Background

The European Commission is currently conducting an evaluation of the Birds and Habitats Directives to which both BirdLife and CEMBUREAU (the European Cement Association) have provided input based on their own long-standing experience. This experience has demonstrated that the main issue which needs to be tackled is implementation at Member State level. With this in mind, BirdLife and CEMBUREAU are working together in order to identify ways in which implementation could be enhanced to the benefit of biodiversity and nature conservation across Europe. As such, this paper outlines our initial reflection and aims to form the basis of future dialogue with the European Commission and other stakeholders.

Proposal

Planning for both biodiversity and business

When evaluating access to land it is clear that the species and habitats mentioned in the Birds and Habitats Directives must be fully protected. Nevertheless, where it can be demonstrated that biodiversity and economic activity can go hand-in-hand, Member States should ensure the flexibility inherent in the Directives is implemented at Member State level so that business is not hampered unnecessarily. Here we draw attention to the guidance produced by the Commission, entitled “Non-energy mineral extraction and Natura 2000”, which forms a useful basis for such an evaluation.

Monitoring, enforcement, and communication

We encourage the Commission to strengthen its monitoring and enforcement of the Directives at Member State level in terms of implementation. In this regard, and as mentioned above, several useful tools have already been produced at EU level (eg. guidance documents). Here, we believe more should be done to communicate the existence of such documents and for improving the user-friendliness of their content by providing, for example, summaries covering the key elements. Furthermore, joint roadshows which bring together authorities, NGOs and industry could potentially be organized at national/regional/local level whereby horizontal and specific issues of implementation can be clarified. Furthermore, we would encourage the Commission to promote the sharing of knowledge and best practice in implementation between sectors and Member States and to establish a impartial and working forum for better implementation of the legislation involving the most relevant specialists. Clearly, there is a need for a new way of engaging and involving stakeholders in promoting, understanding and applying these guidance documents for them to be effective. In the long run, such action would also save time.

Equal treatment

When implementing the Directives at Member State level, it is essential that the principles of equal treatment are applied in terms of sectors and countries:

- Sectors: it is important to ensure that all sectors which have an impact on nature (including industry, farming and forestry) have to meet the same requirements, in order to ensure a level playing field for businesses. As such, Member States should be discouraged from excluding specific sectors from meeting certain obligations arising from the Directives.
- Countries: By ensuring that all Member States apply the Directives in a uniform way, this will ensure a level playing field between operators based in different Member states.

Species action plans

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2 Presently, a forum that brings together the Commission, Member States environmental and planning authorities, industry and land users and nature conservation organisations does not exist. We believe there is a value in such a platform to improve dialogue both at EU and MS levels e.g. recalling the stakeholder dialogues at joint implementation sessions...
The status of certain species can vary from one region to another across Europe. For example, whilst the great crested newt is rare in some parts of Europe, it is more abundant in the United Kingdom. It may therefore prove useful to develop evidence-based regional/national ‘Species Action Plans’ which would practically define ‘favourable conservation status’ and inform planning and management practice, thus ensuring an informed and proportionate approach to the conservation of the species and populations. Such plans should take a meta-population approach and aim at conserving the species population, genetic viability, ecological functionality and range. They should not aim at protecting every individual, except where this is necessary to maintain or secure favourable conservation status.

Funding
One of the main issues affecting nature across Europe is the lack of adequate funding to enhance and maintain biodiversity conservation. As such, more needs to be done by the European Union and Member States to encourage public and private funding for nature. In addition, the way in which funding is allocated should also be enhanced in order to make the best use of the funds available, ensure funding is distributed across all Member States and to promote investment in, for example, restoration and rehabilitation in favour of nature conservation.

Concluding remarks
Regardless of whether the Directives are re-opened or maintained, implementation of these two Directives at Member State level will remain an issue. However, any opening of the Directives would deflect attention away from much-needed action for nature, and cause prolonged uncertainty for businesses and their investors. Therefore, BirdLife Europe and CEMBUREAU call on the European Commission to focus their efforts on improved implementation and would welcome the opportunity to reflect further on the points outlined above together with the European Commission and other stakeholders.

For more information about CEMBUREAU, the European Cement Association, please visit: www.cembureau.eu

For more information about BirdLife Europe, please visit: http://www.birdlife.org/europe-and-central-asia