



Territorial Impact Assessment
Birds and Habitats Directives (Natura 2000)
Directives 92/43/EEC and 79/409/EEC

Disclaimer

This report was produced by the Committee of the Regions secretariat to assist the rapporteur and the ENVE commission in preparing the relevant opinion. This report will be shared with the European Commission and the European Parliament. The findings of this report are not binding on the Committee of the Regions and do not prejudice the final content of its opinions. This report is for information purposes only. The effects observed in our analysis might not necessarily be a result of the directives themselves but rather a result of national implementation.

Introduction

These directives are the two main pieces of EU nature legislation: the 1979 Directive on the conservation of wild birds (Birds Directive), as codified in 2009, and the 1992 Directive on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). They provide a common EU framework that sets standards for nature protection across the Member States.

The aim of these directives is to contribute to ensuring biodiversity by conserving natural habitats and wild fauna and flora in the EU. The overall objective of the Habitats Directive is to maintain habitats and species that are of EU conservation concern or restore them to favourable conservation status. The Birds Directive aims to achieve good conservation status for all naturally occurring wild bird species on EU territory ensuring their survival on the long term. One of the key ways in which this is to be achieved is by maintaining and making sustainable use of an EU network of areas with a high value in terms of biodiversity, called Natura 2000.

As part of its smart regulation agenda, the European Commission (EC) has initiated a Regulatory Fitness and Performance Programme (REFIT) related to the Birds and Habitats Directives. The European Commission is evaluating a number of aspects of these directives such as their effectiveness, efficiency, coherence, relevance and EU added value.

These directives directly affect approximately 18% of the territory of the European Union and every Member State (MS). As such they have a very local character and the effects of these directives have a clear impact on local communities. For that reason and in the view of EC's REFIT with regard to the directives, the CoR has carried out a territorial impact assessment (TIA) to be used as an analytical document in the preparation of the own-initiative opinion. The report will also be shared with the EC as a complimentary analysis of the local and regional effects.

Territorial Impact Assessment (TIA)

This report was produced by the CoR secretariat as part of its TIA work programme. While the aim of this report was to define the effects on the EU regions, that was not always possible due to the lack of data in the EU databases. The assessment consisted of:

- 1. Study on the implementation of the Habitats and Birds Directives**, Ecologic Institute and UCL Centre for Law and the Environment¹ (Contract Reference: CDR/DE/191/2011)
In order to prepare the TIA the CoR commissioned a short study. The study analysed existing reports and data concerning the implementation of these two directives and identified potential positive and negative effects. It identified the regions to be interviewed to obtain more information about the experiences of local and regional actors. The study also identified the questions for the interviews and targeted consultations. The findings of the study served as a basis for further assessment.
- 2. Targeted consultations (Annex 1)**
Based on the questions identified by the Ecologic Institute/UCL the CoR carried out two online targeted consultations over a one month period from 15 April to 15 May 2015. The first consultation was sent to local and regional authorities, receiving 194 answers, representing the large majority of the MS. The second consultation was sent to associations representing management authorities of the Natura 2000 sites and the land owners and received 129 answers from the majority of the EU Member States. The questionnaires consisted of multiple choice questions and open-ended questions.
- 3. Structured interviews (Annex 2)**
As the data on the local and regional level is not sufficient, the CoR carried out structured interviews with selected regions both considered as good examples and as regions experiencing challenges in implementation. The structured interviews were based on the Ecologic Institute/UCL study and were carried out in person and via email.
- 4. Case studies (Annex 3)**
To analyse the potential effects of the directives, the CoR secretariat, with the help of OiR, analysed the existing statistical data in a total two regions per country in Spain, Slovakia, Denmark and Austria. The regions in the MS were selected for their resemblance to each other and the similarity of their economic activity with one of them having considerably more territory covered by Natura 2000 sites. The aim of the case studies was to determine if there was a considerable difference between regions with a larger share of Natura 2000 areas and those with a smaller share.
- 5. Workshop (Annex 4 and 5)**
The workshop was held on 20 May and brought together 13 experts with different views on the directives. The workshop was organised as an interactive discussions where experts discussed the findings of the previous four steps and their views on the effects of the directives on the local and regional level. During their discussions the experts drafted a cause and effects chart clearly outlining the expected effects. Following the discussion about the effects of the directives, experts discussed their views on the potential review of the directives. Their views on this can be found in Annex 4 and 5 of this report.

The report is structured around three main groups of effects: environmental effects, administrative and governance effects and the socio-economic effects of the directives.

¹ Ecologic Institute and UCL Centre for Law and the Environment: [The implementation of the Natura 2000, Habitats Directive 92/43/EEC and Birds Directive 79/409/EEC \(Preparation for an ex-post territorial impact assessment\)](http://cor.europa.eu/en/documentation/studies/Pages/studies.aspx) – Available on <http://cor.europa.eu/en/documentation/studies/Pages/studies.aspx>

Executive summary

The Birds and Habitats Directives are the two most significant pieces of EU legislation that aim to protect nature and endangered animal species in selected sites across the EU. The most significant positive effects of the directives are thus the environmental benefits and the protection of species and habitats. They have resulted in a healthier environment, climate change mitigation, and better air and water quality in the regions with high Natura 2000 coverage and in areas close to these regions. The general opinion is that the directives have a positive effect on nature; however the benefits could have been greater if there had been no implementation problems.

The directives were initially viewed as unclear and leaving space for interpretation, which led to conflicts between different stakeholders and between different protection policies of bordering Member States. According to consultations with different stakeholders in some Member States, the problems in the implementation phase arose to a certain extent due to unclear and inflexible regulations, misunderstanding of the directives and conflicts with other policies making the process of implementation long and challenging. However, with the help of different guidelines and of conservation experts, the directives are now better understood by stakeholders. The consultations carried out show that some of the observed implementation problems happened because some local and regional authorities were not included or consulted during the drafting of management plans for Natura 2000 sites. If the local and regional authorities and different stakeholders had been more systematically included in site designation and management, some of the issues could have been avoided. However in some of MS the site designation was done on the regional level and the examples in several MS show that certain local authorities were involved from the beginning and the management plans and execution of these plans were realized in a very close relation with them.

The administrative burden was reported as the most significant negative effect of these directives. In order to implement the directives and to maintain the sites, additional staff was required. This became apparent as the majority of the sites still lack management plans, which are the first step towards implementing conservation measures. However the local and regional authorities and site managers had problems in fulfilling these needs due to the lack of expertise on the local level and the lack of finances for additional staff. In some of the MS the LRAs have made a strong effort to acquire the scientific, administrative and practical expertise in management of Natura 2000 areas, however the problem of finances remains. Site managers were especially affected by the lack of finances. While EU, national, regional and local funds are available, LRAs and site managers report insufficient financing to properly implement measures and maintain sites, especially since the start of the economic crisis. Many of them find the application process for funding and reporting EU projects too complicated, often requiring additional personnel to oversee the implementation of the EU project. This discourages many LRAs from applying for new funding.

Besides the positive environmental effects, the directives have brought other positive effects to regions that are close to Natura 2000 sites. While effects on GDP are considered to be minor, the sites did contribute to stronger tourist activity in those regions. Minor increase in economic activity has also been observed, followed by a minor increase in employment, mostly in tourism, maintenance of ecosystems and, to some extent, in the local administration and site management. These positive effects cannot be observed in all EU Member States and it is difficult to distinguish which regions were affected more strongly than others, due to the lack of data and evaluations on this level.

Conflicts with landowners, in particular in agriculture and forestry, are one of the most frequently reported negative effects. Private landowners are prevented from carrying out economic activities that can do harm to the sites, unless their projects are of overriding public interest and the integrity of Natura 2000 can be maintained.

Due to the lack of data and evaluations on the local and regional level, a precise assessment of which regions are affected and to what extent could not be provided.

Acronyms and legend

CoR	Committee of the Regions
EC	European Commission
EIB	European Investment Bank
EP	European Parliament
LRA	Local and Regional Authority
MS	Member State(s)
NCCF	Natural Capital Financing Facility
NGO	Non-governmental organisation
OiR	Österreichisches Institut für Raumplanung (ÖIR)
REFIT	Regulatory Fitness and Performance Programme
SAC	Special Areas of Conservation
SPA	Special Protection Areas
TIA	Territorial Impact Assessment

Effects of the directives – colour code

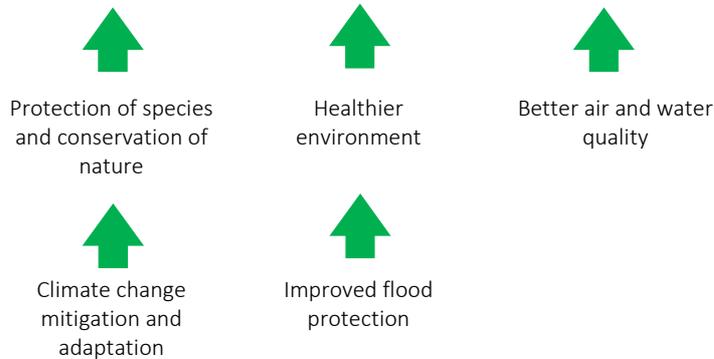
	Positive effects
	Minor positive effects
	Neutral
	Minor negative effects
	Negative effects

Legend – direction of effects

	Increase
	Decrease

Effects and issues observed

Environmental effects on the regional level



Issues observed

- Conflict between different implementation among neighbouring Member States
- More species should have been included in the annexes of the directives
- Implementation of the strict species protection regime under the directives vary from one MS to another

An overwhelming majority of the experts present at the TIA workshop, and the evaluation reports, indicated positive effects on the environment and nature conservation. Besides clear positive effects on the species and habitats in the protected areas, the directives resulted in other environmental benefits such as a healthier environment, improved flood protection, climate change adaptation and mitigation, and better water and air quality.

Both targeted consultations show almost identical results regarding the benefits brought by the directives. The most significant positive effects are the environmental benefits, nature protection, healthier environment, better quality of life and better quality of water. The same results can be observed in the structured interviews, where the majority of respondents deem the same effects to be the most significant benefits of the directives and in general find the directives to be positive.

The experts present at the TIA workshop also found that the effects on nature in the Natura 2000 sites are largely positive, which was the main aim of the directives. They aim to protect habitats and species, which were accomplished to a certain extent, but – due to the problems in implementation – the full potential of the directives has still not been reached.

The most "favourable" biogeographical regions² are the Alpine and Black Sea regions, while the Pannonian region is judged to have the most inadequate conservation measures. Different legal enactment and implementation of the strict species protection regimes under the directives among bordering Member States has been considered as negative regarding the protection of mobile animal species that cross borders. The experts present at the TIA workshop were of the opinion that there should be a more consistent approach and sharing of responsibilities between Member States on such issues.

The study carried out by the Ecologic Institute/UCL and the State of Nature report³ show that the populations of many of the bird species from Annex I of the Birds Directive are increasing, suggesting that it is bringing about positive results. Even though the effects are positive, a number of species remain threatened. Changes in agricultural systems remain one of the main threats to bird populations. Hunting, trapping, poisoning and poaching also threaten endangered species. When

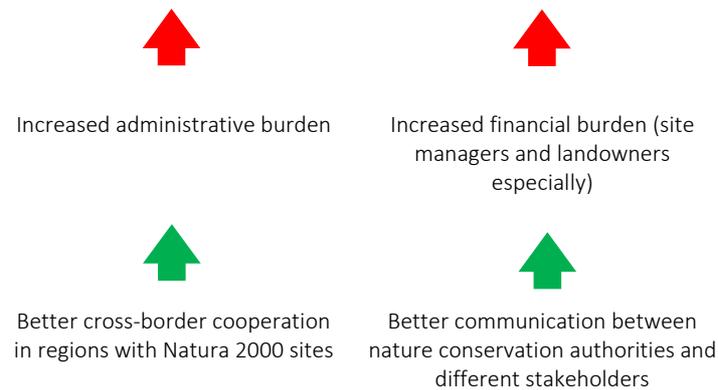
² The European Union has nine biogeographical regions, each with its own characteristic blend of vegetation, climate and geology (Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian and Steppic).

³ European Commission, COM(2015) 219 final: The State of Nature in the European Union. Report on the status of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period as required under Article 17 of the Habitats Directive and Article 12 of the Birds Directive, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:219:FIN>

speaking of other (non-bird) animal species, the populations of only some species with a status assessed as "unfavourable" are increasing, while a number are still in decline. Certain respondents in the structured interviews believe that more species should have been included in the endangered species list.

The indirect environmental benefits that came as a result of the implementation of the directives have helped in climate change mitigation and adaptation, in particular the provision of nature-based water retention measures.

Administrative and governance effects



Issues observed

- Lack of consultation with stakeholders
- LRAs not involved in management plans
- Lack of human resources
- Unclear and inflexible regulations
- Conflict with different policies
- Applying for, managing and reporting on EU funds too complicated
- EU funds limited
- MS/regions not making sufficient use of the full potential of available EU funding
- Conflicts with landowners

The experts present at the workshop and the interviewed regions agreed that the EU added value of the directives is clear, as the improvement in natural protection could not have been accomplished to this extent if each Member State had acted individually.

The study showed that the Member States had problems with the site designation. The identification of the sites by the Member States took place in two rounds as the EC wanted additional sites to be selected and this process is still ongoing. This resulted in conflicts in the Member States during the 1990s, mainly due to the top-down approach and the lack of consultation. This is supported by the findings of the targeted consultations, which show that the local and regional authorities and stakeholders were not sufficiently consulted in many Member States. Several Member States and regions with relevant competences made a decision based on scientific criteria – as foreseen under the directives - without properly consulting the regions or local authorities and stakeholders.

Our assessment shows that there is an overall consensus that the directives were not very clear in a number of aspects and this, combined with delayed legal enactment and implementation by the Member States and regions, led to different interpretations, resulting in governance problems on the local and regional levels. The experts agreed that in the beginning (in the 1990s) there was some uncertainty about the terminology of the directives, the procedures and the assessments required. Based on analysis of EU case-law, the Ecologic Institute/UCL identified numerous infringement cases against a large number of MS. The main problems and reasons for infringement cases were:

- Insufficient designations of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)
- Member States authorising projects that resulted in potential destruction or deterioration of habitats
- Member States not taking required measures to protect certain species

The structured interviews deemed Member States' and regional authorities' lack of coordination of the directives with other Community law, insufficient enactment into national legislation and coordination with other items of national legislation, and difficulties in identifying responsible operators and entities with adequate resources as being the most problematic aspects of the implementation of the directives.

There have been 84 mentions of non-compliance with the Habitats Directive and 99 mentions of non-compliance with the Birds Directive in the annual monitoring reports of the European Commission since 2005. The countries of the Mediterranean area experienced the most problems, given that Spain, Italy, Greece and Portugal top the list of Member States with the highest number of infringement cases. Unclear regulations and their delayed and unclear national enactment caused years of uncertainty in several EU regions, leading to delays and legal uncertainty for some investments in these regions. Some of the respondents and interviewees also consider that the nature conservation measures are often too strict and inflexible.

The structured interviews emphasised the previously noted conflicts between EU, national and regional policies in the directives, as well as the differences of commitment, political willingness and ambition of different levels of government in relation to nature protection. This has resulted in different systems of protection, with a potential negative effect on the competitiveness of certain regions.

The targeted consultation for LRAs showed that 69% of the respondents were not consulted when designating the sites and 16% say they were only partially consulted. This is somewhat contradictory to the structured interviews we have carried out where the interviewed regions said that they were consulted and that in certain cases other stakeholders were consulted as well. The lack of consultation has resulted in sub-optimal implementation of the directives and conflicts between different levels of governance and landowners. A large majority of respondents also claim that they were not involved in drawing up the management plans (45%) or only partially involved (19%).

Both targeted consultations placed the administrative burden and conflicts with the landowners at the very top of the list of problems observed while implementing the directives. The LRAs mention conflicts with other policies, lack of consultations, and lack of communication between different levels of governance, in addition to the administrative and general problems. The site managers, on the other hand, find the lack of human resources and finances for implementing the measures to be the most problematic aspect, and also that the local and regional impact assessments were not carried out in an optimal manner, including, in particular, insufficiently drafted assessment studies by the developers and relevant landowners. The results of the structured interviews show similar results, listing the administrative burden, conflict with other policies and conflicts with landowners as the main problems observed. The same problems were noted by the Ecologic Institute/UCL in their study.

The targeted consultations and the structured interviews showed the increasing need for human resources both in terms of their number and their expertise. The administrative requirements of the directives increased the need for administration experts that could fulfil all the requirements demanded by the Member States, the EU and the EU projects. This is often difficult to comply with for local and regional authorities and site managers.

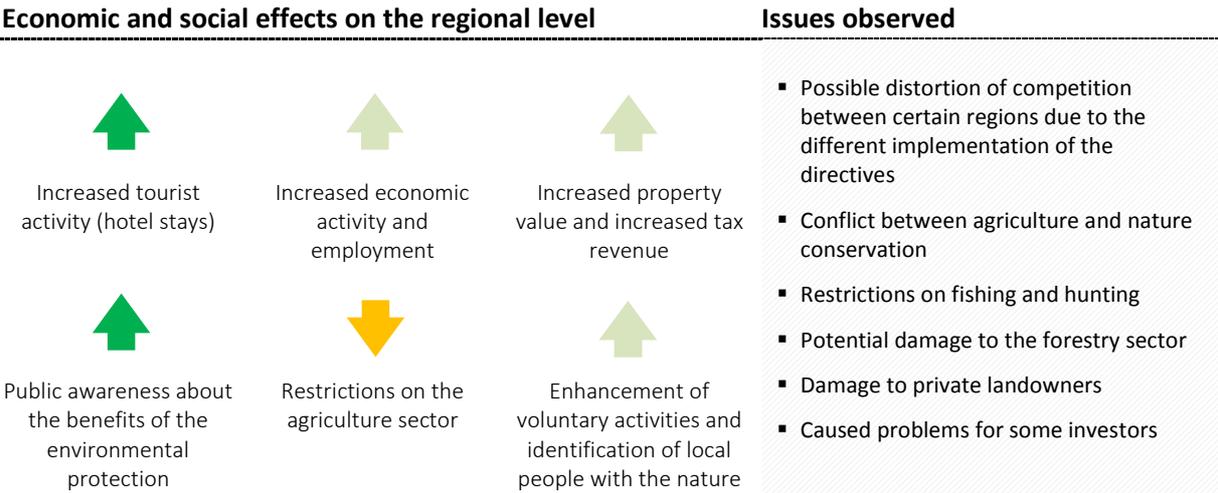
The targeted consultations show that the LRAs do not have sufficient finances to implement the measures (51% not enough, 37% partially). A similar result is observed with site managers and landowners (61% not enough, 23% partially). The main sources of financing are the LIFE programme, the EU rural development fund, and national and regional financing. Innovative financing is not well represented and not considered by LRAs due to a lack of human resources. One new source of

financing for the LRAs is the Natural Capital Financing Facility (NCFF) launched in 2015⁴. The NCFF is a financial instrument that combines EIB financing and European Commission funding under the LIFE programme, the EU’s funding instrument for the environment and climate action.

The experts present at the TIA workshop and the interviewed regions agree that the process of applying for, managing and reporting on EU-funded projects is too complicated and requires a full-time employee to handle the administrative requirements. This results in a reluctance to apply for new funding in the future.

In order to attain satisfactory implementation, the experts and interviewees would like to see a more consistent, simplified and continuous financing model. The crisis has limited the funding available for some local and regional authorities even to co-fund EU-funded projects, making the situation increasingly difficult. The targeted consultations showed the need for better monitoring of the use of EU, national and regional funding in the MS and regions for Natura 2000.

Several of the respondents emphasised that the directives resulted in better cross-border cooperation between local authorities and site managers. The directives also increased communication between nature protection services and farmers, leading to an improved sense of mutual understanding.



The correlation analysis shows⁵ a slight negative correlation between GDP growth and employment and regions with a larger coverage of Natura 2000 sites. However, it is difficult to claim that this is only due to the directives as other conditions could have caused this. The targeted consultations and structured interviews showed that very few respondents saw GDP benefits on the regional level. Certain economic benefits cannot be observed on a shorter time frame, as the real benefits might come long after a certain investment has been implemented.

The same analysis indicates that, on average, the EU regions with a larger Natura 2000 site coverage show a modest increase in tourist activity (hotel stays). These findings are backed up by the targeted consultations and structured interviews. The experts present at the TIA workshop agreed that the creation of the Natura 2000 network has created additional revenue from tourist activity, as tourist operators and hotels close to the Natura 2000 sites managed to capitalise on their proximity to these sites.

⁴ http://ec.europa.eu/environment/life/funding/financial_instruments/ncff.htm
⁵ Annex 6

The directives helped to form a local identity in certain EU regions, linking their identity to nature preservation, recreational sports and general wellbeing. The study carried out by the Ecologic Institute/UCL and the reports produced by the European Commission support these findings as well. Some of the respondents in the structured interviews claim that even though there is a benefit for tourism, these benefits could be exaggerated and are might not only be the result of the directives. They still consider that there is potential for raising tourists' awareness of Natura 2000, as many sites in the EU are not marked as Natura 2000 sites.

As the directives impose certain restrictions in protected areas, a clash between the agricultural sector and nature protection has been observed in some MS and regions. The targeted consultations report a minor restriction on agricultural activities, fishing and hunting in regions with a larger share of Natura 2000 sites that traditionally have played host to these economic activities. While there might be minor mid-term damage to certain agricultural players that are active in regions with a large share of Natura 2000 sites, the long-term effects are expected to be positive.

The targeted consultations and the structured interviews show that there was a minor increase in economic activity thanks to these directives, with a small increase in employment in regions close to Natura 2000 sites. The respondents of the targeted consultations for site managers and management authorities report problems in the forestry sector such as the loss of potential revenue due to the restrictions in these activities. The same consultation puts conflicts with landowners very high on the list of the main problems with the Natura 2000 sites. This is supported by the Ecologic Institute/UCL study, the structured interviews and the TIA workshop. Private landowners stress that missed development opportunities represent costs for landowners. An approach that is promoted by landowner organisations is the "Temporary Nature" approach from the Netherlands, which looks into granting exceptions to land developers when protected species were found, offering them reassurance that these findings would not hamper their construction activities or aspirations. The idea behind this approach was that the time-window created would allow nature to develop and spread. The applicability of this concept for ensuring the long term conservation and favourable status of species and habitats protected under the directives has yet to be fully evaluated.⁶

The directives contribute to the creation of additional employment in tourism, recreation and ecosystem services. The restrictions imposed by the directive, as well as their improper implementation by the competent authorities (Member States, regions), were considered to have caused administrative and financial burdens for private investors, who to a certain extent delayed or cancelled some planned investments. Environmental assessments are often deemed too expensive for investors, who might choose to invest somewhere else where such rigorous measures do not apply.

The experts present at the TIA workshop believe that in some regions, proximity to Natura 2000 sites has raised property values, increasing tax revenue for local, regional and national authorities. This was also beneficial for landowners, who are now able to resell the property at a higher price. However, the experts do not think that this additional revenue was re-invested by them in nature protection. The increase in property value could be observed in some but not all MS, as the situation is largely linked to local conditions.

The case studies looked into a selected number of indicators in four regions with larger Natura 2000 coverage compared to four similar regions with smaller coverage. The aim of these case studies was to see if there were any considerable trends (positive or negative) that were potential effects of the directives. However, these case studies did not show any considerable differences between the regions with higher Natura 2000 coverage and control regions and the growth trends were largely similar.

⁶ <http://www.biodiversityskills.eu/case-studies/temporary-nature-nl/>

The experts also outlined that the difference in the implementation of the directives among the Member States and their regions could result in a competition distortion, with businesses from MS that apply the directives on the one hand and on the other hand businesses from MS those loosely applies or fail to apply the directives.

Stronger awareness about the benefits of environmental protection has been noted as one of the most significant effects of the directives. These findings are supported by the targeted consultations, structured interviews and TIA workshop. The directives have contributed to a better education of the population and facilitated discourse between different stakeholders active in and around the Natura 2000 sites.

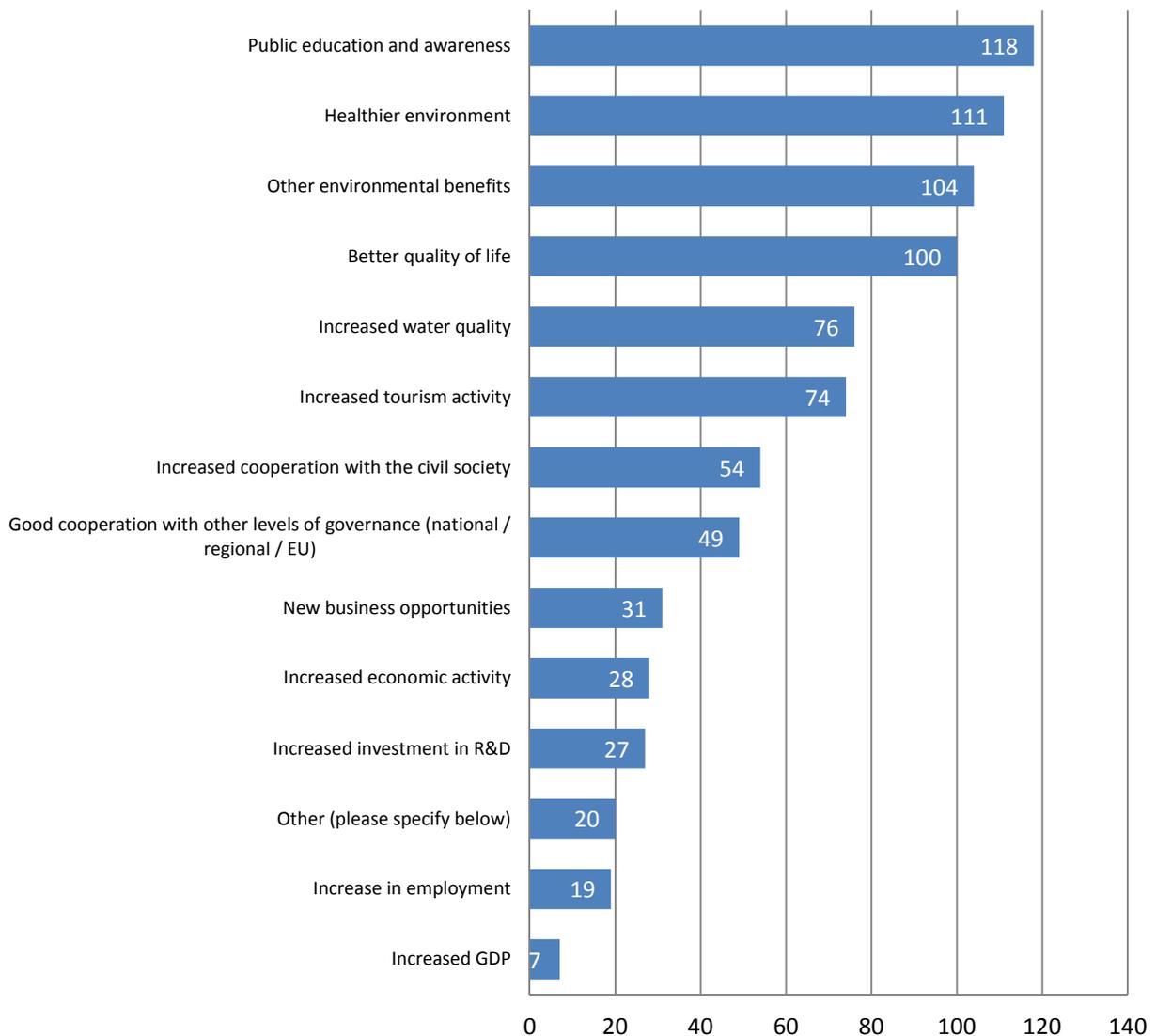
Annex 1: Results of the targeted consultations

The Committee of the Regions carried out targeted consultations between 15 April and 15 May 2015. The questionnaires were available in 23 EU languages in the form of a short e-survey (one for local and regional authorities and one for Natura 2000 management authorities, site managers and landowner associations). The aim of this consultation was to gather the views of local and regional authorities, site managers and management authorities on the implementation and the effects of these directives on the local and regional level.

The first consultation was sent to local and regional authorities, receiving 194 answers representing the large majority of the MS. The second consultation was sent to the landowners, management authorities and site managers of the Natura 2000 sites gathering 129 answers from the majority of the EU MS.

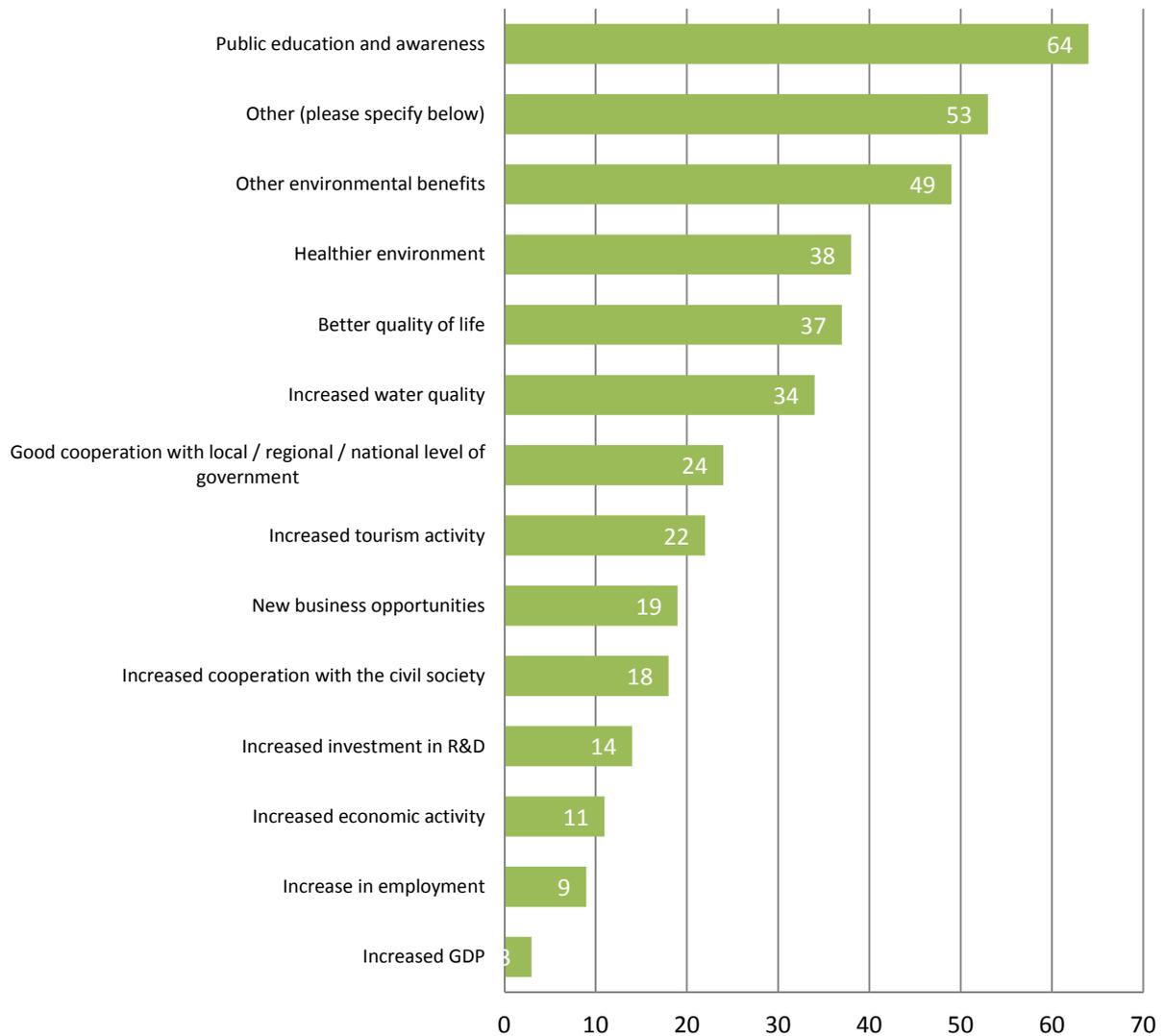
Local and regional authorities

What are the main benefits of the directives?



Site managers, landowners, management authorities

What are the main benefits of the directives?



In the open questions about the benefits of the directives, the LRAs mentioned three additional categories:

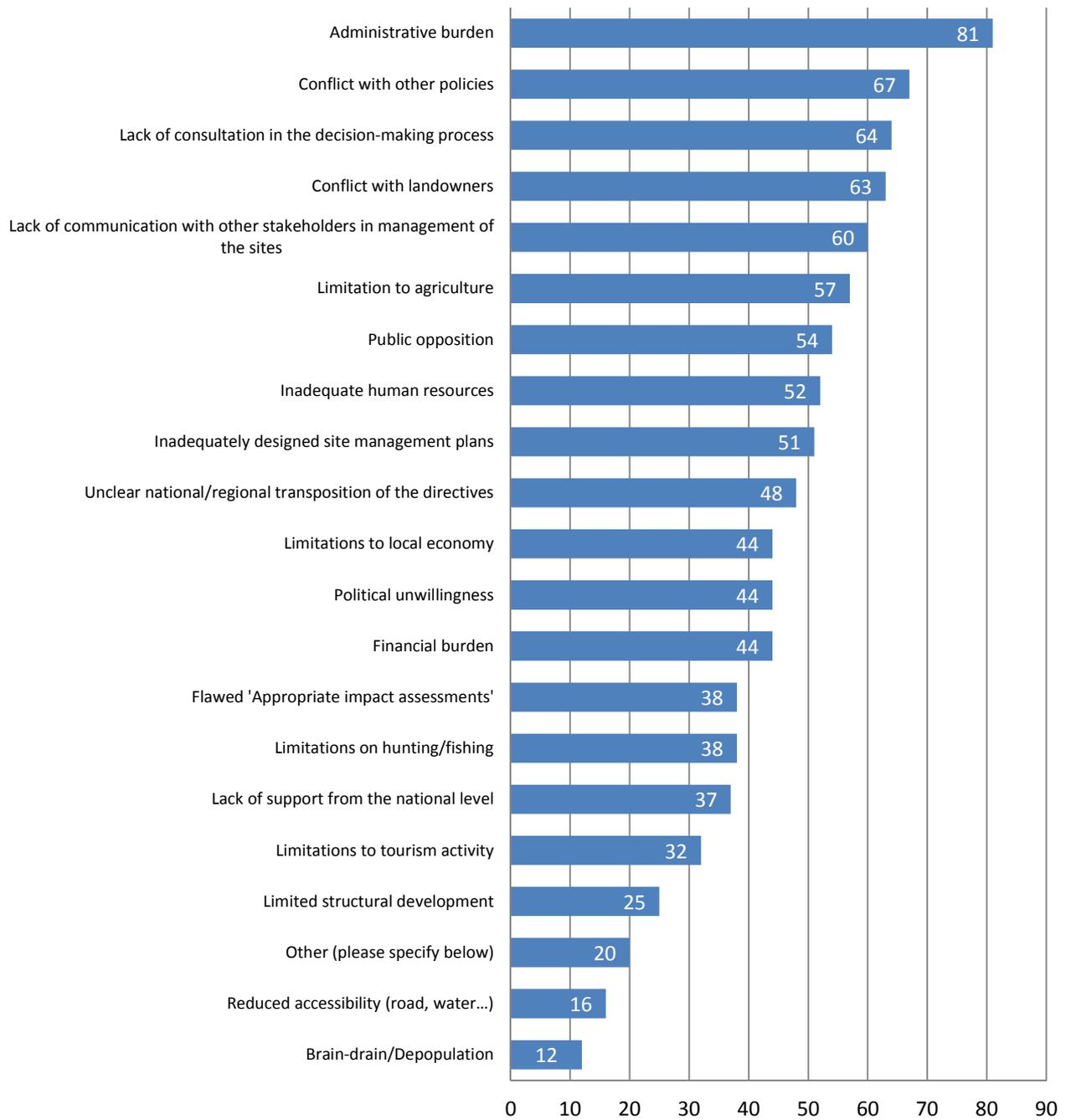
- New cooperation possibilities (with other Natura 2000 sites and with other countries in the border area)
- Enhancement of voluntary activities and identification among local people with the nature of the site
- Mitigation of climate change by preserving nature

The site managers mentioned the following additional benefits as a result of the directives:

- Animal and plant species recorded for the first time in large areas
- Good community benchmark regarding environmental protection policies
- Intensive agriculture replaced by inclusive farming

Local and regional authorities

What are the main obstacles and problems in implementation?



Site managers, landowners, management authorities

What are the main obstacles and problems in implementation?



More information on both the process and its outcome was contained in the additional comments provided by respondents of the LRA consultations. The respondents reported the following obstacles:

- Protests of the population in the designation phase
- Conflicts with landowners and land users
- Polarisation between nature and agriculture sectors
- Insufficient possibilities to take account of regional specificities and developments in regions

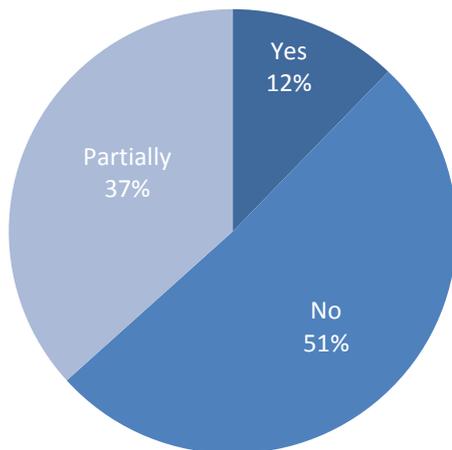
The site managers and landowners indicated several additional disadvantages:

- Blocking of projects and legal disputes, restricted development opportunities
- Deepening the conflict between landowners and nature protection organisations
- Insufficient increase in biodiversity
- Too many Natura 2000 sites
- Lack of knowledge of regional specificities and problems on the ground among authors of directives
- Landowners' perception that they are insufficiently recompensed and penalised with restrictions and administrative burdens

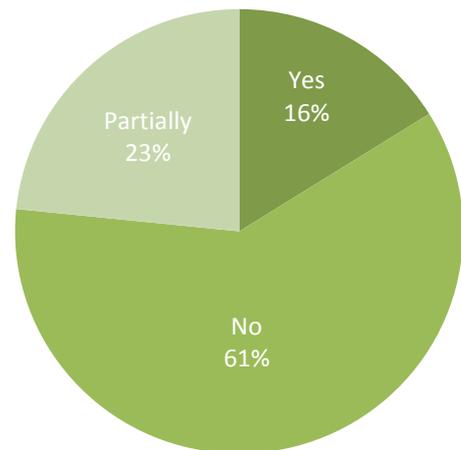
- Insecurity on the availability of funds in the medium term and lack of resources to implement concrete conservation and restoration measures
- Agriculture has significant concerns about the conservation of wetlands
- The management subsidy amounts to 75% of the real cost, which means that 25% has to be provided from own resources
- Advisory services insufficiently locally oriented or geared to the actual problems and issues of those who manage the land
- Incorrect delineation of protected areas in accordance with criteria that are not objective: for example, borders are drawn along roads, meaning that many protected items and Important Bird Areas are not incorporated into the SPA
- Insufficient financial compensation for additional expenses incurred by agriculture and forestry associations in administering areas within Natura 2000
- Animals cause damage for private landowners (e.g. beavers cause flooding) who are insufficiently compensated

Does your administration have enough financial resources to implement the necessary measures?

Local and regional authorities

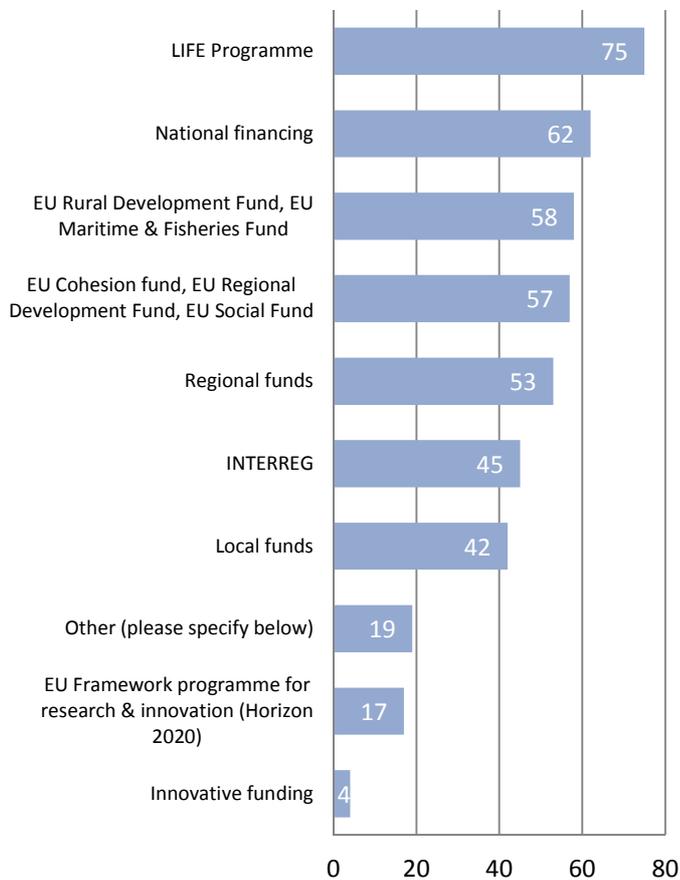


Site managers, landowners, management authorities

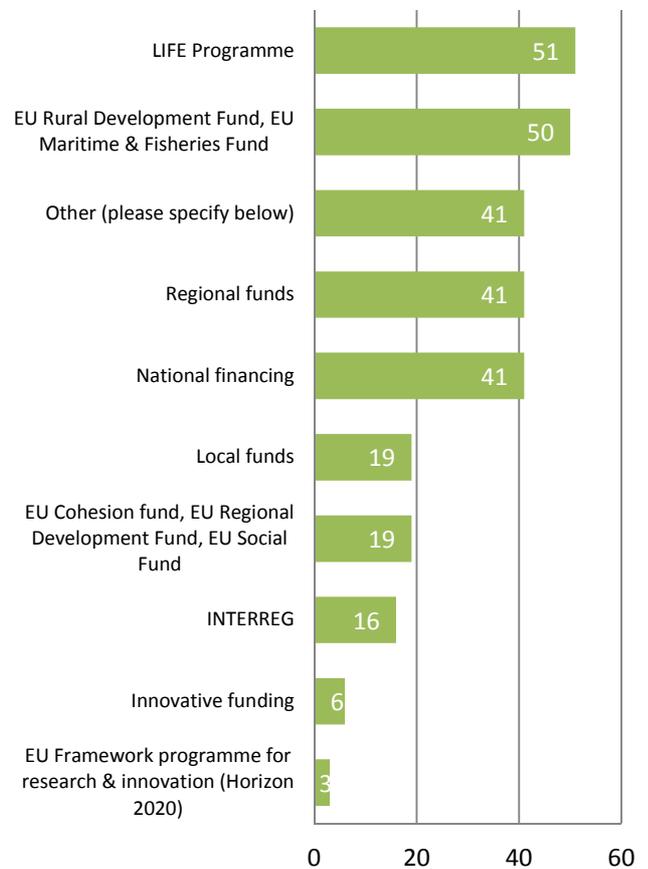


Which funding sources are used by your administration to finance the implementation of the directives?

Local and regional authorities



Site managers, landowners, management authorities



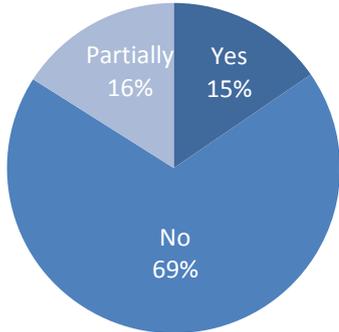
In addition to these sources, additional sources of funding were mentioned by the LRAs:

- Donations from citizens
- Membership fees of NGOs
- Internal sources
- National or regional financing to compensate incurred costs

Site managers listed the following additional sources:

- Private funds
- Cross-border cooperation programmes (e.g. Italy/France “Maritimo” (2007-2013); Interreg cross-border cooperation between Spain, France and Andorra)
- Operational Programme Environment (Bulgaria)
- Own resources and, to a very limited extent, municipal resources

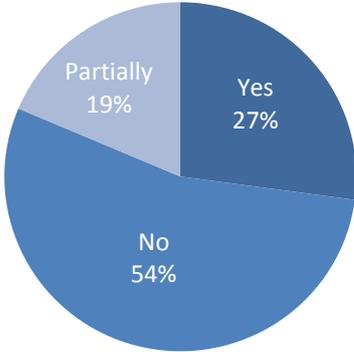
LRA consultations: Were/are you involved in the selection/designation of Natura 2000 sites?



From the comments submitted in the framework of the LRA consultation, it can be concluded that more involvement would be desirable, especially of one particular stakeholder group: landowners and land users.

One of the suggestions for improvement that was forwarded is to use landowners' and land users' knowledge and experience in the planning process and to inform them about all significant measures planned.

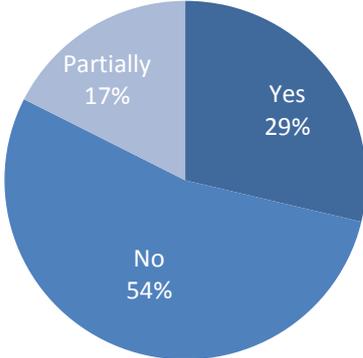
LRA consultations: Were/are you involved in the establishment of management plans for Natura 2000 sites?



Due to lack of knowledge and time constraints, the plans are still rather poor, and due to lack of resources (in terms of people and money, and a lack of supervision at national/international level) crucial management is still absent.

Land users are often not consulted or involved in preparing management plans or specific measures. The designation of sites often takes too long and management plans cannot be confirmed before that happens.

LRA consultations: Were you involved in conducting impact assessments related to NATURA 2000 sites?



Site managers and landowner associations: general comments on the directives

- Lack of financing and supervision
- The deficiencies are linked to difficulties encountered by management bodies and some difficulties due to political will
- Lack of harmonisation by MS and regional authorities with other Community law, insufficient enactment in national legislation and harmonisation with other national legislation, difficulties in identifying responsible operators and entities with adequate resources
- Lack of a pragmatic approach, excessive consideration of environmental protection and damage to local economy
- Flaws due to statistical and dogmatic understanding of nature protection
- Flaws in mapping: mapping done without visiting the areas and from a distance
- Top-down implementation without involvement of owners and land users
- Lack of an integrated vision for implementing the scheme in local areas (overlapping areas, fragmented borders, etc...), poor cohesion between individual measures, lack of an interpretive framework for protection priorities that could also be implemented on a larger scale
- Lack of information on measures (including sanctions) to enforce safeguarding measures
- It might be useful to allow individual Member States to independently define which of their habitats would be a priority

Annex 2: Structured interviews

The study carried out by the Ecologic Institute/UCL proposed holding structured interviews in several regions. We did not manage to get responses from all of the suggested regions, but did contact additional regions and organisations that were identified during the TIA workshop and the 2015 Natura 2000 Awards organised by the European Commission. The following regions and organisations were contacted either by phone, in person or in writing:

1. **Lower Austria**, Austria
Suggested by the Ecologic Institute/UCL Study
2. **Wallonia**, Belgium
Suggested by the Ecologic Institute/UCL Study
3. **University of Natural Resources and Life Sciences**, Austria
Participant in the TIA workshop, experience with tourism and Natura 2000
4. **Province of Girona**, Spain
Suggested by the Ecologic Institute/UCL Study
5. **Qnatur, Province of Madrid**, Spain
Nominated for the Natura 2000 awards 2015
6. **Ministry of Reconstruction of Production, Environment and Energy**, Greece
Suggested by the Ecologic Institute/UCL Study
7. **La Fundación Oso Pardo**, Spain
Winner of Natura 2000 award
8. **Association of German Chambers of Commerce and Industry and EUROCHAMBRES**
Suggested by the experts of the TIA workshop

The conclusions of the structured interviews are based on these eight responses. A majority of the respondents have either issued opinions (or are about to) on the directives and their implementation showing that there is considerable interest in these directives among LRAs and the NGO sector. Various publications were issued as well.

The targeted consultations involving different stakeholders were held in most of the regions interviewed, but the method used varied widely. Each MS (or region) acted independently, and the targeted consultations were seen as a positive practice.

When asked about the benefits of the directives, the positive environmental effects, increased public awareness, and increased economic activity and tourism were most frequently mentioned. Good cooperation with other levels of governance also ranked high among the respondents. The benefits of the directives are expected to be long-term economic gains due to agriculture, tourism and a healthier environment. On the other hand, the structured interviews showed that there is scepticism regarding the extent of the economic and tourism benefits brought by the directives. It is possible that the economic benefits were exaggerated.

Conflicts with landowners are seen as the biggest problem resulting from the implementation of the directives. These conflicts have been occurring due to the poor implementation and perceived missed development opportunities by landowners in certain cases. The administrative burdens and conflicts

with other policies are seen as the next most problematic aspect of the directives. The economic crisis had taken a toll on efforts of local and regional authorities' efforts to establish and maintain these sites. The respondents agree that there is a lack of finances, human resources and expertise.

The respondents listed the LIFE programme and Interreg as the most considerable sources of funding. Besides these funds, national, regional and local funding are the most significant sources of finances for the implementation of the directives. There is a problem with the absorption rate, mostly due to red tape, organisational issues and a lack of staff. During the next programming period, it is anticipated that the available funding will decrease which, in the current economic crisis, will be very challenging. Demanding procedures required by the EU funds further discourage public authorities from applying for this funding.

When asked about the general shortcomings of the directives the following points were stressed:

- The directives are unclear and leave too much room for interpretation
- The directives are too rigid, treating Natura 2000 sites as static entities
- Lack of flexibility if sites are not maintained properly due to uncontrollable conditions
- Certain species are not covered by the directives' annexes although they should be
- The marine habitats are very general and do not reflect existing analytical classifications
- Lack of interaction of the directives with other policies, notably in terms of agriculture
- Too much focus on the protection of flora and fauna and too little on the human factor
- Funds linked only to land use, and educational and tourist projects not accepted
- The directives tolerate economic damage caused by animals but do not tolerate protection of some other matters of interest for local and regional authorities, such as heritage
- Some species require too much time and funding to protect

Annex 3: Case studies

DENMARK



6%

Coverage

Fyn - DK031

Area: 347 900 ha

Population: 466 284

Territory under NATURA: 22 598 ha

8%

Coverage

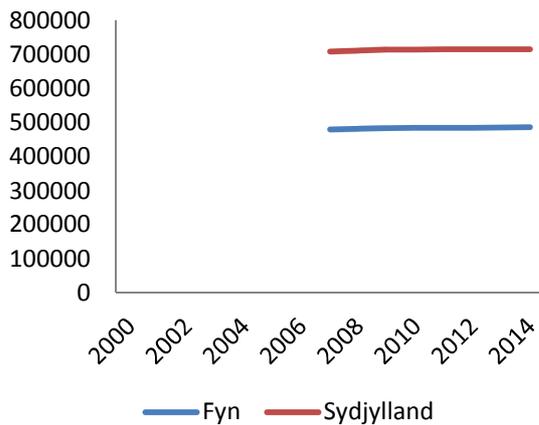
Syddjylland - DK032

Area: 877 700 ha

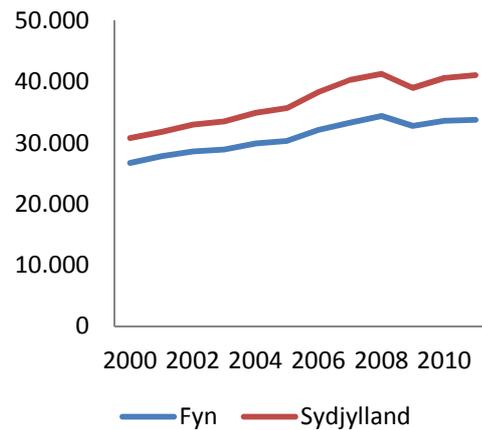
Population: 252 433

Territory under NATURA: 74 877 ha

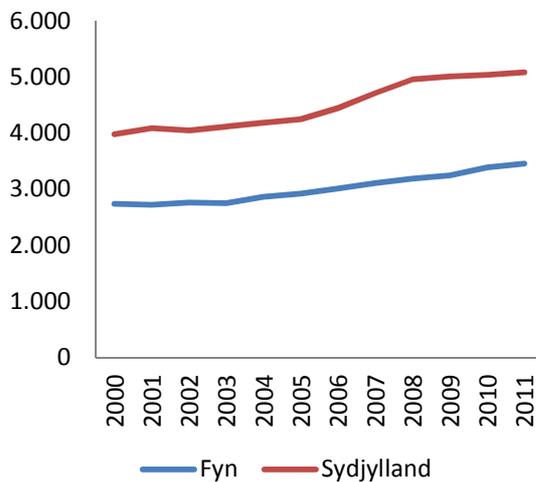
Population



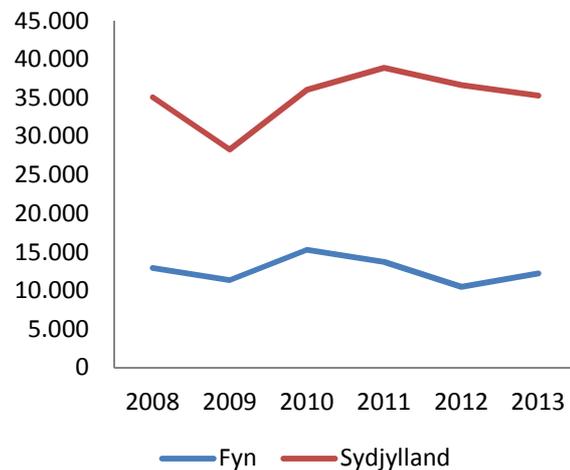
GDP



Hotels and similar accommodation



National annual road freight transport





33%

Coverage

Tarragona - ES514

Area: 630 303 ha
Population: 888 895
Territory under NATURA: 207 081 ha

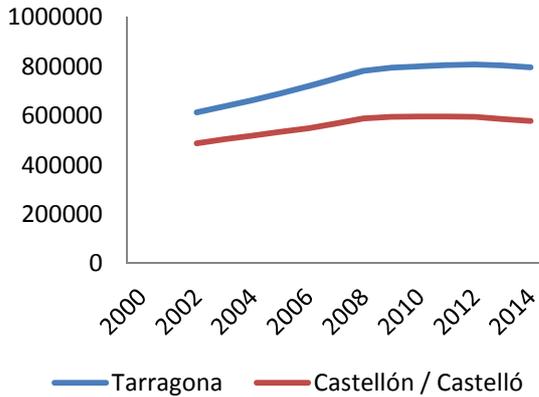
45%

Coverage

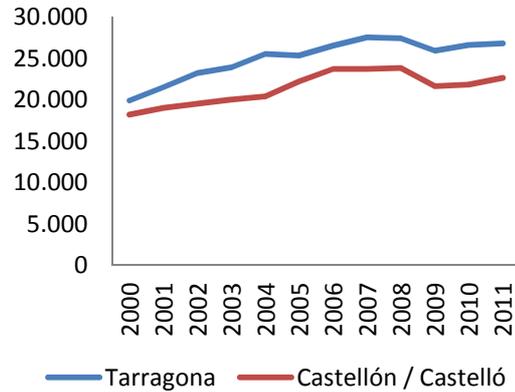
Castellón / Castelló - ES522

Area: 663 207 ha
Population: 604 564
Territory under NATURA: 301 388 ha

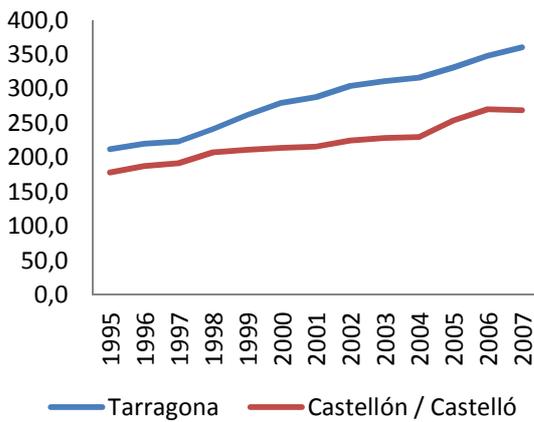
Population



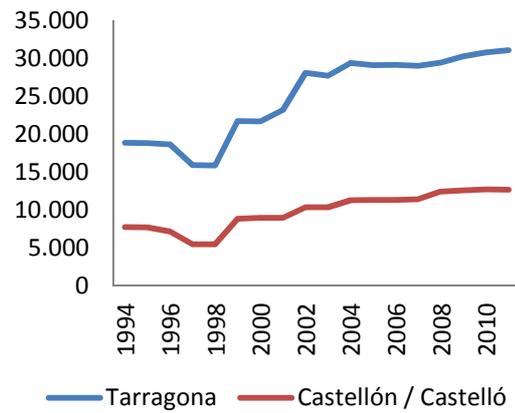
GDP



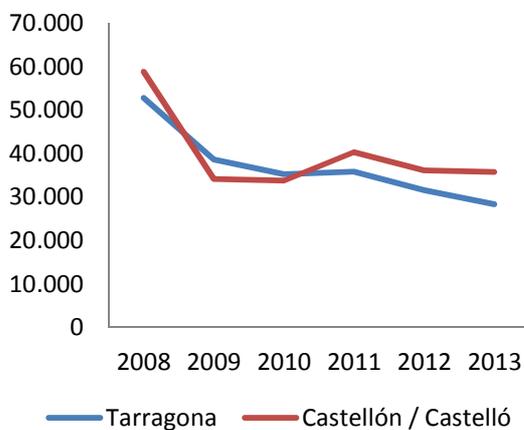
Employment (thousands)



Hotels and similar accommodation



National annual road freight transport



AUSTRIA



21%

Coverage

Westliche Obersteiermark - AT226

Area: 306 000 ha

Population: 107 028

Territory under NATURA: 65 476 ha

34%

Coverage

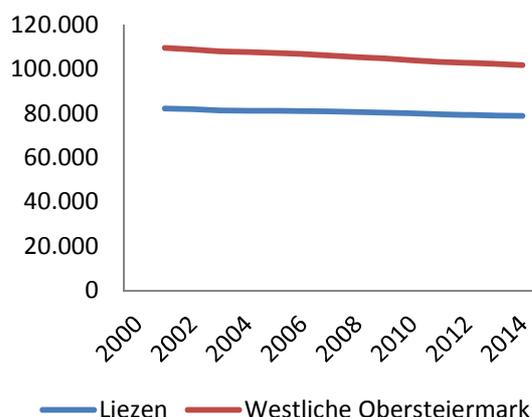
Liezen - AT222

Area: 326 800 ha

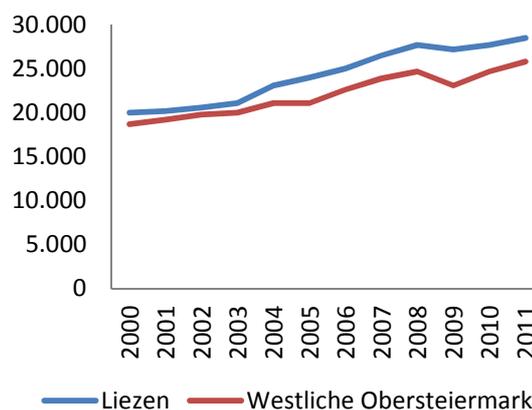
Population: 161 721

Territory under NATURA: 112 104 ha

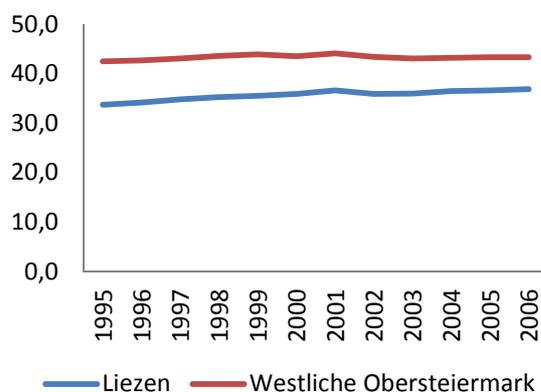
Population



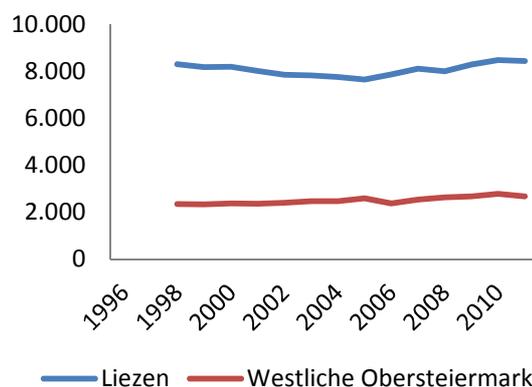
GDP



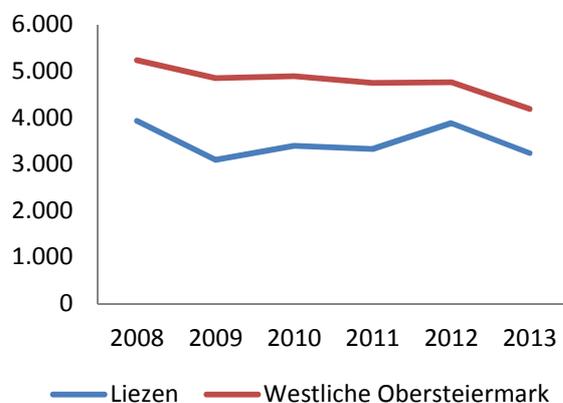
Employment (thousands)



Hotels and similar accommodation



National annual road freight transport





20%

Coverage

Banskobystrický kraj - SK032

Area: 945 444 ha
Population: 78 327
Territory under NATURA: 188 030 ha

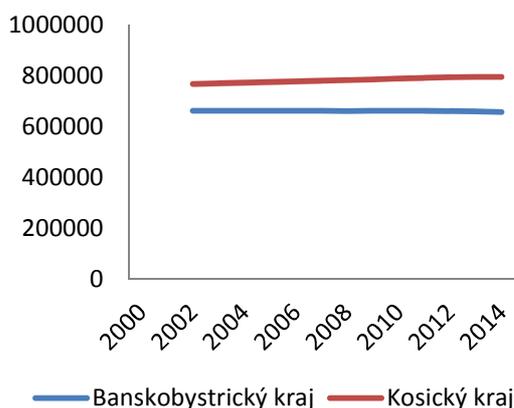
48%

Coverage

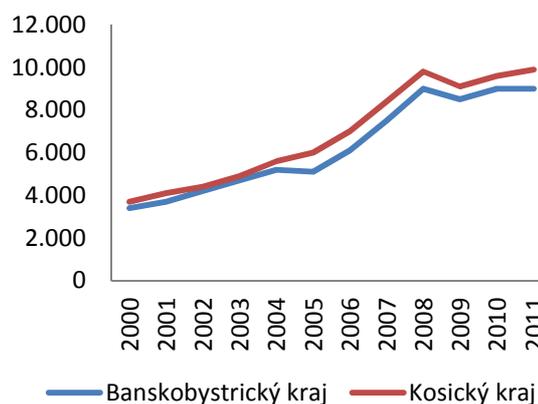
Košický kraj - SK042

Area: 675 174 ha
Population: 766 012
Territory under NATURA: 323 737 ha

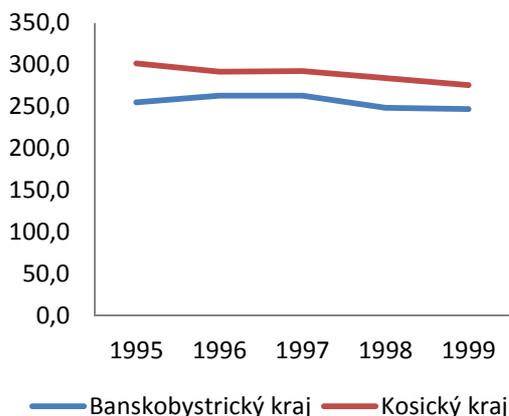
Population



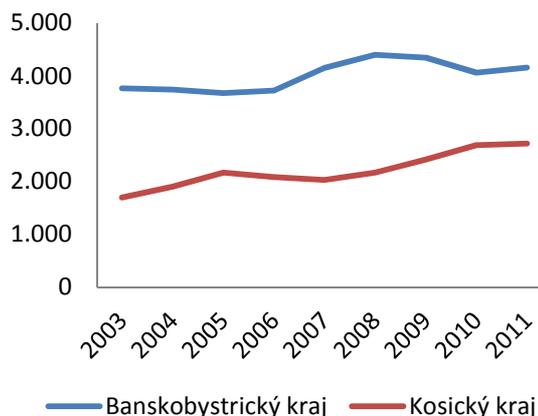
GDP



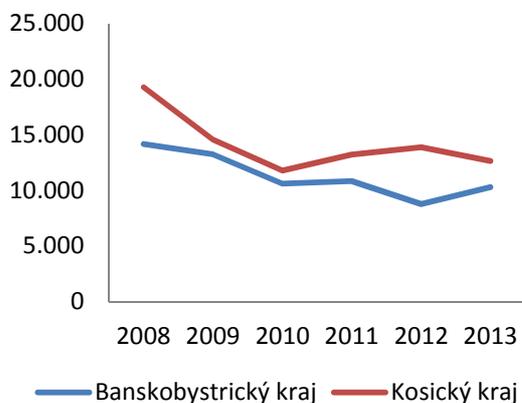
Employment (thousands)



Hotels and similar accommodation



National annual road freight transport



Annex 4: TIA workshop agenda, 20 May 2015

Territorial impact assessment expert workshop

Habitats Directive 92/43/EEC and Birds Directive 79/409/EEC

Committee of the Regions, rue van Maerlant 2, Brussels, room VMA 1

20 May 2015

AGENDA

- 12:00 Buffet lunch hosted by the Committee of the Regions
In front of the conference room
- 13:00 Welcome by the appointed CoR rapporteur
Roby Biwer, Member of the Committee of the Regions
- 13:10 Introduction
- Implementation of the directives and updates on REFIT process – Ian Jardine, Nature Unit, European Commission
 - Presentation of the study – Holger Gerdes, Ecologic Institute
 - Preliminary results of the targeted consultations and case studies
 - Short introduction of the experts present
- 14:00 Coffee break
- 14:30 Interactive discussion on the implementation of the Birds and Habitats Directives
- 16:00 Policy recommendations
- 17:00 End of the workshop

Annex 5: TIA workshop minutes

Territorial impact assessment expert workshop

Habitats Directive 92/43/EEC and Birds Directive 79/409/EEC

Committee of the Regions, rue van Maerlant 2, Brussels, room VMA 1

20 May 2015

EXPERTS

1. **Ulrike Pröbstl**, University of Natural Resources and Life Sciences, Austria
2. **Rebecca Jeffrey**, National Parks and Wildlife Service, Ireland
3. **Lars Dinesen**, Nature Agency, Denmark
4. **Joseph van der Stegen**, Natura 2000 expert, Wallonia region
5. **Federico Minozzi**, EUROPARC
6. **Holger Gerdes**, Ecologic Institute
7. **Patrick Nuvelstijn**, EuroSites
8. **Pierre Crahay**, European Landowners
9. **Alice Budniok**, European Landowners
10. **Wouter Langhout**, Birdlife International
11. **Leonardo Mazza**, European Environmental Bureau
12. **Roby Biwer**, Member of the Committee of the Regions
13. **Bernd Schuh**, OiR, Austria (moderator)

EU INSTITUTIONS REPRESENTATIVES

1. **Ian Jardine**, Nature Unit, European Commission
2. **Carsten Brauns**, Committee of the Regions
3. **Ekaterina Karamfilova**, European Parliament
4. **Joshua Davis**, European Parliament
5. **Bert Kuby**, Committee of the Regions
6. **Slaven Klobucar**, Committee of the Regions
7. **Kristina Charrad**, Committee of the Regions
8. **Thomas Wobben**, Committee of the Regions
9. **Justus Schönlau**, Committee of the Regions

The minutes of the workshop are divided per topic and do not follow the discussion chronologically

At the beginning of the workshop, Ian Jardine from the Nature Unit of the European Commission presented the EC's work on the fitness check of the directives. Following his presentation, Holger Gerdes from the Ecologic Institute presented the findings of the study. Slaven Klobucar from the Committee of the Regions presented the findings of the targeted consultations and the case studies carried out by the Committee of the Regions.

Environmental effects

The effects on the environment are largely positive, which was the main aim of the directives. The directives aimed to protect habitats, landscapes and animal species. This had a positive effect on the

entire environment and the health of animal and human population within and near to Natura 2000 sites.

The implementation of these directives resulted in better awareness about the need to preserve nature. Some of the species that were on the list of endangered species have reclaimed their territory and were removed from the list of endangered species. Overall, the experts found that the benefits of the directives on the environment are largely positive.

Economic and social effects

The creation of the Natura 2000 network has created additional revenue from tourist activity as tourist operators and hotels close to these sites managed to capitalise on this proximity. In general terms, stays in hotels and similar accommodation have been prolonged by on average one day, in comparison to before the implementation of the two directives. These directives helped to create the local identity of some EU regions by linking their identity to nature preservation, recreational sports and general wellbeing.

In some regions, proximity to Natura 2000 sites has raised property value, increasing tax revenue for local, regional and national authorities. This is also beneficial for property owners who are now able to resell property at a higher price. However, the experts do not think that this additional revenue was re-invested in nature protection, so there is no imminent benefit for the nature protection authorities, landowners and site managers. The rise in property value can be observed in some MS but not in all of them, as the situation is largely linked to local conditions.

The difference in application of the directives among the MS and regions can result in a competition distortion, with businesses from MS and regions that apply the directives on the one hand, and on the other hand businesses from MS and regions that loosely or do not apply the directives properly. This can result in lower costs for businesses from the latter MS and regions, which could have the effect of distorting competition.

As the directives impose certain restrictions in protected areas, a clash between the agricultural sector and nature protection has been observed in some MS. The directives did increase communication between nature protection services and farmers, leading to mutual understanding.

While there might be minor mid-term damage to certain agricultural actors in the EU, the long-term effects on the environment are undeniable. A good example for this is the repopulation of bees, which play a key role in the agricultural chain and which have been in decline for several decades.

The directives contributed to creating additional employment in tourism, recreation and ecosystem services.

Effects on local and regional authorities

The experts agreed that the EU added value of the directives is apparent as the improvement in environmental protection could not have been accomplished to this extent if each MS had acted individually.

As the directives allow the MS to decide how to implement them, different enforcement systems exist. This creates problems for cross-border cooperation as one species of animal might be protected in one region but not in another that is just across the border. The experts would like to see more coordination and sharing of responsibilities between MS to avoid this.

The EU has enhanced standards: for example, monitoring is now a part of nature conservation in all MS and regions, and strategic environmental assessments (SEA) and environmental impact assessments (EIA) have been enhanced in the areas covered by the Birds and Habitats Directives.

As the directives are not very clear in some respects they lead to various interpretations by MS and regions, resulting in governance problems at local and regional level. Often local and regional authorities were not consulted by MS and regions when designating the sites, and local particularities were not taken into account. This resulted in sub-optimal implementation of the directives.

Restrictions to regional autonomy in spatial planning were observed by the experts as well. The decisions concerning Natura 2000 were often taken in a top-down fashion without proper consultation with the local and regional level. The directives also caused uncertainty among stakeholders; although this is now largely resolved, conflicts and uncertainties delayed the process.

Proposals

Due to a number of different levels of governance and different systems, the experts would like to see a detailed overview of who is in charge of what on the EU level, prepared by the European Commission. The experts would also like to see more sharing of good practices among member states.

The local and regional authorities should apply better spatial planning to integrate the Natura 2000 sites properly and to address the reported problems in order to soften the potential negative effects.

The MS and regions should involve the local and regional level more and make the implementation process more participatory. Some MS and regions took a participatory approach right from the start and this led to better implementation of the directives with wider public consensus. The MS, regions and the EC should clearly define the rights and obligations of each stakeholder connected to the Natura 2000 network.

The MS and regions should give private landowners increased access to funding. On the other hand, the application process for EU funds should be considerably simplified as the current rules result in hiring an additional person merely to deal with the administrative requirements set by the EC. This is not sustainable for many stakeholders. Funds should be more available for tourism and education. More financing should be made available through these funds.

There are many sets of guidelines, sometimes several different ones per MS. This adds to confusion among site managers and local and regional authorities. Clear guidelines should be made available. There should be some flexibility for management plans, but procedures should be clearly defined.

The experts are not in favour of merging the directives as this would lead to public opposition and create uncertainty once again. It would not be a good time to start changing the management phase; a fine-tuning and definition of procedures (i.e. who should be involved) instead of changing and merging would be a favourable approach. Clarification of certain aspects should be envisaged. Experts wish the REFIT process to be a participatory process with broad consultations of stakeholders.

Annex 6: Correlation analysis – Tourism and GDP in Natura 2000 regions

The correlation analysis shows minor negative correlations between the share of NATURA 2000 areas in NUTS3 regions and employment and GDP. Conversely, NUTS3 regions with a higher share of NATURA 2000 areas tend to have a higher number of hotels and similar accommodation.

Correlations over all NUTS 3 Regions

Analysis performed by the OIR

	Share Natura 2000 (%)	Popul. Transp (Number)	Population 2009 (Number)	Employment 2009 (Number)	GDP 2009 (PPS/capita)	Goods transported2009 (t)	Hotels 2009 (Number)	
Share Natura 2000	Correlation analysis with the Pearson coefficient	1	0,033	-0,038	-,069*	-,230**	-0,018	,055*
	Significance (2-tailed)		0,423	0,17	0,013	0	0,539	0,047
	Number of NUTS 3 regions examined	1294	585	1283	1294	1294	1171	1291
Population in 2009	Correlation analysis with the Pearson coefficient	-0,038	,853**	1	,966**	,151**	,753**	,366**
	Significance (2-tailed)	0,17	0	0	0	0	0	0
	Number of NUTS 3 regions examined	1283	585	1442	1313	1331	1223	1357
Employment in 2009	Correlation analysis with the Pearson coefficient	-,069*	,846**	,966**	1	,272**	,700**	,373**
	Significance (2-tailed)	0,013	0	0	0	0	0	0
	Number of NUTS 3 regions examined	1294	585	1313	1324	1323	1178	1321
GDP in 2009	Correlation analysis with the Pearson coefficient	-,230**	,215**	,151**	,272**	1	,106**	,182**
	Significance (2-tailed)	0	0	0	0	0	0	0
	Number of NUTS 3 regions examined	1294	585	1331	1323	1342	1197	1339
Transportation of goods in 2009	Correlation analysis with the Pearson coefficient	-0,018	,735**	,753**	,700**	,106**	1	,325**
	Significance (2-tailed)	0,539	0	0	0	0	0	0
	Number of NUTS 3 regions examined	1171	512	1223	1178	1197	1223	1223
Hotel stays in 2009	Correlation analysis with the Pearson coefficient	,055*	,293**	,366**	,373**	,182**	,325**	1
	Significance (2-tailed)	0,047	0	0	0	0	0	0
	Number of NUTS 3 regions examined	1291	582	1357	1321	1339	1223	1368

*. Correlation is significant at the 0.05 level (2-tailed).

** . Correlation is significant at the 0.01 level (2-tailed).