

The Action Plan: ‘Fit for Purpose’ Nature Directives given a new lease of life

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Following a period of uncertainty, the EU Nature Directives, which protect vast numbers of EU wildlife, are set to flourish under a new ‘Action Plan’.

The Directives, which form the pillars of EU environmental legislation, were subject to a ‘Fitness Check’ in 2016 casting concern over their future. However, the review’s public consultation generated an unprecedented response in support of the Directives.

The outcome of the Fitness Check, including the public response, was heard by the European Commission who chose to not only retain the Directives as they are but, in April this year, introduced a new ‘Action Plan’ to improve their effectiveness.

The Nature Directives

The Nature Directives encompass the EU Birds Directive and the EU Habitats Directive and are responsible for the protection of 500 birds, around 1200 animal species and 200 habitat types across Europe. Together, the Directives establish the Natura 2000 Network, a coherent ecological network of protected sites that are divided into two categories; Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

In Wales, as of 2014, there were 20 classified SPAs and 92 SACs covering 37% of Welsh land and 39% of Welsh seas. Despite this, the 2016 State of Natural Resources Wales Report (SoNaRR) revealed that only 55% of species features in the SAC and SPAs are in a favourable condition, highlighting the need for



a refresh of related policy measures.

The Directives support the broader European [EU2020 Biodiversity Strategy](#) that aims to curb biodiversity loss by 2020 through six targets, including no net loss of biodiversity and ecosystem services. A [progress report in 2010](#) found that the EU missed its previous 2010 targets. Improving implementation of the Nature Directives is likely to be a vital part of attempts to meet the ambitious 2020 targets.

Currently, the legislative framework for the Nature Directives in Wales is provided through the [Wildlife & Countryside Act 1981 \(as amended\)](#), the [Conservation of Habitats and Species Regulations 2010](#) and the [Offshore Marine Conservation Regulations \(Natural Habitats, & c.\) 2007 \(as amended\)](#).

For more information on the contents of the Nature Directives, see this [previous In Brief blog post](#).

The Action Plan

Published as a Communication from the Commission on 27 April 2017, the [plan](#) is intended to improve the protection of biodiversity in the EU for the ‘benefit of citizens and the economy’. It **comprises 15 actions for the Commission, Member States and stakeholders to execute before 2019**. These are grouped into four priority areas:

- Improving guidance and knowledge and ensuring better coherence with broader socio-economic objectives (actions 1–3): The Commission will help each Member State to update and promote guidance on a range of topics including wind energy, hydropower and aquaculture. It will also ensure public access to data.
- Building political ownership and strengthening compliance (actions 4–7): The Commission will work with national and regional authorities, landowners and stakeholders to improve implementation and put in place necessary conservation measures.
- Strengthening investment in Natura 2000 and improving use of EU funding (actions 8–12): This will take the form of a 10% increase in the [LIFE budget](#), as well promoting synergies with [CAP funding](#). The plan also aims to stimulate private sector investment through the [Natural Capital Financing Facility](#) while



supporting the development of green infrastructure for better connectivity of Natura 2000.

- Better communication and outreach, engaging citizens, stakeholders and communities (actions 13–15): This will be implemented by supporting knowledge exchange with authorities through a joint platform with the Committee of the Regions. The plans also aim to involve young people through the European Solidarity Corps. In addition, the Commission will strengthen links between natural and cultural heritage in the context of the [2018 European Year of Cultural Heritage](#). 21 May 2018 will also be proclaimed European Natura Day.

The plan has not been met with overwhelming praise from Members of the European Parliament (MEPs). Some were concerned about the lack of clarity over the conservation status of several endangered species, while others highlighted the omission of pollinating insects from the Action Plan.

In particular, there was general concern over whether the Action Plan will be able to achieve the EU2020 biodiversity targets at a time when biodiversity is declining across Europe, with some blaming the lack of Natura 2000 funding for this failure. In addition, the plan contains no mention of a future biodiversity plans beyond 2020.

The next steps

[The Environment Council](#) has drawn up draft conclusions on the Action Plan that were sent to the National Delegations on the 7 June. The conclusions are likely to be adopted during a meeting of the Council on 19 June.

The next step is for [the Environment, Public Health and Food Safety](#) (ENVI) Committee in the European Parliament to submit an Oral Question to the Commission on the Action Plan. It is expected the Commission will formally respond during plenary in June or July.

Brexit

With the United Kingdom's exit from the European Union on the horizon, the future of the Nature Directives in the UK is uncertain. Despite this, various pieces of legislation will remain in place in Wales regardless. The [Cabinet Secretary for the Environment and Rural Affairs, Lesley Griffiths, said in May 2017](#) in response to a question about Directive's future:



We are committed to maintaining and improving our environmental standards and recognise that our natural resources are fundamental to Wales's future post EU exit. The Environment and Well-being of Future Generations Act have already put in place a strong foundation based on international obligations that will remain unaffected by Brexit.

While the Welsh Government's environmental intent may remain intact, its role in the Natura 2000 network and access to related EU funding could be in jeopardy. [Some experts have suggested that the UK and Wales's participation in Natura 2000](#) will depend on the political willingness to participate. So far, neither the UK nor Welsh Government have made a statement regarding their intent. It is anticipated that the [Great Repeal Bill](#) will rollover all remaining EU legislation into domestic law in the UK and the devolved administrations. This will be followed by a process of 'review and revise' in which the Government may amend legislation. The new UK Cabinet Secretary for the Environment and Rural Affairs, Michael Gove, [has in the past criticised the Habitat Directives](#) as an impediment to housebuilding. Until this revision process is complete, it is uncertain if the status quo will remain for nature conservation in Wales and across the UK, or if environmental standards are set to change.

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