



**Friends of
the Earth
Europe**



Nature is our Right!

**Policies to protect nature in Europe for the
good of everyone**

January 2016

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The laws that protect nature across Europe – the EU’s Birds and Habitats Directives (known as the ‘nature directives’) – are currently being reviewed by the European Union as part of the REFIT (Regulatory Fitness and Performance Programme) process. The review will continue until the end of 2016.

Friends of the Earth, alongside more than a hundred NGOs, is deeply concerned that the EU may weaken these crucial laws that form the cornerstone of nature protection and restoration in the EU. Over half a million citizens have told an EU public consultation they don’t want the nature directives to be re-written.

Friends of the Earth believes the EU and every national and regional government has a responsibility to protect nature for its intrinsic values, and to ensure every citizen and future generations can experience and benefit from thriving nature.

To protect and restore Europe’s amazing nature, we call on the EU and member states to uphold and fully implement the nature directives, address inconsistent policies that undermine biodiversity, ensure adequate funding for nature conservation, and step up action on nature restoration and connectivity.

Introduction

Nature is important and valuable in its own right. It is also important to humans by protecting us from flooding and providing us with clean water and soils to produce food. Bees pollinate the plants we need for food and materials. Regular time in nature is associated with mental and physical health benefits and is positive for children’s development. In short nature is fundamental to our wellbeing.

Friends of the Earth believes that having vibrant nature in our lives – to enjoy it, explore it, sense it, and exercise in it – is a fundamental right; though our enjoyment of nature should not put at risk the integrity of nature sites or conservation objectives.

We know that nature is important to EU citizens, this is demonstrated by opinion polls¹ and responses to campaigns about nature. A record half a million EU citizens have responded to a European Commission consultation saying they want the EU to uphold and better implement the EU nature directives. Experts all over Europe have also made abundantly clear that the loss of biodiversity is not caused by weak EU legal framework, but by a lack of implementation of existing rules, insufficient financing, and negative effects of other EU policies such as support for industrial farming through the Common Agricultural Policy.

Friends of the Earth believes that now is the time for the EU to redouble its efforts not to debate new legislation, but to implement and enforce the strong nature protections laws we have – to safeguard irreplaceable species and biodiverse places from damage, for the sake of nature, and for Europe’s citizens and future generations.

¹ Nearly all Europeans agree (97%), and three quarters very much agree (77%), that it is important to halt biodiversity loss because it is a moral obligation. Nine out of ten Europeans agree (93%), and six out of ten very much agree (62%), that it is important to halt biodiversity loss because our well-being and quality of life is based upon nature and biodiversity.

(Attitudes of Europeans towards the issue of biodiversity - EU Flash Barometer No. 379
http://ec.europa.eu/public_opinion/flash/fl_379_sum_en.pdf : 5.1)

Our vision is for policy and practical actions to ensure that nature is thriving, not just surviving, across Europe – with benefits for us all.

The Birds and Habitats Directives

In the EU, the key instruments for ensuring the protection of and access to nature are the **EU nature directives**.

The Birds and Habitats Directives are the cornerstone of national and Europe-wide attempts to halt and reverse the loss of biodiversity. The Birds and Habitats directives have helped build up a network of 27,000 protected sites for nature which cover more than 18% of EU territory – called *Natura 2000*. Collectively the directives protect 1,443 species of European birds, animals and plants.

When the directives are properly implemented they work for nature, for people, and for business. Scientific evidence shows that the directives have delivered demonstrable benefits for Europe's wildlife, with the positive impact on birds being particularly well documented². The recovery of iconic European species such as lynx and wolves has also been linked to the protection offered by the Directives³. The IUCN reports that some rare bee species are now dependent on *Natura 2000* sites for their survival, as such significant habitat loss has occurred in the wider landscape⁴. And reviews at EU level and in the UK have concluded that they deliver benefits to nature and people without placing an unnecessary burden on business^{5,6}.

However, implementation of the directives is far from complete, and in some countries the laws are poorly enforced. The *Natura 2000* network still needs to be completed especially for marine sites. Some countries are lagging on setting good management plans and monitoring of nature. And national governments need to be held to account for allowing damage to protected sites – such as in Northern Ireland where illegal extraction of sand at Lough Neagh (the country's first designated Special Protection Area) has contributed to a massive decline in birds and water quality⁷.

Full implementation and enforcement is needed so that the nature directives can deliver fully on their specific objectives – to maintain and restore key habitats and priority species, and to make a greater contribution to wider EU biodiversity objectives to restore nature in the wider landscape and bring about improvements for biodiversity on agricultural land, forest holdings and fisheries. This was acknowledged in the Commission's own Mid Term Review of progress towards its Biodiversity 2020 strategy which concluded that targets will only be met if "implementation and enforcement efforts become considerably bolder and more ambitious"⁸.

The State of Nature

Now more than ever nature needs strong laws in place that ensure its protection and restoration.

Nature is in trouble across Europe. The State of Nature report – a comprehensive assessment of nature in EU member states – revealed that only 16% of habitats and 23% of species that are

² For example see <http://www.sciencemag.org/content/317/5839/810.abstract>, and <http://onlinelibrary.wiley.com/doi/10.1111/conl.12196/epdf>

³ <http://www.zsl.org/science/news/wildlife-comeback-in-europe>

⁴ <http://www.iucnredlist.org/news/nearly-one-in-ten-wild-bee-species-face-extinction-in-europe-while-the-status-of-more-than-half-remains-unknown-iucn-report>

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf

⁶ <http://www.ecnc.org/uploads/2012/10/2011-recognizing-natura-2000-benefits-and-demonstrating-the-economic-benefits-of-conservation-measures.pdf>, p.46

⁷ <https://www.foe.co.uk/green-blog/reasons-be-shocked-nature-attack-northern-ireland>

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0478>, p.18

targeted by the nature directives are in a favourable state. There was a more mixed picture for birds with over half of the bird species in the EU being considered 'secure' but other species decreasing.

The State of Nature report draws directly on the data and reports submitted by member states on their progress in implementing the Birds and Habitats Directives. Although it shows that there is still much to do to meet the objectives of the nature directives and contribute to wider biodiversity objectives to restore nature in the wider landscape, it confirms that when the directives are properly implemented they work.

For example the State of Nature report⁹ concludes that the network of *Natura 2000* protected sites, established under the Directives, is "an effective conservation measure" which has "had an important positive influence on the conservation status of species and habitat types". But "the full potential of the network has still to be realised" and implementation is far from complete.

The report identified a range of pressures on species and habitats protected by the nature directives including urbanisation, development of roads and railways, fishing, hunting and forestry. However intensive farming was the most significant threat identified to terrestrial species, habitats and ecosystems.

Encouraging and supporting farming practices that do not pollute water and rivers, use less pesticides, maintain healthy soils and that better support biodiversity will therefore be crucial to the recovery of nature in the EU. The EU's Biodiversity Targets for 2020 require member states to bring about a measurable improvement in the status of agriculture-related species and habitats. And yet the EU's Common Agriculture Policy (CAP) threatens to contradict this by largely supporting industrial farming with weak rules for farmers to protect the environment.

Climate change is also an increasing threat to biodiversity in Europe. Efforts by the EC and national governments to address climate change must be stepped up¹⁰ but it will also be necessary to increase the resilience of our wildlife and ecosystems to the change that is already happening. There is evidence that protected areas enhance the resilience of species as the climate changes so maintaining the *Natura 2000* network, adding new sites where necessary, and ensuring they are well managed is an important response in the face of growing pressures from climate change. It will also be vital to manage the wide landscape better for biodiversity but this needs to be in addition to having a strong network of priority sites strongly protected.

Failing to restore nature will have serious consequences for all of us. The Commission's Mid Term Review of Biodiversity 2020 warned that nature's ability to "clean the air and water, to pollinate crops and to limit the impacts of catastrophes such as flooding" is already being compromised.

Recommendations to the European Commission and Member States

Friends of the Earth Europe considers that the best outcome of the fitness check of the nature directives would be for the laws to remain unchanged and for the EU to launch a new drive to ensure all Member States complete the implementation of the directives in full and comply with them.

In addition, in order to restore nature across Europe, other policy areas will need to be much better implemented and in some cases reformed to bring them into line with the biodiversity protection and restoration objectives that all EU governments have signed up to.

⁹ <http://www.eea.europa.eu/publications/state-of-nature-in-the-eu> as

¹⁰ http://civilsocietyreview.org/wp-content/uploads/2015/10/CSO_summary.pdf, fig. 2, 3, and Annex I

Action to restore nature is needed at EU level and at national, regional and local levels. This briefing focusses on action that is needed at EU level. Nature is not bound by national borders and the EU has a vital role to ensure that all national governments play their part in working towards common aims to protect and restore Europe's nature by 2020 and beyond.

1. Uphold and fully implement the nature directives in the REFIT Process

Do not re-write the Birds and Habitats Directives

Any change to the directives at this time is a distraction from the important task of fully enacting the directives to ensure the protection and restoration of important species and sites and achieving the EU's wider aims for restoring degraded nature.

The annexes, which list the species to be protected by the directives, should also remain unchanged at this point – as at present there is not a robust way to update the annexes especially as the EU Red Listing process is not complete.

A process of changing the directives could open a political Pandora's box, and would also cause uncertainty for land owners and businesses, as well as for national and regional authorities tasked with turning the EU laws into specific actions.

Ensure better implementation

To ensure that the directives deliver even more on protecting Europe's most important nature places and species, the Commission should encourage and enforce better implementation, including:

- Complete the network of *Natura 2000* sites – especially the marine sites that are still 50% incomplete;
- Get tougher on stopping illegal activities in protected sites and penalising governments that fail to properly implement and enforce the laws;
- Ensure that protected species are able to thrive outside of protected sites in accordance with specific requirements of the Birds and Habitats Directives);
- Introduce environmental inspections to ensure better detection of breaches and compliance with legislation
- Better monitoring of species to inform conservation action – there are huge gaps in the data available on many species which makes it harder to design effective action
- Establish and implement management plans for all *Natura 2000* sites – using an inclusive, participatory process – and ensure the necessary financing.

2. Address incoherent policies and practices that undermine nature and Europe's 2020 biodiversity goals

Tackle the threat of industrial farming

Industrial farming is the biggest constant threat to biodiversity in the EU – both to the integrity of habitats and wildlife in existing *Natura 2000* sites, and to biodiversity in other parts of the countryside¹¹. Industrial farming practices have resulted in the loss of wildflower meadows, hedges and trees, and continue to limit sources of food and shelter for pollinators and other wildlife. There is strong evidence that use of chemical inputs causes direct harm to pollinators and other beneficial

¹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:219:FIN> p.11 bottom

insects, and causes runoff of pesticides and nutrients into waterways – all of which can reduce biodiversity in wider landscapes and can impact on sites and protected species. The Mid Term Review report concluded that greater efforts are needed to protect and restore nature on farmland due to “the continuing decline in the status of species and habitats of EU interest associated with agriculture”¹².

To protect nature, the EU and member states need to design policies that favour agricultural practices that enhance biodiversity – for example by promoting low-intensity, small scale, diverse agro-ecological farming.

The EU must use the opportunity of the mid-term review of CAP to move away from incentivising industrial, intensive farming practices – including with a more fundamental reform of the Common Agricultural Policy, to reduce the negative impacts on biodiversity.

This should include:

- Halting the further loss of grasslands, and restoring degraded or lost grassland habitats;
- Ensuring that Ecological Focus Areas are effective in reconnecting and providing new space for nature on farmland;
- Compulsory crop rotations to protect soil life and reduce pesticide use;
- Equalised nitrogen balance at a farm level to protect against water pollution from nitrates;
- Sufficient outcome-based nature conservation payments for special agricultural regions with very high nature value.

In addition, focussed action is needed to address the declining state of EU **soils**. The EU Commission should revitalise proposals for a Soil Strategy for the protection and sustainable use of soils.

In recognition of the vital role that insect pollinators play in our food production, in supporting wider biodiversity, and in people’s enjoyment of flowers, an **EU Pollinator Strategy** should be drawn up by the EU Commission to ensure coordinated action to reduce all threats to bees and other pollinators. Two early and important actions for pollinators should be the adoption of the **EFSA guidance** on risk assessment of pesticides for impacts on bees, and extension of the existing restrictions on **neonicotinoid pesticides** to all crops.

Intensive production of **bioenergy** – including biofuels to replace petrol or diesel, and burning wood for heat and power – uses high levels of natural resources, causing damage to nature and forests, and competes with land needed for food production – leaving even less space for nature. Large areas of natural and highly biodiverse forests in Europe, North America and further afield are at threat from high EU demand for bioenergy.¹³ Biofuels burned in cars do not reduce climate change emissions and the EU should phase out support for biofuels from 2020.

Do more to protect and restore marine environments

The status of many fish and marine species and habitats in the EU continues to deteriorate.

Member states must step up action to deliver on the **Marine Strategy Framework Directive (MSFD)** in order to achieve the objective of Good Environmental Status (GES) of the EU's marine waters, including maintenance of biodiversity, by 2020, including up to date Marine Strategies and better coordination across the EU. As the EC concluded in 2014 “much more progress needs to be made to avoid an insufficient, inefficient, piecemeal and unnecessarily costly approach to the

¹² http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/mid_term_review_summary.pdf

¹³ FERN (2015) Up In Flames http://www.fern.org/sites/fern.org/files/upinflames_internet.pdf

protection of the marine environment”¹⁴. Stepping up action on the MSFD would complement and support measures required by the Birds and Habitats Directives.

The Commission should also ensure full implementation with and enforcement of targets in the **Common Fisheries Policy** to stop overfishing.

Stop illegal activity

This particularly relates to illegal hunting and poaching, as well as wilful destruction of natural habitats. Ensure that the **Environmental Liability Directive** is fully implemented to prevent and remedy pollution which damages protected sites and species.

Other EU policies that need more full implementation to halt and reverse damage to protected sites and species and better protect nature include the **Environmental Impact Assessment Directives**, **Strategic Environmental Assessment**, the **Water Framework Directive**, the **Nitrates Directive**, and the **Sustainable Use of Pesticides Directive**.

3. Ensure adequate funding for nature

Current funding for nature is inadequate. More funding is needed for the management of the *Natura 2000* network, for targeted conservation action for threatened biodiversity in the EU, action on Green Infrastructure and restoration of degraded ecosystems, and for monitoring the state of nature in the EU. Biodiversity-related funding in agriculture must be more than doubled to achieve the EU's biodiversity targets¹⁵; and *Natura 2000* finance must be scaled up by a factor of 5-10¹⁶. Given that a healthy and sustainable society and economy is dependent on our looking after nature, such funding should be regarded as an investment in a sustainable economy and our future wellbeing.

Friends of the Earth Europe rejects any proposal that integrates nature into market-based instruments and turns biodiversity into a tradable commodity as a basis for finance, as this threatens to deplete biodiversity sites.

4. Step up action on nature restoration and connectivity

In line with the EU Biodiversity 2020 strategy, member states should speed up the restoration of at least 15% of degraded ecosystems.

The EU and MS should roll out an EU wide network of Green Infrastructure, enshrining it in spatial plans and land use policies. This is crucial to improve the connectivity of the *Natura 2000* network on land – e.g. providing wildlife corridors. Connecting biodiverse sites is essential to ensure that species can thrive in a changing climate.

With half a million people standing up for our right to nature, now is the time for EU leaders to act to protect the nature we love, for us and for future generations.

¹⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0097>

¹⁵ IEEP, July 2011: Costs of delivering environmental benefits through agriculture and forestry management, http://www.ieep.eu/assets/822/Costing_Environmental_Needs_-_Final_Report_for_web.pdf, p.3 f. 34 Bn EUR/a are necessary for land management, 14.5Bn EUR/a are available.

¹⁶ <http://www.ieep.eu/publications/2011/03/financing-natura-2000>



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Friends of the Earth Europe campaigns for sustainable and just societies and for the protection of the environment, unites more than 30 national organisations with thousands of local groups and is part of the world's largest grassroots environmental network, Friends of the Earth International.



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