



Final version (9-11-2004)

“REINFORCING OUR COMMITMENT TO SAFEGUARDING EUROPE’S WILD BIRDS AND THEIR HABITATS”

CONCLUSIONS FROM BERGEN OP ZOOM November 9, 2004

1. Recalling the vision and commitment provided a quarter of a century ago by the European Union and its Member States to conserve our shared heritage of wild birds by adopting Council Directive 79/409/EEC on the conservation of wild birds in 1979 (hereafter referred to as the Directive).
2. Recognising that this Directive was the first significant step to address the loss and degradation of biodiversity in the EU and that it is a key instrument for the achievement of the wider EU biodiversity objective, set by EU heads of state and government at Göteborg in 2001, to halt the decline of biodiversity by 2010, reiterated in the 6th Environmental Action Programme and underlined by the “Message of Malahide” (2004), reflecting the views of a broad Stakeholder Conference on the achievements and necessary actions with respect to the biodiversity targets for 2010 and the ensuing Council Conclusions of June 2004 on this subject.
3. Also recognising that the Directive is one of the key EU instruments that contributes to the realisation of the objective set by world leaders in Johannesburg in 2002 ‘to significantly reduce the rate of (global) biodiversity loss by 2010’, and other international agreements such as the United Nations Convention on Biological Diversity, the Pan-European Biological and Landscape Diversity Strategy, the Convention on European wildlife and habitats (Bern), the Convention on wetlands of international importance especially as waterfowl habitat (Ramsar) and the Convention on the conservation of migratory species of wild animals (Bonn). Also aware of the Edinburgh Declaration (April 2004) of the Waterbirds around the World Conference which highlighted the need for increased international cooperation along migratory flyways.
4. Noting that the EU contribution to these global and Pan-European objectives has even increased since the enlargement of the EU from 9 Member States in 1979 to 25 in 2004, with a corresponding increased area of application of the Directive.
5. Aware that birds reach – in 2004 as much as in 1979 – the hearts of millions of Europeans and are therefore powerful ‘messengers’ to inform the public about the overall

state of the Europe's environment and to gain public interest and support for measures to achieve the EU and global 2010 objectives.

6. Conscious that the 25th anniversary of the Directive provides an excellent and timely opportunity to reflect on its achievements, – to identify remaining gaps in its implementation, and to focus on priorities for future action, – especially in light of recent calls by EU heads of state and government to accelerate action to meet the 2010 objective.

Achievements

7. Convinced that the Directive has provided a strong legal framework and common high standards for the conservation of all wild bird species and their habitats in the Member States.

8. Conscious of the major contribution made by volunteers to the monitoring and management of wild birds and their habitats, which, together with the work of researchers and managers from the Member States' and Community institutions, has provided a broad scientific basis for a reflection on the achievements of the Directive.

9. Noting with satisfaction that thanks to the implementation of the Directive over the past 25 years important results have been achieved with respect to safeguarding Europe's wild birds and their habitats, and especially welcoming the following key results.

KEY RESULTS OF 25 YEARS OF IMPLEMENTATION OF THE BIRDS DIRECTIVE

- **Establishment of an extensive network of special protection areas, already covering 8% of Europe's terrestrial territory as well as substantial inshore marine areas.**
- **Provision of a strong protection regime halting loss of wetlands and other key habitats.**
- **Improvements in the status of many threatened bird species by targeted measures, supported by international action plans**
- **Capacity building, experience and expertise in positively managing habitats for birds with support from funds such as the EU LIFE Nature programme.**
- **Promotion of dialogue and action to ensure that hunting is sustainable, including provision of guidance, which has led to agreement between key stakeholders**
- **Elimination of trade in wild birds as a pressure on their populations.**

10. Recognising that these key results could only have been achieved due to the contribution and commitment of Stakeholders, Member States and the European Commission, and that these key results also reflect that increasing awareness and concern for wild birds has led to the adaptation of human behaviour to avoid harmful activities that negatively impact on wild birds.

Remaining gaps and future challenges

11. Concerned however that, notwithstanding significant progress in implementation, the latest scientific evidence confirms that many common bird populations continue to decline, especially those dependent on rural landscapes as well as long-distance migrants, and that the overall aims of the Directive have therefore still not been fully realised.

12. Concerned, moreover, that these negative trends in bird populations probably reflect a wider degradation of Europe's natural resources, thereby undermining the capacity of

Europe's ecosystems to provide the goods and services which underpin EU sustainable development. Convinced that adequate implementation of the Directive is necessary for enhancing common practices across the Community and therefore for achieving the objectives of the Lisbon Agenda.

13. Conscious that the existence of viable bird populations require integration with policy development and implementation of other sectors, such as agriculture, forestry, transportation, tourism, fisheries and energy. Also conscious that in some cases, in order to achieve the conservation objectives for birds and their habitats, there is a need to incorporate bird protection requirements into spatial planning, especially in the light of the human population density of Europe.

14. In this context noting the Commissions proposal for funding of Natura 2000 and looking forward to the outcome of current discussions in the Council and European Parliament.

15. Recognising that since 1979 new issues have emerged, which need to be taken into account whilst implementing the Birds Directive, such as climate change, and that there is a need for increased international co-operation along migratory flyways.

16. Recognising however that there is a need to redouble our efforts to communicate Natura 2000 and other elements of EU nature and biodiversity policy (building on the El Teide declaration), to ensure more effective integration into relevant sectoral policies and to provide for adequate financial means to achieve our objectives.

17. Welcoming the initiative of the Province of Noord-Brabant to commit itself to active involvement in reaching the 2010 target, in the framework of the Countdown 2010 Initiative, thus setting an excellent example for other regions in Europe

Priority objectives

18. The Conference on the celebration of the 25th anniversary of the Birds Directive, co-organised by the EU Presidency of The Netherlands and the European Commission and held in Bergen op Zoom on 7, 8 and 9 November 2004, reaffirms that the goals and principles of the Directive are today at least as valid as in 1979 and that it has a vital role to play in meeting the 2010 biodiversity targets.

19. The Conference therefore recommends the European Union to reinforce its commitment to safeguarding Europe's wild birds and their habitats by committing itself to the following priority objectives and asks the Member States, European Commission and Civil Society to implement the recommended actions that have been attached as an annex to these conclusions.

PRIORITY OBJECTIVES FOR SAFEGUARDING EUROPE'S WILD BIRDS AND THEIR HABITATS

- 1. Urgently complete the terrestrial network of Special Protection Areas (SPAs) by 2005, fully extend it to the marine environment by 2008 and establish an effective protection regime for all SPAs, with management objectives in place and initiated for all sites by 2010.**
- 2. Ensure that the overall SPA network is functionally coherent and resilient to future changes and pressures, including the development and implementation where appropriate of tools for achieving ecological connectivity.**
- 3. Take urgent actions for species under threat, including the implementation of international action plans and national measures.**
- 4. Ensure that opportunities to integrate the requirements of the Birds Directive into all relevant EU policy areas and Community instruments are fully realised, including the development of agri-environment and forest-environment measures and actions that deliver measurable benefits for birds and other wildlife.**
- 5. Work towards a common approach for Natura 2000 (for both SPAs and SACs), take care that use and other human activities within and outside classified areas are sustainable and compatible with bird conservation requirements, and promote and implement proportionally the 'wise use' principle with respect to birds and their habitats.**
- 6. Implement by 2006 a set of bird conservation indicators to monitor and evaluate the efficiency of measures taken under the Directive and in the implementation of the Sustainable Development Strategy, in particular to achieve the 2010 biodiversity target, with the potential to communicate bird conservation problems effectively to the general public and to decision-makers and provoke appropriate and effective policy responses.**
- 7. Strengthen research that is focused on achieving the objectives of the Birds Directive and the 2010 target and that is robust and responsive to future challenges, and reflect this through the appropriate revision of annex V of the Birds Directive.**
- 8. Reinforce measures for communication and awareness raising with respect to bird conservation, including public participation and stakeholder involvement in managing SPAs.**
- 9. Ensure adequate EU and national financial support for bird conservation policy and the implementation of the necessary actions.**
- 10. Strengthen EU commitments and action for Pan-European and global bird conservation and maximise the contribution the Bird Directive makes to this.**

ANNEX

Recommended actions to achieve priority objectives **(2010 and earlier targets)**

OBJECTIVE 1

Urgently complete the terrestrial network of Special Protection Areas (SPAs) by 2005, fully extend it to the marine environment by 2008 and establish an effective protection regime for all SPAs, with management objectives in place and initiated for all sites by 2010.

- Action 1-1** Identify and classify additional sites where necessary to complete the network of Special Protection Areas in accordance with objectively verifiable scientific criteria (Member States); prepare a distance to target indicator for measuring completeness of the network in agreement with Member States (EEA, Commission, Member States, stakeholders); with a view to facilitating this task for the marine, complete guidance document on establishing NATURA 2000 in marine environment (Commission and Marine Expert Working Group, Member States).
- Action 1-2** Transpose Article 6 of the Habitats Directive (avoidance of damages to Natura 2000 sites, including SPAs) fully into national legislation and put it into practice in planning policies and decision-making (Member States).
- Action 1-3** Strengthen administrative and other structures to ensure effective protection of SPAs with provision of guidance on provisions of Article 6 to decision making authorities (Member States)
- Action 1-4** Establish and implement conservation objectives and management plans or other appropriate measures, including monitoring for enabling adaptation of management practises, involving local stakeholder groups (Member States).
- Action 1-5** Integrate SPAs in relevant sectoral plans and programmes, including Rural Development Plans, and strengthen the involvement of all relevant land users in the conservation of SPAs and the broader landscape of which they are part (Member States).

OBJECTIVE 2

Ensure that the overall SPA network is functionally coherent and resilient to future changes and pressures, including the development and implementation where appropriate of tools for achieving ecological connectivity.

- Action 2-1** Prepare guidance on ecological connectivity and the interpretation of article 3 and 4 of Birds Directive and Article 10 of the Habitats Directive, including the identification of complementary measures in the wider landscape, for example ecological networks, corridors, stepping stones and buffer zones, which

require appropriate management for improving the long-term coherence of the SPA network. (HABITATS/ORNIS Committee, Commission and EEA).

Action 2-2 In the light of future pressures and changes to SPAs, especially from predicted climate change, prepare to ensure the resilience of the SPA network, applying as appropriate the provisions of article 6 of the Habitats Directive (Member States, European Commission).

Action 2-3 Implement the ecosystem approach in practical decision-making in all relevant situations as an important tool in the delivery of the CBD 2010 target, and facilitate application through capacity building and information, based on the guidelines that have been developed by the CBD (Member States, Commission).

OBJECTIVE 3

Take urgent actions for species under threat, including the implementation of international action plans and national measures.

Action 3-1 Update and prepare new international action plans for globally threatened and other highly endangered species listed in Annex I, in partnership with relevant international conventions and within a perspective of the distribution area of the species/populations. (Member States, Commission and stakeholders)

Action 3-2 Put in place national and EU measures to implement priority recommendations of international plans, with adequate financing. (Member States, Commission and stakeholders)

Action 3-3 Ensure an adequate monitoring and review system, where feasible in harmony with relevant international conventions and agreements, to enable the efficacy of the plans to be evaluated and improved as necessary at regular intervals. (Member States, Commission and stakeholders)

OBJECTIVE 4

Ensure that opportunities to integrate the requirements of the Birds Directive into all relevant EU policy areas and Community instruments are fully realised, including the development of agri-environment and forest-environment measures and actions that deliver measurable benefits for birds and other wildlife.

Action 4-1 Develop and promote a more integrated and participatory approach to sustainable use and protection of birds and biodiversity outside the SPA network in relation to fishery, agriculture, forestry, environment, development policy, transport, tourism, communications and energy sector, etc. (Member States, European Commission). The Member States can use Land use planning for this purpose.

Action 4-2 Identify and promote clearly defined actions for respecting the legally binding provisions of the Birds Directive under cross-compliance and compensatory measures and for active bird protection under good farming practice and agri-environmental and ecological forestry measures (Member States) with

development of appropriate guidance on this subject (Member States, European Commission).

- Action 4-3** Strengthen ways to improve communication and dialogue with farmers and foresters, land and forest owners, land managers, authorities and stakeholders to promote bird conservation within the new framework of Rural Development and in the context of the «European model of multifunctional farming» as well as within cohesion policy (Member States, European Commission).
- Action 4-4** Develop and achieve targeted farm management prescriptions under agri-environmental measures, which actually meet the needs of birds (Member States).
- Action 4-5** Develop guidance at EU and national levels on application of compensatory measures, agri-environment and forest-environment measures for birds and biodiversity, for both private and public areas (Member States, European Commission)
- Action 4-6** Ensure that the implementation of the Water Framework Directive enhances the conservation of water-dependent bird habitats and in particular SPAs (European Commission, Member States).

OBJECTIVE 5

Work towards a common approach for Natura 2000 (for both SPAs and SACs), take care that use and other human activities within and outside classified areas are sustainable and compatible with bird conservation requirements, and promote and implement proportionally the 'wise use' principle with respect to birds and their habitats.

- Action 5-1** Exchange 'best practises' with respect to the protection regime, both within and outside SPAs, on the implementation and practical use of the protection provisions, on management planning, and on possibilities and limitations of using derogations. In this respect especially pay attention to the cooperation of nature protection partners with relevant other stakeholders, like – among others those involved in farming, forestry, fisheries, hunting, industry, transportation sector, tourism and recreational activities, (Member States, ORNIS Committee, European Commission, Stakeholders).
- Action 5-2** Enforce the provisions of the legal framework of the Birds and Habitats Directives to offset losses from new plans and projects with investments in nature, and explore the possibilities to balance positive and negative effects on species and habitats (Member States, European Commission).
- Action 5-3** Further develop EU guidance on legal and technical concepts relevant to the application of the Directive (e.g. pertinence of favourable conservation status', 'significant effects' etc.), where there is a particular need, for example, for common standards (European Commission).
- Action 5-4** Improve integration of bird protection requirements in the application of other EU instruments relevant to land use planning and sustainable use (e.g. EIA and SEA) (Member States, European Commission).

- Action 5-5** Work towards a common approach, where legally feasible, for Natura 2000 (both for SPAs and Special Areas of Conservations - SACs), especially regarding the implementation of the protection regime, the approaches for dealing with derogations from the provisions for species protection under both Directives, management planning, monitoring and reporting (European Commission).
- Action 5-6** Promote and strengthen a dialogue and common action on best ways to ensure that different economic sectors are in harmony with the requirements of the Directive (e.g. wind farms, waterways, ports, electric pylons). Develop sector-specific actions and 'Codes of Conduct' to promote wise use of birds and the sustainable management of their habitats by stakeholders including the ones mentioned in action 5.1, and guidelines where necessary (Stakeholders, Member States, European Commission).
- Action 5-7** Further strengthen dialogue and action under the "Sustainable Hunting Initiative", building on the solid basis provided by the "Guidance document on hunting", and if necessary implemented in national law depending on decisions of Member States, including implementation of actions under the "Agreement on Hunting" such as development of management plans for huntable species considered to have an unfavourable conservation status and bag statistics for huntable species, and establishment of observatory systems to provide scientific information to manage hunting. (European Commission, Member States, Stakeholders).
- Action 5-8** Aim to phase out the use of lead shot in wetlands as soon as possible and ultimately by 2009 (Member States, European Commission).
- Action 5-9** Ensure effective enforcement with respect to illegal killing, trapping and poisoning of birds (Member States, European Commission).

OBJECTIVE 6

Implement by 2006 a set of bird conservation indicators to monitor and evaluate the efficiency of measures taken under the Directive and in the implementation of the Sustainable Development Strategy, in particular to achieve the 2010 biodiversity target, with the potential to communicate bird conservation problems effectively to the general public and to decision-makers and provoke appropriate and effective policy responses.

- Action 6-1** *Indicators:* develop, test, optimise and finalise by 2006 a set of bird indicators, including a bird population indicator to be part of the list of indicators for reporting on Sustainable Development Strategy by 2004 and for the next Spring Report (European Commission, EEA, relevant stakeholders).
- Action 6-2** *Monitoring:* use, and if necessary develop, effective and harmonised monitoring and reporting frameworks (building on existing monitoring approaches and methods including those of civil society using memorandums of understanding where appropriate) in order to establish adequate data flows on the status and trends of species, sites, habitats and related management measures; this is especially to reveal and communicate key trends of the bird indicators from 2006. In this respect, the collection and the proper scientific

interpretation of hunting bag statistics is necessary. (European Commission, EEA, Member States, relevant stakeholders).

Action 6-3 *Reporting*: adopt best approaches to streamline and ensure adequate and timely reporting under the Birds and Habitats Directives, and EC Biodiversity Strategy (Member States, European Commission, EEA), relevant international agreements from 2006 onwards (European Community, Member States, international secretariats).

Action 6-4 *Information management, analysis and dissemination*: ensure that all data are widely and readily available as information in line with the Aarhus Convention and for assessment and analysis in a wide spatial context and develop systems for exchange of best practice of monitoring and data management, so as to promote scientifically robust monitoring (European Commission, EEA, Member States, relevant stakeholders).

OBJECTIVE 7

Strengthen research that is focused on achieving the objectives of the Birds Directive and the 2010 target and that is robust and responsive to future challenges, and reflect this through an appropriate revision of annex V of the Birds Directive.

Action 7-1 To effectively deliver research to support implementation of the Birds Directive (Article 10, Annex V), identify knowledge gaps and implement research on key priority issues for bird conservation - such as the effective management of sites, coherence and resilience of the SPA-network, so as to ensure the survival and reproduction of relevant species, implementation of the protection regime, diagnosis of the cause of bird population declines, especially in long-distance migrants including outside the EU, predictive modelling on impacts on bird populations, especially in relation to climate change, and necessary work to underpin the effective delivery of the "Guidance document on hunting" (European Commission, Member States, ORNIS Committee).

Action 7-2 Consider ways in which co-operation between bird researchers and policy makers can be strengthened (European Commission, Member States, ORNIS Committee).

OBJECTIVE 8

Reinforce measures for communication and awareness raising with respect to bird conservation, including public participation and stakeholder involvement in managing SPAs.

Action 8-1 Implement the "El Teide Declaration", inter alia through the development of partnerships, involving the broad range of stakeholders in the conservation and management of SPAs and Natura 2000 sites, the sharing of experience and good practice in managing the Network, the sustainable use and management of Natura 2000 areas for educational and recreational purposes (Member States, European Commission, Stakeholders).

- Action 8-2** Improve the effectiveness and efficiency of communication channels on the implementation of the Natura 2000 Network and Birds Directive by positive dialogue between the European Commission, Member States and stakeholders continued through charters, guidance documents, to improve efficiency of communication channels. (Member States, European Commission).
- Action 8-3** Encourage “Countdown 2010” initiatives, such as the example of Province of Noord-Brabant, supported by the Dutch Presidency, the Commission and the World Conservation Union (IUCN) to halt the loss of biodiversity from now to 2010, in other regions, or by other partners. (Member States, European Commission, EU Committee of the Regions).
- Action 8-4** Ensure access to all relevant information, public participation, including active involvement of the youth, and call for swift adoption of access to justice requirements of the Århus Convention applied to projects, and plans and programmes, relating to or having an impact on bird conservation. (Member States, European Commission).
- Action 8-5** Promote public awareness and education and the involvement of citizens, in particular youth, for example by monitoring of and reporting on birds (European Commission, Member States and Stakeholders).

OBJECTIVE 9

Ensure adequate EU and national financial support for bird conservation policy and the implementation of the necessary actions.

- Action 9-1** Implement the necessary technical and financial instruments and measures required for the full implementation of Natura 2000 and for the protection outside Natura 2000 areas for species protected under the Habitats and Birds Directives. The Community institutions are requested to ensure that within the current discussions for the Financial Perspectives and the related instruments, adequate financing for Natura 2000 is assured (European Institutions, Member States).
- Action 9-2** Allocate adequate long-term financial resources to develop and maintain bird indicators, monitoring, reporting, research, assessment and their co-ordination, including financial and organizational support for non governmental and other organizations, as well as adequate financial resources allocated to promote communication, awareness raising and networking initiatives, as identified in the “El Teide Declaration”, and for other conservation actions identified in the Communication on Financing Natura 2000. (Member States, Commission)
- Action 9-3** Allocate by 2006 adequate financial resources to national, European and international bird conservation research and to the dissemination of its results, including sufficient funding under the Community FP7 (European Commission, Member States).

OBJECTIVE 10

Strengthen EU commitments and action for Pan-European and global bird conservation and maximise the contribution the Bird Directive makes to this.

- Action 10-1** Adopt the recent proposal from the Commission to ratify the African Eurasian Waterbird Agreement - AEWA (Council of Ministers), and support its implementation (Member States, European Commission).
- Action 10-2** Promote and support coordinated actions to strengthen the flyway management and long-term monitoring of waterbirds and other long-distance migratory bird species outside the EU notably in Africa, the Middle East and European non-EU states (Member States, European Commission).
- Action 10-3** Strengthen the role of SPAs as an important contribution to the Pan European Ecological Network and the CBD Programme of Work on Protected Areas (Member States, European Commission).
- Action 10-4** Cooperate with the relevant international conventions, such as the Convention on wetlands of international importance especially as waterfowl habitat, the Convention on the conservation of migratory species of wild animals and its suite of agreements (e.g. AEWA), the Convention on European Wildlife and natural habitats and the Convention on Biological Diversity, with a view to a common framework for implementation of monitoring and research activities, within and outside the EU, which are in line with the provisions of the Birds Directive (European Commission, Member States, international secretariats).