



EU CONFERENCE

25 YEARS OF THE BIRDS DIRECTIVE: CHALLENGES FOR 25 COUNTRIES

Context paper for workshop A

**SAFEGUARDING EUROPE'S MOST VALUABLE SPECIES AND
SITES**

"The coherence of the network of Special Protection Areas (SPAs)"

Version: 291004

A. FOCUS AND AIMS OF THE WORKSHOP

The establishment and effective management of protected areas is a key element of EU biodiversity policy and a fundamental measure towards meeting the political commitment to halt the decline of biodiversity by 2010. The Birds Directive, one of whose core objectives is to protect the “most suitable territories” for vulnerable and migratory bird species in the EU, is a key instrument to achieve this objective. It aims to provide a coherent network, which meets the protection requirements of these species in the European territory of the Member States.

The central question for this workshop will be whether the EU and its Member States are achieving the site protection objective of the Birds Directive, and if not what measures need to be taken to meet them, particularly with a view to the 2010 target of halting biodiversity decline.

Two crosscutting issues will be addressed in this workshop. Firstly action to strengthen EU commitments to Pan-European and global bird conservation will be discussed. Secondly the role of action plans for threatened species will be considered.

This workshop will aim to address the following questions:

1. Is the network of designated SPAs complete and if not what measures are needed to achieve this objective?
2. Do we have an adequate protection, management and monitoring regime in place for the SPAs?
3. Is the network of SPAs functionally coherent and resilient to future changes and pressures, and where it is needed, how can we develop the tools for achieving ecological connectivity?
4. How can we strengthen EU commitments to Pan-European and global bird conservation?
5. How can we best continue to prioritise actions for most threatened species, including the use of action plans?

B. WHAT ARE OUR COMMITMENTS

**Setting up a coherent network of Special Protection Areas that meets the protection requirements of Annex I and migratory birds in the EU
Ensuring that the network is effectively protected, managed and monitored.**

Taking other necessary habitat conservation measures that are required to ensuring that the SPA network is functionally coherent both in space and time

Contributing to global bird conservation objectives, especially in international migratory flyways

Taking action for Europe’s most endangered bird species

B.1 Establishing a coherent network

Article 4 of the Birds Directive describes our commitments with respect to the creation of a coherent network of SPAs. This requires Member States¹:

to classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where the directive applies (Article 4(1))

to take similar measures for regularly occurring migratory species not listed in Annex I, as regards their breeding moulting and wintering areas and staging posts along their migration routes (Article 4(2))

to pay particular attention to the protection of wetlands and particularly to wetlands of international importance (Article 4(2))

The special protection areas (provided for in Article 4 (1) and (2)) 'must form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where the Directive applies (Article 4(3))

The importance of a coherent network of special protection areas is re-emphasised in the Habitats Directive which states that the coherent European ecological network (called NATURA 2000) being created under this directive shall include all special protection areas classified pursuant to the Birds Directive.

The central role of a global network of protected areas in the achievement the objectives of the Convention on Biological Diversity have been Together with the sites to be protected as SACs under the Habitats Directive the SPAs under the Birds Directive represent the major contribution of the EU and its Member States to the fulfilment of its obligations under the Convention on Biological Diversity, as highlighted at the recent conference of the Parties (COP7) in Kuala Lumpur in February 2004, as well as to other international treaties such as the African Eurasian Agreement on the conservation of migratory waterbirds (AEWA)

¹ Case C-3/96 (Commission v Netherlands) Case C-240/00 (Commission v Finland), Case C-202/01 (Commission v France), Case C-378/01 (Commission v Italy). Judgements available by using search form on web site of Court of Justice at <http://curia.eu.int/en/content/juris/index.htm>

These cases have confirmed that:

The duty to classify SPAs is a particular duty that cannot be avoided by adopting other conservation measures
Economic considerations mentioned in Article 2 of the directive may not be taken into account when selecting SPAs or defining their boundaries

The classification of SPAs must be in application of ornithological criteria

Whereas Member States have some margin of discretion in the choice of appropriate ornithological criteria they are obliged to classify all the most suitable territories identified from the application of such criteria

The Important Bird Areas reference, while not a legal reference, is recognised by the ECJ as a list of sites of high conservation value for birds In the absence of similarly established scientific reviews by Member States it can be used by the Commission to assess the progress of Member States in classifying SPAs

Natura 2000 within the broader EU biodiversity target

The full implementation of NATURA 2000 is also a key element of the EU commitment, made by Heads of State and Government, to halt the decline of biodiversity by 2010. This is reflected in the conclusions from the recent stakeholders conference on 'Biodiversity and the EU – sustaining Life, Sustaining Livelihoods' (Malahide, Ireland 27 May 2004)². Priority objective 1 of the 'Message from Malahide' is 'To ensure conservation of Europe's most important wildlife habitats and species within a thriving wider environment'. A number of related targets are provided in relation to NATURA 2000 and of relevance to the SPAs including:

Natura 2000 network completed on land by 2005, marine sites by 2008 and management objectives for all sites agreed and instigated by 2010.

Natura 2000 contributes to the establishment of effectively managed, comprehensive and ecologically representative networks of protected areas at land and at sea, integrated into a global network.

Arrangements established which ensure adequate and guaranteed community co-financing for the Natura 2000 network. This should include inter alia the enhancement of Life-Nature funding in the new Financial Instrument for the Environment alongside enhanced funding from the structural and rural development funds. These funds should be accessible to all those who manage Natura 2000 sites. Funds should also promote awareness raising and networking initiatives.

Article 6 (avoidance of damages to Natura 2000 sites) of the Habitats Directive fully transposed into national legislation and planning policies, and routinely implemented; where development proposals cannot avoid damage to sites, special effort given to the adequate design and implementation of compensation measures.

Protected areas integrated into broader landscapes and seascapes by applying the ecosystem approach, and where appropriate, developing tools for ecological connectivity, such as ecological corridors.

The Council Conclusions of 26 June 2004 in relation to Biodiversity also confirm the importance of full implementation of NATURA 2000 in the context of achieving the 2010 EU biodiversity target.

B. 2 Protecting, managing and monitoring the network

The need to ensure effective site protection is also specified in Article 4 of the Birds Directive which requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbance affecting the birds, in so far as these would be significant having regards to the objectives of this Article (Article 4(4)). Since June 1994 Article 4.4 have been replaced by Article 7 of the Habitats Directive, which gives effect to Article 6(2), 6(3) and 6(4), applying to other NATURA 2000 sites.

Although the legal provisions of Article 6(1) do not apply to SPAs there are analogous provisions given in Article 4(1) and 4(2) of the Birds Directive which require Member States to take positive measures for habitat conservation in SPAs³

² The conference recommended in its 'Message from Malahide' priorities and targets towards meeting the 2010 objective. The Environment Council of 28 June recognised the importance of the Malahide Conference and called upon the Commission to submit a Biodiversity Communication in early 2005, taking the 'Message from Malahide' into account. It is anticipated that this Communication will define the Commission's priorities for the conservation and sustainable use of biodiversity to the year 2010.

³ Article 4(1) states that the species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution (Article 4(1))

There is a general agreement this is best achieved within the framework of management plans⁴, specific for the sites or integrated into other development plans. Such plans not only identify the conservation needs and actions required to achieve them but also provide an excellent tool to engage local stakeholders⁵. This is particularly useful where there are complex and potentially conflicting patterns of land and water use affecting the SPAs (examples of ports in estuaries etc.). The implementation of management plans is dependent on well-trained personnel in the field as well as in the responsible administrative institutions. An appropriate number of professional staff members must be employed by each Member State for this purpose.

B.3 Ensuring the functionality of the SPA network

The Birds Directive is not very explicit on the need to take measures outside of the protected areas to ensure its functionality. The habitat conservation objective under Article 4(1) is not restricted to sites⁶. Reference is also made in Article 4(4) to “Outside these protection areas to also strive to avoid pollution or deterioration of habitats”. The conservation objectives of the SPA network will need to include measures that go beyond the sites, particularly for small SPAs which are more open to outside influences

The provisions of Article 10 of the Habitats Directive are relevant. Member States should endeavour, where necessary, in their land-use planning and development policies to encourage the management of features of the landscape features of major importance for wild fauna and flora, especially with a view to improving the ecological coherence of the Natura 2000 network.

Article 3 of the Birds Directive is also relevant in this context. They refer to a more general duty to ‘take the requisite measures to preserve, maintain or re-establish a sufficient diversity of habitats’ for the species of birds’ covered by the directive. Among the priority measures indicated is the need for ‘upkeep and management in accordance with the ecological need of habitats inside and outside the protected zones’.

⁴ The Birds or Habitats Directives do not specify what a management plan for a NATURA 2000 sites should contain or how it should be devised. There is not one agreed format for preparation of a management plan for SPAs. Different styles are used in different Member States. These appear to contain a similar basic structure that is fairly standard across most of Europe, based on prototypes developed by conservationists over the past twenty-five years (e.g. Eurosite management plan model etc.). A seminar on the issue of management planning for NATURA 2000, held under the Irish Presidency in 1996, did suggest that a management plan structure should contain a number of key elements. These include:

- A policy statement with reference to Article 6 of the Habitats Directive
- Site description, including a historical land use analysis
- A statement of objectives, including long term and short term goals
- A statement on constraints, including identification of the actors involved
- A list of realistic implementation actions, with time schedules and financial planning
- A detailed consultation process
- Monitoring and evaluation

⁵ Green Week Workshop on Sustainable Hunting within and around the Natura 200 network, 19 April 2002; http://europa.eu.int/comm/environment/nature/nature_conservation/focus_wild_birds/sustainable_hunting/pdf/report_green_week_en.pdf

⁶ ‘The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution’

C. PROGRESS AND EXPERIENCES

There has been very considerable progress, especially in recent years but further work is needed to complete the network, especially for marine environment

There is also a growing basis of experience in managing and protecting SPAs but this needs to be further strengthened

It is not yet possible to determine if the SPA network is functionally coherent although there is increased recognition of the important role it plays in flyway conservation.

The potential effects of climate change or other phenomena on the network have still to be ascertained.

There has been substantial progress in taking action for most threatened species, especially for those supported by international action plans

C.1 Progress in classifying the sites

From the early days of implementation of the Directive it was recognised that the contribution of the SPA network to the conservation of habitats and protection of Annex I and migratory birds would vary considerably from one species to another owing to the different suitability of site protection measures for different species.

Suitability of site based protection for Annex I and migratory species

Annex I and migratory bird species have particular habitat requirements with respect to breeding, feeding and resting/roosting areas which can only be met in certain localities throughout their range. Such sites are generally used regularly (many migratory species return to the same locations each year). Loss and deterioration of these areas is likely to have an adverse effect on populations of species.

Due to their individual habitat requirements different Annex I birds vary in the level to which they aggregate in sites. Some species are dependant on habitats, such as wetlands, which are very restricted in area and distribution. (For example more than two thirds of the Dutch population of *Platalea leucorodia* is restricted to 5 wetlands). Consequently, a high proportion of the population of many bird species are concentrated in a small number of territories.

In contrast, other Annex I and migratory bird species occur at much lower densities and are dependant on more dispersed habitats; for these species site based conservation measures alone cannot achieve their favourable conservation status and they are therefore dependant on effective habitat conservation measures in the wider countryside. Likewise, even if some important bird areas have been identified for *Alcedo atthis* most of the population occurs outside of these territories.

There was a lot of emphasis in the early years of the directive on establishing reference scientific lists to assist the Member States with selecting the most suitable territories for classification as SPAs (see box below). The scientific inventories prepared by BirdLife International are the most comprehensive reviews available at the EU level. Some Member States have also published national reviews of Important Bird Areas in application of clear objectively verifiable criteria⁷

⁷ a good example of this is 'Stroud, D.A. et al (2001) The UK SPA network : its scope and content. Joint Nature Conservation Committee. ISBN 86107 529 4

Ornithological criteria for identification of most suitable territories that qualify as special protection areas for Annex I bird species and the development of reference inventories

The development of scientific criteria for identifying the most suitable territories for Annex I species that qualify for classification as SPAs reflects the habitat preferences, characteristics of dispersion and status of the Annex I bird species within the European Union. Several selection criteria, such as the 1% criterion (taking 1% of a biogeographical population of a species as the threshold level for establishing the international importance of a site) have been used throughout the world since the 1970s, especially for identifying wetlands of international importance.

Ornithological criteria had already been under development to identify wetlands of international importance for birds since the creation of the Ramsar Convention in 1971. Reference to the need to protect wetlands of international importance in Article 4.2 of the Birds Directive is in many ways an implicit recognition of the Convention and using the Birds Directive as a mechanism to achieve this objective in the European Union⁸

Scientific criteria to assist with identifying important bird areas for classification of SPAs under the Birds Directive had already been elaborated as early as 1981 when the first inventory of important bird areas in the European Community was produced (OSIECK and MÖRZER BRUYNS, March 1981⁹). However this review was incomplete in both species and habitat coverage.

Further scientific references were prepared in 1984 and 1987 by the Museum d'Histoire Naturelle in Paris, France (commonly referred to as the SFF3 list).

With a view to preparing a more comprehensive 1989 version of the scientific reference SFF3 list (Important Bird Area list) the European Commission set up a working group to evaluate possible Community -wide criteria for the selection of special protection areas under Article 4 of Directive 79/409/EEC which produced a draft discussion paper (14 October 1988) that was presented to the Ornis Committee for its meeting of 28/29 November 1988.

Twelve different criteria were elaborated and these were used in the preparation of the 1989 IBA list. Given the different ecological needs and biological characteristics of the annex I species no one criterion can be used in isolation and it is accepted that there must be a freedom of choice for the Member States to identify the most suitable criteria on which to select sites, although these should always be objectively verifiable ornithological criteria.

IBA 1989, which was published by the then International Council for Bird Preservation¹⁰ (which became birdlife International in 1992) has been the main scientific reference available used by the European Commission to evaluate progress of Member States up to the publication in 2000 of an updated Important Bird Areas¹¹. In this new publication there is further elaboration of scientific criteria for identification of IBAs. The categories of IBA criteria include those focusing in particular on the European Union ('C' criteria) that correspond to those developed for the purpose of the 1989 IBA review¹².

Initial progress in the classification of SPAs was very slow. By December 1986 only 309 sites had been formally proposed (covering 14,518 km²). This had increased to 667 sites by April 1991 (55,355 km²). Most progress has taken place in the past decade and the SPA network comprised in June 2004 a total of 3639

⁸ Unlike some other international Treaties The Ramsar Convention does not allow supranational bodies such as the EU can become contracting parties.

⁹ Important bird areas in the European Community. Prepared for the Environment and Consumer Protection Service of the Commission of European Communities by the International Council of Bird Preservation European Community Working Group. Contract no. u/80/568 (447).

¹⁰ Grimmett, R.F.A. and Jones, T.A (compilers). Important Bird Areas in Europe. International Council for Bird Preservation. Technical Publication, No. 9. 1989. ISBN 0-946888-17-5

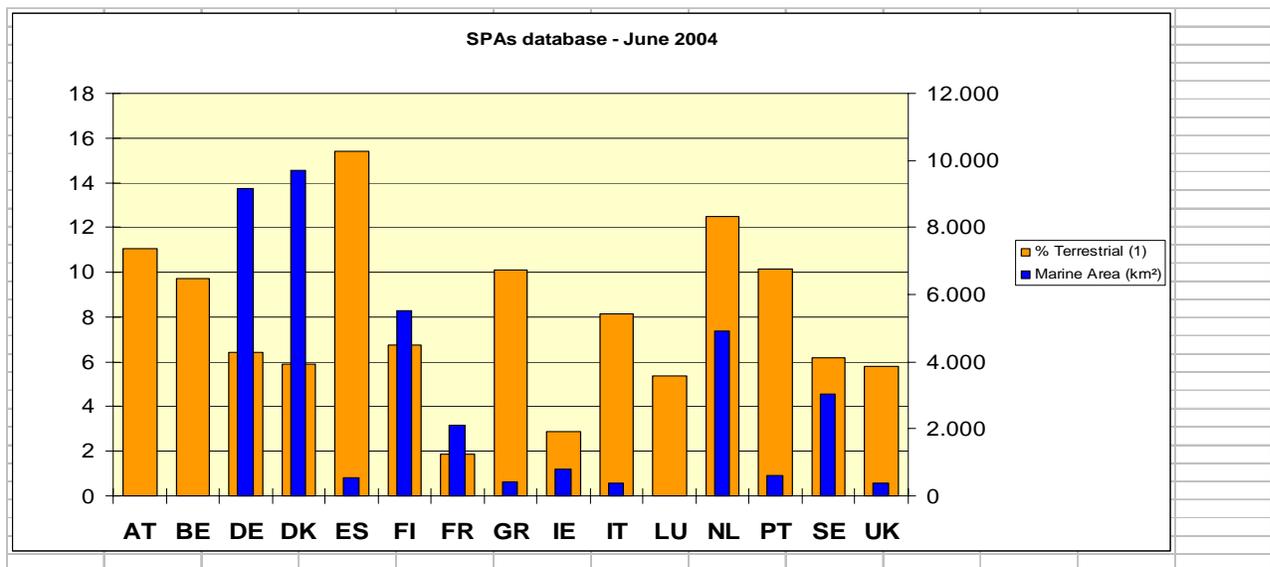
¹¹ Heath, M.F. and Evans, M.I. (2000). Important Bird Areas in Europe. Priority sites for conservation. 2 volumes. Cambridge UK: Birdlife International (BirdLife Conservation Series No. 8) ISBN 0 946888 35 3.

¹² Osieck, E.R. (1999) IBA review and the EU Birds Directive. Cambridge. U.K. BirdLife International (Internal report; 6th and final draft. 18 April 1998)

sites (covering 280,489 km²)¹³. The evolution in recent progress is illustrated by the Natura barometer for SPAs and described in the new overview of data for the SPAs produced by the European Topic Centre for Nature Protection & Biodiversity – ETC/NP&B¹⁴).

Whereas the SPA network is now at an advanced stage of development for the terrestrial environment and in coastal and inland waters this is not the case in general for the marine environment, especially with regard to marine areas under national jurisdiction beyond territorial waters (mostly 12 nautical miles). Recently Germany has classified two large SPAs in its exclusive economic zones (EEZ) of the North Sea and Baltic Sea.

Various reasons can be offered for the recent progress in developing the network. Firstly there is now much better scientific information to underpin the selection of sites. Secondly, from the early 1990's the European Commission was more active in taking legal action against Member States for failure to meet this obligation under the directive. The role of LIFE Nature, which since the second LIFE regulation has required that areas qualifying as SPAs must already be designated in order to benefit from such funding, are also significant.



The establishment of the network of Special Areas of Conservation (SACs) under the Habitats Directive has also acted as a strong incentive for designation of further SPAs as a high proportion of the sites in question are of joint interest under both directives (see ETC/NP&B overview). Finally the threat by the

¹³ Progress in the classification of SPAs has been reported in the Commission reports on implementation in accordance with Article 12 of the Birds Directive. For example the Second Report on the application of Directive 79/409/EEC on the conservation of wild birds. Commission of the European Communities. COM(93) 572 final. Brussels 24 November 1993. Since 1996 regular updates on progress have been included in the NATURA 2000 newsletter as part of the NATURA 2000 barometer. This has included an evaluation of the completeness of the network for each individual country's proposal as well as of the data provided for it. For example the Second Report on the application of Directive 79/409/EEC on the conservation of wild birds. Commission of the European Communities. COM(93) 572 final. Brussels 24 November 1993.

¹⁴ ETC/NPB (2004). A data overview of the network of Special Protection Areas in the EU 15. Paris, France: European Topic Centre on Nature Protection and Biodiversity (under contract with the European Environment Agency). Available at <http://nature.eionet.eu.int/publications/SPAs>.

European Commission to block the allocation of Regional funds in regions where Member States were suffering serious and substantial delays in establishing NATURA 2000 has also proved to be highly significant.

Case study from Germany “Special Protection Areas in the Exclusive Economic Zone of the North Sea and the Baltic Sea ”

The amendment to the Federal Nature Conservation Act (BNatSchG) in April 2002 established a national legal framework for the implementation of the Birds Directive and the Habitats Directive beyond territorial waters to the German Exclusive Economic Zone (EEZ). After 3 years of very intensive preparatory work and investigations according to the NATURA 2000 selection and nomination procedure, in May 2004 Germany has nominated two large SPAs in its Exclusive Economic Zone (EEZ) of the North Sea and Baltic Sea covering now aprox. 16 % of the German EEZ. This nomination consists of the SPA “Östliche Deutsche Bucht” (313.513 ha) in the North Sea and the SPA “Pommersche Bucht” (200.986 ha) in the Baltic Sea, which have been identified in order to protect mainly divers and resting birds.

These nominations as well as eight proposed sites of community importance (pSCI) are the result of the Federal Ministry for Environment (BMU) consultations with the relevant federal ministries and federal coastal states (Länder), and the involvement of the public. The two SPAs will be legally protected by the BMU and managed by the Federal Agency of Conservation (BfN).

More information can be obtained from: www.HabitatMareNatura2000.de

Case study from Portugal: LIFE Project “Marine IBAs“ Where to find seabirds? Most probably in coastal and offshore marine SPAs.

In 2004, a project to identify marine SPAs on Portuguese waters was approved for LIFE funding from 2004-2008. The study area includes the mainland, Azorean and Madeiran EEZ, corresponding to more than 50% of EU seawaters. The project targets the wintering and breeding bird species along the mainland coast and the pelagic seabirds breeding in Azores and Madeira archipelagos. It aims to: 1) characterise the seabird assemblage on Portuguese waters including bird concentrations, abundance and distribution on the open and coastal seas; 2) identify main threats and conservation measures 3) identify criteria to implement the Birds Directive in the marine environment, namely in offshore waters (including methodologies for boundary identification of SPAs and species for which designation of SPA is needed; 4) discuss the adequacy of the site-approach to designate SPAs on the marine environment; 5) identify preliminary areas where those criteria apply; 6) develop training and environmental awareness in the fisheries, marine transport and environment sectors and as well in the ornithological and scientific society; 7) publish an inventory of marine important bird areas in Portugal. The results are to be disseminated through Europe and be demonstrative of the application of the Bird Directive into the marine environment. The project co-ordinator is Sociedade Portuguesa para o Estudo das Aves - BirdLife partner in Portugal. The partnership includes the governmental Portuguese bodies responsible for nature conservation (ICN), and fisheries research (IPIMAR), and the universities of Aveiro and Azores. The governmental regional authorities responsible for nature conservation in the autonomous regions of Madeira and Azores also support the project.

The issue of its establishment in the marine environment present a particular challenge. The Nature Directors of the Member States have requested the Commission to establish a working group under the Habitats Committee, to consider aspects of implementation of both directives in the marine environment, including that concerning SPAs. Among its tasks its aims to identify, site selection rationale and ornithological criteria for identification and delimitation of marine SPAs. Other issues to be considered by the working group will include the management of NATURA 2000 sites for birds and other species/habitats of EU conservation concern. Following consultation with the Habitats and ORNIS Committees on the outcome of this work of the Commission intends to publish a

guidance document on the application of NATURA 2000 in the marine environment.

The Birds and Habitats Directives apply in the territorial waters (“inshore”) and in the Economic Exclusive Zone (“offshore”; beyond territorial waters up to 200 nautical miles). It is widely recognised that the NATURA 2000 network (both in relation to Birds and Habitat Directives) is significantly underrepresented for the whole marine environment, and particularly in the offshore environment. Only Germany, with its recent proposals of 10 Natura 2000 sites in its EEZ, including 2 SPAs, and covering approximately 31% of its offshore marine environment, appears to have made important progress in this regard. In most cases where SPAs have been classified for marine birds this largely relates to seabird breeding colonies and inshore areas for marine wintering ducks.

For many of the seabird colonies the surrounding waters, which can be critical feeding and resting areas, have been excluded. The identification and delimitation of offshore concentrations areas as SPAs for marine birds has been very poorly developed to date. The work of the marine expert group, which aims to assist the Commission in developing guidelines for the application of Natura 2000 in the marine environment, will include guidance on the selection and delimitation of SPAs in the offshore marine environment.

C. 2 Progress in site protection, management and monitoring

Site protection

There is a growing body of experience of the protection regime applying to SPAs, especially in the broader context of protecting Natura 2000 sites. It is clear that there have been some problems in applying the protection regime to SPAs in some areas¹⁵ as evidenced by the relatively high number of infringements handled by the European Commission. This has frequently arisen in cases where the conservation objectives of the sites were poorly understood, that decision making authorities were not adequately aware of the duty to ensure that the protection requirement of SPAs or became aware of this at an advanced stage of the development process. This fact is complicated by the fact that different SPAs vary in their status under national and regional laws.

Site management

There is increasing experience of managing SPAs, especially through demonstration projects under LIFE Nature, which offer opportunities for engagement of stakeholder groups. The EU has been financially supporting conservation actions in SPAs since 1984¹⁶. Management plan preparation has featured prominently among the actions supported under LIFE Nature projects¹⁷. Within the framework of bird conservation there has been a particular focus on

¹⁵ There is relevant case law concerning the protection regime for SPAs. In case C-374/98 Basse Corbières- (Commission v France) the Court has concluded that the failure of a Member State does not remove the obligation to protect a qualifying site which must be covered by the old stricter protection regime of the Birds Directive, defined in the first sentence of Article 4(4) pending formal classification.

¹⁶ See Promoting biodiversity in the European Community. The ACE-Biotopes programme 1984-1991. European Commission; 1984. ISBN 92-826-3431-0.

¹⁷ See LIFE for NATURA 2000. 10 years implementing the regulation. European Commission. 2003. ISBN 92-894-4337-5

the management and restoration of SPAs for the most threatened Annex I bird species that have been identified as priority for LIFE funding¹⁸. A report on 'LIFE for birds' that looks at the contribution of LIFE Nature projects to the implementation of the Birds Directive shows that this has been an effective tool for bird conservation¹⁹.

There are also increasing opportunities for financial support to the management of NATURA 2000 areas under other Community funding programmes, most notably under Rural Development policy, through targeted agri-environmental schemes, but also under Regional Development and other policies.

There is no systematic overview of the management and protection of SPAs throughout the EU. The NATURA 2000 database does request information on issues related to protection and management of the sites²⁰. However, the latest SPA overview by ETC/NP&B reveals the limitations of the data on this subject must be interpreted with caution. This is an area, which requires substantial further consideration.

There is no agreed framework for monitoring the efficacy of the SPA network. The only review that has been published on this subject to date has been for the Danish SPAs²¹ based on a 20-year assessment on the changes in status of different Annex I and migratory species within the Danish network and for non-breeding waterbirds on UK SPAs²². BirdLife International, as part of its European Programme, is developing a 'European IBA monitoring framework' aimed at regularly assessing the status of IBAs using common standards. There is also work underway at EU level on developing the principles to underpin the monitoring of NATURA 2000 sites. Consideration needs to be given within this framework to monitoring of SPAs. The role of international conservation organisations/NGOs such as Wetlands International and BirdLife International and the potential of their existing monitoring schemes for birds needs to be more fully explored with regard to monitoring of SPAs

C.3 Progress in ensuring the functionality of the SPA network

There is increasing recognition that protected areas, many of which act as islands in landscapes that have been radically altered by changing land uses such as agricultural intensification, need to be complemented by additional habitat conservation measures to ensure the survival and dispersal of species populations of conservation concern.

¹⁸ A list of 47 species and sub-species of Annex I of the Birds Directive, including all globally threatened bird species in the EU, has been identified as priority for LIFE Nature funding. The preparation of action plans for 46 of these has also been financially supported by the EU. A review of the first set of action plans for 23 globally threatened species (initially financed under LIFE) is being prepared for the Commission by BirdLife International.

¹⁹ Available at:

http://europa.eu.int/comm/environment/nature/nature_conservation/focus_wild_birds/species_birds_directive/index_en.htm

²⁰ Sections 5 and 6 of the NATURA 2000 form relate to information on 'site protection' (section 5) and 'impacts and activities in and around the site' (section 6).

²¹ Rasmussen, J.F. 1999. Birds of Danish SPAs - trends in occurrence. Miljø og Energiministeriet. Skov- og Naturstyrelsen. 1999. ISBN 87-7279-200-0.

²² Austin, G.E., Jackson, S.S.F & Mellan, H.J. 2004. *WeBS Alerts 2000/2001: Changes in numbers of wintering waterbirds in the United Kingdom, its Constituent Countries, Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs)*. Report of work carried out by The British Trust. BTO Research Report 349. [at <http://www.bto.org/survey/webs/webs-alerts-index.htm>]

In the context of the Habitats and Birds Directive the legal framework makes clear that Natura 2000 will be the European ecological network. However, to ensure the functional success of the network the site protection provisions may not of themselves be sufficient and frequently require additional measures. In the provisions of Article 10 of the Habitats Directive²³ and Article 3 and 4 of the Birds Directive are relevant in this.

The definition of 'Ecological networks' recently developed at CBD COP7 'as a generic term used in some countries and regions, as appropriate, to encompass the application of the ecosystem approach that integrates protected areas into the broader land- and/or seascapes for effective conservation of biodiversity and sustainable use' would appear to be pertinent definition for the purpose for NATURA 2000.

There has been a lot of consideration given to the concept of ecological networks, particular in Member States such as the Netherlands and Spain, and also in the context of the 5th Framework Programme on Research and Development, but also in new Member States, which have recently acceded to the European Union²⁴. At the European level the concept is especially promoted in the context of the Pan-European Biological & Landscape Diversity Strategy (PEBLDS)²⁵. PEBLDS has produced guidelines for the development of a Pan-European ecological network²⁶ which advocate that the Network should be built up from three functionally complementary components: (a) core areas that provide the optimum achievable quantity and quality of environmental space, (b) corridors to ensure appropriate interconnectivity between the core areas, and (c) buffer zones to protect the core areas and corridors from potentially damaging external influences.

In the context of NATURA 2000 there is provision for core areas as well as restoration areas within the designated sites. Buffer zones may also be included within or surrounding the protected areas (also in fulfilment of the obligations of Article 6 to avoid negative influences from outside). The main issue of debate would therefore appear to be the necessity for ensuring connectivity and whether ecological corridors between sites are an appropriate approach.

The issue of ecological corridors was debated at a special workshop organised by the European Commission for members of the ORNIS Scientific Working Group on 24 June 2004, especially with regard to its relevance to birds. There does not appear to have been a lot of consideration yet given to this topic in the context of implementation of the Birds Directive.

The issue of management of flyways is also highly relevant in this regard. Implementation of the Birds Directive represents a major contribution by Member States of the European Union to the achievement of international conservation

²³ Such features are those, which by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods) are essential for the migration, dispersal and genetic exchange of wild species'.

²⁴ See for example the recent publication Graham Bennett 'Integrating Biodiversity Conservation and sustainable use. Lessons learned from ecological networks. IUCN. 2004. ISBN 2-8317-0765-X.

²⁵ For information on PEBLDS see <http://www.strategyguide.org/straabou.html> . For key documents arising from this process see http://www.strategyguide.org/goal1/obj1.4/peen/docs_peen.html#peenbu

²⁶ Document STRA-REP (98) 6 Revised Strasbourg, 4 February 1999

objectives for migratory birds. A coherent network of SPAs therefore plays a key role in international flyway conservation objectives and greatly contributes to the fulfilment of international conventions such as the Bonn Convention.

Case study from Hungary and Croatia: Wetland restoration and establishing a transboundary ecological network

The main goal of this joint project is improve the ecological conditions of an internationally important wetland habitat, to establish the ecological continuity between different parts of the shared wetland ecosystem and to harmonize the management of it and by this to improve the life conditions of bird population dependent of this wetland system.

To achieve these goals a series of actions were performed during the project as follows:

- field survey and data collection for data base building and monitoring purposes;
- establishing the database to facilitate the development of the joint management;
- planning works for wetland restoration activities;
- carrying out wetland restorations aiming at better hydrological conditions, improving the food basis for bird populations, enhancing the status of spawning sites and creating the possibilities for regulated public access to the area;
- communication with local and regional organizations, drawing their attention to the new circumstances and possibilities;

As a result of the project we can observe in the areas better wetland conditions and functioning, improved ecological conditions for birds and fish populations, new developments within local eco-tourism activities and an increased international attention.

However, the conservation of many migratory bird species, dependent on the EU during part of their annual cycle, cannot be achieved by actions within territories of the Member States alone. For many species factors operating on the non-breeding grounds in Africa or in the breeding areas in Northern Russia may negate conservation action in the EU. The need for a flyway perspective to ensure the conservation of migratory populations of birds is most appreciated for waterbirds and has resulted in the development of the African Eurasian Waterbird Agreement (AEWA) under the Bonn Conventions. The European Commission has recently proposed that the Community ratifies AEWA²⁷

The contribution of the Birds Directive in an enlarged European Union to flyway conservation of waterbirds was debated at a special workshop of the Ornis Scientific Working Group that took place in Edinburgh on 4 April 2004. This recognized that the inclusion of 10 new Member States bring both new opportunities and challenges for bird conservation, and add new responsibilities for the Member States in terms of global conservation at a flyway scale, as the location of EU is strategic on the Palearctic flyways for many species.

C.4 Preparing the SPA network for future change

The SPA network is a dynamic entity and subject to change over time. Effective management of the sites should in most cases assure that the ecological character of the sites is maintained or enhanced. However, some sites are subject to natural and anthropogenic influences that will affect their long-term viability in the future.

²⁷ COM (2004) 431 final

There has not been much focus on this subject to date. In a few Member States the issue of sea level changes has already given rise to the need to develop strategies for long term management of coasts, involving managed re-alignment, with implications for Natura 2000 sites²⁸.

Also relevant to the issue of change are future challenges for the SPA network arising from future climate change impacts. However, this has not been a focus of attention to date.

C.5 Progress in taking action for Europe's most threatened species

Since 1993 the Community has supported the development of action plans for all globally threatened and other highly threatened bird species of Annex I that occur in the EU. BirdLife International has developed these in consultation with experts and authorities from the Member States. Altogether, plans have been prepared for 47 species and sub-species. These provide an excellent framework for defining priority actions to safeguard these species, including their protection in the SPA network.

Under contract to the European Commission, BirdLife International has recently carried out a review of the implementation of these plans²⁹. This is summarised in the Issue 18 of the Natura 2000 newsletter³⁰. The conclusion that can be drawn from this evaluation is that action planning is an effective tool and when the measures are enacted species status has been significantly improved

D. CHALLENGES

Completing the process of classifying all the most suitable sites for all Member States

Ensuring an adequate protection and management regime in place for all SPAs

Ensuring functionality of the SPA-network is adequate, both in relation to the overall objectives of the Birds Directive and broader objectives (e.g. on global scale)

Ensuring the SPA network is robust and resilient in the light of future change

Strengthening the EU contribution to global bird conservation, especially in the context of international flyways for migratory birds

²⁸ See for example the completed UK LIFE Nature project on 'Living with the Sea' at <http://www.english-nature.org.uk/livingwiththesea/>

²⁹

http://europa.eu.int/comm/environment/nature/nature_conservation/focus_wild_birds/species_birds_directive/pdf/action_plans_review_final.pdf

³⁰ http://europa.eu.int/comm/environment/nature/nature_conservation/useful_info/newsletter_natura/pdf/nat18_en.pdf

Continue to develop action plans as a tool for the conservation of the most endangered bird species

D.1 Completing the classification of the SPA network

The completeness of the SPA network can be assessed in different ways. The crudest assessment of the extent to which different countries have contributed to the SPA network is by looking at the overall number and surface area of the sites that they have classified. This does reveal large differences in the overall contribution of different countries ranging from an estimated more than 20% in countries such as Slovakia and Slovenia and 15% of the national territory of Spain to 2% of that of France (in both cases excluding marine territories). Some Member States such as the Netherlands and Denmark have designated relatively large marine areas for the SPA network. (See latest SPA barometer for October 2004 given in Issue 18 of the NATURA 2000 Newsletter ³¹).

However, such an approach cannot tell if all the most suitable territories have been classified as SPAs. This requires a comparison between the list of SPAs and the list of qualifying sites or other scientific references to evaluate the extent to which different species occur in sites and are protected under the directive. The difficulty with assessing whether the network of designated SPAs is complete is that there are no universally agreed scientific criteria or references for this. It is important to have lists of sites that derive from objectively verifiable criteria in order to assess if all the most suitable territories have been classified. The Important Bird Area (IBA) list is the most comprehensive scientific list that exists at an EU level. Some Member States have also published national reviews of Important Bird Areas, which are also used in the assessments of the completeness of their national lists³². From such analyses it would appear that most Member States have still to complete the classification of their most suitable territories for Annex I and migratory bird species³³.

In the absence of national scientific reviews the Commission, which has a co-ordinating role to ensure that the SPA network forms a coherent whole that meets the protection requirements of the Annex I and migratory species, has made use of the Important Bird Areas reference in Europe (e.g. COM v Netherlands, COM v France, COM v Finland and COM v Italy). However, in each of these cases the IBA list was a starting point for a discussion with the Member States concerned who were invited to indicate which objectively verifiable scientific criteria they use to select their most suitable territories, if these differed from those in the IBA review.

The site-based approach does not reveal the relative importance of different Member States for Annex I and migratory species. This requires a species orientated type of analysis. Based on population estimates (nationally and in the SPA network) it is possible to determine the extent to which Annex I and

³¹ Available at:

http://europa.eu.int/comm/environment/nature/nature_conservation/useful_info/newsletter_natura/pdf/nat18_en.pdf

³² a good example of this is 'Stroud, D.A. *et al.* 2001. *The UK SPA network: its scope and content*. Three volumes. Joint Nature Conservation Committee, Peterborough, UK. ISBN 86107 529 4. [at <http://www.jncc.gov.uk/UKSPA/default.htm>

³³ The duty to classify SPAs applies from the date of accession of 1 May 2004

migratory species in each Member State are protected in the network. As illustrated by the latest data overview of the ETC/NP&B such analysis is dependant on good and reliable data (and there is a need to give consideration as to how we improve the overall quality of data underpinning such assessments). This can allow for identification of those countries that have major responsibilities for different species and the extent to which they have protected them in their SPA networks. It can also allow for meaningful comparisons between the contributions of different countries.

The European Environment Agency has started working on a distance to target indicator for the classification of SPAs³⁴, aimed at showing the extent to which Member States have complied with this requirement of Article 4 of the Birds Directive. Several approaches have been tested taking into consideration the IBAs, the percentage of the national territory of different countries that is classified as SPAs and the bird richness of each country. This has been debated within the framework of the ORNIS Scientific Working Group on two occasions (September 2003 and June 2004) but there is still no agreement on a methodological approach to be applied. Further work is needed to provide an agreed objective indicator for the different Annex I and migratory species. In aiming to determine the sufficiency of national classifications of SPAs the proportion of populations of different species to be protected in the SPA network must take into account the suitability of site protection in meeting their protection requirements on land and water. This can most obviously be achieved by using as reference the extent to which populations of species are identified in sites using ornithological criteria (e.g. IBA approach or national scientific reviews).

Likewise, there are no agreed criteria for selecting SPAs for the marine environment. BirdLife International has advocated that four types of bird distribution patterns can be distinguished in the marine environment³⁵. These are

- Seabird extensions of breeding colonies, in areas used in particular for feeding, resting and social interactions, the size of which depends on the feeding range of the species concerned
- Non-breeding waterbird concentrations, which hold feeding and moulting concentrations of waterbirds
- Migration hotspots which, because of their geographic position, seabirds fly over in the course of their regular migrations
- Important areas for pelagic species, dealing with regularly used areas that are completely unconnected to the coastline.

The first three patterns relate to areas that are linked primarily to inshore waters. All but the migration hotspot category correspond to the main types of functional concentrations of seabirds already recognised in a United Kingdom review³⁶.

³⁴ A distance to target indicator already exists for measuring the completeness of Member States proposals under the Habitats Directive. (Indicator Fact Sheet BDIV10e) EU Habitats Directive: sufficiency of Member State proposals for protected sites.

³⁵ Towards the identification of marine IBAs in the EU: an exploration by the Birds and Habitats Directives Task Force of BirdLife International. Version 6. 24 June 2004

³⁶ in concluding principles of the European seminar "Natura 2000 in UK offshore waters: Implementation of the EC Habitats and Birds Directives in UK offshore waters (Turnball et al. 2002)

Similar scientific challenges are encountered when attempting to identify sites for wide ranging marine birds and mammals when attempting to identify sites. In practice, areas identified for both groups are likely to overlap as they often feed on common food sources (i.e. shoals of small fish). The main difficulty in identifying potentially important areas for both groups is in applying existing site selection criteria in an environment with no or few obvious natural boundaries, and to species which are difficult to observe at sea, highly mobile and may be widely dispersed.

It has become clear that different groups of birds will need to be dealt with in different ways, due to differences in their abundance and distribution in the marine environment, and also due to the type and availability of data on the various groups.

D 2. Ensuring an adequate protection and management regime

There is a need for a clear legal protection regime applying to SPAs to ensure a comprehensive approach that includes positive conservation interventions as well as preventative measures. The importance of good administrative and other relevant structures and organisation to achieve conservation objectives, including availability and use of expertise on the ground, is essential. Where responsibility lies with a generalist body (e.g. local authority) rather than an expert body (e.g. nature conservation service or Environment Agency) there needs to be clear procedures on management and decision making, adequately guided by ornithological knowledge an input. The contribution of expert NGOs to supplement official expertise needs to be considered. The desirability of having national implementation manuals (going beyond guidance documents) to guide the exercise of duties and decision-making, especially in multi-agency responsibility needs to be considered.

Given that the majority of SPAs are also proposed SACs under the Habitats Directive there will be a need to develop integrated approaches to the management and monitoring of sites with dual interest under NATURA 2000. Many SPAs are also Ramsar sites and the EU highlighted at Ramsar CoP8 the Union's desire also for more integrated approach to reporting and management of those Ramsar sites that are also Natura 2000 sites.

There is also a need to further develop the potential of GIS and spatial information in the protection, management and monitoring of SPAs

The SPA network will not succeed without the active engagement and support of different stakeholder groups. It is therefore essential that dialogue with the different people concerned by and affected by the designations is strengthened. The principles of the El Teide Declaration are important in this regard . This will be considered further in workshop C 'Living sustainably with birds.

D. 3. Ensuring functionality of the SPA-network

Even when the network of SPAs is complete and the sites well managed will this be sufficient to ensure the overall coherence of the network? Is it functionally intact? The issue of connectivity of the network needs to be considered in this context.

Different type of ecological corridors may be of relevance to the conservation of wild birds in Europe³⁷. The most obvious of these are migration and stepping stone corridors. This is most relevant in the context of conservation of key sites for species throughout their flyways (see below). However, it may also be relevant to taking into consideration threats to species along their migration routes.

The need for corridors that provide physical connectivity between SPAs for different bird species is less clear. For some species, which exist in isolated metapopulations (eg Capercaillie *Tetrao urogallus* in Scotland) this may be essential for the long-term survival of the species. There is a need to further examine the relevance and appropriateness of ecological corridors for different categories of wild birds especially in regions where land use in the wider countryside is not conducive to the dispersal and survival of the species concerned. However, this should not be a substitute for measures addressing the issue of bird conservation in the wider countryside, especially for bird species for which the SPA network provides only a relatively small contribution to their overall habitat protection requirements.

With regard to the flyway perspective the conservation of Annex I and migratory waterbird bird species covered by the Birds Directive will be greatly enhanced by strengthening international co-operation with AEWA. This Agreement has been ratified by 14 Member States. The European Community, which has signed the agreement, is also in the process of considering its ratification based on the recent proposal by the European Commission.

The support of the EU for the development and implementation of international action plans for threatened species is also contributing to this objective of placing actions taken under the Birds Directive in a flyway context

D.4. Ensuring that the network of SPAs is sufficiently robust and resilient in the light of future challenges

Predicted climate change may lead to significant changes in the character of habitats and conditions prevailing in the existing SPA network.³⁸ Even if climate change does not lead to significant changes in the distribution and use of SPAs by birds there are likely to be changes in the ecological character of areas due to natural and other anthropogenic processes. For example sea level changes,

³⁷ Corridors for Birds within the Pan-European Ecological network' has been prepared by Colin Hindmarch & Jeff Kirby (BirdLife International) for the Council of Europe. Nature and Environment No. 123. 2002. ISBN 92-871-4910-0.

³⁸ Objective 4.1 of the Malahide message sets as one of its 2010 targets 'The ecological connectivity of NATURA 2000 network supported in order to achieve or maintain favourable conservation status of species and habitats in the face of climate change, including the promotion of cross-border ecological corridors between the EU and neighbouring states.

which result in both loss of coastal areas (e.g. coastal wetlands in South-east England) as well as the emergence of new areas (uplift giving rise to new islands off west coast of Finland) are processes that give rise to such change.

Applying the provisions of Article 6 of the Habitats Directive in such scenarios needs to be further considered. There will be a need to give consideration to adapting to such pressures that may affect the coherence of the network. This might be underpinned by the guiding principle of ensuring 'no net loss of overall ecological interest' as was applied in the Commission Communication on the wise use and conservation of wetlands³⁹.

D.5 Strengthening the EU contribution to global bird conservation, especially in the context of international flyways for migratory birds

Successful implementation of the Birds Directive represents a major contribution of the European Union to fulfilling the objectives of international conventions and agreements, such as the Convention on European Wildlife (Berne Convention) and the Convention on Migratory species (Bonn Convention).

Where common approaches can be developed in relation to shared objectives with these Conventions these should be encouraged. This has already happened in the context of NATURA 2000 sharing experience with the EMERALD network, established under the Berne Convention

There is increased recognition of the value of having common approaches towards action planning for threatened bird species, which has led to the development of a harmonised action plan format, which can be used for the Birds Directive and international conventions.

Given that the latest information on the status of birds in Europe shows significant problems for long-distance migrants there is a need to strengthen action along migratory flyways for birds. In this regard the African Eurasian Waterbird Agreement provides a strong framework for such co-operation with regard to migratory waterbirds. Its ratification and implementation by the Community represents one of the most practical ways in which the EU can strengthen its commitment to international bird conservation in the coming way. Such an approach will be highly complementary to actions taken under the Birds Directive.

D6 Continue to develop action plans as a tool for the conservation of the most endangered bird species

Action plans have already been demonstrated to be a highly effective tool for assist in the conservation of the most endangered bird species in the European Union. There is a need to build on this experience and update the existing plans

³⁹ Available at http://europa.eu.int/comm/environment/nature/nature_conservation/useful_info/documents_publications/pdf/wetlands_en.pdf

that have been prepared in light of increased scientific knowledge and information on this species

A new international plan format has already been developed and can be applied to the Birds Directive and international conventions. This approach has the advantage of avoiding duplication of reporting by Member States and help maximising the contribution made under the Directive to these conventions.

It will be important not only to have international framework plans but also to translate these into national and regional plans with commitments for action

There will also be a need to consider better ways of monitoring the implementation of these plans