



# ***Assessment of projects likely to affect Natura 2000 areas***

**PAFF meeting 19 June 2020**

***European Commission, DG Environment, Nature Protection Unit***

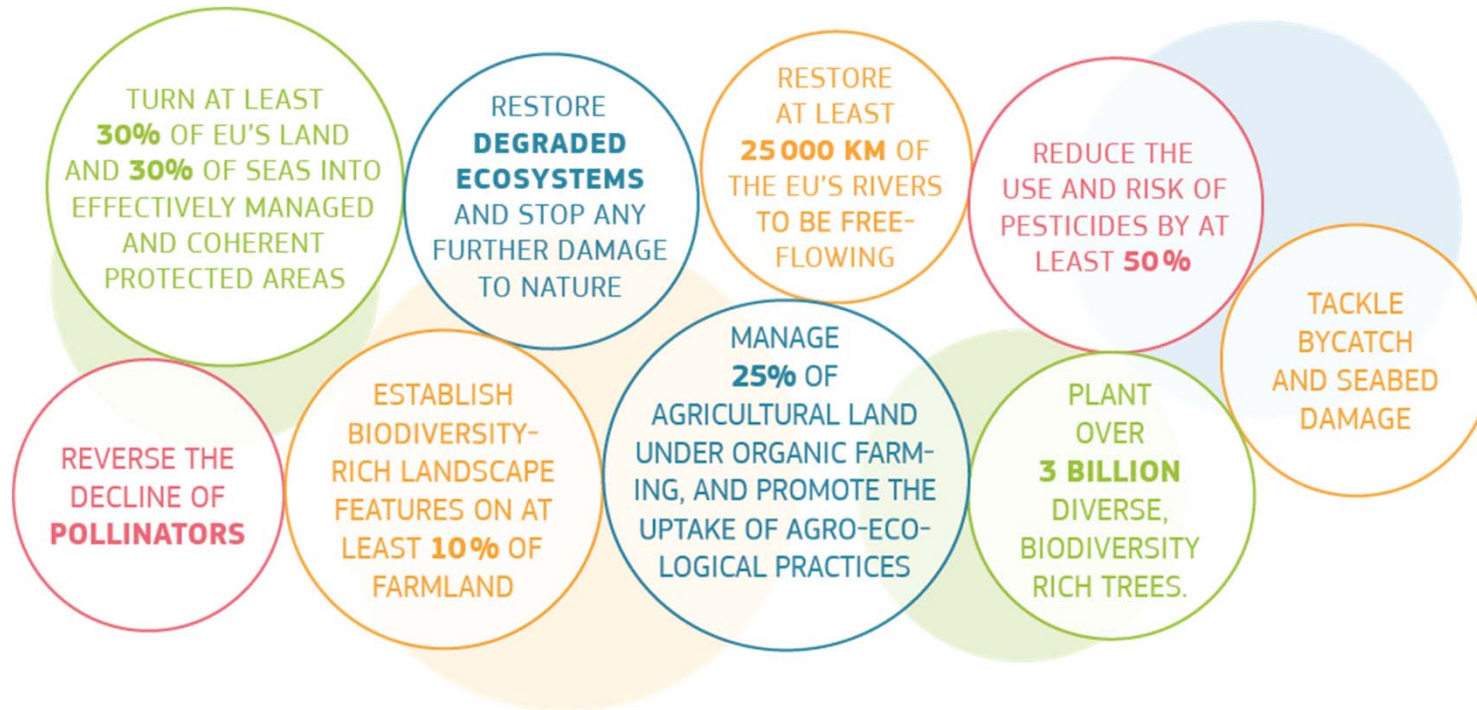
# **The EU Biodiversity Strategy 2030**

**Bringing nature back into our lives**

European Union

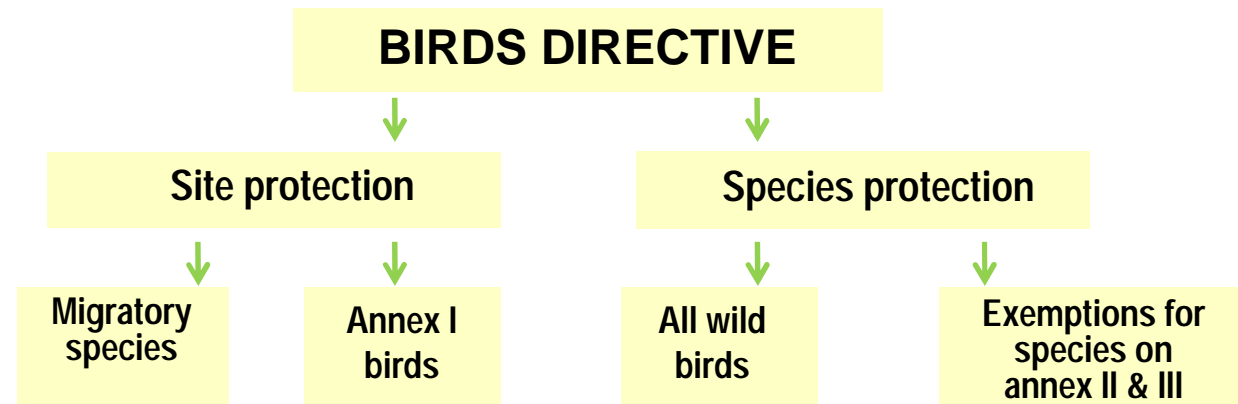


# EU Biodiversity Strategy 2030



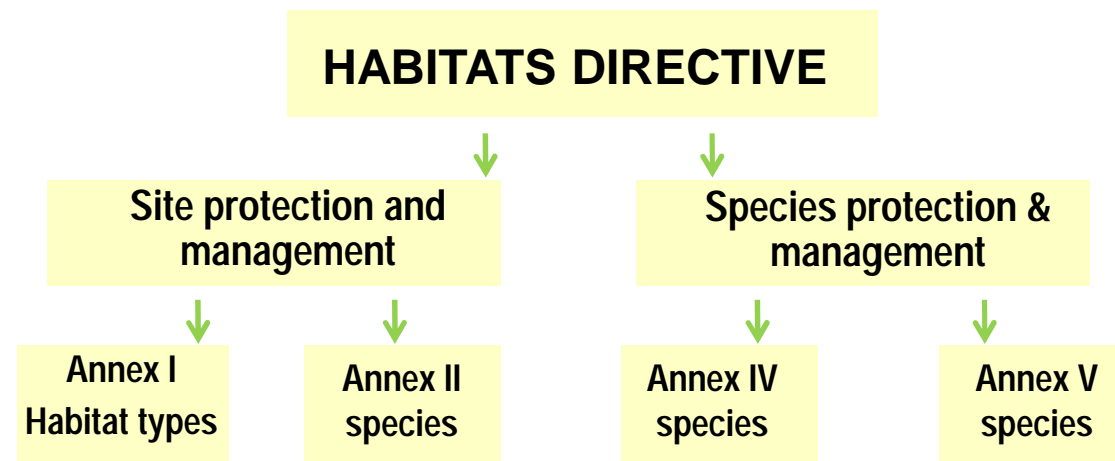
## Objectives and Scope of the Birds Directive

- ❖ **Protects all** species of naturally occurring **birds** in the wild state in the EU.
- ❖ **Overall objective is** to maintain the populations of all wild bird species in the EU at a level which corresponds to their ecological, scientific and cultural requirements, or to adapt the population of these species to that level.

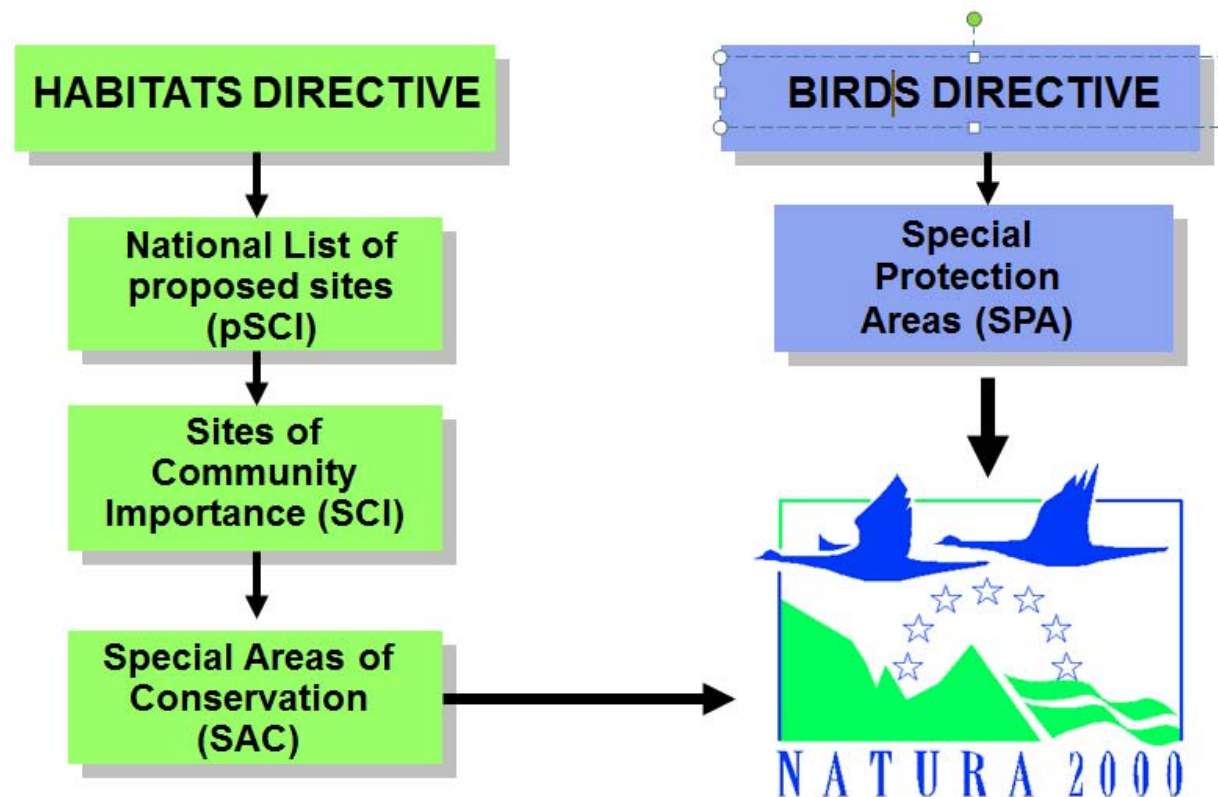


# Objectives and scope of the Habitats Directive

- ❖ *To contribute towards ensuring biodiversity through conservation of natural habitats and species in EU*
- ❖ *To ensure that these species and habitat types are maintained at, or restored to, a '**favourable conservation status**'.*
- ❖ *Focus on 1000+ threatened plants & animals & c.230 habitats*



## Natura 2000 – based on two EU Directives



# Natura 2000 Network pillar of EU biodiversity policy

- The EU wide ecological network of protected areas
- Aims to ensure long-term survival of Europe's most valuable/threatened species and habitats
- *The largest co-ordinated network of conservation areas in the world*

> 27,500 sites  
1,180.000 km<sup>2</sup>  
= 18 % of land  
~8% of sea

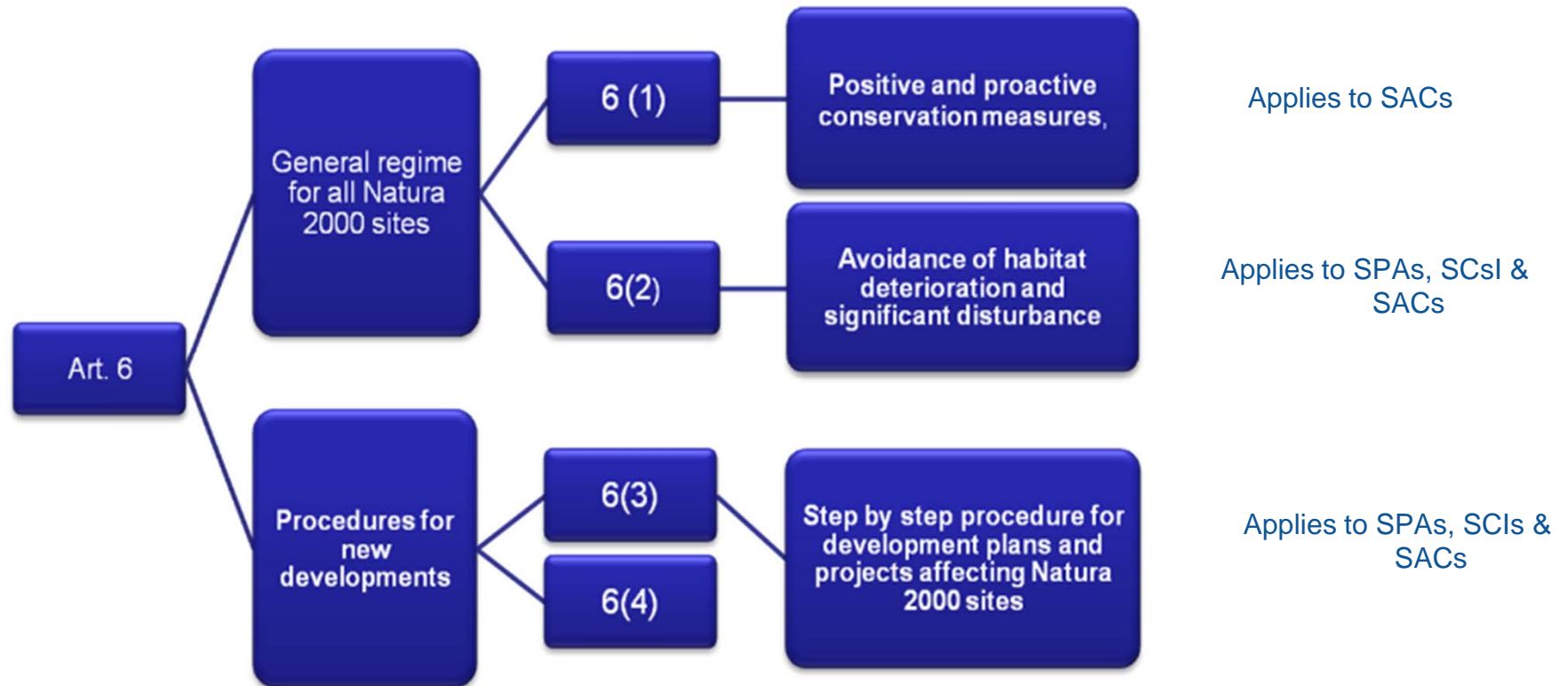


NATURA 2000 - EUROPEAN UNION  
Special Protection Areas (SPAs)  
Mediterranean Biogeographic Area (MBA, MCA)  
Sites - or parts of sites - belonging to both Biogeographic Areas

European Environment Agency



# Article 6: Protecting & Managing Natura 2000 sites





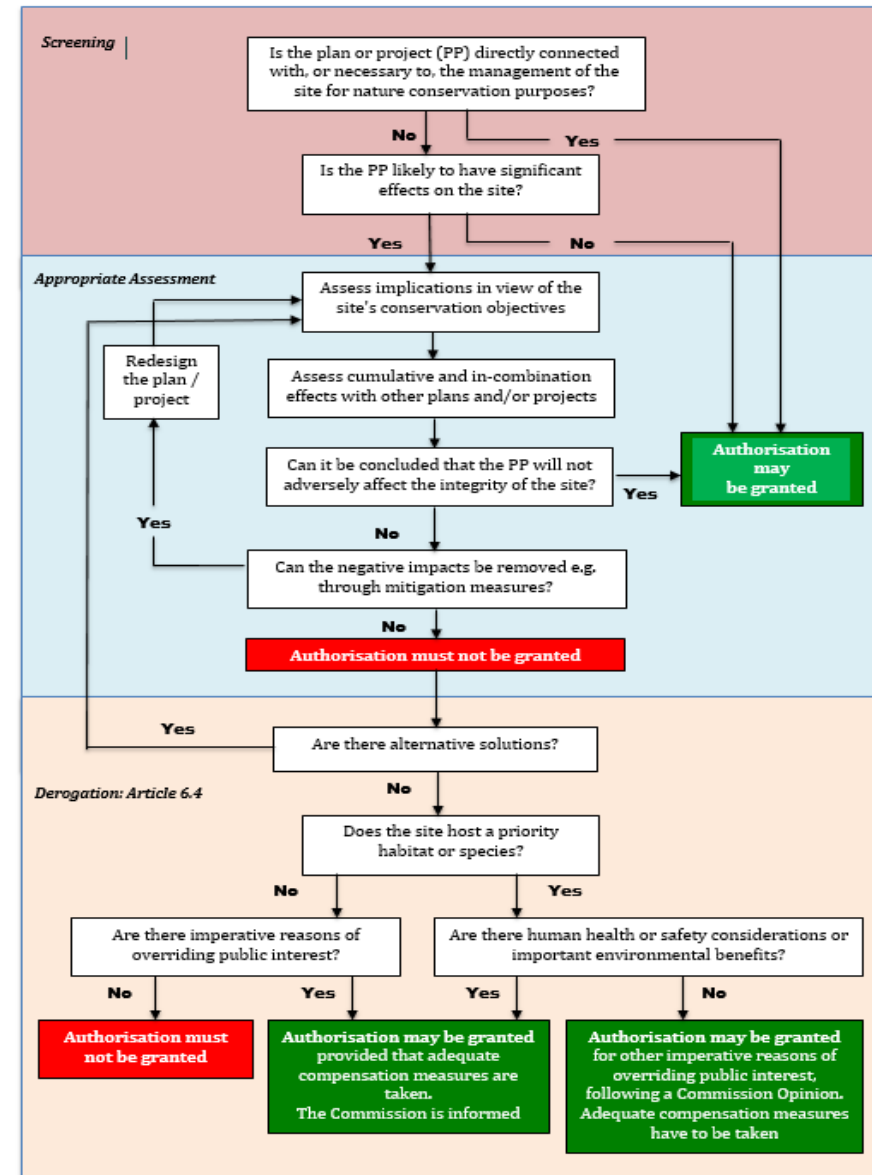
# CONSIDERATION OF PLANS & PROJECTS IN RELATION TO NATURA 2000 SITES

## Article 6(3) and 6(4) provisions

**'Screening' -6(3):** Likely significant effects – is an AA necessary?

**Appropriate Assessment -6(3):** Adverse effects on the integrity of the site? – If Yes **No permit**

**'Derogation' -6(4):** permit under specific conditions (no alternatives, imperative reasons of overriding public interest, compensatory measures)





# Step-by-step assessment of plans and projects affecting Natura 2000 sites

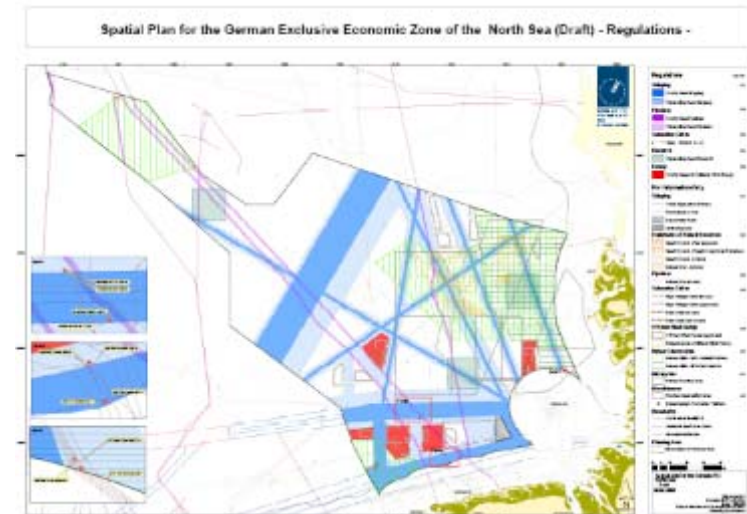
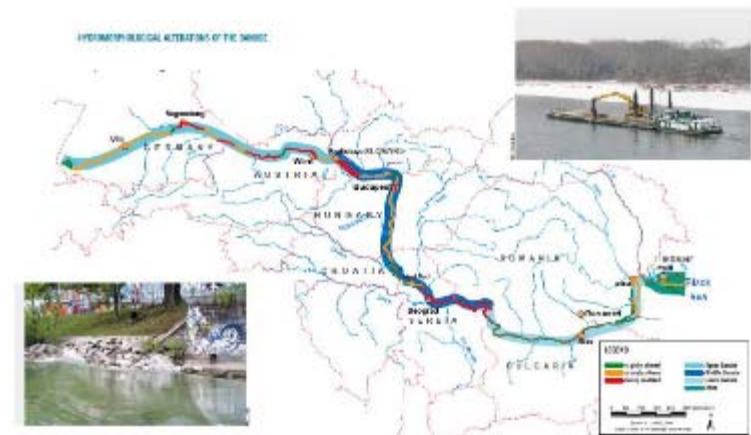
- **'Screening'**: Likely negative effects on Natura 2000 site?
  - No ⇒ OK
  - Yes ⇒ **Appropriate Assessment (AA)** based on site's conservation objectives
    - *Integrity* of the site not affected ⇒ OK
    - Negative or uncertain impact ⇒ **no authorisation**

- Derogation:**
- Alternatives exist ⇒ new AA
  - No alternative ⇒ Imperative Reasons of Overriding Public Interest? If no ⇒ **no authorisation**
    - If yes ⇒ OK with compensation measures, notification to Commission
    - Priority species/habitats affected ⇒ only health, safety, environment reasons or **Commission opinion**



## Plans and projects

- No definition of "plan" or "project" in Hab Dir
- Court supports a broad meaning
- Plans – wide interpretation (including land use or spatial plans, sectoral plans)
- Plans such as policy statements or other policy documents normally outside the scope
- Plans and projects related to conservation management excluded
- AA at plan level does not exempt projects from AA



## Determining likelihood of significant effect

- **Likelihood vs. Certainty (Precautionary principle)**
- **In combination with other plans or projects**
- **Consider plans/projects either inside or outside Natura 2000 sites**
- ***Significant effect:***
  - **No arbitrary (quantitative) definition → case by case approach;**
  - **Related to**
    - **specific features / ecological conditions of the site,**
    - **nature of impacts (magnitude, type, extent, duration, intensity, timing, probability, cumulative effects).**



## Assessing the implications for the site

- Evaluation on a **case-by-case basis**
- Look at **all aspects** of the plan or project that could cause a significant effect on the Natura 2000 site
- Based on the **site's conservation objectives**
- Consider **cumulative impacts**
- Use **best scientific knowledge**
- Decision: The appropriate assessment should contain **complete, precise and definitive conclusions capable of removing all reasonable scientific doubt** as to the effects

# Species Protection Regime

- HD Art. 12 (animals) & 13 (plants), BD Art. 5 (birds) provide system of strict species protection
- Derogations allowed under specific conditions
- Annex V HD and Annex II BD lists species that can be hunted
- EC Guidance documents on strict protection (HD Art. 12), sustainable hunting, and on large carnivores
- EC supports Species Action Plans/Management Plans



## Habitats Dir - Article 12

*Member States shall take the **requisite measures** to establish a **system of strict protection** for the animal species listed in Annex IV (a) in their **natural range**, prohibiting:*

- *(a) all forms of deliberate capture or killing of specimens of these species in the wild;*
- *(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;*
- *(c) deliberate destruction or taking of eggs from the wild;*
- *(d) **deterioration or destruction of breeding sites or resting places***

## Art.16 – Derogation scheme

Provided that there is **no satisfactory alternative** and the derogation is **not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range**, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):

- (a) in the **interest of protecting wild fauna and flora and conserving natural habitats**;
- (b) to **prevent serious damage**, in particular to crops, livestock, forests, fisheries and water and other types of property;
- (c) in the **interests of public health and public safety**, or for other **imperative reasons of overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (d) for the purpose of **research and education**, of repopulating and reintroducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants;
- (e) to allow, **under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens** of the species listed in Annex IV in limited numbers specified by the competent national authorities.



# Commission guidance documents

[http://ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)

- ❖ 'Managing Natura 2000 sites – the provisions of Art. 6'
- ❖ Assessment of plans and projects : methodological guide Art 6 (3) & (4) – currently updated
- ❖ Species protection
- ❖ Sector specific guidance



**Farming for Natura 2000**  
Guidance on how to support Natura 2000 farming operations within a structural reform context on Member States and specific conditions



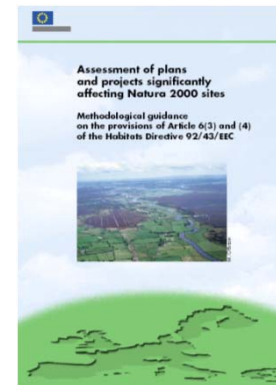
**Guidance document on inland waterway transport and Natura 2000**



**Guidance on Aquaculture and Natura 2000**  
Guidance on aquaculture activities in Natura 2000 sites



**GUIDANCE DOCUMENT**  
Wind energy developments and Natura 2000



**Assessment of plans and projects significantly affecting Natura 2000 sites**  
Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC



**Managing Natura 2000 sites**  
The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC



**GUIDANCE DOCUMENT**  
New energy infrastructure and Natura 2000



**GUIDANCE DOCUMENT**  
The implementation of the Birds and Habitats Directives in estuarine and coastal zones

