

## EDITORIAL

### BirdLife complaint to the European Commission: Hunting and trapping in Malta

In July, BirdLife International and BirdLife Malta lodged a formal complaint with the European Commission in respect of the failure by the Maltese Government to adequately transpose and implement the EU Birds Directive (79/409/EEC) in relation to hunting and trapping.

The complaint, which the Commission is now investigating and which we hope will lead to a legal procedure against Malta, mainly deals with the way in which the Birds Directive has been transposed in Maltese legislation, the way it is implemented as well as the transition period agreed for the trapping of seven species of finches under the Accession Treaty.

There are numerous infringements of the Birds Directive in Malta, but for us the one of greatest concern is the fact that Malta allows a hunting (and trapping) season for Turtle Dove and Quail in spring between 25 March and 22 May, something which is expressly forbidden by the Directive and confirmed by a number of judgments from the European Court of Justice. Spring hunting at this scale, allowed under national legislation, is something, which we have not experienced in the EU for decades. If this is toler-

ated by the Commission, also other Member States, which are currently watching with interest the Maltese case, such as Cyprus, will open spring hunting seasons.

Other infringements outlined in the complaint include an impermissible overlap between hunting season and spring migration for twelve



Turtle Dove (*Streptopelia turtur*) by Ren Hathaway

species of waterbirds, which are hunted at sea until the end of February. The fact that Maltese law allows the trapping of Turtle Dove, Quail, Song Thrush and Golden Plover with nets. Trapping is expressly forbidden under the Directive. As regards the transition period agreed for Malta under the Accession Treaty on the trapping of seven species of finch until 2008, there is evidence that the trapping season allowed under Maltese law also allows an impermissible overlap between spring migration and trapping for these species. Furthermore, Malta is not respecting the agreed timetable of actions described for this transition period. Finally, Malta has not transposed the derogation article in its national legislation and as a consequence it cannot

use this article.

In addition to the activities described above (which take place in conformity with Maltese law) it is already a matter of common knowledge that every year thousands of migrating and often threatened birds are shot illegally in Malta, including species like Marsh Harrier, Honey Buzzard, Black-winged Stilts and Purple Herons. For years BirdLife Malta and other BirdLife Partners have been very active to stop illegal hunting on the Maltese islands, which are located on one of the major flyways for Europe's migratory birds.

The fact that Malta, more than one year after joining the EU, continues to ignore Community law and does not enforce properly even its own hunting legislation, makes it obvious that now the time has come for the European Commission to take decisive legal action against Malta. Not dealing with the 'issue of Malta' sets an unwelcome precedent in the EU and undermines the trust of EU citizens in the European institutions. We are confident that the new Commission will deal decisively with the issue and BirdLife will follow this process carefully and provide input and assistance where needed.

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### Special points of interest:

- BirdLife complaint to the European commission
- The UK's Presidency of the European Union



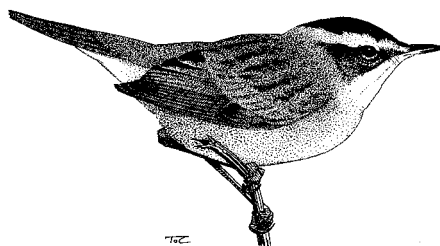
## MEPs bid to improve LIFE+ for nature

At its meeting of 7 July in Strasbourg the European Parliament voted overwhelmingly to overturn the Commission's plans to weaken the EU's Financial Instrument for the Environment, 'LIFE+'.

MEPs, voting in the first reading on LIFE+, dismissed the Commission's move to axe the EU's only dedicated nature conservation programme, currently called LIFE Nature, which has been a major success for EU nature conservation efforts. BirdLife views this as a significant step towards helping to implement the EU's commitment to halt the loss of biodiversity by 2010. A strengthened LIFE+ Regulation with a dedicated biodiversity part, would help protect and revive Europe's most valued sites and species such as the Great Bustard and the world's most critically endangered big cat, the Iberian Lynx.

MEPs also made a first move to secure a significant increase in funding by voting for a budget increase of nearly five times the Commission's

proposal: 9.5 billion Euro over seven years instead of 2.19 billion Euro. According to Commission figures, this would contribute one third of the necessary co-financing for the EU's Natura 2000 network of 18,000 sites that has until now received minimal EU co-financing.



Moustached Warbler (*Acrocephalus melanopogon*) by Tomasz Cofa

BirdLife supports such a budget increase to cover those sites and actions which are unlikely to be co-financed through structural, rural development and fisheries funds. MEPs will now need to ensure this budgetary ambition is carried over into negotiations on the Financial Perspective in the Council and Parliament.

This resolution will send a strong message to the UK Presidency and to Member States that they should honour their environmental commitments. If Heads of State sign up to ambitious targets, such as halting the loss of biodiversity by 2010, the necessary tools and resources must be secured.

Environment Ministers from all twenty five Member States will now have to negotiate a joint position in response to the first reading Parliamentary Resolution. The UK Presidency has hinted it aims to decide on a response by December this year.

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## The EU's thematic strategies

The EU's Sixth Environmental Action Programme, adopted in July 2002, called for the adoption of "a strategic, integrated and holistic approach to environmental policy development". This new approach would be applied in the preparation of seven thematic strategies on air pollution; the sustainable use of natural resources; waste prevention and recycling; the marine environment; pesticides; soil and the urban environment. The Commission would present these strategies three years after the adoption of the Sixth Environmental Action Programme (i.e. July 2005).

However, July 2005 has come and

gone and no strategies have appeared!

While the Commissioners had intended to discuss the strategies on air pollution and the marine environment at their meeting on 20 July, these proposals were struck off the agenda following an intervention by the President, and replaced by a general debate on the future of the EU's environmental policy. Thankfully, attempts at the meeting to ditch the thematic strategies completely were thwarted and they will be presented one-by-one over the course of the autumn.

Of particular interest to BirdLife is the marine thematic strategy. We are working within a coalition of NGOs to campaign for a European Marine Strategy based on a legal instrument that ensures the protection and conservation of the marine environment by requiring specific actions at regional level.

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## Commission issues proposal for Strategic Guidelines for Rural Development

The EU Strategic Guidelines for Rural Development (RD) have been presented by the European Commission on July 5<sup>th</sup> and are now to be discussed and approved by the Council, with final approval scheduled for October. The Strategic Guidelines draw the vision for the Rural development policy in the 2007-2013 programming period, identifying priorities and setting Rural development within the broader context of EU objectives.

BirdLife welcomes the Commission text that gives full recognition to the Gothenborg objectives and identifies

biodiversity conservation and in particular Natura 2000, implementation of the Water Framework Directive and action on Climate change as priorities to be tackled through the RD fund. BirdLife urges Member States to follow the Guidelines in drafting their national RD plans ensuring that adequate support is made available for environmentally friendly farming practices and for the positive management of Natura 2000 sites.

Despite the encouraging signs from the new RD regulation and the proposed Strategic Guidelines, the future of the RD policy and of Europe's

countryside and wildlife still hangs in the balance as it is unclear whether the RD budget that will finally emerge from the current financial perspective debate will be sufficient to deliver real action across the EU.

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By Andy Hay

## Reform of the sugar regime

Reform of the sugar regime is currently under discussion in the Council with decision pending before the WTO meeting in Hong Kong. The Commission proposal suggests a 39% reduction in the price of sugar beet, and a new area payment to sugar growers. To reduce over-production, it proposes a voluntary quota buy back scheme for sugar factories and growers leaving the industry. BirdLife supports the proposal but believes it needs to ensure the regime supports sustainable sugar production and offers European citizens a fair deal. Our

main requests are that:

1. sugar be brought into the Single Farm Payment scheme with an equivalent hectare payment as other arable crops;
2. a financial envelope be created to support and pay for the public benefits of growing sugar in the EU, where they exist, and in the Afro-Caribbean and Least Developed countries;
3. EU Sugar production be reduced, with reductions fo-

cused in the least efficient areas where production often relies on irrigation and is environmentally damaging.

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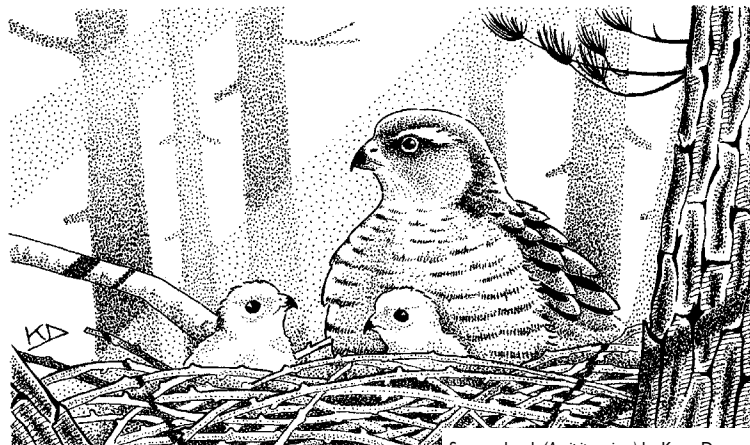
## Commission's Community Strategic Guidelines for Cohesion policy

The European Commission adopted draft Community Strategic Guidelines for Cohesion Policy on 6 July. Once adopted by the European Council, the idea is that the guidelines will inform the preparation of national strategic reference frameworks and operational programmes. However, some Member States (for example, Poland) have already prepared their programmes and the guidelines will have to be applied retrospectively.

The guidelines are designed to be a political tool, outlining Community priorities for investment contributing to the Lisbon growth and jobs agenda. Although not legally binding, they will provide the Commission with a stronger negotiating position over the mix of investments selected by each Member State or region. This is important given the reduced Commission intervention envisaged for 2007-2013, resulting from the administrative challenge of enlargement and Member States' call for simplification (i.e. less control over the financial management of the funds).

BirdLife was concerned about the preparation of the Community Strategic Guidelines, because early drafts made no mention of the European Sustainable Development Strategy or of financing Natura 2000. This was

despite the fact that the Commission had adopted the position that Natura 2000 should be supported through existing instruments such as the structural funds and the rural development fund. We met with the Commission and made clear our objections.



Sparrowhawk (*Accipiter nisus*) by Koen Devos

For its part, the Commission eventually came out in favour of the environment. DG Regio and DG Employment continued to place heavy emphasis on the Lisbon growth and jobs agenda. Nevertheless, DG Environment successfully argued for a clear link to be made to the European sustainable development strategy and for priority to be given to investment in nature and species protection, and natural assets.

As a result, the draft Guidelines are much better than we anticipated, but still far from perfect. The question we have to ask is: does the EU want

productivity growth and jobs at any cost? The answer in the European Treaty, in EU environmental legislation, in the 6<sup>th</sup> Environmental Action Programme, in the EU sustainable development strategy (SDS) and in Council conclusions, as well as EU citizen surveys, is a resounding No.

But in reality, while the guidelines talk of creating a 'sustainable development path', they also say that funds should be concentrated on 'only those elements that can contribute to the growth and jobs agenda'. This is a widespread problem and all we can do is to remain vigilant over the new regulations, the guidelines and the preparation of national programmes.

The Guidelines have been posted on the Commission website and are open to public consultation until 30 September. BirdLife will be restating its concerns.

([http://europa.eu.int/comm/regional\\_policy/consultation/index\\_en.htm](http://europa.eu.int/comm/regional_policy/consultation/index_en.htm))

The guidelines will be adopted in Council by the end of the year.

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## EU Policy issues website

Since the beginning of this year we have created some new pages on the BirdLife website about the work we do on EU Policy issues. In these pages you will find position papers about the different issues we work on, an introduction to the European

Community Office of BirdLife International, the presentation of the staff, this newsletter "Brussels Briefing" and the documents produced for each EU Presidency "Greening Europe".

The address is:

[www.birdlife.org/eu](http://www.birdlife.org/eu)



ECO team



## The UK's Presidency of the European Union, July – December 2005

The UK takes over the Presidency of the Council of the European Union after a turbulent few months, during which the populations of France and the Netherlands voted 'no' to the European Constitution and discussions on the future shape of the EU's budget at the European Summit ended in deadlock. Steering a way out of the political crisis at EU level following the rejection of the Constitution will no doubt be Tony Blair's number one priority. Brokering an agreement on the financial perspective will also feature near the top of his 'to do' list.

But what about the environment?

Firstly, the UK has pledged to undertake a full review of the EU's Sustainable Development Strategy (SDS) during its six-month term. The extent to which the UK can make progress on the SDS largely depends on the timing of the publication of the Commission's proposals (now expected in October). Whatever happens, the UK must seize the opportunity presented by the European Council in December to give renewed momentum to the SDS by clarifying its scope and content, and by highlighting key milestones for action and indicators.

Secondly, the debate on the next financial perspective – which will determine the amount of funds allocated to each of the EU's programmes over the period 2007-2013 - clearly has an

environmental dimension. The UK hopes to broker an agreement on the



Linnet (*Carduelis cannabina*) by Chris Gomersall

package at European Council in December. Whether or not this can be achieved remains to be seen, but the UK should use its Presidency to ensure that EU funding programmes, particularly the Common Agricultural Policy, focus on the delivery of the EU's sustainable development objectives. Spending streams that provide good value for taxpayers' money and make a significant contribution to Europe's common targets and commitments, such as the rural develop-

ment programme, must be safeguarded from budgetary cuts as a matter of priority.

Thirdly, very much linked to discussions on the financial perspective, is the debate on the financing of the Natura 2000 network. Although Natura 2000 is not specifically mentioned as a priority for the Presidency, the UK has inherited two dossiers that have significant implications for the financing of the network: the new structural funds regulations and the LIFE+ environment financing instrument. It is hoped that progress can be made on both to guarantee that sufficient funds will be allocated to Natura 2000 in the next financing period.

BirdLife has outlined nine priorities for action during the UK's Presidency of the EU.

These can be accessed via the following website:

[http://www.birdlife.org/eu/eu\\_presidencies.html](http://www.birdlife.org/eu/eu_presidencies.html)

Further information on the UK's priorities for the Presidency can be accessed via the official Presidency website:

<http://www.eu2005.gov.uk>

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### Staff changes at ECO: Tatiana Sutiakova

Tatiana Sutiakova started work in ECO on 11<sup>th</sup> July as EU Institutions Officer. Tana is a joint RSPB/BirdLife International staff member.

Tana is Slovak and speaks Slovak, English and a bit of German. Tana worked for the Slovak Partner (SOVS) since 2001, as Deputy Direc-

tor and Project Coordinator. In ECO, she is responsible for assisting policy experts and BirdLife Partners to liaise effectively with the EU institutions. She will be dealing in particular with issues like the marine thematic strategy, fisheries and agriculture, as well as helping with organisation of events

and political campaigns.

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## 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 E-1276/05 by Michl Ebner (PPE-DE) to the Commission**

Subject: Natura 2000 and rural development

The question of financing Natura 2000 and its connection with the funds of the Rural Development Regulation taking also into account the Financial Perspective 2007-2013 are currently significant topics of discussion in the European Institutions.

The Commission's proposed Strategic Guidance on Rural Development should ensure the integration of Natura 2000 in the implementation of this regulation (RDR).

Is it the intention of the Commission to ensure that a proportion of the funds in each rural development programme of the Member States will be devoted to the needs of Natura 2000, but without diminishing the funds for Rural development?

### **E-1276/05EN Answer given by Mrs Fischer Boel on behalf of the Commission**

(4 May 2005)

The outline of the strategic guidelines for Rural Development post-2006 recently presented to the Council Working Party where the Commission's proposal for a new Rural Development Regulation is discussed, clearly identifies Natura 2000 and biodiversity as a priority objective for axis 2 (land management).

The Commission is currently working on the full text of these guidelines, which will further elaborate on this objective thus ensuring that the implementation of Natura 2000 will be one core elements of Rural Development in the next programming period. The full proposal will soon be submitted to Parliament and the Council for adoption.

Provided the Commission proposal will be adopted with this priority, the Commission will scrutinise each one of the Member States' proposals for Rural Development programmes against this priority. The examination will include an assessment of the appropriateness of the measures and the relative budget proposed.

In any case Rural Development measures related to Natura 2000 will have to be financed from the total budget available for Rural Development for the period 2007-2013. The resources available for the next programming period will depend on the decisions to be taken on the Financial Perspectives.

### **WRITTEN QUESTION E-3057/04 by Michael Cramer (Verts/ALE) to the Commission**

(18 November 2004)

Subject: Trans-European transport network (TEN-T): Fichtelgebirge motorway B 303 (road link between Bayreuth (A9) and the Czech border)

Is it true that the German "Fichtelgebirge motorway B 303" project, i.e. the road link between Bayreuth (A9) and the Czech border, has been included in the trans-European transport network (TEN-T)? If so, why?

How much will it cost, and will the EU be involved in cofinancing the project? If so, from which fund and for what amount?

Does this project comply with EU environmental legislation? If not, why not, and what requirements must be fulfilled to ensure that it does?

### **Answer given by Mr Barrot on behalf of the Commission (written question: E-3057/04)**

(13.1.2005)

The German project 'Fichtelgebirge motorway B 303' is indeed part of the trans-European transport network (TEN-T). It is part of the network due to its importance as an East-West connection (Prague-Bayreuth-Schweinfurt-Frankfurt, A7), linking up with the major north-south corridor Berlin-Münich. With a view to enlarge-

ment-related expected increases in traffic flows, it is an important complement to the connection Prague-Nürnberg.

The project does not belong to the highest priorities for Community funding under the TEN-T budget, as it does not form part of the priority projects of the trans European transport network(1). The Commission has not received a request for co-financing. Therefore the Commission does not have information concerning the costs of the project and its conformity with EU environmental legislation. For project details, the Honourable Member would need to contact the Member State concerned.

It is the responsibility of the Member State concerned to ensure compliance with national environmental legislation, implementing EU legislation. When receiving funding requests, the Commission systematically checks compliance with environmental EU legislation.

### **WRITTEN QUESTION E-3018/04 by Bart Staes (Verts/ALE) to the Commission**

(16 November 2004)

Subject: Nature preservation in the Scheldt estuary under the 2010 Development Plan

The Flemish and Netherlands Governments wish to preserve and, where necessary, improve the safety, accessibility and natural qualities of the Scheldt estuary. That will require projects and measures to be



tuary. That will require projects and measures to be carried out between now and 2010, the strategy underlying which is set out in the 2010 Scheldt Estuary Development Plan.

The Scheldt and Durme estuary running from the Netherlands border to Ghent comes under European Directives 92/43/EEC (1) and 79/409/EEC(2).

A recent study by ECOBE, a laboratory of the University of Antwerp, points out that the nature preservation measures in the 2010 Development Plan are inadequate, and that there is as yet no mention of compensation measures, for example for deepening of the Scheldt ([http://www.proses.nl/fileLib/41764eeda2c47-00015491\\_toets\\_ecologisch\\_e\\_bijdrage.pdf](http://www.proses.nl/fileLib/41764eeda2c47-00015491_toets_ecologisch_e_bijdrage.pdf)).

1. Is the Commission aware of the existence of the 2010 Scheldt Estuary Development Plan?

2. What is the Commission's view of the proposed nature preservation measures set out in the Development Plan both in respect of Belgian and Netherlands territory?

3. In the Commission's view, does the development plan adequately meet the good conservation status condition as required under the directives?

4. If not, what measures would suffice to meet the conditions laid down by the European Union?

**Answer given by Mr Dimas on behalf of the Commission**  
(written question: E-3018/04)

(18.1.2005)

The Commission is aware of the existence of the Scheldt Estuary Development Plan 2010 and of the recent evaluation of the relevant nature conservation measures by a research group of the University of Antwerp.

The proposed nature conservation measures are part of a Dutch/Flemish long-term plan for the development of the Scheldt Estuary, focusing on increasing safety against flooding, assuring the accessibility of Flemish and Dutch ports and improving the ecological condition of the Estuary.

They include a number of interventions which aim at improving the overall conservation status of the habitats and species in the area, and notably those for which the affected areas have been designated as special areas of conservation under the Birds Directive(1) or proposed as sites of Community importance under the Habitats Directive(2). The measures are therefore deemed necessary to the management of the respective sites in the context of Article 6.1 of the Directive. It is the responsibility of the two Member States to make sure that the measures proposed correspond to the ecological requirements of the respective natural habitat types and species.

The Commission understands that the competent Dutch and Flemish authori-

ties are aware of the overall negative result of the scientific evaluation carried out at the University of Antwerp and that, as a consequence, they will adopt an improved package of measures in order to meet the ecological requirements of the estuary.

**WRITTEN QUESTION**  
**E-2805/04**

**by Proinsias De Rossa (PSE) to the Commission**

(27 October 2004)

Subject: Implementation of the Environmental Impact Assessment Directive in Ireland

Further to the answer to my Written Question E-0551/04(1), which it gave on 23 March 2004, what conclusions has the Commission reached regarding the new administrative guidance on applying the relevant provisions of the Irish legislation sent to it by the Irish Government in September 2003? If the Commission has not yet reached any conclusions, when will it be in a position to do so? If the Commission is not satisfied that these guidelines comply with the Directive, will it consider reactivating its decision to bring an action against Ireland before the European Court of Justice?

**Answer given by Mr Dimas on behalf of the Commission**  
(written question: E-2805/04)

(7.1.2005)

The matter to which the Honourable Member makes reference relates to a decision by the Commission to refer Ireland to the Court

of Justice on a number of grounds for non-respect 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(1), as amended by Directive 97/11/EC of 3 March 1997(2). In its response to the Honourable Member's written question E-0551/04, the Commission indicated that this decision had been suspended to allow an examination of Irish administrative guidance on the application of provisions of Irish transposing legislation providing for the possible environmental impact assessments of projects falling below set thresholds. This guidance was relevant to one of the grounds on which the Commission had proposed to make a Court referral. Following an examination of the administrative guidance, the Commission decided not to pursue this ground in the referral.



Black winged stilt (*Himantopus himantopus*) by Mark Hulme



By Andy Hay



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## The Brussels Briefing

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

Editor: Claire Papazoglou

The Newsletter is supported by RSPB, NABU, SOF, 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.