

# LEGISLATION ON NATURE PROTECTION

Ilona Jančářová

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## INTERNATIONAL BACKGROUND

- o Convention on the Conservation of European Wildlife and Natural Habitats - **Berne 1979**
- o Convention on Wetlands of International Importance Especially as Waterfowl Habitat - **Ramsar 1971**
- o Convention on Migratory Species of Wild Animals - **Bonn 1979**
- o Convention on Biological Diversity - **Rio de Janeiro 1992**
- o Agreement on the International Dolphin Conservation Programme, **Washington, D.C. 1998**

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## EU LEGISLATION

- o Directive 79/409 → Directive 2009/147/EC on the conservation of wild birds (**Wild Birds Directive**) amended by 2013/17/EU
- o Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (**Habitats Directive**), as amended
- o Regulation 1143/2014 on **invasive alien species**

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## WILD BIRDS DIRECTIVE

- Relates to all species of naturally occurring birds in their wild state in the European territory of MS



- It applies to birds, their nests and habitats
- Only those species occurring on the territory of a MS or species occurring elsewhere?



Case 247/85; C -149/94




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## WILD BIRDS DIRECTIVE

### Aim:

- To maintain the population of all species in the EU at a level which corresponds in particular to ecological, scientific and cultural requirements, while **taking account of economic and recreational requirements.**



- to preserve, maintain or re- establish a sufficient diversity and area of habitats for all the species of birds
- to ensure survival and reproduction of Annex I species
  - ➔ special conservation measures




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## WILD BIRDS DIRECTIVE

### The scope of the directive:

- Protection
- Management
- Exploitation
- Control



- birds, their eggs, nests and habitats
- all stages of bird's life




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## WILD BIRDS DIRECTIVE

Regulation is focused on:

- Habitats protection
- Prohibition of killing and other disturbances
- Limitation of hunting
- Trading in bird species



○ all species of birds



- Annex I species  
- migratory species




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## WILD BIRDS DIRECTIVE

### Habitats protection for all species:

- creation of protected areas;
- upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- re-establishment of destroyed biotopes;
- creation of biotopes.

### Habitat protection for Annex I species:

- Establishment of **special protection areas** (SPAs)
- Avoid pollution or deterioration of habitats or any disturbances affecting the Annex I birds.




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## WILD BIRDS DIRECTIVE

### Prohibition of killing and other disturbances for all species of birds (Art. 5):

- deliberate killing or capture by any method;
- deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- taking their eggs in the wild and keeping these eggs even if empty;
- deliberate disturbance of these birds particularly during the period of breeding and rearing, keeping birds of species the hunting and capture of which is prohibited.




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## WILD BIRDS DIRECTIVE

### Restrictions on hunting and trading:

- General obligation applicable to all species (Art. 5)



- the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds **is to be prohibited**

- Derogation from the general prohibition in respect of species referred to in the Annexes (Art. 6, 7)
- Derogation from the general prohibitions based on reasons set in Art. 9 (the interests of public health and safety, prevention of serious damage to crops, livestock, forests, fisheries and water, etc.)

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## STURNUS VULGARIS (C-247/85)




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## HABITATS DIRECTIVE

### Aim:

- To promote maintenance of biodiversity, **taking account of economic, social, cultural and regional requirements**
- To ensure conservation of a wide range of rare, threatened or endemic species (450 species of animals; 500 species of plants)
- To ensure conservation of their habitats and of rare and characteristic types of habitats

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## HABITATS DIRECTIVE

### Special protection of

- Conservation areas – types of habitat of Community interest (Annex I)
- Wild animal species } whose habitats require protection (Annex II)
- Wild plant species }



- designation of **special areas of conservation** (SACs)
- establishment of European ecological network **NATURA 2000** (SACs + SPAs)




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## HABITATS DIRECTIVE

### ○ Designation of SACs:

1. MS propose a list indicating which natural habitat types and which species occur in their territory that are eligible for protection
2. Priority and non-priority habitats and species
3. List of sites of Community importance (SCI)
4. Designation of SCI as a special area of conservation by MS
5. Establishment of necessary conservation measures by the MS
6. Management plans




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## HABITATS DIRECTIVE

### Assessment requirements:

- 2- stage assessment of any plan or project likely to have significant effect on the site
- General public opinion



- Prohibition of activities that could endanger wildlife in the habitat
- Italian ban on the construction of large wind turbines in a conservation area and a 200 metre buffer zone (C- 2/10)




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## HABITATS DIRECTIVE

The competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned



- 1st stage assessment (likely to have/no significant effect)
- EIA (2nd stage - in depth assessment)
- Opinion of general public
- No significant adverse effect on the site
- Permit




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## HABITATS DIRECTIVE

- **Derogations** from the requirement of Art. 6(2),6(3) :
- (The competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned)



- Imperative reasons of **overriding public interest**, including those of social or economic nature → compensatory measures(Art. 6(4))
- Priority habitat or species → only human health and public safety or project beneficial for environment




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## HABITATS DIRECTIVE

- **Protection of animal species** (Art. 12)
- **Protection of plant species** (Art. 13)



**Prohibition of:**

- destruction or disturbance of their population
- keeping
- trading in

species of animals and plants listed in Annex IV  
**Derogation** (Art. 16)




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## INVASIVE ALIEN SPECIES REGULATION

- o Invasive alien species are animals and plants that are introduced accidentally or deliberately into a natural environment where they are not normally found, with serious negative consequences for their new environment.

### 3 types of intervention:

- o prevention
- o early detection
- o rapid eradication and management




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## EU LEGISLATION

- o Regulation **1143/2014** on the prevention and management of the introduction and spread of invasive alien species
- o List of Invasive Alien Species of Union concern (implementing regulation (EU) **2016/1141**)
  - ➔ 37 species
- o The first update of the list entered into force on **2.8.2017**
  - ➔ 49 species




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*Eriocheir sinensis* (Chinese mitten crab)



*Myocastor coypus* (Coypu)



*Nyctereutes procyonoides* (Raccoon dog)




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*Procyon lotor* (Raccoon)



*Pseudorasbora parva* (Stone moroko)



*Trachemys scripta* (Red-eared, yellow-bellied and Cumberland sliders)



*Sciurus niger* (Fox squirrel)

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### EU LEGISLATION

- o Draft of COMMISSION IMPLEMENTING REGULATION (EU) .../... of 10.8.2017 specifying the technical formats for reporting by the Member States pursuant to Regulation (EU) No 1143/2014
- o **Draft of the second update of the list** (11 species)

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### CURRENT DRAFT FOR INCLUSION ON THE LIST



*Ailanthus altissima*

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### CURRENT DRAFT FOR INCLUSION ON THE LIST



Ameiurus nebulosus(Sumeček americký)



Norek americký (Mustela vison, Neovison vison)

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### WHERE TO FIND?

- o List of invasive alien species of **Union concern** based on criteria laid down in Art. 4 of the Directive
- o National list of invasive alien species of **Member State concern**, pursuant to Article 12(1)
- o Invasive alien species of **regional concern**



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### WHAT A MAN HAVE TO DO WITH INVASIVE ALIEN SPECIES?

#### Preventive restrictions (Art. 7):

- o do not bring in into the territory of the EU
- o do not keep it
- o do not breed it
- o do not transport it within the EU **intentionally**
- o do not place it on the market
- o do not use it or exchange it
- o do not permit it to reproduce or cultivate
- o do not release it into the environment

Prevention of **unintentional** introduction or spread EU MS



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**WHAT A MAN HAVE TO DO WITH  
INVASIVE ALIEN SPECIES?**

No direct duties for individuals regarding to

- Detection, surveillance
- Emergency measures
- Eradiction
- Restoration of damaged ecosystems

**EU MS are in charge!**



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