To Members of the Press

European Court of Justice confirms illegality of damaging Natura 2000 sites for narrow economic gains

Thursday 15 May 2014, Brussels - Today the European Court of Justice confirmed in the Case Brielse and others [1] that EU Member States cannot authorise damaging developments in Natura 2000 sites for narrow economic gains. The subject of the Brielse and others was concerning a road-widening project in the Netherlands, which development would have significantly damaged nearby species-rich grasslands. The project had been previously approved by the Dutch authorities on the basis of an 'offset' that would have seen new grasslands created.

Damages to Natura 2000 sites are illegal under EU nature legislation [2], except for "imperative reasons of overriding public interest", such as public health or vital strategic infrastructure, and where there are no less damaging alternative solutions. It is only when these reasons apply that the project can be allowed under condition of compensating the damage. However, the Dutch authorities did not assess whether the road-widening project met these requirements.

"Replacing destroyed habitat by creating it elsewhere is extremely difficult, and carries a very high risk of net loss of biodiversity. This is precisely why the Habitats Directive limits the use of compensation to the exceptional" explained Wouter Langhout, EU Nature Policy Officer at BirdLife Europe.

"Projects such as this road-widening in the Netherlands, which threaten the survival of species and habitats on a Natura 2000 site without proper justification are illegal and should not be allowed." Langhout concluded.

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BirdLife Europe is a Partnership of nature conservation organisations in 49 countries, including all EU Member States, and a leader in bird conservation. Through its unique local to global approach BirdLife Europe delivers high impact and long term conservation for the benefit of nature and people.

Notes to the editor:

[1]http://curia.europa.eu/juris/fiche.jsf?id=C%3B521%3B12%3BRP%3B1%3BP%3B1%3BC2012%2F0521%2FP&pro=&lgrec=en&nat=&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=C-521%252F12&td=ALL&pcs=O&avg=&mat=or&jge=&for=&cid=275225

[2]http://ec.europa.eu/environment/nature/legislation/habitatsdirective/

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