

EDITORIAL

Financing Natura 2000: integration and the LIFE instrument

The Commission presented its long awaited communication on Financing Natura 2000 on 15 July [COM (2004) 431 final]. BirdLife International welcomed the integration approach taken in the Communication by the Commission and the proposal of an amount that this financing will cost. The Commission puts the cost annually to 6.1 billion Euros. However, BirdLife was alarmed by the lack of strategic vision and detail about how the integration proposal will work in practice. The recent legislative proposals for Rural Development and Structural Funds make no provisions for earmarking of funds, and experience has shown that without explicit obligations Member States are likely to divert the funding to other projects, promoted by powerful economic or political interests.

However, most worrying of all is the apparent discontinuation of the LIFE-Nature instrument proposed by the European Commission. LIFE Nature has directly assisted the implementation of the Birds and Habitats Directives, particularly by sup-

porting the establishment and management of the Natura 2000 network of protected areas and building support for these Directives at a local level in the communities directly concerned. It has also provided funding for conservation actions for priority species under the Habitats Directive and a list of 48 bird species and subspecies recognised as priority for funding. The LIFE instrument is seen as a positive measure and has acted as a good advertisement for the EU at the national level. It has helped to resolve conflicts by bringing people together and providing the 'carrot'. Bereft of 'carrots' the Commission is only left holding 'sticks' – a position that is likely to be neither effective nor popular.

Furthermore, without a LIFE type fund BirdLife expects a whole suite of essential management actions, for habitats and species to be without co-financing and is convinced that at least in the short term this will be disastrous!

The Commission in 2002 established an expert working group on Financing Natura 2000. This group proposed the integration option as the best alternative for the financ-

ing of the network. It had two recommendations, firstly that funds should be ringfenced in the Rural Development and Structural Funds and secondly that there should be another fund, which it proposed could be called LIFE+, to 'fill the gaps'.

In May in Malahide, the Irish Presidency and the Commission convened stakeholders who recommended that arrangements should be established to "ensure adequate and guaranteed community co-financing for the Natura 2000 network. This should include *inter alia* the enhancement of Life-Nature funding in the new Financial Instrument for the Environment alongside enhanced funding from the structural and rural development funds."

The experts have spoken; the stakeholders have spoken- then why is the European Commission not listening?

BirdLife is convinced that for the credibility and kudos of the European Union, the implementation of the nature directives and the achievement of the 2010 target the Commission must think again and rapidly!

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Special points of interest:

- BirdLife International and FACE common declaration on the Birds Directive
- The New European Commission
- The New European Parliament



Staff changes

Konstantin Kreiser joined the ECO team on 19 July as EU Policy and Advocacy Officer. Konstantin will deal at least in the beginning exclusively with issues relating to the Birds and Habitats Directives, and in particular the 25th anniversary of the Birds Directive.

Konstantin is German, has studied geography, biology and GIS in Heidelberg, St. Petersburg and Berlin.

He has done work for NABU/BirdLife Germany in Central Asia and in Germany and has recently completed a six month stage at the European Commission in the nature unit.

He is a birdwatcher and speaks German, English, Russian, Spanish and French.

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25th anniversary of the Birds Directive

Preparations for the 25th anniversary of the Birds Directive and in particular the Dutch Conference continued in July and August. Most notable were the finalisation of the design of the t-shirt that will be distributed for the October Birdwatch event.

The distribution will be in August and the finalisation of the Birdwatch poster which was also sent to Partners in July for their preparations.

Of great interest was the completion of the analyses for the status of birds in Europe and the EU, which will be the subject of two publications by BirdLife International to be launched at the Dutch Conference [*Birds in Europe 2: Population estimates, trends and conservation status* and *Birds in the European Union: a status assessment*].

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BirdLife International and FACE common declaration on the Birds Directive



Mr Yves Lecocq (Secretary General Federation of Associations for Hunting & Conservation of the EU, Belgium), Ms Claire Papazoglou (BirdLife International) at Green Week 2004.

On 12th July, BirdLife International, represented by Alistair Gammell (RSPB/BirdLife UK), Michel Metais (LPO/BirdLife France) and Claire Papazoglou, BirdLife Secretariat, had the second and final high level meeting with FACE in Brussels. FACE was represented by Yves Lecocq (Secretary General), Gilbert de Turckheim (President) and John Swift (Vice-President).

During this meeting the text of the agreement between the two organisations was finalised. This text will now form the basis of a Charter on Directive 79/409/EEC between the two organisations.

The Charter will be signed by the two organisations on 12 October in Brussels in the presence of Commissioner Wallström.

This agreement represents an action agreed under the Sustainable Hunting Initiative, started 3 years ago by the European Commission. It also is a result of the good spirit of collaboration between BirdLife International and FACE, especially during 2004.

We hope that this agreement will form the basis for future collaborative action for the benefit of birds and nature.



The New European Commission

Outgoing European Commission President Romano Prodi and new President José Manuel Barroso.



The nomination of the new European Commission with José Manuel Barroso as its President will have a significant impact on EU environment policy. BirdLife looks to the new Commission to place the environment at the heart of Europe over its five year tenure with the aim of

achieving the EU target of halting biodiversity decline by 2010.

Stavros Dimas from Greece is Environment Commissioner-designate and will replace Margot Wallström. We look to Mr Dimas to build on the Commission's work on biodiversity

and the policies that affect it from the Birds and Habitats Directives to cross-cutting policies such as the EU sustainable development strategy.

Mariann Fischer Boel from Denmark is Commissioner-designate for agriculture and Danuta Hübner from Poland is Commissioner-designate for Regional Policy.

France will send Jacques Barrot to Brussels as Commissioner for Transport.

We look forward to the "Group of Commissioners on the Lisbon Strategy" placing the environment equally alongside economic and social issues. This group will be chaired by Mr Barroso with Günter Verheugen as its vice-chair.

The new Commissioners designate will have to appear for hearings in the European Parliament in September-October.

The new Commission is officially due to take over on 1 November 2004.

The New European Parliament

Following the June European parliament elections the political groups in the newly enlarged European Parliament have appointed the majority of important positions. There are now 732 MEPs and the largest political group is the centre-right EPP with 294 MEPs.

The next largest group remains the Socialists (PSE) with 232 MEPs, then the Alliance of Liberals and Democrats (ALDE) with 66 MEPs, and the Greens coming in fourth place.

As the largest political group, the centre-right EPP holds key posts such as the Chairs of the Environment and the new Regional Development committees.

The chairman of the environment committee is Karl-Heinz Florenz (DE, EPP).

The co-ordinating MEPs in the Environment Committee will be John Bowis (UK, EPP), Guido Sacconi (It, PSE), Chris Davies (UK, ALDE), Satu Hassi (Fin, Greens/EFA) and Jonas Sjöstedt (Swe, GUE/EUL).

The European Parliament's influence continues to grow, and will increase further if the new EU Constitutional Treaty is ratified, granting co-decision powers in agriculture and regional policy.

To be effective BirdLife will need to seek to build awareness of environmental issues with the members of the agriculture, fisheries, and regional development committees.

The expected shift from making laws to overseeing their full implementa-

tion will lend a key role to the new European Parliament.



Sr. Josep Borrell-Fontelles, new President of the European Parliament



CAP: Proposal for a new Rural Development Regulation

The proposal for a new rural development regulation was published by the European Commission on the 15th of July and will be discussed by the Agriculture Council of Ministers over the next months with a view to being adopted before summer 2005.

The proposal regulates the support measures on rural development and the budget for the period 2007-2013 in the 25 EU countries. It includes some important improvements compared to earlier drafts, for which BirdLife has been campaigning during the last months. It introduces a single funding and programming instrument - the European Agricultural Rural Development Fund (EARDF) - which will simplify management and control tasks.

According to the proposal, rural development measures will be grouped in three policy axes, each of which will have a mandatory minimum percentage spending. This minimum spending is set at 15% for axis 1

(competitiveness of farming and industry) and axis 3 (wider rural development), and 25% for axis 2 (environment and land management). Within axis 2, the proposal reinstates requirements for all Member States to offer Agri-Environment schemes to EU farmers. About two-thirds of the Rural Development funds can still be spent on Less Favoured Areas and Agri-Environment schemes, but for some Member States this will still mean that they will have to cut their spending.

A new element is the introduction of Natura 2000 payments under axis 2 as part of Less Favoured Area schemes, but they are non-compulsory for Member States. BirdLife's main concern still relates to the Rural Development budget: it is still far too small to be able to meet all the environmental objectives.

A strategic document outlining EU priorities for the development of each of the three axes will be published

later by the European Commission.

Together with Friends of the Earth and the EEB (European Environmental Bureau), BirdLife issued a press release, cautiously welcoming the proposal. BirdLife is currently in the process of making a full in-depth analysis of the Commission proposal. The publication of the BirdLife Rural Development vision paper is expected by early October 2004.

For more information on BirdLife's Rural Development position paper and analysis of the Rural Development legislation proposed by the Commission, please contact Edith Verhoestraete:

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By Andy Hay



EU Regional Policy

BirdLife International has been working closely with a coalition of EU NGOs to influence the reform of EU Regional Policy. We successfully launched a joint position paper at the Cohesion Forum on the 11 May, which has so far been translated into 14 languages – available the Coalition website: www.coalition-on-eufunds.org

On the 15 July, the Commission subsequently published five draft regulations for the future of EU Cohesion Policy from 2007-2013. These are:

- a general regulation coordinating the use of the Structural and Cohesion Funds (replacing the current 1260/1999/EC)
- new implementing regulations for the European Social Fund, European Regional Development Fund and the Cohesion Fund
- and a new regulation establishing

a 'European grouping of cross-border cooperation'

The regulations must be adopted by 31 December 2005.

A major gain is that EU Cohesion policy must contribute to Göteborg sustainable development objectives and include environment and risk prevention a thematic priority (including the use of Funds to co-finance measures supporting Natura 2000). Nevertheless, the devil is in the detail and we must ensure that environmental measures are accounted for in national plans and operational programmes; the regulations offer opportunities but no guarantees.

Big changes to the 'structure' of the Funds include the reduction of four Structural Funds to two (ERDF and ESF), and the potential overlap in ERDF and Cohesion Fund spending

on big transport and environment projects. The Cohesion Fund will also have a new sustainable development dimension. The draft regulations also propose simplified Structural Fund management via the loss of detailed management plans, but this is offset to some extent by increased strengthened participation for environmental partners.

A key issue for BirdLife International is, of course, the funding of the Natura 2000 Network. We will need to follow the proposals closely, especially looking at the use of Structural Funds alongside the Rural Development and Fisheries Funds. We must ensure that these Funds are complementary and offer the best possible support for these protected sites.

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Financial Perspectives 2007-2013

The EU's 'financial perspective' defines the framework for the Community's budget priorities over a period of several years. It describes financial commitments over different budget headings.

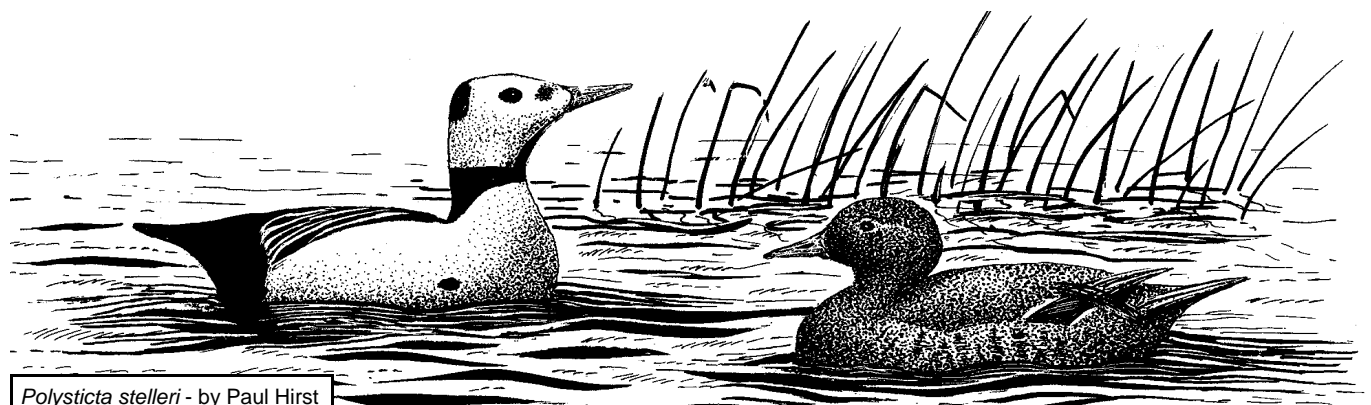
The current financial perspective ('Agenda 2000') runs until 2006. The next financial perspective will start in January 2007 and will last until 2013. The European Council (Heads of State and government of the EU

Member States) must unanimously agree the figures, on the basis of a Commission proposal. The European Parliament must give its consent.

The European Parliament gives its consent when an absolute majority of MEPs agree the text. The Commission has proposed to cap Member States' contributions to the EU Budget at 1.24% of Gross National Income (GNI).

However, six Member States dispute this figure: Germany, France, the Netherlands, Sweden, Austria and Britain. These Member States wish to have a 1.0% cap.

The Commission has stated that a ceiling of around 1% of GNI would mean that the EU would, among other things, have to reduce support for rural development, one of the key objectives of CAP reform.



Polysticta stelleri - by Paul Hirst



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.

Breach of environmental legislation

E-0666/04 by Mihail Papayannakis (GUE/NGL) - 25/02/04

By Decision 1070 of 13 May 2002, the Directorate for Forests of the region of Thessaly approved the establishment of a quarry for the extraction and processing of inert materials at Xera in the district of Potamia, municipality of Agia, on an area of pastureland covering 30 615 hectares.

Given that:

- the area in question has been designated a protected area within the meaning of the Natura 2000 network,

- the Ministry of Development delivered an opinion (APD10/B/F6.12 Gen/6422 of 9 May 2000) to the Directorate for Industry in Larissa stating that Article 4 of Law 2115/93 prohibits the establishment of quarries within a two-kilometre radius of designated archaeological sites or protected areas and that, therefore, it is not possible to set up a quarry within an area forming part of the Natura 2000 network,

- the extractive industries produce an exceptional volume of waste which affects the environment in terms of the quality of surface and ground water, natural stability, dust and erosion, and the

quality of terrestrial and aquatic habitats,

- the siting of the quarry at a short distance from communities will affect sheep-rearing and apple-growing in the region, thereby creating problems in relation to farmers' incomes,

- traffic problems will be created on the main route linking the town of Larissa, Agia and the coastal area of the Prefecture of Larissa since this road network, which is already congested, particularly during the summer months, will carry the entire volume of HGV traffic transporting the inert material, what measures will the Commission take to stop the development of an activity which is contrary to both Community and Greek environmental legislation?

Mrs Wallström - 22/04/04

The Commission does not have the competence to give an opinion on possible breaches of the provisions of Greek law or the need to go ahead with any given project. However, the Greek authorities must fulfil the obligations arising from 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 Council Directive 97/11/EC 3 March 1997,⁽²⁾ and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.⁽³⁾

Under Directive 85/337/EEC, projects likely to have significant effects on the environment must be made subject to an environmental impact assessment before development consent is granted. These projects are defined in

Article 4, with reference to Annexes I and II to the Directive. Quarries where the surface of the site exceeds 25 hectares (Annex I, point 19) must be made subject to a development consent procedure and an environmental impact assessment. The Greek legislation which transposes the Directive also requires this procedure to be followed for smaller quarries (Annex II, point 2(a)).

The information available indicates that the disputed quarry is located at the edge of a Site of Community Importance named "Karla – Mavrovouni – Kefalovryso Velestinou – Neochori" (code GRI420004) and proposed by the Greek authorities in accordance with Directive 92/43/EEC for inclusion in the Natura 2000 ecological network. The provisions of Directive 92/43/EEC, in particular Article 6 (3), are therefore applicable.

With regard to the environmental impact assessment, the competent national authorities, i.e. the Ministry of the Environment and not the Region of Thessaly, must adopt a "decision approving the environmental terms" of the project. This decision, taken on the basis of an environmental impact study and after consulting the public, is meant to define the dimensions of the project, assess the significant adverse effects it is likely to have on the environment and establish measures for preventing and reducing them. As the project seems likely to have significant effects on the proposed Site of Community Importance, the "decision approving the environmental terms" must also involve an appropriate assessment of the project's effects on the site with regard to the site's conservation objectives. On the basis of the reported

facts, the Commission does not discern any breach of the abovementioned Directives. If the Honourable Member has any other information which could show that project in question is incompatible with Community environmental legislation, the Commission would ask him to transmit it.

Goose hunting in Zeeland

P-0416/04 by Dorette Corbey (PSE) - 05/02/04

The province of Zeeland has granted an exemption to the ban on hunting geese. The exemption applies to areas that do not fall within the scope of the Birds Directive, with a buffer zone of 200 to 700 metres in operation. The area is home to a number of goose varieties that are listed in Annex II/2 of the Birds Directive, one of them being the Brent goose (*Branta bernicla*). The Netherlands is not listed as a Member State that can give permission for hunting Brent geese under Article 7(3). The same goes for the Pink-footed goose (*Anser brachyrhynchus*) and the Greater white-fronted goose (*Anser albifrons*), which are also frequently in residence in Zeeland. Exceptions to the ban on hunting are only allowed under Article 9(1)(a) if there is no other possible solution to serious problems such as major damage to crops. In the regional press the exemption from the hunting ban is described as an economy measure: the provincial government does not wish to spend money on repairing the damage caused by geese.

1. Is the payment of compensation to farmers for damage to crops a satisfactory solution within the meaning of Article 9(1)?



2. In the opinion of the Commission, does the exemption from the hunting ban violate the Birds Directive? If so, what steps will the Commission take?

3. Are the buffer zones that have been established sufficiently large to provide protection for the birds that live in the protected areas?

4. Can the Commission investigate the extent to which the province of Zeeland has made use of the possibility of obtaining subsidies for agricultural environment management?

Mrs Wallström - 16/03/04

The Honourable Member refers to the pink-footed goose (*Anser brachyrhynchus*), the white-fronted goose (*Anser albifrons*) and the brent goose (*Branta bernicla*) which are all mentioned in Annex II/2 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (1). According to Article 7(3) of the Directive, the species referred to in Annex II/2 may be hunted only in the Member States in respect of which they are indicated. Annex II/2 indicates that the Netherlands may authorise the hunting of the *Anser albifrons*.

As far as the other two species are concerned, the information from the Honourable Member suggests that derogations from the prohibition to hunt these species have been granted by the Netherlands for reasons related to crop damage caused by birds. In principle, it is possible for the Netherlands, on the basis of Article 9(1)(a) of the Directive, to validly derogate from the provisions of Article 7 in order "to prevent serious damage to crops, livestock, forests, fisheries and water". Pursuant to Article 9(3) and (4) of the Directive, the Netherlands is obliged to provide the Commission regu-

larly with a report on the implementation of Article 9. The report on the derogations for 2003 has not yet been received by the Commission and is not due until the end of 2004. In these circumstances, it is not evident that the Netherlands is necessarily in breach of the Directive. The Commission will examine the report carefully once it has been received and, if necessary, take appropriate steps to ensure that the derogations are not incompatible with the Directive. The Commission would like to emphasise that the Member States must comply with the provisions of Article 9 as interpreted by the Court of Justice. The Court ruled, for example, that a derogation from the general prohibition on hunting in Article 7 is only allowed by measures which refer in sufficient detail to the factors mentioned in Article 9 (1) and (2) (see e.g. case C-118/94, WWF, judgement of 7 March 1996).

As regards the agri-environment expenditure, the Commission informs the Honourable Member that at present the national rural development plan for the Netherlands does not contain any specific agri-environmental measure aimed at the protection of the above-mentioned geese. With the amendment 2002 to the Rural Development Plan, that was sent on 2 April 2002, the Netherlands aimed to introduce the packages "Winter migrant meadow for short stays", "Winter migrant meadow for medium stays" and "Winter migrant meadow for long stays". These packages protect the brent geese and the greater white-fronted geese. The protection of the pink-footed goose is not included. However, by letter of 8 July 2003 the Commission was informed on the withdrawal of the packages "Winter migrant meadow for short stays", "Winter migrant

meadow for medium stays" and "Winter migrant meadow for long stays" from the amendment 2002. As amendments to the Rural Development Plan are negotiated at bilateral level between the Commission and the Member State, it is not possible for the Commission to assess the extent to which the province of Zeeland has made use of its possibilities to obtain subsidies for agricultural environment management.

If applicable, subsidies for agricultural environment management would most probably be granted under the Dutch Rural Development Plan 2000-2006; the Structural Funds Objective 2 Programme for South-Netherlands, which also covers part of the Zeeland province, does not appear to be an appropriate framework for such measures.

In the framework of the sub-programme for the 'Euregio Scheldemond' under the current Interreg IIIA programme in favour of the 'Grensregio Vlaanderen-Nederland' a cross-border project 'Organic farming' ('Grensoverschijdend biologisch boeren') with two partners from Zeeland is being financed.

Bird trapping on Cyprus

E-4079/03 by Chris Davies (ELDR) - 22/12/03

Birdlife International alleges that illegal bird trapping on Cyprus, using both mist nets and lime sticks, has increased by 100% over the past year, despite Government assurances to the contrary.

Will the Commission state whether the trapping of migratory birds in these ways will be contrary to EU law after the accession of Cyprus on 1 May 2004?

If so, has the Commission indicated to the Government of Cyprus that infringement proceedings may commence rapidly if the situation contin-

ues after the date of accession?

Mrs Wallström - 23/02/04

As an acceding country, Cyprus will be required to fully implement and enforce the Birds Directive on 1 May 2004. No transition period has been given and no specific derogations have been requested by Cyprus. In October 2003 Cyprus adopted national legislation to transpose the requirements of both the Birds and Habitats Directives.

More specifically, the Commission clearly pointed out during the negotiation for accession that certain bird-trapping methods, like the ones involving the use of mist nets and lime sticks, are incompatible with the provisions of the Birds Directive. The practice is illegal in Cyprus and the Cypriot authorities have assured the Commission that they would step up efforts for effective enforcement of the law in question.

The Commission continues to monitor the situation and the progress made by Cyprus in working towards meeting its obligations under Community law, not just in transposition but also in implementation and enforcement. Should problems be observed, then the Commission will raise them with the national authorities to seek their resolution. The Commission wishes to assure the Honourable Member that it will not hesitate to take all the appropriate measures, in order to guarantee the correct application of Community environmental law by its Member States.



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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.