

EXPERT GROUP ON THE BIRDS AND HABITATS DIRECTIVES
“NADEG”

14th Meeting
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DRAFT MINUTES

Chairman: Nicola Notaro, Head of the Nature Protection Unit,
DG Environment

Papers & presentations: <https://circabc.europa.eu/w/browse/8b87d7f3-db64-4071-8c69-9b8c25047519>

DAY 1

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

Regarding the agenda, one Member State observed that the background papers had not been made available early enough before the meeting to give participants enough time to study them. These should be sent three weeks in advance of the meetings.

The Commission indicated that the documents in question were just information points and not for deliberation. But the point was noted, the Commission will make every effort to circulate documents on time in the future.

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

2. EU REPORTING: UPDATE ON THE STATE OF NATURE PROCESS (ART.12/17) AND FIRST RESULTS

The European Topic Centre (ETC) provided an update of the reporting process under Article 17 of the Habitats Directive (HD) and Article 12 of the Birds Directive (see presentation on CIRCA).

For Article 17, all national reports have been delivered, checked and incorporated into an EU-database. Draft national summaries were sent to Member States for their correction and approval. They are now available [online](#). The biogeographical analysis at EU level is currently underway. A draft has been put out to consultation and the comments received are being addressed as far as possible.

All Art.17 data can now also be consulted in a [web-tool](#) and the final database will be available for download in autumn together with a range of other material. The ETC then presented an example of a national summary and of an EU assessment of a species.

As regards the Article 12 reporting under the Birds Directive, the process is a bit behind the Article 17 reporting but is progressing well. Member States' reports were checked and comments incorporated. Draft national summaries have been sent and comments are being processed. The updated versions will be sent for approval soon. Dashboards, factsheets and the database will also be available online soon. The [web-tool](#) for the national reports and the EU assessment is not accessible yet.

One Member State asked if it was possible to still correct mistakes in the national report. The Commission clarified that the ongoing consultations concern the way in which the data is presented in the national summaries, and it is too late to change the data itself in the national reports. The Member State is invited to discuss this bilaterally with ETC.

One stakeholder asked when the draft national summaries for Article 12 will be shared. The ETC replied that drafts are already online. The final versions will be uploaded once they have been approved by NADEG.

The EEA presented the preliminary results of the State of Nature (SoN) report and EU level assessments (see presentation on CIRCA). The aim is to launch the final report at Green Week in mid-October, after consultation with the European Reporting Group and national reference centres for biodiversity in June.

Regarding the EU population status of birds, the number of species with a secure status has dropped by 6% compared to 2008-2012, while the number of threatened, near threatened, declining or depleted species has increased by 7%. On the whole, wintering populations are faring better than breeding populations.

As regards habitats and species under the Habitats Directive, habitats have a worse status as compared to 2007-2012 whilst species have a better status. There are also fewer unknowns (except for marine species). Regarding conservation trends, one third of habitats and species are stable, one third are deteriorating and less than 10% are improving. The trend is unknown for one fifth of habitats and one third of species.

The key pressures most frequently reported are: agriculture, forestry, urbanisation and changes in hydrology/hydromorphology. As regards agriculture, abandonment represents the biggest pressure for habitats and non-bird species while intensification and conversion from one type of agricultural land use to another is the most important pressure on birds.

A new parameter being evaluated is the condition of habitats, which is based on data that Member States collect to assess structures and functions. A good condition would require > 90 % of a habitat's structures and functions to reach favourable conservation status (FCS). However, overall, the condition for 40% of habitats is unknown (for coastal, dune and marine habitats even more than 50%).

From the assessment it can be estimated that a minimum of 11 000 km² of habitats needs to be restored/recreated to reach the favourable reference value for FCS. A further minimum of 167000- 263000 km² needs to be improved. This includes a high proportion of carbon-rich habitats covered by the Habitats Directive that can contribute to climate change mitigation.

The EEA also analysed the proportion of species and habitats having a good conservation status at Member State level. For those with 75% or more of the range within Natura 2000 it can be seen that forests, heaths and shrub habitats are in a better conservation status inside Natura 2000 than outside. The same is true for reptiles, amphibians and fish that have more than 75% of their habitat area in Natura 2000. They are faring much better inside Natura 2000 than outside.

As regards Target 1 of the 2020 Biodiversity Strategy (BDS), only 5% of the Annex I habitats are above the 2010 baseline and thus a long way from the 2020 target. For birds, there has even been a drop since the mid-term review, only 56% are in a secure or improving status now, compared to 61% in 2015. For species under the Habitats Directive however the news is much more positive: only 2% below target (but this is mainly due to a decrease of unknown assessments).

The results for Target 3 show a worse conservation status and a higher proportion of deteriorating trends for agricultural Annex I habitats compared to other habitat types, with grasslands fully dependent on management having the worst conservation status of all.

As regards Annex I forest habitats there are fewer in a bad conservation status compared to other habitats but more in a poor conservation status. On the other hand when it comes to conservation trends, more forest habitats are stable or improving compared to other habitats.

Boreal forests show the worst status but also over 60% have an unknown condition. On the other hand, over 50% of Mediterranean, Macaronesian and Temperate Annex I forests are in good condition.

Summarised, the still high proportion of unknowns make conclusions difficult. There seems to be limited and fragmented monitoring, which needs to be significantly expanded to collect better information for the next reporting round.

Compared to the previous SoN, status and trends are similar as are the conservation problems and the impact of the Natura 2000 network is still not showing. Large scale restoration of habitats and species is needed to improve the situation.

Before opening the floor to discussion, the Commission indicated that it will produce a short 15 page report to the Council and the European Parliament, to be published at the same time as the EEA technical report at the occasion of Green Week in October. A lot of additional material such as dashboards and case studies will also be made available online.

The Commission also congratulated ETC/EEA for all their hard work and high quality outputs, which were done under difficult conditions.

Several stakeholders asked how the results will be taken into account in European and international biodiversity policies. The Commission replied that the SoN results will be factored into both the new EU Biodiversity Strategy (BDS), as well as the CBD zero draft. The final evaluation of the 2020 BDS will take place this year, the roadmap has been published a few weeks ago. The SoN will inform Targets 1 and 3 and partly Target 2. Efforts and resources certainly need to increase which will be reflected in the new BDS.

The Commission also stressed again the importance of good monitoring. The assessment underlines the need to improve monitoring systems in the Member States and this needs to be improved in the future. There are still too many unknowns, particularly in the marine area, and it is imperative that Member States invest further in their monitoring efforts. Unknowns hinder management efforts both at national and EU level. This will also be underlined in the SoN and the upcoming BDS.

One Member State reminded that increased monitoring does not automatically lead to more information, but sometimes to more unknowns. This was echoed by another Member State who added that monitoring approaches might not be effective enough. We need to reflect on how to best organise monitoring. Two more countries and a stakeholder supported the need to improve monitoring systems, including better monitoring of management effectiveness. The Biogeographical Process could be one forum to discuss such monitoring systems.

The Commission agreed that knowledge building requires an iterative process, but reminded that knowledge gaps also exist because appropriate monitoring systems are not set up. There might be a lack of resources or political will to invest in monitoring. Monitoring management effectiveness helps to improve and better tailor management measures. The Biogeographical Process could facilitate the exchange of good practices and convergences of monitoring of the same species or habitats and help develop monitoring protocols.

Another country stressed the need to better streamline existing reporting under different EU laws. The Commission stated that there is a contract in place to study how to ensure further coherence between reporting under the Birds and Habitats Directive (BHD) and the Marine Strategy Framework Directive (MSFD.) Better cooperation between Member States on joint monitoring and reporting is necessary. There are still no joint reports on mobile species even though the current reporting rules allow for this approach.

One Member State was concerned that the positive effects of the Natura 2000 network are not showing in the SoN. A stakeholder reminded that the study “how much Biodiversity is in N2000” showed benefits for many non-target- species.

The Commission reminded that the Habitats Directive sets the standard very high and FCS is difficult to reach. If only one parameter is in bad condition it leads to an unfavourable status (the ‘one out, all out’ principle). Successes and shortcomings have been discussed with Member States in the nature dialogues, especially as regards management effectiveness for Natura 2000 sites which needs to be

considerably improved. Countries need to set clear specific conservation objectives, more effective conservation measures and evaluate the results of the latter. Stronger protection and restoration efforts are also needed. This will be at the heart of the new BDS. All conservation and restoration needs as well as the necessary financial and legal capacities are being considered in the strategy.

The Commission is also cooperating with LIFE monitoring teams to identify successful projects, which could be included in the EEA technical report. It will be important to show successful examples of effective conservation too. The chair invited Member States to further contribute their success stories.

3. FINANCING: UPDATE ON PAFs AND THEIR ROLE IN IMPLEMENTING THE BIODIVERSITY STRATEGY

As the new Multiannual Financing Framework (MFF) is not yet adopted, the Commission can only at this stage update NADEG on progress with the drafting of the Prioritised Action Frameworks (PAFs) and their links with the Common Agricultural Policy (CAP) Strategic Plans, the Regional and Cohesion Funds, the European Maritime and Fisheries Fund (EMFF) and the Strategic Nature Action Projects (SNAPs) of the LIFE programme.

PAFs

The Commission has received 42 PAFs from 18 Member States. PAFs are still missing from 9 countries, including a number of large Member States. Concerning the draft PAFs, the Commission first assesses their coherence and completeness, and then, where possible, follows this up with a more technical assessment of the contents based on the Article 12 and 17 data. The Commission then provides feedback to the concerned countries.

According to the data received so far, the Commission estimates an annual financing need for Natura 2000 of 15 billion per year for the EU as a whole, which far exceeds the previous estimate of six billion seven years ago. The amount for maintenance measures represents twice the amount needed for restoration. It also covers the costs of EU level green infrastructure (GI) that helps deliver the goals of the nature directives since the PAFs are no longer restricted to Natura 2000.

CAP Strategic Plans (CSPs)

PAFs should feed both into the SWOT analysis and the CSPs themselves. One out of the nine CAP objectives is related specifically to biodiversity. The SWOT analysis does not include figures or indicators but only analyses problems and possible solutions. Unit ENV D.3 is starting to provide DG AGRI with feedback on the SWOT analyses in order to raise any possible inconsistencies with the PAFs. A checklist is being developed for this purpose.

Regional and cohesion funds

Regarding the ERDF/ cohesion fund, in spite of some ambiguity in the original proposal, there is now a common understanding that nature can be financed from regional/cohesion funds also outside urban areas, but the rationale for it has to be

well explained in the draft Partnership Agreements (PAs), expected in the second half of 2020.

The Commission also proposed that the ERDF/cohesion funds provide specific reference to the PAFs to create an enabling condition under Annex IV of the CPR but this is still under discussion in the Council and European Parliament.

Informal consultations on the Partnerships are expected soon, so it would be very important to have the PAFs in place to ensure that they can be taken into account in the PAs.

EMFF

The EMFF regulation is likely to specifically mention the PAFs. It is proposed that Article 22 reads as follows: “*the EMFF may support actions for the protection and restoration of marine and coastal biodiversity and ecosystems, including in inland waters:*

- *the management, restoration and monitoring of Natura 2000 areas in accordance with the PAFs;*
- *the protection of species pursuant to the Birds and Habitats Directives.”*

But it will be up to the MS to make the most of this. The Commission will, also in this case, check the consistency of national operational programmes with the PAF.

SNAPs

As regards the LIFE Regulation, this has been agreed in substance but not yet adopted. There still needs to be agreement on the overall budget. Within LIFE, the SNAPs provide a key tool to help implement the PAFs. The next important step will be the adoption of a multiannual work programme. This is currently under preparation. After an internal interservice consultation, Member States will be consulted as well. Remaining issues to be resolved include co-funding rates, national allocations and coherence with other EU funding mechanisms.

Pollinators

Finally, the Commission outlined some of the preliminary findings of an ongoing Court of Auditors audit (“Protection of wild pollinators in the EU - . Commission initiatives have not borne fruit”), which examined the safeguards for wild insect pollinators in the EU biodiversity conservation measures including the Habitats Directive. The Court of Auditors noticed that according to the Pollinators Initiative, Member States should address measures for important pollinator habitats in the PAFs. The Commission and the Member States validated the 2021-2027 PAF template in April 2018, without adding any specific requirement for pollinators. While it is too late now to update the PAF format, the Commission invites Member States to include specific information on pollinators before finalising the PAF, and will continue to assess whether the measures included in the PAFs are relevant for pollinators.

Before opening the floor, the Commission strongly urged Member States to finalise their PAFs, as they are essential reference documents for facilitating the use of EU funding instruments for nature and biodiversity. With the current budgetary uncertainties and delays, the opportunity should be used to improve our level of preparedness and ensure that all PAFs are in place on time.

One stakeholder pointed out that, if the budgetary needs for Natura 2000 have tripled, the PAFs will also need to take much better account of restoration requirements. This could be used for the current MFF discussion, taking into account that it is clearer than ever now that resilient ecosystems and our health are so closely connected.

The Commission confirmed that the current PAFs do take much better account of the need for major restoration efforts as well as green infrastructure outside Natura 2000. For the time being it is not clear if the enabling condition for the cohesion funds will remain, as proposed by the Commission. The Council is against, the European Parliament in favour.

The new BDS should also help to bring a strong political focus on nature and biodiversity within the overall MFF discussion. The discussion on the Corona recovery could also benefit from ideas about nature restoration.

One country announced that it had already sent in 19 PAFs (18 regional and 1 national) and that this had been a very difficult exercise. Another asked when the Farm to Fork Strategy is expected. The Commission replied that this will come out very shortly, probably at the same time as the new BDS.

Elaborating further on the coherence between PAFs and other EU funds, the Commission assured that LIFE and Horizon Europe (Research Framework Programme) will contribute to financing the needs identified in the PAFs. The allocation of 40% of the CAP for climate and environment remains as this is enshrined in the Green Deal.

The EMFF has a good link to biodiversity, using a similar approach of enabling conditions as the ERDF. However, under the EMFF Member States enjoy more discretion on what measures to choose.

4. CONSERVATION OBJECTIVES FOR NATURA 2000 SITES AND LINK WITH MAJOR PROJECTS

The chair explained the reasons for this agenda point. Guidelines on setting conservation objectives and measures exist since 2012¹ and the 6-year deadline to establish conservation objectives and measures has now expired for the vast majority of Special Areas of Conservation. During the nature dialogues, it became clear that many of the conservation objectives set for Natura 2000 sites are still too general to be the basis for setting conservation measures.

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http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf

They also make it virtually impossible to correctly assess impacts and their significance in the context of appropriate assessments of projects and plans under Article 6(3) of the Habitats Directive. This issue inevitably relates also to any major project submitted for EU funding under EU Regulation 1303/2013, for which compliance with Article 6(3) of the Habitats Directive needs to be ensured.

The Commission would therefore like to remind all Member States of what is expected under the Birds and Habitats Directives in this context (see presentation on CIRCA). The 2012 guidance clarifies that “site-specific conservation objectives” define the condition that species and habitat types shall achieve in a site so that the site can contribute to the overall goal of favourable conservation status of these species and habitat types at national, biogeographical or European level.

Site specific conservation objectives for Special Areas of Conservation must be:

- ***comprehensive***, i.e. cover all species and habitat types of Community interest of the Habitats Directive that are significantly present on a Natura 2000 site (as identified in the relevant Natura 2000 SDF)
- ***specific as to the feature***, i.e. refer to individual habitat types or species in the site
- ***correspond to the ecological requirements*** of the natural habitat types in Annex I and the species in Annex II present on those sites
- ***reflect the importance of the site*** for the maintenance or restoration, at a favourable conservation status of the habitat types and species present on the site and for the coherence of Natura 2000.
- ***specific as to the envisaged condition***, i.e. clearly identify the condition the habitat type and species in the site shall achieve; the desired condition must be:
 - ***quantified and measurable*** (quantitative targets possibly to be supplemented by qualitative ones, such as description of a good condition of a habitat or a population structure) as well as reportable (enabling monitoring)
 - ***consistent*** in approach (use similar structure and attributes for same features across sites)
 - ***comprehensive*** (attributes and targets *should* cover the properties of the interest feature necessary to describe its condition as either favourable or unfavourable)
 - be clear on whether “**restoring**” or “**maintaining**” the conservation status of the relevant feature of the site is envisaged (the respective level of ambition predetermining the necessary conservation measures)

An example of how conservation objectives can be set for 9110 Beech forests Luzulo-Fagetum was given in the presentation to illustrate the above.

Whilst it is clear that many more sites now have conservation objectives and measures in place, the bilateral dialogues and the on-going legal procedures for breach of Articles 4(4) and 6 of the Habitats Directive have also shown that their quality is often insufficient. This not only makes it impossible to establish the necessary conservation measures according to Article 6(1) but also creates problems of compliance of appropriate assessments of several plans and projects. This in turn has negative repercussions for the approval of major projects. There is a decision not to block systematically all major projects submitted for EU funding pending the resolution of the “horizontal” breach but instead to examine each one on a case by case basis to determine whether the conservation objectives for the Natura 2000 sites potentially affected by the project at stake are adequate, or of poor quality or non-existent, having regard to whether or not the 6 years deadline set in Article 4(4) of the Habitats Directive has expired for these sites.

In addition to the issue of conservation objectives, the Commission recalled that the remaining problems with the sufficiency of the Natura 2000 network might also affect major projects. Areas which are or should be, according to scientific evidence based on the criteria of Annex III of the Habitats Directive, on the national list of proposed Sites of Community Importance (SCIs) or which should be classified as a Special Protection Area (SPA) should be subject to protective measures for the purpose of safeguarding their ecological interests². Moreover, interventions which incur the risk of seriously compromising their ecological characteristics should not be authorized³. Consequently, these areas should be treated ‘as if’ designated/classified and therefore subject to requirements of Article 6(3) and 6(4) of the Habitats Directive.

In conclusion, the Commission reminded Member States of the fundamental requirement to set good quality conservation objectives for their Natura 2000 sites in accordance with the 2012 Commission note. Without clear, precise quantified objectives, the impacts of plans and projects cannot be measured correctly. Poor quality conservation objectives and measures are also the principal reason why the conservation status of many species and habitats is not improving and why the network itself is not working properly. Member States are therefore urged to review and revise (or establish if not yet done) site specific conservation objectives, according to the Commission note, make sure appropriate assessments under Article 6(3) take these site specific conservation objectives into account and review and revise decisions taken so far, including for major projects.

Several Member States and stakeholders asked for further clarification regarding the process of setting conservation objectives and the Commission’s approach to evaluating them, also in relation to major projects. The chair explained that the

² C-117/03 paragraph 29.

³ C-244/05 paragraph 47.

Commission services cannot analyse all conservation objectives for all Natura 2000 sites. Instead it reviews a sample of sites and, on the basis of this, provides feedback to Member States.

In response to a question why not all major EU project applications are systematically blocked, the Commission pointed out that they cannot block a project for a site that has adequate conservation objectives and for which the appropriate assessment has been done correctly, even if the Member State concerned has an infringement case against it for failure to establish conservation objectives in other sites. This is why a case by case approach is needed. Furthermore, the Commission is tackling this “horizontal” problem through infringement procedures. There are currently 10 infringement procedures and 17 EU pilots ongoing on this issue.

Some 6-7 such major projects have been submitted in the last month alone, all suffering from this problem. The increase is no doubt due to the fact that the current MFF is coming to an end and there is a drive to absorb the funds that remain. Major projects that have already been approved will however not be reviewed or re-opened.

One Member State indicated that an infringement had been filed against it for not setting conservation objectives correctly, but it has a different view on how this should be done which it will address in another forum.

One Member States highlighted the need for conservation objectives to be realistic. The Commission agreed and pointed to the fact that this is indeed mentioned in the 2012 Commission note.

Several participants found the worked up example of the conservation objectives for the beech forest habitat very useful and enquired whether this could not be done for other habitats and species as well. The Commission replied that it will consider this and asked participants to send in their suggestions for the habitats and species they consider should be tackled as a priority.

On the question of whether the conservation objectives should not also take into account the effects of climate change, the Commission replied that normally conservation objectives should be subject to a periodic review (for instance every 6 years). This would be the occasion to address any new and emerging issues, also in light of the new Green Deal and Biodiversity Strategy.

The Commission also recalled the need to identify pressures and threats in view of establishing conservation measures.

The chair invited NADEG members to share any good practices of conservation objective setting. The Commission will examine these closely in order to see how this issue could be taken forward.

5. NATURA 2000 AND UNESCO WORLD HERITAGE SITES – SPATIAL OVERLAP AND POSSIBILITIES OF COOPERATION

The Commission reminded participants that, in accordance with the Nature Action Plan, it has undertaken several initiatives to strengthen the links between cultural and natural heritage, especially in the context of the 2018 European Year of Cultural Heritage.

In 2018, it published a series of [case studies](#) from across the EU to showcase real life examples of initiatives linking cultural and natural heritage within Natura 2000 sites and in 2019 produced a good practice [report](#), which examines the spatial overlaps between natural and cultural sites in Europe, common threats and challenges as well as financing opportunities under different EU funds. It also provides a series of recommendations on how to promote integrated management.

The Commission is now exploring further opportunities for encouraging a greater cooperation between World Heritage Sites and Natura 2000 in particular. In Europe, most World Heritage Sites are located within or near Natura 2000 sites and there are many co-benefits to follow from joint capacity building, joint communication, better use of available resources and investments in conservation.

Within the framework of the IUCN’s “Protected Planet”, the Commission is building a specific geo-spatial database, and collecting cartographic representation of World Heritage sites to produce spatial overlap maps between World Heritage Sites and Natura 2000. It is also developing an online story map with examples, to raise awareness for Natura 2000 (most World Heritage Sites are already well known) and promote greater cooperation between the two.

6. AOB

Upon the request of a Member State, the Commission clarified that there was no document for the written information point 3a) (LIFE ANNUAL WORK PROGRAMME 2021-2024 / SNAPS), as the work programme is not ready yet.

A stakeholder asked if Article 17 data is accessible to NADEG only or also to the public. The Commission clarified that both the raw data and the series of web tools and dashboard are also available to the public. This is in order to be as transparent as possible. The data can be used for many different purposes. All NADEG information placed on CIRCABC is also available publicly.

The Commission confirmed that the next Mediterranean Biogeographical Seminar is tentatively planned for October. It might however be transformed into a virtual meeting depending on developments with COVID-19.

Two Member States raised the issue of the link between nature restoration and the current pandemic and expressed concern over the risk that the ensuing economic problems could negatively impact on nature financing.

The chair reminded that the Green Deal will be important for Europe’s economic recovery, and that its focus on a green growth strategy is very timely. DG ENV is

also looking into job creation and positive economic spin-offs through the launch of large scale restoration projects. The new Biodiversity Strategy and other Commission documents should reflect these ideas further.

DAY 2

The chair announced that item 9 (INFORMATION POINT: OPINION OF THE EUROPEAN CHEMICAL AGENCY (ECHA) ON LEAD IN AMMUNITION) has been taken off the agenda, in order not to duplicate discussions in the REACH Committee. More information could be provided by Commission services if needed.

7. DEROGATIONS – DEMONSTRATION OF NEW ONLINE TOOL AND WAY FORWARD

The Commission reminded that many derogation reports for the period 2017-2018 (Habitats Directive) and 2018 (Birds Directive) are still missing. As the deadline expired in September 2019, the Commission urged Member States to send the missing reports as soon as possible. Those received are currently being analysed and any issues arising will be communicated to the Member States bilaterally. The Commission will prepare an EU technical report to analyse the reports covering the 2017-2108 reporting period, which is expected for later this year.

The Commission also gave a presentation on the development of an online search interface for derogations in cooperation with EEA and the Bern Convention. The search interface is based on an EU database that contains all national derogation reports submitted since 2015 that were created through Habides+. Dashboards with filtering options have been developed to increase transparency and accessibility, and to highlight weaknesses and gaps in the reports in order to push Member States to improve their reporting.

Three dashboards were presented, relating to:

1. An overview of the derogations granted across the EU based on the number of derogations reported;
2. Individual derogations and detailed information about them;
3. Data completeness of national reports on derogations and exceptions.

The draft dashboards were presented at the Expert group on Reporting in March and put out to consultation. Currently the comments received are being addressed. Once finalised, they will be published on the EEA webpage before the summer: <https://www.eea.europa.eu/themes/biodiversity>.

The chair stressed that delays in derogation reporting need to be addressed urgently, it is a legal requirement. The online tool will make it easier to see the information reported per species by each Member State. It does not analyse compliance, but gives an indication of how derogations are used and increases transparency.

The Commission reminded Member States to ensure they use Habides+ in all of their regions in order to be able to upload the national report to the system.

A stakeholder noted that it was very disturbing that some Member States fail to comply with this legal requirement. The latest Article 12 reporting showed once again how little we know about the number of birds disturbed and killed every year. There is an urgent need to better understand these numbers.

The Commission added that countries might know the numbers but don't report them. The issue of the correct use of, and reporting on derogations was raised in bilateral meetings with the Member States. The online tool was created to increase transparency and peer pressure, in order to improve the situation.

8. ADAPTIVE HARVEST MANAGEMENT MECHANISM FOR THE TURTLE DOVE

In its presentation, the Commission first recalled the principles of sustainable hunting under the Birds Directive (see presentation) before updating NADEG on latest developments for specific species initiatives.

Turtle dove

The Turtle Dove is an Annex II species hunted in 10 Member States. In view of its continuing decline, the Commission has called for a moratorium pending the adoption of an Adaptive Harvest Management Mechanism (AHMM). To assist in this process, it recently launched a contract to develop population models, to propose ways to recognise efforts by hunters implementing habitat management measures, and to develop an iterative process to support the implementation of an AHMM. First indications from the population model done for the western flyway show that hunting has an impact on population survival, which further supports the Commission's call for a temporary moratorium.

The Commission is planning one workshop for the western flyway and one workshop for the central-eastern flyway under the contract, involving all parties. Two preparatory meetings with Member States and stakeholders will also be held online on 19 (western flyway) and 23 June 2020 (central-eastern flyway).

Greylag Goose (Annex IIa) and Barnacle Goose (Annex I) under AEWa

The populations of both species have increased substantially. With the involvement of Member States and the Commission, two international single species management plans for the two species have been adopted at the AEWa MOP in 2018. A European Goose Management Platform has been set up by AEWa and an AHMM is under preparation. AEWa is seeking to set favourable reference values (FRVs) for both species. A meeting was held in Brussels in January on this issue. The management target for the Greylag Goose should be above the FRV. The management decisions (derogations) for the Barnacle Goose will be taken at national level since it is an Annex I species but this needs better coordination at flyway level.

A stakeholder suggested that for the Turtle Dove hunting moratorium, there should also be an indication of the parameters that will be used to re-open hunting. This will increase trust in its temporary nature. If certain parameters improve, hunting

should be allowed again. The same should apply for geese but in the other direction. There should be a clear indication at which point hunting will have to stop.

Another stakeholder agreed to the idea of having a reference point for allowing the species to be hunted again, for instance the species should be in a good conservation status before this is allowed.

A Member State indicated that it has now incorporated the principle of AHHM in its national law, giving priority to the Turtle Dove. Urgent measures have been taken since, e.g. setting a quota of 18 000 individuals for the last hunting season, based on scientific evidence. This is substantially lower than the previous bag count of 90 000 individuals/year. Each hunter now needs to register hunting of Turtle Doves on line in real time. The country's agency for biodiversity is involved in developing the adaptive harvest management plan at EU level and will also contribute to the meetings organised by the Commission. A national plan for the Turtle Dove will be developed.

The Commission thanked the country for sharing its experience and acknowledged that the situation for the Turtle Dove is much more challenging since this species is wide ranging and habitat dependent. Geese on the other hand are concentrated in well-known wintering sites. In addition, the management of Turtle Dove habitats in agricultural landscapes need to be factored in the AHHM. If such habitats further deteriorate, there will be no hunting opportunities anymore. The hunting community should be involved in the habitat restoration measures. Ideally, the next CAP would provide opportunities for habitat recovery.

10. BYCATCH OF PROTECTED SPECIES – THE NEED FOR URGENT ACTION

The Commission gave an overview of this serious conservation issue and of the legal framework under the Birds Directive and the CFP that can be used to address the problem (see presentation).

In EU waters, large number of protected species are killed as a consequence of bycatch in fishing gear each year, including at least 200 000 seabirds, 70 000 sea turtles in the Mediterranean and about 11 000 common dolphins only last winter in the Bay of Biscay . The problem is exacerbated by other threats such as underwater noise or pollution and depletion of prey species. The bycatch as one of the main pressures can drive some populations to extinction, as is the case for the critically endangered subpopulation of the harbour porpoise in the Baltic Sea.

The issue has gained a lot of publicity and public interest recently. The Commission has received complaints and petitions and has given it a high political priority.

The EU guidance document on species protection, currently being updated in light of recent case law of the European Court of Justice (ECJ), explains that:

- Preventive measures under Article 12 of the Habitats Directive need to be coherent, coordinated and effectively enforced,

- Specific measures require good knowledge of a species (range, distribution, occurrence, ecology) and threats. Hence regular surveillance (Article 11 HD) is important,
- Cooperation at EU level is essential for mobile species.

The system of strict protection under Article 12(1) is based on the precautionary principle. This requires coordinated, concrete and specific measures to prevent deliberate killing and disturbance that also apply to species in favourable conservation status. In order to set up preventive action, enough data on species distribution is needed. However, the new reporting round reveals large knowledge gaps for marine species, although there are some efforts. As marine species spend time in different Member State's waters, monitoring needs to be coordinated between countries. Monitoring systems of incidental capture and killing under Article 12(4) need to supply robust bycatch estimates and focus in particular on all high risk fisheries and areas. In light of the results of the monitoring, further research or conservation measures need to be taken to ensure there is no significant negative impact on protected species. This is currently not the case and there remain large gaps in the knowledge about the true extent of bycatch.

As fisheries are an exclusive competence of the EU, the necessary measures need to be adopted at EU level, while some can be implemented by Member States themselves. The EU fisheries data collection framework (DCF) obliges Member States to collect bycatch information for all protected species and fisheries management measures need to be proposed under Regulation 2019/1241 for adoption by the Union.

Preventive measures required under the Birds and Habitats Directive should include the regulation of fishing activities with bycatch risk, the adaptation of fishing gear, the use of deterrent devices, special or seasonal closures and alternative fishing methods. In order to control the effectiveness of such measures, a monitoring system with appropriate methodologies is required. Reviews by relevant scientific bodies have signalled the lack of monitoring and preventive measures.

Although financial assistance is available under the EMFF, it is not efficiently used in all Member States. Some measures carried out under the operational programmes, such as testing alternative fishing gear or deterrent devices, were not applied at sea afterwards.

Nature authorities need to ensure their participation in regional coordination groups that discuss fisheries monitoring programmes under the DCF and in high level and technical groups that discuss joint recommendations under the CFP. So far, no joint recommendations to tackle bycatch have been submitted to the Commission to be adopted as delegated acts.

In 2012, the Commission issued a communication on the action plan for reducing incidental catches of seabirds in fishing gears. A review by DG MARE flagged poor implementation of the plan's measures in most Member States. Significant efforts are needed in order to ensure compliance with legal obligations under the Birds Directive.

The Commission has taken several actions recently to highlight the need for urgent action. In November 2019, DG MARE sent a letter to regional fisheries management bodies urging them to propose joint recommendations under the CFP on measures to prevent bycatch. Commissioner Sinkevičius wrote to Environment and Fisheries Ministers in February 2020 on this issue. The topic was discussed in the last Environment Council in March 2020 and will also be included in the agenda of the next AgriFish Council. The matter was raised in the last Marine Expert Group in December 2019. The Commission is also considering emergency measures under the CFP and assistance to Member States.

The Commission urges Member States to ensure full cooperation between nature and fisheries authorities, in order to implement preventive measures and robust monitoring. In particular, close regional cooperation is essential. The Commission has issued a [Staff Working Document](#) to support Member States in drafting joint recommendations under Article 11 of the CFP.

The chair re-emphasised that bycatch is high on the political agenda and the Commission will support implementation at national level as well as enforce compliance.

One Member State raised the issue of bycatch of sea turtles in surface long lines. The Commission explained that concerns differ between regions and preventive measures need to be tailored to these situations.

Another Member State reported that it puts a lot of effort into increasing knowledge on marine life. It also introduced a ban on drift surface nets for salmon and reduced the bycatch of birds. But the problem is that a lot of boats from other countries fish in that Member State's waters, so monitoring this bycatch is not possible.

The Commission explained that the monitoring issue can be solved through the EU fisheries data collection framework previously mentioned, as it should cover all EU fishing vessels through coordinated regional monitoring. Nature authorities need to be present in the groups steering this monitoring process.

The Commission is ready to provide additional support on the bycatch issue. For more information, the national members of the Marine Expert Group can also be contacted.

11. COMMUNICATION WORK: UPDATE ON NATURA 2000 DAY, NATURA 2000 AWARD, NATURA 2000 LOGO AND ITS USE FOR SUSTAINABLE TOURISM, EU GREEN WEEK, IUCN WORLD CONGRESS

Communication activities

The Commission provided an update of its communication activities. Due to the COVID-19 crisis, many uncertainties remain for the rest of the year, and hence changes are still possible.

For the Natura 2000 Day, activities around “nature and young people” were planned, but, given the new circumstances, the Natura 2000 Day will be celebrated on social media instead, using the Natura 2000 hashtag.

The Green Week is currently scheduled for 20-22 October in Brussels, biodiversity remains the main theme. There will be communication activities related to the State of Nature report, but no programme is available yet.

All applications for the Natura 2000 Award are online and the finalists will be announced soon. The public vote and the ceremony still needs to be organised. The ceremony will not take place before September.

Lastly, the Commission invited interested parties to renew their Natura 2000 newsletter subscription as all old subscriptions will now be cancelled.

Natura 2000 logo

The Commission has also made progress on the use of the Natura 2000 logo following a request from two Member States who would like to ensure legal certainty over its use (see presentation). It is clear that there is an increasing interest in using the Natura 2000 logo on commercial products and services but the products and services must be compatible with the objectives of Natura 2000.

The logo should only be used to reward actors who contribute to Natura 2000 management or to brand sustainable products and services supporting the site’s conservation objectives. This could be a valuable contribution to local development.

The EU intends to grant licences to Member States and other parties which can be withdrawn in case of misuse. Member States will be able to register the logo as trademark for goods and services and grant sub-licences to partners. It will be the Member States’ responsibility to ensure that the logo is not misused. In case of breaches by sub-licencees of Member States, they should also inform the EU.

The Commission invited Member States to provide feedback on the draft legal text of the licencing agreement by the end of May 2020.

In the ensuing discussion, several Member States and stakeholders sought further clarification on the general need for a licence in order to use the logo for communication purposes, for example in Natura 200 sites, in LIFE projects or the use by public bodies and NGOs promoting Natura 2000.

Some countries voiced doubts about the work involved in ensuring compliance with the licencing agreement, particularly in terms of detecting and addressing the misuse of the logo. Several were especially concerned about a possible increase in the administrative burden and workload for management authorities.

The chair clarified that a licence is not needed when the logo is used to identify a Natura 2000 site or for communication purposes, such as posters or brochures. Such activities are covered by Article 17 of the Habitats Directive. For LIFE

projects it is mandatory to use the logo and a licence agreement is also not necessary. The licence would only be needed for commercial activities, products and services, such as sustainable tourism or agriculture goods produced in Natura 2000 sites.

It is up to the Member States to define which authority would be responsible for the proper use of the logo. While nature authorities do not need to be responsible for the logo, they would need to check compliance with the conservation objectives. It is also for Member States to set up a system dealing with possible misuse. Problems of misuse might emerge when the logo is used on non-compliant products and NGOs or citizens might bring this to the attention of authorities. The Commission reminded that the initiative is voluntary and in a pilot phase at the moment.

The chair does not expect the use of the logo to create huge additional costs. The licence is a simple tool and will not be as demanding as for example a full ecolabel certification. It could be considered that the sub-licencee pays a small fee to cover the administrative costs.

One Member State found the relation with products difficult as the logo does not recognise the quality of a product. It asked for examples of products contributing to site conservation objectives.

Another country has a similar initiative for nationally protected areas and stressed the need for criteria and safeguards governing the use of the logo.

A third Member State mentioned that “Natura 2000” is outdated and could be replaced with something more modern, e.g. The “Natura Network”, as the year 2000 is long passed. Another country was advised by communication experts to use “European Nature Network”.

The Commission explained that the use of the Natura 2000 logo needs to be coherent with other national initiatives in the same area. Products that don't cause damage, as well as those having a positive effect on conservation objectives should both be eligible. The intention is to brand products as Natura 2000-friendly, in order to increase awareness of Natura 2000 and possibly turn this into political and financial support. The website “[Natura 2000 branding](#)” provides some examples, as does the NADEG paper. A Spanish [food product](#) produced at Riet Vell is Natura 2000 branded.

In response to the doubts regarding the term “Natura 2000”, the Commission agreed that today's logo might look differently but it is well known and there's no intention to change it. It should be promoted as it is.

Concluding on this point, the chair invited the group to send written comments by the end of May 2020. Another round of consultation will take place before the licencing agreement is adopted by the Commission.

12. AOB

A Member State requested to have another discussion on the document “Guidance on species protection rules under the Habitats Directive”, given the challenges of the document and the fact that important remarks remain. This was supported by a stakeholder. The Commission is considering a third round of discussion and will inform NADEG in due course.

The Commission gave a summary of the recent ECJ rulings on recurrent authorisations for spring hunting of common eiders (*Somateria mollissima*) in Åland, Finland ([case C-217/19](#)) and woodcock in Austria ([case C-161/19](#)). The Commission will provide a short summary of the main findings of the two cases.

The Commission reminded NADEG members to send their comments on two recent reports that were sent to them: ‘the possible impacts of bioenergy developments on protected habitats and species’ and ‘the manual for the preparation of wildlife sensitivity maps’. The documents were sent end of April and the deadline for comments is end of May. The contract under which these documents were produced will be finalised in June and all deliverables (including the updated wind farm guide) will be uploaded on the website. The Commission will inform NADEG members once this is done.

A Member State was recently consulted on new legislation allowing more flexibility in the use of drones. The country will consider possible uses for Natura 2000 sites in their reply but wondered if some harmonisation would be useful.

The Commission agreed that drones might pose challenges and risks but are at the same time useful for monitoring. The chair invited the country to share their experiences, also with national guidelines and regulatory measures. A reflection with DG GROW could then be undertaken.

A stakeholder informed that the IUCN World Conservation Congress has been postponed to 7-15 January 2021 and registration is currently open. It will be a milestone towards CBD COP15 with good communication opportunities to share ambition on biodiversity targets.