



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate B - Protecting the Natural Environment

## **Updating of the lists of Sites of Community Importance (SCI) under the Habitats Directive – Proposed procedures**

**Revised working paper – 19.11.2007**

The aim of this working paper is to propose a general approach, planning (calendar) and working procedures for the updating of the Natura 2000 Community lists for the different biogeographical regions. The principle of updating the Community lists had been discussed at the meeting of the Habitats Committee on 17 October 2006. At that meeting, all Member States agreed on the need for accelerating the updating of the existing lists and on the interest of establishing a rolling plan for future updates. This revised working paper takes into account written comments received from Member States after the above mentioned meeting of the Habitats Committee. It also takes into account comments made at the meeting of the Habitats Committee of 27 June 2007.

### **Why is there a need to up-date the Community lists?**

The necessity for up-dating the Community lists for the different biogeographical regions has been recognized right from the moment that the initial lists have been adopted by the Commission. The respective Commission decisions adopting the existing lists were taken between December 2001 (Macaronesian region) and July 2006 (Mediterranean region). The Commission decisions adopted "initial lists" of sites of Community importance. The lists were "initial" because there were still a considerable number of reserves (gaps) related to the sufficiency of the site proposals by Member States and the scientific criteria for designating sites for particular habitat types and species. Furthermore, as the knowledge of the existence and distribution of the natural habitat types and species is constantly evolving as a result of monitoring, new and additional site proposals by Member States, as well as modifications to specific site related information, such as boundaries, geographical coordinates, conservation objects, etc. may arrive and need to be included in the lists or reflected. The Community lists and the related site specific information must therefore to be considered as a dynamic elements that are progressively evolving in function of scientific knowledge on habitat types, species distribution and site characteristics.

Following a recent Court judgement on the protection regime applicable to pSCIs<sup>1</sup> ('Bund Naturschutz judgement'), it has become necessary to accelerate the updating of the existing lists in order to include as soon as possible the sites that have been proposed or modified by Member States since the adoption of the initial lists. According to that judgement, it would appear that the provisions under Article 6(3) & (4) of the Habitats directive, which allow for the deterioration of

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<sup>1</sup> Proposed Site of Community Importance

the ecological characteristics of Natura 2000 sites under strictly defined conditions, shall only be applied to sites once they have been formally included in a Community list as SCI<sup>2</sup>.

### **The 'normal' procedure for adopting Community lists of SCI**

**Step 1:** The initial site proposals by Member States are assessed by ETC-BD.

**Step 2:** The results of the assessment are discussed in the biogeographical seminars by biogeographical region. Seminar conclusions are adopted (reserve lists, insufficiencies).

**Step 3:** Member States submit additional proposals to comply with the seminar conclusions. These additional proposals are again assessed by ETC-BD

**Step 4:** The results of the assessment by ETC-BD are discussed with Member States in bilateral meetings (Commission/MS) and draft Community lists of SCI (draft Annex to Commission decision) and separate lists of insufficiencies and scientific and marine reserves are established..

**Step 5:** According to Article 4(2) of the Habitats Directive, each Member State must agree on the part of the draft Community list (Annex) concerning its territory. This agreement is not required for the draft reserve lists (N.B. As from 2007 these lists are not anymore part of the Commission decisions adopting Community lists).

**Step 6:** When all Member States concerned by a list have given their agreement, the draft Commission decision adopting the Community list is put into inter-service consultation. This draft decision contains the list of SCI as an Annex.

**Step 7:** The draft Commission decision is submitted to the Habitats Committee. The Committee delivers an opinion.

**Step 8:** After a positive opinion of the Committee, the draft decision is submitted for scrutiny to the European Parliament and the Council who will have three months to react (new regulatory procedure with scrutiny – decision 2006/512/EC).

**Step 9:** The Commission adopts the Community list of SCI if neither the Council nor the Parliament opposes the measure.

### **Additional steps for up-dating initial Community lists:**

**Step 10:** Member States propose additional sites in order to reduce/eliminate insufficiencies and scientific reserves. Member States may also propose modifications in site areas and conservation objects of sites.

**Step 11:** Updating of the initial Community lists: Repetition of **steps 4 to 9** above.

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<sup>2</sup> Sites of Community Importance

## **Proposed accelerated procedure for a first updating the existing lists**

Six Community lists have been adopted so far by the Commission for EU 15 Member States, one for each biogeographical region. For the updating of the existing lists and the adoption of initial lists for the new Member States several rounds of Commission decisions will be foreseen. In order to achieve a first updating all existing lists and the adoption of a new initial list for the Pannonian biogeographical region already in 2007 an accelerated process is proposed for the first round of Commission decisions. This process will cover two aspects:

- Inclusion of additional sites proposed by EU 15 Member States in the Community lists (Annexes I of the existing Commission decisions) to partially or totally cover the insufficiencies of their initial proposals and to include modifications of site information where requested by Member States where appropriate and scientifically justified.) The reserve lists covering these Member States are also being updated;
- Inclusion of sites proposed by EU 10 Member States in the existing Community lists and in the new initial list for the Pannonian biogeographical region. Reserves related to the proposals of these Member States are indicated in separated documents but not included in the Commission decisions.

This means that, whereas for EU 15 the first updating round will consist in the inclusion of additional sites to cover insufficiencies that had been indicated in the earlier Commission decisions and to reflect changes in site information, for EU 10 countries this up-dating round will actually consist in the adoption of an "initial" Community list, with the corresponding reserves as resulting directly from the biogeographical seminars being indicated in separate documents. In other words, for EU 10 the new lists will result directly from steps 1 and 2 above and include only sites that were submitted before the biogeographical seminars. For EU 15 the new list will result from steps 10 and 11. For the first round of Commission decisions (in 2007) these two different stages will be covered simultaneously in one Commission decision per biogeographical region (in total six Commission decisions for six biogeographical regions, the 2007 list for the Pannonian biogeographical region being an initial list).

For EU 10 Member States the additional sites submitted following the biogeographical seminars (steps 3 and 4 above) will be taken into account only for the following updating rounds.

The proposed accelerated process will allow to include as many as possible of the sites proposed by the Member States (EU 15 and EU 10) in the Community lists, this as soon as they have been checked by ETC-BD, but without having to wait for the submission of additional sites by all the Member States concerned with regard to insufficiencies and reserves identified. Over the following years, a further updating of the lists at short intervals will guarantee that the necessary additional sites proposals can also be included as soon as possible.

## **Proposed planning for the updating of the Community lists**

From contacts with the European Topic Centre on Biological Diversity (ETC-BD) of the European Environment Agency (EEA) it appears that the availability of data from Member States and the progress in processing these data have reached different stages of advancement for the

different biogeographical regions. Therefore it is proposed to proceed by biogeographical region and to adapt the different lists as soon as possible, in function of the progress achieved for each region.

It is proposed to group the Commission decisions on updating the Community lists in two packages. A first package including the decisions for the Pannonian, Continental, Atlantic and Boreal biogeographical regions could be adopted by the Commission at the earliest by the end of September 2007, under the conditions that the different steps of the decision procedure can be achieved without unforeseen delays. A second package of decisions covering the Alpine, Mediterranean and Macaronesian regions could be adopted by the end of 2007.

The proposed planning is based on the earliest dates at which the ETC-BD can complete the assessment of the national proposals and provide draft lists of SCI (draft annexes of the Commission decisions) and draft reserve lists for the respective biogeographical regions. The planning also takes into account minimum deadlines needed for the individual consultation processes required to come to a Commission decision, including scrutiny by the European Parliament.

It is understood that for the proposed planning only those site proposals from Member States that have reached the Commission in a correct format by 1 September 2006 will be taken into account for the updating of the Community lists in 2007. Furthermore, only such site proposals that have been submitted via a Permanent Representation of a Member State and which include a complete national data set will be taken into account. This means that for EU 10 Member States only the site proposals that had been submitted before the biogeographical seminars will be taken into account for the updating round in 2007.

It is not excluded that the dates indicated in the table below still may have to be adapted in function of the actual progress of work at the ETC-BD, or that possibly the order for dealing with the different biogeographical regions may have to be changed. DG Environment will closely monitor progress in close cooperation with the ETC-BD. All documents produced by the ETC-BD (draft Community lists by Member States, draft reserve lists,...) will be directly put on a new CIRCA website which will be specially created for this purpose.

	Draft list available	Agreement by MS.	I. S. consultation	Habitats Committee	EP and Council	Commission decision
Pannonian	Early January 07	Mid. Febr. 07	April 07	27 June 07	Oct. 2007	Adopted 13 November 2007
Continental	End January 07	End Febr. 07	April 07	27 June 07	Oct 2007	Adopted 13 November 2007
Boreal	End Febr. 07	End March 07	April 07	27 June 07	Oct 2007	Adopted 12 November 2007
Atlantic	End March 07	End April 07	April 07	27 June 07	Oct. 2007	Adopted 12 November 2007
Alpine	End	End	August 07	16 Oct. 07	Nov. 2007	Early Dec. 2007

	Draft list available	Agreement by MS.	I. S. consultation	Habitats Committee	EP and Council	Commission decision
	May 07	June 07				
Mediterranean	End May 07	End June 07	August 07	Nov. 07 written procedure	December. 2007	January 2008
Macaronesian	End May 07 <sup>3</sup> -	End June 07	August 07	16 Oct. 07	Nov. 2007	Early Dec. 2007

(Latest up-date of this timing: 26 October 2007)

### Proposed rolling plan for regular updating of the lists in the future

After the first updating of the Community lists in 2007, it will be necessary to plan further updating of the lists at regular intervals. This is necessary in order to include additional sites proposed by Member States and to take into account modifications in site related data. It is proposed to have three more rounds of updating the lists at short interval, one by the end of 2008, one by the end of 2009 and one by the end of 2010 (if necessary). This will allow including as soon as possible any additional sites or modifications of sites received by the Commission after 1 September 2006, sites proposed by Bulgaria and Romania (2008) and marine sites (2009). After 2010 there will be less pressure to update the lists as fewer site proposals are likely to arrive. Therefore the intervals between updates can then be progressively extended with a synchronisation with the article 17 reporting process as from 2013. For each updating round the deadline for submission of data to the Commission will be 1 September of the year preceding the respective updating round.

Dates for updating the Community lists	Nov./ Dec. 2007 & Jan. 2008 1 <sup>st</sup> updating	October 2008 2 <sup>nd</sup> updating	October 2009 3 <sup>rd</sup> updating	October 2010 (tentative) 4 <sup>th</sup> updating	October 2013 5 <sup>th</sup> updating	October 2019 6 <sup>th</sup> updating
Submission of data to the Commission	1 Sept. 2006	1 Sept. 2007	1 Sept. 2008	1 Sept. 2009	1 Sept. 2012	1 Sept. 2018

### Content and structure of the Commission decisions

In the preamble of the decisions it will be recalled that the adoption of the Community lists is a dynamic process, that the proposed decisions on updating the existing lists are just one more step towards completing a coherent Natura 2000 network and that further up-dates will be necessary at regular intervals in order to take into account evolving scientific knowledge on the distribution of habitats types and species (for example as a consequence of climate change) and on the coherence of the Natura 2000 network.

<sup>3</sup> If the existing database from ES already includes additional sites as foreseen in the context of the Article 6(4) procedure for Granadilla (Canary islands)

There will also be an indication in the preamble on the causes of any remaining insufficiencies or reserves and on factors requiring specific updates of the lists, such as the accession of new Member States and the coverage of new species or habitat types following EU enlargement.

There will be one Commission decision per biogeographical region. The decisions will include an Annex, named "Initial list of sites of Community importance for the ... biogeographical region" or " First updated list of sites of Community importance for the ...biogeographical region. The lists of habitat types and species, for which it cannot be concluded that the network is complete" and the lists of habitat types and species for which is cannot be concluded that the network is either complete or incomplete" (scientific reserves) will not anymore be included as annexes to the Commission decisions as it was the case in the past. These documents will, however, be published by the Commission under another format (to be decided).

### **Other specific issues to consider**

#### **New species and habitat types of Community interest after EU enlargement**

Following the accession of new Member States in 2004 a number of new species and habitat types of Community interest have been added to the annexes of the Habitats Directive. As a consequence, Member States will have to include these species and habitats in their standard data forms for those sites where they occur. At the time of debating the additions to the annexes, it was agreed that only such species and habitats should be added to Annex I and II which were either covered already in existing proposed sites in the old EU-15 or were not (or only marginally) occurring in EU-15. Should however new information / knowledge appear which makes designation of new sites for these species / Habitats necessary, this should be considered. Revised reference lists have been sent to all Member States with an invitation to consider the inclusion of the species in the data sheets of existing sites or to designate new sites.

A reminder will be sent to Member States shortly. It is proposed to include the additional sites that will be submitted by Member States in the Community lists during the third updating round (2009).

#### **Site proposals from Bulgaria and Romania**

The site proposals from these two countries will in principle be submitted by the first of January 2007, date of their accession. The two countries will concern five different biogeographical regions, including two new ones, the Black Sea region and the Steppic region. A biogeographical seminar is planned for the two countries in autumn 2007. The inclusion of the respective sites in Community lists will be possible at the earliest with the second updating round in December 2008.

#### **Updating of the Mediterranean list in 2007**

The Mediterranean list was adopted by the Commission in July 2006. A first updating of this list is foreseen for the second round, in December 2007. It will only concern the site proposals received from Cyprus and Malta (biogeographical seminar on 6 December 2006), from Spain (information sent by the Spanish Permanent Representation on 11 July 06) and from France, Italy and Greece before 1 September 2006.

## Establishment of the Natura 2000 network in the marine environment

At the Nature Directors' meeting on 8-9 June 2006 in Austria the Commission invited Member States to proceed with designating SPAs and proposing SCI in the marine environment in order to achieve the goal of a well established and managed marine Natura 2000 network. The following time frame was discussed:

- For those sites which have already been scientifically identified as potential NATURA 2000 sites, completion of the process for their proposal/designation by mid-2007
- For areas which require further scientific investigation with a view to determining if they should be included in NATURA 2000, completion of such work and of the process of proposal/designation by mid-2008.
- Clear identification by mid-2008 of additional scientific work that would be required for full completion of the marine NATURA 2000 network if this is not possible by 2008 and clear time frame for achievement of this.

According to this time frame all marine sites proposed by the Member States will be included in the updated Community lists following the rolling plan described above. It is expected that this will allow to largely completing the Natura 2000 network in the marine environment by 2009/2010.

## Making the establishment of Community lists more transparent

In order to maximize the transparency of the progressive establishment of the Community lists it is proposed to systematically publish as much information as possible on the Commission's Nature Website. For this purpose a special public CIRCA site was created.

See: [http://circa.europa.eu/Public/irc/env/natura\\_2000/home](http://circa.europa.eu/Public/irc/env/natura_2000/home)

This will in particular contribute to giving a transitional status of "Candidate Site of Community Importance" ("cSCI") to such sites that have been formally proposed by Member States and have passed a "Community importance" check – Annex III, stage 2 criteria - by the ETC-BD. Such "cSCI" are sites which are ready to be included in a Community list, pending a formal Commission decision. By publishing such lists of "candidate SCI" it will be possible to provide more planning security for administrations and companies dealing with plans and projects that are likely to have a significant negative impact on proposed SCI, notably with a view to applying the provisions of Article 6(3) and (4) of the Habitats Directive.

For this purpose an exhaustive list of all sites proposed by the Member States would be published on the above mentioned CIRCA site, with an indication of its actual status in the process of establishing the Community lists (proposed SCI, candidate SCI or SCI). If necessary the geographical coordinates of the sites could be replaced by an indication the place (NUTS code) where they are located.

Site code	Site name	Site status (pSCI, cSCI, SCI)	Presence of priority species/habitat(s)	Site area (ha) or site length (km)	Localisation (NUTS code)