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Scientists call for strengthening the EU legal framework for nature conservation

The congresses of the Society for Conservation Biology (SCB) are among the most important platforms for exchange within the global biodiversity conservation community. The International and European Congress for Conservation Biology (ICCB-ECCB 2015), held from August 2-6 in Montpellier, France, was attended by 2,100 scientists and conservation professionals from over 100 countries. One of the topics discussed at the congress was the Regulatory Fitness and Performance Programme (REFIT), which the EU is currently conducting to evaluate the impacts and relevance of the Habitats and Birds Directives (“Fitness Check”). The Fitness Check of the EU Nature Directives involves a comprehensive policy evaluation based on stakeholder and public involvement.

There was a general consensus across a series of ICCB-ECCB 2015 events that the Nature Directives have made a difference for nature conservation in Europe. Among a wide range of major achievements, the Nature Directives have managed to:

- build Natura 2000, a new network of protected sites of unprecedented size in Europe, providing connectivity for ecosystems and species across the European landscapes;
- slow down the degradation of European biodiversity, by reducing the pace of decline of a number of species from European landscapes, or even achieve their comeback;
- slow down or revert land use changes threatening biodiversity;
- strengthen nature conservation administrations in EU countries, by facilitating key components of an effective on-site conservation management, such as implementing biodiversity-sound land use schemes, carrying out impact assessments and standardised biodiversity monitoring.

However, concerns raised at the congress addressed the relatively sparse interaction with the scientific community in both the implementation of the directives and the REFIT. A peer review by relevant conservation scientists and academics specializing in legal affairs would have been appropriate for the REFIT process and could have added more relevant knowledge.

Discussions at the ICCB-ECCB 2015 indicated that in many countries and geographic regions in and beyond Europe, the EU Nature Directives are considered models for effective design of nature conservation legislation. Participating scientists highlighted the value of the Nature Directives for achieving the targets outlined in the 2020 biodiversity strategies both at the global (Aichi Targets) and EU levels. Deficiencies in the implementation of the Nature Directives and the apparent lack of integration of conservation objectives in other major policy areas, such as the Common Agricultural Policy (CAP) were identified. Looking at the conclusions from the EU Commission's evaluation of the 6th Environment Action Programme (6EAP), insufficient implementation and integration apparently is a more general problem in environmental policy. Scientists attending the ICCB-ECCB stressed the need for the REFIT to focus on strengthening the implementation of the EU Nature Directives across all levels of governance in both the EU, the EU Member States, and locally within the Member States.

Criticism of the Habitats and Birds Directives stems from perceived inflexibilities in updating provisions to allow for adaptation to climate change. In addition, it is argued that there has been a perceived lack of action by the EU Commission to implement the Habitats Directive's Article 19 (amending the annexes listing habitats and species of conservation concern). Much research is needed to assure and promote functional connectivity and coherence of Natura 2000 sites at local and landscape scales (Habitats Directive's Article 10). The potential consequences of land use change and related infrastructure for energy and transport also need close scrutiny by administrations and science. By defining favorable conservation status as a basic target, the Habitats Directive leaves room for flexibility, which includes the consideration of ecological processes. Scientists at the congress remarked that more attention should be given to restoring natural processes through non-intervention management in the network, following the EU Guidance on the management of wilderness and wild areas in Natura 2000. Presently, there is no explicit reference to non-intervention areas in the directive itself which can be considered a weakness in the legal document.

Scientists have found there is inadequate implementation of Habitats Directive Article 18 (scientific research) by both the EU Commission and most Member States. Scientists and scientific methods have not been adequately used to support more effective conservation planning and management. Specification of favorable conservation status for species and habitat types, best management practices, monitoring programs and the quality of impact assessments require more and continued scrutiny from the scientific community.

The Habitats and Birds Directives have delivered demonstrable improvements for target habitats and species in the EU, although the results were and remain insufficient to attain the agreed international and environmental policy targets for 2010 and 2020. Insufficient implementation cannot be remedied by rephrasing the directives in a lengthy and complex political process. Demonstrable improvements must be developed through analysis of the processes used to implement conservation programmes, effective monitoring of implementation and subsequent intervention by competent legal entities in the Member States and by the EU Commission. In conclusion, scientists attending the ICCB-ECCB in Montpellier perceive a need to significantly improve the implementation of the Habitats and Birds Directives at all levels. More input from conservation science is also required so that the agreed upon environmental and biodiversity targets can be achieved. Political discourse which diminishes responsibilities and weakens the EU regulatory systems would contradict the global responsibilities adopted by the EU and its Member States.

Martin Dieterich
Policy Committee Member
SCB Europe



Piero Visconti
President
SCB Europe



Stefan Kreft
Policy Committee Chair
SCB Europe

