



18th January 2013

Dear Minister Creighton,

On achieving a successful Irish EU Presidency

BirdLife International together with the national partner BirdWatch Ireland look forward to working with you in order to achieve a successful Irish EU Presidency. Not only in the logistics of the task at hand, but also, and more importantly, in guiding governments and their Ministers through some of the most significant policy changes required for all of Europe.

In the coming months Ireland's role will be significant in seeking agreement on the future of crucial policies, such as the EU Budget, Common Agricultural Policy and the Common Fisheries Policy and must ensure the sustainability of the European project itself and, more fundamentally, the long term sustainability of our societies.

We attach a policy briefing entitled ***Nature creates prosperity*** for your consideration. It covers many of the areas to be dealt with during the Presidency. We look forward to a positive engagement and welcome your feedback.

The profound financial, social and political challenges that Europe faces that can only be overcome by re-aligning EU spending and policies with the needs of EU citizens. Any and all use of public money should ensure the delivery of a wide range of benefits for society such as mitigating climate change and restoring ecosystems to support resilient communities, provide sustainable jobs and ensure high quality of life.

Nature provides a basis for our well-being and for long-term jobs. Sound decision making in the EU is urgently needed to ensure a future for both people and nature. **Nature is at the heart of our future prosperity!**

Yours sincerely,

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Nature creates prosperity

Policy Briefing Irish EU Presidency 2013

Better spending at the heart of the EU budget

In times of austerity, taxpayer's money needs to be used efficiently and achieve more for the environment, for society and for Europe as a whole. Therefore, better spending must be at the heart of the debate of the next EU Multiannual Financial Framework (MFF).

It is urgent to move away from economically ineffective and environmentally damaging subsidies in order to reorient spending towards the delivery of jobs and public goods. While the main responsibility for the budget negotiations lies with the President of the European Council, the Irish Presidency should work toward a final deal that ensures:

- Adequate funding for Rural Development Policy, the more progressive and better targeted part of the Common Agriculture Policy (CAP) which is crucial for both wildlife and rural communities.
- A significant increase in the (very small) funding allocation for the highly successful LIFE instrument.
- A significant boost of the EU development aid budget, in line with the European Council's international commitments.
- Ring-fencing of 20% of all EU spending for climate action to help avert the looming climate crisis, while jump starting the green economy.

A real LIFE-saver

LIFE has proven to be a vital and very cost-effective funding instrument. Apart from contributing to the maintenance and enhancement of biodiversity and valuable ecosystem services, which are essential for long term economic development, LIFE provides jobs particularly in less developed areas.

LIFE also spurs innovation and cooperation between stakeholders. The share of LIFE in the EU budget should increase from 0.23% to 1%. While the budget allocation will be decided in the MFF discussion, the Irish Presidency will oversee the triadialogue that needs to agree the new LIFE Regulation itself. It should make sure that the final agreement:

- Extends the eligibility for LIFE project to the Over-sea Countries and Territories (OCT) associated with the EU, as these areas include a treasure-trove of biodiversity and are particularly vulnerable to climate change.
- Ensures eligibility of VAT and permanent staff costs; both crucial for the actual implementation of high quality projects.
- Sets no less than 75% ring-fencing for action grants on nature and biodiversity.
- Sets adequate EU co-funding rates to allow projects to be carried out at times of financial crisis when local co-funding can be hard to come by.

Reforming the CAP for sustainable EU farming

The Common Agriculture Policy (CAP) is a crucial policy that can have a potential positive impact on as much as half of the EU territory. But for that to happen it needs to be seriously reformed and the Irish Presidency has the mandate to lead these discussions.

Farm subsidies, which still represent the largest of the EU budget lines, should be clearly tied to the provision of public goods such as healthy soils, clean water, and abundant biodiversity. A CAP reform is crucial to ensure the sustainability of EU farming, reversing the decline in biodiversity and re-legitimising EU

spending in the eyes of its citizens. The European Commission has presented a timid but well intentioned reform proposal. The European Council has so far seemed more concerned with doing business and usual and granting exemptions from “greening” requirement, than genuinely interested in delivering value for taxpayers’ money. It is time for the Irish Presidency to broker a deal that is not just looking for the lowest common denominator but that opens the way to a viable and sustainable CAP. The Council should include in its position:

- A strong and mandatory greening package of agronomic practices at farm level, with no loopholes or blanket exemptions.
- Cross compliance provisions that include all aspects of relevant environmental legislation, especially the Birds and Habitats Directives, the Water Framework Directive and the pesticide legislation.
- A rural development policy that unlocks the greening potential of the CAP and stimulates Member States to put money into environmental measures that deliver outcomes required.

Reforms to reverse the collapse at sea

During the Irish Presidency the triologue negotiations between the three institutions on the Common Fisheries Policy (CFP) Basic Regulation and the new European Maritime and Fisheries Fund (EMFF) will take place. The European Council should ensure a good agreement which could reverse the collapse of our marine environment, fishing resources and fishing communities.

The CFP deal must ensure that:

- By 2015 set fishing mortality rates at levels that allow fish stocks to recover by 2020 above levels that are capable of producing the maximum sustainable yield (MSY).
- The fisheries industry contributes to the achievement of good environmental status in the marine environment as required in the Marine Strategy Framework Directive (MSFD) and minimizes the impacts to species and habitats.
- Discard ban and multiannual plans serve to increase selectivity and minimize and where possible eliminate by-catch problems.
- Funding is conditional and is based on compliance to the CFP and environmental legislation.

The agreement on EMFF should ensure that:

- Member States have the flexibility to spend more but not less EMFF funding on data collection and control and enforcement measures.
- Investments in vessels are conditional on the demonstration that the investments do not lead to overcapacity.
- EU financial assistance is conditional upon compliance with the future CFP, as well as with relevant environmental legislation, namely the Birds, Habitats and Marine Strategy Framework Directives.
- No public aid is given to new jobs, engine replacement and temporary and permanent cessation of fishing activities.
- Aid for aquaculture is only targeted towards environmentally sustainable aquaculture, such as extensive (rather than intensive) aquaculture and fish ponds that deliver environmental objectives. Public funding supports public goods, such as nature conservation and restoration, fish stock recovery areas and research on more selective gear.

Seabird by-catch action plan

In 2012 the European Commission published a Communication on an EU Seabird Plan of Action, which aims at minimising and, where possible, eliminating the by-catch of seabirds in fisheries in both EU and external waters.

It sets out to achieve its aims through a range of actions, notably calling on vessels to apply mitigation measures to prevent seabirds coming into contact with fishing gears. Other key areas cover research and development, and awareness-raising and training for fishermen.

The European Council should:

- Endorse and welcome the action plan and commit to its implementation.
- Agree to include data collection on seabird by-catch under the new data collection MAP.
- Include seabird by-catch mitigation measures in the technical conservation measures.

Harmonized maritime spatial planning

The European Commission's proposal for a Maritime Spatial Planning (MSP) Directive is expected during the Irish Presidency. While improving governance of European seas is important, it is crucial to avoid piling up potentially contradictory levels of obligations, given the fact that EU already has important pieces of legislation that affect maritime spatial planning.

The European Council should:

- Ensure that the MSP Directive is harmonized, and in line with the objectives of the Marine Strategy Framework Directive, the Birds and Habitats Directives and the Strategic Environment Assessment Directive.

Biofuels, food, land and the climate

The EU bioenergy targets have been widely shown to be self defeating, leading to increased emissions, large scale harm to biodiversity and vulnerable human populations and disruptive to food markets. A main problem is that current policies incentivize the use of agricultural land, while ignoring the indirect land use change (ILUC) caused by the displacement of food crops.

The European Commission has made a proposal to cap the use of crop based biofuels but has failed to propose honest accounting of greenhouse gas (GHG) emissions from biofuels. The European Council should approve an amendment to the Renewable Energy Directive which:

- Caps the use of biofuels from agricultural land at 5%
- Introduces robust ILUC factors, in both the RED and FQD to properly account for emissions caused by displacement,
- Make sure that only genuine waste, not currently used for other purposes, is incentivized as a biofuels feedstock
- Ensure no land based biofuels get subsidized after 2020.

Biomass, sustainability and climate impacts

The European Commission is hugely overdue in proposing sustainability standards on the use of biomass for energy. Europe already produces half its renewable energy from burning mainly forest based biomass, and this is set to continue until 2020 when bioenergy will account for around 10% of the total energy sources in the EU.

This rapid expansion in biomass consumption and harvesting is happening outside any framework that could ensure environmental and social sustainability and against a backdrop of serious doubts over the actual delivery of emission savings. Indeed it is now clear that much of current biomass use is leading to increased emissions.

The Irish Presidency must work with the European Commission to address the sustainability concerns associated with this biomass use in order to:

- Elaborate a method to ensure that the carbon released when biomass is burned is fully accounted for and included in calculations of emission reductions compared to fossil fuels over a 20 year time period. Only biomass delivering genuine reductions should be supported.

- Ensure that whole trees are not felled for wood pellet production and that all forests from which biomass is sourced are certified and sustainably managed, and biodiversity is not adversely impacted.
- Promote the use of genuine waste products for biomass burning without creating perverse incentives which lead to negative impacts on forests and their biodiversity.

2020 Forest Strategy

The European Commission is currently developing a new Strategy to provide a long term vision for forests in Europe, which are facing new challenges and opportunities due to new natural (eg. climate change, biodiversity and ecosystem services decline) and manmade conditions (eg. economic crisis).

The new Strategy also aims to connect different EU policies and obligations. The Irish Presidency should work with the European Commission to:

- Make sure the Strategy is balanced among its priorities, and not be just wood production oriented; that it is well defined and described (beyond the FOREST EUROPE's decision on Sustainable Forest Management).
- Respect the limits of what EU forests can provide (by introducing the principles of "reduce consumption" and "resource's efficiency").
- Ensure safeguards on the short and long term by including concrete measureable targets and indicators.
- Make sure there is a clear coherence and coordination in an EU and national level, while negative policies and initiatives for forests are minimized.
- Introduce public participation in important decisions and key actions.

7th EAP, a blueprint for improving the implementation of EU law

In November the European Commission published its 7th Environmental Action Programme for the 2013-2020 period. One important element of this programme is very relevant for a better implementation of the Birds and Habitats Directives, namely "priority objective 4: To maximize the benefits of EU environment legislation".

Among other things, it foresees the extension of binding criteria for effective Member State inspections and surveillance to the wider body of EU environment law; and developing a complementary capacity at EU-level that can address situations where there is due reason for concern. This seems to link-in well with plans to develop an EU environmental inspection regulation. Currently, support for this in the European Council has been hesitant and the Irish Presidency should work towards a statement by the Council of the Environment Ministers to welcome and support the 7th EAP proposals on better implementation of environmental legislation and on improved inspection frameworks at Member State and EU level.

The Irish Presidency should work with the European Commission to:

- Promote improvement and harmonization of environmental inspection regimes across the EU.
- Ensure meaningful targets and monitoring mechanisms to ensure delivery of environment objectives.
- Align the 7th EAP with reporting mechanisms under the EU2020 Strategy and indicators in National Reform Programmes and job stimulus packages of Programme countries so as to ensure a transition to sustainable economies.
- Ensure the delivery of both long and short term solutions on a path to sustainable development in the EU as well as in Members States (i.e. the need for an EU Sustainable Development Strategy and links to national sustainable development strategies).

Tackle aliens to halt biodiversity loss

The European Commission is developing a legislative instrument to tackle the issue of Invasive Alien Species (IAS), with publication of the draft scheduled for early 2013. Effective EU action on IAS is required urgently as IAS are one of the principal drivers of global biodiversity loss.

Across the EU the impact of IAS is demonstrably intensifying, on both the environment and the economy - IAS damage costs more than €12 billion each year. Experience from around the world demonstrates that legal measures, properly implemented and resourced, will be a critical element of an effective response.

The Irish Presidency should work with the European Commission to

- Promote the development of effective EU legislation to tackle invasive species, focusing on the three stage approach of prevention, early detection and rapid eradication; and long-term control and containment - as set out under the Convention on Biological Diversity.
- Ensure that EU IAS action regulates the trade and movement of IAS within and beyond the EU, prioritises the most vulnerable areas – especially islands and freshwater habitats – for security and remedial action, and develops a science-based Risk Assessment protocol on the release of non-native species into the environment.
- Ensure that any necessary implementing measures are adopted promptly, and that action is adequately resourced by both Member States and by the EU.

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