

NATURA2000

Information and communication on the designation and management of Natura2000 sites

Summary Main Report 1: The designation in 27 EU
Member States

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1 Introduction

1.1 Objectives of the project

Following the selection of Special Protection Areas (SPA) and Sites of Community Importance (SCI) according to the Birds and the Habitats Directives, most European Member States are now in process of formally designating SPAs and SCIs as Special Areas of Conservation (SAC) or Natura2000 sites. These protected areas collectively form the European Union's Natura2000 network. Member States are also selecting and implementing adequate management approaches and instruments to maintain and restore the favourable conservation status of protected species and habitat types and to prevent damage to the integrity of the sites. Both actions follow Articles 6.1 and 6.2 of the Habitats Directive.

To help the Member States, the European Commission wishes to improve the knowledge and exchange of information and good practice both on the designation process of SPAs and SACs and on the establishment of conservation measures and instruments for these areas. Furthermore, the Commission wants to stress the importance of the sites and their management by involving a wider group of stakeholders in the development of so -called integrated management, in accordance with Article 2 of the Habitats Directive.

The project 'PREPARATORY ACTIONS- Lot 2: Information and communication on the designation and management of sites' (tender ENV.B.2/SER/2007/0076) is intended to help the Commission to achieve these objectives.

1.2 The main tasks and the consortium

The main tasks of the project are to:

- 1 collect and produce information on the procedures applied for designating SCIs and SPAs as sites at the national level in the different Member States;
- 2 collect and produce information on the management procedures and to identify and analyze rates of success and good practices of integrated management;
- 3 elaborate a new communication tool on potential and integrated socio-economic development in sites that allows networking and exchange of experience amongst stakeholders and managers;
- 4 elaborate a scheme for awarding the titles of '*NATURA2000 PARTNER*' and '*NATURA2000 PARTNER of THE YEAR*'.

To fulfil the tasks as described above, a consortium of Alterra Wageningen UR (the Netherlands), Research Institute for Nature and Forest (INBO, Belgium) and Centre for Ecology and Hydrology (CEH, UK) was formed. All are members of the European Network of Excellence, ALTER-Net.

In this summary the main results regarding the designation process of SACs will be described. A full description of this part of the project can be found in Van Apeldoorn et al. (2009).

The results of the project dealing with the management of the sites are described in Kruk et al. (2009 a) and are summarized in Kruk et al. (2009 b).

A number of good cases of integrated management can be found in De Blust et al. (2009).

The communication tool mentioned “Natura2000 Good Practices Exchange” can be found at: <http://www.natura2000exchange.eu>.

More information on the award scheme can be found in Sier et al. (2009).

2 Working method and data collection

To achieve the objectives of the project, information was collected that went ‘beyond the official reporting’ of Member States to the Commission. The main sources of information consulted are:

- *Member States country reports* (Art. 17 Habitats Directive)
- *websites*
- *publications*
- *contact persons* (governmental and non governmental) (see Annex 1)
- *conferences and workshops dealing with the topic*

To structure the data collection, a questionnaire (Kruk et al. 2009a, Van Apeldoorn et al. 2009) was prepared to collect the necessary information mainly using networks of science institutes (ALTER-Net, Network of Excellence), the academic community, NGO’s and national and European nature conservation and management organisations. Gathering information the existing networks were intensively extended.

However, finding and contacting the relevant persons and collecting the data were difficult and time consuming. For that reason from the beginning institutions and persons were selected in a few Member States (France, Slovakia, Poland, Italy, UK and Denmark) and asked to cooperate and collect the necessary data for their country. Partly they belong to the ALTER-Net network of Excellence.

Annex 1 presents an overview of cooperating institutions and contacted institutions and persons.

The specific situation of divided legal responsibilities in some federal Member States (Spain, Austria, Germany and Italy) prevented the timely collection of all necessary information at the national and lower governmental levels in a comparable way. Even in these federal member states a clear overview on the approaches used in their regions is often not available.

3 A framework for data analysis

In order to compare Member States, some main topics were formulated related to the designation process of SPAs and SCIs into SACs, as well for the conservation instruments and management measures of the Natura2000 sites. Particular attention was paid to good cases of integrated management and their selection criteria (De Blust et al. 2009).

Some background information on SPAs, SCIs and SACs was collected to illustrate the different situation of the Member States regarding the designation and management of sites.

All countries are, after the first implementation phase of site selection, in the second phase of formal designation and management planning. SPAs and proposed Sites of Community Importance (pSCIs) that have been approved by Brussels have to be formally designated of which SCIs have to be designated as Special Areas of Conservation (SACs) within 6 years.

Member States also have to address the management of Natura2000 sites. They are required to formulate conservation instruments for reaching the site objectives. This includes:

- (i) attaining and maintaining a favourable conservation status of species and habitats in accordance with Article 6.1 of the Habitats Directive and
- (ii) preventing disturbance and damage to the quality of the habitats (Article 6.2 of the Habitats Directive)

Therefore, the first report of the project (Van Apeldoorn 2009) focuses on the designation process and pays attention to the following topics:

- information on the designation process in the Member States
- solutions adopted by Member States to overcome problems during the designation process
- protection status of the sites and the ways site objectives have been formulated
- legal, administrative and other instruments adopted by Member States to reach the goals and preventing damage to the site objectives

The last important step in this phase of the implementation of the Birds and Habitats Directives is to ensure the effective application of these instruments. Specific attention has been paid to the benefits and drawbacks of the instruments chosen and differences in the way they are used (Kruk et al. 2009a). Examples of wise use are presented. Although management plans are not the only instrument used in the Member States, they play an important role as do other planning instruments in some countries.

For this reason attention has been paid to the management of Natura2000 sites. In particular, the role of management plans has been analysed but has been restricted in this report to the more formal aspects. A more detailed analysis can be found in

Kruk et al. (2009 a), which also provides more commentary on integrated management of Natura2000 sites.

4 Member States and implementation efforts

The efforts countries have to make to fulfil their obligations to implement the Birds and Habitats Directives are related – among other things- to:

- the number and total area of sites to be designated;
- the number of habitats and species and their Favourable Conservation Status (FCS);
- the kind of management instruments and management bodies;
- the ownership of the sites.

As far as recent information on these topics could be collected it is provided as background information for the analyses described in the other chapters.

Data from the EC Barometer and the country reports to EC following Article 17 show that Member States differ widely in the numbers of SPAs and SCIs to be designated; the total area of these sites also differs. For example it can be shown that:

- Finland, France, Sweden, Germany, Italy and Spain have designated high numbers of SACs compared to the other Member States (in between 1000 and 4000 or more);
- Bulgaria, Slovenia, Slovakia and Spain each have designated about 20% or more of their area as Natura2000 sites, greater than the majority of Member States that have designated about 12% of their area (e.g. Estonia, Hungary, Italy, the Netherlands and Poland);
- Good progress is being made to formally designate selected sites as Natura2000 sites in Austria, France, Germany and UK.

All Member States with marine territory have or are selecting Marine Sites and have sent them to Brussels for approval. However, Germany and France have formally designated a small number of Marine Sites.

Concerning the conservation status of species and habitats:

- the percentages of habitats in a bad condition are the highest in Belgium, Czech Republic, Hungary and UK (> 50%). Austria, Denmark, France, Ireland and Sweden also have a relatively high percentage of habitats in a bad condition (> 40%);
- the percentages of species in either unfavourable (U1) or bad (U2) condition are high (U1>30 % and U2>30%) in Austria, Belgium, Czech Republic, Denmark, France, Luxembourg, the Netherlands and Sweden;
- Austria, Belgium, Czech Republic, Denmark, France and Sweden all have a high percentage of habitats and species in a bad condition.

Data on the implementation and preparation of management instruments such as management plans and the founding of management bodies are not available for all Member States. The number of prepared management plans is relatively high in France, Germany and Sweden. However, only France has prepared new management plans (DOCOB= Document des Objectives); Germany and Sweden use manage-

ment plans of already nationally protected sites, as is the case in many other countries.

The ownership of a site is an important factor in determining the ease with which management plans can be agreed and implemented. Information on site management is, however, not easily obtainable for many countries. In fact, in some countries it is not collected. Nevertheless, the percentage of state- owned Natura2000 sites is high illustrating that, in general, state or state- related organizations or private nature conservation organizations are responsible for the site management. This is the case, for instance, in Finland, UK and the Netherlands.

In many countries, a high percentage state-owned land (e.g. > 50% in Estonia, Finland, Slovakia and the Netherlands) supports forests managed by state agencies (e.g. Finland, Estonia and Slovakia) or resulted from the state purchase of land as conservation strategy (e.g. the Netherlands).

The information collected shows that Member States differ widely in the effort they have to make to fulfil their obligations. Member States which have formally designated a relatively high number of SACs (e.g. about 500- 1200 in Germany, France and UK) do not appear to have done so because their habitats and species have a better FCS, nor because of other characteristics presented in this chapter. One feature these countries have in common is that a low proportion of their land area has been designated as Natura2000 sites (6- 9%) compared to a small group of countries which designated more than 20% of their land area.

5 The designation process

5.1 Responsibilities, organizing and planning the process

The final responsibility for SPA and SAC designation rests in all Member States at the ministerial level (in federal and non federal states). However, in the federal states it is not always clear if the formal SAC designation will take place under regional/provincial or national legislation.

The responsible ministries in many of the countries carry out their responsibility with the help of their regional bodies and can be assisted either by a national committee or working group or by independent administrative bodies which have, however, different tasks and responsibilities. National authorities and local administrations also play an important role in the process.

In many of the Member States the process of SAC designation has been described in laws covering, for instance, the tasks and responsibilities of authorities and administrative bodies and stakeholder participation. A few countries have no such legal basis for the process.

The Member States differ in the way they designate sites. Two main groups can be discerned:

- those which favour general designation using a legal instrument (e.g. ministerial decree or order) in which a few site characteristics are mentioned such as name, location, borders and area. Many countries also mention the species and habitats for which a site has been designated. Site objectives are worked out in detail using a conservation tool such as a management plan;
- those which developed a detailed designation using a legal instrument that is more site specific because detailed site objectives and descriptions are presented. These objectives may be elaborated upon in a management plan.

Some countries (e.g. Latvia) have decided that their sites will have the formal status of a SAC and do not need a separate designation decision or document after they have been approved by Brussels being a SCI.

Where a Member State uses a designation document to designate a site in general terms this may lead to uncertainty concerning the site objectives and the site management. Such uncertainty may result in time consuming problems during the implementation of the management instrument for example during the preparation of a management plan (if necessary). This risk can be minimized by strong coordination and process management. France and UK are examples of this way of working.

A more detailed designation document can take some time to prepare (e.g. more site specific data and information are needed). However, it provides greater certainty about the specific site- related objectives and management planning and it can be expected that less time- consuming problems will arise during the implementation of

the management instruments. This way of designation can be found in Slovenia, Portugal and the Netherlands.

From the information collected there is no evidence that one group is more successful in finishing the SAC designation process than the other.

After the selection and classification of SPAs and the selection of preliminary SCIs all Member States have to formally designate these sites as Natura2000 sites. SCIs have to be designated as Special Areas of Conservation (SACs) within 6 years after being 'approved' by the EC. For SPAs, there is a less formal procedure; the accession countries must have designated their SPAs by the date of accession following the Birds Directive. Following Biogeographic region seminars in 2010, the accession states are expected to have designated all SACs by at least 2016. The other countries are expected to have finished formal designation before this date.

More than 80% of the Member States have selected and designated about 80- 100% of their sites. In a few Member States the formal designation of SACs will be completed after it has been decided in which Biogeographic regions SPAs and SCIs are still required. It is only for the Macronesian and Black Sea Regions that no new sites have to be designated. So, although some countries still have to select new sites (e.g. Cyprus), this part of the implementation process of the Birds and Habitats Directives is close to completion.

The process of formally designating SPAs as Natura2000 sites and the actual or expected completion date is not always clearly described by Member States. For many, the formal SPA designation process can be characterized by unclear procedures, a lack of data and informal consultation and stakeholder participation.

In contrast, the formal designation of SCIs as SACs in many countries can – in general- be characterized by clearer procedures, more and better data and information and improved stakeholder consultation and participation.

The real deadline for Member States to designate SACs is determined by the date of approval by Brussels of their SCIs. However, the first and last date of sending lists of SPAs and pSCIs to Brussels, when looked at in combination with information on the year Member States have planned to finish SAC designation, illustrates when this process is *expected* to be finished. This information could not be collected in a detailed way for all countries, so for many of them it is unclear when they actually plan to finish this last step of the designation process.

Nevertheless it can be stated that a few countries (e.g. France and UK) have made good progress in the process of formal designation. They and other countries plan to complete the process soon. Among them, France represents countries which began the formal designation and the writing of management plans early compared with others (e.g. the Netherlands, Ireland).

Most of the Member States plan to complete formal SAC designation in 2013-2014. However, for some of them it is not certain that they will achieve this, especially if management plans have to be written before designation can take place, or sites have

first to be protected under national law using an existing conservation status. For these countries there is a risk that the SAC designation will be delayed.

Based on what the Member States have planned, and assuming they will succeed two countries will be ready in 2010, most countries in the period 2011-2014 and about 25% of the countries after 2014.

In general it can be concluded that all Member States are in the process of formal SAC designation. Some are relatively far along in the process whilst others are just starting and a few countries have yet to select new sites. The whole process will be delayed because many of the Member States have encountered and still encounter problems during the SAC designation.

5.2 Factors influencing the designation process

An important condition for the formal national designation of SPAs and SCIs is that their legal basis, acknowledging the existence and management of such sites, is ready. All Member States have a legal framework for the implementation of the directives and the designation of SPAs and SCIs into Natura2000 sites. Although these frameworks have not been analyzed in detail in this project some are not consistent with the requirements of the directives and infringement procedures are ongoing.

Problems with stakeholders have delayed the designation process, particularly during site selection and the preparation of SPAs and pSCIs lists for Brussels. For instance, in Finland and France such problems caused the responsible authorities to change their way of managing the process from one with little or no public participation to a more open way of working. Others, such as the UK and the German 'Land' North-Rhine Westphalia involved stakeholders early in the process.

The way of organizing stakeholder participation during site designation is not the only factor that can cause problems and can delay the process. Nevertheless it is an important factor in increasing the social acceptance of the Natura2000 network and its management (see also the second report of the project De Blust et al. 2009). Other factors – such as a lack of data- have been mentioned in reports published during the phase of site designation or during meetings organized in Member States. Table 5.1 presents four groups of these factors and some examples of how they have been dealt with.

| Factors causing a delay in the designation process and possible solutions |
|---|
| - Lack of coordination (mixed tasks forces or working groups with strong decision making power) |
| - Lack of capacity (outsourcing of tasks) |
| - Lack of information and awareness raising (information on public websites, specific awareness raising campaigns; supporting stakeholder knowledge networks) |
| - Lack of commitment (related to participation: more bottom up organized versus top down) |

Table 5.1 Factors causing a delay in the designation process and possible solutions (between brackets)

Coordination

In nearly all countries the responsible ministry has to cooperate with other ministries and authorities to implement the Birds and Habitats Directives in a proper way. This creates a need for good coordination at the national and lower levels.

For several reasons (e.g. manpower, knowledge, cost and competency) this coordination and cooperation has caused problems for many countries. In countries with a high level of policy integration related to nature conservation and natural resource management, coordination is less problematic compared to countries with a high level of sectoral policy-making, as is the case in most of the Member States. In some cases, to address these problems sometimes a task force with substantial decision making power has been formed. In other cases, mixed working groups or national coordination groups enabled better coordination and cooperation.

Capacity

Capacity problems (e.g. lack of data, shortage of staff and expertise) during site selection and designation have been reported several times.

However, many countries made good progress in setting up public websites containing a lot of information and data on both the directives, the specific Natura2000 sites and the whole network and national procedures.

In all countries, experts and expert organizations (NGOs) played and continue to play an important role in supporting and advising the responsible authorities e.g. on site selection, site boundaries and the FCS of habitats and species.

Some specific problems could be solved by using European Funds (especially the LIFE fund) to enable for example the production of guidelines or the running of pilot projects.

Although playing different roles, Independent Administrative Bodies (IAB), public agencies and private consultancies can be important because they cluster knowledge and expertise on the directives, their implementation and the Natura2000 network. Furthermore, IABs in particular can be valuable as facilitators, depoliticizing the process and guiding stakeholders in decision-making and the preparation of management plans. Good examples of such organizations can be found in UK, France and Sweden.

In some cases, private consultancies and NGOs are involved in awareness raising campaigns and data collection.

Awareness raising on the Natura2000 network

The lack of knowledge on the directives, the Natura2000 network and the selected sites by authorities, institutions and the public has been reported as a factor delaying the designation of SACs.

Although all Member States have installed websites with information on the directives and the Natura2000 network, still a lot of information remains unavailable to the public and so can not be used by stakeholders.

Different countries have started awareness- raising campaigns by themselves or in cooperation with others, typically NGOs which have also organized their own campaigns. Guidelines and reports on important factors influencing successful implementation have been published, as a way to stimulate action. Although many efforts have been made to raise awareness, educate people and promote good cases, it is a general experience that more has to be done in this field.

In addition to awareness- raising activities at national and European level, some economic sectors have organized their own knowledge networks. Their main goal is the exchange of experiences and knowledge on how to deal with the directives and the Natura2000 network. The nature conservation sector itself has established national and European networks exchanging experiences and knowledge. More information on these networks can be found on the website that has been developed in this project (<http://www.natura2000exchange.eu>).

Participation during site selection and formal designation

Both directives, being the legal basis for the Natura2000 network, leave the issue of public consultation and participation to the Member States. As a result there are large differences in the way they have dealt with the issue. Nevertheless countries can be characterized by the type of participation and the groups involved in the participation process.

Participation can be categorized as:

- Informal consultation: the public administration body produces information. The public has to find this and to look for possibilities to express their opinion. Sometimes consultation meetings have been organized, the results of which may have been taken into account by the administration authority;
- Formal consultation and approval: the public administration produces information. Stakeholders have legal rights to express their views and these have to be considered by the administration authority;
- Shared responsibilities (full participation):stakeholders are organized and invited to express their opinions and are highly committed to and involved in decision - making

Both informal and formal means of consultation represent a more closed and top down approach.

Different groups of stakeholders can be involved: government, experts, representatives of groups of stakeholders and private people.

About 50% of the Member States have introduced informal participation in the first phase of site selection and designation. They differ widely in the number and which stakeholders were involved. This has enabled some flexibility in the negotiations during the decision making- process and can lead to greater commitment. However, this approach lacks a certain legitimacy of the decisions and transparency of the decision making process.

More formal procedures are often restricted to specific stakeholder groups (e.g. municipalities, authorities) and/or used only for some types of Natura2000 site (compare already protected sites versus non- protected sites). The procedures are only open for land-owners, land-users and the public in a restricted number of countries.

Furthermore, formal participation is often carried out too late in the process to be of real value. It is also rather inflexible and tends to lead to lower commitment. The formal approach is, however, more transparent and gives greater legitimacy to the decisions.

Participation by sharing of responsibilities tends to provide the greatest flexibility and lead to the most commitment. However, this method typically has less legitimacy and transparency. No Member States organized participation in this form during the designation process, even though NGOs were strongly involved by helping and advising the responsible ministry in many countries. This always happened in an informal way.

In general it can be concluded that Member States struggle with consultation and participation. However, to favour a successful designation process, in a few countries stakeholders were involved early in the selection and designation processes. This led to a high level of social acceptance of the directives and the Natura2000 sites prior to the selection of management instruments and measures. In such cases Independent Administrative Bodies and organizations have played and still play an important role as facilitators in the processes of designation and implementation of the management instruments.

To select sites and designate SACs most Member States seem to have opted for a more flexible strategy with at least some commitment. Their decisions and the decision-making process lack, however, legitimacy and transparency as is illustrated by the experience of a lot of stakeholders in many countries, who report that both processes took place 'behind closed doors'. This caused and still creates a negative attitude towards the Natura2000 network among land owners, land users and others such as authorities, leading to conflict concerning the directives in a number of countries

Some positive points of the designation process are:

- national legislation transposing the directives has been elaborated and has improved and strengthened biodiversity conservation in many Member States;
- NGOs and the science community are strongly involved in the implementation of both directives as is illustrated during site identification and selection and the existence of shadow lists of sites;
- the amount of information about the Natura2000 network available to the public is growing;
- other policy and economic sectors are aware of the directives and, in many countries, have started consultation processes at all levels (e.g. national, site) and proactive thinking about their involvement in the implementation process of the directives and the management of sites.

5.3 Site objectives

Between the processes of site selection and formal designation, and before real management starts, all countries have to formulate management objectives for SPAs and SACs. The objectives must relate to the Favourable Conservation Status (FCS) of

species and habitats. The Member States are free in the method they use to derive objectives from the FCS.

All countries have defined or are defining objectives at the site level. In many Member States Natura2000 sites were already protected under national law and management plans are obliged or exist. Site objectives can be found in these management plans. However, the existing objectives have to be changed or related to the new Natura2000 objectives for selected species and habitats and this appears to be a time-consuming activity in a lot of Member States.

For sites that were not protected before designation, a management plan will not always be written. Objectives have been defined in some Member States in a formal Decree or in the designation document. They can be rather general or more habitat and site specific. In some cases, such as in some Federal States of Austria, they are missing from the designation documents.

Only a few Member States (Slovenia, the Netherlands, Belgium Flanders, Lower Austria) have begun to formulate objectives at the national level and developed them in more detail at the site level. In Slovenia objectives have been defined for separate sites and have been described in the Nature Site Management Programme. This programme illustrates in a systematic way of setting objectives and management measures that are described in both nature conservation and other sectoral management plans (such as forestry, hunting, agriculture, fisheries and water management).

To formulate site objectives in a more hierarchical and systematic way has some advantages. It makes clear the relative importance of a site in the whole national Natura2000 network and how the national FCS of a species or habitat is related to a specific site. It also means that not on each site the FCS of a species or habitat has to be reached, which enables greater flexibility in setting site objectives and the management measures. Also the contribution of the local management to the national objectives is clearer, which helps in setting priorities and targeting, financial and staff resources towards the most cost-effective site management. Knowing the relative position of a site in the network is also important when evaluating the possible effects of human activities on a site and its species and habitats (compare the Appropriate Assessment of Article 6.3 Habitats Directive).

6 Reaching the conservation status

The responsibility for ensuring the management of sites lies with the Member States as stated in the Article 6.1 of the Habitats Directive. In the federal Member States this responsibility is delegated to the individual federal states or to regions and provinces as is the case in Italy. The Member States are free to choose the instruments which have to guarantee the favourable conservation status of habitats and species.

All Member States use a mix of statutory, administrative or contractual instruments. In many countries management plans play an important role as conservation instrument describing the necessary management measures and other activities to reach the site objectives (see also report 2 of the project: Kruk et al. 2009 a).

6.1 Conservation status of Natura2000 sites

In all Member States many of the Natura2000 sites were already totally or partly protected under existing national and international protection regimes and most of them use the existing protection status for their Natura2000 sites. For this reason the protection regimes and status of the Natura2000 sites differ widely within and between Member States and over Europe.

The mutual relationship of the different protection regimes is unclear as is their relation to the requirements of the Birds and Habitats Directives. For that reason a further analysis of these protection regimes is needed to know possible consequences and if some harmonization is needed.

This is especially important when Natura2000 sites were not protected before and will not be protected as such but have to be protected using other planning and management instruments (e.g. forestry and wild life legislation and management plans) in combination with contract based management. Although in many countries forestry, hunting and wild life laws and acts have been adjusted, infringement cases illustrate this has not been done always in a proper way. Besides only a few Member States have stated that regulations and measures prevail which result in the best Favourable Conservation Status.

For instance in such sectoral management plans the necessary biodiversity management measures have to be described, as well as who has to carry them out and how they have to be financed, together with mentioning which human activities will be allowed or not and under which conditions. This last point is not clear in many cases. On the other hand it is stated many times that the status of being a Natura2000 site will not affect the existing rights of site users (hunting, forestry). Only in a few cases it was found that if land use changes it has to be proven that this will not harm the protected species and habitats.

6.2 Conservation instruments: Management Plans

Most Member States have opted for site management plans as the main conservation instrument for reaching the site objectives and the favourable conservation status of species and habitats, but they differ in the way they use this instrument.

In about 50% of the Member States management plans are required by law or by the designation document: in many of these cases management plans are legally binding. In some countries, however, obligated management plans only relate to SPAs and SCIs with existing protection.

An obligated management plan is one step towards implementing management and realizing the site objectives. This can be enforced when the conservation objectives of a site are legally binding because they are described in the designation document. In some Member States, authorities have to make allowance for the plans. Private individuals also have to follow a management plan when it describes activities that are only allowed to be carried out on a site if the landowner or land user has a permit. However, in most cases a management plan can not force private people to carry out specific management measures.

So another important condition to get the management plans fully implemented is that they are well-accepted by the stakeholders which are involved in the site management. This is especially the case when management plans are not legally binding, regardless of whether or not they are required. For this reason, the way in which stakeholders are involved in developing and writing management plans is important. Stakeholder participation is discussed in more detail in the second report of this project, which also considers differences between countries and examples of successfully organized participation processes. In many cases, early and active stakeholder involvement in the designation process has enforced a positive attitude among stakeholders towards the Natura2000 network and their involvement in preparing management plans.

However, in most Member States a management plan can not force land owners and land users to take the necessary management measures, unless they have agreed voluntarily by signing a contract. In some Member States it is explicitly stated that the government or the responsible authority for the site management can take the necessary measures and charge the land owner or user if they fail to carry out the terms of the contract.

The instrument of contract-based management is seen more and more as the basis for site management in many European countries. This is illustrated by the agri-environmental contracts which are used in all Member States. Such contracts are part of agri-environmental schemes or other schemes (e.g. related to rural development) and have their own financial funds (often the responsibility of another ministry than the one responsible for the implementation of the Birds and Habitats Directives). It is too early to evaluate the ecological effectiveness of the agri-environment schemes and their contract-based management in relation to Natura2000 because the systematic research on this ecological effectiveness has only just started, however the preliminary results of such research is inconclusive and results are disputed. Nevertheless, there seems to be a shift in many Member States away from the regulation of

site management and site use by legal instruments (which prescribe prohibition and orders) into regulation using contracts.

Apart from nature management plans, other sectoral management plans and regional management plans encompassing different Natura2000 sites are used by Member States. These management planning instruments are important because they illustrate the integration of site management into other sectoral management planning and even spatial planning. This can be seen as a step towards integrating nature conservation into other policies and so as a step towards integrated policy-making.

This approach to management planning seems to have some benefits as well as drawbacks. If such a plan is written to take account of the FCS the species and habitats as a basis for the necessary management measures, it can be used for management integration at site or even regional level. To reach this condition it can help that such plans are approved by government or by an authorized administrative body. However, in many countries, other sectoral management plans are under the responsibility of a ministry that is not directly responsible for the implementation of the Birds and Habitats directives and the site management. In such situations, two problems may emerge. Lack of competency and poor communication between ministries and their lower administration can result in improper implementation of the site objectives and poor management of Natura2000 sites. This will be exacerbated if the funds necessary for site management are distributed through the 'not responsible' ministry. Such situations exist. If integration of management is to be successful, strong coordination is a prerequisite. A few Member States (e.g. Italy) have developed guidelines to aid the implementation of proper management.

Based on the information collected, it can be stated that the designation of Natura2000 sites in many EU Member States has encouraged conservation managers to look at sites increasingly in their natural and socio-economic context, and in so doing, to aim for policy and management integration.

Many management plans for groups of relatively small sites have been described at a regional level, analyzing them at a larger landscape scale. In this way Member States have tried to integrate and to scale up site management spatially. This stimulates discussions on integrated management at the strategic, operational and practical levels and offers the opportunity to promote new management strategies which enable local population to benefit from their local natural resources.

An important reason for this up-scaling and integration of management is related to the financial sources for the management. The necessary management measures can be included in other planning schemes, their instruments and financial sources. In particular, programs related to water management and rural planning are used for this kind of integration.

More detailed information, including good cases of integration of biodiversity planning and management, can be found in the report on good cases of integrated management (De Blust et al. 2009) and the second report of this project (Kruk et al. 2009 a).

6.3 Preventing damage

Article 6.2 of the Habitats Directive states: *‘The Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbances of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this directive’* (EC 2000). As in relation to Article 6.1, the Member States use a mix of statutory, administrative and financial instruments to fulfil their obligations.

To prevent human activities which may damage sites or influence the integrity of a site in a negative way, Member States have amended other laws and regulations that can interfere with the new or amended nature conservation laws. These other laws and regulations are related to site use (e.g. hunting, fisheries, and forestry) and issues such as water management, land reallocation, spatial planning and rural development etc. In many cases, the amendments state that site use other than for preserving the species and habitats will be allowed on condition that the FCS of species and habitats is taken into account. How this will be carried out is not always clear, and infringement cases against Member States seem to illustrate that either the amendments are not compatible with the requirements of the Birds and Habitats Directives, or that they are not being applied appropriately.

Furthermore, it was only found in two countries that following legislative regulations only these measures have to prevail which result into the best FCS of species and habitats.

To fulfil the obligation to prevent possible damage to Natura2000 sites that is coming from other human activities than projects and plans (compare Articles 6.3 and 6.4 Habitats Directive) in different countries a list is produced, showing which activities are allowed at a site and which are not. This may list activities that are forbidden to be carried out without a permit, or it may list activities that a priori do not affect the site in a negative way and are therefore acceptable (without a permit). In some countries these activities have to be reported to the competent authority before they are carried out. The authority may then prevent or limit the activity. Such lists can be presented in or related to, the designation document or be presented in the management plan. So the management plan not only describes the necessary management measures, it can also play a role in preventing damage to the site objectives.

Also in case of voluntary contract-based management damage to the site objectives can not be excluded. Only a small number of countries apply enforceable orders in case of inappropriate management. For instance they have formally declared that land owners, land users or other managers can be fined or that ultimately land can be compulsorily acquired where appropriate management can not be secured.

In most of the Member States it is not clear how improper management will be managed, though all the Member States give full attention to voluntary contract-based management.

A few Member States have screened all their sites for the existence of human activities which will affect the site objectives during the site selection and designation process. In specific cases compensation money has been paid to stop them. How-

ever, such compensation measures to buy out site users are rare in most European countries.

In spite of the problems described, some positive developments can be mentioned which favour to reach the conservation status of the Natura2000 sites:

- the designation and management of the Natura2000 network has improved and strengthened nature conservation in many Member States because of new and amended nature conservation legislation;
- the management of the Natura2000 network in a broader socio- economic context has stimulated discussion on integrated management at all levels (strategic, operational and practical) as well as on its implementation and the necessary instruments;
- new management strategies have been developed and promoted which enable local population to benefit from their local natural resources.

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