Natura 2000 management
Current European discussion
N2000 management? What for?

Obligation to manage:

Habitat sites:
- (HD 6(2)) for avoiding the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated,
- (HD 6(1)) for implementing necessary conservation measures corresponding to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites

Bird sites:
- (HD 6(2)+ HD 7) for avoiding the deterioration of [...] habitats of birds as well as disturbance of the bird species for which the areas have been designated,
- (BD 4(1)+4(2)) for implementing special conservation measures concerning birds habitat in order to ensure birds survival and reproduction in their area of distribution
On the table:

DG ENV expert group for Natura 2000 management:
- SAC designation, obligation to start sites conservation
- (Site) conservation objectives. What level for FCS?
- Management plans?
- Participatory approach
- Wilderness?
- Biogeographic discussion on management

Other important issues, potentially worth discussing?
- WFD in Natura 2000 - environmental target for protected areas (2015 deadline!)
- Precautionary principle in conservation planning
- „Typical species” concept as element of FCS
SAC designation

Before designation:
Art. 6(2) - obligation to prevent each deterioration and significant disturbance
Art. 6(3), 6(4) - obligation of impact assessment, investment authorisation rules
Art. 6(1) is not acting!

DESIGNATION AS SAC:
• Each „habitat” N2000 site must be designated by MS as SAC no later than 6 years after (first) adoption as SCI by EC
• DG ENV note proposed - but not legally binding
• Designation must be legally binding - legal act; „unquestionable binding force” required
• Site borders must be generally the same as borders of SCI adopted
• [site borders must be available for public in internet - INSPIRE directive]
• Conservation objectives must be established! (necessary for proper art. 6(3) application)
• Conservation measures should be identified and started at least from the time of designation

After designation:
Art. 6(1) is turned on - obligation to establishing conservation measures
For Art. 6(3), reference point - site conservation objectives - is established
• Designation is immediate (by MS)
• Theoretically, the obligation to implement the special conservation measures is also immediate ... In practice, delay up to 6 years will be probably tolerated ...
• There are some differences in wording - Art. 6(1) HD not applied for SPAs, other-worded art. 4(1) & 4(2) are applied
• Nethertheless, the concept of „consistency of approach” to SACs and SPAs conservation is expressed in ECJ jurisprudence
What is protected? Protected features

**Habitat sites:**
- Conservation measures must be applied for „natural habitat types in Annex I and the species in Annex II present on the sites” (HD art. 6(1) obligation !)
- It is generally accepted that above is not applied to non-significant (which should be expressed by D in SDF)

**Bird sites:**
- Not only birds from Annex I but also migratory birds, also in their area of reproduction
- But not very clear what species
- Directive: „birds for which the site is the most appropriate”
- Some MS approach: limiting to „qualifing species” from BirdLife criteria. BirdLife and EC not strongly oppose against this.
- ECJ Advocate General opinion: (ABC from SDF + species which ‘should be” ABC)
Conservation objectives

The ultimate conservation objective of the Habitats Directive is to ensure that the species and habitat types covered achieve ‘favourable conservation status’ (FCS).

- A broad conservation objective aiming at achieving FCS can therefore only be considered at an appropriate level, such as for example the national or the biogeographical level.
- This general objective needs to be translated into site level conservation objectives which define the conservation targets to be achieved within the respective sites in order to optimise their contribution to achieving FCS at the national, biogeographical or European level.
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Site conservation objectives

- Site level conservation objectives define what constitutes the target status of each species and habitat for which a site has been designated that should be met in the respective site in order to meet the ecological requirements of these species or habitat types and ultimately to achieve FCS at the national biogeographical level and eventually also at higher levels.

- Therefore identifying the contribution of a site to the achievement of a FCS for the habitats and species concerned at the national biogeographical level can provide the basis for setting of site level conservation objectives.

Nevertheless, in some MS, site-level FCS target is used!
HD 6(1) as voluntary measure, no regulation in BD = mga plans are not obligatory. Nevertheless, this approach is „strongly recommended“
N2000 management plans

EC exercise (questionaire, 17MS responded)
• Management plans are obligatory in some countries (some regions), but not required for all sites.
• Responsibility of nature conservation authorities sometimes shared e.g. with forest authorities. Participation of other authorities (Forests, Fisheries, Water, local, etc.), stakeholders, NGOs, in the preparation and development of MPs
• % of sites with MP: 10-80?
• Financial support usually from public funds, incl. EU funds (e.g. LIFE, EARDF)
• Not usually integrated into other sectoral plans, except in some countries (most often into forest plans).
• Management costs are included, but rarely compensation payments
• Valid for: between 3 and 20 years (most often 5-10 years)
• Level of detail depends on the size, characteristics and problems of the site.
• Many countries: not a legal obligation as MPs are not legally binding; framework and guidance for the implementation of the necessary conservation measures for a site
• Some countries: MPs must be implemented (have a legal status), - only in areas belonging to the state or in public land, - their implementation is only obligatory for public authorities
N2000 management plans

BirdLife exercise (18/27 BirdLife national partners responded)
- 0-100% sites covered by plans (big variation between countries). Average ratio rather low, not more 10-20%
- Almost each MS have ambitious plan to complete mgm plans for more sites
- Big variation of „binding force of the plan“:
  - In many cases, not binding
  - In some cases, binding only for authorities
  - In some cases, binding only for authorities and public bodies
  - In a few cases binding for everyone
N2000 management plans

- Good plan preparing is normally longer, more expensive and more difficult than expected on the beginning; flexibility is process management necessary
- Participatory approach, including stakeholders ...
- Integration with other plans - weak point ... Integrated planning is welcome ...
- Must be only one of used tools ...

Pictures from: Bernard Riehl - Natura 2000 Management in Salzburg. - From Paper to Practice
Management plans - Polish exercise

Big project started in the beginning of 2010:
So called „conservation action plans” (simplified mgm plans)

• Financed 85% form EFRD by Operational Program „Infrastructure & Environment (one of the OP priority axis is dedicated to nature conservation and planning);

• Budget ca 6 M EUR

• „Conservation action plans” will be prepared for ca 400 N2000 sites (= assumption to complete for all Natura 2000 network was base of the project proposal, but in the meantime the number of sites was doubled …)

• Will be implemented by regional authorities responsible for the sites, under the supervision of national authority

• General assumption: summarizing of existing knowledge + only most urgent field inventory (but ca 60% budget is for field inventory)
Management plans - Polish exercise

Participatory approach:
Working with stakeholders
In each site, series of workshops with stakeholders compulsory
Possibility to free comment compulsory
Also work versions of plans in process should be available by internet tool

Estimation 2010-2013:
- 1100 local workshops
- 9000 participants

Experience of TF 2006-2007 r. and PHARE 2004 project used
Management plans - Polish exercise

Planning logframe:

1. Identify conservation targets (ABC from SDF + new scientific knowledge);
2. Assess CS for each cons. target on the site level;
3. What make it U1/U2 - what would throw out from FV?
4. General objective = FV;
5. Plan conservation objective (to achieve in 10 years) = step to FV;
6. Actions to achieve the objective;
7. Monitoring;
8. Modification if necessary.
Management plans - Polish exercise

Scientifically-based indicators of FCS on the site level (the same as for monitoring):

Parametr 2: „siedlisko” ocenia się wg następującej skali:

<table>
<thead>
<tr>
<th>U2 (żyły)</th>
<th>zadowalający</th>
</tr>
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<tbody>
<tr>
<td>Wielkość zdecydowanie zbyt mała lub jakość nie niewątpliwie niezapewniająca długoterminowego przetrwania gatunku</td>
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**1902 Obuwik pospolity Cyripedium calceolus L.**

**I. INFORMACJA O GATUNKU**

1. Przynależność systematyczna

   Rodzina: Orchidaceae storczykowate

2. Status

   - Gatunek priorytetowy: nie;
   - Ochrona prawna: gatunek podlegający ochronie ścisłej od 1946 roku;
   - Kategoria zagrożenia wg Czerwonej listy — Mirek Z. i in. (2008): V = zagrożone, które w...
Management plans - Polish exercise, NGO input

NGO: Naturalists Club activity:
- To participate in planning processes (at least 80 sites)...
- To organise experience exchange...

Pilot proces - how NGO’s can involve in the management planning
First results (PL):
- NGO’s rather welcome as a partners !
- Field knowledge and experience of field work may be crucial !
EU obligations accented:
- art. 6(2) and art. 6(1) obligation;
- very limited possibility of sites redesignation;
- precautionary principle;
- national responsibility for European heritage;
- time expectations (2020 target, 2015 for WFD target)

Try to avoid lowering of protection level - accent „non avoidable and not disputable obligation”

Local opportunities accented:
- N2000 site as local centerpiece
- Supporting personal identification with the N2000 site
- Exploiting possibilities of using N2000 site for sustainable forms of development (as ecotourism)

Try to keep public participation not as a fight against conservation, but as a common work how do it in a best way
Management in practice

Big variety of measures applied, good (and bad) practices, problems, opportunities ...

Will be discussed on New Biogeographic Seminars for management (?)
Large blue *Maculinea arion*

Habitats Directive – Annex IV

Maculinea arion occurs in the zones between c. 40° and 62°N.
Specific issues

N2000 and wilderness

Guidelines will be prepared (autumn 2011) by PANParks, Eurosite and Alterra.

But: their concept based on „wilderness identification by wilderness paneuropean quality index” - based on distance to roads, population density, vegetation naturalness

- will be usefull?
Specific issues

N2000 and agriculture
Guidelines will be prepared (autumn 2012) but will focus on „describing links” and „presenting case studies”.

In fact - unclear for future, because CAP future not known. What tools we will have?

Problem: how to plan if we do not know possible tools?

Cross-compliance mechanism
- What detaily it covers (HD 6(1),6(2), BD 3 BD 4 are required)?
- Could obligatory measures be agrienvironmentally funded?
- How it will work after 2014?
WFD environmental target for protected areas: There’s no specific deadline for FCS achieving. Nevertheless, there is specific and close deadline for achieving water conditions and water status necessary for FCS!

- Water Framework Directive Art. 4(1): In making operational the programmes of measures specified in the river basin management plans (...) (c) for protected areas [as Natura 2000 sites]: Member States shall achieve compliance with any standards and objectives at the latest 15 years after the date of entry into force of this Directive [which means December 2015], unless otherwise specified in the Community legislation under which the individual protected areas have been established.”

- This means that all standards and objectives of the WFD, including those water-related objectives linked to the achievement of favourable conservation status in waterdependent Natura 2000 sites, need to be implemented as a rule by 2015.
Potential possibilities ...

**Precautionary principle:** Binding element of European legislation: required by Art. 191(2) Treaty on the Functioning of the European Union. It is one of the foundations of the high level of protection pursued by Community policy on the environment.

**Application for management planning:** Pursuant to precautionary principle, for adoption of the environmental protection measures it is enough if, given the available scientific and technical knowledge, the degree of probability of the effect is sufficient. No conclusive evidence is required of a causal relationship between threats and their alleged effects (opinion of the Advocate General for case C-335/07; ECJ judgment in case C-280/02).

The same precautionary principle is applied to the protection of human health. In relation to this, the following can be found: „Where there is scientific uncertainty as to the existence or extent of risks, protective measures should be taken without having to wait until the reality and the seriousness of those risks become fully apparent” (see ECJ judgments in cases T-138/03, C-180/96, T-76/96, T-199/96).
Potential possibilities ...

„Typical species” concept
Indirect indicator of habitat quality
No common approach, and methodology
Not only plants!
May be defined as: indicator species that react relatively rapidly to one or other of the ecological parameters within the habitat [...], e.g. changes in a specific function or structural element, which we are interested in monitoring. They should be relatively uncommon, but still common enough to occur on most sites hosting the habitat in question (Abenius et al., SEPA, 2004)
FCS requirement = protective umbrella under the „typical species” also
Thank you for your attention