

NATURA 2000



NATURA 2000 FROM NGO POINT OF VIEW

LESSONS LEARNED IN EU-10

What can NGOs do?
Case studies
Tips and tricks



CEEweb
for Biodiversity

**Natura 2000 from NGO point of view
Lessons learned in EU-10**

This publication has been prepared by CEEweb for Biodiversity.

CEEweb for Biodiversity is an international network of non-governmental organizations in Central and Eastern Europe (CEE). The mission of the network is the conservation of the biodiversity through the promotion of sustainable development.

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NATURA 2000 FROM NGO POINT OF VIEW

Lessons learned in EU-10



2007

Foreword

The Natura 2000 network is the centrepiece of EU policy for the protection of biodiversity. By the end of 2010 we estimate that the network will contain around 30,000 sites and cover an area of over 1 million square kilometres spread across the 27 Member States of the European Union.

The designation process for sites in the EU 10 countries has progressed rapidly compared to the long delays that were often encountered with EU 15. This is because the Member States and NGOs had in many cases already undertaken the preparatory work prior to accession to identify potential SCIs or to complete the inventory of IBAs. Following accession, we have in the majority of cases seen that the official designations were more or less consistent with the results of the preparatory work. Where there were gaps NGOs have been at the forefront in pushing Member States to comply with their designation obligations. The net result is extremely positive. While there are still some gaps or black spots we are a long way towards achieving a satisfactory level of designation across the EU 10. The next major challenge is to move from designation to management and to ensure sustainable financing of the network. I would like to congratulate the NGOs for the role they have played so far and to encourage them to continue their efforts to protect nature and biodiversity across the EU.

Patrick Murphy
Directorate General Environment
European Commission

Introduction

The European Union has accepted various strategies, policies and directives in order to counteract the current decline of biodiversity. The most specific and strongest of them is the Habitats Directive, which requires proper establishment of Natura 2000, the European ecological network of protected areas. This provision applies to all Member States from the day of joining EU. When finalized, this network is expected to cover one fifth of the EU's territory. It is based on purely scientific information, focusing specifically on protecting species and habitats of European significance.

The overall objective of Natura 2000 is to be the key step to protect and maintain this rich natural heritage for future generations. The Natura 2000 network should be formed in a way that ensures connectivity between sites, to enable migration, dispersal and genetic exchange of wild species. Furthermore, it favours sustainable development by creating jobs in rural areas. This is because socioeconomic and other activities, e.g. extensive agricultural practices may not only be permitted but actually required on Natura 2000 sites. It is expected to play an important role in delivering the EU's target of 'halting biodiversity decline by 2010'.

As a network of international scale, Natura 2000 is divided into subsystems according to the natural biogeographic regions of Europe instead of national countries. The territory of EU-27 is covered by nine biogeographic regions.

Significant part of the European natural heritage, together with many threatened species and habitats is hosted by the new EU Member States, candidate and potential candidate countries. However, these countries are under high economic pressure, which endangers this invaluable natural heritage. Therefore, all efforts must be made in these countries to make sustainable development become reality and to implement the provisions of Natura 2000.

SITE DESIGNATION

Natura 2000 is based on two pieces of EU legislation, the **Habitats Directive** (92/43/EEC) and the **Birds Directive** (79/409/EEC). The network consists of two types of protected areas.

The **Special Protection Areas** (SPA) are designated by the Member States according to the Birds Directive. The Directive obliges the Member States to “classify the most suitable territories” as SPAs in order “to ensure the survival and reproduction” of the bird species mentioned in Annex I. of the Directive. Similar measures have to be applied “for the regularly occurring migratory species not listed in Annex I.”, and particular attention has to be paid “to the protection of wetlands and particularly to wetlands of international importance”. The European Commission’s role is to ensure the coherence of the SPA network.

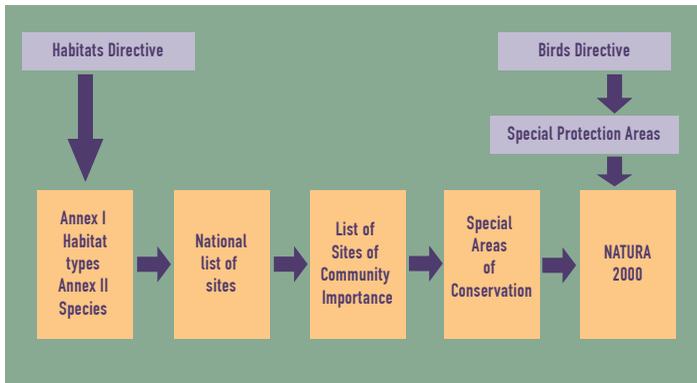
The **Special Areas of Conservation** (SAC) are designated according to the Habitats Directive. By the designation of SACs, protection is extended for the habitats of other threatened species beside birds (Annex II. of the Habitats Directive), as well as for the habitat types listed in Annex I. of the Habitats Directive. Designation of SACs is a more complicated and longer process requiring cooperation between the Commission and the Member States.

Before the process is begun, accession countries can make **amendments to the Annexes** of the Habitats Directive, adding new species or habitat types to it,



which are hosted in their countries and are of European significance. This revision of the Annexes is done prior to the EU accession.

By the date of EU accession, Member States should prepare the **list of proposed Sites of Community Interest** (pSCIs) according to the criteria in the Habitats Directive (Annex III Stage I) and submit the list to the European Commission. After the European Topic Centre of Biological Diversity (the institution which provides technical and scientific support to the European Commission, DG Environment, and the Member States in implementing the Birds Directive and Habitats Directive, particularly for the establishment of the Natura 2000 network) has pre-evaluated the lists and made its recommendations and comments, SCIs are agreed between the Commission and the Member States on the Biogeographic Seminars (see next chapter).



1. Figure 1. Structure of Natura 2000

What can NGOs do?

From the very beginning of the process, NGOs should participate in meetings and forums in connection with Natura 2000, as well as in the official working groups (only in some countries are such WGs). The role of NGOs is to support the designation process and as a part of this they can have an

advocacy role to make sure that all important sites are included into the list of pSCIs and the designation is based on truly scientific ground.

It is essential to **make the right amendments to the Annexes** in the early stage, since no species or habitats can be included in Annex I and II of the Directive at a later stage in the process. NGOs can get involved in the negotiations between the Ministries of Environment and scientists, by making their recommendations.

NGOs can **contribute to the designation process** in several ways. Firstly, they can collect and analyze data as a basis for identifying pSCIs in their country. NGOs making field inventories often have large scientific database already, ready for use. These scientific data are then transmitted to the national authorities. At the same time, proposals for pSCIs should be put forward. In several countries there has been good cooperation between MoEs and NGOs in selecting the actual sites.

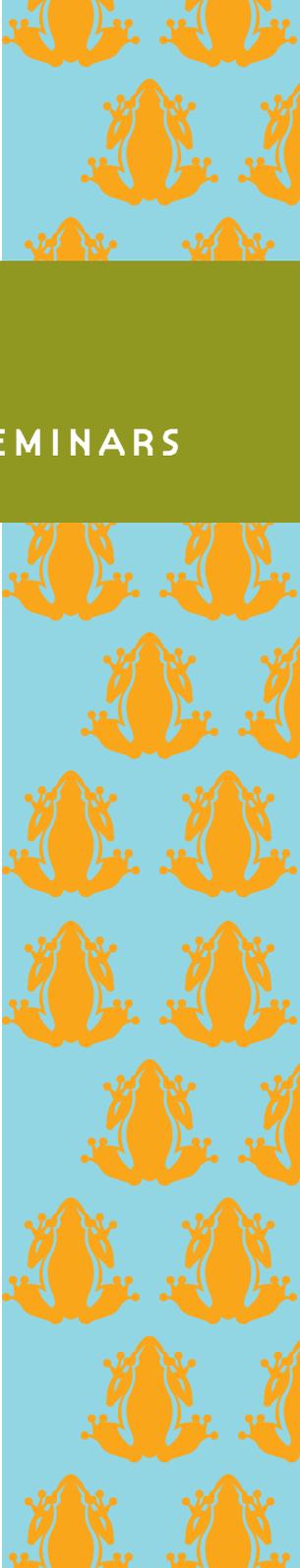
However, often governmental lists are far from complete. Sites which are potentially conflicting with further development plans or other interests are often not part of the list in order to avoid putting them under protection. NGOs can **evaluate the national list of pSCIs** and make comments on it, as well as **revise Standard Data Forms** (when sending the list of pSCIs, Member States should fill in the so called Standard Data Forms for each site). It is important to make sure that every Annex I habitats and Annex II species which are hosted in a particular site are indicated in its SDF.

NGOs can and should prepare a list for potential Natura 2000 sites which are out of the official list, the so-called shadow sites. NGO **shadow lists** present a more complete list of sites for the country, typically including a lot more sites than the governmental ones. Should the shadow lists have a sound scientific background, they are truly debated on the Biogeographic Seminars and eventually result in a request for addition of sites to the governmental list of pSCIs. Beside the national govern-

ment, the shadow list must be communicated towards the ETC/BD as well prior to the Biogeographic Seminar. The information provided by NGOs to the ETC can play a crucial role at this stage.

Further reading:

Natura 2000 Shadow List in Poland. WWF publication
(http://www.eko.org.pl/lkp/n2k/shadow_list_natura2000_en.pdf)



BIOGEOGRAPHIC SEMINARS

Biogeographic seminars are meetings in which the list of proposed Sites of Community Interests (pSCIs), proposed by national governments, are discussed and agreed.

The meetings are organized according to biogeographic regions. There were six **Biogeographic Regions** adopted for the EU-15, including Alpine, Atlantic, Boreal, Continental, Macaronesian and Mediterranean. Pannonian, Black Sea and the Steppic regions have been added because of the enlargement in order to cover the territory of the EU-27. Each biogeographic seminar is organized by the Commission with the participation of countries with a share in the particular biogeographic region, which provides the opportunity to ensure the suitable ecological connection of similar habitats and to harmonize national interests with Community policies.

Participants of the Biogeographic Seminars are the European Commission Institutions, the European Topic Centre on Biological Diversity (ETC/BD), Member States, independent experts invited by the ETC/BD, independent experts invited by the Commission, NGOs and resource users (land users, investors, etc., usually as observers).

At the biogeographic seminars the **representation and participation of NGOs** is coordinated by the European Habitats Forum (EHF), which is a platform of international NGO networks with the aim of advising and influencing conservation policy and supporting the implementation of the EU Habitats and Birds Directives and the EU Biodiversity Action Plan. EHF designated CEEweb as the coordinator of NGO participation in the Biogeographic Seminars of the new EU Member States in 2004 (with the exception of Cyprus and Malta where WWF acted as the coordinator of activities). EHF representatives for the seminars are selected on the basis of their expertise relevant to the region, species or habitats. Their role is to ensure that all important habitats, species and sites are included in the lists. NGO representatives have a real opportunity to put forward their arguments and to request additional site proposals from the Member States at these meetings. They need to possess a sound knowledge about the designation process and about the natural areas of their countries, and have to be policy-minded as well.

In the course of the seminar, firstly, the participants discuss the **reference list of habitat types and species** occurring in the biogeographic region. As a result of the discussion, habitats or species can be added or habitats or species that do not occur in the region can be deleted from the reference list. However the main question of the seminar is the **sufficiency of the pSCI list**, namely, whether each Annex I habitat type and Annex II species is sufficiently represented on the proposed sites in order to ensure their favourable conservation status (FCS). This is discussed case-by-case. The discussion is based on the preliminary analysis of the list carried out by the ETC and sent to the participants in advance to the seminar. If the representation of a habitat type or species proves to be insufficient in one of the Member States, the member state will be requested to propose additional sites to the list or to evaluate / examine the scientific information in case of uncertainty. The sufficiency of the improved list is discussed later in special bilateral negotiations between the Commission and Member States. NGOs are in most cases not invited to these bilateral negotiations.

What can NGOs do?

Shadow lists can help to assess the quality of the governmental proposals. If insufficiency occurs, NGOs can encourage the governments and the Commission to put the missing sites from the shadow list on the official list.

If there is a lot of arguable species and habitats, it is advisable to **emphasize priority habitat types and species**. Unfortunately it is often impossible to evaluate the sufficiency of all habitat types and species concerned. NGOs can focus on species and habitats for which they have data available and carry out a comprehensive evaluation of these.

It is also important to **work closely together with ETC/BD**, Member States representatives and independent experts.

TIPS AND TRICKS

First hand experiences and lessons learned by NGO participants of Biogeographic Seminars

Before the Seminar:

- » NGOs' comments on the National List of sites (highlighting deficiencies) can be sent to the ETC well in advance to the Seminar (together with citation or copies of publications you refer to), so that they can take it into account when preparing their pre-evaluation.
- » Check the pre-evaluation sent by ETC prior to the seminar carefully and use it in arguing. Reference list is especially important; there shouldn't be any relevant species or habitats missing.
- » For the evaluation of sufficiency, short, clear notes should be prepared for each species and habitats prior to the biogeographic seminar, so that you for sure won't be lost between maps and publications in the stressful situation of the seminar. This text (few sentences per each species and habitats) based on ETC's pre-evaluation may be sent to the ETC one or two weeks before the seminar, they will take it into account.
- » Provide NGO data and shadow lists for anybody requesting it. This is scientific information which can be made public and there is nothing NGOs should hide. For this reason the NGO shadow list should be sent to your government before the seminar, as well.

On the spot:

- » Gather good knowledge about each additional site which you are going to propose – e.g. its location, ecological value etc.
- » Rely on good data – always refer to publications or acknowledged experts.
- » Consult the map! Geographical insufficiency is considered. Own maps cannot be presented, but many times you have to show your additional localities on the map projected.
- » Don't comment all the habitats and species, try to concentrate on the most important ones and the ones for which you have very good data – otherwise after a certain period they consider your arguments more rarely and you might miss the most important habitats and species. It can be a problem when similar types of habitats are one after the other – if the whole group is problematic, it is hard to push through.
- » Don't accept arguments like “the other biogeographic region of your country hosts this species / habitat better” – it is not valid when talking about a certain region.
- » If a large Natura 2000 site hosts several habitats in small areas, governments sometimes count the whole site for all of them when estimating the coverage of the habitats. Check this carefully.
- » Areas are not discussed directly, resulting that a shadow site might be refused even if it hosts several habitats and species, because they are taken separately. Use umbrella habitats and species in such cases; concentrate on those for which you have the strongest arguments. The procedure does not allow looking at each proposed site as a complex.
- » ‘Scientific reserve’ means no real obligation, so try to avoid it and go for some kind of insufficiency.
- » Insufficient minor could seem less important than insufficient moderate, but it is indeed important for the future management (all species / habitats for which the site is designated must be included in the management plan, and the more species / habitats a site hosts the more funds can become available), so go for it.
- » On the Boreal biogeographic seminar, areas of pSCIs and coverage percentages (though often very approximate) were paid much more attention to than the quality indicators (representativity, global assessment, etc.). Try to pay much attention to the numbers, percentages and estimates presented by your governments and ETC, and be ready to present your own (more objective) calculations.
- » Additionally, in many cases the floor was not given in the „traditional” sequence. Though ETC was always the first institution to give the comments, NGOs were often asked to comment just after them, and the governmental delegation and independent expert only after us. Sometimes it was good as we had a possibility for the second remark later on, but in some cases it was impossible to intervene again.

Collected from:

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Eerik Leibak (Estonian Fund for Nature, Estonia)

Mojmir Vlasin (Veronica, Czech Republic)

Paweł Pawlaczyk (Naturalists Club Poland, Poland)

Tamás Papp (Milvus Group, Romania)

Further reading:

Natura 2000 Site Designation Process with a special focus on the Biogeographic seminars. CEEweb, 2007

(http://www.ceeweb.org/publications/english/biogeo_booklet_2007.pdf)



Both the Habitats and Birds Directives are legally binding documents, which means that every EU Member State has to **adopt or change national laws**, rules, and procedures so that the requirements of the directives are fully incorporated into the national legal order. It is also important to clarify the differences in legal protection provided by the Birds and Habitats Directives and the already existing national and other protection regimes. This is the process of **legal transposition**. Only appropriate transposition can be the basis of successful implementation of



TRANSPPOSITION OF THE EU DIRECTIVES INTO NATIONAL LEGISLATION

Natura 2000, which do not allow for legal gaps that may cause problems in the future application of law. However, implementation by the Member States seems to be rather uneven, which may cause problems at EU level.

Already when accessing the European Union all the countries have to apply **precautionary principle**, to avoid any actions possibly causing deterioration of a pSCI. To achieve this, governments should raise awareness on these sites, and abstain from all activities that may cause a site on the national list to deteriorate. Where a complete national list has not been submitted, the same advice applies to a site which, on the basis of the scientific criteria of the directive, clearly ought to be on the national list.



What can NGOs do?

During the process of transposition, NGOs can have a significant role in **consulting the responsible Ministry**, supporting it and drawing its attention to identify and avoid potential problems. The main tasks are to **determine the existing state of conformity** and the appropriate national response to the EU legislation by comparing national laws, institutions and procedures with the requirements of the directive.

According to the experiences from EU-10, the most problematic point is the transposition of **Articles 6.3 and 6.4**, namely the **assessment of plans and projects with potential impacts on habitats or species protected by the Directive**. The transposition of the concept of “plan and project” is unclear in several countries. In all countries, the assessment is to be carried out according to EIA/SEA requirements. However, in many of them, it is not quite clear how to incorporate the requirements of article 6.3 of Habitats Directive into assessment proceedings. Also, national laws often narrow the obligations for assessment down to certain activities and there are vague requirements for the assessment proceedings. At the same time, Member States often widen possibilities to authorize activities, in cases where authorization could be given only in case of imperative reasons of overriding public interest according to the HD. The concept of alternatives and compensatory measures are often unclear.

Further important obligations which require attention are the **species protection regime** (Articles 12–16 of the Habitats Directive) and **network coherence** (Article 10), which is very often not transposed. (This is, actually, not compulsory according to the HD.)

Sectoral integration must be carefully checked. Laws and regulations which require mentioning Natura 2000 are transportation, regional development, water management, agriculture, forestry, spatial planning etc.

Besides, the **institutions and budgets necessary to carry out the laws and regulations** must be provided, as well as the necessary **controls and penalties** to ensure that the law is fully and properly being complied with (enforcement). Legislation which is not binding (e.g. instructions, circulars, and some types of ministerial order or decree) must be avoided.

After the transposition is finalized, NGOs can also play an active role in the implementation of the legislative requirements. In many cases NGOs are the first to start a court case where national or EU law has been broken. This contributes to the better understanding and correct application of law, to the penetration of information about the protection regime, and to the establishment of case-law at national and EU level.

Case study

Deficiencies of the Hungarian decree on Natura 2000 as an example of improper transposition of the Habitats Directive

The transposition of the Habitats Directive into Hungarian legislation was carried out mainly by the Governmental Decree No. 275 of 2004 on Nature Conservation Sites of Community Importance (“Natura 2000 Decree”).

The Hungarian NGO Working Group on Natura 2000 (CEEweb, BirdLife Hungary, Friends of the Earth Hungary, WWF Hungary) had several roundtable discussions with the representatives of the decision making bodies (Hungarian Ministry of Environment and Water, Hungarian Ministry of Justice and Environmental, Nature Conservation and Water Authority) on legal issues on Natura 2000. The Working Group compiled a position paper on the deficiencies of the Hungarian decree on Natura 2000 which was sent to the EC in December 2005. The following problems were found:

- » Designated Natura 2000 areas are defined as those indicated in the Hungarian parcel identification system, but the official and technical process of this indication is still not clear. Also, no indication of Natura 2000 is included in the property register.
- » Detailed regulations and restrictions for land use on Natura 2000 sites are referred to in the Decree but not yet have come out.
- » There is no clear procedure for public participation and involvement, no procedure for informing land owners, land users and other affected people of Natura 2000 site designation. No information has been made public regarding the reasons for selecting each Natura 2000 sites. National Park directorates can follow different (ad hoc) processes for public participation and involvement.
- » The Minister of Defence has the power to veto site designation. This is against the spirit of Natura 2000, which aims for sites being selected only on scientific ground.
- » Favourable conservation status and monitoring system are not defined.
- » For those Natura 2000 sites that are already protected, the Act on Nature Conservation (LIII./1996.) applies, and the new government decree no. 275/2004 does not, even though, it has several added values compared to the more general Nature Conservation Act.
- » There are no provisions for ensuring the ecological coherence of the network (art. 10).
- » Article 6 of the Habitats Directive (assessment of plans and projects) is not fully transposed into the Hungarian decree. There is no specific procedure for Natura 2000 for evaluating significant effects of plans/projects on sites (art. 6.3 & 6.4). Governmental Decree no. 275/2004 on Natura 2000 includes some references to the National Park Directorates as authorities for certain activities. The wording of the decree is rather soft (e.g. potential effects “according to available data”). Governmental Decree no. 20/2001 (II.14.) on environmental impact assessment includes clear provisions for protected areas, but Natura 2000 is not mentioned here. In 2004, the Act on Nature Protection and the Act on Environmental Protection were

amended to include strategic environmental assessment of plans and programmes, but Natura 2000 was not dealt with during the amendments. Overall, it is not clearly regulated if and how Natura assessment is linked to EIA/SEA proceedings at all.

It was even noted by the Commission that the Hungarian Natura 2000 Decree has not been in line with community requirements. As a result a substantially amended new version of the Natura 2000 Decree became law in 17 October 2006. Although many deficiencies of the old degree were corrected, some shortcomings remained and some parts have been weakened. Also, the interpretation of what is an overriding public interest has been widened. In November 2007 a Governmental Decree on regulations and restrictions for land use on Natura 2000 grasslands was enacted, but the corresponding regulations for arable land, wetlands or forests are still not issued.

Further reading:

Justice and Environment publications on Natura 2000
(<http://www.justiceandenvironment.org/je-international/natura-2000/>)

Guide to the Approximation of European Union Environmental Legislation
(<http://ec.europa.eu/environment/guide/part1.htm>)

European Commission Guidance documents on Article 6 and 12 of the Habitats Directive
(http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)



A basic feature of Natura 2000 is that it is not a sanctuary where human activity is excluded, but indeed land use is possible and, in several cases, needed to maintain the favourable conservation status of the habitats and species. The existence and prosperity of numerous animal and plant species depends on the continuation of land management, such as extensive farming practices.

Natura 2000 today covers an area larger than two times Germany. It is clear that nature conservation organizations (either governmental or non-governmental) cannot maintain such an extended network on their own. They depend on many other stakeholders, from government departments through local decision-making (local and regional authorities) to land users (land owners, visitors, hunters, farmers, foresters, tourism operators, etc). Thus, the most important task of nature conserva-

COMMUNICATION AND PUBLIC PARTICIPATION

tion is to actively involve stakeholders in the implementation. This means, that a **major emphasis has to be put on good communication.**

Effective communication is a critical part of implementing Natura 2000, which needs to be started as soon as possible in the process. When talking about communication it is also important to deliver the right message to

the right stakeholders. As a general experience of the EU-10 it can be said that emphasis should be more on communicating the added benefits of Natura 2000 (such as environmental services and benefits for rural development) than on general issues and the overall importance.

Disseminating information on the economic aspects (e.g. the compensation of farmers) of Natura 2000 **is a critical point**. It is really challenging to communicate the farmers' obligations if there is no economic compensation attached for new activities, because the system of financing is not worked out or not certain at the time. If the financing is still unclear NGOs should provide objective information about what can be expected in the future while not generating unrealistic expectations among farmers. It is also to be avoided that the communication focuses too much or exclusively on the financial benefits that farmers can gain from Natura 2000.

There should be a **clear procedure to involve local landowners and other stakeholders** in a way that counteracts negative perceptions of Natura 2000, and makes them understand the benefits they can gain from Natura 2000, so that they own the issue and support the implementation of future long-term site management. Information must be provided on the legal consequences of the designation of the areas, on the implications for land use (restrictions and obligations), options for financing, compensatory measures, etc. Although rather time and money consuming, participatory management planning has been proved to be a very efficient tool not just for defining management actions but also for involving stakeholders. Here, stakeholders can be involved, have a say and be heard. The aim is to make them understand, that Natura 2000 is not all about new restrictions and more regulations but also new values and opportunities, both for the species/habitats and for the local communities, realizing potential socio-economic benefits to disadvantaged rural regions.

What can NGOs do?

The communication tasks related to Natura 2000 are complex and require sufficient resources. A large number of stakeholders from various sectors need to be addressed therefore the communication activities have to be coordinated to avoid overlaps. The preparation of a communication strategy can be useful. Governments often involve NGOs in the preparation and implementation of communication activities.

Therefore it is indispensable to be in **close collaboration with the government agencies, as well as regional and local municipalities**. For the latter, meetings and training sessions are necessary to explain all new obligations in the field of nature and landscape protection. For **other groups of stakeholders**, such as the forestry sector, landowners and land managers, NGOs can provide regional seminars, workshops, trainings and targeted meetings. In such events, communication can be made interactive by creating possibilities for feedback and inviting comments on decisions which are open for discussion. Latvian Fund for Nature, for example, launched a public involvement campaign “Propose Territory!”, when anybody could propose SCIs by providing information about the site’s precise geographic location and the values of the area - landscape, natural features, animal or plant species, etc.

At the stage of management planning, NGOs can **demonstrate best-practice techniques** for conservation friendly farming. Communication to local stakeholders, however, can be hard if they were not informed about the designation of their land as pSCL sites before they were formally approved and legislation was passed. This happened in Hungary, where stakeholders had to read from the newspaper that their area has been designated under Natura 2000, without adequately explaining the consequences of site designation, which made lot of them respond rather negatively. Beside single events such as seminars, it is wise to keep **continuous contacts with representatives of target groups**, trying to assess and influence their attitude and investing in their willingness to participate in the implementation of Natura 2000. In EU Member

States the agricultural and forestry sector have their own advisory systems which can play an important role in the communication with land owners. Means of communication must be carefully chosen and always adjusted to the needs and possibilities of the target group.

Case study

Communicating Natura 2000 in the Slovak Republic

The aim was to establish co-operation between all major institutions and organizations (governmental as well as non-governmental) dealing with nature conservation in Slovakia. The project was funded by the Dutch Matra pre-Accession project "Establishment of Natura 2000 Network in Slovakia". The following activities were executed:

- » Drafting a general communication strategy (background or working document).
- » Production and dissemination of a general information leaflet and postcards, explaining nature conservation in the EU in the framework of the Natura 2000 network, general information about both directives and basic information on LIFE Program and Agro-environmental Program.
- » Organization of a first national conference/stakeholder meeting, aiming to raise awareness of main possible partners in the process of Natura 2000 development in Slovakia, to involve relevant stakeholders in the process of Natura 2000 development before the designation of sites and to provide a platform for discussion.
- » Training on participative management planning, a meeting of the team, which is responsible for the preparation of management plan structure.
- » Organization of a second national conference/expert meeting, a conference addressed to experts dealing with the process of site selection. The aim was the synthesis of data on distribution of Natura 2000 species and habitats.
- » Other communication activities within the project were several

publications and articles, establishment of an Internet website on Natura 2000 and several media activities.

- » Information on the Act No. 543/2002 on Nature and Landscape Protection and binding regulations, connections with several other Acts and Regulations were disseminated.
- » Communication on pre-selected list of SPA and pSCI sites.
- » Preparation and dissemination of more targeted information materials (farmers, foresters, etc.), including the social and economic aspects of Natura 2000 implementation.

Source:

Communication and Natura 2000 in the Slovak Republic. Daphne

Further reading:

Designation of Natura 2000 Sites in Latvia

(http://www.iucn.org/themes/cec/AE0_Valsain_book/AE0_part_two_ch_9.pdf)

Removing misconceptions about Natura 2000

(http://www.natura.org/nnp_toolkit/natura2000_misconceptions.pdf)

Communication and Natura 2000 in the Slovak Republic. Publication of Daphne

(http://www.daphne.sk/sunce/1st_training/documents/natura_2000_communication_strategy_in_sr.pdf)



Article 8 of the Habitats Directive was drafted in recognition of the financial burden that Natura 2000 might place on Member States, particularly those Member States with a higher concentration of species and habitats. Article 8 therefore provides for Community co-financing of measures required for the implementation and ongoing management of Natura 2000.

A **great variety of activities** are necessary for the effective management of Natura 2000 sites in the Member States, for which **co-financing might arise**. The Commission should take account of the different contribution made by each Member State to the Natura 2000 network, resulting in an unequal distribution of the co-financing between Member States.

The Commission estimated that the total cost of managing the network in EU-25 is EUR 6.1 billion per year, although this is likely to be a significant underestimate.

Funding of Natura 2000 is **integrated in existing financial instruments of the EU**, namely the European Agricultural Fund for Rural Development (EAFRD), the Structural Funds (European Social Fund (ESF) and

FINANCING



European Regional Development Fund (ERDF)), the Cohesion Fund, the European Fisheries Fund (EFF), the Financial Instrument for the Environment (LIFE+), and the 7th Research Framework Programme (FP7). For candidate countries, pre-accession funds and governmental support from countries like the Netherlands and Denmark are also available.

Before 2007, mainstream EU funding sources were largely determined and directed by interests other than environmental ones. However, the budget has been somewhat greened and reasonable support has been provided to Natura 2000 in the new 2007-2013 funds, particularly from the CAP and the Structural Funds. These changes have **opened up the possibility of making more funds available for nature projects** than before. Many of these activities help to deliver favourable conservation status across the Natura 2000 network, focusing on active management (agri-environment and forest-environment measures, drafting of management plans etc).

However, it is very important to stress that **it is the Member State who has to ensure that the opportunities provided by the Community funds are taken up**. This means that concrete funding possibilities for Natura 2000 are determined by the national strategic programmes (national strategic plans for EFF, national strategy plans for EAFRD, national strategic reference frameworks for the ERDF, ESF and the Cohesion Fund) and operational or regional programmes (rural development programmes under EAFRD, national operational programmes under EFF, operational programmes under the Structural Funds and the Cohesion Fund, national annual work programmes under LIFE+) that has been (and, in case of candidate countries, will be) prepared by the Member States.

What can NGOs do?

NGOs can **lobby** for better financing of Natura 2000 both **at EU and at national levels**. Although the texts of the EU regulations as well as the national programmes are set in the EU-27 until 2013, there will be a new financial period afterwards, and for candidate countries, there is the possi-

bility to lobby at the national level already in the current period. Generally, there is a real risk that the Commission's proposed Natura 2000 financing policy will not deliver the necessary funds in practice because of the lack of compulsory elements in the proposed national financing regulations.

Therefore, it is very important to **follow up the programming** at EU level as well as its national reflection in order to get a clear picture about the timing of the different documents, programmes and plans. This enables NGOs to prepare an action plan and schedule their lobby activities.

The lobby activity should **concentrate on the most effective channel**. There are several means of approaching the competent organs (through the media, expert groups, position papers, etc). It is wise to choose case-by-case the most appropriate one, in order to secure that the message will reach its target group.

Lobby documents should always **be professional and well-based** with expert arguments, and NGOs always have to be prepared to justify them when facing conflicting interests.

Cooperation with other groups of similar interests should be looked for (e.g. landowners in case of EAFRD regulation), in order to strengthen positions by joint opinions of different stakeholders. This way a wider scope of experts is involved, resulting in more weighty arguments.

Case study

Results achieved by the ad-hoc Hungarian coalition in lobbying for a better national strategy plan for EAFRD

One of the most important activities of the Friends of the Earth Hungary is lobbying for better social and environmental concerns of various national strategies, plans and other documents. Together with other NGOs from Hungary they achieved in the course of the EAFRD national programming the following.

- » The Ministry of Agriculture and Rural Development regards NGOs as thoughtful partner. Earlier, environmental NGOs were not invited to social reconciliations held by the Ministry of Agriculture and Rural Development. Thanks to the constant pressure, now NGOs are invited and have a possibility to express their opinion
- » Compensation payments for Natura 2000 start sooner. The Ministry had planned to start payments for Natura 2000 grasslands only in 2009. As a result of NGO lobby, it will be started in 2007 (although it is already late since payments could have been started in 2004).
- » NGOs have a word in establishing the criteria and implementation regulations of management plans.
- » Strategic Environmental Assessment is made for the national strategy plan for EAFRD. They drew the attention of the competent under-secretary that in the course of programming it is compulsory to make SEA.
- » Minor changes in the financing system, greening some funds. Unfortunately, a substantive change of EAFRD strategy plan could not be achieved, but environmental concerns got more emphasis in several funds. Agri-environmental schemes and energy-saving machines and equipment are preferred.

(Collected from Szilvia Kapitányiné Sándor, Friends of the Earth Hungary)

Further reading:

Evaluating National Strategic Reference Frameworks with regards to preserving biodiversity and maintaining favourable conservation status of species and habitat types of European importance
(<http://ceeweb.org/workinggroups/natura2000/activities/NSRF%20assessment%20CEE.pdf>)

Financing Natura 2000 Guidance Handbook

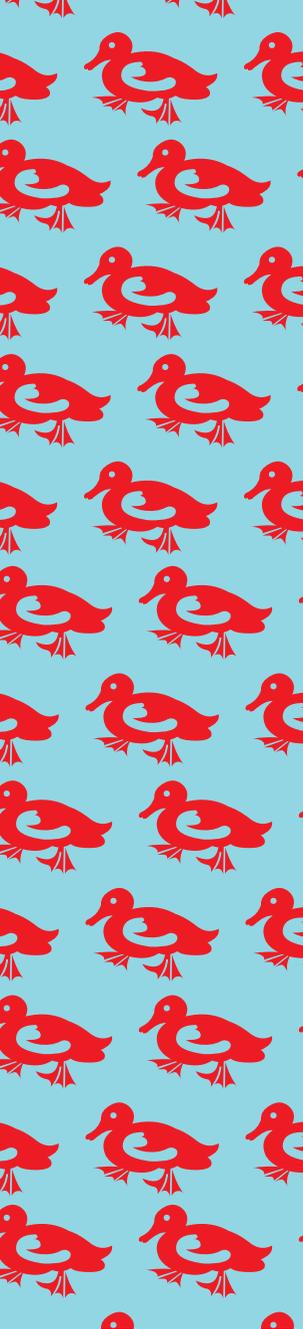
Revised version, June 2007

http://ec.europa.eu/environment/nature/natura2000/financing/index_en.htm

Final Report on Financing Natura 2000. Working Group on Article 8 of the Habitats Directive
(<http://www.eeb.org/activities/biodiversity/Financing-Natura-2000-WG-final-report-art8.pdf>)

LIFE+ Multi-annual strategic programme 2007-2010
(<http://www.mrae.gov.mt/htdocs/docs/LIFE+2.pdf>)

Comments by Birdlife International on Financing NATURA 2000
(http://www.ceeweb.org/workingareas/policies/ehf/docs/BL_comments.htm)



Natura 2000 is a key factor in implementation and development of Community policy and legislation on nature and biodiversity, particularly delivering the EU target of 'halting biodiversity decline by 2010'.

It should be stressed that the establishment and proper management of Natura 2000 sites will benefit much more than biodiversity as commonly understood. Ecosystem services such as reducing the risk of flood damage, acting as pollution filters, reducing nutrient leaching and many more are all direct benefits of the network. Natura 2000 also has the potential to generate a range of social (health and education) and economic benefits (generating jobs or enhancing incomes), providing a 'win-win' situation for local communities and wildlife.

The classic NGO role, as an advocate for biodiversity, is especially important in the implementation of the Habitats Directive. Contribution to the site designation, participation in the biogeographic seminars, lobbying for better legal transposition and financing, commenting on proposals for projects, plans and programmes affecting the network are all crucial. NGOs role is to ensure that all of these steps are done in the original spirit of Natura 2000, counteracting interests other than environmental ones. In the EU-27, there are several successful experiences confirming that this works, and NGOs can and should significantly participate in environmental decision-making.

CONCLUSIONS

Natura 2000 from NGO point of view

Lessons learned in EU-10

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