection scheme for all of Europe's wild birds. The Directive also identifies 192 species and sub-species (listed in Annex I to the Directive) as particularly threatened and in need of special conservation measures. For these species, Member States have a particular duty to classify their most suitable territories in number and size as Special Protection Areas.

The Habitats Directive has established a strict protection regime for certain animal species that are endangered and of European concern (listed in Annex IV of the Habitats Directive) within the whole territory of Member States. These species are protected against takings, killing, disturbances etc. The breeding sites and resting places of these species are also protected. The European Commission has published clear guidance on the use of the strict protection measures of the Habitats Directive, which is available to all.

Do strictly protected species block economic development?

Even for species that are strictly protected under the Birds or Habitats Directives, it is possible to reconcile economic with conservation interests.

The following case studies demonstrate that the pre-condition for a successful compromise between the public interest of conserving biodiversity and the public interest in economic development is respect for both interests, compliance with existing legislation, and a fair and open discussion. Arguing the Directives would block all economic development in order to save the lives of individual animals is not only false, but also misleading and deliberately misinforming the public.

CASE STUDY: Hamsters *Cricetus cricetus* in Germany that did not prevent development

Implementation of the Birds and Habitats Directives in Germany has been complicated by Germany's federal structure and the Federal States' responsibilities for nature conservation and site designation. Germany was criticised by the European Commission

and European Court of Justice (ECJ) several times for the slow progress of classifying and designating protected areas by the German Federal States, and inadequate transposition of the species-related regulations of the Habitats Directive into law.

This triggered calls from the farming and industry sectors to revise and weaken the Directives. The principal criticisms levelled at the Directives were that protected species, such as hamsters and bats, had caused construction projects to be abandoned or delayed, and that the Directives had increased both planning costs, and the overall costs of projects.

These criticisms were examined by the Federal Government, which found that from 2002–2007:

- no projects had been abandoned because of the Birds and Habitats

The Natura 2000 network has now been established in Germany – to the benefit of species, such as hamsters.



M. Watson (ardet.com)



Compiling inventories of flying squirrels is a routine part of the planning process in Finland.

Flying squirrels and road and railway plans

Several road and railway projects have recorded the presence of flying squirrels as part of the Environmental Impact Assessment process, and regional environmental centres have issued a handful of special licences to deteriorate or destroy breeding or resting sites because of overriding public interest and a lack of alternative solution for roads. Mitigation measures, such as narrowing road corridors so flying squirrels can glide over them, have also been undertaken. No projects have been prevented by the presence of flying squirrels.

Flying squirrels and housing

Flying squirrels have not prevented the construction of any housing in Finland. In a handful of local building plans, the regional environment centre or national court ordered additional studies or minor changes to plans because of the flying squirrel. There has been only one application for a derogation relating to flying squirrels.

Conclusion

In Finland, the flying squirrel has not prevented the construction of any roads, railways, power lines or housing, and has had no real impact on Finnish forestry. Compiling inventories of flying squirrels is now a routine part of the planning process that sometimes results in minor changes to projects, but flying squirrels are only one of many factors that must be taken into account.

¹ http://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm

Directives. Only in four, out of more than one hundred major infrastructure projects examined, had proceedings been temporarily halted because of the insufficient consideration of ecological concerns

- delays or cost increases due to nature protection where planning is largely completed are highly unusual
- the costs of nature protection measures for construction projects typically account for only 2 to 4% of total costs.

For example, concerning the common hamster (Annex IV-species), since 1994 there had been only about 20 “hamster cases”, and in just one case, the construction of a golf course, had a project been stopped. In all of the cases described as “problematic” by opponents to the Directives, the problems had been caused by incomplete implementation and sloppy planning processes, and could be solved by adequately involving the nature conservation authorities.

The Natura 2000 network has now been established in Germany and has significantly improved nature conservation, also delivering planning security and legal certainty for land users, industry, and municipalities.

CASE STUDY: Siberian flying squirrel *Pteromys volans* in Finland

The Siberian flying squirrel is a herbivorous, nocturnal and arboreal rodent, that lives in boreal, spruce-dominated coniferous forests. The flying squirrel is classified as a vulnerable species in Finland and its population is declining rapidly due to the fragmentation and loss of suitable habitats.

The Siberian flying squirrel was added to the list of strictly protected species in Annex IV of the Habitats Directive following Finland’s accession to the EU in 1995.

Impact of the flying squirrel on forestry

In Southern Finland, where flying squirrels occupy an area of 10 million hectares of forest, forestry is an important industry. The total area of forest harvested in this area amounted to 536,000 hectares in 2006 (Finnish Forest Research Institute 2007). In comparison, only a few hundred breeding and foraging sites have been protected for the flying squirrel. Most of these sites are less than 1 hectare in size, and pose no real problems for forestry or for landowners.

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