Regulatory Fitness and Performance Programme (REFIT) on the European Union (EU) Birds and Habitats Directives

Summary

The European Commission has initiated a Regulatory Fitness and Performance Programme (REFIT) on the European Union (EU) Birds and Habitats Directives. The ‘Fitness Check’ involves a comprehensive policy evaluation aimed at assessing whether the regulatory framework for a particular policy sector is ‘fit for purpose’. As a science-based global conservation Union, IUCN supports scientific, evidence-based assessments of policy and legislation.

The EU Nature Directives are effective in delivering demonstrable improvements for the species and habitats they aim to protect\(^1\). Sustained recovery in Europe of many species has been supported through these Directives. However, despite the positive conservation impacts of the EU Birds and Habitats Directives on the status of species and habitats, implementation and monitoring are currently incomplete and sub-optimal\(^2\).

IUCN has a policy of non-regression (Resolution WCC-2012-Res-128) in environmental policy and law which urges national governments to recognise that non-regression in their environmental legislation is essential for achieving sustainable development objectives.

The EU has consistently played a strong leadership role globally in biodiversity conservation issues and IUCN applauds this position. The EU and its Member States are committed to meeting both the international Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020 and the EU 2020 Biodiversity Strategy which aim to halve the loss of biodiversity by 2020. Recent assessments of the status of species and habitats in the EU show that at current implementation rates, Europe is unlikely to achieve these targets. They further reveal the need to intensify the EU’s conservation efforts\(^3\).

IUCN calls on the EU and its Member States to focus efforts on the full implementation of the EU Nature Directives, including by accelerating the designation of marine Natura 2000 sites and substantially improving site management. IUCN also emphasises that for the EU Nature Directives to achieve positive biodiversity outcomes (action ‘on the ground’) it is also necessary to tackle the underlying and direct causes of biodiversity loss.

Overall, IUCN stresses that the current REFIT process should result in enhanced implementation of the Birds and Habitats Directives. Given that only five years remain to achieve the EU biodiversity and the Aichi Biodiversity Targets, IUCN strongly recommends that resources should be focused on improving implementation of the Directives and on complementary conservation efforts to safeguard key biodiversity areas beyond the Natura 2000 network, including areas designated under the Ramsar and World Heritage Conventions.

There is an urgent need to re-double on the ground action and focus available resources to achieve both regional and global biodiversity targets. IUCN therefore emphasises that changes to the Directives should not be considered at this time as this would detract from the all-important focus on stronger implementation. IUCN is also concerned that modifications to the Nature Directives may result in their weakening which would contravene IUCN’s policy on non-regression.
Introduction: REFIT and Natura 2000

The European Commission has initiated a Regulatory Fitness and Performance Programme (REFIT) on the EU Birds and Habitats Directives. The ‘Fitness Check’ involves a comprehensive policy evaluation aimed at assessing whether the regulatory framework for a particular policy sector is ‘fit for purpose’. The EU states that Fitness Checks provide ‘an evidence-based critical analysis of whether EU actions are proportionate to their objectives and delivering as expected’. This review process has become known colloquially as ‘opening up’ the Directives.

As a science-based global conservation Union, IUCN supports scientific, evidence-based assessments of policy and legislation.


The aim of the Natura network is to assure the long-term survival of Europe’s most valuable and threatened species and habitats. It is comprised of Special Areas of Conservation (SACs) designated by Member States under the Habitats Directive, and also incorporates Special Protection Areas (SPAs) designated under the 1979 Birds Directive. ‘Natura 2000’ sites are the SPAs and SACs, which are divided into biogeographical regions. It also applies to the marine environment. The Natura 2000 barometer shows that 27,308 sites (terrestrial and marine) are protected by this legislation across EU Member States.

The EU has grown since the Directives came into force. The legislation allows for additional habitats and species to be added to the Annexes of the Directives as new Member States have acceded to the European Union. IUCN emphasises that the action necessary to achieve favourable conservation status of all qualifying species and habitats across the EU region can be achieved with a strong implementation of the Nature Directives alongside the implementation of other relevant directives and regulations. Consequently, IUCN calls on Member States to implement the Water Framework Directive (WFD) to better protect rivers and other water bodies currently threatened by irrigation, over-abstraction, navigation, pollution and hydroelectric dams. Likewise, implementation of the Marine Strategy Framework Directive (MSFD) is essential to achieve Good Environmental Status of the marine environment by 2020. The status of many marine species and habitats in the EU is deteriorating, and it is important to note that reversing this trend requires additional, specific measures beyond those included within the Nature Directives. The EU Regulation 1143/2014 on Invasive Alien Species is a commendable response to the pernicious threat of invasive species across the region. These legislative measures and the Nature Directives are clearly inter-related and their objectives are mutually supportive.

The EU Biodiversity Strategy

The 2011 European Commission’s ambitious EU Biodiversity Strategy to 2020 aims to halt the loss of biodiversity and ecosystem services in the EU by 2020.

Nevertheless, the recently released European Environment Agency's State of Nature in the EU report reveals that many species and habitats do not have a ‘favourable conservation status’ in the EU and that progress towards the 2020 EU Biodiversity Strategy targets has not been significant since the last assessment. It also shows that species and habitats with favourable status trends have benefited greatly from protection through the Natura 2000 network of protected areas, which now covers 18% of the EU’s land and 4% of marine waters.

This comprehensive report used Member State reporting from 2007-2012 to assess the state of biodiversity at the EU level, and the findings are in line with the results of the IUCN European Red List of Threatened Species, which has found that 22.5% of the species assessed are threatened with extinction. Natura 2000 sites do not represent some of these species recently assessed as threatened, even some key biodiversity areas important for qualifying species fall outside the network. These results, supported by IUCN, indicate that there is an urgent need to enhance implementation of the EU’s Birds and Habitats Directives, and that this remains crucial to improve the conservation status of Europe’s species and habitats. Efforts should also be focused on complementary conservation mechanisms to safeguard key...
biodiversity areas which lie beyond the Natura 2000 network.

Indeed, the IUCN European Red List assessments show that a large proportion of species, across several major taxonomic groups, are at risk of extinction, and the status of many habitats is deteriorating. Key drivers of biodiversity loss are intensifying as a result of human actions in many cases. The most significant threats to biodiversity in the EU are habitat destruction, invasive alien species, agricultural intensification, abandonment of traditional land use practices on marginal land, overexploitation of forests, fisheries and other natural resources and destruction and modification of water bodies and coastal areas.

The EU 2020 Biodiversity Strategy is a response to the enormous challenge posed by biodiversity loss in the EU and covers six targets, namely:

- Full implementation of EU nature legislation to protect biodiversity
- Better protection for ecosystems, and more use of green infrastructure
- More sustainable agriculture and forestry
- Better management of fish stocks
- Tighter controls on invasive alien species
- A bigger EU contribution to averting global biodiversity loss

Work is currently underway to review this Strategy at its midterm. This mid-term review is anticipated to show that current implementation efforts must be supported and scaled-up at all levels. Efforts must be made in order to fulfill Target 1 of the Strategy whereby EU Member States are called on to halt the deterioration in the status of all species and achieve a significant and measurable improvement in their status so that, by 2020, compared to current assessments: (i) 100% more habitat assessments and 50% more species assessments under the Habitats Directive show an improved conservation status; and (ii) 50% more species assessments under the Birds Directive show a secure or improved status.

IUCN has documented that conservation, overall, is effective and its impacts are often under-estimated (Hoffmann et al. 2010xix) and that in order to achieve the 2020 EU Biodiversity Strategy targets the Member States need to scale up implementation of the EU Birds and Habitat Directives together with other relevant legislation.

IUCN emphasises that when implemented, the EU Nature Directives are effective, delivering demonstrable improvements for the species and habitats they aim to protectxviii. The sustained recovery of many species has been supported and facilitated through these directives. Such recovery programmes have also been critical for public engagement in conservation issues. Supporting communication and engagement of local stakeholders is critical.

However, despite positive conservation impact of the EU Birds and Habitats Directives on the status of species and habitats, their implementation and monitoring is, as yet, incomplete and sub-optimal. Many Member States, for example, have failed to fully implement the Natura 2000 network in the marine environment.

IUCN therefore recommends the enhanced implementation the EU Nature Directives by tackling some of the underlying and direct causes of biodiversity loss notably through improving the enforcement and management of Natura 2000 sites; implementing standardized in situ monitoring programs; restructuring perverse subsidies for agriculture and fisheries; working towards less intensive agriculture, forestry and fisheries; tackling invasive speciesxix; working to improve ‘green infrastructure’ to improve connectivity among Natura 2000 sites; supporting complementary mechanisms to conserve and protect non-targeted threatened species/habitats. It is also essential to scale up restoration of degraded ecosystems and put in place supporting complementary mechanisms to safeguard key biodiversity areas beyond the Natura 2000 network.

The European Union’s global commitments

The EU is a Party to the Convention on Biological Diversity (CBD), as are all its Member States. The EU has therefore committed to the implementation of the global framework provided by the Strategic Plan for Biodiversity 2011-2020 and its twenty Aichi Biodiversity Targets. The EU played an important leadership role in the development of this ambitious global biodiversity conservation framework. The 2020 EU Biodiversity Strategy’s Target 6: Help avert global biodiversity loss; by 2020 the EU has stepped up its contribution to global biodiversity loss. IUCN applauds this visionary target.
The fourth edition of the Global Biodiversity Outlook (GBO4) evidenced a gloomy picture regarding the achievement of the Aichi Targets; indicators suggest that few of the targets are likely to be achieved at current rates of implementation. IUCN has urged Parties to the CBD to use the findings of the GBO as a ‘wakeup call’ to greatly accelerate efforts to meet the Aichi Targets of the Strategic Plan.

Any regression of the current EU nature legislation will compromise work to achieve the Aichi Biodiversity Targets. IUCN emphasises that the current highest priority for the Directives is strengthening implementation to ensure that they further support achievement of both the Aichi Biodiversity Targets and the EU Biodiversity Strategy.

IUCN’s position

**Overall,** IUCN stresses that the current REFIT process should result in enhanced implementation of the Birds and Habitats Directives. Given that only five years remain to achieve the EU biodiversity and the Aichi Biodiversity Targets, IUCN strongly recommends that resources should be focused on improving implementation of the Directives and on complementary conservation efforts to safeguard key biodiversity areas beyond the Natura 2000 network. There is an urgent need to re-double on the ground action and focus available resources to achieve both regional and global biodiversity targets.

IUCN therefore emphasises that changes to the Directives should not be considered at this time as this would distract from the all-important focus on stronger implementation. IUCN is also concerned that modifications to the Nature Directives may result in their weakening which would contravene IUCN’s policy on non-regression.

Furthermore, IUCN calls on the EU to uphold its leadership in global conservation policy-setting. Any perceived weakening of the EU’s legislative frameworks may have a negative effect on the political will of other Parties to achieve the Aichi Biodiversity Targets, with serious global repercussions for biodiversity conservation beyond Europe and for the maintenance of essential ecosystem services (upon which we all depend).

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6. [Bern Convention: [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680078af6](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680078af6)]