



LEGISLATION ON NATURE PROTECTION


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INTERNATIONAL BACKGROUND

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



EU LEGISLATION

- Directive 79/409  Directive 2009/147/EC on the conservation of wild birds (**Wild Birds Directive**) as amended
- Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (**Habitats Directive**), as amended
- Regulation 1143/2014 on **invasive alien species**
- Regulation 338/97 on **the protection of species of wild fauna and flora by regulating trade therein**



WILD BIRDS DIRECTIVE

The scope of the directive:

- Protection
- Management
- Exploitation
- Control

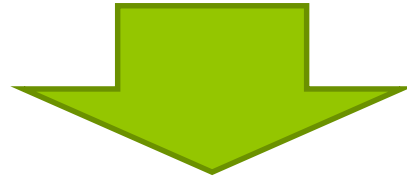


- birds, their eggs, nests and **habitats**
- all stages of bird's life



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




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



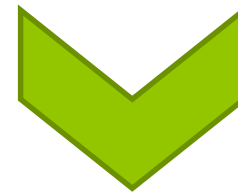
WILD BIRDS DIRECTIVE

Regulation is focused on:

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



○ all species of birds



- Annex I species
- migratory species



WILD BIRDS DIRECTIVE

Habitat protection for all species:

- creation of protected areas;
- 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.



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.



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) (for example hunting and sale of species)
- 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.)



STURNUS VULGARIS (C-247/85)



KINGFISHER



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



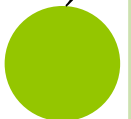
HABITATS DIRECTIVE

Special protection of

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



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



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 as SCI
2. Priority and non-priority habitats and species
3. Proposed SCIs must be accepted by the Commission
4. List of sites of Community importance (SCI)
5. Designation of the SCI as a special area of conservation (SAC) by the MS
6. **Establishment of necessary conservation measures for SACs by the MS**
7. Management plans



HABITATS DIRECTIVE

- SITE PROTECTION

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)

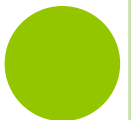


HABITATS DIRECTIVE

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



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

HABITATS DIRECTIVE

- SPECIES PROTECTION

- Protection of animal species (Art. 12)
- Protection of plant species (Art. 13)
 - ➔ strict protection of Annex IV species

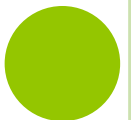


Prohibition of:

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

species of animals and plants listed in Annex IV

Derogation (Art. 16)



Screening

Is the plan or project (PP) directly connected with, or necessary to, the management of the site for nature conservation purposes?

No

Yes

Is the PP likely to have significant effects on the site?

Yes

No

Appropriate Assessment

Assess implications in view of the site's conservation objectives

Assess cumulative and in-combination effects with other plans and/or projects

Can it be concluded that the PP will not adversely affect the integrity of the site?

Yes

Authorisation may be granted

No

Can the negative impacts be removed e.g. through mitigation measures?

No

Authorisation must not be granted

Redesign the plan / project

Yes

Derogation: Article 6.4

Are there alternative solutions?

Yes

No

Does the site host a priority habitat or species?

No

Yes

Are there imperative reasons of overriding public interest?

No

Authorisation must not be granted

Yes

Authorisation may be granted provided that adequate compensation measures are taken. The Commission is informed

Yes

Are there human health or safety considerations or important environmental benefits?

No

Authorisation may be granted for other imperative reasons of overriding public interest, following a Commission Opinion. Adequate compensation measures have to be