



Stress Test of the Birds and Habitats Directives risks weakening nature protection

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Initial reflections from Birdlife Europe and Central Asia, European Environmental Bureau, ClientEarth and WWF EU on the [Stress Test of the Birds and Habitats Directives](#)

The focus of the Birds and Habitats Directives Stress Test overlooks the crucial role of nature for our society and Europe's resilience

The objective of the Birds and Habitats Directives stress test according to the Commission is to “to assess whether directives remain relevant, proportionate, and fit to achieve their objectives in a cost-efficient way, including by identifying opportunities to reduce unnecessary administrative burden”. This is a narrow focus, ignoring the reasons why the legislation was adopted. It is building further on the flawed narrative that frames environment and nature legislation as ‘red tape’, rather than essential environmental safeguards and a foundation for the EU’s long-term competitiveness. So far, the debate tends to forget the following important aspects:

- The Birds and Habitats Directives (BHD), aka Nature Directives, are the cornerstone of EU biodiversity policy on which the Natura 2000 network, the largest coordinated network of protected areas in the world, is built. The two Directives provide the flagship legislative framework for all EU countries to protect the most valuable and threatened biodiversity. Thanks also to the legal certainty brought by Commission guidance and CJEU rulings, this framework has enabled constructive engagement between stakeholders over the years and provided predictability for public authorities and businesses alike.
- Protecting habitats and species is important to maintain healthy ecosystems as the basis on which our society and economy depend. They provide clean air and water, healthy soils and pollination services. They store carbon and protect us against climate related risks such as flooding, droughts and wildfires.
- Nature plays a crucial role in the enjoyment of core human rights (life, health, food, water, culture), with biodiversity loss directly undermining them ([UN OHCHR](#)). Biodiversity is increasingly recognised as a human rights-issue under international law. Access to healthy natural environments has been linked to numerous physical and mental health benefits, including reduced stress, improved mood, enhanced cognitive function and lower risk of chronic diseases ([WHO](#)). Biodiversity loss and ecosystem degradation have increasingly been

linked to human rights violations by causing or exacerbating food insecurity, and increased climate disaster and disease risk exposure ([IPBES](#)).

- Our economy depends on nature. Two thirds of EU Gross value added is estimated to have a medium to high dependency on nature ([JRC, 2025](#)). More than 70% of companies in the euro area are highly dependent on at least one nature-related service that healthy ecosystems provide ([ECB](#)). The financial toll on businesses of environmental degradation is serious: an estimated [economic loss of assets](#) of EUR 650 billion between 1980 and 2022, of which EUR 52.3 billion in 2022 alone. The cascading environmental impacts are expected to increase the exposure to risks in the future according to the [2024 European Climate Risk Assessment](#). As [reaffirmed by the Commission](#), high standards can be a powerful source of competitive advantage.

The Stress Test distracts from what **really matters: better implementation**, funding and enforcement of the EU **Nature Directives**

While the Commission maintains that the "simplification" agenda will not lead to a weakening of environmental legislation, the many omnibus proposals show a different picture. Instead of this exercise, the Commission and the EU Member States should put the energy and resources in better implementing, funding and enforcing the EU Nature Directives, which was the conclusion of the BHD Fitness check already 10 years ago.

- In 2015 - 2016, the REFIT Fitness Check provided a comprehensive policy evaluation of the Birds and Habitats Directives, examining their performance against five criteria: effectiveness, efficiency, relevance, coherence and EU added value. The Fitness Check involved extensive evidence gathering and consultation with many stakeholders at Member State and EU levels. The conclusion was clear: *"Within the framework of broader biodiversity policy the Nature Directives are fit for purpose, but fully achieving their objectives and realising their full potential will depend on substantial improvement in their implementation in relation to both effectiveness and efficiency, working in partnership with different stakeholder communities in the Member States and across the EU, to deliver practical results on the ground."* ([Fitness check SWD\(2016\) 472 final](#)).
- This conclusion is still valid today. The current stress test could be a useful exercise to evaluate the current state of play of the Nature **Directives' implementation** and to propose **initiatives** needed to step-up and improve **implementation**, but should result neither in a revision nor weakening of these laws. Given that one of the stated objectives of the BHD Stress Test is to identify opportunities to reduce unnecessary administrative burden, it is important to note that the 2016 BHD Fitness Check already concluded that this burden *"can result from national and regional implementation approaches"*.

Key points on the main topics of the **Birds and Habitats Directives Stress Test**

It is important to keep the following aspects in mind when assessing the strict species protection regime, the Natura 2000 site protection regime, and aspects of the Directive's fitness in the light of climate crisis.

- **Species protection, derogations and procedures for adapting the annexes to scientific and technical progress:**
 - Procedures for changing the protection level of protected species need to be science-based and in line with the international treaties (e.g. Bern Convention).
 - If a targeted technical adjustment of Art. 19 of the Habitats Directive is considered, as amendments of EU legislation to change annexes are usually handled through Implementing or Delegated Acts, it is crucial to include the requirement for an opinion of a scientific body. This targeted change would allow the Member States, in comitology procedure, to assess the conservation and management measures for species protected under the Habitat Directive in an evidence-based manner.
 - Any weakening of species protection (including the weakening of the strict species protection regime or the downlisting of Habitat Directive's Annex IV species) would create the need for a significant increase in the monitoring efforts by Member States, both in terms of capacity and in terms of funding, to ensure that the objective, to maintain or restore species and habitats in favourable conservation status, is not adversely affected.
 - When discussing species protection, it is important to not only discuss the "de-listing" of species, but to also consider which species should be added to the Annexes of strictly protected species because of their deteriorating conservation status. As with any "de-listing" when scientifically approved, the "listing" of new species should happen in the corresponding procedure.
- **Application of Article 6 of the Habitats Directive, with a focus on appropriate assessment procedure for Natura 2000 sites:**
 - Since the 2016 Birds and Habitats Directives Fitness Check there have been many changes already to the permitting rules, impacting how the appropriate assessment procedures for Natura 2000 sites are implemented, for instance for Renewable Energy through the amendment to the Renewable Energy Directive (RED III).
 - Currently there are several new legislative proposals being negotiated, such as the [Regulation on speeding-up environmental assessments](#) (under the environment omnibus) and the [Directive on the acceleration of permit-granting procedures for infrastructure projects](#) (under the Grids Package) thus the application of Article 6 of the Habitats Directive has already been significantly reduced through other legal acts. It is essential to assess the impacts of these proposals as they evolve

throughout the legislative procedure, and to ensure Article 6 remains effective in protecting Natura 2000 areas.

- Instead of the continued weakening of the protection regime, the focus should be on promoting the numerous best practices existing in Member States, showing that permitting processes can be quick and efficient while maintaining the required protection levels.
- This holds in particular as the EU is not on track with achieving its Protected Area targets (both from the EU Biodiversity Strategy 2030, i.e. the 30% protected area on land and on sea, 1/3 of it being strictly protected, and the 30% protected area commitment stemming from the Global Biodiversity Framework agreed in Kunming/Montreal).
- **Fitness of the Nature Directives in light of the climate emergency**
 - Europe is facing big impact from climate change. The framework set up by the Nature Directives is fit to deal with those challenges. It offers flexibility to Member States, as explained by the recent [Guidance Document of the European Commission on Natura 2000 and climate change](#).
 - More concretely, the guidance already helps Member States and other actors to adapt the Natura 2000 network of protected natural sites to the growing pressures of climate change. The document clarifies how the provisions of the Birds and Habitats Directives apply when designating and managing Natura 2000 sites in the context of climate change impacts. It also provides recommendations on practical adaptation measures and a climate adaptation framework for Natura 2000 managers, national authorities and stakeholders responsible for safeguarding Europe's most precious habitats and species. It sets out how to plan and implement adaptation measures, adjust site boundaries or conservation objectives, restore degraded habitats to increase resilience and build strategic partnerships with sectors such as agriculture, water management and disaster prevention (e.g. floods and wildfires). In summary, the guidance shows that Member States can meet their obligations while making use of the existing flexibilities in the Birds and Habitats Directives when adapting conservation measures to climate change.
 - As also confirmed by the Guidance, the Birds and Habitats Directives furthermore play a vital role in contributing to climate change mitigation and adaptation efforts, by promoting the use of nature-based solutions through an effective management of the Natura 2000 network.

Overall conclusion

- Europe is facing the severe impacts of the intertwined ecological and climate crises throughout its whole society and economy. At a time of heightened geopolitical tensions and global insecurity, these crises (and the already accumulating costs associated with them) are bound to be exacerbated further if the EU undermines its own environmental laws and commitments meant to tackle them.
- The questioning of the established standards of the EU Nature Directives creates uncertainty and further undermines Europe's social cohesion at a time where it is most needed. As one of the world's largest economic blocs and as a global frontrunner in setting high policy standards, the EU has a key role to play in ensuring the stability and resilience of its citizens, ecosystems and economic actors on its territory.

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