

Workshop “Ecological networks and coherence according to article 10 of the Habitats Directive”, 9-12 May 2005 – Conclusions

Annex 1: Legal references to coherence/ networks in the Habitats Directive and in the Bird Directive incl. decisions from Habitat/ Ornis-Committee

Legal references in the Habitats Directive (92/43/EEC)

Preamble

“Whereas, in order to ensure the restoration or maintenance of natural habitats and species of Community interest at a favourable conservation status, it is necessary to designate special areas of conservation in order to create a **coherent European ecological network** according to a specified timetable;”

“Whereas land-use planning and development policies should encourage the management of features of the landscape which are of major importance for wild fauna and flora;”

Article 1

no precise definition of the term itself is given

Definition of Sites of Community Importance (SCI, Art. 1 (k)):

“contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type in Annex I or of a species in Annex II, and may also contribute significantly to the **coherence** of Natura 2000 referred to in art. 3 and/or to the maintenance of the biological diversity within the biogeographic region or regions concerned.”

Article 2

No direct reference is given, but the general aim of the Directive is closely linked to coherence:

“1. The aim of the Directive shall be to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory to which the Treaty applies.”

2. Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.”

Article 3

“a **coherent European ecological network** shall be set up...” (including the SCI's and the SPA's of the Bird Directive)

“Where they consider it necessary, Member States shall endeavour to improve the **ecological coherence** of Natura 2000 by maintaining, and where appropriate developing,

features of the landscape which are of major importance for wild fauna and flora, as referred to in article 10.”

Article 4

In (4) it is stated that the coherence plays a role in establishing conservation priorities for site designation:

“Once a site of Community importance has been adopted ..., the Member State concerned shall designate that site as a special area of conservation ..., establishing priorities in the light of importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the **coherence of Natura 2000**, and in the light of the threats of degradation or destruction to which those sites are exposed.”

Article 6

In (4): “If in spite of a negative assessmenta plan or project must nevertheless be carried out for imperative reasons of overriding public interest,, the Member State shall take all compensatory measures necessary to ensure that the **overall coherence** of the network has to be protected.”

Article 10

“Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with the view to improving ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

Such features are those which, by virtue of

their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or

their function as stepping stones (such as ponds or small woods),

are essential for the

migration,

dispersal and

genetic exchange of wild species.”

Annex III, Stage 2, Assessment of Community importance

“The Assessment of the Community importance of other [non priority] sites on Member States lists, i.e. their contribution to maintaining or re-establishing, at a favourable conservation status, a natural habitat in Annex I or a species in Annex II and/ or to the coherence of Natura 2000 will take account of the following criteria:

(b) geographical situation of the site in relation to migration routes of species in annex II and whether it belongs to a **continuous ecosystem** situated on both sides of one or more internal community frontiers”

(e) global ecological value of the site for the biogeographical regions concerned and/ or for the whole of the territory referred to in Article 2, as regards both the characteristic of unique aspect of its features and the way they are combined.”

Note: Language versions (so far only comparison of German and English version) seem to differ significantly in several aspects of implementation – this may need further investigation

Legal references in the Bird Directive (79/409/EEC)

In the EU Bird Directive (79/409/EEC): there is a reference to a network of SPA's, using the term "network" in a similar sense like the coherent ecological network in the EU Habitats Directive. The Bird Directive does not give explicit explanations on how to ensure the integrity of this network.

Preamble

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Whereas the preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds; whereas certain species of birds should be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution; whereas such measures must also take account of migratory species **and be coordinated with a view to setting up a coherent whole**;.....

HAS ADOPTED THIS DIRECTIVE:

Article 3

While no direct reference is given it is however clear that the scope goes beyond protected areas and some features of coherence are listed:

"1. In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

2. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

- (a) creation of protected areas;
- (b) upkeep and management in accordance with the ecological needs of **habitats inside and outside the protected zones**;
- (c) **re-establishment** of destroyed biotopes;
- (d) **creation** of biotopes."

Article 4, paragraph 2:

Reference is given to the functional needs of coherence such as migration:

"Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land

area where this Directive applies, as regards their **breeding, moulting and wintering areas and staging posts along their migration routes**. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.”

Article 4 paragraph 3

Art. 4 (3) says: “Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 above **form a coherent whole** which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.”

As the criteria for selection of sites under the EU Bird Directive are not as explicit as in the EU Habitats Directive is it worth noting that the ORNIS-Committee in 1989 adopted a guidance „Ornithological criteria to guide the selection of Special Protected Areas“, where functional aspects of coherence like dispersal and migration on a species by species level play a major role.