

EDITORIAL

Structural indicators for the Spring Summit

The EU Sustainable Development Strategy, agreed at the Gothenburg European Summit in 2001, sets the objective of halting biodiversity decline by 2010. The European Commission has to report on progress towards achieving this target as part of the Lisbon Process every year at the Spring Summit, using Headline Indicators. In October 2003, the Commission issued a communication that will lead to the spring report for 2004 and proposed to reduce the number of Headline Indicators, leaving out the biodiversity indicator. This in BirdLife's opinion is the wrong approach in terms of assessing what is happening to biodiversity.

Meanwhile, BirdLife has released information from the BirdLife / European Bird Census Council (EBCC) joint scheme, called the *Pan European Common Breeding Bird Scheme*. This scheme uses

data from existing common bird survey schemes across Europe and allows BirdLife/EBCC to produce an index of farmland and woodland birds, which can be used as a Biodiversity structural indicator. The starting date that has been used for the index is 1980 and BirdLife believes that this index is the best currently available for inclusion as biodiversity index in the Spring Report for 2004.

BirdLife ECO and EU Partners tried to influence the Environment Council in October in order to adopt a biodiversity indicator for the spring report of 2004 and finally the Council conclusions mentioned that *'meaningful and robust indicators for the four areas identified by the Göteborg European Council, in particular biodiversity and health, should be included as soon as possible and not later than by the next review of the EU SDS'*.

BirdLife believes that birds are not only excellent indicators of Biodiversity, but they also indicate the gen-

eral state of the environment because they occur in the majority of habitats and in substantial numbers. Birds are the only taxon for which we currently have good quality and widely available data in order to attempt to assess progress towards the 2010 objective of halting biodiversity decline.

Having the indicator adopted in the Spring Report will constitute a major opportunity to highlight the plight of birds, especially farmland birds, and biodiversity in general, across the EU at Heads of State level.

The indicator currently covers 11 EU, 5 Accession and 2 non-Accession countries and is a great example of how citizen science, such as common breeding bird surveys, can influence policy to the benefit of birds and the environment. If your organisation is not currently participating in this scheme, consider what you might be missing the opportunity to influence!

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Special points of interest:

- SNHP (Spanish National Hydrological Plan)
- BirdLife Seminar in Berlin on CAP and the Environment





Staff changes at ECO

There have been more staff changes at the EC Office. Toni Garcia's contract ended in October and therefore he no longer works at ECO.

Pamela Balin is the new Secretarial & Information Officer who started on 12 November and her email is: Pamela.Balin@birdlifeeco.net

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BirdLife Seminar on CAP and the Environment 19 January 2004

One of the priorities for BirdLife within its EU agriculture campaign is Rural Development. For this reason BirdLife is organising a European seminar on CAP reform and its implications for Accession countries, which will take place on 19 January 2004, in Berlin during the Berlin International Green Week.

The seminar is entitled '*Re-coupling farmers, the environment and society: challenges for an enlarged Europe*'. It will tackle the rural development issue and bring forward recommenda-

tions on how CAP funding can be best spent.

Representatives from the European Commission, the European Parliament, Institute for European Environmental Policy, the Polish Ministry of Agriculture as well as the EU farmers Association and a German consumers organizations will debate aspects of the reforms agreed in 2003. The German Minister of Agriculture Renate Künast will give the introduction to this seminar.

You can register for this seminar on www.birdlifecapcampaign.org/seminar/registration.



For more information please contact: Edith.Verhoestraete@birdlifeeco.net

European Court Judgement on Hunting

On 16th October the European Court of Justice issued the judgement on the case started by the LPO/BirdLife France two years ago on article 9 of the Birds Directive. This is the article, which allows derogations for 'judicious use' and 'small numbers'.

The judgment was not as restrictive as the Advocate General had been in his opinion in May, but gave clarification of the way article 9.1.c of the Birds Directive should be interpreted. In summary, the Court said very clearly that hunting under derogation cannot take place when an alternative exists under the hunting period allowed by article 7 of

the Directive.

Furthermore, the Court said that derogations cannot be allowed if they don't ensure the maintenance of the population of the species concerned at a satisfactory level. BirdLife would interpret this as meaning at a favourable conservation status, i.e. no derogations for species of unfavourable conservation status.

Finally, the Court emphasised that when derogations are granted these have to comply with very strict conditions and concern only small numbers of birds.

We expect that following this judge-

ment the Commission will now finalise the Interpretative Guide on Hunting.



For more information: Clairie.Papazoglou@birdlifeeco.net

European Partnership Meeting 5-8 September, Paris

Two ECO staff participated in the Partnership meeting in September. The meeting was a good opportunity to meet Directors from all EU Member States and Accession countries informally.

The meeting worked primarily on defining the BirdLife International priority programme for the European Region

for the period 2005-2008.

This will be the minimum programme to which all BirdLife Partners will be able to commit to.

The programme will be adopted finally in the World Conference meeting in March 2004 in South Africa.

Although results are not final yet, it was clear from Paris that almost all

Partners agree that our species programme, our Important Bird Area programme and work on agriculture should be part of our priority programme.

For more information: Clairie.Papazoglou@birdlifeeco.net



Spanish National Hydrological Plan: update on developments

BirdLife's campaign against the Spanish National Hydrological Plan (SNHP) continues both in Spain and at EU level. The Plan envisages the large-scale transfer of water from the North of Spain to the South and East, primarily for intensive agriculture and tourism. SEO/BirdLife estimates that at least 126 Important Bird Areas could be severely affected by transfer infrastructure developments such as dams, piping, reservoirs and power lines.

On 16th and 17th October the Commission invited scientific experts representing NGO and civil society groups, and technical experts from the Spanish government to present their findings regarding the technical feasibility of certain aspects of the Ebro water transfer,

which is the centrepiece of the SNHP. The conclusions of the scientific experts representing environmental interests were clear: the Ebro transfer is incompatible with a flow regime suitable for the ecological, economic and social needs of the Lower Ebro.

The Spanish government has produced an Environmental Impact Assessment (EIA) of the Ebro transfer. A funding request for the project to the European Commission is now imminent. SEO/BirdLife responded to the EIA with a dossier of 'objections' highlighting concerns about the scientific findings contained in the document.

Further to representations by BirdLife and WWF, the European Parliament's Environment Committee has organised

an exchange of views with Commissioner Wallström in December to discuss concerns about the SNHP. This may be followed up by a Parliamentary Oral Question to the Commission, in order to raise concerns about the Plan at the highest possible political level.

For more information please contact: Victoria.Phillips@rspb.org.uk

Note:

The CD Rom with all the presentations and material from the Strategic Environmental Assessment Seminar held on 30-31 July 2003, in Brussels was sent in November. If you haven't received a copy please contact Pamela. Balin@birdlifeeco.net

CAP Reform

Following the political agreement at the Luxembourg Council in June 2003 and the publication of the new legislative basis for the Common Agricultural Policy at the end of September 2003, BirdLife International analysed the results and drafted a summary paper for BirdLife Partners on the potential environmental impacts of the agreement.

The key points that BirdLife will be focusing on in the next coming year are the possibilities of Member States to:

- completely decouple subsidy payments from production,
- introduce flat-rate regionalized area

payments

- support more environmentally-friendly farming practices (via so-called national envelopes)
- increase funding within the Rural Development pillar and direct it towards targeted agri-environment schemes.

All recipients of direct payments will in future have to comply with a number of European regulations, such as the Birds and Habitats Directives. The amount of resources for Rural Development will be increased. At the same time, BirdLife prepared for the publication of new re-

form proposals of a number of agriculture commodities, and focused on the reform of Olive (Oil) production. The joint report with WWF on "EU policies for olive farming: unsustainable on all accounts" (2001) was updated and a common position paper prepared.

This has been promoted and sent to the European Commission before the legislative proposals came out. Further activities including some press action to influence the Olive oil regime are being prepared in cooperation with WWF.

For more information please contact Michael.Blohm@birdlifeeco.net

ECOS

ECOS stands for European Environmental Citizens Organisation for Standardisation and it is an NGO set up in 2002 in Brussels by other NGOs. Currently ECOS has 11 Member organisations and BirdLife is one of them. Other Members include the EEB, Friends of the Earth Europe, WWF-European Policy Office, Danmarks Naturfredningsforening, Svenska Naturskyddsforeningen, FNE from France, etc. ECOS' main role is to increase the voice of the environment at the national and European process of standardisation. Standards

(i.e. amount of a toxic substance allowed in a product or in water) are important because all EU Directives and national laws refer to them. So for example a country would be considered to be in compliance with a Directive if its national values are below the levels allowed by the standards for a toxic in water. ECOS tries to influence the setting of those standards to ensure that the environment is properly taken into account. Already in 2003, ECOS was granted associate status by CEN, one of the main standard setting bodies in

Europe. BirdLife as a Member of ECOS provides experts for various working groups on standards. Currently, there are two RSPB staff members and one NABU staff member that participate in working groups on standards for water, soil improvers and waste. Soon there will be working groups on climate change and building products.

If you are interested in participating in an ECOS working group or want to know more please contact: Clairie.Papazoglou@birdlifeeco.net



NewsFlashes

AGRICULTURE

AE 8536 – 6/9/03

WTO/Cancun: NGO Expectations – Greenpeace Guide

EIS 640 – 11/9/03

Biotechnology: Upper Austria region cannot ban GM-crops

AE 8544 – 18/9/03

GMO: Commission intends to introduce tolerance threshold for accidental or inevitable presence of GMOs in seeds

WTO: European agriculture Congress, from 24 to 26 September in Athens, to discuss failure of Cancun

WTO: COPA-COGECA feels Cancun negotiations failed because of "Singapore subjects"

AE 8546 – 20/9/03

Agriculture Council: Common values between EU and DCS, failure of Cancun and forthcoming reform all on agenda of four-day informal meeting in Sicily

Commission proposes extension of aid to hops sector – options for further reform

AE 8551 – 27/9/03

Continuation of CAP Reform, Spanish aid for shelled nuts and coexistence of traditional and GMO crops on Council agenda for Monday

Harvests down 10% compared to 2002

AE 8552 – 30/9/03

Council adopts regulations on CAP Reform – Fruit and vegetable producers are displeased about decoupling

Differences on coexistence between subsidiaries – several delegations want to maintain "GM-Free" zones

AE 8553 – 1/10/03

GMO/Consumers: Introduction in legislation on tolerance level for unforeseen presence of GMO in seeds threatens free choice of consumers, states BEUC

AE 8557 – 7/10/03

WTO: COPA against "Blind Free Trade"

AE 8561 – 11/10/03

Reform of olive oil, cotton and Irish box on meeting programme for Monday

EUR 2.44 million for promoting olive oil

AE 8562 – 14/10/03

Authorisation for Spanish aid to shelled fruit producers delayed once again

COPA-COGECA puts loss due to drought and fires at 13 billion EUR

International Forum on Food & Agriculture in Italy

AE 8563 – 15/10/03

MS are divided over consideration for African countries and cotton in reform – wide ranging consensus over decoupling of aid to olive oil producers

Agreement to Finnish aid to continue

Reform of the tobacco sector

AE 8565 – 17/10/03

Yes to aid for Dutch arable farmers

Aid for citrus fruit sector in Sicily

WTO: European and American agricultural leaders draw conclusions from Cancun

Fraud: Corruption suspected within DG Agriculture

AE 8566 – 18/10/03

WTO announces "Road Map" for restarting Doha round

AE 8567 – 21/10/03

GMOs: Commission considers that results from British studies on harm to biodiversity by two genetically modified crops should not mean halt to plan for lifting moratorium on GMOs

AE 8570 – 23/10/03

WTO: At North America/EU conference in Jerez, COPA and COGECA call for CAP Reform efforts to be acknowledged

AE 8573 – 28/10/03

Enlargement/Agriculture: Proposals aiming to enable integration of few member states within common agricultural policy

AE 8576 – 31/10/03

Sugar: Member States' first cautious debate on various options for reforming EU sugar policy

FISHERIES

EIS 640 – 11/9/03

Fish Council: No progress on stock recovery or Irish Box

AE 8556 – 4/10/03

Commission proposes action plan for eels

AE 8560 – 10/10/03

Differences persist on Irish Box, but Presidency hopes for political agreement at Monday's Council

Measures planned to limit fishing effort in Mediterranean

AE 8562 – 14/10/03

Council reaches political agreement on Irish Box issue – Spain threatens to refer matter to Court of Justice

Council's conclusions on improvement of scientific opinions

AE 8567 – 21/10/03

Moves to set up regional advisory councils
Scientists suggest no TACs for several stocks of cod and whiting and drastic measures for plaice and sole

TRANSPORT & ENERGY

AE 8535 – 5/9/03

Timetable for conciliation in September and October

AE 8539 – 11/9/03

Commission promotes environmentally-friendly design of energy-consuming products

AE 8542 – 16/10/03

Commission to present proposal on Trans-European networks on 1 October

Common position on cogeneration Directive sent to EP for second reading

AE 8554 – 2/10/03

Commission adopts list of new priority

projects for Trans-European transport networks (TEN-T)

AE 8559 – 9/10/03

Environment committee reporter critical of proposed nuclear safety Directives

AE 8561 – 11/10/03

Transport council reached three political agreements in field of air transport

AE 8565 – 17/10/03

Commission refers UK to Court of Justice for failing to apply Euratom Treaty requirements on radioactive waste

European Voice 34 – 16/22.10.03

EU Transport plan 'not environmental enough', say greens

AE 8576 – 31/10/03

Triologue on ecopoints this Monday

MARITIME TRANSPORT & OIL SPILLS

AE 8538 – 10/09/03

EP support for proposed Directive on minimum level for training for third country seafarers

Proposal to allow MS to join new compensation fund for victims of oil pollution

EIS 640 – 11/09/03

Shipping: Law still being flouted as Erika I legislation enters into force

Pollution at sea: Bulgarian ship seen dumping oil in Bay of Biscay

Shipping: Maritime Safety Agency given wider competences

Shipping: Commission in bid to make intra-EU ship register transfers easier

Oil pollution: MS invited to sign up to new IOPC compensation fund

Safety at sea: Meeting of IMO's marine environment protection committee

AE 8541 – 13/9/03

Compromise in sight for safety on ships

AE 8548 – 24/9/03

EP hopes to strengthen maritime security and votes in favour of temporary committee on Prestige disaster

OJL 245 – 29/9/03

Regulation 1644/2003 of the EP and the Council amending Regulation 1406/2002 establishing a European Maritime Safety Agency

OJL 249 – 1/10/03

Regulation 1726/2003 of the EP and the Council amending Regulation 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

AE 8557 – 7/10/03

Cyprus and Malta promise to make progress regarding maritime security

Seminar "Regions and Maritime Safety" organised by the Conference of the Peripheral Maritime Regions in Nantes on 13 and 14 October 2003-10-28

AE 8558 – 8/10/03



Maritime Security, insurance for air carriers and safety in tunnels on Thursday's transport council agenda in Luxembourg

AE 8560 – 10/10/03

Council reaches joint guidelines on maritime safety

Political debate on criminal sanctions for serious maritime pollution

AE 8565 – 17/10/03

EP conference of Presidents postpones decision over establishment of temporary committee on Prestige

European Voice 34 – 16/22.10.03

Shot across bows for Commission's oil-spill proposals

AE 8570 – 23/10/03

Concern at announcement that American ships will be brought to the UK for demolition

AE 8571 – 24/10/03

EP creates temporary committee on the Prestige accident

AE 8576 – 31/10/03

Commission adopts new Guidelines on aid to maritime sector

ENVIRONMENT

AE 8538 – 10/9/03

EUR 140 million in funding for nearly 200 projects under 2003 LIFE programme

AE 8539 – 11/9/03

Successful EP/Council conciliation over Seveso II Directive

EIS 640 – 11/9/03

Greens make a pitch for a "Climate Stability Pact"

Commission acts to cut emissions of fluorinated gases

Climate change: MEPs urge better monitoring of greenhouse gas emissions

Air quality: Directive against ozone pollution enters into force

LIFE: selection of projects for funding in 2003

Habitats and Wild Birds Directives still being flouted

Water: Widespread non-compliance with water quality Directives

AE 8540 – 12/9/03

Wallstrom hails Cartagena Protocol on bio-safety

OJC 219E – 16/9/03

Council common position 42/2003 with a view to adopt a Regulation amending Council Regulation 1210/90 on the establishment of the European Environment Agency and the European Information and Observation Network

Council common position 43/2003 with a view to adopt a Regulation amending the Council Regulation 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

Council common position 45/2003 with a view to adopt a Regulation amending the Council Regulation 1406/2002 establishing

a European Maritime Safety Agency

AE 8544 – 18/9/03

French Government joins Germany in criticising draft legislation on chemical products – Commission invited to revise its copy

AE 8546 – 20/9/03

EP delegation in Moscow believes Russia will ratify Kyoto Protocol

AE 8547 – 23/9/03

Commission proposes groundwater quality objectives and enforcing harmonised water surveillance

AE 8550 – 26/9/03

NGOs ask Commission to think again on concessions made to industry in draft legislation on chemicals

OJL 245 – 29/9/03

Regulation 1644/2003 of the EP and the Council amending Regulation 1406/2002 establishing the European Maritime Safety Agency

AE 8552 – 30/9/03

EP pursues greener taxation

AE 8557 – 7/10/03

WWF afraid MS won't attain renewable energy objective – worries about respecting Kyoto Protocol, sounds alarm

AE 8558 – 8/10/03

Coalition of NGOs protests at extended authorisation for Paraquat in the EU, and calls for urgent reform of policy on chemicals

OJL 254 – 8/10/03

Commission Decision establishing pursuant to Directive 2001/18/EC of the EP and the Council a format for presenting the results of the deliberate release into the environment of genetically modified higher plants for purposes other than placing on the market

European Voice 34 – 16/22.10.03

WWF: Union use of water must improve

AE 8570 – 23/10/03

EP gives go-ahead to review of Directive on quality of bathing waters for better health protection of bathers and of those practising nautical sports

Commission takes legal action against Greece and Spain on non respect of legislation on waste

Infringement procedures against Austria and Portugal for shortcomings in implementation of wild birds and habitats Directives

Commission asks Greece, Ireland and Spain to indicate penalties for breaches of EU law on ozone-depleting substances

AE 8571 – 24/10/03

Adoption in plenary of EP/Council compromise allowing to EU 15 to adopt decision on greenhouse gas monitoring mechanism next Monday in Luxembourg

Plenary supports Council/EP compromise on strengthening measures limiting emission of greenhouse gases and particulate pollutants from non-road mobile machin-

ery

OJL 275 – 25/10/03

Directive 2003/87/EC of the EP and the Council establishing a scheme for greenhouse gas emission allowance trading with the Community amending Council Directive 96/61/EC

AE 8573 – 28/10/03

Ad Hoc Council working group on chemicals to keep environment/competitiveness balance – Commission's proposals on Wednesday

AE 8574 – 29/10/03

Environment Council: Conclusions on Union's position for forthcoming inter-governmental conference on climate change deferred – other results from session

AE 8575 – 30/10/03

Chemical products: Commission proposes modernising legislation on chemical products to protect public health and environment without damaging industrial competitiveness

OTHER INTERESTING ARTICLES

AE 8535 – 5/9/03

Before Cancun, Lamy and Fischler warn against extreme demands

AE 8536 – 6/9/03

NGO expectations – Greenpeace Guide

AE 8538 – 10/9/03

Cancun Summit is more than just a business or trade event – further considerations

AE 8539 – 11/9/03

WTO: Friends of the Earth denounces role of multinationals

EIS 640 – 11/9/03

Forests in Portugal: Solidarity fund mobilised for Portugal

AE 8548 – 24/9/03

Environmental NGOs call on EP to "greenify" draft Constitution to make it comply more with objective of sustainable development

AE 8566 – 18/10/03

Last ministerial debate before European Commission presents proposals for post 2006 – Common declaration of UK and The Netherlands

AE 8567 – 19/10/03

European Council in Brussels on 16 and 17 October 2003. Presidency Conclusions.

AE 8573 – 28/10/03

Commission proposes ratification and full transposition of Aarhus Convention within Community

CALL FOR PROPOSALS

OJC 232 – 27/9/03

Call for the submission of proposals under a Community action programme promoting non-governmental organisations primarily active in the field of environmental protection



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.

Spanish Hydrological Plan

P-3165/03 by Chris Davies (ELDR) 16/10/2003

In reaching decisions regarding the application of environmental legislation and the rules concerning the approval of bids for structural funding, does the Commission accept that plans for dam projects in the Pyrenees - particularly the Yesa Dam enlargement and construction of new dams at Biscarruès, Santaliestra, Itoiz and Rialp - should be considered as part of the overall Spanish Hydrological Plan, in that they are essential to the water transfers proposed?

Have formal requests for structural fund assistance towards the cost of any of these projects yet been submitted by the Spanish authorities?

Is the Commission aware that work on the Santaliestra dam has been suspended due to failure by those involved to take full account of the need for comprehensive environmental risk assessments?

P-3165/03EN

Mrs Wallström 11/11/2003

Concerning the proposed dams in the Pyrenees in the catchment of the river Ebro, the Commission

understands from the Spanish authorities that these dams do not have any connection with the proposed Ebro transfer foreseen in the Spanish National Hydrological Plan and that they will not be used to regulate the flow in the lower river. The Commission further understands from the Spanish authorities, that only the existing Mequinenza and Ribarroja/Flix dams in the lower reaches of the Ebro catchment will be used to regulate the flow at the abstraction point foreseen for the proposed transfer.

The Commission has requested information from the Spanish authorities regarding Community financing of these projects. In their reply, the Spanish authorities inform that none of these projects are included in the relevant Objective 2 Single Programming Documents, neither is there financing through the Cohesion Fund.

With regard to the suspension of work on the Santaliestra dam, the Commission was aware of the fact that work had been suspended.

Threat to the FFH protected area 'Falkenseer Kuhlaake' (No 537) from a road-building project to be carried out with assistance from the European Structural Funds

E-3061/03 by Elisabeth Schroedter (Verts/ALE) 08/10/2003

In spring 2000 the FFH protected area "Falkenseer

Kuhlaake" was not notified to the Commission as a single natural habitat, but rather, on the basis of scientific findings concerning the spread of the species in need of protection (CJEC judgment of 7 November 2000, Case C-371/98⁽¹⁾), as two separate sites. A roughly 50 metre-wide corridor runs through the middle of the protected area. The German Land Brandenburg intends to use the corridor as the route of the northern section of the Falkensee by-pass (L20). The decision to exclude the strip of land in question cannot be justified on nature conservancy grounds, in particular because this area forms, along with the FFH protected area "Spandauer Forst" (No 3445-301), a natural whole.

1a. Does the Commission share the view taken by the Brandenburg Land Government that the decision to divide and thus dismember the FFH protected area "Falkenseer Kuhlaake" is consistent with the provisions of Directive 92/43/EEC⁽²⁾ and that the excluded strip need not also be identified as a protected area, however logical such a move would be on nature conservancy grounds?

If so, why does the Commission take the view that the by-pass must be routed through the protected area and why, in its view, does the road-building project take priority over nature conservancy?

If not, what steps has the Commission taken, or will it take, in order to safeguard the protected status of the area as a whole?

1b. Does the Commission share the view of the Bran-

denburg Land Government that the planned road will have little impact on the neighbouring FFH protected areas "Falkenseer Kuhlaake" and "Spandauer Forst"?

If so, what arguments can it put forward to substantiate that view?

If not, will it call on the Brandenburg Land Government to carry out a detailed FFH impact study and to revise its plans on the basis of the findings of that study?

2. Is the Commission aware that the Brandenburg Land Government is considering using resources from the European Structural Funds for this road-building project? Does the Commission approve of this plan and does it take the view that such a decision would be consistent with the regulation governing the Structural Funds and the horizontal task "protecting and improving the natural environment" laid down in that regulation

Mrs Wallström 03/12/2003

The Commission has not received a complaint, or any other information, on the planned construction of the by-pass "L 20" in the corridor between the proposed sites of Community interest ("pSCIs") "Falkenseer Kuhlaake" and "Spandauer Forst" in Brandenburg. On the basis of the limited information provided in the written question, the Commission cannot decide whether or not Articles 4 (1) and 6 (3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural



habitats and of wild fauna and flora (Habitats Directive), or any other Community law, may have been violated.

The Commission will now start an own-initiative investigation on the case. The German Government will be asked to provide additional information and to take a position on the case.

A decision to co-finance the project under the European Regional Development Fund (ERDF) programme of Brandenburg has not been taken. To be eligible for ERDF funding, any project has to fully comply with Community environmental legislation in accordance with Council Regulation (EC) 1260/99 of 21 June 1999 laying down general provisions on the Structural Funds.

Declassification of forest land and forests and re-definition of the term 'forest' under new legislation proposed by the Greek Government.

by Antonios Trakatellis (PPE-DE) 09/10/2003

Under the new forestry bill tabled by the Greek Government, around 3 million hectares of forest and forest land will be declassified. The proposed legislation will also redefine the term 'forests' and reset the legal limits for authorisation of land and clearance operations.

In view of this and the numerous grey areas existing under the proposed legislation:

1. To what extent does this proposed legislation comply with the directives on the preservation of natural habitats (92/43/EEC⁽¹⁾) and environmental impact assessment (85/337/EEC⁽²⁾).

2. How great is the danger which could arise from declassifying forest areas for construction or infrastructural development purposes, given that it could result in soil erosion and increase flood risks?

3. Has a general Community strategy and a programme of action been formulated for nature conservation and protection regarding forests and if so, are the new measures being proposed by the Greek Government in line with this?

4. To what extent is the new bill in line with Common Position (EC) No. 46/2003⁽³⁾ of 13 June 2003 adopted by the Council with a view to adopting a regulation of the European Parliament and of the Council concerning the monitoring of forests and environmental interactions in the Community (Forest Focus) and to what extent does the definition of the term 'forest' contained in this regulation coincide with that contained in the new Greek Government bill?

Mrs Wallström 12/11/2003

The Commission has not yet been officially informed about the prepared Greek forestry Law in question. Besides, the Law is currently a proposal and has not yet been adopted by the Greek Parliament. Given that the legislative procedure of adoption is ongoing, the Commission is not in a position to evaluate the possible effects of the future Law. However, the Commission would like to draw the attention of the Honourable Member to the following:

The Commission would like to underline that according to Article 1(5) of Council Directive 85/337/EEC of 27

June 1985 on the assessment of the effects of certain public and private projects on the environment, the Directive shall not apply to projects the details of which are adopted by a specific act of national legislation, since the objectives of this Directive, including that of supplying information, are achieved through the legislative process. As regards Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, the Commission would like to mention that the Directive does not explicitly refer to land use, but to habitat types. The designation of Sites of Community Interest under the Directive is based on the ecological quality of the habitats existing in a site and not on its classification as forest, agricultural area, wetland or other possible land uses. The proposal of Sites of Community Interest has not been based on land use criteria and the sites already proposed are not expected to change. The Commission, however, will evaluate the possible changes in classification that the law will introduce after its adoption and implementation, in order to assess if the proposed Sites of Community Interest could be affected.

Regarding the assessment on potential risks of increased soil erosion and flooding from the declassification of the Greek forests and their use for infrastructural development and construction purposes, this falls within the competence of the Greek authorities, in the framework of legal procedures granting permissions for such type of development and construction.

The EC Treaty makes no explicit provision for a comprehensive common forestry policy. However, in 1998 the Union has established a Union Forestry Strategy. The Strategy underlines that the management, conservation, protection and sustainable development of forests are vital concerns of existing Union policies. The Community is supporting Member States in the management and protection of forests: Council Regulation (EC) No 1257/1999 of 17 May 1999, on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) for the management and protection of forests, the European Biodiversity Strategy and specifically the Action Plan for Natural resources set guidelines for the conservation, protection and sustainable management of the forests. Neither of the previous Community legislation nor the Union Forest Strategy request compliance with a specific "forest" definition. Greece has to comply with the requirements of the existing Community legislation.

The Commission's proposal for a Regulation concerning monitoring of forests and environmental interactions in the Community, on which the Council has adopted the Common Position (EC) No 46/2003 of 13 June 2003, is currently under its second reading. The Commission cannot make an assessment about the "forest" definition in the Forest Focus and the definitions of forest under the proposed Greek Forestry Law.



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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.

The Newsletter is supported by RSPB, NABU, Vogelbescherming Nederland 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.