

Highlights Eurosites Insights

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Highlights on image, implementation, interpretation and integration of Natura 2000 in European perspective

United Kingdom, Sweden, Spain, France and Hungary

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ABSTRACT

M.G.G. Neven, F.H. Kistenkast (in co-operation with R. van Apeldoorn, R. Schröder, A. Bruszik), 2005. *Highlights Eurosites Insights; Highlights on image, implementation, interpretation and integration of Natura 2000 in European perspective*. Wageningen, Alterra, Alterra-rapport 1222.3. 51 blz.; 1 fig.; 4 tables.

Highlighting the main report *Eurosites Insights* this comparative study analyses Natura 2000 nature conservation (EU Birds- and Habitats Directives) alongside the key issues of image, implementation, interpretation and integration. Having quick scanned the EU25, five member states have been selected for further investigation: UK, Sweden, Spain, France and Hungary. After six learning's it is stated that (*inter alia*) an *in concreto* case law approach offers most progress opportunities and an often hallowed integrated environmental code however does not automatically lead to one integrated licensing system.

Keywords: nature conservation, Natura 2000, Birds- and Habitats Directives, implementation, European nature conservation law, environmental law, comparative law, image, management plans, agencies, devolution, policy effectiveness.

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Contents

Preface	7
1 Introduction	9
1.1 Reason for this study	9
1.2 Research questions	11
1.3 Method	12
1.4 How this report is structured	14
2 The search for relevant issues in 25 European countries	15
2.1 Introduction	15
2.2 Relevant issues	15
2.3 Selection of and reasons for five country visits	16
3 Specific findings from five European countries	17
3.1 Introduction	17
3.2 The United Kingdom	18
3.3 Sweden	19
3.4 Spain	21
3.5 France	22
3.6 Hungary	24
4 Discussion, conclusions and recommendations	27
4.1 Introduction	27
4.2 The Netherlands: a short impression of the current situation	27
4.3 Overview of learning experiences	30
5 Summary of conclusions and recommendations	47
List of abbreviations	51

Preface

This summary is based on the more extensive main report *Eurosites Insights; image, implementation, interpretation and integration of Natura 2000 in European perspective*. The study was made possible by the Dutch Ministry of Agriculture, Nature and Food Quality (LNV) and many others as well.

We would also like to mention here the corresponding ministries in the five countries studied as well as the Dutch agricultural attachés in these countries for their warm reception and their help in organising the country visits. Without the openness of those interviewed in the five member states, this study would not have been possible. We would also like to thank Sandra Rientjes, Rob Wolters and Agnez Brusznik (ECNC) and Wiebren Kuindersma, Rob van Apeldoorn and Rob Schröder (Alterra) for their contributions to this study.

The interdepartmental task force for the Birds- and Habitats Directive (BHD) and the nature conservation- team of Nature Directorate of the LNV provided us with valuable feedback by reflecting with us on the study.

Finally, we look back upon our excellent and inspiring collaboration with our clients Paul Vetter and Martin Lok (LNV), who asked us to do the study. Over the course of almost two years, we have been working together on this project in a 'learning' approach to research and policy.

Fred Kistenkas and Ine Neven

1 Introduction

The report you have just opened is a memorandum of the main points of an international comparative study into how Natura 2000 is being implemented in Europe. A comprehensive description of this study can be found in the main report *Eurosites Insights: Image, implementation, interpretation and integration of Natura 2000 in European perspective*. This main report contains many illustrations and details from a limited number of countries that were studied further, namely the United Kingdom, Sweden, Spain, France and Hungary.

In 2004 the Dutch government expressed a need to reflect on its own position towards and way of dealing with the implementation process of Natura 2000. It also wanted to learn from the implementation practices other countries use for the BHD. Because of this, this memorandum is intended particularly for Dutch politicians and for the administrators concerned. The conclusions are based on the comparison of implementation practices between five European countries and the Netherlands and the important lessons learned from this. The recommendations are aimed at translating these lessons into improvements in Dutch policymaking with regard to implementation of the BHD.

1.1 Reason for this study

Natura 2000 is a very important concept in European nature policy. The intention is to create a network of nature areas on a European scale. Member states designate these areas on the basis of the Birds Directive (BD, 79/409/EEC) and the Habitats Directive (HD, 92/43/EEC). Because of this, the BHD is the most important piece of European legislation for nature issues. Other important European directives significant for nature include the Water Framework Directive (WFD) and the Nitrates Directive (ND). Further information on the BHD is provided in the annexes accompanying the main report.

In the current debate on the increased interrelatedness between European, national and regional policy, both directives are receiving a great deal of attention from politicians, the public and scientists. The political attention has to do with the European Union's (EU) requirement that national nature policy be implemented according to the European directives. However, the member states want to be able to develop their own interpretations of the directives with a certain amount of freedom and in consultation with those involved in the region. Both the political and the scientific discussions are concentrating primarily on the official implementation process, which is about translating this into national legislation, interpreting the most important concepts of the BHD and integrating various nature legislation.

At the same time, public attention and the interest by government officials and civil servants in the Netherlands is directed towards the day-to-day application of the BHD and how to obtain support for the implementation process.

Although the Netherlands played a major role in the development of the BHD at European level, this does not indicate how the implementation process is proceeding in the Netherlands itself. To start with, it became apparent it would not be easy to carry out legal changes. It also emerged that European-level nature policy concentrated predominantly on the protection of species and habitats, while since the 1990 Dutch Nature Policy Plan, the government in the Netherlands has been concentrating mainly on regeneration, development of nature and habitat protection. In addition, there was a considerable increase in newspaper, radio and television coverage. Unfortunately, this public attention wasn't focused on freedom with regard to policy or on the opportunities allowed for in the directives, but instead on the obstacles encountered when developing new plans and projects. In spite of the fact there were also many positive examples of implementation processes in the regions, the image of Dutch nature policy has been seriously affected by the increasing use of the Dutch slogan *Nederland op slot* ('The Netherlands under lock and key').

In a letter to European Commission member Margot Wallström, Dutch minister of Agriculture, Nature and Food Quality (LNV) Cees Veerman wrote: *The Dutch government endorses the objectives of the Birds Directive and the Habitats Directive for the protection of species and habitat in order to in this way contribute to sustainable development and conservation of biodiversity. Just like in other member states, in the Netherlands the implementation of both directives is meeting with many difficulties. As agreed during the Environment Council in June 2002, the Dutch government is taking a positive attitude to solving the 'existing difficulties'. With this in mind, a study on the implementation of the Birds Directive and the Habitats Directive will soon be carried out. The study's objective is to identify the difficulties in the Netherlands regarding the implementation of the BHD as well as to test its appropriateness and effectiveness. This evaluation is aimed at indicating areas for improvement and ways to solve problems.*

In 2007, the European Commission answered it would consider an evaluation of the directives. To prepare for the evaluation, in 2002 the cabinet decided to conduct an interdepartmental policy study (IPS) into the bottlenecks and possible ways to solve problems regarding the implementation of the BHD in the Netherlands. After publication of the report *Nederland op slot?* ('Is the Netherlands under lock and key?') in 2003, three interrelated clusters of recommendations were discussed in Dutch parliament. The first cluster of recommendations was aimed at improving communication between administrative bodies, the business community and nature conservation organisations. A forum for discussion could help with this. A second cluster of recommendations was aimed at promoting increased political and administrative attention for the BHD. Improvements could come about by (a) making the BHD concepts more clear, (b) making the BHD provisions more concrete, (c) gathering knowledge and insights in order to improve information provided about the BHD and (d) promoting its implementation by complying with and monitoring the BHD. Dutch parliament accepted the conclusions from the IPS study and adopted nearly all of the recommendations. In the above-mentioned letter, Minister Veerman also stressed the need for an evaluation study at European level because this was in the interest of implementing the BHD. He wrote: I call on you to take the initiative in this matter, and on our part we are willing to support the Commission in setting up and implementing a European-level evaluation.

Two developments related to the implementation process of Natura 2000 ensured this last appeal was heard. First, the anniversary of the BD was observed in 2004. During the Dutch EU presidency that year, the Netherlands organised an international conference on the BD. Second, the amended 1998 Nature Conservation Act (Natuurbeschermingswet 1998) was discussed in autumn of 2004. In addition to the discussions on the results of the IPS study and the great desire for more information and communication, detailed questions were asked about (a) the provisions and concepts in the HD, (b) about the development of management plans, (c) about procedures and issuing permits, (d) about political and administrative problems related to the movement towards decentralisation and (e) integration of legislation. The Dutch parliament was interested in creative, new solutions for these problems. People wondered if they might be able to find these in other European countries.

1.2 Research questions

This convergence of events initiated the current study and gave it direction. In 2004, the Ministry of LNV launched a comparative study into BHD implementation practices in Europe, which is now made up of 25 countries. LNV gave research institute Alterra Wageningen a three-part research assignment, keeping in mind the questions put by parliament.

The first assignment comprised four main questions intended to give a broad overview of implementation practices in Europe.

1. Determine the official and actual content and interpretation of directive concepts in the 25 member states.
2. In which way has the actual implementation process proceeded in practice in these EU member states, which policy-related and politically significant problematic situations have been encountered during implementation and which strategies have been employed to provide solutions?
3. Determine the diversity and items specific to these 25 countries and, where possible, provide insight into which factors can account for this diversity.
4. Select five countries that have similar policy-related and political problems, ones the Netherlands could possibly learn from.

The intention of the second assignment was to examine in more detail a number of countries of specific interest to the Netherlands. The following research question was central to this.

5. Describe the issues for the five selected countries and give illustrations of interest to the Netherlands of possible ways to solve policy-related, administrative and political problems.

Finally, the third assignment involved making recommendations.

6. Analyse the findings on implementation practices in Europe, and
7. Provide substantiated recommendations with regard to new possibilities and perspectives for the implementation process of the BHD in the Netherlands.

1.3 Method

Central in this study is the actual, practical implementation process of the *problems related to the BHD and the possible solutions to these problems* in the following five European member states: the United Kingdom, Sweden, Spain, France and Hungary. The choice to study the problems and solutions in these countries was made in the first part of the study. In the second part of the study, the Natura 2000 problems and solutions were identified and described according to the points contained in four problem clusters.

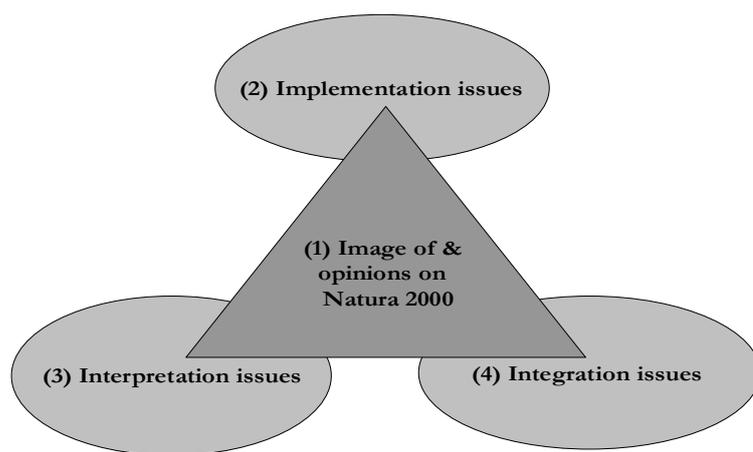


Figure 1. Subject and main themes for comparative study.

In most countries, translating the BHD into national and sub-national legislation is nearly complete. Following *Natura 2000's official implementation process*, however, an even more complex period will begin, which will attempt to integrate nature legislation into other environmental or spatial legislation.

This will also be followed by an extended period of *interpreting Natura 2000*. When implementing the BHD, every country interprets the provisions and concepts of the European BHD in its own way. This is understandable, because in every situation there are different natural features and other forms of existing use, different kinds of new interventions and economic and social interests of different degrees of magnitude.

The way in which scope for interpretation is handled says something about the *image of Natura 2000*, appreciation of nature and about the administrative culture in the countries concerned. However, image research is quite complex, so for practical reasons, those interviewed were asked for their opinions: *In your opinion, is the BHD considered to be a blessing or a burden in your country?*

Finally, there are issues about the *integration of Natura 2000*. These issues play roles at different policy levels on the one hand, and different time periods on the other. At strategic policy level, including nature legislation in other legislation is looked to as a

solution to issues of integration. This often requires long-term harmonisation, negotiation and development. At tactical policy level, this is expressed in the integration of planning processes. Often, a change can be effected within a medium-range period of time. In the end, integration questions can also be solved by integrating the issuance of permits at operational level.

The research strategy for answering the main questions was divided into three stages. During the *first* stage, it was most important to gather insights into the course of the official, practical BHD implementation process in the 25 countries of the EU. To this end, a study was made of literature on policy, politics and government, on participation, implementation processes and nature conservation. A document study was also carried out that examined documents, political discussions and new policy strategies of the past five years. In addition, the most recent relevant comparative studies on EU nature conservation law were examined, and various websites were also consulted. Based on this exploratory study, a choice was made for five country visits.

Learning was central to the *second* stage of the study. In close cooperation with the Ministry of LNV and Dutch agricultural attachés, a two- to three-day visit was arranged in the five countries mentioned. The intention was to learn from each other about the implementation of the BHD, the alternative political, administrative and policy-related solutions to the problems of implementation and making a more detailed selection of relevant issues, which could be further developed during separate interviews.

This combined search took place during *group discussions* at the ministries responsible for nature conservation in the five countries. In addition to both foreign and Dutch policy delegations, nature organisations, employers organisations and research institutes had also been invited to these group discussions. In addition, it was also possible to gather specific information on implementation practices during *a field trip* to a Natura 2000 area.

This produced many good illustrations of the four issues mentioned earlier. These illustrations have been included in the main report.

In the *third* stage, interpretation and reflection were key. First of all, the researchers showed the interview reports to the interviewees for verification and the country reports were presented to officials from the host country for checking. Together with fellow scientists, we reflected on the findings and analysis of the study. The Nature Directorate of the Ministry of LNV also organised meetings to reflect on and discuss the findings and conclusions. The conclusions of this study and the recommendations it contains are intended for the Dutch cabinet and to this end will be presented to the Nature Directorate of the Ministry of LNV, which commissioned the study.

1.4 How this report is structured

In this first chapter, attention is given to the reason for this study, as well as the research questions and the method used. The report is further structured as follows: In Chapter 2, the points of interest in the desk study are key. Chapter 3 contains a summary of the specific experiences during the visits to the five countries. The background report *Eurosites Insights* covers this comprehensively, and gives many illustrations of examples specific to the various countries. Chapter 4 presents the results of the analysis and reflection. In addition to an introduction on the political and administrative context within which the directives are to be implemented, the conclusions are organised according to image, implementation process, interpretation and integration issues. Finally, this memorandum is concluded with recommendations for policy and for research, according to the main points.

2 The search for relevant issues in 25 European countries

2.1 Introduction

In this chapter, we look for answers to the first four main questions of the study. (1) Determine the official and actual content and interpretation of directive concepts in the 25 member states. (2) In which way has the actual implementation process proceeded in practice in these EU member states, which policy-related and politically significant problematic situations have been encountered during implementation and which strategies have been employed to provide solutions? (3) Determine the diversity and items specific to these 25 countries and, where possible, provide insight into which factors can account for this diversity. (4) Select five countries that have similar policy-related and political problems, ones the Netherlands could possibly learn from.

A document study was carried out in order to gain a global overview of the problematic issues in the implementation practices in Europe. The implementation, interpretation and integration issues of the 25 countries are reviewed below in a 'quick scan'. Further details from this document study, carried out in 2004, are included in the attached table.

2.2 Relevant issues

Implementation of Natura 2000

In most countries, the actual conversion into national legislation has largely been completed, although it seems further regulations for implementation are still being drawn up. The process of designating Natura 2000 areas has been seriously delayed. Support has often been a problem. Sometimes this has, as it were, been decentralised away by a multi-actor process such as in the French DOCOBs (regional consultative structures), and sometimes it seems these problems have instead been centralised away by a nationally operating, independent administrative body (IAB) like in the United Kingdom. Sometimes national laws of the member states require management plans, and sometimes they do not. Occasionally there are still some old plans or a Natura 2000 management plan (or the start of one), but usually these are not in place, at least not yet.

Interpretation of Natura 2000

Some criteria from the BHD have not yet been developed or are vague and still need to be *interpreted* by the EU and/or member states. Still, we found either very little interpretative quasi-legislation of this kind or none at all. Independent administrative bodies do play an occasional interpretative and intermediary role between national government, sub-national governments and NGOs. For example, we see this within the United Kingdom in England ('English Nature', soon to be known as 'Natural England'), Sweden (SEPA) and Malta (MEPA). These would seem to cluster Natura

2000 expertise, thus depoliticising conservation and giving it the function of an easy-to-use ‘one-stop shop’. Meanwhile, it would seem that France has taken a completely different route with the regional structure of the DOCOB management plans. Also here, interpretation seems to be left to a multi-actor process at decentralised level.

Integration of Natura 2000

With regard to *integration*, it was noticeable that some countries, in spite of the continued sectoral approach taken by Brussels, had still tried to effect some degree of integration between environment, water management and conservation, either at legislation level (Sweden, Finland, attempts in Germany) or at planning level (the United Kingdom, Denmark). Also in Spain, the Baltic states and Slovenia it seemed that some of this current discussion was moving in the direction of more integration of Natura 2000 with other environmental policy. In the other countries, this discussion was evidently either scarcely taking place or not taking place at all. Even though we did find some degree of integration at legislation level (a single environmental act, as in Sweden and Finland) and at planning level (the United Kingdom, Denmark) there was as of yet no single integrated permit anywhere in Europe.

2.3 Selection of and reasons for five country visits

Based on these findings, the choice was made for five country visits. An extensive description of the selection is included in the main report. What follows is the selection criterion that was clearest and most relevant for the Netherlands. A visit to *the United Kingdom* was primarily prompted by the progress made in integrating Natura 2000 with environmental policy and environmental law, but also because of the intermediary, interpretive as well as possibly also integrative role of the independent administrative body (IAB) English Nature. Because of the first European integrated environmental act and the role of the IAB ‘Swedish Environmental Protection Agency’ (SEPA), it was immediately clear that a country visit to *Sweden* was essential.

In *Spain*, strong coordination during the implementation process and also during integration at national and sub-national levels has paid off. From documents it could be seen that interpretative quasi-legislation was even being written for planning authorities in order to be able to integrate the Natura 2000 requirements in environmental policy in this way. The choice for *France* was also clear. The regional, multi-actor approach of using the DOCOB strategy to arrive at management plans and further development of Natura 2000 was extremely relevant for the Dutch government. Finally, *Hungary* was chosen, a country that may have also become a good example through a large amount of EU aid. Even though it is an example of a new, traditionally centralised member state, Hungary still chose for a regional implementation process. The choice to visit these five countries thus implies a choice for every corner of Europe.

3 Specific findings from five European countries

3.1 Introduction

In the brief overview given in Chapter 2 you were able to get an impression of the state of affairs with regard to the implementation processes of the BHD in the 25 member states of the European Union in 2004. For 2005, part of this data was adjusted based on the recently published 2005 *Barometer* and included in the discussion in Chapter 4. Chapter 2 also indicated why the United Kingdom, Sweden, Spain, France and Hungary were chosen for further investigation of their implementation practices. In this chapter, we will look for an answer to the fifth research question: *Describe the issues for the five countries chosen, identify the problem areas and give illustrations of interest to the Netherlands of possible ways to solve policy-related, administrative and political problems.*

On the one hand, the answer to this question is important for the Dutch government, because it wants to test the assumption that implementation practices in the Netherlands are comparable to those of other member states. On the other hand, this answer is important to the Dutch government because it wants to gain more insight into the 'why' and the effects of the negative image of the European directives in the Netherlands. Does the intense political attention for the directives work for or against effective, supported implementation of policy, and how do other countries deal with this? The fact is, this question also raises administrative dilemmas about the way in which to accommodate the requirements of Brussels as well as those of Dutch society.

An in-depth study of a number of issues relevant for the Netherlands was made possible because the researchers were able to accompany the Dutch delegation during the five country visits. In addition to having the opportunity to conduct interviews, the researchers were also given the opportunity to include the group discussions with the foreign delegation in the study. In the following sections, the findings are presented per country according to the four areas of special attention along with a short impression of the facts about the nature and the political culture. This is covered comprehensively in the main report, and for every country three or four illustrations have been included on relevant issues and possible ways to solve problems.

3.2 The United Kingdom

Entrance into the EU	1973
Form of government	Parliamentary democracy
Political system	Constitutional monarchy
Governance: interaction between locus (administrative levels) and focus (policymaking: interaction between strategic, tactical and operational administration)	Locus: 3 Focus: EN mediates in policy implementation
Population density	60 million
Total area not including EEZ of the federation of England / Scotland / Northern Ireland / Wales	245,000 square kilometres
area of nature – water	9,109 square kilometres
area of nature – land	15,991 square kilometres
pSCI SACs / SPAs / MAPs	610 / 225 / 5

Political, administrative, and policy-related context: In England there are separate authorities for conservation, such as English Nature (EN), established in 1990. This IAB has been charged with a number of tasks by law, and can for the most part carry these out independent of the departmental hierarchy. EN has been given the following tasks: advising, research (including monitoring) and it has limited authority to issue permits (only with regard to protection of species). EN receives most of its funding from the central government and its chief officers are appointed by the minister of the Department for Environment, Food and Rural Affairs (Defra), which also approves the annual work schedules. As a non-departmental public body (‘government at a distance’), EN can act as an intermediary between both central and local governments as well as between NGOs and property developers or other private parties. However, according to the most recent reports on EN, its relationship with the English government will ultimately be a more dependent one. This organisation will also be in charge of a broader policy area, namely of all environmental policy. As a result, EN’s initials will become NE: Natural England. Within the United Kingdom, the JNCC (Joint Nature Conservation Committee) acts as a coordinating authority for the conservation IABs of England, Scotland, Wales and Northern Ireland. JNCC takes care of the reporting requirements for the EU.

Image of Natura 2000

In England, implementation and interpretation of Natura 2000 concepts as well as integrating conservation with planning authorities proceeds according to the line of Defra by way of EN (as administrative intermediary) to the local governments. Through their style of governance, governments have committed themselves to an effective, supported implementation process. EN and the RSPB approach sectors proactively with information about Natura 2000. The NGOs also play an important role in dealing with uncertainties and aim to find the balance when there are conflicts. For this reason, Natura 2000 is not an unfamiliar phenomenon and the image of Natura 2000 is considered as to be positive.

Implementation process of Natura 2000: The BHD is implemented in the Conservation Regulations of 1994. Although this legislation does not make management plans compulsory like in the Netherlands, they are closely related to the existing plans under the preexisting regime of national conservation law. Here as well, EN plays an intermediary role.

Interpretation of Natura 2000: EN can play an important role when drawing up interpretive guidances (Habitat Regulations Guidance Notes) with regard to Natura 2000 concepts like *significant effects*, *appropriate assessment* and *favourable conservation status* (article 6 HD). EN's casuistic approach was also pointed out: as a result of adhering to the precautionary principle, there are usually no negative significant effects in Natura 2000 areas, though they cannot be ruled out in advance. For this reason, EN enters into binding monitoring contracts: if negative effects do occur, under this agreement, compensatory measures will have to be taken. *In the case of Orton Pit near Peterborough, after collaboration among EN, property developers and NGOs (Froglife in particular), they paid for and worked together on an alternative habitat for five years before any houses were built. More than 170,000 amphibians were captured and moved to the new habitat. In the end, this precautionary operation took seven years.* With regard to existing use, JNCC is evaluating all existing permits for possible negative significant effects on Natura 2000 areas. JNCC coordinated the successful registration of the first marine Natura 2000 area (located outside of the 12-mile zone).

Integration of Natura 2000: In order to promote the integration of conservation into other environmental policy, Defra has drawn up integrative quasi-legislation under the name of PPG9: Planning Policy Guidance on Nature Conservation. In this way, local planning authorities are made aware of the applicable conservation law. Moreover, EN will have to be consulted in the case of any interventions. EN acts as an intermediary in more than 1,000 cases every year, primarily construction activities, agriculture and wind parks at sea. EN is involved in stakeholder discussions together with the Defra inspectorate and NGOs.

3.3 Sweden

Entrance into the EU	1995
Form of government	Parliamentary democracy free elections – district system
Political system	Constitutional monarchy
Governance: interaction between locus (administrative levels) and focus (policymaking: interaction between strategic, tactical and operational administration):	Locus: 3 Focus: SEPA mediates in policy implementation
Population density	8 million
Total area	414,864 square kilometres
area of nature (SCI marine)	5,833 square kilometres
area of nature (SCI terrestrial)	58,523 square kilometres
pSCI: SACs / SPAs / MAs	3903/509 / 1

Political, administrative and policy-related context: Although Sweden is more than six times larger than the Netherlands, it has only half the population. There are 23 nature areas with a total area of around 63,000 square kilometres. Until now, conservation has not been a controversial issue politically and moreover has just been a small world inside a small niche.

The image of Natura 2000: Climate change is currently playing a bigger role in the current environmental discourse, and as a result the BHD has received somewhat less political attention. Even so, general opinion is positive on the influence of Natura 2000.

Implementation of Natura 2000: The registration of 3,803 areas was also just a technocratic operation without any political discussion, and was left to the regional government (Län) and to a separate nature conservation authority (SEPA). The regional government usually issues the permits and is responsible for conservation. There has been some criticism of this from the scientific world, because by doing so interpretation would also seem to be left to the local level, along with all the incongruities that would accompany this. *During our visit, one conservation organisation commented that the ministry is too small and therefore incapable of this.. Because of this, people were happy with the SEPA's intermediary role.* On the one hand, SEPA is independent of the ministry because it can offer guidances to the regional governments and can operate without intervention by parliament. On the other, there is still the possibility of governing from a distance through the financial ties with the ministry and – just like in the UK – the obligation to submit annual work plans to the ministry. In the end, in Sweden only the ministry can determine quasi-legislation for the regional and local governments. *In addition to management plans, conservation plans are also drawn up. In this way, a conservation plan (Broviken, for example) sometimes indicates precisely when a golf course can be built and when it cannot.*

Just like in the Netherlands, the management plans are required by law and are drawn up by the regional governments using SEPA's expertise. Management plans are not used as an *ex ante* habitat test or as a way to avoid this test. In other words, they in no way take the place of the habitat test in Article 6 of the HD.

Interpretation of Natura 2000: Neither SEPA or the ministry has as of yet come up with a detailed Natura 2000 guidance. To some degree, they are waiting for the judicial interpretation of both their own judges and the EU judges in Luxembourg. *With regard to the Bothnia railway, SEPA issued a recommendation for compensatory measures. The EC accepted this and they are now awaiting the judgment of their own courts.*

Integration of Natura 2000: Sweden is the first country to have a general environmental act (which was also immediately copied by Finland). The ministry admits that this did not automatically lead to a single, integrated environmental permit, pointing out that every sector will always need specialised knowledge and deliberation.

3.4 Spain

Entrance into the EU	1986
Form of government	Parliamentary democracy
Political system	Constitutional monarchy
Governance: interaction between locus (administrative levels) and focus (policymaking: interaction between strategic, tactical and operational administration)	Locus: 4 Focus: no, although there is coordination between regions
Population density	39.4 million
Federation of 17 autonomous regions	
Total area not including EEZ	504,782 square kilometres
area of nature (SCI marine)	5,191 square kilometres
area of nature (SCI terrestrial)	119,122 square kilometres
pSCI: SACs / SPAs / Mas	1382/480/ 20

Political, administrative and policy-related context: The central government has the constitutional task to transfer authority to the 17 autonomous regions, and this also applies to Natura 2000 conservation. The central government is only authorised to do two things: convert the BHD into an act and coordinate the registration of the areas by the regions.

The image of Natura 2000: During the country visit, environmental policy was spoken of as if it were a second-class topic, and this has led to a wait-and-see attitude. The implementation process seems to have gone relatively smoothly. NGOs for nature are relatively small and a great deal has to be seen within the context of a Latin culture and 40 years of dictatorship. Usually, Brussels is approached directly, bypassing Madrid (as in the Sanona case). Also, it is not uncommon for nature to be viewed as something that can be used to get subsidies from Brussels.

Implementation of Natura 2000: With regard to the BD, not one NGO was asked to take part in the process. Farmers woke up to this too late and wanted to stop the process. In the end, a working group of national and regional experts managed to straighten things out. As a result of regionalisation, there is a great deal of differentiation in the current approach to the HD. We were told of an existing botanical garden somewhere outside the city that was just assumed to be compensation. The regions are also responsible for the management plans. Navarra has already drawn up a Natura 2000-proof guidance for management plans, and these will also be compulsory for new areas. People realize the BHD is also relevant for the Water Framework Directive. The Ministry of Public Works does have strongly centralised powers for such matters as river courses.

Interpretation of Natura 2000: Each region is allowed its own interpretation, and because of this scientists are calling for more clarity on the part of the EU.

With the building of airports – for example, Ciudad Real – a MER was confused with the habitat test, and with the Barajas case the highway is still Natura 2000 while the compensation area has no protection whatsoever. With this kind of regional diversity, the central government is still always responsible for poor decisions at sub-

national level when it comes to European law. It was said there was a payment of some kind of hush money instead of nature compensation when a road was being built in Andalusia.

Integration of Natura 2000: There is still a sectoral approach in Spain, although a bill has been announced that would integrate the MER and the habitat test. With regard to river beds, opportunities are also seen for achieving joint management plans quickly by way of water management and the strong central position of the Ministry of Public Works.

3.5 France

Entrance into the EU	Co-founder
Form of government	Parliamentary democracy
Political system	Republic
Governance: interaction between locus (administrative levels) and focus (policymaking: interaction between strategic, tactical and operational administration)	Locus: 4 Focus: COPIL mediates in policy implementation
Population density	60.4 million
Total area not including EEZ	550,000 square kilometres
area of nature (SCI marine)	4,906 square kilometres
area of nature (SCI terrestrial)	42,201 square kilometres
pSCI: SACs / SPAs / MAs	1219/174 /52

Political, administrative and policy-related context: France has a strong agricultural lobby. One and a half million people make a living from agriculture, and 83% of the country is farmland. The Ministry of Ecology and Sustainable Development (MEDD) is responsible for conservation and within the ministry, the Nature and Countryside Directorate (DNP) responsible for Natura 2000. The Ministry of Agriculture, Food, Fisheries and Countryside (MAAPR) is also important for the implementation of Natura 2000. Twenty-two regions are active in the administrative hierarchy. DIREN (the regional directorate of environmental affairs), as decentralised government department of the MEDD, keeps an eye on things on behalf of the government in these regions. Another 96 departments fall under this, and within these the *prefect* acts as government watchdog. The fourth administrative level is made up the local governments, which includes thousands of municipalities.

Image of Natura 2000: Originally, there was a lack of public consultation in designating the Natura 2000 areas. After of a great deal of political pressure, it was decided to consult with important groups of land users (forestry, hunting, agriculture). The development of this then took form because MEDD concentrated on writing DOCOBs (*Documents d'Objectives*). In fact, these are management plans with conservation objectives. In addition, lower levels of government and other interested parties were brought in to manage the nature areas and/or the countryside. From agricultural lobby to local government, also more involved in the Natura 2000 network as part of the countryside policy.

Implementation of Natura 2000: So, in the second half of the 1990s, a new start was made for implementing Natura 2000 through an experiment with 37 DOCOBs, that was in fact aimed at cooperation (and joint commitment) of all interested parties. The *Loi au Développement des Territoires Ruraux* (DTR) was also aimed at the following: more decentralisation and integration of nature policy in other environmental and agricultural policy. DTR has contributed to the social acceptance and further decentralisation of Natura 2000. In the meantime, France was twice found guilty by the court of the EG.

In addition to legislation on implementation, France also wants to use contracts to conserve nature. Contractual management of Natura 2000 areas will be in place for five years and is financed by MEDD or MAAPR. In 2004, 132 agreements were signed. Management plans are now drawn up under supervision of a departmental prefect who establishes *Comités de Pilotage* (COPILs) and by doing so involves lower levels of government and other interested parties. Local commissions (COPIL) are sometimes made up of around 80 people. However, even with all those involved, working on a DOCOB is a bottom-up, involved way to negotiate on conservation objectives, monitoring, good usage (also existing usage) and management measures.

Interpretation of Natura 2000: The conservation objectives in the DOCOB described above are, however, only formulated in a general sense, and they do not go into detail about the favourable conservation status. Moreover, the DOCOB process is decentralised to a great degree, and Paris has not provided a format for this.

Integration of Natura 2000: Because the BHD requirements are also referred to in sectoral laws (for example, water management), there is some rudimentary integration. There is as of yet no integration with spatial planning at central legislative level, though there is an agreement between MEDD and the Ministry of Defence (revised in 2003) that intends to create Natura 2000 areas on land used by the latter. While it is true that Natura 2000 is incorporated in a public service scheme (*Schema de Services Collectifs*) for the countryside in a law by the name of 'Spatial planning and sustainable territorial development' (LOADDT), above all, the DOCOBs are seen as instruments for integration at local level. France has no single, integrated environmental permit.

3.6 Hungary

Entrance into the EU	2004
Form of government	Parliamentary democracy
Political system	Republic
Governance: interaction between locus (administrative levels) and focus (policymaking: interaction between strategic, tactical and operational administration)	Locus: 3 Focus: No, though there is a role for Bird Life in policy implementation
Population density	10.2 million
Total area not including EEZ	93,030 square kilometres
area of nature (SCI marine)	-, ---- square kilometres
area of nature (SCI terrestrial)	13,025 square kilometres
pSCI: SACs / SPAs / Mas	467/55/none

Political, administrative and policy-related context: Two ministries are responsible for Natura 2000 in this country, which only joined the EU in 2004: the Ministry of the Environment and Water (MEW) and the Ministry of Agriculture and Development of the Countryside (MARD). Just like all other countries, Hungary also had to become accustomed to the phenomenon of the EU directive and its binding character.

Image of Natura 2000: In Hungary, politicians are gradually beginning to pay attention to policy. Since its recent entry into Europe, Hungary launched Natura 2000's selection process at an energetic pace. They have not yet come up against all kinds of procedures, and for the time being, then, the directives are seen as a boon. For MARD, Natura 2000's implementation process is a good opportunity to let farmers produce not just milk and food but also nature. EU funds are a part of this, and as an accession country, Hungary has received a large amount of EU assistance (PHARE, LIFE). For example, the Finns helped with developing support and the Spaniards helped with a digital database. However, at the same time, MEW sees Natura 2000's implementation process as a burden, not just because of the lack of adequate means of communication, but also because of the great number of large, fragmented areas. Because of the huge border area, the number of conflicts is expected to increase in the near future.

Implementation of Natura 2000: MEW is responsible for the registration of areas through the conservation department. In addition, an advisory body of ten top experts/scientists will be appointed as 'good practice'. The necessity of detailed information on the tenor of Natura 2000 was pointed out. This is primarily what road builders and planners want: 'Give us the details so we can have a basis upon which to simply make our plans and we will try to avoid conflicts as much as possible.' Although Bird Life Hungary knows that NGOs and ministries want to work on management plans, it has now taken the initiative on its own with proposals on what kinds of management plans should be drawn up and how the parties in question can be involved. MEW is concerned about the cooperation between the two ministries.

Moreover, there is a chronic shortage of personnel in both ministries: at MARD there is only one unit with just three people for countryside development.

Interpretation of Natura 2000: Because of inadequate communication, there is a great lack of clarity and diversity with regard to the interpretation of the criteria in the BHD. There are no special guidances for the habitat test; MARD is now drawing up a guidance for farmers.

Integration of Natura 2000: There are no interdepartmental working groups for integration and implementation of Natura 2000. There is, though, a directorate for the environment, conservation and water management that falls under the departmental hierarchy of MEW. The Natura 2000 network has meanwhile been included in a national spatial plan for the regions. According to MEW, planning lawmakers at lower levels will have to take this into account. Until now, the habitat test has been dealt with more in a casuistic than a general way. In the Résztszilás Ponds nature area, nature and agriculture and also green tourism are being combined.

4 Discussion, conclusions and recommendations

4.1 Introduction

The investigation into implementation practices in Europe and in particular of those in the United Kingdom, Sweden, Spain, France and Hungary has provided a varied picture of problems and also of the way in which these countries have dealt with these. Considering the differences in political and administrative cultures and the number of different bodies involved with implementing nature policy, it is no wonder that such diversity can also be seen in how the BHD is implemented and in the opportunities taken by the authorities to comply with the requirements of Brussels. In some countries, effective implementation of the directives is realised by using existing practices and learning as they go along. There are also countries that try to effect the implementation process through institutional and organisational change.

This chapter examines in more detail what the Dutch delegation learned during the five country visits, providing answers to the sixth and seventh research questions. These were as follows: *Analyse the findings on implementation practices in Europe, and provide substantiated recommendations with regard to new possibilities and perspectives for the implementation process of the BHD in the Netherlands.* First of all, there will be a brief description of the situation in the Netherlands. Then conclusions will be drawn from the analysis of learning experiences related to the political and administrative context and actual givens in these countries and to the experiences in solving the issues on image, implementation, interpretation and integration. Finally, based on this recommendations are presented.

4.2 The Netherlands: a short impression of the current situation

Entrance into the EU	Co-founder
Form of government	Parliamentary democracy
Political system	Constitutional monarchy
Governance: interaction between locus (administrative levels) and focus (policymaking: interaction between strategic, tactical and operational administration)	Locus: 3 Focus: Yes, the provinces have more extensive authority and responsibility for policy implementation
Population density	15.8 million
Total area of the Netherlands not including EEZ	41,864 square kilometres
area of nature (SCI marine)	3,553 square kilometres
area of nature (SCI terrestrial)	7,508 square kilometres
pSCI: SACs / SPAs / MAs	141/79 /7

Political and administrative context

In the Netherlands it has been shown that, contrary to earlier expectations, the implementation process did not in the end go all that smoothly, at least in part. It was also not so simple to operationalise the BHD concepts or to further develop them

into guidances for various administrative levels, certainly not when also seeking support for these implementation practices, which also takes time.

Image of Natura 2000

The fairly multiform make-up of Dutch society and an administrative culture based on the principles of governance possibly explain the intensive and increasing consultations and participation in the development and implementation of nature policy and the complex administrative dilemmas this brings with it. The Dutch 'polder model' is under pressure, in part also because of the mounting criticism on the part of property developers and increasing resistance to the overabundance of European regulations.

The Netherlands, occupying an area of 35,000 square kilometres (with half of this below sea level), is with its 15.5 million inhabitants one of the most densely populated countries in Europe. It is a country that, more than other countries, has always been shaping and developing new land and new countryside. Because of this, integration of nature (and nature conservation) and countryside is characteristic of the Netherlands. Moreover, the environment of the Netherlands' coastal waters is seriously threatened because much of Europe's pollution ends up in the North Sea by way of the Rhine river, which empties into it. Integration with other environmental policies and environmental policies of other countries would then also seem to be of vital importance for Dutch conservation efforts and the implementation of European nature policy. The by now familiar slogan 'The Netherlands is under lock and key' shows that in the Netherlands, the public image of the BHD is not a very positive one.

Implementation of Natura 2000

How do things stand then for the implementation of European nature policy? The official part of this implementation process turns on the designation of 'special protected areas' for the BD (SPAs). In the Netherlands, 79 of these have been registered, amounting to an area of a million hectares, 12.5% of the total area of land and water. In Europe this is 8.5% on average; only Spain, Slovakia and Slovenia have higher percentages of designated areas. In addition, the Netherlands has designated 141 SACs (special areas of conservation) for the HD, made up of 751,000 hectares or 9.5% of the land and water area in the Netherlands. In Europe this is 11.6% on average; 16 European Union countries have designated more than 10% as SACs. Looking at the first stage of the implementation process of the BHD in the Netherlands, we can see that the country is among those in the lead. In the near future, one of the thrusts in all EU countries will be protection of marine areas (*2005 Barometer*).

With regard to the new 1998 Nature Conservation Act, which went into effect in October 2005, the national movement towards decentralisation has also had an effect in that responsibilities for nature conservation have in almost all instances been handed over to the provinces. With this, the second part of the official implementation process has been completed for the Netherlands. The provinces are also the competent authorities when it comes to converting national legislation into

management plans for the designated areas for which they are responsible and for developing the conservation objectives, which is the third part of the official implementation process. The provinces are also allowed to take appropriate measures to make sure the conservation objectives are met. Dutch Natura 2000 areas, of which two-thirds are open water (including coastal waters), are managed by both government parties like the Directorate-General for Public Works and Water Management (*Rijkswaterstaat*), the Ministry of Defence, the State Property Service (*Dienst der Domeinen*) and the National Forest Service (*Staatsbosbeheer*), as well as by large site managers and private site managers.

Article 2 is being put into practice in the Netherlands at national as well as area level. The Natura 2000 goals at national and area levels are set out in the 'Document for Natura 2000 Objectives' (*Natura 2000 doelendocument*). Based on the adapted 1998 Nature Conservation Act (*Natuurbeschermingswet 1998*), a management plan has to be drawn up for all Natura 2000 areas within three years of their designation or within three years after the act takes effect if the area was designated as a directive area before the act came into effect. The management plan is an instrument intended to provide clarity about the measures necessary to realise a sustainable state of conservation of natural features in the Natura 2000 areas as well as to provide clarity on the consequences for other users. Because of this, it is the pre-eminent instrument for further weighing up the economic and ecological interests.

Interpretation of Natura 2000

With regard to the interpretation of Natura 2000, it seems that the Netherlands has reached an impasse. Although there is a national guidance for Article 6 of the directives, this does not rule out further dialogue on significance norms and dealing with the precautionary principle. The dialogue on experiences from implementation practices in the Netherlands will have to further develop this standardisation. A casuistic approach has been chosen for the time being, although the European Court of Justice was asked for a preliminary ruling about cockle harvesting in the Waddenzee (Wadden Sea).

Integration of Natura 2000

Under the influence of the process of European integration and the advent of the assertive individual, in Europe there is a trend from government to governance. This can also be seen in the implementation practices of the BHD. With this trend, government by a central body is on the way out. Governments can no longer solve current complex problems on their own in the isolation of existing sectoral structures and there is increasing interconnectedness between governments, and between government and society. While policy on Europe is still mainly characterised by a sectoral approach, in the various member states a process is underway of integrating nature policy with other environmental policy or with spatial policy. In the introduction it was indicated why, relatively early on, the Netherlands found it necessary to integrate nature policy with agricultural policy. This broadening of nature policy is not one-sided. With a declining agricultural sector, this process has become reciprocal. Integration and broadening of nature policy has extended further to include integration with water policy, cultural heritage and in the end also spatial

planning. The new spatial planning act that will also be discussed in parliament in 2005 makes a definitive break with sectoral thinking. Integration of nature conservation and spatial planning is evident in the new 1998 Nature Conservation Act. Management plans will be part of spatial planning (article 19b, subsection 2, Nature Conservation Act), and spatial planning that has an impact on Natura 2000 areas is subject to ministerial approval (article 19j). In the Netherlands the policy for the 'Countryside Investment Budget' (*Investeringsbudget Landelijk Gebied*) has even led to integration of departmental budgets. Meanwhile, one integrated environmental code (draft, *Wet Algemene Bepalingen Omgevingsrecht – WABO*, 'General Provisions for Environmental Law Act') with one integrated environmental permit is being considered, also including nature conservation.

4.3 Overview of learning experiences

During the five country visits, the Dutch delegation saw how these countries took advantage of these developments and saw how this has affected the way the BHD is applied in practice. This chapter examines what the Dutch delegation learned about the practices in other countries.

Learning experience 1: Nature in neighbouring countries

During the five country visits, the Dutch delegation became aware of the fact that, in the countries studied, nature and nature conservation is completely different with regard to scale and character than in the Netherlands. For example, Spain is more than sixteen times larger than the Netherlands and more than 90% of this is made up of forests and farmland. A third of all European Natura 2000 areas are in Spain. Because both the scale and characteristics of nature are vastly different than those of the Netherlands, it is also logical that the character of nature conservation problems is different. In the Netherlands people are concerned about Desmoulin's whorl snail, whose habitat is an area of around 10 square kilometres, while in Spain people worry about the natural habitat of the imperial eagle and the bear, the latter living in an area the size of the Netherlands. Information on the characteristics and scale in the countries studied can be found in the main report.

The *observation* can be made that, in the countries studied, the nature and problems associated with this are vastly different. Regardless of the political and administrative context and the way policy is made in these countries, this can only mean that the problem-solving strategies will also be also different.

Conclusion 1: Increased awareness on the diversity of nature.

The Dutch government has never before been so aware of how different the scale and characteristics of nature are in the countries studied. Because of this, it is impossible to translate the problem-solving strategies of the policy practices of these countries directly to the Dutch situation. This also applies to the differences in political and administrative culture.

Recommendation 1a.

If the Netherlands wants to learn from the experiences with implementation practices in other countries, it will have to view Dutch nature and Dutch nature policy on its own merits and on its merits relative to Natura 2000. In order to learn from other countries' problem-solving strategies, it will be necessary to translate them to the Dutch situation.

Learning experience 2: Effectiveness of and support for nature policy

Does state structure follow in accordance with administrative culture or the other way around? Who can say. In any case, they are inextricably bound up together and are formed by dealing with greater or lesser numbers of inhabitants and actual constellations, in this case nature and historically developed relationships in dealing with conflicts between ecology and economy. Are there differences among the similarities in the political and administrative culture and structure of the countries studied and if so, what do these mean for the way in which the implementation processes take place?

In the countries studied, the decentralisation process is not at the same stage of development everywhere and has been expressed in different ways. Decentralisation has to do with a comprehensive concept that expresses transferring tasks and authority to other government bodies in part or in their entirety, which is often referred to as *territorial decentralisation*. The basis for this is that decentralisation increases support for nature policy and makes implementation of policy more effective. In Spain, for example, responsibility for the implementation process of Natura 2000 has been completely transferred to the regions, to the extent that the national government is no longer involved in this in any way. In the Netherlands, decentralisation has been expressed through delegating to the provinces certain tasks and authority for nature conservation.

In addition to the form of decentralisation already mentioned, in the administrative structure in both the Netherlands and in other countries there is also *functional decentralisation*, in which the functional administration or an independent administrative body no longer has general, unlimited administrative tasks but one special administrative task for a special area of government.

In this kind of structure, for example, an IAB could carry out tasks without hierarchical subordination with respect to the minister. This kind of subordination to the minister is the case in *devolution*, where the functional carrying out of tasks is spread out geographically as well as being part of separate sub-organisations. France is one example of this (COPII). In the specific area of nature conservation, *functional decentralisation* can be found in the UK/England (EN) and in Sweden (SEPA). Finally, there is yet another form of functional decentralisation called *social decentralisation*. This has to do with transferring tasks, powers and means to social

organisations that are not part of government. For example, in Hungary it would seem that Bird Life Hungary has been accorded this kind of position.

Table 1. Overview of political and administrative context.

Political and administrative context	United Kingdom	Sweden	Spain	France	Hungary	Netherlands
Political system	Democracy	Democracy	New democracy	Democratic republic	Parliamentary republic	Democracy
Administrative levels	Federal		Federal			
Responsibilities for decentralisation (locus)	3 levels	3 levels Län	4 levels Autonomous regions (17)	4 levels	3 levels	3 levels (provinces)
Functional devolution	JNCC	-	-	DI REN	-	DLG SBB
Functional decentralisation	EN	SEPA	-	-		-
Social decentralisation, not functional administration	-	-	-	Yes	Advisory council Bird Life Hungary	-
Administrative culture for governance (focus)	Yes	No	No	Yes	No	Yes

But often, decentralisation is also assigned a cultural significance. It can also mean that the higher administrative bodies withdraw and are less involved with the lower government bodies. In the Netherlands, the combination of territorial centralisation with an administrative culture that is moving from *taking care of* towards *taking care that* has led to quite a number of administrative quandaries: (a) Whether it should happen, and if so, at what geographic and/or sectoral administrative level or levels should creation of polders take place? (b) To what degree and how should it be institutionalised (or not)? (c) Whether we can operate from the assumption of policies like education, whereby on one hand an interactive approach is used to consult the public and on the other the interaction between policy development and policy implementation guarantees a rise in public support for Natura 2000. In this context, then, the creation of polders means it is possible to come to a collective agreement with public and/or private parties. This is referred to as multi-actor governance in scientific jargon. However, people are still grappling with the focus, customising the design of the policymaking process, participation by individual citizens and integrating policy with greater involvement by stakeholders in decision-making.

During the country visits, the Dutch delegation was able to observe that both Sweden and the UK have effective organisations and that this also helps in the implementation of Natura 2000. Both Anglo-Saxon countries have an intermediary depoliticised organisation in between central and decentralised levels of government. The functional decentralisation is characterised in the Anglo-Saxon culture by a certain versatility and flexibility. After fulfilling its purpose, it has been shown that this institutional form of decentralisation can be easily adapted or even ended. The

advantage of this kind of intermediary organisation is that it is able to build a bridge between policymakers and the policy area and in this way orchestrates policy implementation as an iterative process, which creates support. The disadvantage of this kind of functional decentralisation is that it leads to fewer chances for the administration to weigh up priorities in an integrated way. It also draws on the coherence and transparency of public administration as a whole, it diminishes political control and by so doing, the democratic legitimacy of public administration.

For example, in France, the life cycle of such an intermediary institution is usually longer. In what is known as the ‘Rhineland culture’, mediation and negotiation are a question of gaining trust. This trust creates stable patterns. Again and again, other functional tasks are taken on, and in this way these organisations are able to carry on. As a result, the mediation process and the interaction – facilitated by a COPIL (*Comités de Pilotage*) – becomes less open. Often, however, over time a connection emerges between the informal and the formal consultative circuit on the operational administrative level. Because of their knowledge and information, NGOs and other stakeholders are given substantial roles in decision-making.

The *observation* can be made that, just as in other democratic countries, the Dutch government is aiming for synergy of effective implementation policy and creation of support. In aiming for effective policy, the Netherlands has chosen to decentralise and give a large part of the responsibility for implementing the Nature Conservation Act to the provinces. The question is, how will it work? And *will* it work? Sweden and the United Kingdom have already brought in semi-governmental organisations, and France has chosen for client managers. The question is whether the Netherlands should also consider a similar organisation or a form of client management. Consultations with stakeholders have also been included in the Nature Conservation Act. The question is whether the prospect of these consultations with stakeholders is also enough to create support for this policy in advance.

Conclusion 2: Intermediary organisations, synergy of policy effectiveness and support.

In contrast to the other countries studied, Dutch policy practices with regard to nature conservation policy have no intermediary organisation that facilitates and mediates between policymakers and those who implement policy. Intermediary organisations like EN in the UK/England and SEPA in Sweden ultimately seem to lead to a more effective implementation process. In the years to come, it remains to be seen whether the decentralisation of authority for implementation of the Nature Conservation Act by the provinces will lead to a more effective policy process in the Netherlands.

Recommendation 2a. (De)centralisation and/or (de)politicisation.

Investigate how to demonstrate the effectiveness and support for the implementation process of Natura 2000.

Investigate whether intermediary organisations like EN and SEPA could also be beneficial and functional in Dutch society.

Recommendation 2b. Relation managers at provincial or central levels of government?

Investigate whether, in the Netherlands, it is also possible to introduce the principle of ‘relation manager’, a position such as that of the *préfet* in France. Look into whether this position should come under the provincial system or the central government.

Learning experience 3: Image and social support

An important and also difficult point of discussion on the implementation process of Natura 2000 is the image of the BHD. On one hand, it has to do with political and policy-related attention to the directives. On the other, it has to do with the way in which the conflicts between economy and ecology are discussed publicly in the country concerned. And it has to do with the way in which, during negotiations, partners look for the scope for policymaking still to be found in implementing the directives in practice. Both of these processes influence each other. How can the Dutch government create social support for Natura 2000 policy in a context in which the state increasingly governs from a distance and tests for results and the provinces concentrate on implementing this policy in the region?

Given that research on image is quite complex, for pragmatic reasons those interviewed were asked for their opinions: *In your opinion, is the BHD considered to be a boon or a burden in your country?* Answers to this question have to be seen within the cultural context of the country studied and within the context of the time and the stage of the implementation process in the country concerned. Some countries (like Hungary) have only recently started the official implementation process, after entry into Europe, and in Sweden and Spain attention for the directives was overshadowed by other important matters for a long time.

In the UK and France, for a number of reasons the implementation process of Natura 2000 is receiving a fair amount of political and policy-related attention. For example, the representatives of the large national sector organisations in England are approached personally by EN and the RSPB with information about Natura 2000, regardless of whether there are any cases in the sector concerned. In this way, people work proactively and this is expected to lead to an improved image of the European directives. In addition to goal-oriented communication, in the UK and France there is also a certain governance practice. With regard to the protection of areas, there is an opportunity to use a bottom-up process to be in keeping with an area's characteristics and natural dynamics. This also provides much more scope for the social dynamics in the areas concerned, including organising consultations among stakeholders if it should continue. In other words, in England people are more flexible in dealing with lack of clarity and uncertainty. They have chosen for a 'learning by doing' strategy. Government means providing a coaching style of leadership, not management. The point of departure is the assumption that acknowledging interdependence will improve the relationship between those concerned and promote cooperation. This will ultimately lead to a society that governs itself and assumes its own responsibility for nature. In other countries as well, the contributions of public and private parties are usually more respected and are considered to be knowledgeable. Examples of this are the case-by-case approach in Spain, the practices of the DOCOBs in France, the Län in Sweden and the Hungarian bottom-up approach applied to the Fish Ponds.

Just like in the UK and France, a considerable amount of attention is also given to the implementation process of Natura 2000 in the Netherlands. However, because of the interaction between a changing administrative system in a small, densely

populated country and the government's relationship with the various NGOs, the attention given to the implementation process of Natura 2000 in the Netherlands has a different character.

In one respect, the level of conflict between economic activities and conservation and the lack of information and knowledge on how to deal with this is intensified by an active, distinctly prescriptive attitude by government. Government is caught between governing from a distance and formulating frameworks for implementation, and designing the implementation policy together with those responsible for implementation. The Ministry of LNV's outline memorandum for Natura 2000 indicates the most important steps in this process and shows 'what must be done', and also where there is policymaking scope for further consideration. In contrast to France and the UK, where freedom is given to the stakeholders' process from the bottom up, the Ministry of LNV has chosen for a more indirect form of participation. In the Netherlands, information from the rounds of talks has been elaborated on and processed by specialists and site managers into the 'Document for Natura 2000 Objectives' (*Natura 2000 doelendocument*), which will be used as a framework for implementation.

Still, the relationship between government and nature and environmental organisations, for example, are all too frequently characterised by a traditional attitude and relationship with regard to dealing with uncertainty and gaining insight into unexpressed opinions. Among other things, studies done over the past few years by the Netherlands Environmental Assessment Agency (*Natuurplanbureau*) have shown that this last point, which frequently has not been investigated further, continues to dictate the debate and allows impasses to remain. When dealing with uncertainties, there is still too little acknowledgement that people need each other and each other's knowledge. The result of this is that issues including the one involving cockle harvesting is thrashed out in front of a judge and then enlarged upon in the press. In this way, the suggestion put forward by a Dutch interdepartmental policy study becomes reality: that uncertainty and lack of clarity about the consequences of the directives are expected to have a negative impact on the image of the BHD. In the long run, it could possibly undermine the Dutch government's proactive, progressive policy.

The *observation* can be made that for the time being, the relationship between government and society in the Netherlands can be assessed exclusively from a technical and situational point of view. However, during this study – and particularly as a result of our experiences in England – we have been able to observe that a positive image of the directives does accompany a more flexible attitude towards directing nature policy and allowing the room for a bottom-up strategy. In this way, everyone's expertise as well as their insecurities are acknowledged, and their interdependence in gathering and communicating knowledge about the directives is respected. A similar consultation has been repeatedly proposed to the Dutch government by various scientific advisory bodies in the Netherlands.

The current study did not obtain an accurate idea of how matters stand on the image of the BHD in Europe. One of the respondents in the study said that *the openness expected from the national governments is not shown by Europe itself*. It emerged that neither member states nor those doing the research for this study were given permission to see other countries' requests for counsel to the EU. *In this way, people remain ignorant about complaint procedures*. So, it is not possible to work out how relative the 'resistance' is in the various countries, including the Netherlands.

Conclusion 3: Openness and flexibility.

A positive image of the directives in the countries studied is probably linked to an open and learning policy strategy designed from the bottom up and in which there is a flexible attitude toward dealing with uncertainty and lack of clarity. Consider the regional approaches in France, Spain and Sweden. Natura 2000 results are given the opportunity to develop within a process. In the Netherlands, an open attitude often goes along in an ambivalent fashion with policymaking processes in which the results aimed for have been set in advance to a greater or lesser degree or determined by way of an indirect process of communication. In this, learning has been replaced by negotiation and organising, and people don't get to the heart of stemming the relatively 'negative' image.

In order to ascertain Natura 2000's image in the Netherlands in relative terms, insight is needed into the complaint procedures at European level, and these are not yet transparent. Opportunities to learn from comparable issues in other countries will also be possible if Europe employs more openness with regard to complaint procedures.

Recommendation 3a. Letting go and deliberation.

Improving the image of the implementation process of the BHD will have to be sought in social justification and legitimisation of the choice upon which ideological foundation the nature policy should be implemented. This can be done by entering into deliberations with the parties concerned, in particular at regional level, and by linking together formal and informal processes.

The Dutch central government is moving from a strategy of *taking care of* towards one of *taking care that*. In order to achieve this, it will have to have to dare to let go more. It will have to have to dare to have more faith in the regional governments and in the decentralisation process that has for a large part already begun, in which societal parties will also be directly involved.

Recommendation 3b. Openness on the part of member states also means openness on the part of Europe.

The Dutch government can take the initiative in asking Europe for more openness, possibly in conjunction with other countries: not only with regard to requests for counsel and complaint procedures, but also with respect to other casuistry that can be learned from.

Learning experience 4: Creative implementation practices in regional governance

As was expected, implementation practices have not proved to be as simple as is often assumed in EU regulations. In practice, it is in fact not so much about interpreting and developing the subject matter, but rather about the way in which national governments direct this official process. Is this more or less transparent, and is more or less participation allowed by those involved members of society? Within this practice, then, a wide variety of working methods arise, in which those involved struggle between complying with EU obligations on time and meeting the obligations and demands placed on them by their own governments and societies. So, choices have to be made when dealing with this split between Europe and the regions.

Designation process for SPAs and SACs: First, the objectives with regard to designation and registration of SPAs and SACs and acceptance of the list set by Brussels is discussed. Considering the character and size of nature and nature areas in the Netherlands, it can be ascertained that when it comes to designation of areas, the Netherlands still ranks quite high in the end. Right now, nearly all Birds Directive areas have been officially designated. However, these decisions on designation don't comply with the adapted 1998 Nature Conservation Act, because the conservation objectives it contains are not developed in detail. At this time the Habitats Directive areas have not been officially designated, but 'only' registered with the European Commission. While Hungary and Sweden have set up very technocratic processes, should the Netherlands instead listen to what is coming out of the regions and put a great deal of effort into communication and participation? Although the advantage of a technocratic approach is speed, what happens if the landowners take action?

Table 2. Overview of nature conservation in six European countries (source: 2005 Barometer).

Nature and nature conservation	England	Sweden	Spain	France	Hungary	Netherlands
SPAs	255	509	480	174	55	77
pSCI/SACs	610	3903	1382	1219	467	141
MAPs as part of	5	1	20	52	-	7
Total area for Natura 2000/km (terrestrial)	244,820	414,864	504,782	549,192	93,030	41,526
BHD-proof transposition in national law	(1994)	2001	(1989)	2001	(2004)	2005

Transposition in national legislation: In addition, countries have been working on how to best translate the European directives into national legislation. Compared to other countries, the Netherlands has here undergone quite a difficult and extensive process. Even though the UK and Spain still lack any BHD-proof legislation, they do have clearly developed frameworks and accountability structures. Also here, France can be seen as a positive exception.

Management plans: Finally, work was done on translating national legislation into management plans for the designated areas and developing the conservation objectives as a final stage in the official implementation process. Also here, the image that emerged was varied.

Every country has already drawn up management plans for existing nature conservation areas, most of which have also been included in the list of pSCIs. However, the obligation to describe, in a BHD-proof management plan, the measures that will have to ensure the conservation objectives are achieved is being handled in different ways by the countries studied. Although the Habitats Directive states that specific tests have to be used to determine whether the activities and the conservation objectives are under threat, not every country has included this requirement in its national legislation. Depending on who is responsible for area concerned, in the Netherlands either the Minister of LNV or the province is responsible for drawing up the management plans for Natura 2000 areas. Moreover, the new Nature Conservation Act states that the competent authorities, usually the province, are

allowed to take appropriate measures to ensure the conservation objectives are achieved.

In Hungary, Spain, the UK and France, nothing is yet required by law with regard to management plans. For the time being, the responsible department at the Ministry of the Environment and Water in Hungary is taking a wait-and-see attitude and is taking a realistic attitude because they have neither the financial means nor the personnel to communicate this complicated process to the regions. However, the directors of the national parks and Bird Life Hungary are prepared to organise a 'learning process' on the BHD on a voluntary basis. In Spain, the regions have been charged with responsibility for the Natura 2000 management plans. Even though a new management plan is occasionally being written, the Spanish regions are also waiting before making the management plans BHD-proof. In the UK, England has brought in EN as intermediary and mediator between the responsible ministry and the planners in the areas. In Sweden, management plans – which are also required by law – are drawn up by regional governments in collaboration with SEPA. However, they are not used as an *ex ante* habitat test. In France, under the supervision of the department, prefects are installed who together with stakeholders and lower levels of government set out conservation objectives and management measures in five-year contracts.

Table 3. Overview of management of Natura 2000 plans.

Management plans:	United Kingdom	Sweden	Spain	France	Hungary	Netherlands
Development of conservation objectives	Yes, binding monitoring contracts (EN)	Yes	No	Yes, 5-year contracts	No	Yes
Legal obligation to draw up BHD-proof management plan	No Progress based on quality of landscape plan + taking into account the natural dynamics	Yes Regional governments + SEPA + 14 regional services	No The regions; There are already some new management plans	No Not officially, but in practice, yes DOCOB COPIL + lower levels of government and PP parties	No Cooperation on voluntary basis between NGO and NPD	Yes Provinces + national government
Functions of management plans	Dialogue and support Monitoring of management measures + existing use			Dialogue and support Monitoring of management measures + existing use	Learning and Development of knowledge	Overview + existing and future use <i>Ex ante</i> habitat test, art. 6, HD
Conservation Plans		Instrument for weighing up economic and ecological interests				

It can be *observed* that, along with Sweden, the Netherlands is the only country where management plans are also required by law. Furthermore, in the Netherlands the framework for the management plans is developed within a programme of requirements. This includes what a management plan is required to contain and which requirements have to be met in the establishment process. In order to make the programme of requirements concrete and provide those drawing up management plans with actual guidances, a national guidance is being prepared. LNV is also developing examples for sections of management plans, together with the provinces, site managers and other departments.

The decentralisation process started by the Netherlands and the desire to create an efficient process for drawing up the BHD-proof management plans makes it essential that at least one of the authorised bodies takes the initiative for drawing up a BHD-proof management plan. This authorised body will, however, have to

coordinate and streamline this with all those in charge of and authorised for a Natura 2000 area. Consider the V&W and KRW management plans. At area level, the Netherlands is looking for the balance between ‘providing direction’ and ‘providing space’. The question is whether, in the end, the above-mentioned Dutch management approach will be faster or more effective than the casuistic approach used in France and England. There, making concrete the requirements of BHD-proof management plan are developed as they go along, while at the same time the economic activities are regulated in a flexible way, by way of the management plans.

The advantage of this casuistic approach is that the dialogue on the conservation policy and the conservation objectives is set in motion in a natural way with the bodies concerned, in this way contributing to the creation of support for the conservation policy. Cases in England have shown that, by adhering to the precautionary principle, there are largely no negative effects on Natura 2000. What’s more, developing the conservation objectives also lays the foundation for a monitoring system.

Conclusion 4: Multiple function of management plans.

The multiple function ascribed to management plans is very different among the countries studied. In contrast with France and England, the Netherlands does not yet recognise that the bottom-up development strategy for management plans has various advantages. This has to do with dialogue and support and the possibility of developing a monitoring system, and is also about having a more flexible connection with what is happening in society.

Recommendation 4a. Integrated function of management plans.

It is important to give attention to the possible functions of management plans. In addition to a regulation for existing use, it might also be possible to have a regulation for future use. Investigate the possibilities for this.

Recommendation 4b. Management and governance of management plans.

Dialogue promotes support for policy, and this increases the effectiveness of policy implementation. Investigate whether a contract-based approach like the one in France or a casuistic approach like the one in England (and which is also being considered in Spain) would also work in the Dutch situation. In the interest of support and an effective process, this policy strategy should be taken up alongside the Dutch approach.

Learning experience 5: Case-by-case interpretation

During the talks and interviews with the respondents in the five countries in the study, the interpretation and explanation of those concepts in the European BHD that are as of yet unclear were discussed. The question is, from where and by whom is this important process of assigning meaning being directed? Does the interpretation gain meaning through political and public debate or will people wait for guidances written by the government, or for other government-related bodies, or will it be left to researchers or jurisprudence?

In all countries, the development of guidances is still in the developmental stage. The image is emerging from the countries studied that we have to rely on actual casuistry for interpretation and operationalisation of concepts in the directives, not just from the Netherlands but also from the other European countries. It is logical there is as of yet no casuistry in Hungary and as a result no special guidances have been drawn

up till now. However, there is a real need for these, particularly among farmers. The Hungarian Ministry of Agriculture and Countryside Development, although not responsible for this, is developing a guidance for farmers. The Hungarian nature organisations have also indicated they are currently collecting data during a series of seminars on the implementation process.

In particular, these seminars are used to debate the assignment of meaning to Article 6 of the BHD. They can also use these data to work on developing the guidance. In decentralised Spain, the interpretation is also given an experimental and regional one. However, not one regional guidance has yet been published. Considering the fact that the central government will ultimately be held accountable for the consequences of applying these regional interpretations, they will be faced with a considerable amount of work if these interpretations have to be coordinated and communicated.

France's DOCOBs cannot yet be seen as detailed guidances. In Sweden, this kind of work on details and coordination is done by SEPA. The role it plays is one of intervention and connection and the first steps have been taken in the direction of guidances for the regions, which contain both technical and legal interpretations. The advantage of an organisational form like SEPA is that it brings all kinds of environmental specialisations under one roof, and also acts on the ministry's behalf towards the regions and advises the ministry on behalf of the regions. Also within the UK and in England, EN plays a strong role as mediator between Defra and the local planning authorities. EN directs the regions quite independently, as it were. Should the negotiations run aground, the process is taken over by a public investigation on behalf of the ministry.

What is the situation in the Netherlands and how are the concepts of the BHD being interpreted? It can be *observed* that in the Netherlands, not only the Ministry of LNV but also other ministries have drawn up a number of guidances for use in interpreting the BHD. However, in most instances, these guidances indicate a more concrete direction with regard to which steps need to be taken and the procedures for the various levels of management of Dutch policy practices and for those initiating new plans and projects. V&W has even written guidances for managers of projects that have to take Natura 2000 principles into account. These guidances pay little or no attention to actual content and how to interpret the concepts in the directives. And this is not so strange. For example, compelling reasons of great public significance raise a complicated debate about when 'compelling' is also fair and legitimate and with respect to who? And is public interest intended for the short or the long term? But it also has been shown that the norm for significant effects has to be determined again for every case, because for every case, the circumstances of the situation, the nature in question and the network involved is different. So, although parliament may want to comply with the request for clarity, it cannot immediately exact this, and the question is whether this can happen in due time.

The *observation* can be made that, based on the experiences of France and the UK among others, and particularly in England and Sweden, that when operationalising the concepts of the BHD, a casuistic approach can be helpful. These 'extras' are the

result of two things. First of all, this is because this approach – in addition to scientific, technical and legal expertise – also makes use of the practical knowledge of social organisations and ordinary people. Dialogue with them not only fleshes out the technical interpretation of these concepts, but also gives weight to the various interests that have to be weighed up against each other in today's pluralistic society. Secondly, the three countries mentioned make use of an intermediary organisation and/or change agent or client manager. With their help, the cases are combined and introduced at a higher level.

Conclusion 5: Case-by-case interpretation.

No country has as of yet enacted policy regulations for the legal concepts in the habitat test. Like the countries mentioned above, the Netherlands also seems to be convinced that operationalising the concepts of the BHD has to be considered on a case-by-case basis. Nevertheless, there are still two ways to further reduce the lack of clarity and uncertainty about how to steer this in the right direction. In the first place, this can be done by building up casuistry, communicating about this and introducing it at various points in the policymaking process. In the second place, this can also be done by listening to contributions by practical experts as well as representatives from social organisations, both in the cases and when determining the norm and weighing up the interests. In other countries this approach seems to be both acceptable and workable. Also, other countries – Hungary in particular – have asked that example cases be collected and communicated to other countries.

Recommendation 5a. Take responsibility for building up casuistry.

Accumulating scientific and practical knowledge necessary to substantiate the meaning assigned to the concepts in the directives, demands that this knowledge is actually collected, put together and communicated. It is recommended to both build up the casuistry on this and introduce it as part of a learning process, as well as to make someone responsible for this. It might be necessary to look into whether this responsibility, or responsible person or persons, can fall under the provincial government.

Recommendation 5b. Organise an international casuistic approach.

In the event that the proposed casuistry is collected, it is advisable to exchange this not only with other departments in the Netherlands, but also with the surrounding countries, which have many model cases of their own. The Dutch government would do well to take the initiative – possibly in conjunction with other countries – to request Europe to systematically collect casuistry and, at the appropriate times, to ask for more openness about the knowledge that has been acquired.

Learning experience 6: Complexity not likely to be expressed by one code, one permit or one piece of paper

The issues regarding policy integration of Natura 2000 play roles with regard to different policy levels on the one hand, and different time periods on the other. At strategic policy level, solutions for questions of integration are sought in including nature legislation in other legislation. This often requires long-term harmonisation, negotiation and development. The document study showed that Sweden was the first country with a general environmental act. During the country visits, however, it emerged that in fact it is still just on paper, and has not yet found its way in a more detailed form to planning and permit levels. But Sweden is not alone in this. Also in Spain, a bill has been announced that will integrate the MER and the habitat test. In France, the ministries of the environment and defence have meanwhile drawn up a kind of environmental protocol, and developed a vision along with this to allow this integrated thought to make its way to the planning level. In any case, Natura 2000 has been incorporated into acts for spatial planning and policy development.

In the Netherlands, the complexity of the amount of sectoral legislation has led to poor enforcement and a great deal of frustration among individual citizens. As a result, in 2004 a commission of legal draughtsmen was set up to design a bill for an integrated nature and environmental act. It was assumed that a single integrated nature and environmental law would reflect the reality of the interrelatedness of the problems and at the same time contribute to an effective approach to the problems by clear, well-organised legislation and a unified enforcement organisation. However, in practice, this has turned out to be more unmanageable than had been expected.

Table 4. Integration at strategic, tactical and operational policy level.

Integration of Natura 2000 with other policy	United Kingdom	Sweden	Spain	France	Hungary	Netherlands
Strategic policy level (incl. long-term legislation)	No	General environmental act	Bill for integration of MER and BHD test	Act for spatial planning and sustainable development LOADDT	No	Draft WABO (<i>Wet Algemene Bepalingen Omgevingsrecht</i>)
Tactical policy level (incl. middle-range planning)	Integrative policy regulation (PPG9) developed by Defra	Yes	Integration of water and nature policy in management plans	Integration of environmental protocol with defence & DOCOBs	Natura 2000 is incorporated into regional spatial plan	Integration through coordination of management plans between KRW/BHD

Integration of Natura 2000 with other policy	United Kingdom	Sweden	Spain	France	Hungary	Netherlands
Operational policy level (incl. issuing permits)	1,000 cases per year (building activities, agriculture, windmills)	See Sectoral permit system cases	See Sectoral permit system cases	See Sectoral Permit System cases	Integration of nature & agricultural recreation in cases	Proposal for Integrated environmental permit

At tactical policy level, solutions for integration issues are sought in the integration of planning processes. Often a change can be effected within a medium-range period of time. In England, for example, Defra points out to local planning authorities the possibilities for integrating nature conservation policy with environmental policy. To this end, it has drawn up integrative policy regulations, the *Planning Policy Guidance on Nature Conservation* (PPG9). In Spain, integrated planning (including spatial planning) is less urgently needed: there is room enough. Still, there is anyway collaboration at local and regional levels to integrate water and nature policy in the management plans. This is also the case with regard to the DOCOBs in France. The question is, what does the Netherlands want in this respect?

Finally, integration questions can also be answered by integrating the issuance of permits at operational level. It would seem that the Netherlands is the only country using the idea of the 'one-stop shop' and *building with a piece of paper*. In the spring of 2005, the Ministry of Housing, Spatial Planning and the Environment (VROM) presented the draft for the WABO (*Wet Algemene Bepalingen Omgevingsrecht*, 'General Provisions for Environmental Law Act'), which included an integrated environmental permit: one application to one authorised body through one procedure culminating in one decision.

The question is whether the advantages of reducing the administrative burden and serving the client offsets the disadvantages of working with a single piece of paper. The disadvantage, usually put raised by the representatives of nature interests, is that when put in the balance with economic interests, nature interests will get the worst of it, certainly in times when the economy is doing badly. As a result, the need for demonstrating the social interest and in this way also the economic interest of conservation and development becomes even greater.

The *observation* can be made that in some way, all countries are working on integrating Natura 2000 with policy, whether in legislation or in planning or the issuing of permits, but nowhere is the link between the different strategies at various levels or the long or short term view indicated, nor is the body of thought linking the levels mentioned made explicit. It will be clear that issuing integrated permits will not be possible if no integrated law has been developed. It is also clear that dealing with the complexity, the reality of how the problems are related, the proposed effective approach with clear, well-organised legislation and a unified enforcement body cannot dispel the complexity of weighing up matters. This was in any case what Sweden has indicated, and they were the first to experiment with an integrated law.

Conclusion 6: Beyond integration and complexity.

Although some countries do indeed have integrated environmental laws, nowhere is there an integrated environmental permit ('building with one piece of paper'). Only the Netherlands, with the draft for the WABO (*Wet Algemene Bepalingen Omgevingsrecht*, 'General Provisions for Environmental Law Act') seems to be aiming for this. In some countries there is a degree of integration at planning level. This would also seem to be more likely for the Netherlands. Integrated legislation cannot do away with the problem of dealing with complexity. It would seem that an integrated environmental permit is either not feasible or very difficult to achieve.

Recommendation 6a. Made-to-measure integration, synergy of content and process.

Acknowledge that an intrinsic answer to 'integration of legislation' for complex issues is actually a denial of the complex reality. Serving clients effectively requires made-to-measure integration by a synergy of approaches to content and process. In the short term, then, the Netherlands should concentrate on integration at planning level rather than legislation level.

Recommendation 6b. Building with one piece of paper is as yet illusory.

Comparative studies have shown that nowhere have integrated environmental permits been shown to be feasible at this time. For now, don't bet on this kind of permit too strongly.

Recommendation 6c. Equal contribution of interests.

Investigate which strategies can be used and who can introduce nature interests on an equal footing with other interests in planning processes.

5 Summary of conclusions and recommendations

This study into the implementation process of Natura 2000 has concentrated on possible learning experiences with regard to relevant issues for the Netherlands. The Dutch government wanted to investigate whether the implementation practices in the Netherlands were comparable to those in the other member states, and how these countries have dealt with the search for policymaking scope in order to improve the image of and support for Natura 2000 and to allow the implementation process to proceed effectively. In addition, more insight was needed into the similarities and differences in nature, politics and government in order to better understand and to learn from: the role, function and working methods of intermediary organisations when interpreting the directives, the increasing integration of Natura 2000 with environmental policy and environmental law, the regional solutions and the function of management plans and the use of strategies for communication and coordination. Such lessons could help to better deal with the administrative dilemmas that arise when trying to comply with both the demands of society as well as the requirements of Brussels. When re-examining all of the learning experiences, conclusions and recommendations as a whole, the following things stand out.

Diversity of nature

- Every country studied gave the impression they were working extremely conscientiously with nature and European nature policy. The character and size of nature and solutions for conservation are endlessly varied.

Always someone at something in the forefront

- All countries have chosen for a pragmatic and gradual way of implementation and finding problem-solving strategies for issues of image, implementation, interpretation and integration. In this, one country will be ahead of another on some of these issues. With regard to governance practices and the development of management plans, France, the United Kingdom and the Netherlands are out in front. In Sweden and the United Kingdom, effecting decentralisation, communication and coordination through depoliticised intermediary institutions is progressing very well, and the same applies to bringing in client managers in France. Hungary respects the knowledge and expertise of the NGOs by giving them a special position with regard to policymaking. Finally, Spain and Hungary stand out because of their strong relationships with Brussels.

A gold mine of experiments

- There is no country where experiments and learning are not the order of the day. In some countries this happens by way of a more technocratic process that makes use of specialists (Hungary and Sweden), and in other countries this takes place more through an open and 'learning' policy process, which varies from case to case (Spain, France and the United Kingdom). Experimentation and learning reinforces the image and support for nature policy. The position of the Netherlands is somewhere in the middle, by balancing between 'providing direction' and 'providing space'.

Communication and coordination about casuistry is needed

- Interpreting and making concrete the difficult concepts in Article 6 of the BHD are seen as a joint responsibility of the member states and the European Union. Casuistry has to be gathered and built up case by case. Each country expressed the wish to communicate about this.

Integration at planning level offers opportunities

- Finally, it is noticeable that integration can occur in a number of ways. The Netherlands stands out with its WABO bill (*Wet Algemene Bepalingen Omgevingsrecht*, 'General Provisions for Environmental Law Act'): one environmental law with one integrated environmental permit. Although some countries do indeed have integrated environmental laws, nowhere is there an integrated environmental permit. In some countries there is a degree of integration at planning level. This would also seem to be more likely for the Netherlands. Integrated legislation cannot do away with the problem of dealing with complexity. It would seem that an integrated environmental permit is either not feasible or very difficult to achieve.

If the Netherlands both wants to comply with the requirements of Brussels as well as the demands of our society, the following is recommended.

1. Be aware of the diversity and value of the nature in neighbouring countries

- Consider and value Dutch nature and Dutch nature policy in a relative way and with more awareness with regard to size, its own merit and its merit relative to Natura 2000.

2. Investigate bringing in and functioning of an intermediary organisation in the Netherlands

- Investigate whether an organisation like EN or SEPA can actually effect the implementation process of the conservation policy and contribute to the creation of support for nature policy. Investigate whether the decentralisation of authority to the provinces for the implementation of the Nature Conservation Act will lead to a more effective policy process.
- Investigate whether a decentralised organisation similar to EN can be beneficial for and functional in Dutch society. Investigate whether it would also be possible in the Netherlands to implement the principle of client manager, in the style of the *préfet* in France. Look into whether this position should come under the provincial system or under the central government.

3. Improve image and support by letting go and deliberating

- Improvement of the image with regard to the implementation process of the BHD, will sooner have to be sought in social justification and legitimisation of the choice upon which ideological foundation the nature policy should be implemented. This can be done by entering into deliberations with the parties concerned, and by linking together formal and informal processes. The Dutch central government is moving away from a strategy of *taking care of* towards one of *taking care that*. In order to achieve this, it will have to have to dare to let go more. It will have to learn to trust a society that shall and will make its own contribution.
- The Dutch government can take the initiative in asking Europe for more openness, possibly in conjunction with other countries: not just with regard to requests for requests for counsel and complaint procedures, but also with respect to other casuistry that can be learned from.

4. Look for creative solutions for implementation practices in the regional approach

- It is important to give attention to the possible functions of management plans. In addition to a regulation for existing use, it might also be possible to have a regulation for future use. Investigate the possibilities for doing this.
- Dialogue promotes support for policy, and this increases the effectiveness of policy implementation. Investigate whether a contract-based approach like the one in France or a casuistic approach like the one in England would also work in the Dutch situation. In the interest of support and an effective process, these policy strategies should be taken up alongside the Dutch approach.

5. Interpret BHD concepts case by case and collect casuistry

- Accumulating scientific and practical knowledge necessary to substantiate the meaning assigned to the concepts in the directives requires that this knowledge is actually collected, put together and communicated. It is recommended to build up casuistry on this and introduce it as part of a learning process, as well as to make someone responsible for this. As in Recommendation 2, it is recommended to look into whether this responsibility or responsible person or persons should fall under the provincial system.
- In the event that the proposed casuistry is collected, it is advisable to exchange this not only with other departments in the Netherlands, but also with the surrounding countries, which have many model cases of their own. As in Recommendation 3, the Dutch government would do well to take the initiative – possibly in conjunction with other countries – to ask Europe to systematically collect casuistry and, at the appropriate times, to ask for more openness about the knowledge that has been acquired.

6. Don't try to catch complexity into one code, one permit or one piece of paper

- Acknowledge that an intrinsic answer to 'integration of legislation' for complex issues is actually a denial of the complex reality. Serving clients effectively requires made-to-measure integration by synergy of approaches to content and process. In the short term, then, the Netherlands should concentrate on integration at planning level rather than legislation level.
- Comparative studies have shown that nowhere integrated environmental permits have been shown to be feasible at this time. At this moment, this kind of permit may perhaps not be the strongest bet.
- Investigate which strategies can be used and who can introduce nature interests on an equal footing with other interests in planning processes.

List of abbreviations

BD	Birds Directive
BHD	Birds- and Habitats Directive
COPIL	Comité's de Pilotage
Defra	Department of Environment Food and Rural Affairs (UK)
DIREN	Direction Régionale de l'Environnement
DOCOBs	Documents d'Objectives
DTR	Développement des territoires rureaux
E(E)C	European (Economic) Community
EN	English Nature
EU	European Union
IAB	Independent administrative body
IPS	Dutch interdepartmental policy study
JNCC	Joint Nature Conservation Committee (UK)
Län	Regional government in Sweden
LIFE	European funding programme for research
LNv	Dutch Ministry of Agriculture, Nature and Food Quality
LOADDT	Act on spatial planning and sustainable territorial development (France)
MA	Marine Area
MAAPR	Ministère de l'Agriculture, de l'Alimentation, de la Pêche et de la Ruralité
MARD	Ministry of Agriculture and Rural Development (Hungary)
MEDD	Ministère de l'Ecologie et du Développement Durable
MEPA	Maltese Environmental Protection Agency
MER	Environmental Effect Report (Milieu Effect Rapportage, the Netherlands)
MEW	Ministry of the Environment and Water (Hungary)
NGOs	Non-governmental Organisations
PHARE	European funding programme for research
PPG9	Planning Policy Guidance on Nature Conservation and on Annex IV-species protection
SAC	Special Area of Conservation
pSCI	Proposed Site of Community Importance
SCI	Site of Community Interest
SEPA	Swedish Environmental Protection Agency
SPA	Special Protected Area
UK	United Kingdom
WABO	'General Provisions for Environmental Law Act' (Wet Algemene Bepalingen Omgevingsrecht)