

# WILL YOU LEAVE A LASTING LEGACY FOR NATURE?

In the five months of action remaining under the current mandate of the European Commission, we call on EU Environment Commissioner Karmenu Vella to leave a lasting legacy for nature and people – The #NatureAlert Countdown starts now!

## Joint policy brief on the implementation and enforcement of the EU Birds & Habitats Directives

**Birdlife Europe, EEB, Friends of the Earth Europe and WWF call on Commissioner Karmenu Vella to demonstrate strong leadership in the five active months remaining under his current mandate as EU Commissioner for the Environment. There is still time for Commissioner Vella to leave a lasting legacy for nature and people – but only if he takes decisive action in these crucial final months to improve the implementation and enforcement of the EU Birds & Habitats Directives.**

The Birds and Habitats Directives (the 'Nature Directives') are widely recognised as the cornerstone of EU-wide efforts to halt and reverse the loss of biodiversity. Indeed, implementing them in full is one of the key targets of the EU 2020 Biodiversity Strategy. The Nature Directives have played a major role in ensuring that some of the most valuable and endangered habitats and species in Europe are preserved. They underpin the largest network of protected areas in the world – the Natura 2000 network – which now covers over one fifth of EU land and nearly a tenth of its seas. It is thanks to these laws that iconic species such as the Iberian lynx and White-tailed eagle are slowly recovering.

However, much of Europe's biodiversity is still in decline; only 23% of animal and plant species, and 16% of habitat types, protected under the Habitats Directive have a favourable conservation status. As it stands, the EU looks set to miss its own 2020 biodiversity targets.

The fitness check of the EU Nature Directives in 2016 concluded that they are indeed fit for purpose. But it also highlighted the big gaps in implementation that are preventing the successful achievement of their objectives. Today, two years later, it is woefully clear that progress on implementation is far from enough. Nature is still in steep decline and this needs to be addressed urgently to avoid ecosystem collapse.

## 5 MONTHS TO LEAVE A LASTING LEGACY FOR NATURE

There are currently five months left during which the Commission can still take action under its current mandate – five months during which the Commission must dramatically step up efforts to leave a lasting legacy for nature and people! In practice, this means:

1. Pushing EU Member States to fully implement the Nature Directives
2. Dramatically stepping up enforcement of the Nature Directives
3. Urging Member States to implement and not revise the Water Framework Directive (WFD)
4. Pushing EU Member States to complete the designation of the marine Natura 2000 network and ensure its effective management
5. Negotiating an environmentally ambitious reform of the Common Agricultural Policy (CAP)

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# 1 Pushing EU Member States to fully implement the Nature Directives

Following the results of the REFIT evaluation of the Nature Directives, the European Commission and Member States committed to improving the implementation of the Nature Directives as part of the EU Action Plan for Nature, People and the Economy. Although some progress has been achieved on several actions, there is still significant room for further action. This includes the completion of the Natura 2000 network, ensuring that all sites have conservation measures in place, the deployment of green infrastructure to improve connectivity across the network, and better financial planning at Member State level through the update of the Prioritised Action Frameworks (PAFs).

Most actions put forward in the Action Plan need to be implemented in 2019 and European Commission services need to be properly resourced to finalise these actions in collaboration with Member States and stakeholders. In April 2019, the country reports of the second cycle of the Environmental Implementation Review will be published. The findings of these reports should inform both the Commission and relevant Member States on the specific actions needed to close the current implementation gaps. Crucially, this must also entail the Commission bringing enforcement action against Member States who are clearly in breach of the EU acquis.

# 2 Dramatically stepping up enforcement of the Nature Directives

The European Commission is 'the guardian of the Nature Directives'. As the body responsible for enforcing EU nature protection laws, and referring governments to the EU Court of Justice (ECJ) when the laws are breached, the Commission is often nature's last line of defence. As such, it must be prepared to fulfil its enforcement role through the complaints and infringements system.

The Białowieża case in Poland showed that decisive EU enforcement is possible and can be very effective: the Commission quickly followed up on the complaint it had received and interim measures were requested to compel Poland to immediately suspend logging until the ECJ had reached its decision. The ECJ then ruled that logging in Białowieża forest was illegal and stipulated a fine of €100,000 for each day that it continued.

Unfortunately, we do not see the same decisive action for many other threatened sites such as Kresna Gorge (Bulgaria) or Limni beach (Cyprus).

The European Commission must prioritise dealing with complaints, launching infringement actions faster, and seeing them through on a clear, transparent and objective basis. More specifically, the European Commission needs to:

- Make the process of handling complaints more open and transparent
- Ask the ECJ for interim measures until an infringement case is resolved where severe or irreversible damage to habitats or endangered species may arise
- Ensure effective deterrent penalties are applied when crimes are committed, so that environmental crime never profits

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- Include technical measures to enable the Commission to verify on the ground information that is being received from complainants and government ministries, and to instigate own actions using evidence of land-use change from earth observation platforms
- Allocate more staff resources to processing and resolving Nature Directives complaints and infringements
- Set clear targets to progress the majority of cases within set timescales and improve annual public reporting on nature cases with country profiles

### 3 Urging Member States to implement and not revise the Water Framework Directive

The 2015 State of Nature Report identified that many of the ‘bad’ status areas or deteriorating trends are found in water-related species and habitats. The latest assessment of the European Environmental Agency indicates that only about 40% of Europe’s surface waters have a good ecological status and 38% have a good chemical status. The main legal instrument to maintain or improve the status of aquatic habitats in the EU is the Water Framework Directive (WFD), which if well-implemented, provides for effective and efficient tools to address the main pressures upon these ecosystems. The WFD obliges Member States to prevent deterioration and achieve good status for all of Europe’s freshwater bodies by 2027 at the latest. The implementation of measures under the WFD will contribute to the objectives of the Nature Directives, if implementation is coordinated.

It is crucial that the ongoing fitness check evaluation of the WFD recognises that this legislation is fit for purpose, and addresses the failures of Member States to effectively tackle identified pressures on freshwater ecosystems. The actions to protect European waters should not be delayed. The current shortcomings in the implementation of the WFD should also be addressed through an increased focus on enforcement by the Commission.

### 4 Pushing Member States to complete the designation of the marine Natura 2000 network and ensure its effective management

Significant progress has been made on the designation of marine Natura 2000 sites, doubling in size over the last five years to cover 9% of the total European marine area. However, efforts are still needed to complete marine designation, especially offshore. Measures to ensure that all further site designations aim to create an ecologically coherent Natura 2000 network are also needed.

The main gap concerning the conservation of marine species and habitats lies with the lack of effective conservation measures, in particular the lack of measures to restrict destructive fishing activities in the Natura 2000 sites, which remains a persistent problem. As a result, many marine Natura 2000 sites are mere “paper parks”. Efficient management therefore requires governments to identify the conservation objectives of their sites, the favourable reference values, and the necessary actions to protect entire designated areas.

Regarding the management of fishing activities, the implementation of the Common Fisheries Policy (CFP) needs to properly address the impacts of fishing activities on species and habitats protected under the Nature Directives. It is estimated that 132,000 sea turtles, including protected species, are caught as incidental ‘bycatch’ in fishing nets

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in the Mediterranean Sea alone – of which 44,000 are killed. More than 200,000 seabirds are estimated to be bycaught in fishing gear across Europe. However, not a single measure has been adopted to mitigate the impacts of fishing activities on sea turtles and seabirds. There is still much to be done in implementing the CFP as well as delivering on the Nature Directives.

## 5 Negotiating an environmentally ambitious reform of the Common Agricultural Policy

Our current farming system is damaging nature and the climate. Countless scientific studies show that intensive agriculture in Europe is driving biodiversity loss, polluting our water, soil and air and contributing to climate change. The Common Agricultural Policy (CAP) has played a huge role in this, but with environmentally ambitious reform, it could become a key tool to support farmers in the transition to sustainability.

We call for a CAP reform that moves away from perverse subsidies in favour of a truly result-oriented model, fit for the challenges of the 21st century; where taxpayers no longer pay for environmentally destructive farming practices, but for a sector-wide transition to sustainable farming and genuine environmental results. We only have a few years to turn this around before it is too late. This is the last chance for the CAP to steer the EU farming model away from the current industrial model preventing the EU from meeting its international commitments. However, the Commission's proposal is headed in the opposite direction. We therefore call to redress this and negotiate an environmentally ambitious CAP reform which incorporates the following features, as a bare minimum:

- Real money for nature, the environment and climate
- No more perverse subsidies
- Real law enforcement
- Improve the governance of the CAP and the performance framework

**We urge Commissioner Vella to consider the legacy he wants to leave for nature and people at the end of his current mandate as EU Commissioner for the Environment. There is still time, in the five months remaining, to take the decisive actions outlined above to improve the implementation and enforcement of the Nature Directives. There is still time to save the precious nature of Kresna or to save the sea turtles of Limni and so much more.**

**The #NatureAlert countdown starts now!  
Will you, Commissioner Vella, leave a lasting legacy for nature?**



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