



EU CONFERENCE

25 YEARS OF THE BIRDS DIRECTIVE: CHALLENGES FOR 25 COUNTRIES

Context paper for workshop B

CARING FOR COMMON BIRDS BEYOND SITES

“Conserving birds in the wider land- and seascape

Version: 291004

A. FOCUS AND AIMS OF THE WORKSHOP

One of the greatest challenges facing bird conservation in the EU relates to species that are largely dependent on the wider countryside, especially agricultural, forest and coastal/marine landscapes. New Member states are equally confronted with possible negative impacts and threats to bird populations that depend on the wider countryside from different activities and development. There is a need to find effective ways to integrate bird conservation requirements into the definition and implementation of policies affecting land and water use, beyond site protection.

The central question for this workshop will be on how we can more effectively integrate bird habitat protection requirements into policies that affect the wider environment.

A cross cutting issue that will be dealt with during this workshop is the issue of national and EU financial support for bird conservation policy and implementation of the necessary actions to achieve the objectives of the Birds Directive.

More specifically this workshop will aim to address the following questions¹:

1. Do we have sufficient knowledge on the interactions of birds with the wider countryside and how countryside and land policies impact on birds and what are the main threats and opportunities to birds emerging from the reformed Common Agricultural Policy and other Community Policies?
2. What are the opportunities that exist to integrate bird protection requirements into other EU policy areas such as agriculture, forestry and fisheries and which conservation actions cannot be funded under the Common Agricultural policy and the Common Fisheries Policy?
3. How can we more effectively plan for birds? (Incorporate bird protection actions in programmes, provide for the best possible measures, design better and efficient agri-environmental schemes that are beneficial for birds and monitor the performance and impact of these schemes on bird populations).
4. How can we ensure adequate national and EU financial support for meeting the objectives of the Birds Directive?

¹ This workshop builds on earlier discussions that were held with the ORNIS SWG in September 2002 (Wetland birds), April 2003 (farming and birds), and February 2004 (Forestry and Birds). It will also incorporate any relevant results from the ongoing work of the marine working group.

B. WHAT ARE OUR COMMITMENTS

To have adequate knowledge on the status and trends of birds to underpin effective action in the wider countryside
To ensure that bird conservation requirements are integrated into wider land use policies

These commitments are reflected in the Birds Directive, EU policies and broader international commitments such as:

The implementation of the Birds and the Habitats Directives. The relevant legal context of the Birds Directive. Habitat protection measures not limited to sites Article 3 measures are also very relevant as this is the only legal basis for some non-migratory species² Articles 4.1 and 4.2 are not restricted to sites but are also relevant to broader land use strategies. In fact the lower the level of site protection the greater the need for other measures. Action plans for priority bird species of Annex I emphasise the need for such a broader approach Article 4.4 requires Member States to strive to avoid deterioration of habitats of birds species outside of sites Article 5 contains relevant provisions relating to strict species protection throughout the species range

Global commitments in relation to protection of biodiversity under the Convention on Biological Diversity as well as the European Community Biodiversity Strategy and the European Community Biodiversity Action plans for Agriculture, for Natural Resources and for Fisheries.

EU Biodiversity review process and targets/objectives given in 'Message from Malahide' in relation to:

- Agriculture, Forestry, Fisheries and Regional Policy (see Annex)
 - Relevant work on indicators (e.g. headline biodiversity indicator on sustainable use (area of forest, agriculture, fishery and aquaculture ecosystems under sustainable management))

The need for funding is recognised in Article 6 of the 6th Environmental Action Programme.

² There has been limited case law in relation to birds and the wider environment (beyond protected areas). However there has been one important judgement on overgrazing and the Red Grouse *Lagopus lagopus* in Ireland (Case C-117/00).

C. PROGRESS AND EXPERIENCES

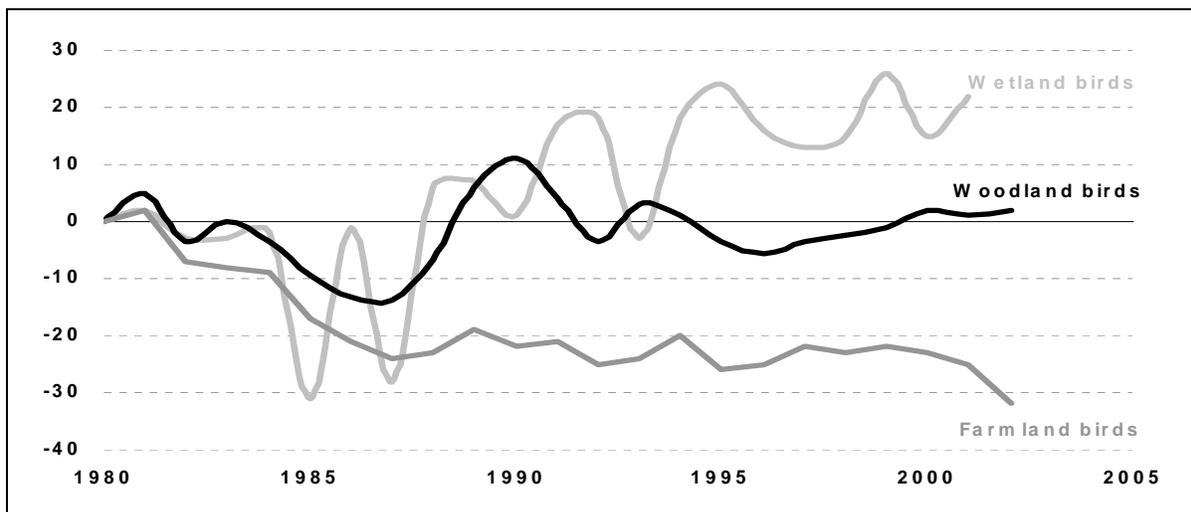
“Overall the Birds Directive has been effective in species protection matters, influential and partly successful on site protection. ...and not yet able to resist the adverse trends in the wider countryside” *The status of Birds in Europe and the Impact of the Birds Directive - Ward Hagemeijer and Colin Bibby (20th anniversary of the Birds Directive conference 1999)*”

Unfortunately trends of farmland birds are not positive: an increasing amount of good scientific information on the status and threats to wild birds as a basis for conservation action in the wider countryside shows declining populations of especially farmland birds

There has been some progress in availing of the emerging opportunities (financial and otherwise) to integrate bird protection requirements into different EU policies but more needs to be done

Whereas there is a growing number of success stories in relation to targeted agri-environmental schemes benefiting birds it is not possible at present to assess the overall efficacy of such schemes

C.1 Progress regarding our knowledge of the status and threats to birds in the wider countryside³



There is an increasing amount of information on trends in wild bird populations that has provided the basis for the development by BirdLife International and the European Bird Census Committee of the bird indicator (to be discussed under workshop 1). This shows in particular that there have been serious declines in many species of farmland birds in Europe. As these declines appear to be continuing this represents one of the greatest challenges facing nature conservation in Europe today.

³ From EU environment indicators and based on data of BirdLife International, the European Bird Conservation Council and Wetlands International. This indicator is still under development and therefore may need to be adjusted as a result of further analyses of the data.

The most comprehensive review at European level is that contained in BirdLife International's publication 'Habitats for Birds in Europe: a conservation strategy for the wider environment'⁴, together with its sister publications concerning 'Important Bird Areas in Europe'⁵ and on the overall status of Europe's birds⁶. It has been recognised that more than 90% of Europe is outside protected areas⁷ and that the main threat to birds is from certain unsustainable land- and sea-uses, including both intensified practices and abandonment⁸. They attributed this mainly to a lack of environmental objectives within the policies and regulation of use sectors such as agriculture, forestry and tourism.

Most EU Member States have carried out national and/or regional atlases of bird distribution, especially for breeding birds, and have also now put in place annual common bird monitoring census systems which provide a good scientific basis for assessing trends in bird populations of farmland and other habitats.

This issue affects birds with different threat status, including those, which are listed in Annex I of the Birds Directive. The conservation of many of the more dispersed threatened species can only be partly achieved by site protection mechanisms and will largely depend upon habitat conservation strategies and measures in the wider environment.

There is now a good basis to assess the conservation status of farmland birds at European and national levels⁹. There is growing evidence that land abandonment, the loss and degradation of farmland habitats represent the most serious threats to the conservation status of many bird species throughout the European Union¹⁰. Farmland species are the category of birds under greatest threat. Of 173 priority bird species dependant upon agricultural and grassland habitats identified by BirdLife in its habitat review nearly 70% of them have an unfavourable conservation status.

A large numbers of studies have already been carried out that provide information on the habitat requirements of a wide array of farmland birds. This appears to be best documented for threatened species (e.g. *Crex crex*), for some of which international action plans have been prepared¹¹. Some countries have also focused on species that are listed in national red data lists. Whereas there has been less focus on general bird communities of farmland a lot of information is still available on their information requirements. The available studies provide a good understanding of the impact of both the intensification of the farming systems in

⁴ BirdLife Conservation series No. 6. Compiled by Graham M. Tucker and Michael I. Evans. 1997

⁵ Important Bird Areas in Europe: priority sites for conservation. 2 Volumes. BirdLife Conservation Series No. 8. Edited by Melanie F. Heath and Michael I. Evans. 2000.

⁶ Birds in Europe: Their conservation status. Tucker and Heath. 1994. Birds in Europe 2 (to be launched at the conference.)

⁷ This figure needs to be checked as Natura 2000 is likely to cover between 15 and 20% of EU territory.

⁸ See the Key threats and pressures on biodiversity table in Biodiversity Action Plan for Agriculture: 'Emerging elements' for a 2010 roadmap (report from WG2) to the Malahilde Conference.

⁹ Information related to farmland birds is mainly derived from the conclusions of the ORNIS Scientific Working Group workshop on farmland birds held in April 2003.

¹⁰ For evidence see two recent reports: 'Agricultural intensification and the collapse of Europe's farmland bird populations. P.F. Donald, R.E. Green and M.F. Heath. Proc. R. Soc. Lond. (2001) 268, 25-29' and 'Evidence for the effects of agricultural intensification on wild bird populations in the UK. G.Q.A. Anderson, R.B. Bradbury and A.D. Evans. Royal Society for the Protection of Birds. November 2001'

¹¹ The preparation of international action plans for threatened species of Annex I of the Birds Directive (which are priority for LIFE Nature funding) has been financially supported by the EU since 1993. A review of the effectiveness of these plans has recently been carried out by BirdLife International under contract to the European Commission.

the EU and the abandonment of land and its marginalisation, that has led to massive declines for both the common and widespread species such as Skylark, Yellowhammer and Grey Partridge as well as less common and local such as Cirl Bunting, Lesser Kestrel and Corn Bunting, or seriously threatens others.

The level of ecological understanding varies from species to species and between different parts of the EU. At present we know the key ecological requirements of the majority of farmland birds in the EU, but still there is need for more research on this issue in southern Member States as well as in the new Member States. We also have good knowledge regarding the factors leading to a decline in most of the species in northern and western Europe and for a number of species we even know when during their life cycle the impact of modern farming systems are particularly severe. However, the research framework to define the problems and solutions for farmland birds already exists.

There is also an increasing body of information concerning the conservation status and threats to forest birds although many of these studies are of a general nature¹². A total of 104 priority 'forest bird' species in the EU have been identified in BirdLife's habitat review, including 34 species of Annex I of the directive. This includes forest specialists and generalists. These species are subject to a wide range of threats affecting both the quantity and quality of suitable habitat, including inappropriate forest management practices (including afforestation using non native and exotic tree species) and habitat fragmentation.

Forest species rely on a combination of the three major forest zones of Europe (Boreal, Temperate and Mediterranean Forests). Although the habitat requirements of forest species in Boreal and Temperate forests may be categorised in 3 groups (closed canopy mature forest; transition between forest and open ground; nest in forests but feed in other habitats) it is important to note that some species show geographical variation in their habitat preferences making any generalisation difficult. This has led to some difficulties in providing an overall indicator for forest birds. However, recent work by EBCC and BirdLife, using both trends in common/widespread species and more threatened species has enabled the development of a first Pan-European indicator for forest birds. The results of this suggest, that whereas population declines in some forest species have occurred, the overall trend is of overall population maintenance of forest bird species in Europe. However, this preliminary conclusion needs to be treated with caution as the indicator for forest birds is at present subject to review and may be adapted in the light of further data analyses.

As regards the status of birds in wetlands and marine/coastal area most focus to date has been on assessing the situation for birds using sites, especially within the framework of the work of organisations such as Wetlands International. This is understandable given the high level of threat during the 1970s and 1980s to key wetlands, from drainage and other land use changes, and the need to ensure good site inventory data. For certain more widespread habitat types such as 'tundra, mires and moorland' there have been various studies but usually as part of more general atlases of bird distribution. BirdLife International identifies 73

¹² Need to examine results of questionnaire on forestry and birds for more details.

priority bird species depending upon these habitat types 37% of which have declining status.

There have been major declines of waders breeding in wet grassland across the EU¹³. In some areas, species such as Common Snipe *Gallinago gallinago*, Common Redshank *Tringa totanus* have largely been lost from the wider countryside and are now virtually restricted to areas managed specifically for conservation. A recent international analysis¹⁴ of trends of all migratory waders of Africa and western Eurasia showed that the region with the greatest number of declining wader populations is NW and W Europe (12 of 22 populations 55%) – effectively the European Union (EU15)). Most of these waders are those breeding in wet grasslands or other low-intensity agricultural land and many are those Annex II species for which Action Planning is seeking to reverse declines¹⁵.

Whereas there is now generally good information on the status and threats to birds using coastal wetlands, the situation is far less clear for birds in the wider marine environment¹⁶. BirdLife's habitat review concludes that European seas are important for the survival of 62 priority bird species, 45% of which have an unfavourable status. Most information on seabirds is derived from monitoring of their colonies. Also, much of the work has focused on identifying marine IBAs for the Baltic¹⁷ or the North Sea¹⁸. LIFE-Nature funded projects have recently been initiated to develop inventories for marine areas in Spain and Portugal. Atlases of bird distribution have been prepared for the marine waters of some Member States. A wide range of human activities including fisheries activities threatens marine birds but also diffuse forms of marine pollution.

Altogether, there is a great variety in the amount and quality of data and knowledge on the bird fauna and conservation needs in European regions. It is impossible to cope with these problems without professional staff that know the birds, regions and problems, and local ornithologists. For this reason consideration needs to be given to strengthen mechanisms (e.g. establish a network of regional institutions) where such professionals are employed to coordinate the collection of reliable data, ensure data analyses for national and international purposes and initiate appropriate conservation measures.

C.2 Progress regarding realising *the opportunities that exist to integrate bird protection requirements into other EU policy areas such as agriculture and fisheries*

A wide range of opportunities now exist for integration of bird species protection requirements into other EU policy areas. The most obvious areas relate to

¹³ The Kollumerpomp Statement @ www.waderstudygroup.org

¹⁴ Stroud, D.A., Davidson, N.C., West, R., Scott, D.A., Hanstra, L., Thorup, O., Ganter, B. & Delany, S. (compilers) on behalf of the International Wader Study Group (2004). Status of migratory wader populations in Africa and Western Eurasia in the 1990s. *International Wader Studies* 15: 1-259. Available at www.waderstudygroup.org

¹⁵ Common Snipe *Gallinago gallinago*, Common Redshank *Tringa totanus*, Jack Snipe *Lymnocyptes minimus*, Black-tailed Godwit *Limosa limosa* and Curlew *Numenius arquata*.

¹⁶ The Birds and Habitats Directive also apply in the offshore waters of Members States

¹⁷ Important Bird Areas for wintering birds in the Baltic Sea. Report to the European Commission. Jan Durinck, Henrik Skov, Flemming Pagh Jensen and Stefan Pihl. Ornitho Consult 1994

¹⁸ Important Bird Areas for seabirds in the North Sea including the Channel and the Kattegat. Henrik Skov, Jan Durinck, Mardik F. Leopold & Mark Tasker. BirdLife International 1995.

agriculture, rural development and fisheries policies. However, account should also be taken of other pieces of environmental legislation of a strategic (such as strategic environmental assessment, environmental impact assessment, public consultation, environmental liability) or a specific nature (such as the water framework directive, the EU soil strategy, the KYOTO commitments etc.), as well as policies such as those relating to the marine environment.

The reform of the Common Agricultural Policy which concluded in 2003 has introduced the decoupling of agricultural payments and has put more emphasis in cross-compliance, joined with increased opportunities for nature friendly farming and for support for Natura 2000 sites, within the framework of rural development programmes. A large number of agri-environment schemes have already been developed and implemented ranging from relatively small project targeted at a specific species in a limited area, to country-wide schemes which aims at improving biodiversity more generally. LIFE-Nature has often been used to develop demonstration projects for birds in agricultural land and pastures, which then acted as a catalyst for subsequent applied agri-environment schemes¹⁹. Many agri-environment schemes focus on less intensively farmed land but there are also schemes that have been developed to allow for conservation management in intensively farmed areas (e.g. arable land) with benefits for bird species such as the Grey Partridge (*Perdix perdix*), as well as examples of environmental farms like the Cassinata in the Po valley where wetlands rich in biodiversity have been restored and Veta la Palma where also wetlands with rise farms have been recreated²⁰.

In addition to studies on farmland birds there is also work underway to characterise and define the trends and policy challenges that 'High Nature value farmland'²¹ is facing. This EEA report shows that less than one third of such areas have been proposed for inclusion in the Natura 2000 network. These areas overlap also largely with less favoured areas benefiting from compensatory allowances under Rural Development. However, there is no clear relation between the share of high nature farmland and actual expenditure on less favoured areas. Agri-environment schemes do not appear to be sufficiently targeted at high nature value farmland either. This is especially the case in southern Europe where expenditure on agri-environment is relatively low. On the other hand, agri-environment schemes in many countries of North-West Europe that apply in great scale and attract high proportion of funds do not appear, in many countries, to yield significant positive effects on bird populations. A report of the Biodiversity Action Plan for Agriculture for the Malahilde Conference has provided an analysis of the use of Rural Development measures for the provision of certain benefits for biodiversity as requested in the BAP Agriculture²².

¹⁹ Examples of how Natura 2000 has been used in an innovative way to promote and support local development initiatives, as well as how pilot projects under LIFE-Nature have formed the basis for the development of agri-environmental schemes, are described in the publication "LIFE and agri-environment: supporting Natura 2000", which is available on line at: http://europa.eu.int/comm/environment/life/infoproducts/agrienvironmentreport_en.pdf

²⁰ More information about these projects could be found in "From decoupling to third generation agriculture", by Allan Buckwell, July 2004, ELO.

²¹ High nature value farmland. Characteristics, trends and policy challenges. EEA report No. 1. 2004

²² Biodiversity Action Plan for Agriculture: Implementation report. Working document Prepared in consultation with the *Ad Hoc* Working Group of the Advisory Committee on Agriculture and the Environment. May 2004.

There are also opportunities under rural development policy for ecologically friendly forestry. Regulation 1257/99 had made available provisions for the support of ecological friendly forestry actions and these have been used to an extent by a limited number of Member States for actions that improve the ecological functions of forests, such as the planting of broadleaved trees, anti-erosion measures that support forest soil stability and other mainly forest protection measures. The current proposed changes in rural development increase further these opportunities, allowing the introduction of support to forest Natura 2000 areas as well as support for a variety of non-productive investments and for investments promoting public access and recreation in forest areas. There is also an increased emphasis on the multifunctional values of forests and the need for sustainable forest management (many countries are driven by a need to have recognised certification systems which demonstrate that they are pursuing ecologically friendly forestry). There are also case studies from different Member States, including LIFE Nature projects, which show how bird conservation objectives are integrated into both managed and unmanaged forests. However, these tend to focus on threatened bird species (e.g. Capercaillie, White-backed Woodpecker) and not on the general woodland bird assemblages. Most work to date has also focused on protected forests²³ and it is less clear to what extent bird protection requirements are being integrated into more widespread managed forests.

The Common Fisheries policy also increasingly recognises the need to ensure the protection of environment quality, including biodiversity, as a key goal. Some bird species will have benefited from increased fisheries activities, resulting in improved food supplies as a result of fisheries discards (e.g. fulmar and gannet in North Atlantic, Audouin's Gull at main breeding colony in Ebro Delta, Spain). However, there has been concern that fisheries activities can lead to disruption of the marine ecosystem with implications for seabird populations. Where there is scientific evidence of such significant effects there are provisions under the fisheries policy to introduce regulations to restrict fisheries activities (e.g. sandeels and terns in UK waters).

The other main threat to birds in the marine environment has been from oil spills arising from shipping accidents (e.g. Prestige, Erika) which has led to heavy mortalities of birds in these areas. In response to these problems the Commission has proposed a series of measures, adopted by the Council, which severely restrict access of unsafe ships into EU waters. The issue of environmental liability is also relevant in such cases. The lack of comprehensive environmental knowledge and the high costs of carrying out research in the marine environment represent a major challenge for the protection of the marine environment.

²³ See for example 'Natura 2000 and forests : Challenges and opportunities. European Commission. 2003

C.3 Progress regarding the design and monitoring of agri-environment systems that are beneficial for birds

There is an increasing number of success stories in relation to the potential of agri-environment scheme to deliver significant benefits for birds and biodiversity. When based on good scientific knowledge most projects seem to succeed. However, there are also agri-environment schemes that appear to have been poorly designed, and/or inadequately monitored and it is therefore impossible, at present to assess their efficacy for farmland birds.

D. CHALLENGES

Ensuring that there is adequate knowledge on the status and threats to birds in the wider countryside in all Member States

Putting in place the necessary systems to ensure that the opportunities that now exist to integrate bird protection requirements into other EU policy areas such as agriculture and fisheries are fully realised in all Member States

Effectively designing and monitoring agri-environment systems that deliver measurable benefits for birds and other wildlife.

Ensuring adequate financing for bird conservation at national and EU levels.

D.1 Ensuring adequate *knowledge on the status and threats to birds in the wider countryside.*

There is now a considerable base of knowledge on both the status and threats to birds in the wider countryside. Furthermore, for many species there is also a good understanding on their habitat requirements. The situation will vary from one Member State to another and between different groups of birds.

Where there is a need for the development of more refined studies to underpin conservation management action in the wider environment the lack of complete knowledge cannot be used as a pretext for inaction where bird species are clearly in decline.

D.2 Putting in place the necessary systems to ensure that the opportunities that now exist to integrate bird protection requirements into other EU policy areas

There are increasing opportunities for integrating bird protection requirements into agricultural policy.

Most CAP payments are no longer to be linked to production. The introduced decoupling is to be applied from 2007 onwards although MS have the possibility to apply it from 2005 if they so wish.

“Cross compliance”: the decoupled single farm payment is conditional upon keeping the farm in ‘good agricultural and environmental condition’ and respecting a set of standards. This set of cross-compliance related regulation and standards to be respected is included in the Annex III of Regulation EC 1782/2003²⁴.

Cross-compliance includes now specific requirements to respect certain provisions of the Birds & Habitats Directives

A shift of CAP pillar I (markets) money to RDP has been introduced through a compulsory modulation. Additional mandatory modulation remains also available. The average additional amount available to Rural Development through the compulsory modulation is estimated to €1.2 Billion per year.

Increase of the EU co-financing rate for agri-environmental measures only by 10% on the normal rates (up to a maximum 60% for most of EU-15, while Objective 1 regions and new Member States will benefit from a co-financing rate of up to 85%)

Specific provisions for NATURA 2000 (both agricultural and forest areas), through the re-formulation of the provisions of Article 16 of RD, so to apply explicitly to Natura 2000 areas.

Cross-compliance and legislative arrangements for its implementation²⁵ are particularly relevant in maintaining features of the countryside and for farming that lead to the conservation of wild birds. Furthermore, good farming practice which is the basis for the compensatory allowances for LFA, Natura 2000 payments and agri-environmental schemes are also beneficial for wild birds (e.g. hedgerows maintenance, etc.)

²⁴ COUNCIL REGULATION (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001. Available at: http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_270/l_27020031021en00010069.pdf

²⁵ COUNCIL REGULATION (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003. Available at: http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_141/l_14120040430en00180058.pdf

Together with the recent Natura 2000 Communication the Commission has tabled in July 2004 proposals for the new Rural Development Regulation²⁶ post 2006²⁷. The legislative proposal for the Financing of the CAP presents the rules for the financing and the management and administration of the funds related to the CAP²⁸. The proposal takes account of the following issues:

- A single funding and programming instrument, the European Agriculture Rural Development Fund (EARDF) aiming to be simpler to manage and to be controlled.
- A genuine EU Strategy for rural development with better focus on EU priorities
- Increase in the available EU funding for Rural Development (an amount of €13.7 billion per year for the period 2007-2013 is foreseen).
- Reinforced control, evaluation and reporting.
- A strengthened bottom-up approach. Member States, regions and local action groups will have more say in attuning programmes to local needs.

More specifically the latest proposals include the following in terms of options related to the management of Natura 2000 sites:

- NATURA 2000 payments in agricultural land
- Agri-environmental and animal welfare payments
- Support for non productive investments in agricultural land
- NATURA 2000 payments in forest land
- Forest-environment payments
- Restoring forestry production potential and introducing prevention actions
- Support for non productive investments in forest land
- Encouragement of tourism activities
- The protection, upgrading and management of the natural heritage, so contributing to sustainable economic development.
- Training
- Use of farmers and forest holders of advisory services
- Setting-up of farm management, farm relief and farm advisory services, as well as of forest advisory services
- Integrated projects in rural areas that promote local development and the natural heritage. Actions that promote ecotourism in Natura 2000 rural areas can be benefited from the LEADER approach.
- Support for the preparation of management plans relating not just to Natura 2000 sites but also to other areas of High Nature Value.

Opportunities also exist under the Common Fisheries Policy (CFP) for improved integration of nature protection requirements into its implementation. The new

²⁶ The Press Release describing the main points introduced with this proposal is to be found at: <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/920&format=HTML&aged=0&language=EN&quiLanguage=en>

²⁷ The legislative text of the proposal for the Rural Development regulation is available at: http://europa.eu.int/comm/agriculture/capreform/rurdevprop_en.pdf

²⁸ See the Financing of the CAP legal proposal, for more information about the 2 Funds created for the CAP; a European Agricultural Guarantee Fund (EAGF), which pays for the market support and a European Agricultural Fund for Rural Development (EAFRD) which pays for the Rural Development measures, at http://europa.eu.int/comm/agriculture/capreform/finprop_en.pdf

CFP establish the protection of the marine environment as one of its major targets. It provides for coherent measures concerning conservation, management and exploitation of living aquatic resources and limitation of the environmental impact of fishing.

The first objective of the Common Fisheries Policy is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental, and social conditions. For this purpose, the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It shall aim at a progressive implementation of an eco-system-based approach to fisheries management.

In compliance with this improved legal framework, a number of individual measures have already been taken to improve the conservation status of habitats and species in the marine environment during the last few years, such as reduction of by-catch impact on cetaceans, restrictions to bottom trawling activities for protection of valuable habitats types. Community funds have financed several technical measures to reduce bird's by-catch in fishing gears.

These are examples that show how common fisheries policy could play an important role for marine nature protection. It is intended to fully implement the CFP addressing other pressures created by fisheries activities to the marine environment. There are also some new possibilities through the new proposal for the future Fisheries Fund, as some activities related to Marine Natura 2000 sites can receive support under the priority "measures of Collective interest"²⁹. These activities can facilitate bringing stakeholders to work together for developing common initiatives that can support sustainable fishing practices that are not harmful to birds.

However, increased integration of bird protection requirements into other policy sectors will only succeed with the agreement and active support of farmers, fishermen and other key stakeholders who are the main managers and users of these natural resources. The experience of the Sustainable Hunting Initiative has provided a good model for dialogue between key interests groups concerned with sustainable use and management of wild birds, which could be applicable to dialogue with farmers and other stakeholder groups. There is a strong need to improve communication with farmers to promote bird and biodiversity conservation within the wider framework of a European model of multifunctional farming.

D.3 How can we more effectively design and monitor agri-environment systems that are beneficial for birds and biodiversity?

This represents one of the key challenges for bird conservation in the coming years. National and regional monitoring schemes already exist in many of Member States that include farmland birds and are designed to give information on

²⁹ Chapter 3 of Title IV of the European Fisheries Fund (EFF) proposal.

changes in abundance and range. These surveys are based ideally on random sampling and are not linked specifically to agri-environment schemes³⁰. The same applies to The Pan European Common Bird Monitoring programme. This programme - which is based on data from most Member States as well as Accession countries - will cover farmland birds but it must be expected that the information will be general, focusing on overall populations trends of commoner species.

Finland seems to be the only Member State that has a specific farmland bird-monitoring scheme designed for evaluation of the effectiveness of agri-environmental measures for birds. Monitoring of specific farmland birds or agri-environmental projects are running in many Member States but there is a strong need for monitoring schemes to assess farmland birds and to allow comparison across Member States. The Pan-European Bird Monitoring Scheme provides the basis for realising this objective.

There is a clear need for monitoring projects that evaluate the efficacy of agri-environment schemes in different regions. These should ensure that each agri-environmental scheme involving measures targeted at bird species is accompanied by an adequate monitoring scheme that is able to detect the scheme's impact on those birds.

D4. Ensuring adequate financing for bird conservation at national and EU levels

There is a need for Community instruments that sufficiently address the needs for Natura 2000, wider biodiversity as well as the protection of nature and birds in High Nature Value areas. The new proposals tabled in July 2004 are aimed in this direction, however it is now up to the Council and European Parliament to decide on the Commission's proposals. Further to that there is a need for additional adequate coverage of nature conservation and protection of biodiversity in the Community's Strategic guidelines document, which will set out the funding priorities for the Union.

There is an urgent need for guidelines describing in a more detailed manner the possibilities available for financing biodiversity, including birds and nature conservation. This will help the relevant national and regional nature conservation authorities in the Member States, as well as all other interested stakeholders participating in the preparation of programmes dealing with the different Community Funds to make use of the available opportunities and funds for the management needs of Natura 2000 and other High Nature Value areas.

However, these guidelines will follow only after the approval of the Commission's proposals about the financial perspectives and the Community instruments and funds, as well as any eventual modifications from the Council and Parliament.

³⁰ Note: which could be a sound approach as this is what makes the work statistically significant, although it is also clear that it is also necessary to establish specific monitoring schemes for all agri-environment programs directed specifically to birds.

There is a need for information and training for nature conservation authorities and stakeholders on how the Community instruments will be used for the management of Natura 2000 sites. An easy to use guide for stakeholders working on nature conservation, with best practices examples and networking links between active organisations, administrations and stakeholders can provide some further assistance to the process of mobilising and animating the interested parties.

Even though Rural Development and Structural Funds will make support available for Natura 2000 sites, there may be some areas of activity, which cannot be covered. The recently proposed LIFE+ instrument is intended to include opportunities to help cover some of these needs: for example, the development of innovative ways to approach and demonstrate site management; technical support for the preparation of management plans for the sites or specific species as well as other strategic studies; certain actions targeting protection and management that can not be financed by other funds; design of innovative monitoring schemes; training of various stakeholders including awareness raising campaigns; capacity building and best practice exchanged for public administrations; communication and networking activities; support for the establishment of local partnerships that promote specific governance approaches to the protection of NATURA 2000 areas.

There is a need for capacity building of public authorities and stakeholders that will allow them to be more proactive and to respond better to the new planning and implementation needs for the different Community Funding instruments. More important also is the need to develop a strong consensus about the need to protect birds, nature and biodiversity and a continued commitment of Member States to the Gothenburg target and to the outcome of the “Malahilde Message”, including a commitment to provide the matching national resources needed for the financing of bird conservation.

Annex: Relevant sections from the “Malahide Message”

The Malahide Conference attracted a lot of stakeholders who concluded on a message that biodiversity actions should be further enhanced in Community level in order to achieve the target established in Gothenburg and re-confirmed with the adoption of the 6th EAP for halting biodiversity loss by 2010.

SECTOR 2: AGRICULTURE

OBJECTIVE 5: To further integrate biodiversity issues into the Common Agricultural Policy in order that the agricultural sector can fulfil its contribution to the 2010 biodiversity target

2010 and earlier targets

Within the Rural Development context

- 5.1 The Rural Development Regulation strengthened within the Financial Perspectives 2007-2013 including its funding and in particular those measures including Less Favoured Areas and areas with environmental restrictions and agri-environment that contribute to the delivery of biodiversity.
- 5.2 High Nature Value areas (including the Natura 2000 network) threatened with loss of biodiversity and abandonment identified, and measures to address those threats provided.
- 5.3 Habitats and species in other agricultural areas also at risk of biodiversity loss identified and support for their protection provided.
- 5.4 High-Nature Value areas and traditional farming systems included in Less Favoured Areas and their continued support provided for.
- 5.5 Rural Development support underpinned by identified Good Farming Practices that provide a basic level of protection for biodiversity.
- 5.6 Agri-environmental schemes – in addition to their other tasks – specifically targeted to provide positive incentives for biodiversity conservation in the longer-term;
- 5.7 Extension services and farm advisory system broadened, and biodiversity training for farmers, land owners and farm workers strengthened.

Within the market pillar

- 5.8 Provisions of the 2003 CAP reform (eg. decoupling, national envelope, Single Farm Payment) implemented in such a way as to benefit biodiversity.
- 5.9 Cross-compliance effectively implemented in ways that benefit biodiversity, including possible extension of scope following its evaluation in 2007.

Genetic resources

- 5.10 Measures in place to ensure the conservation and availability for use of genetic resources, and in-situ conservation (varieties, breeds and races)³¹ promoted.

Monitoring and evaluation

- 5.11 Effectiveness of rural development and key market policy reform measures (single farm payment, cross-compliance, national envelopes etc) for biodiversity monitored and evaluated.

SECTOR 3: FORESTRY

OBJECTIVE 6: To conserve and enhance biodiversity through sustainable forest management at national, regional and global levels.

2010 and earlier targets

National and EU level

- 6.1 Biodiversity considerations fully integrated with economic and social considerations in implementation of sustainable forest management.
- 6.2 Forest species and habitats listed under the Birds and Habitats Directives in favourable conservation status.
- 6.3 Adequate financial support secured for the conservation of forest biodiversity both inside and outside Natura 2000 sites by 2007.
- 6.4 Biodiversity of all ancient and semi-natural woodland of significant importance secured.
- 6.5 No overall long-term negative impact of afforestation and deforestation on biodiversity in EU from 2004.

Global level

³¹ This includes the Community commitment to the International Treaty on Plant Genetic Resources for Food and Agriculture.

- 6.6 Wood imported by the EU derived only through sustainable forest management.
- 6.7 EU imports driving deforestation identified and reduced.
- 6.8 Bilateral agreements made between the EU and the major timber exporting countries with the aim of supporting forest law enforcement, governance and trade (FLEGT).

SECTOR 4: FISHERIES

OBJECTIVE 7: To further promote conservation and sustainable use of commercial stocks and to continue reduction of adverse impacts of fishing and aquaculture on species and habitats making full use in particular of the CFP instruments.

2010 and earlier targets:

- 7.1 New Regulation on Structural Funds in the field of fisheries, with an increased allocation of funds for investments aiming at environmentally-friendly management adopted by 2006.
- 7.2 Recovery plans prepared and implemented as soon as needed for any stocks outside safe biological limits.
- 7.3 Technical measures, including marine protected areas, effectively implemented to help ensure favourable conservation status of marine habitats and species not commercially exploited, in line with the process initiated at the Dundalk Conference³² including measures aimed at the reduction of unwanted by-catch and of damage to the benthos.
- 7.4 Community Plans of Action on sharks and seabirds adopted by 2006 with progressive implementation thereafter.
- 7.5 Fishery protection measures required for Natura 2000 implementation adopted following CFP procedures.
- 7.6 Restoration programmes for diadromous species (eg. eel, trout, salmon, sturgeon) designed and adopted in collaboration with the appropriate authorities and in close consultation with relevant stakeholders.
- 7.7 Appropriate environmental impact assessment techniques applied to new aquaculture and new fisheries to identify impacts on biodiversity and these assessments acted on from 2004.

³² 'Fast-tracking the development of environmentally-friendly fishing methods', Dundalk, Ireland, 2004.

- 7.8 Funds made available regularly to undertake assessments of the short- and long-term effects on marine ecosystems of principal fishing and aquaculture techniques and practices.
- 7.9 A strategic plan for making operational the ecosystem-based approach to fisheries management developed and adequately funded as soon as possible.
- 7.10 Reports on progress of environmental integration in the CFP made available by 2005, 2007 and 2009.
- 7.11 Regional Advisory Councils (which will be instrumental for the delivery of biodiversity objectives) established, adequately funded and fully operational by 2005 in order to strengthen stakeholder participation in fisheries management and promote biodiversity awareness.

Footnote to targets:

There was discussion of a potential further target to be worded: “Reduction of fishing capacity facilitated where the exploitation rate exceeds the sustainability of the resource.” There was, however, no agreement on inclusion of such a target.

Sector 5: Regional Policy and Spatial Planning

Objective7: To ensure that Cohesion policy and spatial planning support conservation and sustainable use of biodiversity.

2010 and earlier targets

1. Substantial proportion (10%) of structural funds guaranteed under Financial Perspectives 2007-2013 for positive measures for the conservation and sustainable use of biodiversity, in particular to enhance ecological connectivity.
2. Projects co-financed by structural funds not causing significant negative impact on biodiversity and complying with Community nature and environmental legislation.
3. All territorial plans subject to Strategic Environmental Assessment Directive take full account of impacts on biodiversity from July 2004.
4. Spatial plans have ensured the maintenance and enhancement of the ecological functioning of landscapes and of the coherence of the Natura 2000 network.
5. An Environment Objective established within the Structural Funds to address nature conservation issues in regions of high biodiversity value implemented through the new Regulation for the period 2007-2013.

The identified targets indicate strong support for structural funds spending for biodiversity actions, need to provide for the management of the Natura 2000 network, but also for areas of high nature value (HNV), enhancement of the opportunities

provided by SEA for addressing negative effects of projects on biodiversity, coupled with the need to address the negative impacts of infrastructure projects on biodiversity. The negative impacts on biodiversity are further addressed in detail in a separate objective (see below Objective 9). This objective is also addressing priorities relates to the TEN's, urban and energy projects, as well as the implementation of the EIA Directive.

Objective 9: To prevent, minimise and mitigate negative impacts on biodiversity of construction, infrastructure and extractive industries, or related to the use of infrastructure.

2010 and earlier targets

1. All environmental assessments of transport, energy, urban, industrial and extractive projects under the EIA Directive and/or Art. 6 of the Habitats Directive, take full account of impacts on biodiversity in the authorisation procedure, whether or not the project receives EU financing.
2. All environmental assessments of transport, energy, urban and industrial and extractive programmes and plans under the SEA Directive take full account of impacts on biodiversity from July 2004.
3. All new Trans-European Networks (TENs) provide for environmental assessment, taking full account of biodiversity impacts.
4. All EU pollution and accident prevention legislation and post-Prestige measures fully implemented to schedule.