

Evidence Gathering Questionnaire for the Fitness Check of the Nature Directives

Introduction

As part of its Regulatory Fitness and Performance Programme (REFIT), the European Commission is undertaking a Fitness Check of the EU nature legislation, the Birds Directive¹ and the Habitats Directive² ('the Nature Directives'),³ which will involve a comprehensive assessment of whether the current regulatory framework is “fit for purpose”.

Adopted in 1979, the Birds Directive relates to the conservation of all wild birds, their eggs, nests and their habitats across the EU. Its strategic objective is ‘to maintain the population of all species of wild birds in the EU at a level which corresponds to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level’.

The Habitats Directive, adopted in 1992, covers around 1000 other rare, threatened or endemic species of wild animals and plants and some 230 habitat types. These are collectively referred to as habitats and species of Community interest. The strategic objective of the Habitats Directive is "to maintain or restore natural habitats and species of Community interest at favourable conservation status, taking into account economic, social and cultural requirements and regional and local characteristics".

The Directives require Member States to take a variety of measures to achieve these objectives. These measures include the designation of protected areas for birds (Special Protection Areas) and for habitats and species of Community interest (Special Areas of Conservation), which together comprise the Natura 2000 network, and the adoption of strict systems of species protection (see objectives of the Directives in Annex I to this document).

The Fitness Check is intended to evaluate how the Nature Directives have performed in relation to the achievement of the objectives for which they were designed. In accordance with its mandate,⁴ adopted by the European Commission in February 2014, it will assess the effectiveness, efficiency, coherence, relevance and EU added value of the Nature Directives⁵.

As part of this process, the European Commission has commissioned an evaluation study to support the Fitness Check. The study is tasked with gathering and analysing evidence and data held by a wide range of stakeholders.

The Questionnaire presented below is a key tool to enable you to provide this evidence.

In parallel to this questionnaire, you are invited to contribute to the initial list of published and peer-reviewed documents identified as being relevant for the Fitness Check. The list, which

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7-50).

³ Please note that for the purposes of this questionnaire, the terms 'EU nature legislation' and 'Nature Directives' refer to the Birds Directive and the Habitats Directive.

⁴ http://ec.europa.eu/smart-regulation/evaluation/docs/mandate_for_nature_legislation_en.pdf

⁵ For more information see: http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

will be updated at regular intervals, is structured according to the evaluation categories set out in the mandate. It can be accessed at:

http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

The European Commission will also launch an online public consultation for 12 weeks from April to June 2015. You are welcome to fill in that survey as well, but please be aware that the two exercises are of a different nature. The public consultation will collect views and opinions, whereas the questionnaire presented below aims to collect evidence, meaning facts or information (such as case studies, research findings, infringement cases, case law and data) which support a point or position.

The questionnaire

The questionnaire has been prepared in order to gather evidence-based information for the evaluation. It is being sent out to all Member States and selected key stakeholders across the EU.

Please answer all questions that you consider **relevant to the situation in your country/region/sector/area of activity, based on direct experience supported by evidence. You are not expected or obliged to answer all questions.**

Where possible, quantitative evidence should be provided. Where this is not possible, semi-quantitative or qualitative evidence would be welcome.

We would encourage you to answer in English. In your answers please specify why and how the evidence and documents provided is relevant for the specific question. For documents that are not in English, please provide in the answer to the question a brief summary in English that explains its relevance to the question.

Please **provide full reference details for all documents cited or referred to** in your answers: author / editor names and their initials, full titles, full names of journals, relevant page numbers, publishers and place of publication. If the document is available online, please add a URL link. If it is unpublished information, please supply a copy or relevant excerpt. When citing in short a document for which you have already provided full reference details, please ensure that we can distinguish between references that have the same author(s) and year of publication.

Please, make sure that the link between a question and the document related to it is clear. You may choose to provide the full reference of cited documents in footnotes or in notes numbered and linked to a reference list at the end of the questionnaire. If you send documents as attachments to the email, please give them a name that includes the number of the question(s) they are related to.

Deadlines for submission of the questionnaire

We kindly ask you to fill in the questionnaire and return it by e-mail **within 5 weeks** of receiving it to: info.NatureDirectivesFitnessCheck@milieu.be.

We appreciate that it may not be possible to provide complete answers to all the questions and collect all the evidence you may wish to provide within this timeframe. However, it is essential that we receive an initial response which is as complete as possible within 5 weeks in order to enable us comply with the tight evaluation schedule.

On the basis of the initial responses received, follow-up interviews may be organised to seek clarification or additional information if required. It may not be possible to organise such interviews for responses received after the 5 week deadline. However, you will have until the end of April to complete your final submission in response to the questionnaire. Please note that it will not be possible to take into account contributions received after that deadline.

The evidence gathered through this questionnaire will be vital to the overall process. For this reason, **if you anticipate that you will not be able to complete the questionnaire, please let us know as soon as possible.**

Thank you in advance for your contribution.

QUESTIONNAIRE

A. General Information

Please answer ALL questions in this table

	Answer
Organisation:	MME/BirdLife Hungary ⁶
Date:	25 March 2015
Country (and, if applicable, region) represented:	Hungary
Organisation(s) represented:	WWF Hungary ⁷ , MTVSZ/Friends of the Earth Hungary ⁸
Name of contact for enquires (including follow-up interview if required):	Attila Králl
Contact email address:	krall.attila@mme.hu
Contact telephone number:	+36.20.585.3886
Languages spoken fluently by contact person:	English
Language for the interview if it is not possible to conduct it in English	
Type of organisations you represent: EU authority or agency / Member State authority or agency / business or industry / educational or scientific institute / nature conservation charity / recreation / individual expert / other (please specify).	Non-governmental Organizations
Sector represented: environment / water / agriculture / forestry / fisheries / transport / energy / extractive industry / industry / housing and other buildings / recreation & tourism / science & education / other (please specify)	Environment, Nature Conservation, Agriculture, Science and Education.
Additional comments:	

⁶ <http://www.mme.hu>

⁷ <http://wwf.hu/en>

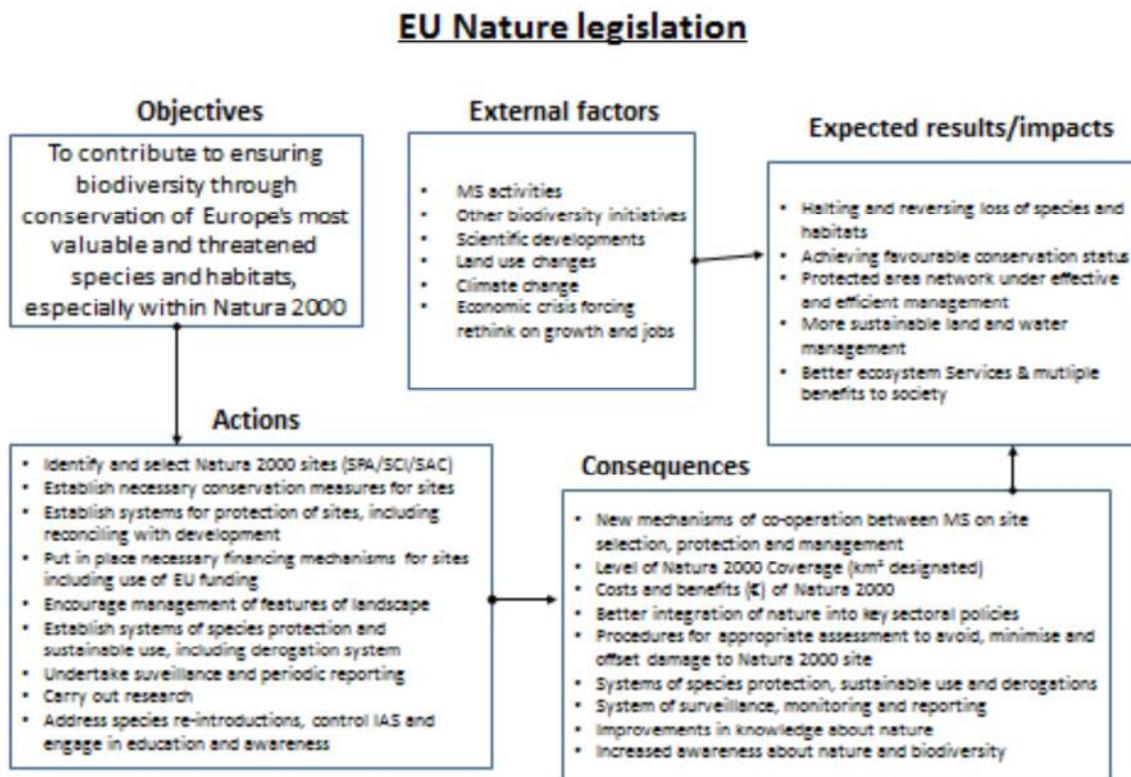
⁸ http://www.mtvosz.hu/about_us

B. EVALUATION / FITNESS CHECK questions

Please answer all questions that are relevant to you and for which you can provide informed insights from direct experience and/or supporting evidence.

We would kindly ask that you keep your answers as succinct as possible. They should summarise in **no more than 2 pages** any evidence relevant to a given question. More complete/detailed information, if any, should be provided in the form of references and/or web links. Definitions, explanations and examples are provided under each question to assist you in answering them.

When answering the questions, please note that the Fitness Check intends to examine the performance of the Nature Directives in relation to their stated objectives, taking into account expected results, impacts and external factors. The figure below presents the intervention logic as included in the mandate. For ease of reference, a table presenting the objectives of the Directives, differentiating between different types of objectives (strategic, specific, operational), is included in Annex I to this document.



The questions are structured around the five evaluation criteria addressed in the mandate: effectiveness = S, efficiency = Y, coherence = C, relevance = R, and EU added value = AV.

Effectiveness

This section focuses on assessing the extent to which the objectives of the Birds Directive and Habitats Directive have been met, and any significant factors which may have contributed to or inhibited progress towards meeting those objectives. By 'objectives', we refer not only to the strategic objectives, but also to other specific or operational objectives required under other articles of both Directives (as set out in Annex I to this questionnaire).

'Factors contributing to or inhibiting progress' can relate to the Nature Directives themselves (e.g. the clarity of definitions) or be external factors such as lack of political will, resource limitations, lack of cooperation of other actors, lack of scientific knowledge, or other external factors (e.g. see those listed in the above intervention logic).

We are particularly keen to learn of evidence that is not included in the Member State implementation reports⁹.

S.1.1 What progress have Member States made over time towards achieving the objectives set out in the Directives and related policy documents?

Please provide evidence on what progress has or is being made towards the achievement of the objectives set out in Annex I that are of relevance to you. Please address separately the objectives of the Birds Directive and the Habitats Directive, and specify which objective(s) you are referring to, with references to the corresponding Articles. If possible quantify the progress that is being made.

Proper implementation on MSs level – as well as a supportive EU administration – are key factors to meet the objectives of the Directives. Lack of progress in achieving objectives may be attributable to incomplete/inadequate implementation, funding shortages, communication gaps (consequently the lack of awareness and acceptance), poor integration into general and sectorial policies, directly counteracting political decisions and policies, and in some cases inconsistencies of EU administration. External factors that are more or less outside the direct control of policies (e.g. climate change) are not a main problem for effectiveness, if properly implemented these problems can also be addressed to a certain extent by the Directives.

In Hungary the preparation phase (roughly 2000-2004) directed by the Ministry of Environment and was an active period in basic data collection and analysis. NGO-coalition (Natura 2000 Working Group) has been formed to provide assistance in data collecting, initial communication tasks and quality check (biogeographic seminar in Sept 2005).

Site designation process finished by 2010/2011 in HU. Altogether 525 sites (479 SCAs+56 SPAs); 19949.49 km² were designated, covering some 21.44% of Hungary's territory; Natura 2000 biogeographic process on harmonizing management of the sites in order to maintain/restore FCS is ongoing, coordinated by NGO-coalition.

Projects on Natura 2000 planning, research, knowledge exchange and practical management co-financed from different resources, such as LIFE/LIFE+, Swiss Fund, Norwegian Fund are regularly taking place, managed by national park directorates and/or NGOs, consequently scientific and practical knowledge has been increasing ever since. Databases are being refreshed regularly.

Main element of legal transposition/harmonization process is the Governmental Decree on N2K network in 2004, followed by 2010 by decrees on basic management rules of N2K grasslands and on compensation, respectively. Process was finished by decree on land parcels affected by Natura 2000 in 2010/2011.

Natura 2000 management plans have been/are being prepared funded by ERDF for over 250 (mostly SAC) sites covering app. 190.000 ha. Further plans are being prepared as parts of different projects (LIFE+, Norwegian Financing Mech., etc.) for SACs and SPAs.

⁹ Habitats Directive Reports: http://bd.eionet.europa.eu/activities/Reporting/Article_17/Reports_2013/
Birds Directive Reports: http://bd.eionet.europa.eu/activities/Reporting/Article_12/Reports_2013/

Directives and Natura 2000 are key instruments in the stabilization/recovery of populations of a number of endangered species and habitats. Projects on species and habitats conservation, as well as on increasing scientific and practical knowledge are among the most advanced elements of implementation.

Paul Donald Science paper shows that where implemented the Birds Directive is proving effective at improving the status of Bird species across the EU, and that Natura 2000 sites are playing a key role in this.¹⁰ Gruber et al have also shown that the Natura 2000 sites are highly effective in minimizing the number of endangered species of concern to European conservation¹¹.

Among others, progress is detectable in the case of Imperial Eagle¹², Great Bustard, Saker¹³, Red-footed falcon¹⁴, Meadow Viper¹⁵, as well as Pannonian grasslands, Saline steppe lakes¹⁶, Steppe Oak Woodlands¹⁷. These species and habitats, with no exception, have been experiencing dramatic declines by the end the 20th century. Directives significantly boosted national nature conservation efforts and provided a set of new instruments.

Initial indications from the Article 12 (BD) and 17 (HD) reports are that the percentage of habitats and species in Favourable Conservation Status has not changed significantly overall, while the percentage of habitats and species in Unfavourable Conservation Status has increased, albeit by a percentage that corresponds to the decrease in the percentage of “Unknown” assessments for Habitats and species. i.e. our knowledge of biodiversity in the EU has improved, but the status of biodiversity is not improving.¹⁸ Corresponding figures for HU are quite similar¹⁹, clearly showing the increase of knowledge (decrease of unknown portion) and some above-average improvement both in species and habitats.

Communication of Natura 2000 network – especially the specialities/difference to traditional forms of nature conservation, has been lagging from the very beginning, although different agri-environmental schemes and participatory management planning processes the last couple of years contributed to raising awareness.

Administrative elements of implementation, such as registering Natura 2000 status on title deeds as well as informing owners about the consequences is still incomplete, arising as a constant source of problems.

S.1.2- Is this progress in line with initial expectations?

'Initial expectations' refer to the expectations, positive or negative, held by different stakeholders at the time the legislation transposing the Directives came into force in your country. For example, government reports and plans might provide evidence of intended timetables for the identification and designation of Natura 2000 sites. We are seeking to understand the extent to which progress made to date has met, exceeded, or fallen short of such expectations. If possible, in your answer please address separately each of the objectives referred to in question S1.1 for which you have provided evidence.

Establishing an ecological network spreading across 28 European countries with common basic rules

¹⁰ <http://www.sciencemag.org/content/317/5839/810.abstract>

¹¹ http://ec.europa.eu/environment/integration/research/newsalert/pdf/320na1_en.pdf

¹² <http://imperialeagle.hu/>

¹³ <http://sakerlife.mme.hu/en/content/show>

¹⁴ <http://falcoproject.eu/en/content/life>

¹⁵ <http://www.rakosivipera.hu/en/>

¹⁶ <http://www.legelotavak.hu/en>

¹⁷ <http://www.pusztaitolgyesek.hu/index.php?page=home>

¹⁸ <http://bd.eionet.europa.eu/activities/Reporting/Introduction>

¹⁹ https://circabc.europa.eu/sd/a/d5c1f10b-7a2d-444d-9738-c8cdd0295b9f/HU_20140528.pdf

fit to shared responsibility is an unexpectedly successful story. In this sense, a massive portion of the administrative tasks prescribed by the Directives are already done by MSs. As for Hungary, due to the complexity of transposing the EU Directives and also harmonizing it with national nature legislations, there has been a detectable delay in implementation from the very early stage although one must note, that this delay is much less compared to those of the EU15.

One might note that recurrent restructurings of Hungarian state administration and especially the nature directorate within, pose serious obstacles to the implementation process. Since the introduction of Natura 2000 in Hungary the body responsible for nature and environment shrunk from an independent Ministry of Environment to a Department within a vice-state secretariat under the Ministry of Agriculture. This is also the reflection of the recent governmental ideas and intentions regarding natural capital and the lack of advocacy capacities of nature conservation in general. Hungarian people tend to disagree that they have key role in protecting the environment as revealed by Eurobarometer survey.²⁰

Communication of Natura 2000 objectives and tools, especially the difference to ‘traditional’ nature conservation measures, has been insufficient since the introduction of Natura 2000, and this has been causing a rolling problem ever since. Notification of stakeholders – such as firms, land users, etc. has been rather weak, despite of all the efforts of the relevant Ministries and various NGOs. A number of stakeholders are still not aware of having Natura 2000 status of their properties. Proper communication would also mean the setting up of a Natura 2000 advisory network (on legal, authorization aspects) operated by the relevant state body and/or NGOs.

Legal transposition started with a half-year delay and finished around 2006/7 following the repeated modification of the ‘Natura 2000 Decree’. Since then, the legal background is secured. Authorities, however, frequently fail to properly interpret and implement EU and national legislation as revealed in the 2010 report of the Parliamentary Commissioner for Future Generations.²¹

Funding for financing different aspects of Natura 2000 has been available since the early 2000s, in the form of PHARE, LIFE and other international funds. State co-funding has also been available until the latest years with minor difficulties recently.

Designation of sites started on 2002 and fully finished around 2010 (though slight modifications has been made so far) with the ministerial decree legally announcing of Natura 2000 land parcels.²² EU infringement procedures started due to incomplete designation accelerated the process.

Conservation/management priorities have been defined for all Natura 2000 sites.

Drawing up management plans is not obligatory under the Habitats Directive but it is one of the options to organize the management of Natura 2000 sites. In 2011 actual progress with management planning still showed great differences within Europe and while some countries who opted for the management plan approach had completed management planning for a large number of Natura 2000 sites. In Hungary, more than half of Natura 2000 sites – mostly SACs, some SPAs – will have comprehensive management plan adopted by the Ministry by mid-2015^{23,24}. Further management plans for the rest of the sites are in progress and all expected to be finished by the end of 2016.

Being a country with massive agriculture, implementation of the Directives in terms of achieving the objectives set is actually very much depending on agricultural provisions, more specifically the availability and allocation of CAP payments, with special focus on agri-environmental payments and Natura 2000 compensations. Lack of payments or any other major disruptions of the system – as likely in 2016 – would significantly hinder the process.

²⁰ http://ec.europa.eu/public_opinion/archives/ebs/ebs_416_en.pdf

²¹ http://jno.hu/report2010/jno_report_2010.pdf

²² 14/2010. (V. 11.) KvVM rendelet az európai közösségi jelentőségű természetvédelmi rendeltetésű területekkel érintett földrészelekről

²³ A vidékfejlesztési miniszter 43/2012. (V. 3.) VM rendelete az Európai Mezőgazdasági Vidékfejlesztési Alapból a Natura 2000 területek fenntartási terveinek készítéséhez nyújtandó támogatás igénybevételének részletes szabályairól.

²⁴ https://circabc.europa.eu/sd/a/d5c1f10b-7a2d-444d-9738-c8cdd0295b9f/HU_20140528.pdf

S.1.3 - When will the main objectives be fully attained?

On the basis of current expectations and trends, please provide evidence that indicates the likely year or range of years that the main objectives will be met. By 'main objectives' we mean the strategic objectives of the Birds Directive (as set out in its Article 2) and the Habitats Directives (in its Article 2), as well as the specific objectives set out in Annex I to this document.

Loss of biodiversity on every spatial level is a complex, long-term system-level process with many interconnections and systemic delays, as well as many unknown external factors. Halting the process is not at all simpler. Consequently, general improvement cannot be expected within a significantly shorter period of time – even under super-optimal circumstances. It is very likely to take at least a few decades before the majority of species and habitats achieve favourable conservation status.

In reality none of the social and economic factors can be regarded as optimal, thus with persisting human-induced pressures on biodiversity, such as habitat loss, invasive alien species, together with the limited integration of biodiversity issues into relevant policies, any local positive initiatives/changes count in slowing down of the negative process and these should all be considered as success.

On a MS level, the contribution to accelerate the speed of achieving objectives will depend partly on how thoroughly Directives will be implemented by authorities, and partly on the speed of reform of other policies – especially agriculture and rural development policies.

Financing is absolutely crucial for full implementation. Appropriate financing apart from dedicated funds (LIFE) are of great importance as these facilitate policy integration in a reinforcing way. As for RDP, harmful subsidies should be eliminated, common budget should be wisely used to finance common goals instead of individual business interests. On the other hand, enterprises with high environmental performance should be preferred – development of such businesses should be facilitated²⁵

Management planning has been gained quite a progress since 2009 with more than 50% of all sites having comprehensive management plans – mostly prepared during (more or less) participatory procedures. Management plans are to be made for the rest of the sites, however, to our recent knowledge, there is no dedicated budget in the new RDP

Nature Directives, and recent operation of Natura 2000 network have already proven to be effective tools to contribute to halt the loss of biodiversity. More specifically, there are a good number of species and some habitats in the Pannonian biogeographic region that are doing better because of EU nature legislation (see S1.1) Recent summary document based on Art 17 Hungary reports clearly show significant increase of relevant scientific knowledge and improvement of FCS in some Annex habitats and species.

While situation of priority habitats and species have improved, populations of common bird species – especially those connected to agricultural landscapes getting worse with alarming rapidity, as reflected Farmland Birds Index: figures of the last decades show steep decline, with the lowest values in 2009 in some cases 70% to baseline level. Forest Birds Index show stable/increasing populations, probably due extending forest coverage in the last decade, however, this did not go parallel with improving Forest Naturalness Indices.

S.2 – What is the contribution of the Directives towards ensuring biodiversity? In particular to what extent are they contributing to achieving the EU Biodiversity Strategy* Objectives and Targets?

By 'contribution towards ensuring biodiversity', we are referring not only to the conservation of the species and habitats specifically addressed by the Directives, but also to biodiversity more broadly defined: i.e. other species and habitats not targeted by the Directives; ecosystems (terrestrial and

²⁵ <http://www.smeforbiodiversity.eu>

marine); and genetic diversity, both within and beyond the Natura 2000 network – in line with the EU's 2050 vision and 2020 headline target and the Targets of the EU's Biodiversity Strategy to 2020.

* For an overview of the EU biodiversity Strategy see:

<http://ec.europa.eu/environment/nature/info/pubs/docs/factsheets/Biod%20Strategy%20FS.pdf>

Nature Directives, being far the most important and most concrete EU-instrument to save biodiversity play absolutely crucial role in contributing to the EU Biodiversity Strategy Objectives and target. European Parliament²⁶ and EU Member States²⁷ have already recognised that the Birds and Habitats Directives are Cornerstone of EU efforts to conserve biological diversity.

Conservation objectives set by the Directives go far beyond Annex habitats and species; these are not merely objects of conservation activities but also means by which sites/areas of highest natural value (and natural capital) can be identified. Annexes include many umbrella species that 'cover' other, more common but less investigated species with similar ecological needs and also many indicator species that sensitively reflect the ecological status and changes of different habitat types. There is also scientific proof that Directives work not only for target species²⁸ but also for non-target species²⁹ (Fred Jiguet paper).

There is a clear need for coordinated international approach given that nature does not respect borders (e.g. the needs of migratory species). Directives and Natura 2000, i.e. the possibility to define and apply common provisions regarding nature conservation and management to 28 countries, as well as to establish a multi-national ecological network are regarded as examples for many non-EU countries.

As for Hungary, establishing Natura 2000 network meant doubling 'protected natural areas' (legal term covering all kinds of protected natural areas). Most of nationally protected areas, covering 10% of Hungary's territory belong to the Natura 2000 network which covers more than 21%. High Nature Value areas (focus areas of specific agri-environmental programs and payments) Natura 2000 areas up to 50% on average, meaning that 1.) Natura 2000 sites have nature-friendly management and 2.) receive dedicated resources.

Natura 2000 compensation payments – 38€/ha, since 2007 for grasslands and 40-230€/ha, since 2012 for forests significantly contribute to the primer maintenance of the most valuable natural habitats all over the country.

Protected areas work. Scientific studies have established that Protected Areas remain a key conservation tool in the face of climate change, enabling species to adapt to shifting range envelopes and other climate impacts.³⁰ A study of population trends for all wild birds in Europe since 1970³¹ has shown how important the Birds Directive has been for these birds, especially those on Annex I. The rate of recovery of Annex I species has been significantly greater inside the EU than outside, and within the EU has been greater for Annex I species than species not listed on the Annex. The role of protected areas in this recovery is critical. The greater the area of SPAs, the stronger the recovery, especially for the rare and vulnerable species on Annex I. This was borne out by evidence that these trends were more positive in those countries that designated larger areas of SPAs.

Role of protected areas in biodiversity conservation is scientifically proven, delivering benefits for both habitats and species.

Directives are key tools for delivering target 1 of EU Biodiversity Strategy (i.e. Fully implement the birds and habitats directives). Member States have acknowledged this in Council Conclusions on the EU Biodiversity Strategy to 2020; "AGREES that full implementation of the EU environment acquis,

²⁶ http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/EP_resolution_april2012.pdf

²⁷ <http://data.consilium.europa.eu/doc/document/ST-7536-2010-INIT/en/pdf>

²⁸ <http://www.sciencemag.org/content/317/5839/810.abstract>

²⁹ V. Pellissier et al. Assessing the Natura 2000 network with a common breeding birds survey, *Animal Conservation* 16 (2013) 566–574. <http://onlinelibrary.wiley.com/doi/10.1111/acv.12030/abstract>

³⁰ <http://www.pnas.org/content/109/35/14063.short>

³¹ <http://www.sciencemag.org/content/317/5839/810.abstract>

and in particular the EU Birds and Habitats Directives, is essential for the achievement of the new EU 2020 Biodiversity targets³²

Directives also key for delivering target 2 (Maintain and restore ecosystems and their services), supporting resilience and connectivity in the wider countryside.

For target 3 (Increase the contribution of agriculture and forestry to maintaining and enhancing biodiversity), Directives establish framework for action and monitoring in delivering improvements in the conservation status of agricultural and forest species.

For target 4 (Ensure the sustainable use of fisheries resources), Directives establish basis for the creation of marine protected areas, which have a crucial role to play in delivering sustainable fisheries, and protecting marine animal and bird species.

For targets 3 and 4, while Directives have been integrated into CAP and Marine Strategy Framework Directive, inadequate implementation by Member States has significantly limited the contribution of the Directives to protecting biodiversity in the wider countryside. The tools for delivering conservation in the wider countryside exist in the Directives, but Member States have been unwilling to use them.

S.3 – Which main factors (e.g. implementation by Member States, action by stakeholders) have contributed to or stood in the way of achieving the Directive’s objectives?

Please summarise evidence of the main factors that have supported or constrained progress towards achieving the objectives of the Nature Directives. As in previous questions, by 'objectives' we mean not only the strategic objectives set out in Articles 2 of both Directives, but also specific and operational objectives, as set out in Annex I to this document. Relevant factors might include, for example, resource limitations, lack of cooperation of other actors, lack of scientific knowledge, or other external factors (e.g. those listed in the above intervention logic).

Negative factors are mostly derived from improper/incomplete national-level implementation of the Directives, including lack of practical and jurisdictional experience and in a number of cases, misunderstanding the Directives or their defined objectives.

Lack of awareness among stakeholders mainly due to improper communication and lack of involvement. According to a 2013 Eurobarometer survey³³ significant proportion (58%) of Hungarian citizens have never heard about Natura 2000 network – though this is much less than EU 27 average (73%) and the number has significantly decreased in the last 6-7 years. (70% in 2007).

Some of the Natura 2000-related legal cases of the last decade turned into official EU-level complaints. Some of these significantly accelerated the relevant aspects of implementation others had rather negative effects.

Sajólad-case – the complete clearing of Natura 2000 alluvial forest as a ‘solution’ for illegal tree felling – helped the process of securing the status of Natura 2000 forest habitats by forcing the incorporation of Natura 2000 measures into 10-year forestry management plans.

AUDI-case – car industry development on 200 ha of Natura 2000 grassland – resulted in a 4-year period of legal and administrative uncertainty, due to the fatal misunderstanding of Natura 2000 objectives. State administration would not allow virtually any developments affecting Natura 2000 sites and/or authorizing processes became rather unclear.

Examinations conducted by the Parliamentary Commissioner for the Future Generations (2010) established that (Hungarian) authorities were not proceeding carefully enough, when in the course of the authorization of a project or activity conditions were required which were not suitable to the conservation of habitats and species of community significance, while European Court of Justice applies consistently the precautionary principle for authorization procedures related to Natura 2000

³² <https://www.cbd.int/doc/nbsap/EU-council-conclusions-2020-strategy.pdf>

³³ http://ec.europa.eu/public_opinion/flash/fl_379_en.pdf

sites.

The ECJ has declared in several judgments that national authorities may license an activity only if they make sure that it does not involve harmful effects endangering the integrity of the natural site affected. Hungarian authorities have also failed to interpret the Natura decree's provisions concerning impact assessment, when they issue a favourable expert authority statement referring that "the significant impact cannot be proved". According to the proper interpretation complying with the precautionary principle, licenses can be issued only if the absence of significant impact can be proved, that is the authority is absolutely sure that the project will not have significant unfavourable impacts.³⁴

In a comparative study on the implementation of Natura 2000 in Europe³⁵ is stated: "The main strength of the network included the substantial increase of scientific knowledge of the sites, the contribution on nongovernmental organizations, the adequate network design and The main strengths of the network included the substantial increase of scientific knowledge of the sites, the contribution of nongovernmental organizations, the adequate network design in terms of area and representativeness, and the adequacy of the EU legal frame.

The main weaknesses of Natura 2000 were the lack of political will from local and national governments toward effective implementation; the negative attitude of local stakeholders; the lack of background knowledge of local stakeholders, which prevented well-informed policy decisions; and the understaffing of Natura 2000 management authorities.

Top suggestions to improve Natura 2000 implementation were increase public awareness, provide environmental education to local communities, involve high-quality conservation experts, strengthen quality control of EIA studies, and establish a specific Natura 2000 fund."

Hungarian Spatial Planning Act tend to contain internal contradictions in terms of primer/priority use of certain areas and/or different land uses are not appropriately prioritized or harmonized. Non-energy extractive industries (peat-mines and quarries being the most relevant in Hungary) may illustrate this issue – mining on Natura 2000 sites is only allowed at some formerly 'agreed' areas, but renewal of permissions as well as opening new quarries on Natura 2000 sites is generally forbidden. Representatives of this stakeholder group tend to argue that the situation is lacking clear strategic objectives and satisfying legal environment – chiefly due to the uncertainties of assessing IROPI.

In Hungary several different land registration systems are regulating the property rights and land use rights, which are not interconnected and many times the relevant information is difficult to access even by state authorities. One of them is the main Land Registry, another is the registration system of agricultural parcels (<http://mepar.hu/>) of the Hungarian agency that deals with CAP and RD payments, and there is a third one which not only administers but also regulates the use of forested land. This abundance of databases is one of the reasons that hamper the shift towards sustainable land use patterns within Natura 2000 sites. It complicates the application for compensation payments and at the same time does not help the affective control of the implementation of conservation measures (for which the compensation is paid).

S.4 - Have the Directives led to any other significant changes both positive and negative?

This question aims to assess whether the implementation of the Nature Directives has brought about any significant environmental, social or economic effects or changes that were not intended or foreseen by the Directive at the time of their approval, and whether these changes were positive, negative or neutral in terms of their contribution towards meeting the objectives of the Directives. Examples of such effects or changes might include the development of a culture of social participation in nature-related decisions as evidenced by Committees for the development of management plans or higher cooperation of departments of different ministries, etc.

³⁴ http://jno.hu/report2010/jno_report_2010.pdf

³⁵ <http://onlinelibrary.wiley.com/doi/10.1111/cobi.12366/abstract>

The Directives have brought many positive effects towards meeting the objectives of the Directives, but also many positive side-effects supporting policy objectives beyond Nature Conservation. Among the significant positive changes one can mention the following

- **Added value on real estate markets** – Ecosystem services connected to leisure, well-being (fresh air, silence, green environment, etc.) tend to appear as added values on real estate markets. Protected/Natura 2000 sites are treated as guarantees of the persistence of such ecosystem services.
- **Job creation** – directly and indirectly. Conservation projects funded by LIFE, Swiss Fund, Norwegian Fund and similar resources mean 3-5 jobs/project on average for 3-5 years of project duration. Increasing opportunities on the field of environment-friendly land management, such as extensive animal husbandry due to the subsidies on Natura 2000 grassland habitats (as well as relevant agri-environmental payments), also results in increasing employment and entrepreneurship in agriculture, the latter might be hindered or enhanced by national agricultural policy.
- **Preparation of Natura 2000 management plans** since 2009³⁶ introduced and enhanced the formerly hardly existing culture and practice of participatory planning and early involvement of stakeholders in conservation/management planning processes³⁷ in order to secure the support and involvement of locals in the management of designated areas.
- **Business and Biodiversity initiatives** – numerous attempts/projects appeared which intend to find/enhance/develop business-based solutions to maintain Natura 2000 sites – or at least: do no harm to them. **BTAU Project** (Biodiversity Technical Assistance Units)³⁸ was launched to develop preferential financial products for pro-biodiversity SMEs, in cooperation with the banking sector, and also to set up assistance units to help the formation/development of such businesses.
- **National Park Product**³⁹ is a labelling system to increase appreciation and boost the comparative market opportunities of different (mostly food) products originating from nationally protected and/or Natura 2000 sites.
- **Cooperation with hunters** – in 2006 FACE initiated to project ‘Natura 2000 – an opportunity for Biodiversity and Hunting in Europe’ which moved the spotlight on hunting vs. nature conservation issues. Alongside national-level negotiations on huntable species the between hunting associations and nature conservation has been vivid up to this day.

³⁶ <http://www.naturaterv.hu/>

³⁷ KOVÁCS et al - Evaluation of participatory management planning processes for Natura 2000 sites in Hungary – Abstract for the ICCB-ECCB 2015 27th International Congress for Conservation Biology – *in prep*

³⁸ <http://www.smeforbiodiversity.com>

³⁹ <http://nemzetiparkitermek.hu/mainpage.html>

Efficiency

Efficiency is essentially a comparison between inputs used in a certain activity and produced outputs. The central question asked here is whether the costs involved in the implementation of the EU nature legislation are reasonable and in proportion to the results achieved (benefits). Both 'costs' and 'benefits' can be monetary and/or non-monetary. A typology of the costs and benefits resulting from the implementation of the Directives is given in Annex II to this questionnaire. In your answers, please describe the nature, value and overall significance of the costs and benefits arising from the implementation of the Directive, supported by evidence.

Y.1 - What are their costs and benefits (monetary and non-monetary)?

Based on the explanation given above, please indicate, supported by evidence, what types of costs and benefits have resulted from the implementation of the Nature Directives. Please provide evidence, quantitative where possible, of costs and benefits, describe their nature (monetary/non-monetary) and value, and who is affected and to what extent. Please distinguish between the costs and benefits arising from the Directives themselves and those arising as a result of other factors. To facilitate analysis of the answers it would be useful if costs and benefits could be addressed separately.

Generally speaking benefits derived from the Directives and Natura 2000 are significantly higher than costs, though these benefits are in many times hardly expressible in monetary terms. As long as the preservation/restoration of biodiversity in a commonly agreed goal on national and supra-national levels (see National Biodiversity Strategy here⁴⁰).

A 2010 study titled, “Costs and Socio-Economic Benefits associated with the Natura 2000 Network”⁴¹ estimated the annual costs of implementing the Natura 2000 network at €5.8 billion per year for the EU-27.

To name just one specific example: it is estimated that the Natura 2000 network currently stores around 9.6 billion tonnes of carbon, equivalent to 35 billion tonnes of CO₂, which is estimated to be worth between € 600 billion and € 1,130 billion (stock value in 2010), depending on the price attached to a ton of carbon (i.e. to reflect the value of avoided damage of climate change by avoided GHG emissions). It can be expected that in the future these carbon values will increase, especially if the conservation status of the network improves⁴².

BirdLife’s Wellbeing Through Wildlife report⁴³ found that Europe’s environment is delivering health benefits, ecosystem services, and economic benefits for its citizens. Europeans also value nature not only for these benefits, but also for the intrinsic value of having access to a rich, biodiverse natural environment.

A 2014 study titled “The Economic benefits of the Natura 2000 Network”⁴⁴ found that the benefits that flow from Natura 2000 are of the order of €200 to 300 billion/year. This study estimated that there are between 1.2 to 2.2 billion visitor days to Natura 2000 sites each year, generating recreational benefits worth between €5 and €9 billion per annum.

Directives/Natura 2000 network paved the way to access the following resources/benefits (see below):

- Natura 2000 compensation payments to grasslands and forests (which are above 50% privately owned)
- Natura 2000 sites are clearly preferred in terms of agri-environmental payments

⁴⁰ http://www.biodiv.hu/convention/cbd_national/nemzeti-biodiverzitas-strategia/nemzeti-biodiv-strat_2014-2020_kormany-altal-elfogadott.pdf

⁴¹ http://ec.europa.eu/environment/nature/natura2000/financing/docs/natura2000_costs_benefits.pdf

⁴² Estimating the Overall Economic Value of the Benefits provided by the Natura 2000 Network. Final Synthesis Report to the European Commission, DG Environment, Brussels 2011.

⁴³ http://www.rspb.org.uk/Images/wellbeing_tcm9-148929.pdf

⁴⁴ http://ec.europa.eu/environment/nature/natura2000/financing/docs/ENV-12-018_LR_Final1.pdf

- access to LIFE Funds resulted in environmental, social and also economic benefits

Cases of investments/actions meaning threat or directly causing destruction to natural habitats/species could go beyond national levels (complaints)

Natura 2000 legislation provides an effective tool to 'filter'; meaningless/speculative but massive industrial investments (heat power plant by Szerencs, airport-developments)

Volume of scientific data significantly increased.

Y.2 - Are availability and access to funding a constraint or support?

This question focuses on the proportion of identified funding needs that has been or is being met by EU and Member State funding, respectively, the extent to which the level of available funding affects the implementation of the Directives and enables the achievement of their objectives (as set out in Annex I to this questionnaire), and the extent to which initial funding allocations for nature under EU funding instruments were used as well as any factors which may have favoured or hindered access to and use of funds. In your answer please consider whether funding constraints affect costs or create administrative burdens (eg as a result of limitations on guidance or delays in decision making).

In general, lack of adequate funding is one of the main reasons for slow implementation and low acceptance of the Directives. As far as EU-funding is concerned (that we think should contribute at least 50% of costs) it is not only a matter of budget size (e.g. of LIFE or 2nd Pillar CAP) but very much a matter how Member States decide to allocate EU funds that could be used for implementation of the Directives.

Since 2012 private foresters managing Natura 2000 forests can apply for EAFRD funding. As application is easy many have applied and received funding. The funds compensate private foresters for loss of income that result from Natura 2000 regulations. Their economic interest against restrictions in favour of protecting biodiversity in Natura 2000 forests has thus been removed

Study on the acceptance of Natura 2000 in Matra mountains, North Hungary (2013)

The need for awareness raising and information transfer is confirmed by the preliminary results of some interviews that were carried out recently in a limited area (Mátra mountain) by researchers of Szent István University. It shows that the opinions about Natura 2000 were controversial among the private owners and members of forest associations. There were opinions about the variability of subsidies: according to these, the stake of using the subsidies is very high as in a changing legal environment it is very difficult to return to the previous intense management forms if the subsidy system changes. They also mentioned the burden of administration. But there were owners who were satisfied with the subsidies and the Natura 2000.

Most of the forest managers were very sceptical about close to nature forest management, although there were some who acknowledged its advances. There were controversial opinions on selection forest management, most of the forest managers agreed that it is not profitable and it is very complicated to manage forest in that way. In spite of the negative comments, there were positive opinions about the gradual profit (annual) provided by this system.

Introduction to Sustainable conservation on Hungarian Natura 2000 sites – Swiss-Hungarian Contribution Programme, SH/4/8 project.

Y.3 - If there are significant cost differences between Member States, what is causing them?

This question seeks to understand the factors that affect the costs of implementing the Directives, whether there is evidence of significant cost differences between Member States, and the causes of these cost differences. In your answer, please describe the cost differences and the reasons for them (e.g. whether they arise from specific needs, circumstances or economic factors), supported by quantitative evidence. Do these differences lead to differences in impact? Please note that Question

Y.5, below, focuses on good practices in keeping costs low. For this Question Y.3 we are interested in evidence of overall differences in implementation cost (see typology of costs in Annex II to this questionnaire) along with the reasons for them.

There are cost differences, arising from differences in the ecology, economies, and conservation approaches of the various Member States.

All Costs

Biodiversity is unequally distributed across the member states. This is a strong justification for adopting an EU level approach to conservation, and vindicates the EU added value of the Birds and Habitats Directives. This shared approach to conservation is carried over into financing, as action to protect our common natural heritage for future generations is co-financed by the community (Article 8 Habitats Directive) through several different funding sources⁴⁵. It is also very clear that some of the richest biodiversity is found in some of the EU's poorest Member States and Regions.⁴⁶

It must be noted however that Member states cost estimates often reflect their conservation ambition and political choices (e.g. land purchase vs subsidies vs imposing rules on land owners). A recent comprehensive global study found that performance in conservation is not correlated to countries economic wealth, suggesting it is determined by level of priority given to biodiversity rather than by spending power⁴⁷.

Administrative Costs

Where Member States have insufficiently monitored their biodiversity, or have implemented the Habitats Directives poorly, this may result in additional administrative costs. A prime example of this is the marine environment, where site designation is late (1) and knowledge is limited (2) resulting in uncertainty and costs to developers.

Habitat and Species Management Costs

The Article 12 and 17 reports will show that there are differences in current conservation status and population levels of habitats and species in different Member States. In those Member States where a higher percentage are in unfavourable status or declining, higher levels of funding may be needed to bring these into back into favourable status.

Diverse national circumstances (sites type, land use, location, ecological status, pressures, labour and wage costs, management strategies), the level of current data, and different cost assessment approaches and methodologies may also explain differences in the cost estimates across Member States⁴⁸

⁴⁵ Kettunen, M., Torkler, P. and Rayment, M. (2014). Financing Natura 2000 Guidance Handbook. Part I – EU funding opportunities in 2014-2020, a publication commissioned by the European Commission DG Environment. Luxembourg, Publications Office of the European Union:

http://ec.europa.eu/environment/nature/natura2000/financing/docs/Natura2000financingHandbook_part%201.pdf

⁴⁶ Ghermandi, A., Ding, H. and Nunes, P. A. L. D. (2013). The social dimension of biodiversity policy in the European Union: Valuing the benefits to vulnerable communities. Published in Environmental Science & Policy 33, Pages 196-208:

http://www.researchgate.net/profile/Andrea_Ghermandi/publication/247158164_The_social_dimension_of_biodiversity_policy_in_the_European_Union_Valuing_the_benefits_to_vulnerable_communities/links/0046351dbadd4d351f000000.pdf

⁴⁷ Rodrigues, A. S. L., Brooks, T. M., Butchart, S. H. M., Chanson, J., Cox, N., Hoffmann, M., & Stuart, S. N. (2014). Spatially Explicit Trends in the Global Conservation Status of Vertebrates. PLoS ONE, 9(11), e113934. doi:10.1371/journal.pone.0113934. Available at:

http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4245261/#_ref-listid528416title

⁴⁸ Gantioler S., Rayment M., Bassi S., Kettunen M., McConville A., Landgrebe R., Gerdes H., ten Brink P. (2010). Costs and Socio-Economic Benefits associated with the Natura 2000 Network. Final report to the European Commission, DG Environment on Contract ENV.B.2/SER/2008/0038. Institute for European Environmental Policy / GHK / Ecologic, Brussels 2010:

http://ec.europa.eu/environment/nature/natura2000/financing/docs/natura2000_costs_benefits.pdf

Y.4 - Can any costs be identified (especially regarding compliance) that are out of proportion with the benefits achieved? In particular, are the costs of compliance proportionate to the benefits brought by the Directives?

Please provide any quantitative evidence you may have demonstrating that the costs of implementing the Directives exceed the benefits. Do the Directives require any measures which give rise to significant costs but which bring about little, or only moderate benefits?. If so, please explain the extent to which any imbalances are caused by the Directives themselves, or by specific approaches to implementation.

In general benefits significantly outweigh costs.

In terms of the relationship between environmental regulation and economic growth, there is no strong evidence to support the assertion that regulation is a brake on economic growth. Evidence from the UK suggests that environmental regulation has no negative impact on costs in the long run.⁴⁹

Environmental regulations play a central role in protecting the environment and the natural capital upon which our long-run prosperity ultimately depends. Yet, such regulations are often perceived solely as a burden on business and the wider economy, despite their proven benefits. However, we know that such perceptions are an unreliable indicator of the true regulatory “burden”; evidence suggests that there may be a considerable disparity between perceptions of regulatory quality and actual measurable results i.e. there may be a gap between business perceptions of regulation and “objective reality”.⁵⁰

Significant costs are associated with Member State implementation failures through non-compliance, including fines⁵¹, but also delays and uncertainty. Daily penalty payments of £74,000 (UK) and €73,000 (France) per day have been sought by the European Court of Justice for non-compliance with environmental laws.⁵²

Costs associated with the procedures needed to work around inadequate implementation, e.g. Species conservation in absence of FCS / strategic approach to species conservation.⁵³

The impact on businesses from the uncertainty about implementation of the environmental legislation could be substantial. These costs are less easily quantified, but they should not be neglected.⁵⁴

Burden on business arising from Member State government failures (see windfarm example above), including misapplication of EU rules, corruption, and wilful breach.

Evidence suggests that the financial benefits of compliance far outweigh both current expenditure by Member States on nature conservation, and estimates of the financial costs of full implementation⁵⁵.

Y.5 - Can good practices, particularly in terms of cost-effective implementation, be identified?

Here we are looking for examples of where the objectives of the Directives are being met more cost-effectively in some Member States or regions than others, and the reasons for these differences. It is important to understand whether they are due to particular practices (rather than, for example, differences in needs, circumstances or economic factors) that have kept costs relatively low. We would

⁴⁹ Defra (2010). [Economic Growth and the Environment](#). Defra Evidence and Analysis Series Paper 2

⁵⁰ OECD (2012). Measuring Regulatory Performance: A Practitioner's Guide to Perception Surveys. Paris, OECD

⁵¹ <http://www.parliament.uk/documents/impact-assessments/IA11-010AZ.pdf>

⁵²

http://randd.defra.gov.uk/Document.aspx?Document=10078_CCRAfortheMarineandFisheriesSector16July2012.pdf

⁵³ http://www.wcl.org.uk/docs/link_response_to_nature_directives_060212.pdf

⁵⁴ http://ec.europa.eu/environment/enveco/economics_policy/pdf/report_sept2011.pdf

⁵⁵ http://ec.europa.eu/environment/nature/natura2000/financing/docs/natura2000_costs_benefits.pdf

welcome examples of differences in practices between Member States in implementing the requirements of the Directives, including initiatives designed to achieve cost-effective implementation, and evidence of whether these initiatives or practices have reduced costs in certain Member States or regions.

Added value on real estate markets – Ecosystem services connected to leisure, well-being (fresh air, silence, green environment, etc.) tend to appear as added values on real estate markets. Protected/Natura 2000 sites are treated as guarantees of the persistence of such ecosystem services.

Job creation – directly and indirectly. Conservation projects funded by LIFE, Swiss Fund, Norwegian Fund and similar resources mean 3-5 jobs/project on average for 3-5 years. Increasing opportunities on the field of environment-friendly land management, such as extensive animal husbandry due to the subsidies on Natura 2000 grassland habitats, also results in increasing self-employment in agriculture.

Business and Biodiversity initiatives – numerous attempts/projects appeared which intend to find/enhance/develop business-based solutions to maintain Natura 2000 sites – or at least: do no harm to them. BTAU Project (Biodiversity Technical Assistance Units)⁵⁶ was launched to develop preferential financial products for pro-biodiversity SMEs, in cooperation with the banking sector, and also to set up assistance units to help the formation/development of such businesses.

National Park Product⁵⁷ is a labelling system to increase appreciation and boost the comparative market opportunities of different (mostly food) products originating from nationally protected and/or Natura 2000 sites.

Preservation/reintroduction of indigenous animal breeds in areas managed by national parks.

Case Study: Another good example of economically beneficial and environmentally sound use of Natura 2000 grasslands in Hungary are gliding and sailplane air fields. Especially in locations near urbanized zones it is important to have a use that supports the habitats and species of community importance and is competitive to real estate development. The latter is a high pressure from speculative capital, and would cause the complete destruction of the habitats. One of the sites under threat is the Hármashatár-hill air field (<http://www.lhhh.hu>), which is part of the HUDI20009 SCI, and at the same time it is an important recreational area of the inhabitants of Budapest. The air field is used by sport sailplanes since 1933. Half of the air field is protected under national law, and it is also an SCI. Local people, sport pilots, and the Gliding Club are fighting since 2014 for keeping this use and to keep the area under protection. They have started collecting signatures in order to keep protection and sustainable use (air field and recreation) of the site. Natura 2000 can be a very strong instrument to protect biodiversity and the benefits the protected area provides, if the proposed development moves on, since a private housing development is not an IROPI.⁵⁸

Y.6 - What are likely to be the costs of non-implementation of legislation?

This question seeks to gather evidence on the impacts of non-implementation of the Birds and Habitats Directives, and its associated costs, whilst assuming that some measures would be taken to conserve nature. Taking into account current national measures that do not arise directly from obligations under the Directives, please describe and, if possible, quantify, with supporting evidence, the potential impacts and associated costs of non-implementation of the Directives, for instance on: habitats and species of Community interest and wider biodiversity; ecosystem services (eg in relation to carbon sequestration, areas for recreation); and economic and social costs (eg jobs and health).

The costs of non-implementation are very high, and much higher than the costs of implementation.

Y.7 - Taking account of the objectives and benefits of the directives, is there evidence that they have caused unnecessary administrative burden?

⁵⁶ <http://www.smeforbiodiversity.com>

⁵⁷ <http://nemzetiparkitermek.hu/mainpage.html>

⁵⁸ <http://www.lhhh.hu/206-kinek-kell-a-harmashatarhegyi-repuloter>

This question seeks to gather evidence of any unnecessary burden arising from the administrative requirements of the Directives for different stakeholders (MS authorities, businesses, landowners, non-governmental organisations, citizens). Administrative burdens are the costs to businesses and citizens of complying with information obligations resulting from legislation, and relate to information which would not be collected in the absence of the legislation. Some administrative burdens are necessary if the objectives of the legislation are to be met effectively. Unnecessary burdens are those which can be reduced without affecting the objectives. Quantitative evidence may include typical requirements in terms of human resource inputs, financial costs (such as fees and wages), delays for development and other decision-making processes, and other measures of unnecessary or disproportionate burden the administrative costs in terms of effort and time, and other inputs required, financial costs, delays and other measures of unnecessary or disproportionate burden.

There is no evidence that the Directives themselves have caused or are causing unnecessary administrative burden. Overall, environmental legislation is causing less than 1% administrative burdens on business in the EU⁵⁹, with one third of the administrative burden estimated to be the result of inefficient public and private administrative practices⁶⁰. Given the size of the EU environmental acquis, this figure means that administrative burden of the directives is negligible. Note also here that the perceived burden is higher than the actual burden.

Evidence from Member State level confirms this. The UK Government's Administrative Burdens Measurement Exercise (ABME), launched in 2005, found that the Habitats Regulations, which implement the Habitats Directive in the UK, accounted for £200,000 worth of the environment ministry's (Defra's) administrative burden, i.e. less than 0.03 percent of Defra's total administrative burden. The Wildlife and Countryside Act 1981 accounted for £500,000 worth of administrative burden, i.e. less than 0.07 percent of Defra's total administrative burden⁶¹.

After the Audi case in Hungary (http://ec.europa.eu/environment/nature/natura2000/management/docs/2_EN_ACT_part1_v4.pdf) there was a perception that any development - including the smallest, even conservation related ones, as e.g. infrastructure for grazing animals in grasslands - seemed to be blocked on Natura 2000 sites, referring to the Directives.

Y.8 - Is the knowledge base sufficient and available to allow for efficient implementation?

This question seeks to establish the extent to which adequate, up-to-date and reliable information required to implement the Directives efficiently is available, such as information related to the identification, designation, management and protection of Natura 2000 sites, the choice of conservation measures, the management and restoration of habitats, the ecological requirements of species and the sustainable hunting/use of species, permitting procedures, etc. Please indicate key gaps in available knowledge relating to your country and, if relevant, at biogeographical and EU levels. If possible, please provide evidence that inadequacies in the knowledge base have contributed to the costs and burdens identified in previous questions.

Answer:

Sharing of data and knowledge is below the required level (maybe due to intellectual property issues, pressure to generate income by the institutions since state financing is not appropriate, and for

⁵⁹ High level group on administrative burdens (2014) Cutting Red Tape in Europe Brussels, 24 July 2014 Legacy and outlook p.33 http://ec.europa.eu/smart-regulation/refit/admin_burden/docs/08-10web_ce-brocuttingredtape_en.pdf ,

⁶⁰ The breakdown of the costs is explained on page 20 of this report - European Commission (2012) Action Programme for Reducing Administrative Burdens in the EU Final Report http://ec.europa.eu/dgs/secretariat_general/admin_burden/docs/com2012_746_swd_ap_en.pdf

⁶¹ <http://archive.defra.gov.uk/corporate/policy/regulat/documents/abme-report0612.pdf>

historical reasons incompatible systems are also an issue).

Relevance

Relevance concerns the extent to which the objectives of the nature Directives are consistent with the needs of species and habitats of EU conservation concern. The question of relevance relates to whether the objectives of the legislation are still necessary and appropriate; whether action at EU level is still necessary in light of the challenges identified and whether the objectives and requirements set out in the EU nature legislation are still valid.

R.1 - Are the key problems facing species and habitats addressed by the EU nature legislation?

By 'key problem', we mean the main pressures and threats that species and habitats face, which are significantly widespread in terms of their incidence (geographic extent) and/or magnitude/severity. Do the Nature Directives respond adequately to these problems? Are the specific and operational objectives of the Directives suitable in light of the key problems identified? Please justify your answers with evidence.

Yes, the Directives do address the main threats to habitats and species and provide a robust and modern framework for dealing with all current threats, in so far as these can be addressed through dedicated biodiversity legislation, rather than through legislation addressing the drivers of biodiversity loss such as invasive alien species, air and water pollution etc.

The upcoming Red List of Birds and Article 12/17 reports will report the newest information on the threats, showing that essentially these are largely the same ones that the Directives have been set up to address. Even in the "new" threat of climate change there is very solid evidence that the Nature Directives are playing a crucial role in allowing biodiversity to adapt to a changing climate (see below). They even can contribute significantly to mitigate greenhouse gas emissions and to help people and economy to adapt to climate change.

The main drivers of biodiversity loss in the EU are land-use change (notably agricultural intensification)⁶², over-exploitation of biodiversity and its components, the spread of invasive alien species, alteration of hydrology, pollution and climate change⁶³. The Directives address by definition all the threats affecting species and habitats - as Member States are obliged to maintain or restore them at/to favourable levels. This goes especially for Natura 2000 sites, such as land use change, as there are no exemptions to activities that need an "appropriate assessment", as confirmed by the ECJ. Cases of "Imperative Reasons of Overriding Public Interest" (IROPI) are restricted, and derogations from species protection provisions are conditional on the lack of suitable alternatives, restricting their use. Where land use change occurs outside Article 6(4) and it has a significant effect on Natura 2000 site, this land use change is illegal.

Similarly, the Directives are able to address the problem of threatened species through dedicated science based species action plans, developed by the Commission as measures to achieve adequate population levels under the Birds Directive and favourable conservation status under the Habitats Directive. This approach should be improved by extending species action plans to huntable species, integrally addressing conservation and use according to Article 7 of the Birds Directive, and to take legal action on the non-implementation of plans, as there has been no legal action by the Commission in this respect yet.

The Directives form part of a coherent EU legal framework addressing these threats. Climate change mitigation, Invasive alien species, Nitrates pollution, Water quality and several other forms of

⁶² Donald et al 2006 Further evidence of continent-wide impacts of agricultural intensification on European farmland birds, 1990–2000 Agriculture, Ecosystems & Environment Volume 116, Issues 3–4, September 2006, Pages 189–196
<http://www.sciencedirect.com/science/article/pii/S016788090600079X>

⁶³ Commisison (2011) COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Our life insurance, our natural capital: an EU biodiversity strategy to 2020 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Our life insurance, our natural capital: an EU biodiversity strategy to 2020 /* COM/2011/0244 final */ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0244>

pollution are addressed by other pieces of EU legislation. Natura 2000, like any other protected area networks, is key in helping species to adapt to new ranges under climate change⁶⁴ ⁶⁵. A recent detailed study has proven in the role of SPAs in climate adaptation, specifically for the Smew⁶⁶ and there are no reasons to believe this is not a general pattern.

In case of Hungary, semi-natural habitats have decreased by 40,000 ha (approximately 15%) between 1987 and 1999. The main causes of grassland devastations are ploughing, afforestation, the invasion of shrubs and trees (due to the lack of grassland management), construction work and the establishment of open water surfaces (generally caused by non-energy extractive industry activities). 3,500 ha were transformed into tree plantations. In the last decade this tendency continued, the area of *Robinia* plantation doubled in the investigated 8,800 ha area, while areas under spontaneous forest encroachment increased by a third. 92% of new plantations (many of them subsidised by the European Union) contain *Robinia* (most were planted on arable land or old fields, but 10% on grasslands). The estimated total area of new plantations at the scale of the Danube–Tisza Interfluvium is 20,000 ha.⁶⁷

Ploughing of grasslands in Natura 2000 sites is forbidden as the Natura 2000 Ministerial Decree and the Decree on grassland management came into force. Preservation of grasslands is also supported by a specific compensation payment Decree that compensates the basis maintenance of all grasslands on Natura 2000 sites (independent of their registered management method) by 38€/ha. Conversion of grassland habitats to plantations is also forbidden, while the use of the invasive *Robinia* in replanting after cutting of existing forests is controlled.

For more information on the main threatening factors of semi-natural and natural habitats, and on the recent trends you may contact the Ecological Research Institute of the Hungarian Academy of Sciences, <http://www.okologia.mta.hu/en/ResearchGroups>.

R.2 - Have the Directives been adapted to technical and scientific progress?

With this question, we are seeking to examine the implications of technical and scientific progress regarding the habitats and species that the Directive focus on. Please summarise, and provide any evidence you may have that indicates that the annexes listing habitats and species in both Nature Directives are, or are not, sufficiently updated to respond to technical and scientific progress.

The principles of nature conservation embodied by the Directives and the science underpinning them are *still fully relevant today*. Both the Birds Directive and Habitats Directive are driven by the ecological requirements of the species and habitats concerned and both build in flexibility to deal with changing environmental circumstances such as climate change.

The Birds and Habitats Directive give the possibility but do not contain an obligation of adapting the annexes to technical and scientific progress. However, *any annex change must support and not weaken the overarching strategic objectives* of the Directives. These are to contribute to ensuring biodiversity through conservation of Europe's most valuable and threatened habitats and species, maintaining at or restoring to an adequate/favourable level all wild bird species and species of Community Interest, no matter if listed on one or several of the Annexes of the Habitats Directive.

The decision whether an update of the Annexes is appropriate should therefore be guided by a thorough analysis of risks and benefits of such an update for all biodiversity collectively, and not only for individual species or habitats.

⁶⁴ Hiley JR, Bradbury RB, Holling M, Thomas CD. 2013 Protected areas act as establishment centres for species colonizing the UK. Proc R Soc B 280: 20122310. <http://dx.doi.org/10.1098/rspb.2012.2310>

⁶⁵ Thomas et al 2012 Protected areas facilitate species' range expansions www.pnas.org/cgi/doi/10.1073/pnas.1210251109

⁶⁶ (54) Pavon Jordan et al 2015. Climate-driven changes in winter abundance of a migratory waterbird in relation to EU protected areas Diversity and Distributions, (Diversity Distrib.) (2015) 1–12

⁶⁷ (Biró Marianna, Horváth Ferenc, Révész András, Molnár Zsolt és Vajda Zoltán: Száraz homoki élőhelyek és átalakulásuk a Duna–Tisza között a 18. századtól napjainkig. in: TERMÉSZETVÉDELEM ÉS KUTATÁS A DUNA–TISZA KÖZI HOMOKHÁTSÁGON. Tanulmánygyűjtemény. Szerkesztette: Veró György. Duna–Ipoly Nemzeti Park Igazgatóság, Budapest 2011).

These risks include delays to and uncertainty around implementation (diverting effort and resources away from much-needed full implementation and placing a burden of uncertainty on business).

While there are potential arguments for review of the annexes, in our view the costs of doing so would not justify the benefits. For example:

1) Annex I (Birds Directive) or Annex I, II (Habitats Directive)

- Natura 2000, on land almost complete and by now the largest network of protected areas in the world, has proven to be *effective to deliver for target species⁶⁸ but as well for other species⁶⁹ (umbrella effect) - if properly implemented*. So many of the problems of non listed species or habitats could be addressed by better implementation of the Nature Directives in general, while changes to the network would distract attention from the need to focus on full implementation for the benefit of target and non-target species alike.

Natura 2000 supports also non-listed species in adapting to climate change, as it provides a coherent network of sites that provides space for climate induced range shifts of species.^{70 71}

Adaptive management of sites can and should allow new species to find refuge from changing climatic conditions, including species that are not listed on the Annexes of the Directives.

- *At a time when the Natura 2000 network is just about to move fully from designation into management, and where most sites are still lacking proper protection, conservation objectives, management plans and monitoring (e.g. many Member States, e.g. Germany, are facing infringement procedures now on SAC designation), the costs to biodiversity delivery of changes to the annexes would far outweigh any potential benefits. In a densely populated and highly fragmented landscape, as is the case in most of the EU, the current Natura 2000 network secures more or less the last (semi-)natural areas of the continent - essential for many, not only listed, species - in particular under the threat of climate change.*
- As things stand there is no evidence-led process for identifying at Member State level which species in favourable or improving conservation status are not *conservation dependent*, and not at risk of rapidly declining back into unfavourable status were they to be de-listed. Many management dependent habitats and related species are definitely dependent on active conservation and protection, especially in agricultural landscapes.
- *Regular changes to the annexes of the Directives, whether to add or remove species/habitats, would cause legal uncertainty about site boundaries and restrictions for developers for years, higher administrative burden and divert scarce resources from action for the established site network - with a questionable benefit, given there are alternative options (see below). Electricity grid operators, the cement industry and others have spoken out against changes to the Nature Directives including annexes, as this would threaten planning certainty for their operations.^{72 73}*

2) Annex IV, V (Habitats Directive) or Annex II (Birds Directive)

- Changing these annexes of the Directives could lead to massive *political conflicts among stakeholder groups* that just have begun to accept the political compromise that has been found in the last years.⁷⁴ Such re-emerging conflicts would not only prolong the time until effective action can be taken, but it would undermine the acceptance of EU conservation legislation in general.

⁶⁸ Paul Donald et al. (2007): International Conservation Policy delivers benefits for Birds in Europe (Science 317, 810) - a follow-up study is going to be published shortly, most likely confirming the findings with current data

⁶⁹ Pellisier et al. (2014): The impact of Natura 2000 on non-target species. ETC/BD Technical paper 4/2014

⁷⁰ Andrew Dodd et al. (2010): Protected areas and climate change. Reflections from a practitioner's perspective. <http://www.utrechtlawreview.org/> Volume 6, Issue 1 (January) 2010

⁷¹ Huntley et al. (2007): Climatic Atlas of European Breeding Birds.

⁷² <http://www.cembureau.be/newsroom/cembureau-birdlife-call-no-changes-rules-protect-european-nature>

⁷³ <http://renewables-grid.eu/publications/rgi-position-papers/open-letter.html>

⁷⁴ see especially documents of the EU Sustainable Hunting Initiative and the agreement between BirdLife and FACE (http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/index_en.htm)

Enforcement and implementation would suffer rather than benefit.

3.) Annex IV, V (Habitats Directive) or Annex II (Birds Directive)

- The Directives already provide sufficient possibilities to address risks caused by improving status of “conflict” species at local level for human health, infrastructure, crops or other damage by way of *derogations*, allowing, as a last resort also the killing of protected species (Art.9 Birds Directive, Art.16 Habitats Directive). This is a much more targeted way to address potential problems, based on sound science and facts, compared to indiscriminate hunting.
- In the case of *Cormorant* the European Hunters Association FACE rejected the listing of the species on Annex II, because private hunters do not see their role in managing problem species, and because in a number of Member States they would have to bear responsibility for damage caused by those.⁷⁵
- *The European hunters organisation FACE has stressed that it opposes changes to the Birds Directive, including Annex II.*⁷⁶ This annex must be seen rather as political compromise, than as a reflection of up to date science. Any opening of this annexe would massively undermine acceptance of the Directives, cause conflicts that slow down implementation efforts and thus jeopardize the achievement of the strategic objectives of the Directives.

From the above it gets clear that the negative impact of a change to the annexes far outweigh any potential benefits in terms of better protection of species or resolution of social or economic conflicts. However, that is not to say that other measures for habitats and species may be required, *and conservation NGOs stand ready to cooperate on these:*

1. Develop *targeted EU wide or multi-country action plans* for any taxa that require particular extra attention (e.g. freshwater molluscs, other invertebrates), including specific conservation projects, additional hunting restrictions, additional protected areas and monitoring efforts above the level required by the Nature Directives;
 2. *Mobilise targeted funding for threatened species conservation:* the EU LIFE Programme allows funding for Red List species not covered by the Nature Directive Annexes. Member States are free to allocate additional resources on these species (or habitats);
 3. Maximising co-benefits of the *Water Framework Directive, Marine Strategy Framework Directive*, air quality legislation and other environmental legislation for Red listed species; Improving the ecological status of all waters, as required under the WFD, would for example yield high benefits to all freshwater biodiversity including potentially endangered mussels and macro-invertebrates.
- Make use of *measures under Target 2-5 of the EU's Biodiversity Strategy*, e.g. establishment of Green Infrastructure and ecosystem restoration, integrate biodiversity concerns into agriculture, forestry and fisheries policy and tackle invasive alien species.

R.3 How relevant are the Directives to achieving sustainable development?

This question seeks to examine the extent to which the Directives support or hinder sustainable development, which is about ensuring that the needs of the present generation are met without compromising the ability of future generations to meet their own needs. It requires ensuring a balance between economic development, social development and environmental protection. . In your answer,

⁷⁵ BirdLife and FACE issued a joint statement in 2008 opposing any listing of Cormorant in Annex II of the Birds Directive (http://www.europarl.europa.eu/RegData/etudes/note/join/2013/495845/IPOL-PECH_NT%282013%29495845_EN.pdf - page 32)

⁷⁶ FACE conference conclusions of 23 Sept 2014 include the statement "*FACE stands firm on its commitment taken with BirdLife International, not to support initiatives aimed at amending the text of the Birds Directive, believing that such initiatives would only weaken the current provisions of the Directive, which is not in the interest of either party*" <http://www.face.eu/about-us/resources/news/hunters-call-on-the-eu-for-more-recognition-of-their-environmental-role>

please provide evidence of the impacts that implementation of the Directives has had in relation to these three 'pillars' of sustainable development.

Directives are important reference points from trans-sectoral policy-making to individual development projects as well. However lack of national level coherence or the will of implementing coherent strategy is sometimes missing. Example to the latter may be the well established National Rural Strategy 2014-2020 (referred as "Constitution of Rural Areas"), which is a more-or-less coherent document, however its implementation in e.g. Rural Development Programme questionable. Important sustainability institution is/was the Parliamentary Commissioner for Future Generations - working on sustainability issues. During the office's operation it regularly referred to the Directives. The office of the Commissioner has ceased to exist, its tasks were overtaken by the Office of the Commissioner for Fundamental Rights, according to the new Hungarian Constitution. (jno.hu/en)

National Environment Programme - discussed and adopted by the Parliament and serving as a strategic guideline to sustainability goals for Hungary - refers to the Directives, mainly in conservation topics. (<http://2010-2014.kormany.hu/download/5/c7/11000/IV%20Nemzeti%20K%C3%B6rnyezetv%C3%A9delmi%20Program.pdf>)

R.4 - How relevant is EU nature legislation to EU citizens and what is their level of support for it?

The aim of this question is to understand the extent to which citizens value the objectives and intended impact of the EU nature legislation. To this end, we would like to obtain information and evidence on the extent to which nature protection is a priority for citizens (e.g. in your country), including in comparison with other priorities; for example whether citizens (e.g. in your country) support the establishment and/or expansion of protected areas, the extent to which they access/use them or; the extent to which citizens are involved in any aspect of the implementation of the Directives (e.g. participation in the development of management plans of protected areas or decisions concerning the permitting of projects which have an impact on protected areas).

Please note that the Birds and Habitats Directives may be relevant to citizens even if they do not actually know of their existence or the existence of the Natura 2000 network.

Official Hungarian Natura 2000 webpage is maintained by BirdLife Hungary. According to the web statistics, a few thousands of individual visitors use the webpage monthly.

There are a few hundred active conservation NGOs in Hungary, representing their members, well distributed in the country. The biggest conservation NGO membership-wise is BirdLife Hungary with approximately 10 000 members.

Few civil actions involving conservation goals were successful in the past few years, for example protest against destroying swamp fragment at the boundaries of Budapest and Dunakeszi or ski and recreation development in Budapest at Normafa, protected and Natura 2000 area.

A new initiative about at least maintaining the general conservation efforts and opposing governmental cut down in conservation was launched in 2014 by green NGOs. More than 13 000 persons signed the petition so far. (termeszt napja.hu)

More than 108 NGOs supported the initiative of WWF Hungary, Friends of the Earth Hungary and Birdlife Hungary to ensure National Park Directorates in the position of management body on protected areas, including Natura 2000 sites.

R.5 - What are citizens' expectations for the role of the EU in nature protection?

The aim of this question is to obtain information and evidence on questions such as: whether citizens submit complaints or petitions to the EU requesting its involvement on cases regarding nature protection, whether citizens expect the EU to become more involved in promoting nature protection, or whether nature protection should be left to each individual Member State; whether citizens expect the EU to introduce laws on nature protection to be applied in all Member States equally or whether the EU should limit itself to coordinating Member States' initiatives; whether the EU should focus on laying down rules, or whether the EU should more actively promote their monitoring and enforcement in Member States.



Coherence

Evaluating the coherence of legislation, policies and strategies means assessing if they are logical and consistent, internally (i.e. within a single Directive), with each other (i.e. between both Directives), and with other policies and legislation. Here we are looking for evidence regarding how far and in what ways the Directives are complementary and whether there are significant contradictions or conflicts that stand in the way of their effective implementation or which prevent the achievement of their objectives.

C.1 – To what extent are the objectives set up by the Directives coherent with each other?

This question focuses on coherence between objectives within each Directive, and/or between objectives of the Birds and Habitats Directives. It covers not only the strategic objectives but also the specific and operational objectives set out in Annex I to this document. Based on experience in your country/region/sector, please provide evidence of any inconsistencies between the objectives that negatively impact on the implementation of the Directives.

The Birds and Habitats Directives establish a legal framework that is internally coherent and integrated with other EU environmental laws, with EU sectorial policies, and is key to achievement of EU and international biodiversity conservation objectives.

There are no significant problems for implementation arising out of the fact that they are two Directives. The Habitats Directive has been conceived from the start as a second step building on top of the foundations laid by the Birds Directive. The original choice of expanding the scope of the Birds Directive through a complementary piece of legislation, rather than repealing and replacing it has been amply vindicated and today the two Directives represent one coherent framework. The European Commission has already streamlined and harmonised reporting obligations and other procedures so that there is no duplication or extra burden imposed by the fact rules are embedded in two complementary legal texts.

The Water Framework Directive and the BHDs have many provisions in common and share management cycles that often coincide. Directives have complimentary but not fully equivalent objectives; in the field of public utility water supply and sanitation services, there is coherency detected.

C.2 – To what extent are the Directives satisfactorily integrated and coherent with other EU environmental law e.g. EIA, SEA?

This question is similar to the previous question, but focuses on the extent to which the EU Nature Directives are coherent with and integrated into other EU environment legislation, and the extent to which they are mutually supportive. EU environment legislation of particular relevance to nature conservation includes the following:

- *Strategic environmental assessment of policy plans and programmes 2001/42/EC Directive (SEA)*
- *Environmental impact assessment of projects 85/337/EC Directive as codified by Directive 2011/92/EU (EIA)*
- *Water Framework Directive 2000/60/EC, (WFD)*
- *Marine Strategy Framework Directive 2008/56/EC (MSFD)*
- *Floods Directive 2007/60/EC (FD)*
- *National Emission Ceilings Directive 2001/81/EC (NECD)*
- *Environmental Liability Directive 2004/35/EC (ELD).*

This question considers how the main provisions and measures set out in these instruments interact with the EU nature legislation, including whether there are potential gaps or inconsistencies between these instruments and the EU nature legislation, for example whether the current permitting procedures are working in a coherent way or whether they are acting as barriers to achieve the EU Nature Directive's objectives; whether the assessments required under the different pieces of EU legislation, in particular under the EIA, are aligned or whether there are differences which result in additional administrative burden; whether any identified gaps and inconsistencies are due to the texts of the Directives or due to implementation in your/a Member State.

C.3 - Is the scope for policy integration with other policy objectives (e.g. water, floods, marine, and climate change) fully exploited?

This question is linked to the previous questions as it addresses the extent to which the objectives of the Nature Directives have been integrated into or supported by the objectives of other relevant EU environment policies. However, this question focuses more on policy implementation. The other EU legislation and policies targeted in this question are the same as those referred to under question C.2, as well as climate change policy. When answering this question, please note that the scope of integration refers to the integration from the EU Nature Directives to other policies as well as to the extent in which the objectives of these other policies are supported by the implementation of the Nature Directives.

National level implementation of Flood Directive is not harmonized properly with that of Nature Directives – in some cases this result in opposing actions in the field. Most striking examples are constructions of new channels, reconstruction and maintenance works of existing ones. Restoration of natural water dynamics is the key element/condition of maintaining and restoring water-dependent and/or periodically flooded areas of the Hungarian lowlands – most of which are Annex habitats.

National Rural Strategy 2012-2020 is an integrative document outlining all systemic interconnections of different areas.

C.4 – To what extent do the Nature Directives complement or interact with other EU sectoral policies affecting land and water use at EU and Member State level (e.g. agriculture, regional and cohesion, energy, transport, research, etc.)?

In this question we are aiming at gathering evidence on whether the provisions of EU nature legislation are sufficiently taken into account and integrated in EU sectoral policies, particularly in agriculture, rural development and forestry, fisheries and aquaculture, cohesion or regional development, energy, raw materials, transport or research policies. It also addresses whether those policies support and act consistently alongside EU nature legislation objectives Please provide specific examples which show how the Nature Directives are coherent with, or conflict with, relevant sectoral legislation or policies. Please be as precise as possible in your answers, e.g. pointing to specific articles of the legislation and how they support or contradict requirements or objectives of other legislation or policies, stating what are main reasons or factors for the lack of consistency and whether there are national mechanisms in place to monitor coherence.

Transport, inland waterways

There are overlaps between the Natura 2000 network and the transport network TEN-T, what require a constant attention and effort of MS to harmonize needs on the master plan and project level in order to meet the requirements of both transport and environmental regulations.

A TEN-T analysis for the EC, carried out in 2003, analysed the level of intersection (possible conflict) among the Natura 2000 network and the TEN-T projects. Total length of TEN-T projects was evaluated in comparison with the length of TEN-T projects intersecting Natura 2000 sites. For most of the projects, for which data were available, the intersection is less than 5%, one is close to 10%

(project 07), only project 02 (eliminating bottlenecks on the Rhine-Main-Danube) may cause overlaying of 65.23%, due to the high environmental importance which inland waterways have in many cases. Without the Rhine-Main-Danube project the average is only 2.9%⁷⁷

Also in 2003, international NGOs collected six case studies, which analysed the possible conflict points of some planned infrastructure development projects. They proposed feasible solutions – like alternative route sections and local mitigation measures - at the project level to avoid the threatening environmental damage⁷⁸.

In 2006, an independent study on the socio-economic aspects of the development of Danube navigation found that the obstacles that hamper better utilisation of IWT on the Danube can be lifted through:

1. Policy regulation,
2. Non-river infrastructural developments,
3. Focus on demand,
4. Fleet adaptation to rivers and markets,
5. Floodplain restoration
6. River regulation (elimination of bottlenecks).

It concluded that development of IWT on the Danube is possible through the above measures without waterway improvement, harmful to biodiversity hotspots⁷⁹

The approach to integrated implementation and the possible synergies among the EU environmental law (EIA, SEA, WFD, FD and BHD) in relation to IWT is presented in the EC Guidance on IWT under the context of Natura 2000, published in 2012⁸⁰

It is important to emphasise that identified flaws of the pre-2013 period are to be subscribed to inappropriate and inadequate integration of biodiversity in transport policy often combined with poor implementation of EIA and SEA Directives. More recent cases illustrate well the fact that the Nature Directives *are not a systematic obstacle to development projects, roads, motorways* but rather promote better territorial planning, better governance and public participation to support sustainable development.

Following the completion of many destructive projects before 2013, safeguards have been introduced and it can be argued that environmental considerations are now reflected in the context of the transport policy, the legal basis of which is offered by Regulation 1315/2013 (“TEN-T Regulation”). In particular, the TEN-T Regulation states that, during infrastructure planning,

Member States and other project promoters should give due consideration to the risk assessments and adaptation measures adequately improving resilience to climate change and environmental disasters (Recital 34 TEN-T Regulation). The Regulation also considers that Member States and other project promoters should carry out environmental assessments of plans and projects in order to avoid or, where avoidance is not possible, to mitigate or compensate for negative impacts on the environment, such as landscape fragmentation, soil sealing and air and water pollution as well as noise, and to protect biodiversity effectively (Recital 35 of TEN-T Regulation; see also Recital 36 which states that “The protection of the environment and of biodiversity, as well as the strategic requirements of inland waterway transport, should be taken into account.”). Moreover, the Article 36 of the TEN-T

Regulation is very clear in requiring an integrated approach. It provides that environmental assessment of plans and projects shall be carried out in accordance with the EU environmental law, including the Habitats and Bird Directives, the EIA and SEA Directives and the Water Framework Directive.

Coherence with new Rural Development Programme

⁷⁷ http://ec.europa.eu/smartregulation/impact/ia_carried_out/docs/ia_2003/sec_2003_1060_en.pdf

⁷⁸ <http://d2ouvy59p0dg6k.cloudfront.net/downloads/conflictbetweententandnatura2000.pdf>

⁷⁹ http://wwf.hu/media/file/1180874146_Danube_socio-economic.pdf

⁸⁰ http://ec.europa.eu/environment/nature/natura2000/management/docs/iwt_en.pdf

General notes

According to our best knowledge there are no RDP measures that would have direct negative effect on Natura 2000 network or would directly undermine its objectives. One should note, however, that CAP does have direct negative effects on Natura 2000 due to the enhancement of structural intensification and the failure of greening.

RDP mentions Natura 2000 only as one of the priorities, not as a wider concept.

Natura 2000 is explicitly mentioned in RDP Focus Area 4A *Restoring, preserving and enhancing biodiversity, including in Natura 2000 areas, and in areas facing natural or other specific constraints and high nature value farming, as well as the state of European landscapes*. Natura 2000 is also detectable in priority 4 (P4) - *Restoring, preserving and enhancing ecosystems related to agriculture and forestry*.

Measures to *control the spreading of invasive alien species (IAS)* is among the headlines of the National Rural Development Strategy (2012-2020), however it does not appear among the needs of RDP. Neither preparation of Natura 2000 management plans are mentioned among needs (to be financed).

SWOT-analysis in RDP

Natura 2000 is mentioned among strength, as areas providing high-level ecosystem services, and bearing significant natural capital/resources. Relatively small rate of habitats in FCS is mentioned as weakness. Natura 2000 is not explicitly mentioned as threats nor as opportunity though content can be traced. Socio-economic benefits / ecosystem services of N2K areas, as clear Opportunities are still missing or not explicitly mentioned.

Strategy and measures

The following measures in RDP are targeting Natura 2000 objectives:

Preparation of Natura 2000 maintenance plans (as referred to in the 4th group of measures in PAF) should also be financed from EAFRD but this is completely missing from RDP.

No qualitative indicators of Natura 2000-related measures, only exclusively primer quantitative indicators, such as: Area (ha) - NATURA 2000 AG land (12.1) and Total public expenditure (€)

Specific qualitative and/or impact indicators, such as CMEF Farmland Bird index, are missing.

Budget

Summary description of the relevant measure in RDP:

Measure includes compensation payments on Natura 2000 grasslands and forests owned at least 50% by private owners/companies. Compensation measures aim chiefly the maintenance of a given conservation status, and to a much less extent, some improvement of the status. Minimal scale for compensation is 0.3 ha of the agricultural land and 0.1 ha of the forestry land.

Recently no compensation is in place for other land use form such as arable lands, orchards, plantations, etc. Natura 2000 objectives on these areas will be approached through alternative measures such as national legislation (authorization of change in cultivation method/set aside) or certain agri-environmental measures related to habitats or species conservation, environmental and/or climate targets.

Content of measure is basically identical to what was described the former RDP in 2007-2013 (ÚMVP). The goal is still to establish and operate a multi-level system with both obligatory elements and those connected to compensation payments, aiming to maintain the favourable conservation status of Natura 2000 habitats and species.

Payments are available exclusively on Natura 2000 sites, thus this payment has little contribution to the ecological connectivity of habitats *outside* Natura 2000 sites (i.e. green infrastructure).

There are other related measures, wherewith the developing targets could be realized.

Natura 2000 compensation payments are similar to those in the previous RDP (ÚMVP), meaning a

same level of implementation.

One must note, however, that 38€/ha compensation for Natura 2000 grasslands is rather little, especially compared to other area payments, which does not allow any effective management specifications to be determined. This level of allocation is also far too low to have central budgetary land users and national parks to better contribute to the implementation of Natura 2000 measures.

Apart from Natura 2000 compensations, agri-environmental payments play the most important role in achieving Natura 2000 objectives. In the recent RDP the budget allocated to agri-environmental payments is known to be less than half of former one:

In the former RDP (ÚMVP 2007-2013) the budget for agri-environmental payments is 1 137 067 581 € for the whole period (Measure 214.) In the RDP, however, the relevant figure is: Measure 10 – Agri-environment-climate - 514 951 681 Total Union Contribution planned 2014-2020 (€), that means a 55% cut

It is very likely that the budget will not let the Natura 2000 and PAF objectives to be achieved.

No budget is allocated to the preparation of Natura 2000 maintenance plans, as the whole measure is missing from the RDP.

Other issues

Measures related to Non-productive investments have significant changes, as the new version does not include asset acquisition (fence, bird conservation tools, etc.) and several habitat reconstruction measures.

Major change and serious step back from the previous program, that recent RDP does not contain any measures to the preparation of Natura 2000 maintenance plans, although less than half of Hungarian Natura 2000 sites has maintenance plan adopted or in preparation. This seriously undermines the PAF objective to have all Natura 2000 sites have maintenance plans/management plans adopted by 2020.

C.5 - How do these policies affect positively or negatively the implementation of the EU nature legislation

In this question, we are keen to gather evidence on whether agriculture and rural development, fisheries and aquaculture, cohesion or regional development, energy, raw materials, transport and research policies have a positive or negative impact on the achievement of the objectives of nature legislation. Please provide specific examples/cases (including infringement cases or case law), which demonstrate clear conflicts or incoherencies between sectoral policies and EU nature legislation, and/or examples showing how specific policies influence the implementation of the Nature Directives in a positive or negative way, for example in relation to Article 6 of the Habitats Directive (see Annex I to this questionnaire). Where possible, please include evidence of the main factors influencing the positive and negative effects. Please consider in your answer what ex ante and ex post evaluation procedures are applied to ensure that this coherence is implemented or supervised.

Agricultural and rural development policies have had a very positive impact on the implementation of the Directives by providing financial support/ to farmers and foresters in specific schemes for Natura 2000 – compensation payments to preserve grasslands since 2007 and compensation payment for forests since 2012.

This has greatly increased the level of acceptance of the Natura 2000 network. Cohesion and regional development policies have also supported the achievement of the goals of the two nature directives, and funding to nature conservation objectives from these latter two policies have created about 15000 jobs in Hungary through the ten national park directorates.

From WFD and B&HDs aspects, although there are differences in objectives and assessment, there are no objective obstacles which would prevent these directives from working together efficiently and exploit synergies, there is no essential contradiction in objectives between the Directives. Benefits of improved harmonisation could be envisaged both at EU level as well as at Member State level.

Stakeholder engagement through the coordination of efforts with public entities, private companies/organisations, land-owners and other types of stakeholders are also key in ensuring success in the implementation of measures under different sectors.

C.6- To what extent do they support the EU internal market and the creation of a level playing field for economic operators?

This question seeks to gather evidence of the implications of the EU Nature Directives for economic operators in terms of whether they help ensure a level playing field across the EU (e.g. by introducing common standards and requirements for activities carried out in or around Natura 2000 areas or otherwise depend on natural resources protected under the Directives), predictability and legal certainty (e.g. helping to avoid that developments are blocked due to 'Not In My Backyard' type challenges), or whether they negatively affect the internal market.

Environmental standards are key for the proper functioning of the single market in purely economic terms as they help set a level playing field across the EU, and prevent any one member state deriving an unfair short-term competitive advantage by destroying its environment. EU environmental standards achieve this by establishing minimum standards for environmental protection that apply across all EU Member States. This also serves to provide certainty for businesses operating across the EU, that the rules applicable to them are the same in all Member States. Businesses that wish to trade within any EU Member State must comply with these rules whether they are based in the EU or outside.

Aside from the functioning of the internal market, it is also important to recognize the role played by EU environmental standards in supporting the EU economy more broadly. There is a growing body of evidence regarding the importance of the natural environment in relation to the valuable goods and services it provides.⁸¹

There is a growing body of evidence suggesting that, in the long-run, environmental regulation is good for business by opening up new market opportunities and driving cost-reducing innovation.⁸²

Research has clearly demonstrated the major role played by Europe's Natura 2000 network in safeguarding the natural capital upon which Europe's prosperity and well-being ultimately depends, providing a wide range of important benefits to society and the economy via the flow of ecosystem services.⁸³ As an EU-wide network, Natura 2000 represents an important shared resource capable of providing multiple benefits to society and to Europe's economy.⁸⁴

Ecosystem services deliver benefits over multiple spatial and temporal scales; many are trans-boundary in nature. In addition, the complex ecological processes underpinning the delivery of these services also do not respect national boundaries. Protecting supra-national "public goods" must be a shared responsibility; without EU environmental standards that simply would not be possible.

Environmental standards can also help create new markets for environmental products or services, as well as promoting improved levels of environmental protection globally among countries wishing to trade with the EU. Within a Member State, such standards are also important as they should play a role in preventing environmental damage taking place in one sector (for example agriculture) which, by damaging the natural environment, has a negative impact on another sector (such a tourism). The Europe 2020 Strategy aims to create a smart, sustainable and inclusive European economy. As one of the three pillars of sustainable development, environmental protection is therefore a key element of the

⁸¹ For example, see: Millennium Ecosystem Assessment (Program). (2005). *Ecosystems and Human Well-Being: Our Human Planet: Summary for Decision Makers* (Vol. 5). Millennium Ecosystem Assessment (Ed.). Island Press.

⁸² Rayment, M., E. Pirgmaier, et al. (2009). *The economic benefits of environmental policy - Final Report.*, Institute for Environmental Studies.

⁸³ http://ec.europa.eu/environment/nature/natura2000/financing/docs/ENV-12-018_LR_Final1.pdf

⁸⁴ Kettunen, M. et al. (2011). *Assessment of the Natura 2000 co-financing arrangements of the EU financing instrument. A project for the European Commission – final report.* Institute for European Environmental Policy (IEEP), Brussels, Belgium.

current political objectives of the single market.

C.7 – To what extent has the legal obligation of EU co-financing for Natura 2000 under Article 8 of the Habitats Directive been successfully integrated into the use of the main sectoral funds?

This question builds on question Y.2 on the availability and access to funding, but aims at examining whether Member States have sufficiently identified the funding needs and are availing of EU funding opportunities to meet the requirements of Article 8 of the Habitats Directive. EU co-funding for the Natura 2000 network has been made available by integrating biodiversity goals into various existing EU funds or instruments such as the European Agricultural Fund for Rural Development (EAFRD), European (Maritime and) Fisheries Fund (EFF / EMFF), Structural and Cohesion funds, LIFE and Horizon 2020. In your reply, please distinguish between different sources of funding.

Many Member States have missed various opportunities to use EU funds that could be used for co-financing of Natura 2000, this is mainly due to competent authorities' priority setting in agriculture and regional funds, but also the fault of inconsistent communication and negotiation of the European Commission. It might be time to reconsider the integration approach in funding and discuss a stand-alone EU environment fund.

In case of EAFRD financing in Hungary:

New Hungary Rural Development Programme 2007-2013

3 direct measures concerning Nature Directives

- Natura 2000 compensation payments for grassland areas
- Natura 2000 compensation payments for forests
- Natura 2000 maintenance plans

4 indirect measures relating more or less to the objectives of the Nature Directives

- Agri-environmental payments
- First establishment of agro-forestry systems on agricultural land
- Forest environment payments
- Restoring forestry potential and introduction of preventive actions

Rural Development Programme 2014-2020

2 direct measures concerning Nature Directives

- Natura 2000 compensation payments for grassland areas
- Natura 2000 compensation payments for forests

Note that budget allocated to the preparation of Natura 2000 management/maintenance plans is missing from the new RDP!

4 indirect measures relating more or less to the objectives of the Nature Directives

- Agri-environmental payments
- First establishment of agro-forestry systems on agricultural land
- Forest environment payments

Restoring forestry potential and introduction of preventive actions.

C.8 - Are there overlaps, gaps and/or inconsistencies that significantly hamper the achievements of the objectives?

This question refers to overlaps, gaps and/or inconsistencies in the different EU law/policy instruments regarding nature protection. It therefore depends largely on the results of other questions related to the coherence of the Nature Directives with other EU law and policies. When answering this

question you may want to consider whether the identified overlaps, gaps and inconsistencies hamper the achievement of the Directive's objectives (e.g. see Annex I to this questionnaire).

There is a severe gap in enforcement of EU environmental legislation, including the Nature Directives. Member States should be obliged to fulfil specific standards in monitoring, inspecting and sanctioning potential illegal activities. Therefore an EU Inspection Directive has to be tabled.

There are no gaps or inconsistencies within the Directives themselves that hamper achievement of the objectives. Implementation failures at member state levels have, however, created gaps and inconsistencies that are hampering achievement of the objectives, while also, in some cases, creating a significant burden for business.

BirdLife has denounced systemic failure in implementation in several cases including appropriate assessment in Italy and Bulgaria, enforcement of hunting legislation in Malta, Spain, Greece and the UK, and species protection in Germany, Netherlands.

C.9 - How do the directives complement the other actions and targets of the biodiversity strategy to reach the EU biodiversity objectives?

With this question we seek to collect evidence on ways in which the implementation of measures under the Birds and Habitats Directives that are not explicitly mentioned in the EU Biodiversity Strategy, help to achieve actions and targets of the EU Biodiversity Strategy. For example, restoration of Natura 2000 sites can significantly contribute to helping achieve the goal under Target 2 of the EU Biodiversity Strategy to restore at least 15% of degraded ecosystems.

Wetland and grassland restoration/rehabilitation LIFE and other projects may contribute to climate change goals, however direct connection is not measured, as direct and monitored goals are biodiversity ones. List of Hungarian LIFE projects (2000-2014):
http://www.termesztvedelem.hu/_user/browser/File/LIFE/M%C3%A1solat%20eredetijeLIFE_LIFE+_Nature_palyazatok_adatai_2000-2014%281%29.pdf

C.10: How coherent are the directives with international and global commitments on nature and biodiversity?

This question seeks to assess whether and how the EU nature legislation ensures the implementation of obligations arising from international commitments on nature and biodiversity which the EU and/or Member States have subscribed to⁸⁵, and whether there are gaps or inconsistencies between the objectives and requirements of the EU nature legislation and those of relevant international commitments, including the way they are applied. For example, the Directives' coherence with international agreements which establish targets relating to nature protection and/or require the establishment of networks of protected areas.

⁸⁵ e.g. Bern Convention; Convention on Biological Diversity; Convention for the Protection of the World Cultural and Natural Heritage; Ramsar Convention; European landscape Convention; CITES Convention; CMS (Bonn) Convention; International Convention for the protection of Birds; Agreement on the Conservation of African-Eurasian Migratory Waterbirds; Regional Sea Conventions (Baltic, North East Atlantic, Mediterranean and Black Sea).

The Birds and Habitats Directives are the Cornerstone of EU efforts to conserve biological diversity. As such, they are the prime and practically the only instrument to implement key obligations under the Convention on Biological Diversity and the Bern Convention. They also fulfil many other commitments under the Bonn Convention on Migratory Species, the Ramsar Convention on Wetlands, the World Heritage Convention, and also CITES.

In relation to the CBD, the Birds and Habitats Directives implement key obligations under Articles 6, 7, 8, 10, 11, 12, 14, and 20, and under several Programmes of Work. Successive EU reports to the CBD⁸⁶ confirming that the legal backbone of the EU biodiversity and nature protection legislation is formed by the Birds and Habitats Directives, and that in designating 18% of the EU's terrestrial area as Natura 2000 sites, the EU has gone beyond Aichi target 11 in the terrestrial environment.

In addition to fulfilling standing obligations under international conventions, the Directives have also helped strengthen commitments made by other contracting parties.

For example, the Habitats Directive has formed the foundation of the agreed European Common Position within the International Whaling Commission which states that;

“Within the Union, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora lists all cetacean species as species of Union interest and requires Member States to maintain those species in, or restore them to, a favourable conservation status in those parts of their territory to which the Treaty applies. All cetaceans are listed in Annex IV to that Directive. Therefore, all whale species are strictly protected from deliberate disturbance, capture or killing within Union waters.Cetaceans, and therefore whales, are migratory species. Consequently, Union policies and legislation relating to cetaceans will be more effective within Union waters if they are backed by coherent worldwide action”.

EU member states are therefore obligated to take a strong position on the protection of cetaceans at meetings of the parties to the IWC, which both strengthens global conservation commitments made by the EU, and enhances protection of cetaceans within European waters given their migratory nature. Similarly the Birds and Habitats Directive inform the EU position taken within other international conventions such as CMS and CITES.

Monitoring and conservation measures undertaken to fulfil the requirements of the Habitats Directive are coherent with Member States' commitments under international agreements such as the IWC and CMS. They are a central component of Member States' progress reports to international and regional conventions such as the IWC, ASCOBANS and ACCOBAMS and contribute to fulfilling their commitments under these conventions.

By serving as a template for neighbouring countries the directives have supported conservation in the entire Western Palearctic region, further enhancing delivery of the Aichi targets at global scale.

⁸⁶ <http://www.cbd.int/doc/world/eur/eur-nr-02-en.pdf>
<http://www.cbd.int/doc/world/eur/eur-nr-03-en.pdf>
<http://www.cbd.int/doc/world/eur/eur-nr-04-en.pdf>
<http://www.cbd.int/doc/world/eur/eur-nr-05-en.pdf>

EU Added Value

Evaluating the EU added value means assessing the benefits/changes resulting from implementation of the EU nature legislation, which are additional to those that would have resulted from action taken at regional and/or national level. We therefore wish to establish if EU action (that would have been unlikely to take place otherwise) made a difference and if so in what way? Evidence could be presented both in terms of total changes since the Directives became applicable in a particular Member State, in changes per year, or in terms of trends.

AV.1 - What has been the EU added value of the EU nature legislation?

When responding to this question, you may wish to consider the following issues: What was the state of play or the state of biodiversity in your country at the moment of the adoption of the Directives and/or your country's entry into the EU? To what extent is the current situation due to the EU nature legislation? In answering this question, please consider different objectives/measures set out in the Directives (eg regarding protected areas, species protection, research and knowledge, regulation of hunting, etc, including their transboundary aspects).

Before EU accession, 9.8% of the country's territory was protected under national legislation. With the designation of Natura 2000 sites in Hungary, the total coverage of protected natural areas (areas under either national protection or under Natura 2000) increased to 22.5%.

Good examples of valuable territories that became part of the Natura 2000 network are the military training sites⁸⁷. These are usually large areas where a mosaic of habitats remained quite undisturbed, due to the isolation and no agricultural activities.

Steppe forests (priority habitat (91I0*)), is one of the most endangered habitat types in Hungary. The total area of open sand steppe woods is cca. 290 hectares. Most of them are now part of the Natura 2000 network but before accession it was not at all protected.⁸⁸ Before designation of Natura 2000 sites, conventional forest management methods were dominant in these dry lowland forests, and before 2010 the only measure to protect them was purchase or long term land lease. Inadequate forest management – clear-felling, removal of dead wood and lower forest layers, species composition, the lack of old and hollow trees, etc. – is one of the most important pressures causing degradation in steppic woods. The artificially maintained excessive high levels of large game populations hindering natural renewal of forests and the spreading of invasive alien species are also widespread threats.

Species protection measures gained momentum by largely increased financing. For a complete list of LIFE projects see LIFE database⁸⁹:

AV.2 - What would be the likely situation in case of there having been no EU nature legislation?

This question builds on question AV.1. In answering it, please consider the different objectives/measures set out in the Directives (eg. whether there would be a protected network such as that achieved by Natura 2000; whether the criteria used to identify the protected areas would be different, whether funding levels would be similar to current levels in the absence of the Nature Directives; the likelihood that international and regional commitments relating to nature conservation would have been met; the extent to which nature conservation would have been integrated into other policies and legislation, etc).

⁸⁷ http://turjanvidek.hu/?conservation_and_the_military; <http://www.kisalfoldilife.hu/en/content/life-military>; <http://www.keletibakony.hu/en/about%20the%20projekt>

⁸⁸ <http://www.pusztaitolgyesek.hu/index.php?page=scientific-materials>

⁸⁹ <http://ec.europa.eu/environment/life/project/Projects/index.cfm>

Without Natura 2000 steppic forests and their unique flora and fauna would probably disappear from Hungary. In the steppic oak forest of Pusztavacs – which was not included in the Natura 2000 due to lack of proper supporting data – clear cut and total land preparation is still the applied forest management, which destroys the habitat completely. According to the national regulation foresters replant with oak saplings, however the species composition cannot be restored for centuries.

Because of the unique biogeographical features of Hungary – having the majority of Pannonian ecoregion within its boundaries – there are several forest types which are considered as unique value for the EU (see summary table). Largest extent of Pannonic (91G0, 91H0, 91N0) or Steppic (90I0) forest types of the EU can be found in Hungary, so their conditions are important not only for the national conservation strategies, but also from European point of view.

AV. 3 - Do the issues addressed by the Directives continue to require action at EU level?

When answering this question the main consideration is to demonstrate with evidence whether or not EU action is still required to tackle the problems addressed by the Directives. Do the identified needs or key problems faced by habitats and species in Europe require action at EU level?

Annex 1: Objectives of the Directives

Overall objective	To contribute to ensuring biodiversity through conservation of Europe's most valuable and threatened habitats and species, especially within Natura 2000	
	Birds Directive	Habitats Directive
Strategic Objectives	Art. 2: Maintain the population of all species of naturally occurring wild birds in the EU at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.	Art 2: Maintain or restore natural habitats and species of Community interest at a favourable conservation status (FCS), taking into account economic, social and cultural requirements and regional and local characteristics.
Specific Objectives	Art. 3: Preserve, maintain or re-establish a sufficient diversity and area of habitats' for birds, primarily by creating protected areas, managing habitats both inside and outside protected areas, re-establishing destroyed biotopes and creating new ones. Art. 5: Establish a general system of protection for all birds. Art. 7: Ensure hunting does not jeopardize conservation efforts and complies with the principles of wise use and ecologically balanced control of the species concerned.	Art 4: Establish Natura 2000 – a coherent network of special areas of conservation (SACs) hosting habitats listed in Annex I) and habitats of species listed in Annex II), sufficient to achieve their FCS across their natural range, and SPAs designated under the Birds Directive. Art. 6: Ensure SCIs and SACs are subject to site management and protection. Art 10: Maintain/develop major landscape features important for fauna and flora Art. 12-13: ensure strict protection of species listed in Annex IV. Art. 14: ensure the taking of species listed in Annex V is in accordance with the maintenance of FCS. Art. 22: Consider the desirability of reintroducing species listed in Annex IV that are native to their territory.
Measures/ Operations objectives	Site Protection system Art. 4: 4(1): Designate Special Protection Areas (SPAs) for threatened species listed in Annex I and for regularly occurring migratory species not listed in Annex I, with a particular attention to the protection of wetlands and particularly to wetlands of international importance. 4(3): Ensure that SPAs form a coherent whole. 4(4): (Obligations under Art 6(2), (3) and (4) of Habitats Directive replaced obligations under first sentence of 4(4)). Outside SPAs, strive to avoid pollution or deterioration of habitats. Species protection system Art. 5 (a-e): Prohibit certain actions relating to the taking, killing and deliberate significant disturbance of wild birds, particularly during the breeding and rearing periods. Art. 6: Prohibit the sale of wild birds except of species listed in Annex III/A and, subject to consultation with the Commission, those listed in Annex III/B.	Site Protection system Arts. 4 & 5: Select Sites of Community Importance (SCIs) and SACs, in relation to scientific criteria in Annex III. Art. 6(1): Establish necessary conservation measures for SACs. Art. 6(2): (Take appropriate steps to?) Avoid the deterioration of habitats and significant disturbance of species in Natura 2000 sites. Plans or projects Art. 6(3/4): Ensure, through an 'appropriate assessment' of all plans or projects likely to have a significant effect on a Natura 2000 site, that those adversely affecting the integrity of the site are prohibited unless there are imperative reasons of overriding public interest. Art. 6(4): When plans or projects adversely affecting the integrity of a site are nevertheless carried out for overriding reasons, ensure that all compensatory measures necessary are taken to ensure the overall coherence of Natura 2000. Financing Art. 8: Identify required financing to achieve favourable conservation status of

	<p>Art. 7: Regulate hunting of species listed in Annex II and prohibit hunting in the breeding and rearing seasons and, in the case of migratory birds, on their return to breeding grounds.</p> <p>Art. 8: Prohibit the use of all means of large-scale or non-selective capture or killing of birds, or methods capable of causing the local disappearance of species, especially those listed in Annex IV.</p> <p>Art. 9: Provide for a system of derogation from protection of species provisions under specified conditions</p> <p>Research Art. 10: Encourage research into relevant subjects, especially those listed in Annex V.</p> <p>Non-native species Art 11: Ensure introductions of non-native species do not prejudice local flora and fauna.</p> <p>Reporting Art 12: report each 3 years on implementation</p>	<p>priority habitats and species, for the Commission to review and adopt a framework of aid measures.</p> <p>Landscape features Art 10: Where necessary, encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network.</p> <p>Surveillance Art. 11: Undertake surveillance of the conservation status of habitats and species of Community interest.</p> <p>Species protection system Art 12 & 13: Establish systems of strict protection for animal species and plant species of Annex IV prohibiting specified activities. Art. 14: Take measures to ensure that taking/ exploitation Annex V species is compatible with their maintenance at FCS Art. 15: Prohibit indiscriminate means of capture/killing as listed in Annex VI. Art. 16: Provide for a system of derogation from protection of species provisions under specified conditions</p> <p>Reporting Art 17: report on implementation each 6 years, including on conservation measures for sites and results of surveillance.</p> <p>Research Art. 18: undertake research to support the objectives of the Directive.</p> <p>Non-native species Art. 22: ensure that introductions of non-native species do not prejudice native habitats and species.</p>
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Annex 2: Typology of cost and benefits

This annex sets out a typology of costs and benefits resulting from implementation of the Nature Directives in the EU, which need to be considered in the evaluation.

Typology of Costs

The evaluation will consider costs which result directly and indirectly from the Directives, including both monetary costs (i.e. involving direct investments and expenditures) and non-monetary costs (involving additional time inputs, permitting delays, uncertainty and missed opportunities).

It will include both the **compliance costs** of the legislation, and any **opportunity costs** resulting from missed or delayed opportunities for development or other activities. Compliance costs can be further divided into **administrative costs** and **costs of habitat and species management**. Examples of each of these types of costs are set out in Table 1.

Administrative costs refer to the costs of providing information, in its broadest sense (i.e. including costs of permitting, reporting, consultation and assessment). When considering administrative costs, an important distinction must be made between information that would be collected by businesses and citizens even in the absence of the legislation and information that would not be collected without the legal provisions. The costs induced by the latter are called **administrative burdens**.

Evidence of these costs will include:

- **Monetary estimates** of investments required and recurrent expenditures on equipment, materials, wages, fees and other goods and services; and
- **Non-monetary estimates** of administrative time inputs, delays, missed opportunities and other factors affecting costs.

Typology of benefits

The evaluation will collect evidence on the direct and indirect benefits derived from EU nature legislation, which include benefits for biodiversity and for the delivery of ecosystem services, and the resultant effects on human well-being and the economy.

The **ecosystem services** framework provides a structured framework for categorising, assessing, quantifying and valuing the benefits of natural environmental policies for people. However, it is also widely recognised that biodiversity has **intrinsic value** and that the Directives aim to protect habitats and species not just for their benefits to people, but because we have a moral duty to do so. In addition, consideration of benefits needs to take account of the **economic impacts** of implementation of the legislation, including effects on jobs and output resulting from management activities as well as the effects associated with ecosystem services (such as tourism).

A typology of benefits is given in Table 2. Assessment of the benefits of the Directives for biodiversity is a major element in the evaluation of their effectiveness. Effects on ecosystem services will be assessed in both:

- **Biophysical terms** – e.g. effects on flood risk, number of households provided with clean water, number of visitors to Natura 2000 sites etc.; and
- **Monetary terms** – e.g. reduced cost of water treatment and flood defences, value of recreational visits, willingness to pay for conservation benefits.

Evidence of economic impacts will include estimates of expenditures by visitors to Natura 2000 sites, employment in the creation and management of the Natura 2000 network, and resultant effects on gross value added in local and national economies.

Typology of costs resulting from the Nature Directives

Type of costs	Examples
Administrative costs	<ul style="list-style-type: none"> • Site designation, including scientific studies, administration, consultation etc. • Establishing and running of management bodies • Preparation and review of management plans • Public communication and consultation • Spatial planning • Development casework, including time and fees involved in applications, permitting and development casework affecting habitats and species, including conducting appropriate assessments • Time and fees involved in compliance with species protection measures, including derogations • Research • Investigations and enforcement
Habitat and species management costs	<p>Investment costs:</p> <ul style="list-style-type: none"> • Land purchase • Compensation for development rights • Infrastructure for the improvement/restoration of habitat and species • Other infrastructure, e.g. for public access, interpretation works, observatories etc. <p>Recurrent costs - habitat and species management and monitoring:</p> <ul style="list-style-type: none"> • Conservation management measures– maintenance and improvement of favourable conservation status for habitats and species • Implementation of management schemes and agreements with owners and managers of land or water • Annual compensation payments • Monitoring and surveillance • Maintenance of infrastructure for public access, interpretation etc. • Risk management (fire prevention and control, flooding etc.)
Opportunity costs	<ul style="list-style-type: none"> • Foregone development opportunities resulting from site and species protection, including any potential effects on output and employment • Delays in development resulting from site and species protection, and any potential effects on output and employment • Restrictions on other activities (e.g. recreation, hunting) resulting from species and site protection measures

Typology of Benefits

Type of benefit	Examples
Benefits for species and habitats	Extent and conservation status of habitats Population, range and conservation status of species
Ecosystem services	Effects of Directives on extent and value (using a range of physical and monetary indicators) of: <ul style="list-style-type: none"> • Provisioning services – food, fibre, energy, genetic resources, fresh water, medicines, and ornamental resources. • Regulating services – regulation of water quality and flows, climate, air quality, waste, erosion, natural hazards, pests and diseases, pollination. • Cultural services – recreation, tourism, education/ science, aesthetic, spiritual and existence values, cultural heritage and sense of place. • Supporting services – soil formation, nutrient cycling, and primary production.
Economic impacts	Effects of management and ecosystem service delivery on local and national economies, measured as far as possible in terms of: <ul style="list-style-type: none"> • Employment – including in one-off and recurring conservation management actions, as well as jobs provided by tourism and other ecosystem services (measured in full time equivalents); • Expenditure – including expenditures by visitors as well as money spent on conservation actions; • Business revenues – including effects on a range of land management, natural resource, local product and tourism businesses; • Local and regional development – including any effects on investment, regeneration and economic development; and • Gross Value Added – the additional wages, profits and rents resulting from the above.