

EXPERT GROUP ON THE BIRDS AND HABITATS DIRECTIVES

“NADEG”

4th Meeting

19 April 2016, Brussels, Centre Borschette

DRAFT MINUTES

Chair: Nicola Notaro, Head of the Nature Unit, DG Environment

List of participants: see [Annex I](#)

Absent Member States: Sweden, Italy, Greece, Slovenia

1. ADOPTION OF THE AGENDA, ADOPTION OF THE MINUTES OF THE LAST MEETING

The agenda and the minutes of the last meeting were adopted without comments.

The Commission informed the participants that, from now on, travel costs of only one person per Member State would be refunded for attending the spring meeting of NADEG, instead of two as before. For the autumn meeting, which usually combines both the Habitats Committee and NADEG meetings, the travel costs of two people will continue to be refunded for the time being.

2. DISCUSSION POINTS

a) Future of the Natura 2000 Biogeographical Process

New strategic orientations

The Commission reminded participants of the overall purpose of the Natura 2000 biogeographical process and of the various initiatives that have been taken over the last three years since its launch (see ppt). The continuation of the biogeographical process will be an important element in the follow up of the recent fitness check on the two nature directives.

The present discussion paper proposes an adaptation of the strategic orientations in light of experience, taking into account the first exchange of views on this topic in the NADEG meeting of October 2015. The issue was also discussed in detail at the Natura 2000 management working group on 18th April.

The four main strategic orientations proposed are as follows:

1. A stronger focus on meeting the EU 2020 Biodiversity Objectives, for example by identifying ‘low-hanging fruits’: habitats and species identified for priority consideration, based on Article 17 reporting results;
2. The development of biogeographical level favourable reference values;
3. The strengthening of the marine aspects of the process;
4. Continued cooperation and networking on Natura 2000 management and encouraging pro-active stakeholder involvement.

During the ensuing discussion the following comments were made:

- There was general agreement that it would be useful to give priority to areas where success can be achieved most easily in light of the fitness check conclusions;
- The topics of common interest need to be carefully chosen so that the seminars can focus on specific habitats and practical actions instead of spending time on generalities;
- While the focus on ‘low hanging fruits’ is politically useful, one should not lose track of species or habitats that are seriously endangered and in urgent need of action. Moreover, some habitats, by their very nature, may need a long time to recover. Work should start on these as soon as possible (e.g. forests) even if they are not considered to be ‘low hanging fruits’;
- The process of identifying the focus areas should start early on in the planning process so that national experts can be fully consulted in advance of the seminars;
- Particular attention needs to be paid on how the prioritisation list is packaged and presented. This should not lead to an undermining of, or loss of support for, already established national priorities, which may well be different from those set at a biogeographical level but will hopefully be complementary.

The Commission confirmed that national priorities will be taken into account when examining biogeographical priorities. It also supported the view that more difficult conservation priorities should be tackled as well. The emphasis will be on finding points of convergence wherever possible so that the two processes can be mutually supportive.

Two seminars will be organised this year according to the new strategic priorities: a second Boreal Seminar will be held on 5 - 7 October, in Vilnius, Lithuania and a second Atlantic Seminars will be held on 25-27 October in Ireland. Details will be sent out shortly.

Merging of NADEG and the N2000 management expert group

The Commission sought the views of participants on whether to merge the Natura 2000 management expert group and NADEG since over half of the participants of the NADEG meeting were also present at the expert meeting and the topics for discussion are often overlapping.

Whilst there was some support for this from a financial and streamlining perspective, others considered that it would be best to keep the two meetings separate and continue to run them back to back instead to ensure adequate discussion time and the involvement of the right experts. The management group has a wider audience, including NGOs and stakeholders, and offers participants an opportunity to discuss issues in greater detail at a more technical and practical level, as well as to share good practice experiences. A merging of the 2 groups would have to take these needs into account.

b) The revised Art 17 and 12 reporting formats for reporting period 2013-2018

Timetable for submission of reports

The EEA explained that the current delivery deadlines for both reporting phases are not suitable for effectively contributing to a large number of major policy events in the coming years, including the evaluation of the EU Biodiversity Strategy to 2020.

A series of measures are therefore proposed to help streamline and better interlink the different reporting processes. Earlier deadlines should also be set. The proposal is to bring the deadline forward to 30 April 2019 (with a cut-off date of 30 August 2019) for the Article 17 report, and to 31 July 2019 (with a cut-off date of 31 October 2019) for the Article 12 report (see ppt). Whilst acknowledging the advantages of bringing the reporting deadlines forward participants also made the following comments:

- Some Member States indicated difficulties to meet in particular the 30 April 2019 deadline for Article 17 because – among other things - they had already signed with their contractor for this work or because of time-consuming federal structures.
- Several Member States informed that the dates would be acceptable but it would mean that the data for 2018 may not or may only partially be included;
- **One Member State stressed that this deadline will weaken the chances of reaching the “low hanging fruits” objective. Indeed there will not be enough time to implement the necessary actions and assess the achieved results by the end 2017.**

The Commission concluded that all Member States would work towards the proposed deadlines. The reasons for bringing the reporting deadlines forward were well understood and accepted by Member States. It was noted however that some Member States have already flagged up the risk of small delays on Article 17 in particular. The Commission accepted that the earlier deadline also means that the data for 2018 may not be fully included in the reports by some. Those few Member States that indicated longer delays were encouraged to speed up their processes considering that we are still 3 years away from the deadline.

Reporting formats

The ETC outlined the steps that have been taken to date to revise and update the existing reporting formats with the help of the reporting expert group, and highlighted the main changes introduced so far (see ppt).

The following main comments were made on the proposed documents:

- Several participants expressed a concern over the significant extra work required in gathering information on conservation measures for Annex IV species and for unknown species. As this was not discussed in the previous reporting group and has, according to some Member States, no legal basis, it would be useful to know how this data will be used to see whether there is sufficient added value to justify the extra work involved;
- Several countries also asked that the statistics on hunting bags be recorded per year and not as a total average or maximum / minimum.
- The Commission should consider developing a common methodology for monitoring the conservation status of species and habitats so that the data would be comparable across the EU;
- One Member State expressed its support to a case-by-case approach to population units in the guidance document.
- Under section 5.10 it would be useful to be able to give multiple reasons for change instead of having to select just one. The ETC informed that this had been proposed originally but the reporting group had asked to remove this possibility;
- In Section 6.1 it would be useful to have some flexibility when stating the total habitat area, for instance rivers could be presented in terms of length rather than area;
- For article 12 the fixed baseline should remain at 1980. Pressures and threats should be given including location (inside/outside MS/EU)
- It would be useful for these formats to be formally agreed as soon as possible, if possible by written procedure in order to win time, which would again help to respect the new deadlines;

EEA explained that the rationale for including ‘conservation measures’ for Annex IV species is to link this with the ‘pressures and threats’ and ‘future prospects’ for the species. The conservation measures are linked to the species and not to Natura 2000 sites and it is irrelevant whether they are applied inside or outside Natura 2000. The reporting on conservation measures has also been simplified so that it is not necessary to report on each measure but rather on the whole package of measures taken for a particular species.

Concerning the reporting of conservation measures for Annex IV species, the Commission agreed to provide Member States with a breakdown of the number of additional species to be reported on per Member State. Based on this table each Member State can see what it would mean in terms of additional numbers of species to report on.

The deadline for submission of written comments on the reporting formats is **13 May 2016**. The aim is to have a revised version of the reporting formats be sent to Member States before the summer break. A written procedure might be envisaged depending on the amount of comments received.

3. ORAL INFORMATION POINTS

a) Planning for new round of marine N2000 sufficiency measures

The Commission explained that there have been important developments since the first round of marine seminars in 2009 and 2010 in both the designation of marine Natura 2000 sites and in the knowledge base surrounding marine habitats and species. It is therefore appropriate to organise a second round of marine Natura 2000 sufficiency seminars for the Atlantic, Mediterranean and Macaronesian marine regions. This will take the form of a three day event to be held at the end of September. Formal invitations will be sent out shortly.

Member States are requested to submit their databases before the end of April in order that any new information or site designations can be taken into account at the meeting. The Commission also reminded that, for purposes of the Habitats Directive, the marine boundaries of jurisdictional waters are the same as those formally reported by Member States under the MSFD.

One Member State pointed out that there was a Pilot Case open against it on a number of sufficiency issues. It considered that it has met all the requirements of the case and was therefore concerned about entering into a new round of marine sufficiency discussions.

The Commission pointed out that the purpose of the biogeographical seminar is to take stock of progress made to date and to see if sufficiency has been achieved. It will discuss the issue of the Pilot Case bilaterally.

In answer to a question raised about sufficiency of marine SPA designation which is also addressed by the Pilot Cases, the Commission informed that the marine IBA lists are used as a reference base for that purpose.

b) Natura 2000 Award

A brief presentation was made of this year's Natura 2000 award scheme (see ppt). The winners will be announced at an award ceremony in Brussels on the 23rd May. There have been almost 90,000 visits to the award website which indicates that the award continues to grow in popularity.

c) Key findings of Court Judgements in cases C-141/14 (Kaliakra, Bulgaria) and C-399/14 (Grüne Liga)

An overview was given of the key conclusions of the CJEU in two recent court cases relating to the Habitats Directive (for details see ppt <https://circabc.europa.eu/w/browse/f19dcf35-a2d7-4035-8dcf-c14a58192891>). The Commission informed that these new cases will be taken into account in the further revision of the updated Article 6 guide which will be re-launched later in the year.

The judgments provide answers and clarifications on a number of issues:

- Content and level of the Commission's burden of proof
- Requirements in Article 6(2) for pre-accession projects
- Requirements in Article 6(2) for ex post-situations
- Applicability and requirements of Articles 6(3) and (4) in ex post-situations
- Precautionary principle
- Evaluation requirement for projects listed in Annex II of the EIA Directive

d) Presentation of draft standard for the IUCN Green List of Protected Areas

IUCN presented the green list standard it is developing for Protected Areas (see ppt). The purpose is to give recognition to those Protected Areas that are making significant progress in implementing their conservation objectives. Currently around 15% of the planet has been designated as Protected Areas but it is estimated that less than half of these areas are being effectively managed.

In answer to various questions, IUCN confirmed that it was seeking to collaborate with a number of other accreditation schemes such as the European Diploma, MAB biosphere reserve, Verified Conservation Areas, Forest and Marine Stewardship Councils. The green list standard is entirely voluntary and does not impose any additional reporting obligations on candidate sites. Instead, it works on the basis of existing documents and reports and aims to provide an added value compared to already existing schemes.

The Commission informed that a study will be launched under the Preparatory Action Programme of LIFE to investigate the feasibility of applying green listing approaches to Natura 2000 sites. The findings of the study will be presented to NADEG in due course.

e) Results of the contract on “how much biodiversity does Natura 2000 cover”

The contractor presented the results of a study conducted for the Commission on this issue (see ppt). In the ensuing discussion, several participants indicated that the results confirmed what many had already suspected, i.e. that Natura 2000 significantly benefits other common non annexed species, especially amongst the birds and butterflies. This finding will be useful in light of the recent fitness check on the two nature directives. It would also be interesting to apply the modelling approach to assess possible trends in biodiversity loss inside and outside Natura 2000 as well.

4. WRITTEN INFORMATION POINTS

- a) Written update of issues of general interest
- b) Written update on bird related activities

The Commission asked if there were any comments or questions on these written updates. There were none. Netherlands reminded participants of its forthcoming conference on ‘Future Proofing Nature Policy’ which will be held on 28-30 June.

Papers and presentations of the meeting can be found here:
<https://circabc.europa.eu/w/browse/91e1d712-1048-4e02-b920-3567928fd0f1>