

EEB CONFERENCE REPORT

ACTIONS FOR NATURE

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ACTIONS FOR NATURE

The EU's target of halting biodiversity loss by 2020 remains a serious challenge. Europe's biodiversity continues to be dangerously eroded through habitat loss, pollution, over-exploitation of resources, invasive alien species and climate change.

But it doesn't have to be this way.

On 14 September 2016, the EEB's Actions for Nature conference at the Committee of the Regions saw 20 speakers and 14 panellists from NGOs, the European Commission, Member States, and the private sector take a look at how targeted, well-crafted and well-enforced policies can turn this around.

Taking place just before the Commission is set to publish the findings of its two-year long in-depth evaluation of the Birds and Habitats Directives, the conference provided a timely forum for discussion.

Presentations from the conference can be found by clicking on each presentation title in this document or by going to the EEB website: <http://tiny.cc/eebA4N>

The conference was moderated by journalist **Jacki Davis**.



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Opening session

EEB Secretary General Jeremy Wates

In his welcome address, **Jeremy Wates** said that Europe is facing both a biodiversity crisis and a political crisis. He said that halting the loss of biodiversity is one of the most pressing challenges of our time. Wates highlighted that while in theory the EU was meant to address the various pressures on nature through its Biodiversity Strategy - which was adopted back in 2011 - the 2015 Mid-Term Review of this strategy warned that the EU's target of halting biodiversity loss by 2020 simply will not be met unless action, in particular by Member States, is stepped up. He said that the 2015 EU State of Nature report identified that it is insufficient implementation and enforcement of the Birds and Habitats Directives which is at the heart of the EU's failure to prevent and reverse biodiversity loss.



The Laws of Nature

Jeremy Wates officially launched 'The Laws of Nature', a new joint publication from the EEB, BirdLife Europe, WWF EU and Friends of the Earth Europe which presents seven key policy proposals which would help the EU better protect nature in Europe.



- 1 FULL AND EFFECTIVE IMPLEMENTATION OF THE EU NATURE DIRECTIVES, SUPPORTED BY SUFFICIENT FINANCING



- 2 BETTER ENFORCEMENT OF EU NATURE DIRECTIVES



- 3 A FITNESS CHECK OF THE EU'S COMMON AGRICULTURAL POLICY TO TACKLE UNSUSTAINABLE FARMING



- 4 EU INITIATIVE FOR THE PROTECTION OF POLLINATORS



- 5 AN INTEGRATED APPROACH TO MANAGE NITROGEN IN THE EU



- 6 A TEN-G INITIATIVE TO BOOST THE EU'S GREEN INFRASTRUCTURE

- 7 MITIGATE NEGATIVE TRADE OFFS OF CLIMATE & ENERGY POLICIES WITH THE ENVIRONMENT



The Nature Directives

Jeremy Wates reminded the audience that it has been two years since President Juncker asked Commissioner Vella to review the Nature Directives as part of his mandate, and that these laws have been going through meticulous scrutiny ever since.

The findings of an independent study supporting the Commission's Fitness Check were published in July, and these provide conclusive evidence that the benefits of the laws' implementation far outweigh the costs and that where fully implemented they are effective. In other words, they are "fit for purpose" and up to the job of protecting Europe's natural heritage.

Given that both Commissioner Vella and Commission Vice-President Timmermans have announced that the Fitness Check findings and the Commission's follow-up decision will be published this autumn, Jeremy Wates urged the Commission to publish the Fitness Check outcome and proposed follow up as soon as possible.

Wates also said that it was important to look at the bigger picture. With the European project in the grip of such an existential crisis, the finalisation of the Fitness Check provides the Commission with a golden opportunity to take positive action on an issue which enjoys broad support from European citizens. A recent poll commissioned by the European Parliament found that 67% of Europeans want the EU to do more for the environment, and last year we saw an unprecedented level of public support for nature conservation in the Fitness Check's public consultation exercise with more than half a million people responding in support of strong nature protection laws, making it by far the largest response to any such Commission consultation.

Identifying and putting into action the measures needed to halt biodiversity loss can help the EU to re-connect with the hopes and expectations of its citizens.

Daniel Calleja-Crespo, Director General, DG Environment

Daniel Calleja-Crespo pointed to the critical importance of strengthening implementation and integration efforts in order to reach the 2020 EU biodiversity targets and the need to pick up the pace – as recommended in the 2015 Mid-Term review.

Daniel Calleja-Crespo reviewed the work carried out under the Commission's leadership since the adoption of the Biodiversity Strategy. In particular, he referred to the entry into force of new EU legislation to tackle Invasive Alien Species (IAS) - one of the main causes of biodiversity loss - and the adoption earlier this year of a first list of IAS of Union concern.



He stressed the importance of financing to support conservation efforts and cited the Natural Capital Financing Facility as an innovative mechanism to attract more private sector investment in biodiversity. He also stressed integration into other policy areas, in particular the agricultural sector, as well as the knowledge base and investment as key areas that need to be better addressed. He recalled that the Commission remains very strongly committed to the objectives of the Nature Directives and acknowledged that more needs to be done to make sure they are better implemented, building on the good examples emerging from the Fitness Check. These need to be used as models so they become mainstream and he announced that the Commission intends to work strategically with Member States to ensure the smartest and most cost effective approach to implementation. He assured the audience that the Fitness Check conclusions would be presented later this year along with a decision on follow-up action, which will be a strong basis for future action for Member State authorities and other stakeholders.

Calleja-Crespo also pointed to the important contribution the EU is making to address the links between trade and biodiversity with the adoption earlier this year of the Wildlife Trafficking Action Plan and the new 'Trade for All' strategy adopted last year, with its stronger focus on sustainability and transparency, including responsible management of supply chains which can have important implications for biodiversity conservation.

Calleja-Crespo also acknowledged that agriculture is the sector which results in the most pressures on biodiversity and pointed out that if biodiversity erodes, so does food security. He said that we need to ensure that the CAP supports European farming and that biodiversity is taken into account through agricultural practices which are respectful of environmental objectives, such as high nature farming and organic farming.

(Turn to page 12 for a report of the session on addressing pressures on biodiversity from agriculture.)

He concluded by highlighting the need to further invest in education, awareness raising and working together towards a broader application of the wealth of inspiring models.

View from the Committee of the Regions



The conference was hosted by **Roby Biwer**, Luxembourg Member of the Committee of the Regions (CoR), who was the assembly's rapporteur on the Fitness Check of the Nature Directives.

Representing Roby Biwer at the conference, **Carsten Brauns** highlighted that the CoR wants to see pragmatic solutions for the full implementation of the Nature Directives. He also said that the Commission and the Member States must do much more to support and advise local and regional authorities. He added that while there are first successes thanks to the establishment of the Natura 2000 network, better nature protection outside these sites is also needed. He highlighted the role of local and regional authorities in improving cooperation and helping avoid conflicts, in particular through appropriate territorial and spatial planning.

Session 1: Better enforcement of EU environmental laws

Presentations

How an Access to Justice Directive could make a difference

Siim Vahtrus, Chairman & Biodiversity Team Leader
Justice & Environment

In his presentation, Siim Vahtrus talked about how an Access to Justice Directive could make a difference, recalling that the EU and its Member States are all parties to the Aarhus Convention which requires that effective access to justice for the protection of the environment is provided for the public. Vahtrus added that unfortunately Member States have widely diverging rules which sometimes constitute significant obstacles to access to justice. He pointed out that where an NGO or concerned citizen cannot challenge bad application of legislation in national courts, the European Commission ends up having to deal with it. He stressed that while the right of environmental groups to bring cases to court (i.e. legal standing) is the first prerequisite, other hurdles such as prohibitive costs and a lack of injunctive interim relief (i.e. interim measures to stop or prevent damage from potentially illegal activities before a final decision on the case is reached) need to be removed.

Siim Vahtrus concluded by saying that a binding legal instrument is needed to ensure a level playing field for citizens, NGOs and businesses, to uphold the rule of law, and support the principle of subsidiarity.



Environmental Crime Directive: ENEC findings & recommendations

Alistair Taylor, Senior Policy Officer, Nature Directives
RSPB (on behalf of the European Network against Environmental Crime)

Alistair Taylor spoke about the findings and recommendations of the joint RSPB and SEO/BirdLife project on improving the implementation of the Environmental Crime Directive. Taylor explained that while criminal sanctions are being used to punish environmental crimes, such sanctions vary significantly across Member States. The project found that while the Directive has boosted national action and legislation, limited case law suggests the legislation has not been sufficiently applied which may be due to insufficient clarity with regard to the definition of illegal killing, intentional/negligent poisoning and when habitat destruction should be considered severe. Taylor said that it is essential to improve law enforcement capacity and awareness, enhance information gathering and management. He also called for full implementation of the existing legal framework of environmental crime laws and the Birds and Habitats Directives using new innovative legal and technological solutions.

The use of satellite imagery and remote sensing for better enforcement

Jan Henke, Managing Director
Global Risk Assessment Services GmbH (GRAS)

Jan Henke presented how the use of remote sensing data and the provision of an easy-to-use tool could facilitate consistent and transparent implementation and enforcement of the Birds and Habitats Directives by helping to detect illegal activities and providing evidence where required.

Henke demonstrated how GRAS can contribute to an improvement of procedures and can help take action to prevent, detect and sanction violations of existing legislation. He stressed, however, that in order to achieve this, existing data should be put to better use and more specifically inclusion of further content into GRAS should be facilitated in order to scale up the tool.

He concluded by saying he sees a role for the European Commission in recommending and promoting tools to detect violation and enforcing existing legislation.



Discussion



Anne Brosnan



Rastislav Rybanic



Paul Speight

What are the most significant obstacles when it comes to enforcement of EU environmental laws? What we can learn from the state of play across different Member States?

For **Jan Henke**, awareness is a key obstacle to enforcement as it is not always easy to achieve wider awareness of environmental issues in some countries. **Alistair Taylor** added that it was a hugely encouraging sign that half a million citizens had responded to the Fitness Check public consultation. Resources and training sufficient numbers of the right people are two of the biggest obstacles for **Anne Brosnan** (Environment Agency, UK). She added that while the necessary legislation is already in place, what is lacking in some places is the political will to make the system work.

Discussing the issue of political will on the part of Member States, **Rastislav Rybanic** (Slovak Ministry of Environment) said that Slovakian laws on Access to Justice are good and that they have concrete experience of enforcement. He said that Slovakia supports the inclusion of citizens and NGOs in decisions related to environmental protection, but called for procedures to be used responsibly as, in his view, sometimes they are misused. In relation to proportionate dissuasive penalties, he drew attention to a project under the Bern Convention which seeks to tackle the illegal killing of birds. He explained that while the UK is a good example when it comes to making judgements about such offences, there is still room for improvement in many countries. He said that we also need to keep in mind that it is not only individuals who carry out offences; it is also companies and administrations. A lack of resources is likewise a key obstacle to better enforcement and tackling environmental crime, he added. Rybanic said his Ministry has good relationships with the police on environmental crime and that the Slovakian government is trying to increase capacity to deal with environmental crime at the regional level. To this end it will hold a conference on preparing an EU action plan to combat environmental crime this November in Bratislava under the auspices of the Slovak presidency. The conference will have a particular focus on waste and nature.

Paul Speight (DG Environment) said there was no doubt that progress on enforcement is still lacking and that an integrated approach focusing on finding solutions to structural problems is now needed. Regarding the Nature Directives, he expressed the view that while initially there were more implementation problems due to the development of large-scale infrastructure, by now Member States have become better at planning projects that are in line with the requirements of the Habitats Directive. He pointed out, however, that certain situations remain more difficult to handle, for example, when designated sites deteriorate because of cumulative impacts, negligence, or a lack of resources for proper management. Speight highlighted that the Commission is not allowed to investigate such instances directly and as such it relies on civil society to sound the alarm about enforcement gaps. Speight added that the role played by civil society seems variable from one Member State to another, pointing out that the Commission receives fewer complaints from NGOs in the Baltic countries. Responding to this assertion about the lack of contact from NGOs in Baltic countries, **Siim Vahtrus** said that environmental NGOs in Estonia do not turn to the Commission because while the national rules are not perfect they are good, particularly on issues such as the right of environmental groups to bring cases to court (i.e. legal standing). Vahtrus explained that as a result, there is often no need to go to the Commission. He said that as a general rule where there is better access to justice there is better enforcement and that therefore, by helping improve access to justice the EU might have to intervene less in the long run.

Eduardo Santos (Portuguese League for Nature Protection) made the point that sometimes it is the Member State itself which is the greatest offender through the construction of motorways and dams, for example. He said that this needs to be dealt with better and that penalties need to be made dissuasive enough so as to deter Member States from breaking laws. **Paul Speight** agreed that sometimes Member States themselves are the problem, but pointed out that penalties are usually only effective once they kick in and that it can take a long time before this is the case. **Anne Brosnan** said that when a Member State is the problem it may be reported to the Commission which has significant leverage in many ways. She also added that the value of public opinion should not be underestimated and that this is where NGOs play a major role. Responding to a question about whether the Commission should have the power to inspect in Member States, **Paul Speight** reiterated that the current system is based on mutual trust, and warned that a system which gives the Commission inspection powers would fundamentally change the dynamic.

Session 2: Better implementation and management of Natura 2000

Presentations

What is full BHD implementation? Lessons from the Danube & Mediterranean regions

Irene Lucius, Regional Conservation Director
WWF-Danube Carpathian Programme

Irene Lucius said it was essential to complete the designation of Natura 2000 sites, and in particular of marine sites. She highlighted that only a minority of sites currently have clear conservation objectives and adequate management measures and stressed the importance of proper implementation to achieve concrete results. She highlighted the need for reliable and objective data as a basis to assess the impact of the measures and interventions needed, and to ensure the proper assessment and mitigation of development plans.

Lucius also warned that mismanagement as a result of insufficient administrative capacity and corruption is a risk and that good governance calls for the involvement of relevant stakeholder groups, including NGOs and farmers, which must be involved in management planning and implementation.



Species protection & derogations: What we can learn from the Dutch approach

Harm Dotinga, Senior Lawyer
BirdLife Netherlands (Vogelbescherming)

Harm Dotinga presented a number of instruments and approaches that have been developed in the Netherlands which seek to reconcile strict species protection requirements derived from the Birds and Habitats Directives with human activities. He mentioned the species standards, codes of conduct, approaches to temporary nature, species action/protection/ management plans and national and provincial programmes for active species protection. Codes of conduct, available for specific sectors/activities under specified conditions, facilitate compliance with species protection requirements under specified conditions. Species management plans allow for derogations for certain activities affecting certain species in specified areas and prescribe mitigation and compensation measures. Harm's view is that there are pragmatic solutions but that there is a clear need to step up implementation, monitoring, training, funding, enforcement and better EU and national-level guidance.



IUCN tools: opportunities for enhancing implementation

Alberto Arroyo, Senior Policy Manager
IUCN

Alberto Arroyo illustrated how international knowledge and tools can be put to better use to enhance implementation. He explained that the IUCN Red List is already helping the European Commission and Member States achieve more effective management of Natura 2000 sites, for example by supporting resource allocation decisions. Similarly, there could be added-value in making use in the future of the IUCN Green List of Protected and Conserved Areas for improving the management of Natura 2000 sites. The green list has the potential to provide a common guiding standard, to help identify good practices and provide international recognition for high quality management. Currently the green list is in a pilot phase and the sites currently on the list will be re-evaluated and adapted in light of experience. Twenty-four sites have been designated so far, eight of which are in Europe.



Discussion



Els Martens



Nicola Notaro



Rob Van der Meer

Why are there differences in implementation levels between Member States – and within individual Member States? How we can reduce them?

Els Martens (Flemish Agency for Nature & Forests) agreed that the lack of formal management plans has undermined results in particular because it has made the cooperation with land owners and the public more difficult. At the same time, she emphasised that the positive message is that where measures are being implemented positive outcomes in terms of species and habitat conservation are achieved. The lack of formal management plans should therefore not hide what is being done on the ground: since designation was completed in Flanders conservation objectives have been set and priority measures identified. Building an integrated approach to management planning is a long process which requires capacity building, the development of a methodology for monitoring, tools for impact assessment and aligning subsidies with conservation objectives but is a worthwhile investment which makes the system more sustainable in the long run.

Rob Van der Meer (Heidelberg Cement) explained that Member States take different approaches to implementing biodiversity management plans, which triggered Heidelberg Cement to draft their own guidelines on biodiversity management which in many cases are more extensive than the guidelines issued by the public authorities. Rob Van der Meer further explained that it is inevitable that their activities do damage biodiversity at times which calls for a certain level of flexibility. An additional challenge is that local and regional governments often lack a clear vision of what they want to achieve in a given area and lack people who have the necessary knowledge and experience. It would help if Member State authorities were provided with guidance which addresses the issue of flexibility for business to operate and the development of species action plans at the national and European levels, he said. An EU Action Plan on implementation was now needed, he concluded.

Nicola Notaro (DG Environment) acknowledged that more clarity can be provided within the existing legal framework on species protection requirements, flexibility and use of derogations. He also stressed the importance of filling knowledge gaps and improving public participation, including by easing access to national courts and, more generally, by involving users of nature in the design of the rules they will have to work with. Further, Notaro highlighted the difficulty of developing guidance that is clear, sets parameters for legal implementation while at the same time providing for the flexibility to take into account all specific circumstances.

According to **Irene Lucius** some of the main factors explaining differences in levels of implementation from one Member State to another include the length of EU membership, political will and associated public budgets for nature conservation, and the degree of influence of environmental NGOs. Lucius said that while NGOs must learn to reach out to authorities and businesses, authorities and business must take the views and expertise of NGOs seriously. She stressed that, in order to improve implementation, funding and guidance for monitoring programmes are key and that making nature protection a real priority at the EU and MS level would make a real difference as finance ministries would be under greater pressure to provide the necessary funding. **Friedrich Wulf** (Friends of the Earth) expressed the view that the Dutch approach to management seems to be more voluntary than prescriptive and suggested that more binding tools could be more efficient. **Harm Dotinga** replied that the law clearly needs to be applied and that where developments are authorised despite the presence of protected species, authorities know they need to apply for a derogation. Dotinga agreed that there is no obligation for sectors to develop a code of conduct. In practice, this means that some sectors are almost in continuous violation of the Birds and Habitats Directives. Dotinga said that more emphasis should be put on active, rather than passive, species protection if the status of the species in question is to improve. We need a clear idea on what is allowed and what isn't so the law is respected, he said.

Regarding ways in which to improve implementation, **Els Martens** said that setting favourable reference values could make a contribution to clarifying requirements as it would help harmonise implementation across different countries taking into account the very different situations. In addition there is a need to be clear about how far flexibility can go. Finally, if DGs cooperated better at EU level this would also result down the line in more integrated approaches, effective use of resources and win wins.

Session 3: Scaling up financing for Natura 2000 management and restoration

Presentations

Better integration vs. a dedicated EU Nature fund: an NGO perspective

Ariel Brunner, Senior Head of Policy
BirdLife Europe

Ariel Brunner started out by stating that conservation without money is only conversation and that the idea that you can bribe people so they don't destroy nature isn't working, hence the crucial role of hard regulation. He highlighted that much of the research BirdLife has carried out in the context of the Nature Directives' Fitness Check has revealed that one of the key problems is the huge financing gap. He pointed out that more recent analysis suggested that the estimated 5.8 billion euros a year for financing Natura 2000 implementation across Europe appears to be a big underestimate and that twice as much may well be needed. After identifying the various reasons for the failure of the integration approach he called for dedicated biodiversity funding under the control of conservation authorities.

He highlighted the growing calls, notably from German NGOs, for a new standalone EU fund for nature which would support Member State implementation of relevant legislation, would cover 50% of Natura 2000 costs and would be open to all land users with the involvement of stakeholders. He outlined the conditions that need to be met to achieve a functioning integrated approach, including the earmarking of funds for biodiversity and the decision and supervision of spending decisions by conservation authorities, without which the failures of the past would just be repeated.



Financing Natura 2000 via the CAP (Pillar 2) – challenges and options - examples from Austria

Michael Proschek-Hauptmann, Managing Director
Umweltdachverband, Austria

Michael Proschek-Hauptmann outlined the financing opportunities for Natura 2000 through the Rural Development programme (Pillar 2 of the CAP) in Austria and outlined some of the problems and limitations. Overall he believes funding still falls short of what is necessary for funding Natura 2000 in Austria – and that the current pot is only enough to maintain the status quo. He concluded that the absence of earmarking for Natura 2000 in EAFRD implementation leads to little transparency and continuing pressure. No nature conservation budget and the absence of a specific Natura 2000 premium is also an obstacle to engaging farmers in nature protection, he said.



A TEN-G proposal to scale up funding for biodiversity: Spain

Gema Rodriguez,
Programme Officer for Biodiversity
and Climate Change Adaptation
WWF Spain

Gema Rodriguez said an EU response to the loss of landscape connectivity is essential. She outlined some of the key features of a future Trans European Network of Green Infrastructure for it to deliver for biodiversity. This, she said, should include ensuring ecosystem connectivity and contribute to the integrity of Natura 2000, be supported by EU funding, provide support to large scale restoration projects and be based on transnational priority corridor maps. She presented the features of the Spanish TEN-G proposal which could serve as inspiration for the EU level TEN-G, including elements such as no-go areas, changes to sectoral policies, and targeted use of funds for large-scale restoration projects.



Wild nature as a Capital Asset

Ilko Bosman,
Enterprise Director
Rewilding Europe

Ilko Bosman outlined that Rewilding Europe is looking to develop new business models based on the beneficial use of nature rather than the consumptive use of nature. In order to help achieve this ambition Rewilding Europe has set up the Rewilding Europe Capital fund. This is a small investment fund which seeks to support businesses that have the potential to revitalise rural areas and their communities and consumers and allow people to make a fair living from wild places. He pointed to some of the benefits of focusing on investments as opposed to grants, namely that they can be a powerful leverage for incentivising positive performance, that they are demand-lead rather than supply-lead and that they can create longer term financial relationships.





Frank Klingenstein



Caroline Van Leenders

Has the integrated approach failed? What is the central issue: the total amount or how it is spent? Is there a risk that biodiversity would be sidelined with a stand-alone fund?

Frank Klingenstein (German Ministry of Environment) said that in Germany the integrated approach of the last 20 years has failed to fill the nature and biodiversity funding gap. The German Environment Minister is therefore calling for a dedicated biodiversity fund because the integrated approach has failed. He said that the integrated approach means in practice that the weakest part of the administration depends on a whole range of funds managed by other authorities to achieve its objectives. Moreover, bureaucratic requirements of the other funds are not suitable for nature conservation and therefore prevent targeted conservation measures. A dedicated fund for nature would be much more effective and straightforward. This does not mean that biodiversity targets should not be integrated into other policies like the CAP. The more biodiversity is mainstreamed into other sectors and harmful subsidies are reduced, the less money is needed for the nature fund, he said.

Stefan Leiner (DG Environment) pointed out that the picture is very different from one country to another which suggests that it is premature to say categorically whether the integration approach has failed or not. However, he welcomed the current debate given that discussions are beginning about how the next Multi-Annual Financial Framework (MFF) should be spent. In some countries, much of Natura 2000 funding comes from the CAP, in others the main source are EU structural funds – without integration there would currently be less money available for nature conservation. The Commission is carrying out several studies to investigate how the integration approach can be made more efficient, for example through results-based payments. He acknowledged, though, that more dedicated funding, whether earmarked or through LIFE, would be extremely beneficial. Leiner also called for a broadening of the Natura 2000 discussion to the issue of generating funding from banks and the need for private investments into nature. Acknowledging that wider systemic changes are still needed (harmful subsidy reform, internalising externalities) he also stressed the need to work within the existing reality and use the language of those who take the political and investment decisions.

Caroline Van Leenders (Netherlands Enterprise Agency) explained that her work involves greening the financial sector and pointed out that there are financial private institutions interested in biodiversity and sustainable land use more specifically. She said that in order to attract private money you need to be well acquainted with the diversity of the sector, stressing that not all investors expect high returns. Developing an understanding of what investors are interested in and reaching out to them is therefore key. Van Leenders said that to attract private investment, a dedicated fund might prove more effective because investors like to be able to easily report and measure the impact of their money.

However, **Ilko Bosman** said that in his view the integrated approach was better for the private sector as it attracts a wider group of people across policy areas. While Rewilding Europe relies heavily on LIFE as it allows beneficiaries to leverage private investment, Bosman said that they have noted the need for new incentives.

Ulrich Stöcker (DUH) pointed out that EU CAP subsidies are sometimes an obstacle to rewilding and emphasised that the concept is particularly interesting because rewilding is cost effective as management costs are kept low.



Stefan Leiner

Discussion (continued)

For **Michael Proschek-Hauptmann** the added-value of the integrated approach is its ability to engender communication between those whose activities have the most direct impact on biodiversity. He pointed out that LIFE arguably already serves as a stand-alone instrument, but that its budget should be increased and it should be made less bureaucratic. Regarding improving the integration approach, he agreed that earmarked biodiversity funding within existing funding lines might be the way to go. In response to an audience member who said we need to speak about investment in nature and demonstrate there is return on investment, Proschek-Hauptmann added that the case for nature conservation should not always be made in business terms. Investing in a public good should be for public gain not for individual profit.

Robbie Blake (Friends of the Earth Europe) stressed that the public health benefits of access to nature need to be better promoted through appropriate integration.

Ariel Brunner acknowledged the risk that biodiversity could receive less money with a stand-alone fund, but underlined that under the current situation, on paper 40% of EU money could go to nature protection yet in reality the amount is much less. He also highlighted the importance of considering the politics - which lobbies have the most influence often explains the different levels of spending on biodiversity from one country to another. As this reality will not disappear with a new funding architecture, enough capital can only be secured if the battle of ideas is won, he said. Brunner insisted that investment in nature definitely generates a return, but called for wider societal benefits to be distinguished from private investors' profits. The latter may in some cases be possible so there is a role for instruments such as the Natural Capital Financing Facility (NCFF), but most conservation funding should be seen as investment in public goods that cannot have an immediate market return, as with child vaccines or primary education.

Gema Rodriguez sees opportunity in keeping the integration approach but improving it through clear earmarking and specifying from the onset what kind of measures qualify for funding. This should not prevent the creation of dedicated funds, she said, suggesting the need for projects of common interest relating to connectivity and another one for biodiversity more generally.



Session 4: Addressing pressures on biodiversity from agriculture

Presentations



Is the CAP fit for purpose?

Faustine Bas-Defossez, Policy Manager for Agriculture & Bioenergy
European Environmental Bureau

Faustine Bas-Defossez pointed out that the Common Agricultural Policy (CAP) subsidies should always be used in a way which protects the nature farmers rely on given the intrinsic link between agriculture and the environment. Comparing official numbers used to suggest CAP greening is a success with data from concrete implementation on the ground showing it has failed, she concluded that the current CAP is not fit for purpose. Bas-Defossez therefore called for a true analysis of the CAP through an evidence-based process (Fitness Check). She said it is the necessary first step towards a new evidence-based holistic approach to food and farming policy that delivers healthy soils, water, air and, obviously, food, and rewards farmers for their work, instead of pushing ever more intensive farming practices which are detrimental to nature and public health. She added that as discussions on the next EU budget get going, decisions need to be taken first about what the money will be spent on before amounts are allocated.

Time for an integrated approach to nitrogen management in the EU

Natasja Oerlemans, Head of Footprint & Innovation
WWF Netherlands

Natasja Oerlemans explained that wildlife is suffering as a result of excess nitrogen from intensive agricultural practices. Nitrogen damages ecosystems by reducing plant composition and biodiversity. Other consequences of reactive nitrogen from fertilisers and manure include water and air pollution, ozone depletion and climate change. While nitrogen levels have decreased since 1999 they remain significant.

Current food consumption patterns means that nitrogen is today a key ingredient for global food production. How to bring about a resilient food system while preserving our nature is a clear challenge. Currently 95% of the nitrogen used for meat production is lost during the production process into the environment, for instance. Solving this problem calls for an integrated approach to nitrogen management which involves improving efficiency, promoting biological N-fixation, closing nutrient cycles and adopting agro-ecology, reducing food waste and promoting healthy diets low in animal proteins. Transforming the CAP, starting with a fitness check, would be a first step towards such a resilient food system in Europe.



Proposal for an EU Pollinators Initiative

Sandra Bell, Nature Campaigner
Friends of the Earth England, Wales, and Northern Ireland

Sandra Bell outlined the crucial role bees play in supporting biodiversity and crop pollination and went on to highlight that 9.1% of bees in the EU are threatened with extinction and many more species, for which there is no data, may be threatened. Bell explained that there are multiple causes of bee decline with neonicotinoids and habitat loss playing prominent roles. Sandra Bell made the case for an EU Pollinator Initiative which deals with the various threats to all bees across all policy areas under one comprehensive strategy bringing together decision-makers, stakeholders and experts and improving data collection and use. Drawing lessons from the UK National Pollinator Strategy, Sandra Bell insisted on the importance of swift progress in setting up monitoring schemes, showing clear ambition and formulating targets relating to farming and pesticides and, although there is a clear role for citizens and stakeholders, warned about too heavily relying on voluntary action.



Cécile Fèvre



Felix Wäckers

Is the CAP fit for purpose? Does it deliver for the environment?

Cécile Fèvre (French Ministry of the Environment) agreed with the concerns raised in the presentations about the extent of agricultural pressures on the environment and called for a holistic approach which tackles both nitrogen and pollinators. She stressed the importance of creating an objective basis for a discussion on integrating the environment into the CAP and said that this was a key role of environmental authorities. Asked what could improve the CAP post-2020, she argued that we are locked into the current structure of the CAP and technical debates which prevent us from renewing the policy fundamentally. She also said democratising the decision-making process, boosting the incentives in the CAP to protect the environment and improving the entire food industry were necessary.

Claudia Olazabal (DG ENV) said it is difficult to assess whether the CAP has 'delivered' for the environment or not as there are different expectations towards the policy. She said that to a large extent the CAP remains an income-support policy which over the years has integrated the environment without necessarily having concrete results to deliver in that respect. Looking at it from this perspective, the greening of the CAP is a process and not an end point, she said, though she acknowledged arguments from some stakeholders that we should already see results given the alarming state of the environment. Olazabal said that it is this difference of perception which makes the assessment tricky. She acknowledged a new balance might have to be found between shielding farmers from natural disasters and market instability and the delivery of public goods, but achieving a shared vision is difficult due to different expectations towards the policy, she said. Asked what could improve the CAP post-2020, she argued that it might be useful to move beyond the two pillars approach as this could facilitate an evolution through which farmers move from being clients of the policy to suppliers of goods and services. It would also be worth considering a re-centralisation of some aspects of the CAP back to the EU to limit flexibility in certain areas.

Felix Wäckers (Lancaster University) argued that if you look at the intentions behind the greening of the CAP you must come to the conclusion that it is not working out the way we expected when it comes to biodiversity conservation. Wäckers said it is regrettable that there is conflict between farming and the environment because both are interlinked. He gave two examples: the pollinators which are needed for crop production and the insects which provide natural pest control services for farmers. If we destroy biodiversity then farmers become more and more dependent on chemical alternatives. He called for a system that works in the interests of nature conservation and farmers and builds on the good examples showing that an alternative approach can work. Both farmers and researchers have a role to play in effective knowledge transfer. It could, for example, be good to provide support for farmers to visit demonstration farms run by farmers.



Discussion (continued)



Claudia Olazabal

Faustine Bas-Defossez said that reforming the existing CAP will not be enough and that a full Fitness Check would be the most effective way to achieve real change. She said that the policy is broken and we need an evidence-based and inclusive evaluation of what needs changing. Tweaking at the current policy will not be enough, she added.

Natasha Oerlemans said a radical transformation of the whole global food system is what is needed and that the first step on this transformative journey is a CAP Fitness Check. She said we must raise awareness to make people understand that our current agriculture system undermines long-term food security – if we ruin our soils and lose pollinators we cannot farm in the future. She called for a system which rewards farmers for protecting the environment and a transition to agro-ecology and sustainable farming.

Sandra Bell said that Friends of the Earth also supports a CAP Fitness Check. She said she would like to see the evaluation go beyond the standard Fitness Check criteria to look at the impact of the policy overseas and on citizens' diets. Bell added that farmers need to be supported to help them move away from pesticide reliance through much stronger pesticide action plans.

Claudia Olazabal raised the issue of farmers' representation at EU level. She said that while the Commission does perceive a greener attitude amongst farmers and a willingness to change, these views are not fully represented by farm unions in Brussels.

Sandra Bell said that in the UK the National Farmers Union viewpoint is taken to represent the views of all farmers. She said that it is dangerous when big farm unions put agrochemical companies' interests before farmers'.

Faustine Bas-Defossez reminded the conference that since 80% of direct payments still go to 20% of farmers it is not surprising that those with a vested interest in the current system are pushing for the status quo. She said a Fitness Check would allow farmers' voices to be heard.



Session 5: Addressing pressures on biodiversity from fisheries & energy on marine biodiversity

Presentations

Redesigning Europe's renewable energy policies for nature and climate

Sini Eräjää, EU Bioenergy Policy officer
BirdLife Europe & EEB

Sini Eräjää said that while renewable energy has been largely a success story in the EU, it is not always being developed in harmony with nature. She highlighted that as a result of false policy incentives put in place assuming zero GHG emissions from bioenergy, currently 65% of Europe's renewable energy comes from bioenergy. This puts new pressures on agricultural land and forests. She went on to discuss the risk surrounding ocean energy for coastal habitats and estuaries, highlighting the need for data and knowledge of both biodiversity and the impacts of technologies. Pointing out that in most areas the basics of spatial planning and adequate processes are still missing, she stressed the importance of fully implementing legislative safeguards, mapping resource availabilities and constraints and factor cumulative environmental impacts into renewable energy planning.



Making the CFP deliver for biodiversity conservation

Bruna Campos, EU Marine & Fisheries Policy Officer
BirdLife Europe

Bruna Campos highlighted that while Europe's seas are productive - maritime activities account for 6.1 million jobs - they are neither clean nor healthy. Overfishing as well as unwanted captures, injured animals, and trawling in protected habitats are all still problems. Campos said that regulating the impact of fishing can be done with fishing quotas based on scientific evidence, landing obligations which mean boats must land everything they catch, modifying equipment to avoid killing seabirds, and banning specific fishing activities in marine protected areas (MPAs). Brunna Campos said that the only way to make the Common Fisheries Policy deliver for biodiversity conservation is by stepping up implementation. She said that much responsibility lies with the Member States.





Valentina Mabilia (DG MARE) spoke about how maritime spatial planning can help set up areas for offshore renewable energy - indeed the creation of offshore renewable installations triggered the development of maritime spatial planning. Mabilia said that the Commission hopes that the Maritime Spatial Planning Directive will facilitate the setting up of marine protected areas.

Brian O’Riordan (LIFE platform) said that in his view the targets for MPAs are set arbitrarily and areas are designated without due consultation and disregard what is already happening in terms of sustainable behaviour. More dialogue is needed, he said.

O’Riordan said that much of what is new in the current CFP needs to be welcomed. He criticised the quota system for still being based on historical track records and landing obligations, thereby marginalising small-scale fishermen. In addition, the small-scale sector is underrepresented in institutions set up under the auspices of the CFP and the overrepresentation of the large organisations means inertia and an inability to fully exploit conservation possibilities under the CFP.

Bruna Campos added that there should be positive incentives for fisheries with the lowest environmental impact, which includes small-scale fishermen, yet Member States are still giving quotas based on historic levels.

Valentina Mabilia argued that, in the context of blue growth, it is important to have an integrated approach when it comes to maritime issues and spatial planning, and to bring together all the data that is out there. This should include privately collected data to ensure good Maritime Spatial Planning - this is an area where the Commission can play a role and there are grants to help develop MSP data gathering tools. She suggested that integration might require showing flexibility and coming up with creative ideas (e.g. seasonal MPAs, MPAs combined with offshore installations, synergies between sustainable tourism and other activities).

Bruna Campos warned of the danger of considering the environment as a human activity to be integrated. She said the environment is not an activity it is simply there rather than something that competes with human activities. It is important to see swift progress in the designation of MPAs because spatial plans currently under development will be ready by 2021 and by then new energy infrastructure will have been built.

Sini Eräjää underlined the main flaws of the Renewable Energy Directive as: a lack of requirements for solid spatial planning; a failure to take into consideration resource constraints and available space; and the assumption that bioenergy is carbon neutral. Eräjää said that just because a project is labelled renewable it shouldn't be given the green light without making other considerations.



Valentina Mabilia



Brian O’Riordan

Closing session

EEB EU Policy Director Pieter de Pous

Pieter de Pous said that while it was comforting to hear so many speakers stress the need to work together, we should remind ourselves of our common objectives. Hence, it was worrying that goals such as the Biodiversity Strategy and the Sustainable Development Goals (SDGs) were missing from President Juncker's State of the Union address.

De Pous noted that there is no shortage of ideas and solutions about how to solve the biodiversity crisis and that it is very much a solvable problem if we start implementing policies properly and addressing root causes. He reminded the audience of the NGO priorities detailed in the new publication 'The Laws of Nature': full implementation and enforcement of the EU Nature Directives, a Fitness Check of the CAP, an EU pollinators initiative, an integrated EU approach to nitrogen management, a Ten-G initiative to boost the EU's Green Infrastructure, and a strategy to mitigate negative tradeoffs of climate and energy policies with the environment.

De Pous highlighted the huge mismatch between governments' commitments and action. He described this as illustrative of the fundamental lack of responsibility in Europe which is present across all policy areas. Saving biodiversity is one of the fundamental problems that the EU needs to solve, but it remains to be seen whether we have the determination and collective responsibility to do so, said De Pous.

The EEB EU Policy Director said that the next big test will be the outcome of the Nature Directives' Fitness Check. It would be foolish for the European Commission to take a decision that goes against the will of half a million citizens and a huge majority of MEPs and governments who are in favour of upholding the Nature Directives. Ignoring these calls would be playing with fire, he said. He added that we must now look to what will be in the Commission's 2017 Work Programme to find out if President Juncker has got the message that it is time for a fundamental rethink of the CAP.



Humberto Delgado Rosa, DG Environment



Humberto Delgado Rosa, Natural Capital Director in DG Environment, said that he did not take lightly the fact that the EU is not on track to halt biodiversity loss by 2020. He said that Europe's failure to protect its biodiversity would send an alarming signal to the rest of the world. The Mid-term review of the EU's Biodiversity Strategy identified a lack of implementation as a key problem. Since the Birds and Habitats Directives are the cornerstone of our biodiversity policy and we are not on track to meet our targets, looking into their fitness for purpose was a reasonable thing to do, he said. But the huge hostility that initially existed towards the Habitats Directive has gone, he added.

Delgado Rosa said that while more action is needed for biodiversity, at an EU level progress has been made in a range of areas including through the adoption of an Invasive Alien Species Regulation, a Wildlife Trafficking Action Plan, work on Green Infrastructure, adding nature-based solutions to the research agenda, establishing the Natural Capital Financing Facility (NCF) and greening the Common Fisheries Policy (CFP).

He said that while it is fair to say the greening of the CAP may not deliver enough, in his view we should not conclude that scrapping it is the solution. He described the greening as an opportunity which can be improved and reinforced through thorough assessment. He said that regardless of the architecture of the new CAP we need to make sure that adopting greener farming methods makes farmers' lives easier rather than more complicated.

He considered turning the concept of ecosystem services into a concrete initiative to support pollinators worth exploring. With regard to fisheries he considered it worth exploring the idea of introducing exclusive access rights for local communities and no take zones for larger fish to reproduce as ways to overcome the persisting tragedy of the commons.

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