

Special Report

## More efforts needed to implement the Natura 2000 network to its full potential



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**Special Report****More efforts needed  
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to its full potential**

(pursuant to Article 287(4), second subparagraph, TFEU)

The ECA's special reports set out the results of its performance and compliance audits of specific budgetary areas or management topics. The ECA selects and designs these audit tasks to be of maximum impact by considering the risks to performance or compliance, the level of income or spending involved, forthcoming developments and political and public interest.

This report was adopted by Audit Chamber I — headed by ECA Member Phil Wynn Owen — which specialises in sustainable use of natural resources. The audit was led by ECA Member Nikolaos Milionis, supported by Ioulia Papatheodorou, head of private office; Kristian Sniter, private office attaché; Colm Friel, principal manager; Emese Fésűs, head of task and Laure Gatter, deputy head of task. The audit team consisted of Rogelio Abarquero Grossi, Oana Dumitrescu, Florin-Alexandru Farcas, Paulo Faria, Maria Luisa Gómez-Valcárcel, Maria del Carmen Jimenez, Mircea-Cristian Martinescu, Aino Nyholm, Joachim Otto, Zoltán Papp, Anne Poulsen, Bruno Scheckenbach, Matteo Tartaggia, Diana Voinea, Anna Zalega, Dilyanka Zhelezarova and Paulina Zielinska-Sucheka. Michael Pyper assisted with drafting the report.



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|----------------|--|
| <b>AA:</b>     | appropriate assessment   |
| <b>CAP:</b>    | Common Agricultural Policy                                       |
| <b>CBD:</b>    | Convention on Biological Diversity                               |
| <b>CF:</b>     | Cohesion Fund  |
| <b>EAFRD:</b>  | European Agricultural Fund for Rural Development                 |
| <b>EEA:</b>    | European Environment Agency                                      |
| <b>EFF:</b>    | European Fisheries Fund  |
| <b>EMFF:</b>   | European Maritime and Fisheries Fund                             |
| <b>ERDF:</b>   | European Regional Development Fund                               |
| <b>ESF:</b>    | European Social Fund   |
| <b>EU:</b>     | European Union   |
| <b>FP7:</b>    | Seventh Framework Programme for Research                         |
| <b>ICT:</b>    | Information and communication technologies                       |
| <b>LIFE:</b>   | financial instrument for the environment                         |
| <b>NGO:</b>    | non-governmental organisation                                    |
| <b>OP:</b>     | operational programme  |
| <b>PAF:</b>    | prioritised action framework                                     |
| <b>RDP:</b>    | rural development programme                                      |
| <b>REFIT:</b>  | regulatory fitness and performance programme                     |
| <b>SAC:</b>    | special area of conservation                                     |
| <b>SCI:</b>    | site of Community importance                                     |
| <b>SDF:</b>    | standard data form   |
| <b>SMEs:</b>   | small and medium-sized enterprises                               |
| <b>SPA:</b>    | special protection area  |
| <b>UNCBD:</b>  | United Nations Convention on Biological Diversity                |
| <b>UNESCO:</b> | United Nations Educational, Scientific and Cultural Organisation |

**Appropriate assessment (AA):** Article 6(3) of the Habitats Directive provides that any plan or project likely to have a significant impact on a site must undergo an appropriate assessment of its implications in respect of the site's conservation objectives.

**Biodiversity or biological diversity:** Article 2 of the United Nations Convention on Biological Diversity (UNCBD) defines 'Biological diversity' as 'the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems'.

**Compensatory measures:** measures specific to a project or plan, which are aimed at offsetting precisely its negative impact on the species or habitat concerned, so that the overall ecological coherence of the Natura 2000 network is maintained. Compensatory measures are taken independently of the project in question (including any associated mitigation measures) and are used only as a 'last resort' when the other safeguards provided for by the directive are ineffective and a project/plan<sup>1</sup> having a negative impact on a Natura 2000 site has nonetheless been allowed to go ahead.

**Conservation:** a series of measures required in order to maintain the natural habitats and populations of species of wild fauna and flora at, or restore them to, a favourable status as defined in the Habitats Directive<sup>2</sup>.

**Conservation objectives:** an overall target set for the species and/or habitat types for which a site is designated, so that this site can contribute to maintaining or reaching a favourable conservation status for these habitats and species at national, biogeographical or EU level.

**Conservation measures and management plans:** conservation measures are positive, proactive measures aimed at contributing to the achievement of a favourable conservation status for the species/habitats present on a particular site. Although not compulsory, management plans are the most frequently used option for setting sites' conservation objectives together with the measures needed in order to attain them.

**Conservation status of a species:** Article 1(i) of the Habitats Directive defines the conservation status of a species as 'the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations' within a particular territory. Conservation status is deemed to be 'favourable' when:

- o population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; and
- o the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
- o there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

1 Guidance document on Article 6(4) of the Habitats Directive 92/43/EEC, 2007/2012, European Commission.

2 Article 1 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).



**Deterioration:** Article 6(2) of the Habitats Directive and Article 4(4) of the Birds Directive provide that Member States must take appropriate steps to avoid the deterioration of natural habitats and the habitats of species, as well as disturbance to species on Natura 2000 sites.

**Infringement procedure:** Article 258 of the Treaty on the Functioning of the European Union (TFEU) gives the Commission, acting as the guardian of the treaties, the power to take legal action against a Member State that is not fulfilling its obligations under EU law.

**Major projects:** these are usually large-scale infrastructure projects relating to transport, the environment and other sectors such as culture, education, energy or information and communication technologies (ICT). Where the total cost of such projects supported by the European Regional Development Fund (ERDF) and/or Cohesion Fund (CF) for the programming period 2007-2013 was more than 25 million euro in the case of the environment and 50 million euro in other fields, they were subject to an assessment and a specific decision by the European Commission. Before a major project is approved, its consistency with other EU policies (including Natura 2000) is examined. For the 2014-2020 programming period, the Commission is supported by independent experts.

**Mitigation measures:** measures aimed at minimising, or even negating, a plan or project's likely negative impact on a site. These measures are an integral part of the specifications for a plan or project<sup>3</sup>.

**Natura 2000:** the largest coherent ecological network of conservation areas in the world, covering 18 % of land across the EU as well as substantial marine areas. Natura 2000 is a key element in the EU's strategy to halt the loss of biodiversity and provide ecosystem services by 2020<sup>4</sup>. The network is aimed at maintaining the natural habitat types and the species' habitats concerned at, or where appropriate restoring them to, a favourable conservation status within their natural range<sup>5</sup>.

**Natural habitats:** areas of land or water distinguished by geographical, abiotic and biotic features, whether entirely natural or semi-natural<sup>6</sup>.

**Prioritised action framework (PAF):** a planning tool required by Article 8(4) of the Habitats Directive. Its principal aim is to provide an integrated overview of the measures needed in order to implement the Natura 2000 network, linking them to the corresponding EU funds and specifying their financing needs<sup>7</sup>.

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3 Guidance document on Article 6(4) of the Habitats Directive 92/43/EEC.

4 Special Report 12/2014 *Is the ERDF effective in funding projects that directly promote biodiversity under the EU biodiversity strategy to 2020?* (<http://eca.europa.eu>).

5 Article 3 of Directive 92/43/EEC.

6 Article 1(b) of Directive 92/43/EEC.

7 SEC(2011) 1573 final of 12 December 2011, 'Financing Natura 2000, Investing in Natura 2000: Delivering benefits for nature and people', p. 11.

**REFIT and fitness check:** as part of its smart regulation policy, the Commission has initiated a regulatory fitness and performance programme (REFIT). The aim is to make EU law simpler and to reduce regulatory costs, thus contributing to a clear, stable and predictable regulatory framework. Under the first stages of this programme, the Commission has reviewed the entire stock of EU legislation and decided on follow-up actions, one of which is a 'fitness check' involving a comprehensive policy evaluation aimed at assessing whether the regulatory framework for a particular policy sector is 'fit for purpose'.

**Site of Community importance (SCI):** a site which contributes significantly to maintaining a natural habitat referred to in the Habitats Directive at, or restoring it to, a favourable conservation status. SCIs may also contribute significantly to the coherence of the Natura 2000 network and/or to maintaining biological diversity within the biogeographic region or regions concerned.

**Special area of conservation (SAC):** an SCI designated by Member States where conservation measures are taken in order to maintain the natural habitats and/or populations of the species for which the site is designated at, or restore them to, a favourable conservation status.

**Special protection area (SPA):** an area of land or water designated by Member States pursuant to Article 4 of the Birds Directive where special conservation measures are taken to protect specific bird species and their habitats.

**Standard data form (SDF):** a form drawn up pursuant to Article 4(1) of the Habitats Directive for the purpose of establishing the list of SCIs. The form records information on each site in a format determined by the Commission in agreement with the Member States, including a map of the site, its name, its location, its size and the data from the national authorities' assessment of the site's relative importance for the habitats and species covered by the directive.

**State of nature report:** every 6 years, Member States are required to report back to the European Commission on the conservation status of those species and habitats protected under the Nature Directives<sup>8</sup> that are present on their territory. The Commission then pools all the data together, with the help of the European Environment Agency, in order to see how well they are faring across the EU. The results are published by the Commission in a report entitled *The state of nature in the EU*.

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<sup>8</sup> According to Article 12 of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive) (OJ L 20, 26.1.2010, pp. 7-25) and Article 17 of the Habitats Directive.

## I

Biodiversity loss is one of the main environmental challenges facing the EU. A key element of the EU's 2020 strategy to halt biodiversity loss and improve the status of habitats and species is the Natura 2000 network established under the Birds and Habitats Directives. These directives provide a common framework for nature protection across the Member States. Covering more than 18 % of the EU's land area and around 6 % of the EU's sea area, the Natura 2000 network has over 27 000 sites all over Europe, protecting diverse habitats and species. Socioeconomic activities are not prohibited on Natura 2000 sites, but Member States must ensure no deterioration of the sites and take the conservation measures needed in order to maintain or restore protected species and habitats at a favourable conservation status.

## II

The objective of our audit was to answer the question 'Has the Natura 2000 network been appropriately implemented?' This involved examining whether the network was appropriately managed, financed and monitored. We carried out our audit work in the Commission and in five Member States, covering most of the biogeographical regions in Europe. We visited 24 Natura 2000 sites, surveyed Member States and consulted with various stakeholder groups.

## III

While recognising the major role played by Natura 2000 in protecting biodiversity, we concluded that the Natura 2000 network had not been implemented to its full potential. Significant progress is needed from the Member States, and more efforts from the Commission, in order to better contribute to the ambitious goals of the EU 2020 biodiversity strategy.

## IV

Member States were not managing the Natura 2000 network sufficiently well. Coordination between relevant authorities, stakeholders and neighbouring Member States was not sufficiently developed. The necessary conservation measures were too often delayed or inappropriately defined. The Member States visited did not adequately assess projects impacting on Natura 2000 sites. While the Commission was actively supervising Member States' implementation of Natura 2000, there was scope to improve the dissemination of its guidance to Member States. The Commission dealt with a high number of complaints concerning Natura 2000, generally finding solutions with the Member States but also starting infringement procedures where necessary.

### V

EU funds were not well mobilised to support the management of the Natura 2000 network. The EU's approach to financing the implementation of the Natura 2000 network has been to use existing EU funds. The use of these funds for the network is the competence of the Member States. We found a lack of reliable information on the costs of the network and on its financing needs from the EU budget. The prioritised action frameworks gave an incomplete picture of actual EU funding up to 2013 and of the planned allocation of funds for 2014-2020. At site level, management plans rarely gave complete cost assessments. The 2014-2020 programming documents of the various EU funds used to finance the network (notably the European Agricultural Fund for Rural Development (EAFRD) and the European Regional Development Fund (ERDF)) did not fully reflect funding needs and the Commission did not address these shortcomings in a structured manner. EU funding schemes were insufficiently tailored to the objectives of the Natura 2000 sites.

### VI

Monitoring and reporting systems for Natura 2000 were not adequate to provide comprehensive information on the effectiveness of the network. There was no specific performance indicator system for the use of EU funds for the network. Indicators did exist at funding programme level (e.g. the EAFRD), but they related to general biodiversity objectives and focused on outputs rather than on the conservation results of the Natura 2000 network. At site level, monitoring plans were often not included in the site management documents; or when they were included, they were either not sufficiently detailed or not time-bound. Standard data forms, which contain basic data on the characteristics of the site, were generally not updated following monitoring activities. The data reported by the Member States for the Commission's periodic 'State of Nature' report indicated trends in conservation status, but was too often incomplete, and comparability remained a challenge.

### VII

We make a number of recommendations to the Commission and Member States aimed at helping to achieve full implementation of the Nature Directives, clarifying the financing and accounting framework of Natura 2000 and better measuring the results achieved by Natura 2000.

## The EU 2020 biodiversity strategy

### 01

Biological diversity, or biodiversity, refers to the variety of life on Earth. Biodiversity is essential to maintaining healthy ecosystems which provide us with the basic natural resources and services we need to live well. In May 2011, the European Commission adopted a strategy aimed at 'halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss'<sup>9</sup>. The strategy was adopted after the EU had failed, despite a detailed action plan, to meet its 2010 biodiversity target. The EU 2020 biodiversity strategy is in line with the commitments made by EU leaders in March 2010 at the tenth Conference of the Parties to the United Nations Convention on Biological Diversity in Nagoya<sup>10</sup>.

### 02

In order to deliver on the headline target of halting biodiversity loss by 2020, the EU biodiversity strategy sets six operational targets, comprising 20 actions. Our report focuses on the first target, which relates to the Natura 2000 network and the full implementation of the Birds<sup>11</sup> and Habitats Directives<sup>12</sup>, widely known as the Nature Directives. These directives established the Natura 2000 network as a 'coherent European ecological network of special areas of conservation' (SACs)<sup>13</sup> in order to enable the natural habitat types and the species' habitats concerned to be maintained at or, where appropriate, restored to, a favourable conservation status within their natural range. The aim of the first target of the EU 2020 biodiversity strategy is 'to halt the deterioration in the status of all species and habitats covered by EU nature legislation 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.' This first target comprises four actions:

- o complete the establishment of the Natura 2000 network and ensure good management;
- o ensure adequate financing of Natura 2000 sites;
- o increase stakeholder awareness and involvement, and improve enforcement;
- o improve and streamline monitoring and reporting.

- 9 COM(2011) 244 final of 3 May 2011 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020', p. 2.
- 10 Decision adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting, X/2. The strategic plan for biodiversity 2011-2020 and the Aichi biodiversity targets, UNEP/CBD/COP/DEC/X/2, 29 October 2010.
- 11 Directive 2009/147/EC.
- 12 Directive 92/43/EEC.
- 13 Article 3 of Directive 92/43/EEC.

## 03

The mid-term review of the EU biodiversity strategy published by the Commission in October 2015 concluded that, while much had been achieved since 2011 in carrying out the actions under target 1, the most important challenges remained completing the marine element of the Natura 2000 network, ensuring the effective management of Natura 2000 sites and securing the necessary finance to support the Natura 2000 network.

## 04

Furthermore, in its most recent report<sup>14</sup> on the status of and trends for habitat types and species covered by the Birds and Habitats Directives, the Commission concluded: 'There are clear indications that the Natura 2000 network is playing a major role in stabilising habitats and species with an unfavourable status, especially where the necessary conservation measures have been implemented on an adequate scale. [...] However, the overall status of species and habitats in the EU had not changed significantly between 2007 and 2012, with many habitats and species showing an unfavourable status and a significant proportion of them deteriorating still further'.

## 05

As part of its regulatory fitness and performance programme (REFIT) process, the Commission launched a 'fitness check' in February 2014 to assess the effectiveness and relevance of the nature legislation. The Commission organised a conference, where the consultants presented their draft findings on 20 November 2015<sup>15</sup>, but the Commission's fitness check had not been finalised by the time our audit work was completed in September 2016. These draft findings indicated that while considerable progress had been made in implementing Natura 2000, more progress was needed in areas such as the development of conservation measures and adequate financing mechanisms.

## The Natura 2000 network

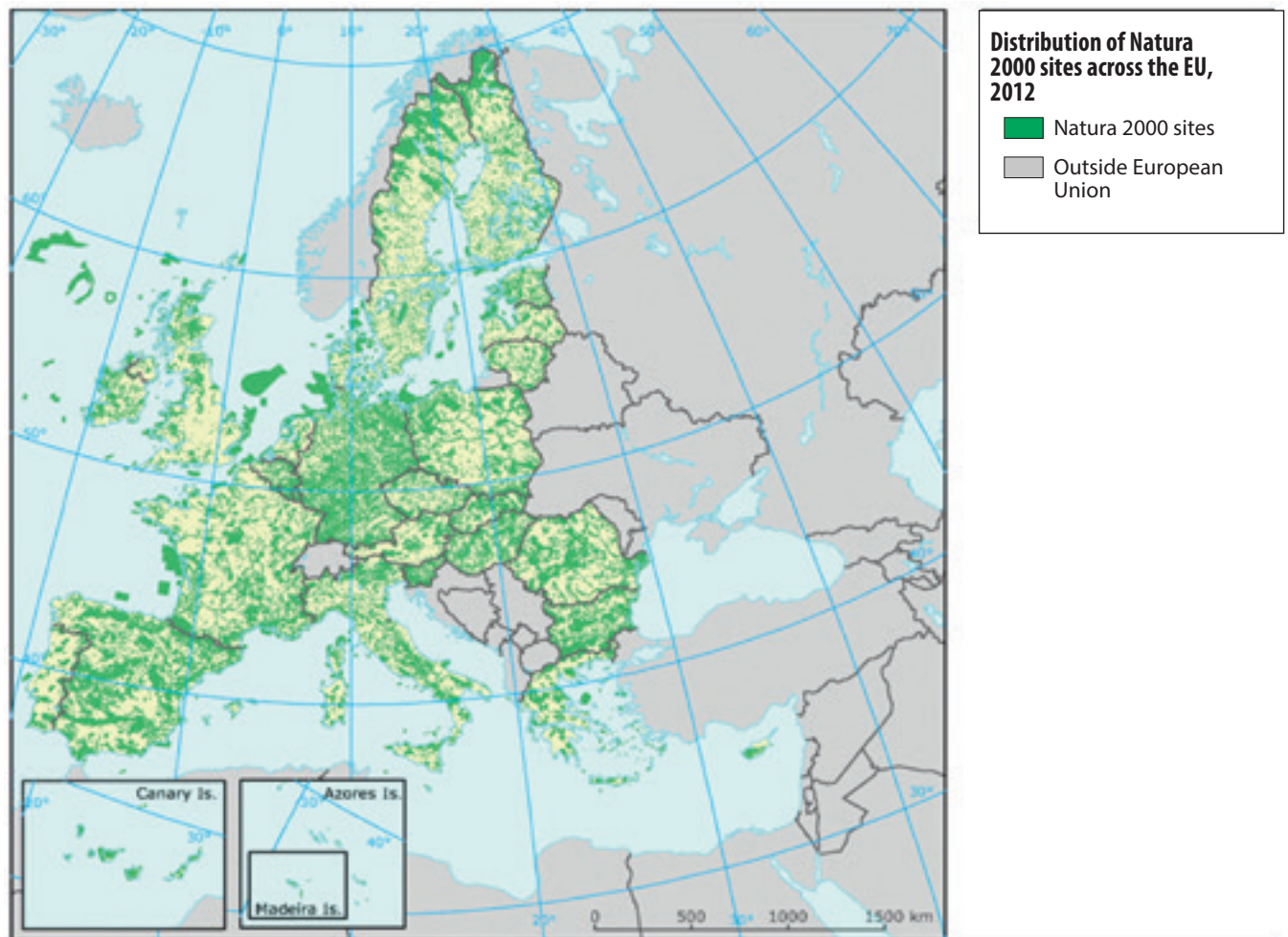
## 06

The Natura 2000 network<sup>16</sup> is the centrepiece of the EU's biodiversity strategy. The Birds and Habitats Directives provide a common EU framework that sets the standard for nature protection across the Member States. The network comprises sites of Community importance (SCIs) to be designated by the Member States as special areas of conservation (SACs) no later than 6 years after being designated as SCIs under the Habitats Directive. It also includes special protection areas (SPAs) classified under the Birds Directive. The Natura 2000 network covers more than 18 % of land across the EU and about 6 % of the EU's sea area. It has over 27 000 sites (see **Box 1**), covering more than 1 million km<sup>2</sup> of land and water<sup>17</sup> (see **Figure 1**).

- 14 COM(2015) 219 final of 20 May 2015 'Report from the Commission to the Council and the European Parliament — *The State of Nature in the European Union*'. This report summarises the European Environment Agency's detailed Technical Report No 2/2015 *State of nature in the EU — Results from reporting under the Nature Directives 2007-2012* (<http://www.eea.europa.eu/publications/state-of-nature-in-the-eu>).
- 15 Evaluation Study to support the Fitness Check of the Birds and Habitats Directives, DRAFT - Emerging Findings, For Fitness Check Conference of 20 November 2015.
- 16 In this report, the term 'Natura 2000' refers to the network of Natura 2000 sites referred to in Article 3(1) of Directive 92/43/EEC.
- 17 European Commission: Natura 2000 Barometer, July 2016.

Figure 1

## Natura 2000 sites across the EU



Note: The reporting period (2012) does not include the sites added when Croatia joined the EU in 2013.

Source: European Environment Agency, *The State of Nature in the EU*, Technical report No 2/2015, p. 120.



### What are Natura 2000 sites?

Europe has a variety of climates, landscapes and crops, and therefore high levels of biodiversity. Natura 2000 is a correspondingly diverse European network of sites where the natural habitats and species within the European Union are protected. The network protects around 230 types of natural habitats and nearly 1 200 animal and plant species recognised as being of pan-European importance, as well as about 200 bird species. From small sites consisting of underground caves to large sites covering several hundred thousand hectares of forests, from harbours to wilderness areas, to farmed areas, ancient open-air mines or military bases, Natura 2000 sites can vary considerably in size and character.

Many sites are protected under both the Birds Directive and the Habitats Directive, while a large proportion of them are also protected by other national or international designations, for example as national parks or United Nations Educational, Scientific and Cultural Organisation (UNESCO) biosphere reserves.

Overall, 46 % of the Natura 2000 network is covered by forests, 38 % by agro-ecosystems and 11 % by grassland ecosystems, 16 % by heath and scrub ecosystems, 11 % by wetlands and lake; river and coastal ecosystems also form part of the network<sup>18</sup>. Further information on the number and area of such sites in each Member State is included in **Table 1** of the **Annex**.



Picture 1 – Habitats for bats



Picture 2 – Habitats for bears

Source: ECA, Habitat for bats on Site 1, Poland, and for brown bears on Site 3, Romania.

<sup>18</sup> European Environment Agency Report No 5/2012 *Protected areas in Europe — An overview*, p. 77 (<http://www.eea.europa.eu/publications/protected-areas-in-europe-2012>). Please note that different classes used as proxies for the ecosystem types overlap. For example, some grassland ecosystems are also agro-ecosystems. This means a simple addition would 'double count' some areas.



## The organisation of Natura 2000

### Responsibilities

#### 07

The Commission supervises the implementation of the Birds and Habitats Directives by the Member States. When approving the Member States' funding programmes for EU funds of the 2014-2020 period, it checked the extent to which the proposed measures and funding were consistent with the needs and objectives of the Natura 2000 network as described in the Prioritised Action Frameworks (PAFs). The Commission issues guidance documents to support Member States' implementation of the Natura 2000 network. It organises the Biogeographical Process, a forum for cooperation which covers the various biogeographical regions<sup>19</sup> (see **Figure 2**) and includes seminars, workshops and cooperation activities. The Commission also handles complaints regarding the implementation of the directives and the management of sites in the Member States. When a Member State fails to comply with their obligations under the Nature Directives, the Commission may start an infringement procedure against that Member State.

#### 08

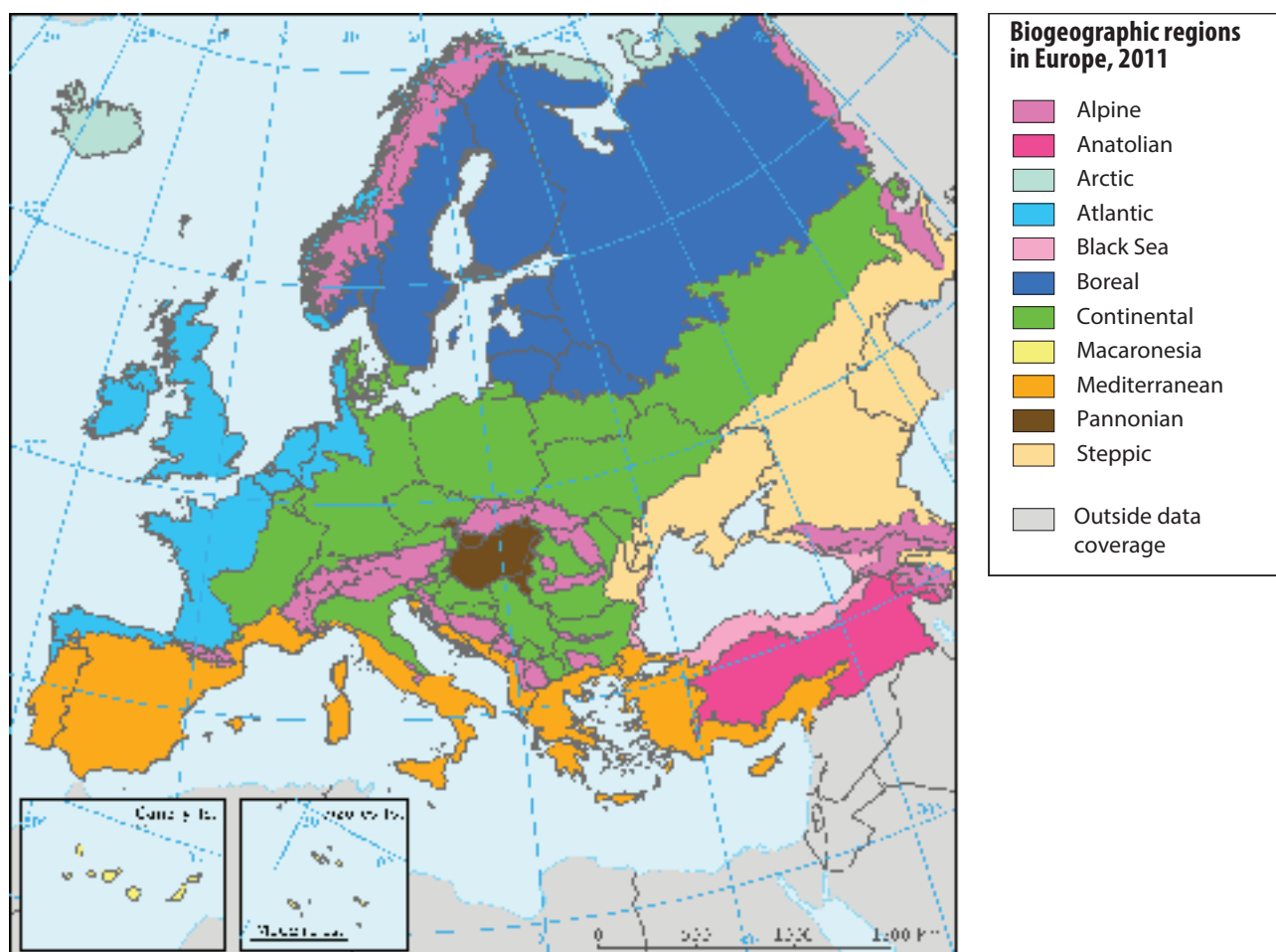
The European Environment Agency (EEA) and its European Topic Centre on Biological Diversity provide technical and scientific support to the Commission as regards the designation of Natura 2000 sites, providing information on the network via the Natura 2000 reference portal (a database containing site-specific information in Standard Data Forms (SDFs)). The EEA issued its second State of Nature report in 2015 covering the 6-year period from 2007 to 2012 inclusive. This report<sup>20</sup>, based on information officially reported by the Member States under Article 17 of the Habitats Directive and Article 12 of the Birds Directive, gives a comprehensive overview of the conservation status and trends of protected species and habitats covered by the Directives. The Agency works with other experts from the Commission and the Member States to develop guidelines on reporting.

19 There are 11 recognised biogeographical regions in Europe, of which nine are in the EU. These are used to describe habitat types and species which live under similar conditions in different countries: Alpine, Anatolian, Arctic, Atlantic, Black Sea, Boreal, Continental, Macaronesia, Mediterranean, Pannonian and Steppic.

20 EEA Technical report No 2/2015. The Commission summarised this report in its own state of nature report.

Figure 2

## Biogeographical regions in Europe



Source: European Environment Agency (<http://www.eea.europa.eu/data-and-maps/figures/biogeographical-regions-in-europe-1>).

## Introduction

### 09

The Member States are responsible for establishing, managing and funding the Natura 2000 site network. They are required to establish and implement conservation measures to maintain or restore the protected habitats and species at a favourable conservation status. This includes avoiding significant disturbance to protected species and deterioration of protected habitats for which the sites have been designated. The responsibility for monitoring the conservation status of habitats and species may either lie with a national authority (as in France, Romania and Poland) or be devolved to regional authorities (as in Germany and Spain).

### 10

Any project likely to have a significant impact on a Natura 2000 site, either individually or in combination with other projects ('cumulative effects'), must undergo an appropriate assessment (AA)<sup>21</sup> to determine its implications for the site with reference to the conservation objectives for that site. Mitigation measures for reducing the negative environmental impact are generally part of a project and are examined as part of the assessment. The competent authorities can agree to the project once they are satisfied that it will not adversely affect the integrity of the site concerned.

21 Article 6(3) of Directive 92/43/EEC.



**Picture 3 – Mitigation measure for wildlife**

Source: ECA, Example of a mitigation measure to allow wildlife to pass under a motorway, Site 2, Romania.

## 11

In exceptional circumstances, a plan or project may still be allowed to go ahead in spite of a negative assessment, provided there are no alternative solutions and the plan or project is considered to be in the overriding public interest. In such cases, the Member State must take appropriate compensatory measures to offset the environmental impact and ensure that the overall coherence of the Natura 2000 network is protected. It should also inform the Commission of the compensatory measures taken.

## 12

In general, the Commission has no say in approving projects, except in the case of major projects co-financed by the EU, for which the Member States must submit proposals to the Commission<sup>22</sup>. Major projects are usually large-scale infrastructure projects related to transport, the environment and other fields such as culture, education, energy, etc. Where the total costs of such projects supported through European Regional Development Fund (ERDF) and/or Cohesion Fund (CF) aid during the 2007-2013 programming period was more than 25 million euro (for environmental projects) and 50 million euro (for other fields), they were subject to an assessment and a specific decision by the European Commission. Before major projects can be approved, their consistency with other EU policies, including Natura 2000, needs to be examined. The Commission also assesses the specific measures included in the project to mitigate or offset negative effects on the Natura 2000 sites. The Commission may conduct follow-up checks on the implementation of the mitigation measures. Proposals must include an analysis of the major project's environmental impact, including aspects relating to Natura 2000. The Commission appraises the major project in terms of its consistency with the priorities of the Operational Programme (OP) concerned, its contribution to achieving the goals of those priorities and its consistency with other EU policies.

## Funding

## 13

The EU's approach to financing the implementation of the Natura 2000 network has consistently<sup>23</sup> been to use existing EU funds (mainly from the Common Agricultural Policy (CAP) and the structural and cohesion funds<sup>24</sup>) rather than to develop specific financing instruments (see also **Table 5** in the **Annex**). Funds are not earmarked for Natura 2000 within the various sectoral funding programmes, but instead opportunities for supporting Natura 2000, in the context of support for biodiversity, exist under each of the relevant EU funds<sup>25</sup>. A notable exception is the LIFE<sup>26</sup> financial instrument (dating back to 1993) which, although small, includes funds earmarked specifically for a range of Natura 2000 actions. This instrument is managed directly by the Commission. The Natura 2000 sites are also financed directly by the Member States, by international donors and by private funds. In 2010<sup>27</sup>, a report drawn up on behalf of the Commission assessed the total annual cost of managing the Natura 2000 network at 5.8 billion euro. Less than 20 %<sup>28</sup> of this amount was financed by the EU during the 2007-2013 programming period.

22 For ERDF and CF, on the basis of Articles 39 and 40 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the ERDF, the ESF and the CF and repealing Regulation (EC) No 1260/1999 (OJ L 210, 31.7.2006, p. 25) for the period 2007-2013 and on the basis of Articles 100 to 103 of Regulation (EC) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the ERDF, the ESF, the CF, the EAFRD and the EMFF and laying down general provisions on the ERDF, the ESF, the CF and the EMFF and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320) for the period 2014-2020.

23 COM(2004) 431 final of 15 July 2004 'Financing Natura 2000' and SEC(2011) 1573 final.

24 The EAFRD, the ERDF, the CF and the ESF.

25 'Agriculture funding under the second pillar of the CAP is the most important source of support for Natura 2000 in the majority of countries' SEC(2011) 1573 final, p. 6.

26 LIFE is the EU's financial instrument supporting environmental, nature conservation and climate action projects throughout the EU.

27 *Costs and socioeconomic benefits associated with the Natura 2000 network*, Institute for European Environmental Policy, p. 1.

28 Kettunen, M., Baldock, D., Gantioler, S., Carter, O., Torkler, P., Arroyo Schnell, A., Baumüller, A., Gerritsen, E., Rayment, M., Daly, E. and Pieterse, M., *Assessment of the Natura 2000 co-financing arrangements of the EU financing instrument. A project for the European Commission – final report*, Institute of European Environmental Policy, Brussels, Belgium, 2011, p. 5.

**14**

Prioritised action frameworks (PAFs) have been developed by Member States with the support of the Commission as a strategic planning tool in order to define Natura 2000 funding needs and priorities at national or regional level and facilitate their integration into different EU funding instruments. PAFs were aimed at assisting Member States in drawing up their strategic/programming documents (e.g. partnership agreements, rural development programmes (RDPs) and operational programmes (OPs)) and help to make them consistent with Natura 2000 funding.

**15**

The first PAF exercise took place in 2012. The Commission provided the Member States with the template for the PAFs, partially filled in based on available data, and asked Member States to verify and complete the data. The agreed template for the PAF included a general description of the network at regional or national level in Member States, a description of the status of habitats and species and a description of the administrative arrangements for managing the network. One important part of the PAF related to the Member States' current experience with the use of EU funds in order to obtain an overview of the significance of these funds for investments in Natura 2000 over the 2007-2013 programming period. The Member States also had to set out their strategic conservation priorities for the 2014-2020 programming period and the corresponding key measures for achieving these priorities, together with their planned monitoring and evaluation arrangements.

## 16

In determining the audit scope and approach, we considered the actions established under Target 1 of the EU 2020 biodiversity strategy to implement the Nature Directives (see paragraph 2). The objective of the audit was to answer the question 'Has the Natura 2000 network been appropriately implemented?' The main audit question was further broken down into the following subquestions:

- (a) *Has the Natura 2000 network been appropriately **managed**?* In order to answer this question, we assessed whether the Member States had taken the necessary conservation measures and whether appropriate procedures were in place to avoid or compensate for the deterioration of the sites. At Commission level, we reviewed the guidance provided by the Commission, the appraisal procedures for major projects with an impact on Natura 2000 sites and the procedures for handling complaints.
- (b) *Has Natura 2000 been appropriately **financed**?* We looked at the design and the use of the available EU funding for Natura 2000 sites over the 2007-2013 programming period, as well as the planned allocation for the 2014-2020 period linked to the PAFs. We focused on how Natura 2000 had been integrated into other policy instruments and how well the funded measures had been coordinated and adapted to the network's needs.
- (c) *Has Natura 2000 been appropriately **monitored**?* We examined the various monitoring tools at the disposal of the Member States and the Commission and how these had been used. We assessed the performance indicator systems, the site monitoring arrangements and the system for reporting on habitats and species.

## 17

We focused on the overall implementation framework rather than on the conservation results achieved for individual sites. We carried out our audit at both Commission and Member State level. We obtained evidence from five Member States (France<sup>29</sup>, Germany<sup>30</sup>, Spain<sup>31</sup>, Poland and Romania), covering eight of the EU's nine biogeographical regions<sup>32</sup>. We visited authorities in these Member States and 24 Natura 2000 sites. We also met with representatives from various stakeholder groups, in particular farmers' organisations and environmental non-governmental organisations (NGOs).

## 18

In addition, we sent a survey to all the other (23) Member States in order to obtain information on their management systems and the public funding used for their Natura 2000 sites.

- 29 Haute-Normandie, Basse-Normandie and Languedoc-Roussillon.
- 30 Schleswig-Holstein and Bavaria.
- 31 Asturias, Madrid, Valencia and Canary Islands.
- 32 Our audit included Member States with territories in the Alpine region, the Atlantic region, the Black Sea region, the Continental region, the Macaronesian region, the Mediterranean region, the Pannonian region and the Steppic region. We did not visit a Member State with territory in the Boreal region.

## Member States did not manage the Natura 2000 network sufficiently well

### 19

Implementing Natura 2000 requires strong coordination among a Member State's various competent authorities and with numerous stakeholders. The conservation measures necessary to maintain or restore habitats and their flora and fauna need to be taken in time and be specific enough in order to be implemented effectively. Planned projects that are likely to have a significant impact on an established Natura 2000 site need to be assessed carefully<sup>33</sup> in light of the site's conservation objectives. Where a project needs to go ahead on a Natura 2000 site despite potentially having an adverse impact, appropriate compensatory measures must be taken. At EU level, the Commission's role is to support Member States to implement the directives effectively through guidance, and, where necessary, through enforcement action.

## Coordination between authorities and stakeholders in the Member States was not sufficiently developed

### 20

A wide range of sectors are involved in managing the Natura 2000 network. These include, in particular, the environmental, agricultural, urban planning, industrial development and tourism sectors. The successful implementation of Natura 2000 requires effective coordination between sectors. We found that all of the Member States we visited had established a structure for managing the Natura 2000 network. In most Member States we visited, however, there were examples of insufficient coordination between the responsible authorities, as illustrated in **Box 2**.

33 These are the 'appropriate assessments' required by the Habitats Directive.

#### Box 2

### Insufficient coordination of authorities in the audited Member States

In Romania, while the planning and funding of Natura 2000 are sufficiently coordinated at national level, cooperation and communication at regional and local level between site managers, authorities and other stakeholders (e.g. land owners) need to be improved to ensure the effective implementation of Natura 2000. For example, several sites still miss a management body, there was a lack of procedures for considering Natura 2000 in urban planning; there were also overlaps between the supervisory responsibilities of local authorities.

In France, there were coordination problems between the environmental authorities, which are in charge of Natura 2000, and the agricultural authorities, which were responsible for providing the most significant share of the EU funding used to support Natura 2000 sites. The environmental authorities had limited information regarding the implementation of agri-environmental measures by the agricultural authorities, such as the number of farmers and areas concerned, the types of measures and the amount of public money being spent on the Natura 2000 sites.



## 21

It is important that key stakeholders, and in particular land users and landowners, are involved in the planning and implementation of conservation measures in Natura 2000 sites so that they can understand and support the corresponding conservation objectives. The Member States organised capacity-building activities, mainly in the form of training courses, at national and local level. We found an example of good practice in France where the local population was consulted (see **Box 3**). However, the other Member States<sup>34</sup> we visited had not established effective channels involving regular consultations to facilitate communication with key stakeholders.

34 Germany, Spain, Poland and Romania.

### Box 3

#### Example of good practice where local land users and populations were consulted

In France, each Natura 2000 site was managed by a steering committee involving representatives from the public sector, regional authorities, community and trade associations, conservation organisations, land user organisations, etc. Being involved in the consultation in the steering committees gave stakeholders a sense of ownership of the Natura 2000 objectives.

## 22

Habitats and species are not confined by regional or national borders. Developing a network of well-interconnected sites is therefore essential in order to maintain or restore conservation status, making cross-border cooperation a necessity. There were insufficient structures at national level to promote such cooperation, and a lack of procedures for neighbouring countries to inform one another of potential sites, or of projects which could require assessments (see paragraph 28). However, at local level, there were some good examples of cross-border cooperation supported by EU funding, as shown in **Box 4**.

### Box 4

#### Examples of cross-border cooperation at local level in the Member States visited

In France, the managers of one of the sites we visited had cooperated with their Spanish counterparts via the POCTEFA<sup>35</sup> project, co-financed by the ERDF during the 2007-2013 period.

In Poland, we found examples of cross-border cooperation with Slovakia as part of an ERDF project to protect wood grouse and black grouse in the Western Carpathians.

In Romania, several LIFE projects aimed at the conservation of certain species involved neighbouring countries, Hungary and Bulgaria.

35 Spain-France-Andorra cross-border cooperation programme (Programme Opérationnel de Coopération Transfrontalière Espagne-France-Andorre).



## The necessary conservation measures were too often delayed or inappropriately defined by the Member States

### 23

Once a site of Community importance (SCI) has been adopted by the Commission, Member States should designate that site as a special area of conservation (SAC) within 6 years and apply the necessary conservation measures for all protected habitats and species present on the site<sup>36</sup>. A similar protection regime also exists under the Birds Directive (see paragraph 6). Conservation measures can be presented in the form of a management plan setting the site's conservation objectives together with the measures needed in order to attain them<sup>37</sup>.

### 24

There were significant delays in the designation of sites as special areas of conservation (SACs) in most Member States. The Commission reported that, out of the 22 419 sites of Community importance (SCIs) existing in January 2010, one third had not been designated as special areas of conservation (SACs) in January 2016, i.e. beyond the expiry of the 6-year deadline. Three Member States<sup>38</sup> had not yet designated any special areas of conservation (SACs) on time (see **Table 2** of the **Annex**).

### 25

We found delays in the adoption of conservation measures in all five Member States audited. Of the 24 sites audited, conservation measures had been adopted within 6 years of the site's designation for only eight of them. One site in Spain still lacking proper conservation measures had been designated as far back as the 1990s. The late adoption of the necessary measures is likely to jeopardise the conservation status of these sites and the overall achievement of the directives' objectives. Furthermore, few of the management plans had been reviewed despite the fact that some had been drawn up more than 10 years before our audit (see also **Table 3** of the **Annex**).

### 26

Conservation measures must relate to the conservation objectives defined for the site in question. However, in the Member States we visited (except Poland), the conservation objectives were often not specific enough and not quantified. This explains why in the same four Member States<sup>39</sup>, the conservation measures included in the management plans were also not precisely defined and rarely had milestones for their completion (see **Box 5**).

36 Article 4(4) of the Habitats Directive.

37 *Managing Natura 2000 sites — The provisions of Article 6 of the Habitats Directive 92/43/EEC*, 2000, European Commission.

38 Malta, Poland and Romania.

39 Germany, Spain, France and Romania.

## Box 5

### Examples of non-specific conservation objectives and measures

In Spain, the management plan for one of the sites audited contained general conservation objectives which did not specify either the target population to be reached for each protected species or the relevant timeframe.

The conservation measures deriving from these objectives were equally vague. One example was 'agri-environmental subsidies are supposed to promote agricultural practices compatible with environment protection and conservation'.

Such general objectives and measures made it difficult to assess their results.

## 27

We have also examined whether management plans existed and had been implemented at the 24 sites we visited. We found that management plans existed for only 12 sites, and that of these, implementation had not yet started for three; another four had only partially been implemented (see **Table 3** of the **Annex**).

### The Member States visited did not adequately assess projects impacting on Natura 2000 sites

## 28

Article 6(3) of the Habitats Directive provides that any project likely to have a significant effect on a Natura 2000 site must undergo an appropriate assessment of its implications for the site in view of the site's conservation objectives (see paragraph 10). We reviewed the systems in place in the Member States for performing these assessments and examined 47 projects where such assessments were needed. Two of these projects were not approved to proceed following the assessment.



**Picture 4 – Site subject to AA**

Source: ECA, urban coastal area subject to appropriate assessments, Site 5, Spain.

## 29

All of the Member States visited had established systems to perform these assessments for projects likely to have an impact on Natura 2000 sites. However, we found that out of the 47 cases, the assessments had not been performed consistently and completely in 34 cases and in a further six cases there was insufficient documentation made available to conclude on the assessments (see **Table 4** in the **Annex**). The most common weaknesses were that the assessments did not analyse the impact on all species and habitats, were not sufficiently documented, or were not performed by appropriately qualified personnel (see **Box 6** for an example).

## Box 6

## Example of inadequate assessment procedures

A project in Romania involved building a cereal storage facility. Authorisation was given subject to certain conditions, including the implementation of mitigation measures. However, these conditions were not consistent with the conservation measures, which included a ban on even small-scale construction and noise from machinery.

## 30

A key element of the 'appropriate assessment' exercise is to consider the 'cumulative effects'<sup>40</sup> of other projects. From our sample of 47 cases, we found that the Member States had not well assessed cumulative effects in 32 cases and did not keep sufficient track of other assessments for neighbouring projects. Some checks did not consider whether there were cumulative effects and some were insufficiently thorough. Consequently, there was a risk of potential impact on Natura 2000 going undetected (see **Box 7**).

40 'Cumulative effects' refer to the combined effects of the proposed plans or projects with other plans or projects. See Section 4.4.3 of the Commission guidance on *Managing Natura 2000 sites — The provisions of Article 6 of the Habitats Directive 92/43/EEC* ([http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en/pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en/pdf)).

## Box 7

## Cumulative effects not taken into account when approving projects

In Germany, one of the assessments we examined concerned the construction of a holiday resort. The project was authorised despite the local environmental authorities' concerns regarding the potential impact on the site, particularly in light of the combined effects of a new sea bridge and the resulting additional growth in the number of holidaymakers.

In Romania, one of the assessments we examined concerned the building of a quarry. The project was authorised by the local environmental authority although the same authority had previously decided to allow a similar project on the condition that a maximum of only two quarries were permitted per 20 km of riverbed. We found that up to five such projects already existed in the area within around 12-15 km of riverbed.

## 31

However, we did find examples of good practice in Member States' approaches to dealing with the cumulative effects of projects on Natura 2000 sites, as explained in **Box 8**.

### Box 8

#### Database developed in Bavaria to assess cumulative effects

All appropriate assessments on a Natura 2000 site were recorded in a central database accessible to public authorities. This database facilitated the identification of projects with potential cumulative effects. The data relating to the site could be extracted and made available to private entities such as engineering firms or architects on request.

## 32

Mitigation measures are usually included in a project to limit its negative environmental impact. They can also be imposed by competent authorities as conditions for the project authorisation. In both cases, they are an important element for the approval of the project; therefore their actual implementation should be followed up. Of the five Member States we visited, Poland and Romania did not check on the implementation of mitigation measures to address the environmental impact of projects on the Natura 2000 sites. Without such checks, there could not be any certainty that these measures had indeed been implemented. For example, during an on-the-spot visit on one site in Poland, we found that a mitigation measure required by the environmental authorities — the planting of trees — had not been implemented.

## 33

Compensatory measures are needed whenever a project needs to go ahead in the public interest despite its negative impact on a Natura 2000 site and in the absence of alternative solutions (see paragraph 11). In such cases, the Member State concerned must inform the Commission. Compensatory measures were not taken in any of the projects reviewed in the Member States visited. The number of compensatory measures that Member States reported to the Commission between 2007 and the time of the audit varied greatly. Over the thousands of Natura 2000 sites in existence (see **Table 1** of the **Annex**) France had reported three compensatory measures, Germany 63, Poland 8, Romania 3 and Spain 11. This showed that the Member States audited might have differing approaches on how to apply compensatory measures in practice.

## 34

Member States must also inform the Commission in advance of any major projects financed by the structural funds (see paragraph 12). Our review of 12 major projects showed that the Commission had checked all project proposals impacting Natura 2000 sites and had often requested clarifications on environmental issues<sup>41</sup>.

## The Commission was actively supervising the implementation of Natura 2000

## 35

To help the Member States implement Natura 2000 correctly, the Commission has produced relevant and detailed guidance documents<sup>42</sup> on key aspects of the Nature Directives, and also for specific sectors<sup>43</sup>. During our audit visits, we found that the Commission's guidance documents were not widely used in the Member States for managing sites. However, when we questioned the Member States about the Commission's guidance in our survey, most of them<sup>44</sup> indicated that they would welcome additional guidance.

## 36

In 2012, the European Commission launched the Natura 2000 Biogeographical Process, a mechanism for cooperation and networking which includes workshops and activities to enhance coherence in the management of the Natura 2000 network. The seminars and their accompanying documents were mostly in English. This hindered some Member States' participation and slowed down the dissemination and use of results, especially at site level.

## 37

The implementation of the Nature Directives is marked by a high number of complaints. The Commission developed a central registry in 2009 to record all complaints and enquiries from EU citizens and organisations. By the time of our audit, the Commission had recorded over 4 000 potential breaches of the EU's nature legislation since the directives came into force in 1981. Most of these cases (79 %) were closed without further procedural steps. In the other cases, the Commission needed to further investigate the file and request additional clarification from the complainant and/or the Member State.

41 Member States are responsible for the implementation of projects financed by structural funds. The relevant Monitoring Committee performs a follow-up of the implementation of these projects, while the Commission's status during the 2007-2013 period was that of observer.

42 The main guides are: *Managing Natura 2000 sites — The provisions of Article 6 of the Habitats Directive 92/43/EEC* (2000) ([http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf)); *Assessment of plans and projects significantly affecting Natura 2000 sites — Methodological guidance on the provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC* (2002) ([http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)); *Guidance document on Article 6(4) of the Habitats Directive 92/43/EEC* (2007, updated 2012) ([http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/new\\_guidance\\_art6\\_4\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/new_guidance_art6_4_en.pdf)).

43 *Guidance on aquaculture and Natura 2000* (2012) (<https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/guidance-aquaculture-natura2000.pdf>); *Guidance document on inland waterway transport and Natura 2000* (2012) ([http://ec.europa.eu/environment/nature/natura2000/management/docs/IWT\\_BHD\\_Guidelines.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/IWT_BHD_Guidelines.pdf)); *Wind-energy developments and Natura 2000* (2011); *Non-energy mineral extraction and Natura 2000* (2011) ([http://ec.europa.eu/environment/nature/natura2000/management/docs/neein2000\\_guidance.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/neein2000_guidance.pdf)); *The implementation of the Birds and Habitats Directives in estuaries and coastal zones* (2011) ([http://ec.europa.eu/transport/sites/transport/files/modes/maritime/doc/guidance\\_doc.pdf](http://ec.europa.eu/transport/sites/transport/files/modes/maritime/doc/guidance_doc.pdf)).

44 Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Ireland, Greece, Italy, Cyprus, Latvia, Hungary, Malta, Netherlands, Slovenia, Finland, Sweden and the United Kingdom.

## 38

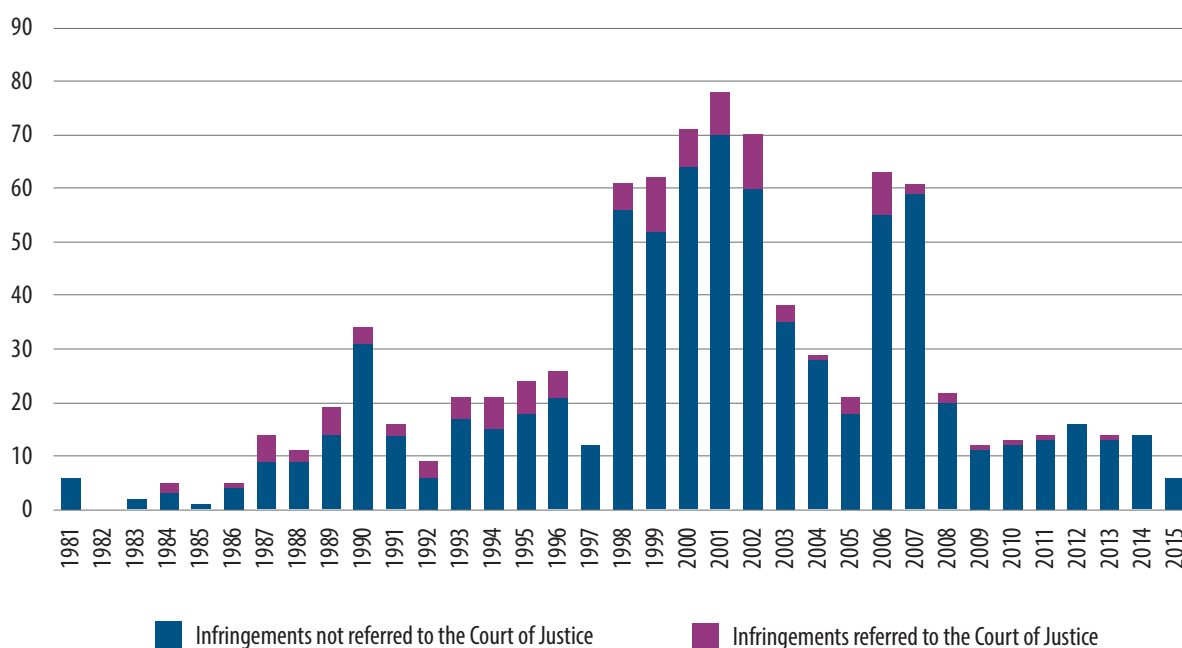
The Commission may start an infringement procedure against a Member State if it fails to implement the Nature Directives (see paragraph 7). According to several Commission sources<sup>45</sup>, since 1981 the number of cases related to the Nature Directives is the highest within the environmental sector, with a share of around 30 %.

## 39

The 'EU pilot scheme' was introduced as a pre-infringement procedure in 2008. It involves informal and bilateral dialogue between the Commission and Member State authorities on issues concerning the correct transposition or application of EU law. The Commission uses the EU pilot when it requires clarification from Member States of their factual legal position on these issues. Since 2008, 554 EU pilot files have been opened in relation to the Nature Directives, of which 78 (14 %) led to formal infringement procedures. The introduction of the EU pilots has, since 2008, resulted in efficiency gains and a drop in the number of infringement cases, as only cases which could not be solved by this dialogue with the Member State concerned went further through the initiation of an infringement procedure (see **Figure 3**).

45 2014 and 2015 annual reports on monitoring of the application of Union law and other information provided by the Commission.

**Figure 3** Number of infringements opened per year in relation to the Nature Directives compared to number of infringements referred to the Court of Justice



Source: The ECA's analysis, based on data provided by the European Commission.

### **EU funds were not well mobilised to support the management of the Natura 2000 network**

#### **40**

The financing of Natura 2000 is mainstreamed into EU funds for which nature protection is only one of many objectives. The Member States prepare PAFs to determine the needs of the Natura 2000 network and ensure that they are matched with adequate EU funding (see paragraphs 13 to 15). These needs must then be incorporated into the programming document proposed by the Member States for each of the different EU funding instruments for the 7 years of the programming period. The specific needs of the Natura 2000 sites should also be reflected in the actual measures and projects funded.

### **The Prioritised Action Frameworks presented an unreliable picture of the costs of the Natura 2000 network**

#### **No reliable estimate of EU funds used for Natura 2000 for the 2007-2013 programming period**

#### **41**

While there was information available on some specific measures, there were no reliable and comparable consolidated funding estimates for the implementation of Natura 2000 for the 2007-2013 programming period: the reporting on the implementation of the various EU programmes did not allow the Commission to monitor the amount of EU funds devoted to Natura 2000, and this information was not provided by the PAF exercise. There were significant limitations in the data made available by the Member States. The fitness check supporting study reveals similar issues (see paragraph 5).

#### **42**

Apart from the LIFE fund, the European Agricultural Fund for Rural Development (EAFRD) had measures dedicated only to Natura 2000 during the 2007-2013 period (measures 213 'Natura 2000 payments' and 224 'Forest Natura 2000 payments'), in addition to other measures which can benefit the Natura 2000 network. However, measures 213 and 224 were only used to a limited extent. In the five Member States visited, only the German *Länder* of Schleswig-Holstein and Bavaria and the Spanish autonomous community of Asturias had used them.

## 43

EU funding is also used to support environmental measures which are not specifically aimed at Natura 2000 sites. They are, however, an important source of funding for the network. Due to limitations in the way actual spending is accounted for, it was often difficult to distinguish the support for Natura 2000 from the funding of other environmental actions.

## 44

Our survey also confirmed the lack of consistent, comparable information about public expenditure targeted on Natura 2000 during the 2007-2013 programming period, including EU funding. All Member States except Sweden reported public expenditure on Natura 2000 in our survey. Every year, EU expenditure of between 400 million euro (2007) and 2 billion euro (2013) was reported. Not all Member States were able to report data for all funds (see **Table 1**). Over 90 % of the expenditure reported in the survey was made under the ERDF, the EAFRD and LIFE.

### The assessment of funding needs for the 2014-2020 programming period was not accurate or complete

## 45

As well as analysing Member States' experience with the use of the EU funding for the 2007-2013 programming period, the PAFs included estimates of future funding needs, particularly in view of the 2014-2020 programming period. We found that Member States' PAFs differed significantly as regards the quality of these estimates. Three Member States did not submit their PAF<sup>46</sup> and six Member States<sup>47</sup> did not provide estimates of their funding needs (either in their PAF or in their reply to our survey). In the Member States visited, these estimates of funding needs in the PAFs were not complete or accurate (see **Box 9**). The Commission undertook only a limited assessment of the PAFs and, with the exception of Spain, did not formally follow up these assessments with the Member States visited.

46 Malta, Lithuania and Croatia did not submit their PAFs.

47 Denmark, Croatia, Malta and the United Kingdom. In addition, while Cyprus and Germany referred to costs, they were out of date.

### Box 9

#### Example of an incomplete cost estimate at national level in Poland

In Poland, the cost estimates in the PAF were based on the amounts of national and EU funds used for biodiversity protection during the 2007-2013 programming period. They covered only the sites for which management plans were available. Only 44 % of sites had such plans available at the time of the audit. As the conservation measures co-financed from EU funds during the 2014-2020 programming period would be implemented over a much larger area, the costs presented in the PAF had been underestimated and there is a potential funding gap.



Table 1

## Information reported in our survey for the programming period 2007-2013

| Member State / Fund name | EAFRD     | ERDF      | EFF <sup>2</sup> | LIFE      | ESF <sup>3</sup> | CF       | FP7 <sup>4</sup> | National  | Other     |
|--------------------------|-----------|-----------|------------------|-----------|------------------|----------|------------------|-----------|-----------|
| Belgium                  | X         | X         | X                | X         |                  |          |                  | X         |           |
| Bulgaria                 | X         | X         |                  |           |                  |          |                  |           |           |
| Czech Republic           | X         | X         |                  | X         |                  |          |                  | X         | X         |
| Denmark                  | X         |           | X                | X         |                  |          |                  | X         |           |
| Germany                  | X         | X         | X                | X         |                  |          |                  |           |           |
| Estonia                  | X         | X         | X                | X         | X                | X        |                  | X         |           |
| Ireland                  | X         | X         |                  |           |                  |          |                  |           |           |
| Greece                   |           | X         |                  | X         |                  | X        |                  | X         |           |
| Spain                    | X         | X         | X                | X         | X                | X        |                  | X         |           |
| France                   | X         | X         | X                | X         |                  |          |                  |           |           |
| Croatia                  |           |           |                  |           |                  |          |                  | X         | X         |
| Italy                    | X         | X         | X                | X         |                  | X        |                  | X         | X         |
| Cyprus                   |           |           |                  | X         |                  |          |                  | X         |           |
| Latvia                   | X         | X         |                  | X         | X                | X        |                  | X         | X         |
| Lithuania                | X         | X         | X                | X         | X                |          |                  | X         | X         |
| Luxemburg                | X         |           |                  | X         |                  |          |                  | X         |           |
| Hungary                  | X         | X         |                  | X         | X                |          |                  |           |           |
| Malta                    | X         | X         |                  | X         |                  | X        |                  | X         | X         |
| Netherlands              | X         | X         |                  | X         |                  |          | X                | X         | X         |
| Austria                  | X         | X         |                  | X         |                  |          |                  | X         |           |
| Poland                   | X         | X         | X                | X         |                  |          | X                |           | X         |
| Portugal                 | X         | X         |                  | X         |                  |          | X                | X         |           |
| Romania                  | X         | X         |                  | X         |                  |          |                  |           |           |
| Slovenia                 | X         | X         |                  |           |                  |          |                  |           | X         |
| Slovakia                 | X         | X         |                  | X         |                  |          |                  |           | X         |
| Finland                  |           | X         |                  | X         |                  |          | X                |           |           |
| Sweden <sup>1</sup>      | X         |           |                  |           |                  |          |                  |           |           |
| United Kingdom           | X         |           |                  | X         |                  |          |                  |           |           |
| <b>Total</b>             | <b>24</b> | <b>22</b> | <b>9</b>         | <b>23</b> | <b>5</b>         | <b>6</b> | <b>4</b>         | <b>16</b> | <b>10</b> |

1 Although Sweden indicated that EAFRD finances Natura 2000, it could not provide figures.

2 The European Fisheries Fund.

3 The European Social Fund.

4 The 7<sup>th</sup> framework programme for research and technological development.

Note: A blank box indicates that the Member State did not provide figures for the relevant fund.

Source: ECA analysis.

### 46

In our survey, we asked Member States whether there was a gap between their estimated funding needs for Natura 2000 and the available funds. In response, 17 Member States<sup>48</sup> declared that such a funding gap did exist, although only three Member States<sup>49</sup> reported the actual amount of this gap.

### 47

Similarly, at local level (site, authority), the costs of managing the Natura 2000 network had often not been accurately estimated and did not cover all activities (for example, the costs of establishing sites, management planning, habitat management and investment costs). Only Poland prepared detailed estimates of the cost of implementing the actions envisaged in the management plans. In the four other Member States audited, the site management documents did not contain sufficiently accurate or relevant information on the resources needed to implement the conservation measures. Furthermore, potential sources of funding were usually not precisely identified in these four Member States. These weaknesses could lead to inefficient management planning and insufficient programming of the funds available.

### **The 2014-2020 programming documents of the various EU funds did not fully reflect the needs identified in the Prioritised Action Frameworks**

### 48

Member States were asked to submit their PAFs in 2012 so that they would be available sufficiently in advance of the submission of the operational programmes and rural development programmes for the 2014-2020 programming period (see paragraph 15). Funding commitments were therefore established while adopting the relevant EU funding programmes.

### 49

Natura 2000 was just one of the many objectives in these programmes. As funds were generally not earmarked for Natura 2000 in the various programmes, the Commission cannot easily assess whether the costs of managing the network estimated in the PAFs had been fully taken into account in the Member States' proposed allocation in the 2014-2020 programming documents. Also, environmental and biodiversity measures do not always specify the extent to which they apply to Natura 2000 areas (see paragraph 43).

48 Belgium (Flanders), Czech Republic, Estonia, Ireland, Greece, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, Austria, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

49 Italy, Latvia, Finland.

## 50

The ERDF programming period for 2014-2020 included a new category specifically for Natura 2000 (086) and maintains a category for biodiversity which may also fund Natura 2000 (085). Five Member States<sup>50</sup> do not plan to use category 086, and all but one plan to use category 085. The 'thematic concentration' requirement meant that 80 % to 50 % of ERDF funds for the more developed and less developed regions, respectively, had to be used for actions relating to research and innovation, SMEs<sup>51</sup>, competitiveness, the low carbon economy and information and communication technologies (ICT). Biodiversity was not included in the thematic concentration as a policy choice.

## 51

In Member States where operational programmes and rural development programmes were regionalised<sup>52</sup> but the PAF had been developed at national level, it was impossible to assess whether the objectives and the planned use of the funds had been consistent with the PAF. The manner of implementation also varied from one region to another; this made it difficult to gain an overview of the coherence and consistency.

## 52

Various Commission directorates-general<sup>53</sup> cooperate on the approval of OPs and RDPs. DG Environment checks the consistency of these documents with the EU's environmental policies, priorities and objectives, including Natura 2000, and addresses comments to other directorates-general and to Member States.

## 53

DG Environment did not take a structured approach when analysing programming documents for OPs and RDPs to support its consultations with the other Commission DGs. As a result, we found significant variability in the extent and quality of the Commission's analysis of Member States' draft programming documents in terms of their consistency with PAFs and their actions to support Natura 2000.

## 54

Finally, we found that the approved programming documents did not necessarily reflect the Natura 2000 needs identified in the PAFs and indicated by DG Environment during its consultations with other Commission services<sup>54</sup>. Overall, the PAFs' incomplete or inaccurate information, combined with their insufficient integration with the programming documents for the 2014-2020 funding period<sup>55</sup>, has limited their usefulness as a means of ensuring the consistency of EU funding for Natura 2000.

50 Austria, Belgium, Estonia, Hungary and the United Kingdom.

51 Small- and medium-sized enterprises.

52 Germany, Spain and France.

53 DG Agriculture and Rural Development, DG Regional and Urban Policy, DG Employment, Social Affairs and Inclusion, DG Maritime Affairs and Fisheries, DG Environment.

54 The issues signalled by DG Environment included: for Poland, not all measures identified in the detailed PAF were reflected in the RDPs; in Romania, the RDP did not specify how the needs of Natura 2000 would be addressed; in France, there was a lack of information in the RDPs on funding for Natura 2000.

55 This conclusion is also corroborated by the findings included in a report prepared for the Commission in 2016, *Integration of Natura 2000 and biodiversity into EU funding (EAFRD, ERDF, CF, EMFF, ESF)*. See p. 52: 'Integration of priorities, specific objectives and measures linked to Natura 2000 [...] has been achieved to varying degrees in the national programmes analysed [...] in general the planned measures do not cover all the needs identified in the PAFs for all habitats and species that require conservation or restoration actions'.

## EU funding schemes were insufficiently tailored to the objectives of the Natura 2000 sites

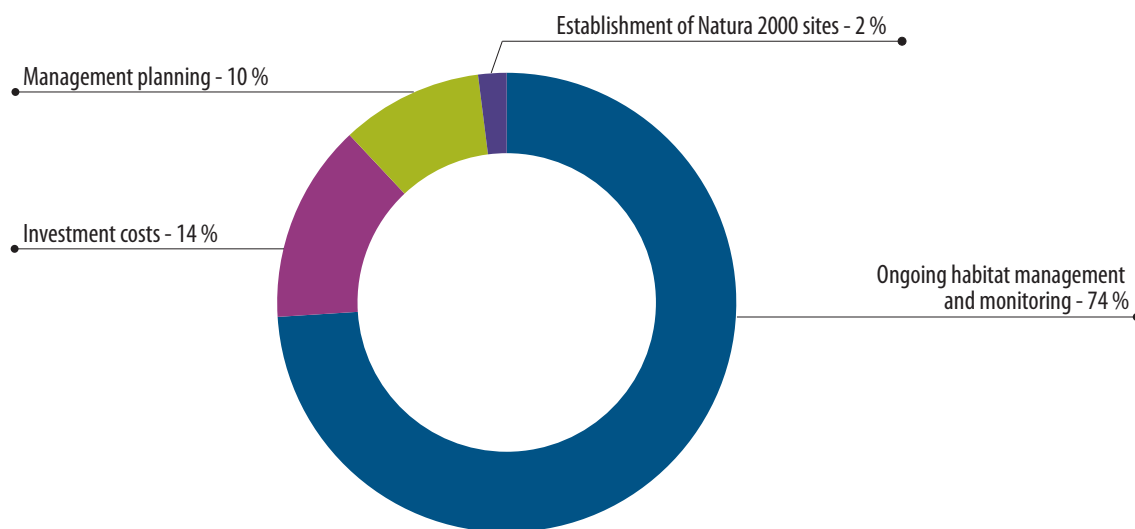
### 55

Because of the limited integration of Natura 2000 with the EU funding schemes, there is a risk of the available funds being insufficiently adapted to the sites' needs. We assessed whether the funding schemes most used for the network were sufficiently adapted and coordinated for the purpose of achieving the conservation objectives.

### 56

The results of the survey highlighted that the EAFRD, ERDF and LIFE funds provided more than 90 % of the EU's financing for Natura 2000 (see paragraph 44). The Member States also indicated that the main management activity financed by these funds was ongoing habitat management and site monitoring (see **Figure 4**).

**Figure 4** Overview of EU and Member State expenditure for management activities on the sites reported in the survey



Source: ECA's analysis.

## Observations

### 57

The most important EAFRD measure in terms of financing habitat management on Natura 2000 sites was the agri-environment measure (measure 214), which accounted for more than 50 % of this fund. The specific 'Natura 2000 payments' (measures 213 and 224) represented only 7 % of the reported funding.

### 58

The design of the rural development funding schemes did not always take into account the specific characteristics of the sites and their conservation objectives, as the majority of the schemes covered only some of the species and habitats of interest (see **Box 10**). The lack of complete consistency between rural development funding schemes and environmental issues has been raised as an issue before by the Court in several of our special reports dealing with water policy<sup>56</sup>.

<sup>56</sup> Special Report 4/2014 *Integration of EU water policy objectives with the CAP: a partial success*, see paragraph 83; Special Report 23/2015 *Water quality in the Danube river basin: progress in implementing the water framework directive but still some way to go*, see paragraphs 187 and 188; and Special Report 3/2016 *Combating eutrophication in the Baltic Sea: further and more effective action needed*, see paragraph 124 (<http://eca.europa.eu>).

#### Box 10

### Examples of specific characteristics of Natura 2000 sites not taken into account for the EAFRD funding scheme

In Poland, the requirements linked to agri-environmental payments did not cover all the species present on one site, or that site's specific characteristics. A nature reserve in the Alpine biogeographic region was included in the Natura 2000 network due to the presence of dozens of bird species, such as the black grouse (*Tetrao tetrix*) and the corn crake (*Crex crex*). The specific requirements for the agri-environment measure referred only to the corn crake. The requirements relating to the corn crake, such as grass-cutting periods, are not compatible with the requirements for the black grouse, but this was not taken into account in the agri-environmental requirements.

On the same site, the private parcels used for agricultural land were usually very small, narrow and long; their width on farmland often did not exceed a few metres. There were around 38 000 such parcels on this site, and the average area of these parcels was 0.22 ha. The farmers concerned could receive agri-environmental payments if the overall area of their agricultural holdings amounted to at least 1 ha. However, as most farm holdings in this area were smaller than 1 ha, most parcels on the site were not eligible for agri-environmental support.

In Romania, there were agri-environmental measures targeting some of the species present on one site we visited, such as the lesser grey shrike (*Lanius minor*) and the red-footed falcon (*Falco vespertinus*). The requirements for these measures did not take into account the relevant conservation measures set out in the management plan (e.g. limiting the expansion of agricultural crops and grazing during certain periods). The effectiveness of the measure had also been adversely affected by the fact that these agri-environmental requirements covered only 11.2 % of the agricultural land on the site.

## 59

We found cases where the compensation provided under the EAFRD or the EFF did not fully cover the financial losses resulting from compliance with Natura 2000 requirements. This did not encourage participation in the programmes. For instance, for aquaculture farming in Poland, farmers were eligible for EFF payments if their ponds were located in Natura 2000 areas. The financial losses from protecting the birds on the ponds were higher than the compensation received<sup>57</sup>. Also, similar compensation was given only for 2 years in Romania.

## 60

We also found good examples of funds targeting conservation actions (see **Box 11**).

## 61

Overall, we found that LIFE projects gave the greatest incentive for practices promoting biodiversity; however, because funding is linked to project duration, their sustainability often depends on the availability of a more permanent source of funding<sup>58</sup>. In general, the ERDF and LIFE are designed to complement each other; however, we also identified some coordination issues between LIFE and ERDF actions, since both can involve similar actions to develop management plans or certain conservation measures. For example, a LIFE project on a Natura 2000 site we visited financed a new study on the conservation of the brown bear (*Ursus arctos*) in Romania, even though similar studies had previously been funded by other LIFE and ERDF projects.

57 Andrzej Martyniak, Piotr Hliwa, Urszula Szymańska, Katarzyna Stańczak, Piotr Gomułka, Jarosław Król, *Próba oszacowania presji kormorana czarnego Phalacrocorax carbo (L. 1758) na ichtiofaunę wód na terenie Stowarzyszenia Lokalna Grupa Rybacka 'Opolszczyzna' oraz Stowarzyszenia Lokalna Grupa Rybacka 'Żabi Kraj'* (ISBN 978-83-939958-0-6), in English 'An attempt to estimate the pressure of black cormorant Phalacrocorax carbo (L. 1758) on the ichthyofauna of waters in the area of the Association of Local Fisheries Group "Opole region" and the Association of Local Fisheries Group "Frog Country"' ([http://www.lgropolszczyzna.pl/pobierz1/00-broszura-Raport\\_Kormoran-web.pdf](http://www.lgropolszczyzna.pl/pobierz1/00-broszura-Raport_Kormoran-web.pdf)).

58 Special Report 11/2009 *The sustainability and the Commission's management of the LIFE-Nature projects* (<http://eca.europa.eu>).

### Box 11

#### Examples of ERDF and LIFE projects targeted at conservation actions

In Romania and Poland, the ERDF sectoral operational programmes<sup>59</sup> relating to the environment specifically addressed the management of the Natura 2000 network by funding the development of site management plans.

LIFE projects were also used, particularly in Spain where they funded the protection of a rare bird species, the 'urogallo' (*Tetrao urogallus*), as well as a research programme to identify potential maritime Natura 2000 sites.

59 2007PL161PO002; 2007RO161PO004.

## 62

Result-oriented measures have the potential to be more effective. However, they require robust preparation, particularly in terms of gathering ecological knowledge, building administrative capacity<sup>60</sup> and defining the appropriate monitoring indicators to ensure their controllability at a reasonable cost. While nine Member States<sup>61</sup> including Germany used EU funds for such schemes, the two German regions that were visited financed such measures using their own funds (see **Box 12**).

60 *Biodiversity protection through results-based remuneration of ecological achievement*, Institute for European Environmental Policy, December 2014, European Commission.

61 Ireland, the Netherlands, Germany, Austria, Finland, the United Kingdom, Sweden, Spain and France.

## Box 12

### A result-oriented programme in Germany

In Schleswig-Holstein, the *Wiesenbrüterprogramm* (grassland birds programme), which paid compensation only if birds had appeared on the plot concerned and protective measures had been taken, was funded purely from national and regional resources. This type of measure was not supported by EU funding, because regional authorities considered that its adequate controllability could not be ensured at a reasonable cost.

## Monitoring and reporting systems were not adequate to provide comprehensive information on the effectiveness of the Natura 2000 network

## 63

The purpose of monitoring and reporting systems is to keep the Commission and the Member States informed on the progress of the Natura 2000 network and to provide a framework for appropriate management action. Several monitoring and reporting activities are relevant for Natura 2000 implementation. As regards EU funds, monitoring at programme level should provide information on the implementation of a programme and its priority axes: performance indicators should provide reliable and timely data on whether the measures supporting the Natura 2000 network are producing the expected outputs, results and impact. At site level, monitoring of the conservation measures should take place in order to assess their effectiveness and results. This performance information may also trigger an update to the relevant site's standard data form (see paragraph 8), which describes the main characteristics of that site, including data on its protected habitats and species. Finally, Member States should monitor and report on the conservation status of protected habitats and species, which is then summarised in the state of nature report, presenting the status and trends at EU level.

## There was no specific performance indicator system for the Natura 2000 network

### 64

Indicators<sup>62</sup> for the various EU funds are set out in their respective regulations and programming documents in order to measure the achievement of their objectives. The variety of potential EU funding sources for Natura 2000 (EAFRD, ERDF, EFF, ESF, CF and LIFE) made it complicated to monitor how these funds were used specifically for the network during the 2007-2013 programming period. The various funds had no common indicators relating specifically to Natura 2000 to provide a consolidated overview of the impact made by the EU support, but they did have indicators relating to biodiversity, which have some relevance for the Natura 2000 network (see **Box 13**).

62 Performance indicators typically measure the input, output, results or impact of a policy: input indicators refer to the budget or other resources allocated to a policy measure; output indicators report on the degree of activity in relation to a policy measure; result indicators record the direct effect of the policy measure in relation to the specific policy objective; and impact indicators concern the intended outcome of the measure in terms of its impact on the wider environment, beyond those directly affected by the measure.

### Box 13

#### Example of a biodiversity indicator not specifically related to Natura 2000

One result indicator for the EAFRD relating to Natura 2000 payments and the agri-environment measure was the 'Area under successful land management contributing to biodiversity, water quality, mitigating climate change, soil quality, avoidance of marginalisation and land abandonment'. It measured the total area of land and forest (in hectares). This indicator did not provide specific information on the measures' results purely in relation to Natura 2000 sites.

### 65

All rural development programmes contained Natura 2000 indicators which mostly focused on inputs and outputs rather than on results. While the indicators provided useful information, they did not measure whether EU-funded actions were successful in promoting biodiversity in Natura 2000 areas (see **Box 14**).

### Box 14

#### Examples of indicators not focusing on results in Poland

The 2007-2013 EAFRD rural development programme supported Natura 2000 via the agri-environment measure 'Protection of endangered birds and natural habitats in Natura 2000 sites'. Output indicators were defined for this measure in terms of the area and number of farms supported by EU funds, with targets of 378 000 ha of permanent grassland and 153 000 farms, respectively. However, it was impossible to assess the measure's contribution to biodiversity as no result indicators were provided.



## 66

**Table 2** below presents the overall indicators for the 2014-2020 programming period used to measure the EU funds' contribution to Natura 2000 and biodiversity. As in the previous period, the indicators focus on biodiversity but they do not measure the contribution to biodiversity specifically on the Natura 2000 sites and they measure input and outputs (number of projects and area) rather than results.

Table 2

### Common indicator system for the various EU funds for 2014-2020 programming period

| Thematic        | Policy area        | Fund name         | Description of the indicator   | Target                  |
|-----------------|--------------------|-------------------|--|-------------------------|
| Protected areas | Fisheries          | EMFF <sup>1</sup> | Increase in the coverage of Natura 2000 or other areas or other spatial protection measures — Fisheries    | 342 765 km <sup>2</sup> |
| Biodiversity    | Fisheries          | EMFF              | Protection and restoration of marine biodiversity and ecosystems   | 3 090 projects          |
| Environment     | Habitats conserved | ERDF, CF          | Nature and biodiversity: surface area of habitats supported to attain a better conservation status         | 6 373 673 hectares      |
| Biodiversity    | RDPs               | EAFRD             | Forest area under management contracts supporting biodiversity   | 4 063 177 hectares      |
|                 |                    |                   | Agricultural land under management contracts supporting biodiversity and/or landscapes                     | 30 601 853 hectares     |
|                 |                    |                   | Percentage of total agricultural land under management contracts supporting biodiversity and/or landscapes | 17 %                    |
|                 |                    |                   | Percentage of total forest area under management contracts supporting biodiversity                         | 3 %                     |

<sup>1</sup> The European Maritime and Fisheries Fund (EMFF) replacing the European Fisheries Fund (EFF) for the 2014-2020 programming period.

Source: European Commission.

## 67

As regards the LIFE programme, we had found in a previous audit<sup>63</sup> that the Commission had not developed appropriate indicators to measure LIFE project results for the 2007-2013 programming period. Recently, the Commission introduced a new set of compulsory comprehensive indicators for all projects under the 2014-2020 LIFE programme. The Commission strongly encourages projects from the 2007-2013 programming period which are still running to supply these indicators upon completion. The database of indicators will serve as a key input for the mid-term evaluation of the LIFE programme.

## 68

In conclusion, there was no consolidated system to track Natura 2000-related output and results under shared management funding instruments during the 2007-2013 programming period. The different programmes and funds lacked a common approach to indicators, either at Member State or EU level. For the 2014-2020 programming period, with the exception of the European Maritime and Fisheries Fund), for which two Natura 2000-specific indicators have been defined, any indicators relating to Natura 2000 will be subsumed under biodiversity indicators. This will make it difficult to track output and results specifically relating to the Natura 2000 network across the various funds.

## The implementation of Natura 2000 monitoring plans was inadequate

## 69

Article 11 of the Habitats Directive requires Member States to undertake monitoring of the conservation status of natural habitats and species, with particular regard to priority natural habitat types. At site level, monitoring plans should define how the performance of the conservation measures set in the management plans is to be checked and measured.

## 70

At national level, only three<sup>64</sup> of the five Member States audited had detailed plans to undertake monitoring of the conservation status of some natural habitats and species. In France, however, the implementation of these monitoring plans had either been limited or delayed due to the significant costs involved. In Romania, the only specific monitoring we found during our audit concerned the bear population. In their reply to our survey, 12<sup>65</sup> Member States indicated that they perform regular monitoring activities in addition to those required for reporting every 6 years under the Habitats Directive (see paragraphs 73 to 78).

63 See Special Report 11/2009, p. 39.

64 Spain, France and Romania.

65 Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Ireland, Latvia, Malta, Austria, Portugal, Slovenia and Slovakia.

## Observations

### 71

At site level, we found that management plans lacked suitable indicators, quantified targets and milestones. This makes it difficult to monitor the implementation of the conservation measures effectively, thus adversely affecting the achievement of conservation objectives. Four<sup>66</sup> of the audited Member States presented some monitoring activities in their management plans but they were often neither sufficiently detailed (e.g. not specifying how the impact of proposed measures on the species and habitats in question would be measured) nor time-bound (e.g. not presenting the frequency of the monitoring activities). Some monitoring activities took place at 14 sites out of the 24 visited (see **Table 3** of the **Annex**). Checking and enforcement activities to actively detect and prevent site deterioration were limited. We found examples of both good practices and weak procedures, as illustrated in **Box 15**.

### 72

Monitoring at site level allows information to be collected to update knowledge on species and habitats present on each site. The information obtained may prompt updates to the SDFs<sup>67</sup>. The Member States create standard data forms for each site. They are a very important tool as they provide summary information on the characteristics of each site and the protected features they host. We found that the five Member States<sup>68</sup> we visited had not regularly updated their SDFs (see **Table 3** of the **Annex**) and the Commission had not checked or followed this up.

66 Spain, France, Poland and Romania. The two German regions carried out some monitoring activities on the sites but did not present these in the site management plans.

67 Commission Implementing Decision 2011/484/EU of 11 July 2011 concerning a site information format for Natura 2000 sites (OJ L 198, 30.7.2011, p. 39) sets out the format serving as documentation of the Natura 2000 network. The initial scope of the SDF was to list and map the areas for the designation process and to check the information provided by the Member States for the site designation process.

68 Romania updated the SDFs following our audit, which is reflected in **Table 3** of the **Annex**.

#### Box 15

### Examples of site monitoring

For one of the sites we audited in France, an annual report was produced showing the progress made on each of the planned conservation measures. A colour code (green, amber or red) was used to indicate whether or not each measure had been implemented according to plan.

On another site we visited, also in France, the implementation of conservation measures had not yet been assessed, even though the management plan had been approved more than 10 years before our audit. This lack of any follow-up assessment significantly undermines the protection and conservation of species and habitats on the site.

On one site in Germany, an airport operator carried out a study to monitor birds outside the airport in preparation for the potential construction of an extra runway. The study revealed that, of the 500 breeding lapwings originally found on the site, only 200 were left, which constituted a deterioration of the site. Prior to this study, the authority managing the site had not identified the decline in population.

### Incomplete and inconsistent data made the monitoring of habitats and species less effective

#### 73

Every 6 years, Member States are required to report to the Commission on the conservation status of species and habitats present on their territory that are protected under the Nature Directives. With the help of the European Environment Agency (EEA), the Commission then pools all the data together in order to see how well they are faring across the EU. The results are published by the Commission in a report entitled *The state of nature in the EU*<sup>69</sup> (see paragraph 8).

#### 74

In preparing the state of nature report, the EEA and the Commission work together with experts from the Member States and stakeholder groups to develop guidelines in order to promote a common understanding of what needs to be reported and how. This is continuously improved from one reporting cycle to the next. For the last reporting round, Member States delivered data to the EEA in 2013. The EEA checked this information and asked the Member States to make any necessary corrections. Based on this, the EEA produced an 'EU dataset', which is used to produce initial statistics, broken down by Member State, and serves as the basis for the EU biogeographical assessments.

#### 75

The EEA has a system for checking the plausibility and the consistency of data it receives from Member States. However, compiling the data is the Member States' responsibility, and the EEA had no role in checking the Member States' data compilation and processing before submission. This limits the EEA's scope to identify weaknesses and reduces assurance as to the quality of the data.

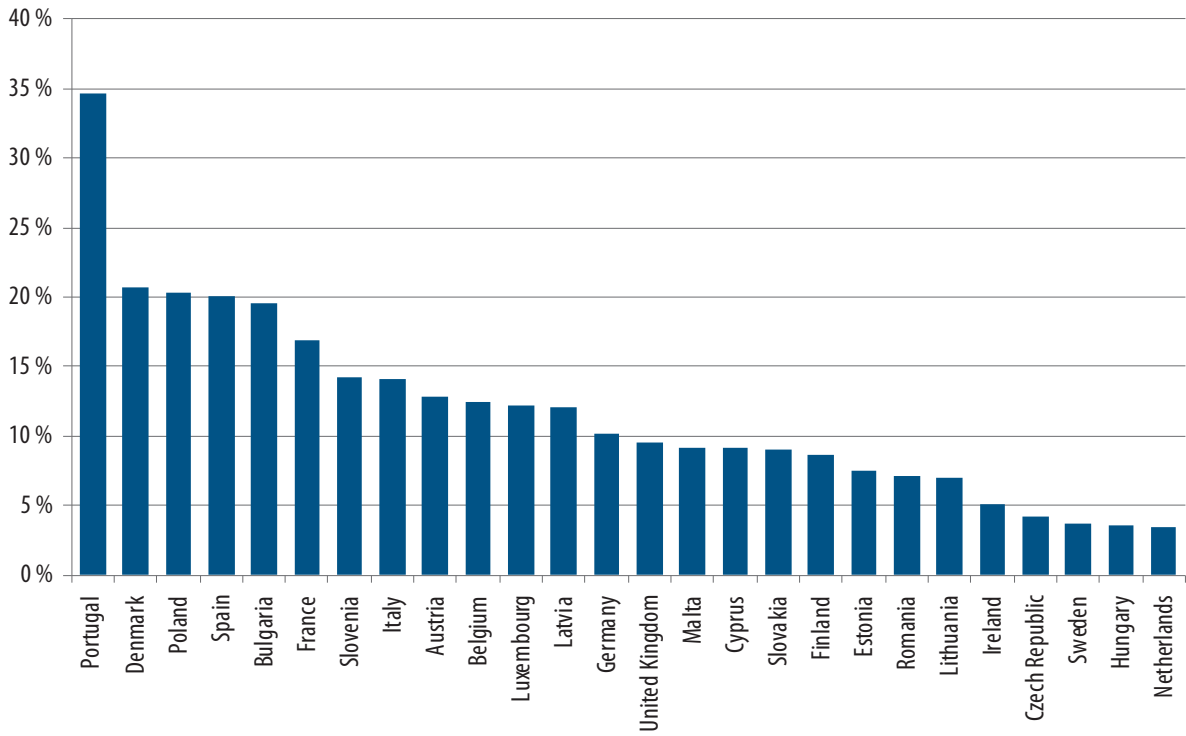
#### 76

The Commission and the EEA had previously identified the incompleteness of data as a significant problem. While still not optimal, data completeness has improved since the previous report in 2009. The number of 'unknown' assessments has dropped by around 50 %, but the Member States still have scope for improvement. The EEA found the gaps in the information supplied by the Member States to be an impediment to its assessment of their implementation of the directives. For the Habitats Directive, more than 10 % of the required information was reported as unknown or absent in 14 Member States (see **Figure 5**).

69 COM(2015) 219 final, p. 17.

Figure 5

Proportion of information required from Member States for reporting under the Habitats Directive that was identified as unknown or absent



Note: Greece did not provide information.

Source: European Topic Centre reporting under Article 17 of the Habitats Directive (period 2007-2012), [http://bd.eionet.europa.eu/activities/Reporting/Article\\_17/Reports\\_2013/Member\\_State\\_Deliveries](http://bd.eionet.europa.eu/activities/Reporting/Article_17/Reports_2013/Member_State_Deliveries)

## Observations

### 77

For the Birds Directive, more than 10 % of the required information was reported as unknown in 11 Member States (see **Figure 6**).

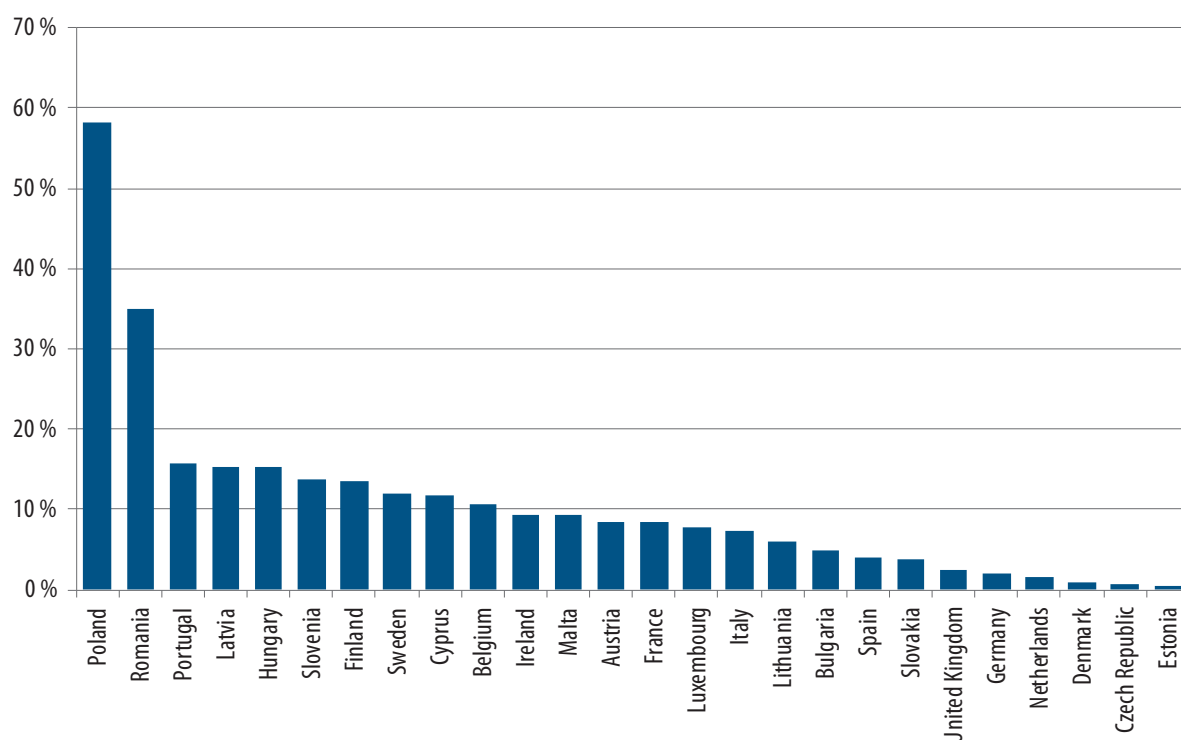
### 78

The methodology for data collection is left up to each individual Member State. The Member States had differing approaches to assessing conservation status<sup>70</sup> and reporting trends<sup>71</sup> on the basis of EU common methodologies: some Member States had developed their own data collection methods, while others had relied on expert opinion. The Commission established an expert group and ad hoc working groups on harmonising practices in order to work towards better harmonisation, comparable assessments, clearer concepts and practical guidelines to help the Member States. Harmonisation remains a challenge for the next reporting round in 2019.

70 Favourable, unfavourable-inadequate, unfavourable-bad or unknown.

71 Improving, stable, declining or unknown.

**Figure 6** Proportion of information required from Member States for reporting under the Birds Directive that was identified as unknown



Note: Greece did not provide information.

Source: European Topic Centre reporting under Article 12 of the Birds Directive (period 2008-2012), [http://bd.eionet.europa.eu/activities/Reporting/Article\\_12/Reports\\_2013/Member\\_State\\_Deliveries](http://bd.eionet.europa.eu/activities/Reporting/Article_12/Reports_2013/Member_State_Deliveries)

## 79

Biodiversity loss is recognised as a major challenge facing the European Union. The Commission adopted the EU 2020 biodiversity strategy after the 2010 biodiversity targets were not met. The strategy sets six operational targets; the first target focuses on the Natura 2000 network and the full implementation of the Birds and Habitats Directives. These two directives are the cornerstone of the EU's biodiversity strategy.

## 80

We assessed whether Natura 2000 had been adequately implemented by examining whether the Natura 2000 network had been appropriately managed, financed and monitored.

## 81

While recognising the major role played by Natura 2000 in protecting biodiversity, we concluded that the Natura 2000 network had not been implemented to its full potential. Significant progress is needed from the Member States, and more efforts from the Commission, in order to better contribute to the ambitious goals of the EU 2020 biodiversity strategy.

## 82

Member States were not managing the Natura 2000 network sufficiently well. Coordination between relevant authorities, stakeholders' participation and cross-border cooperation were not sufficiently developed (paragraphs 20 to 22). The necessary conservation measures were too often not established within the deadlines established by the directives and not appropriately defined and planned (paragraphs 23 to 27). The Member States visited did not adequately assess projects impacting on Natura 2000 sites (paragraphs 28 to 34): the assessments were sometimes of insufficient quality, cumulative effects were not properly taken into account and the implementation of mitigation measures was not verified by the Member States' competent authorities. The Commission actively supervised the implementation of Natura 2000, although there was scope to improve the dissemination of its guidance to the Member States (paragraphs 35 and 36). The Commission put in place procedures to deal with the high number of complaints, generally finding solutions in a structured dialogue with the Member State and starting infringement procedures where necessary (paragraphs 37 to 39).

## Conclusions and recommendations

### Recommendation 1 — Achieving full implementation of the Nature Directives

**As regards the systems in place to manage the network, the Member States should, by 2019:**

- (a) ensure appropriate coordination between all authorities involved in the management of Natura 2000 sites. In particular, agriculture and environment departments should closely collaborate with one another. Relevant information should be easily available to departments in charge of managing the network.

**As regards the protection of the sites, the Member States should, by 2020:**

- (b) complete the establishment of the necessary conservation measures for sites which have been designated for more than 6 years and ensure that appropriate assessments consider cumulative effects and are of sufficient quality.

**Regarding the guidance it provides, the Commission should, by 2019:**

- (c) increase its effort to promote the dissemination and application of its guidance documents and the results of the biogeographical seminars, and promote the exchange of best practices on cross-border cooperation; in doing so the Commission should consider how to overcome linguistic barriers.

## 83

EU funds were not well mobilised to support the management of the Natura 2000 network. The EU's approach to financing the implementation of the Natura 2000 network has been to use existing EU funds. The use of these funds for the network is the competence of the Member States. There was a lack of reliable information on the EU funds used for Natura 2000 over the 2007-2013 programming period (paragraphs 41 to 44). There were weaknesses in the preparation of PAFs by Member States, and the assessment of funding needs for the 2014-2020 programming period was not accurate or complete (paragraphs 45 and 46). At site level, management plans often lacked an accurate and complete assessment of the costs (paragraph 47) associated with the implementation of conservation measures. The 2014-2020 programming documents for the various EU funds did not fully reflect funding needs (paragraphs 48 to 54) and the Commission did not address these weaknesses in a structured manner. EU funding schemes, in particular under the CAP and regional/cohesion policy, were insufficiently tailored to the objectives of the Natura 2000 sites (paragraphs 55 to 62).



## Conclusions and recommendations

### Recommendation 2 — Financing and accounting for the costs of Natura 2000

**As regards the funding of Natura 2000, Member States should, for the next programming period (commencing 2021):**

- (a) estimate accurately and completely the actual spending and the future funding needs at site level (by including conservation measures' cost estimations in management plans) and for the network as a whole;
- (b) update the PAFs on the basis of the above and of the established conservation measures for all sites (see Recommendation 1(b) above);
- (c) ensure consistency between the priorities and objectives set out in the PAFs and the programming documents for the various EU funding instruments and propose measures targeted at the specific needs of the Natura 2000 sites.

**As regards the funding of Natura 2000, the Commission should, for the next programming period:**

- (d) give guidance to the Member States on improving the quality of prioritised action frameworks and on estimating, in a reliable and harmonised manner, planned and actual support for Natura 2000 from EU funding programmes.

## 84

Monitoring and reporting systems for Natura 2000 were not adequate to provide comprehensive information on the effectiveness of the network. As regards EU funds, no specific performance indicator system providing data on whether the supported measures have produced the expected outputs, results and impacts for the Natura 2000 network was in place. Indicators did exist at programme level, but they were more often related to general biodiversity objectives and focused on outputs rather than on the conservation results of the Natura 2000 network (paragraphs 64 to 68). As regards the monitoring of the measures at site level, this was inadequate: monitoring plans were often not included in the site management documents or, when they existed, they were often either not sufficiently detailed or not time-bound (paragraphs 69 to 71). Standard data forms for the sites were generally not updated following the monitoring activities (paragraph 72). As regards monitoring and reporting of the conservation status of protected habitats and species, the data reported by the Member States for *The state of nature* report was too often incomplete and comparability remained a challenge (paragraphs 73 to 78).

### **Recommendation 3 — Measuring the results achieved by Natura 2000**

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**As regards the performance indicator system for the EU funding programmes, Member States should for the next programming period (commencing 2021):**

- (a) include indicators and targets for the relevant funds which are specific to Natura 2000 and allow more precise and accurate tracking of the results generated by Natura 2000 funding;

**and the Commission should for the next programming period:**

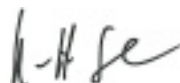
- (b) establish cross-cutting Natura 2000 indicators for all EU funds.

**As regards the monitoring plans for habitats, species and sites, Member States should, by 2020:**

- (c) in order to be able to measure the results of the conservation measures, prepare monitoring plans at site level, implement them and update the standard data forms regularly.

This Report was adopted by Chamber I, headed by Mr Phil WYNN OWEN, Member of the Court of Auditors, in Luxembourg at its meeting of 11 January 2017.

*For the Court of Auditors*



Klaus-Heiner LEHNE  
*President*

Table 1 – Number and area of Natura 2000 sites

|                |                              |                 |       |        | Natura 2000 area data per EU Member State (in km <sup>2</sup> ) |         |           | Proportion European land area of Member State covered by (in %) |       |       |
|----------------|------------------------------|-----------------|-------|--------|---|---------|-----------|---|-------|-------|
|                | Land area in km <sup>2</sup> | Number of sites |       |        | Total (terrestrial + marine)                                    |         |           |   |       |       |
|                | (European part)              | SCI             | SPA   | N2K    | SCI   | SPA     | N2K       | SCI   | SPA   | N2K   |
| Belgium        | 30 528                       | 281             | 255   | 310    | 4 404   | 3 500   | 5 158     | 10.73   | 10.42 | 12.73 |
| Bulgaria       | 110 910                      | 234             | 119   | 340    | 35 740  | 25 776  | 41 048    | 29.99   | 22.74 | 34.46 |
| Czech Republic | 78 866                       | 1 075           | 41    | 1 116  | 7 856   | 7 035   | 11 061    | 9.96  | 8.92  | 14.03 |
| Denmark        | 43 093                       | 261             | 113   | 350    | 19 670  | 14 789  | 22 647    | 7.37  | 6.05  | 8.34  |
| Germany        | 357 031                      | 4 557           | 742   | 5 206  | 54 451  | 59 966  | 80 773    | 9.39  | 11.27 | 15.45 |
| Estonia        | 45 226                       | 542             | 66    | 568    | 11 669  | 12 662  | 14 837    | 17.21   | 13.67 | 17.87 |
| Ireland        | 70 280                       | 430             | 165   | 595    | 16 950  | 5 895   | 19 486    | 10.19   | 6.14  | 13.13 |
| Greece         | 131 940                      | 241             | 202   | 419    | 28 078  | 29 527  | 42 946    | 16.21   | 20.94 | 27.09 |
| Spain          | 504 782                      | 1 467           | 644   | 1 863  | 172 268   | 153 032 | 222 142   | 23.26   | 20.00 | 27.29 |
| France         | 549 192                      | 1 364           | 392   | 1 756  | 75 585  | 79 087  | 111 677   | 8.68  | 7.93  | 12.74 |
| Croatia        | 56 594                       | 741             | 38    | 779    | 20 708  | 18 146  | 25 690    | 28.34   | 30.10 | 36.58 |
| Italy          | 301 333                      | 2 314           | 610   | 2 589  | 48 561  | 44 113  | 63 965    | 14.21   | 13.31 | 18.97 |
| Cyprus         | 5 736                        | 40              | 30    | 63     | 883   | 1 644   | 1 784     | 13.11   | 26.74 | 28.82 |
| Latvia         | 64 589                       | 329             | 98    | 333    | 10 085  | 10 889  | 11 833    | 11.49   | 10.23 | 11.53 |
| Lithuania      | 65 301                       | 410             | 84    | 485    | 6 665   | 6 586   | 9 248     | 9.40  | 8.47  | 12.16 |
| Luxembourg     | 2 597                        | 48              | 18    | 66     | 416   | 418     | 702       | 16.02   | 16.10 | 27.03 |
| Hungary        | 93 030                       | 479             | 56    | 525    | 14 442  | 13 747  | 19 949    | 15.52   | 14.78 | 21.44 |
| Malta          | 316                          | 32              | 13    | 39     | 233   | 17      | 234       | 12.97   | 4.11  | 12.97 |
| Netherlands    | 41 526                       | 139             | 76    | 194    | 14 810  | 10 502  | 17 315    | 7.55  | 11.48 | 13.29 |
| Austria        | 83 859                       | 247             | 99    | 294    | 9 191   | 10 169  | 12 691    | 10.96   | 12.13 | 15.13 |
| Poland         | 312 685                      | 849             | 145   | 987    | 38 526  | 55 617  | 68 401    | 10.93   | 15.48 | 19.56 |
| Portugal       | 91 990                       | 106             | 62    | 165    | 39 781  | 17 952  | 50 895    | 17.05   | 10.01 | 20.67 |
| Romania        | 238 391                      | 383             | 148   | 531    | 41 469  | 36 978  | 55 674    | 16.68   | 14.83 | 22.56 |
| Slovenia       | 20 273                       | 323             | 31    | 354    | 6 640   | 5 078   | 7 684     | 32.73   | 25.00 | 37.85 |
| Slovakia       | 48 845                       | 473             | 41    | 514    | 5 837   | 13 106  | 14 442    | 11.95   | 26.83 | 29.57 |
| Finland        | 338 145                      | 1 721           | 468   | 1 865  | 55 357  | 31 080  | 55 988    | 14.36   | 7.29  | 14.45 |
| Sweden         | 414 864                      | 3 986           | 544   | 4 082  | 64 003  | 30 075  | 64 578    | 13.20   | 6.11  | 13.32 |
| United Kingdom | 244 820                      | 654             | 272   | 924    | 80 190  | 28 051  | 95 106    | 5.35  | 6.54  | 8.54  |
| EU28           | 4 346 742                    | 23 726          | 5 572 | 27 312 | 884 469   | 725 433 | 1 147 956 | 13.84   | 12.38 | 18.12 |

Source: European Commission, Natura 2000 barometer, January 2016.

**Table 2 – Number of Sites of Community Importance (SCIs) and Special Areas of Conservation (SACs)**

| Country        | SCIs by Jan 2010<br>(deadline expired) | Designated as SACs<br>by Jan 2016 |
|----------------|--|-----------------------------------|
| Belgium        | 280                                    | 130                               |
| Bulgaria       | 228                                    | 6                                 |
| Czech Republic | 1 082                                  | 287                               |
| Denmark        | 261                                    | 261                               |
| Germany        | 4 622                                  | 2 658                             |
| Estonia        | 531                                    | 535                               |
| Ireland        | 424                                    | 5                                 |
| Greece         | 239                                    | 239                               |
| Spain          | 1 448                                  | 985                               |
| France         | 1 366                                  | 1 183                             |
| Croatia        | 0                                      | 0                                 |
| Italy          | 2 288                                  | 522                               |
| Cyprus         | 36                                     | 2                                 |
| Latvia         | 324                                    | 329                               |
| Lithuania      | 279                                    | 84                                |
| Luxembourg     | 48                                     | 48                                |
| Hungary        | 467                                    | 479                               |
| Malta          | 28                                     | 0                                 |
| Netherlands    | 146                                    | 139                               |
| Austria        | 168                                    | 149                               |
| Poland         | 823                                    | 0                                 |
| Portugal       | 96                                     | 34                                |
| Romania        | 273                                    | 0                                 |
| Slovenia       | 259                                    | 229                               |
| Slovakia       | 382                                    | 305                               |
| Finland        | 1 715                                  | 1 710                             |
| Sweden         | 3 983                                  | 3 983                             |
| United Kingdom | 623                                    | 622                               |
| <b>EU28</b>    | <b>22 419</b>                          | <b>14 924</b>                     |

Source: European Commission.

Table 3 – Overview of the 24 sites examined

| Member State | Site   | Type of site | Surface (ha) | Biogeographical region | Management plan approved | Timely adoption of management plans | Management plan implementation started | Review of the management plan | Follow-up of the implementation | Monitoring plans implemented | Some site monitoring undertaken <sup>2</sup> | Standard Data Forms updated |
|--------------|--------|--------------|--------------|------------------------|--------------------------|-------------------------------------|--|-------------------------------|---------------------------------|------------------------------|--|-----------------------------|
| Germany      | Site 1 | SPA, SAC     | 15 014       | Atlantic               | Y <sup>1</sup>           | Y <sup>1</sup>                      | Y                                      | NA                            | Y                               | N                            | Y  | Y <sup>1</sup>              |
|              | Site 2 | SPA, SAC     | 74 690       | Continental            | Y <sup>1</sup>           | Y <sup>1</sup>                      | Y                                      | NA                            | Y                               | N                            | Y  | Y <sup>1</sup>              |
|              | Site 3 | SPA, SAC     | 4 525        | Continental            | N                        | N                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 4 | SAC          | 1 927        | Alpine                 | N                        | N                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 5 | SPA, SAC     | 4 180        | Continental            | N                        | N                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
| Spain        | Site 1 | SPA, SAC     | 37 804       | Atlantic               | Y                        | N                                   | Y <sup>1</sup>                         | NA                            | N                               | N                            | Y  | N                           |
|              | Site 2 | SPA, SAC     | 27 983       | Mediterranean          | Y                        | N                                   | Y <sup>1</sup>                         | NA                            | N                               | N                            | Y  | N                           |
|              | Site 3 | SPA, SCI     | 29 285       | Mediterranean          | N                        | N                                   | N                                      | NA                            | N                               | N                            | Y  | N                           |
|              | Site 4 | SPA, SAC     | 9 689        | Macaronesian           | N                        | N                                   | N                                      | NA                            | N                               | N                            | Y  | N                           |
|              | Site 5 | SAC          | 634          | Macaronesian           | Y                        | Y                                   | Y <sup>1</sup>                         | NA                            | N                               | N                            | Y  | Y                           |
| France       | Site 1 | SPA, SAC     | 33 695       | Atlantic               | Y                        | Y                                   | Y <sup>1</sup>                         | N                             | Y                               | Y                            | Y  | N                           |
|              | Site 2 | SPA, SAC     | 18 840       | Atlantic               | Y                        | Y                                   | Y                                      | N                             | N                               | Y                            | Y  | N                           |
|              | Site 3 | SCI          | 9 369        | Mediterranean          | Y                        | N                                   | Y                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 4 | SPA, SCI     | 39 781       | Alpine                 | Y                        | Y                                   | Y                                      | N                             | Y                               | N                            | Y  | N                           |
| Poland       | Site 1 | SCI          | 157          | Continental            | Y                        | Y                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 2 | SPA          | 30 778       | Continental            | Y                        | N                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 3 | SPA          | 6 846        | Continental            | Y                        | Y                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 4 | SCI          | 249          | Alpine                 | N                        | N                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
|              | Site 5 | SCI          | 8 256        | Alpine                 | N                        | N                                   | N                                      | NA                            | N                               | N                            | N  | N                           |
| Romania      | Site 1 | SPA          | 1 527        | Pannonian              | N                        | N                                   | N                                      | NA                            | N                               | N                            | Y  | Y                           |
|              | Site 2 | SCI          | 1 855        | Continental            | N                        | N                                   | N                                      | NA                            | N                               | N                            | N  | Y                           |
|              | Site 3 | SCI          | 4 281        | Alpine                 | N                        | N                                   | N                                      | NA                            | N                               | N                            | Y  | Y                           |
|              | Site 4 | SPA          | 881          | Black Sea              | N                        | N                                   | N                                      | NA                            | N                               | N                            | Y  | Y                           |
|              | Site 5 | SPA, SCI     | 2 413        | Steppic                | N                        | N                                   | N                                      | NA                            | N                               | N                            | Y  | Y                           |
| Total YES    |        |              |              |                        | 12                       | 8                                   | 9                                      | 0                             | 4                               | 2                            | 14   | 8                           |
| Total NO     |        |              |              |                        | 12                       | 16                                  | 15                                     | 3                             | 20                              | 22                           | 10   | 16                          |

1 Partially.

2 Monitoring actions not included in the monitoring plans.

Table 4 – Overview of the appropriate assessments ('AA') examined

| Member State | Site   | Project     | AA required?   | AA consistently and completely performed? | Control type                                 |   |   |                                      | Mitigation measures included? | Compensatory measures included? |
|--------------|--------|-------------|----------------|---|--|---|---|--------------------------------------|-------------------------------|---------------------------------|
|              |        |             |                |   | Impact on all species and habitats analysed? | Traceability of decisions made ensured? | Quality of the AA sufficient? (e.g. lack of suitable personnel) | Cumulative effect properly assessed? |                               |                                 |
| Germany      | Site 1 | Project 1.1 | Y              | N   | Y  | Y                                       | N   | N                                    | N                             | N                               |
|              | Site 1 | Project 1.2 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 1 | Project 1.3 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 2 | Project 2.1 | Y              | N   | N  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 2 | Project 2.2 | Y              | N   | N  | Y                                       | N   | N                                    | N                             | N                               |
|              | Site 3 | Project 3.1 | Y              | Y   | Y  | Y                                       | Y   | Y                                    | Y                             | N                               |
|              | Site 3 | Project 3.2 | Y              | Y   | Y  | Y                                       | Y   | Y                                    | Y                             | N                               |
|              | Site 4 | Project 4.1 | Y              | Y   | Y  | Y                                       | Y   | Y                                    | Y                             | N                               |
|              | Site 4 | Project 4.2 | Y              | Y   | Y  | Y                                       | Y   | Y                                    | N                             | N                               |
|              | Site 5 | Project 5   | Y              | Y   | Y  | Y                                       | Y   | Y                                    | Y                             | N                               |
| Spain        | Site 1 | Project 1.1 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 1 | Project 1.2 | Y              | N   | N  | N                                       | N   | N                                    | Y                             | N                               |
|              | Site 2 | Project 2.1 | Y              | N   | N  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 2 | Project 2.2 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 3 | Project 3.1 | Y              | -   | -  | -                                       | -   | -                                    | -                             | -                               |
|              | Site 3 | Project 3.2 | Y              | -   | -  | -                                       | -   | -                                    | -                             | -                               |
|              | Site 4 | Project 4.1 | Y              | -   | -  | -                                       | -   | -                                    | -                             | -                               |
|              | Site 4 | Project 4.2 | Y              | -   | -  | -                                       | -   | -                                    | -                             | -                               |
|              | Site 5 | Project 5.1 | Y              | -   | -  | -                                       | -   | -                                    | -                             | -                               |
|              | Site 5 | Project 5.2 | Y              | -   | -  | -                                       | -   | -                                    | -                             | -                               |
| France       | Site 1 | Project 1.1 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 2 | Project 2.1 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 2 | Project 2.2 | Y <sup>1</sup> | N   | N  | N                                       | N   | N                                    | N                             | N                               |
|              | Site 2 | Project 2.3 | Y <sup>1</sup> | N   | Y  | Y                                       | Y   | N                                    | N                             | N                               |
|              | Site 3 | Project 3.1 | Y              | N   | Y  | N                                       | N   | N                                    | N                             | N                               |
|              | Site 3 | Project 3.2 | Y <sup>1</sup> | N   | Y  | Y                                       | Y   | N                                    | N                             | N                               |
|              | Site 3 | Project 3.3 | Y              | Y   | Y  | Y                                       | Y   | Y                                    | Y                             | N                               |
|              | Site 4 | Project 4.1 | Y              | N   | N  | Y                                       | Y   | N                                    | N                             | N                               |
|              | Site 4 | Project 4.2 | Y <sup>1</sup> | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|              | Site 4 | Project 4.3 | Y              | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |

| Member State                           | Site   | Project     | AA required? | AA consistently and completely performed? | Control type                                 |   |   |                                      | Mitigation measures included? | Compensatory measures included? |
|--|--------|-------------|--------------|---|--|---|---|--------------------------------------|-------------------------------|---------------------------------|
|  |        |             |              |   | Impact on all species and habitats analysed? | Traceability of decisions made ensured? | Quality of the AA sufficient? (e.g. lack of suitable personnel) | Cumulative effect properly assessed? |                               |                                 |
| Poland                                 | Site 1 | Project 1   | Y            | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|  | Site 2 | Project 2.2 | Y            | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|  | Site 3 | Project 3.1 | Y            | N   | Y  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 3 | Project 3.2 | Y            | N   | Y  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 4 | Project 4.1 | Y            | N   | Y  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 4 | Project 4.2 | Y            | N   | Y  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 5 | Project 5.1 | Y            | N   | Y  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 5 | Project 5.2 | Y            | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
| Romania                                | Site 1 | Project 1.1 | Y            | N   | N  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 2 | Project 2.1 | Y            | Y   | Y  | Y                                       | Y   | Y                                    | Y                             | N                               |
|  | Site 2 | Project 2.2 | Y            | N   | N  | Y                                       | N   | N                                    | N                             | N                               |
|  | Site 3 | Project 3.1 | Y            | N   | -  | N                                       | -   | -                                    | -                             | N                               |
|  | Site 3 | Project 3.2 | Y            | N   | N  | Y                                       | N   | N                                    | N                             | N                               |
|  | Site 4 | Project 4.1 | Y            | N   | N  | Y                                       | N   | N                                    | Y                             | N                               |
|  | Site 4 | Project 4.2 | Y            | N   | -  | N                                       | -   | -                                    | Y                             | N                               |
|  | Site 5 | Project 5.1 | Y            | N   | Y  | Y                                       | Y   | N                                    | Y                             | N                               |
|  | Site 5 | Project 5.2 | Y            | N   | N  | Y                                       | N   | N                                    | Y                             | N                               |
| Total YES                              |        |             | 47           | 7   | 28   | 36                                      | 24  | 7                                    | 30                            | 0                               |
| Total NO                               |        |             |              | 34  | 11   | 5                                       | 15  | 32                                   | 10                            | 41                              |
| Insufficient documentation to conclude |        |             |              | 6   | 8  | 6                                       | 8   | 8                                    | 7                             | 6                               |
| Total                                  |        |             | 47           | 47  | 47   | 47                                      | 47  | 47                                   | 47                            | 47                              |

1 Simplified procedures; comprehensive AA not required by the environmental authority.

Legend: - Insufficient documentation to conclude.

Note: After the AA exercise, Projects 1.1 in Germany and 5.1 in Poland did not obtain authorisation to proceed from the competent authorities.

**Table 5 – Funding Natura 2000 from EU funds for the programming period 2007-2013**

| Fund name  | Objective of the fund  |
|--|--|
| Financial Instrument for the Environment (LIFE+)         | Nature and biodiversity component of LIFE+ is to support the further development and implementation of the Natura 2000 network.  |
| European Agricultural Fund for Rural Development (EAFRD) | There are two Natura 2000-specific payments under RDP: measure 213 'Natura 2000 payments and payments linked to directive' and measure 224 'Natura 2000 payments and payments linked to directive (forests)'.<br><br>Other RDP measures are likely to be used in Natura 2000 sites, in particular measure 214 'Agri-environment payments'.   |
| European Fisheries Fund (EFF)                            | Aqua-environmental measures can promote 'sustainable aquaculture compatible with specific environmental constraints resulting from the designation of Natura 2000 areas'.<br><br>In addition, the EFF can be used to support measures of common interest for 'the protection and enhancement of the environment in the framework of Natura 2000 where its areas directly concern fishing activities, excluding operational costs'. |
| European Regional Development Fund (ERDF)                | Several actions under the structural funds may concern Natura 2000 sites, in particular action 51 'Promotion of biodiversity and nature protection (including Natura 2000)', action 55 'Promotion of natural assets' and action 56 'Protection and development of natural heritage'.   |
| European Social Fund (ESF)                               |  |
| Cohesion Fund (CF)                                       |  |
| 7 <sup>th</sup> research framework programme (FP7)       | The FP7 supports transnational research in a range of thematic areas such as the environment.  |

Source: ECA's analysis.



## Executive summary

### III

As a result of the Fitness Check evaluation, the Commission is planning to adopt in 2017 an action plan to improve the implementation of the Nature Directives.

### IV

The establishment and implementation of the necessary conservation measures is central to achieving the Directives' objectives. It requires good knowledge of habitats and species ecological requirements, which is sometime still not available.

### V

Cohesion Policy fully integrates nature protection considerations both in relation to the possibility to finance measures in Natura 2000 sites and in relation to ensuring avoidance of harming those sites by any investments whose primarily objective is not Natura 2000 protection.

Restoration, preservation and enhancement of biodiversity, including in Natura 2000 areas, is one of the sub-priorities of rural development. Member States have thus legal grounds and tools within this policy to support management of Natura 2000 sites. In the RDPs 2014-2020 almost EUR 44 billion of EAFRD was allocated to priority 4 (almost 45%) which includes the biodiversity sub-priority and which both directly and indirectly benefits biodiversity, even though it is not possible to indicate the exact budget dedicated to the management of Natura 2000. Moreover, more than 18% of agricultural land (in addition to forest land) is under management contracts supporting biodiversity, even if it is not possible to indicate the exact area under management contract for the purpose of the implementation of Natura 2000 management plans.

### VI

For the European Regional Development Fund (ERDF) and the Cohesion Fund (CF), reporting on indicators was not obligatory in the 2007-2013 period. There was no core (common) indicator related to Natura 2000 – there were no core (common) indicators for results. For the programming period 2014-2020, there is one indicator for biodiversity (Surface area of habitats supported to attain a better conservation status).

EAFRD has specific output indicators to monitor Natura 2000-supported operations. The 2007-2013 ex-post evaluations to be submitted by the Member States are due by the end of 2016 and will be synthesized by the Commission in 2017.

ERDF, EAFRD and CF cover a huge number of diverse areas. Hence, multiplying the number of indicators for one area would imply a similar obligation for other areas, too.

### Introduction

#### 07

While the Commission checks the consistency between the needs and objectives identified in the Prioritised Action Frameworks (PAFs) and the funding programmes, Member States can decide to meet the PAFs objectives by using other funds and means.

For major projects of the Cohesion Policy and funded by ERDF or CF, the Commission checks the compliance with the Natura 2000-related requirements before a Commission Decision is made for those projects.

### Observations

#### Box 2 — Second indent

The concept of partnership and multi-level governance, included in the common provisions for all European Structural and Investment Fund, is expected to make coordination between various actors interested in a given policy a normal practice. Relevant public authorities should be part of the partnership which should however be organised in accordance with Member States' institutional and legal framework and national and regional competences. Within this concept, the Managing authorities are obliged to involve partners in preparation and implementation of programmes. The Commission also adopted a European code of conduct on partnership to facilitate the concept's implementation in Member States for the 2014-2020 programming period.

#### 32

Regarding the Polish project, the non-fulfilment of the condition imposed by the development consent on the project is a clear infringement, not only of EU law, but also of the Polish legislation. According to the Commission's knowledge, the Polish legislation provides for sufficient provisions in this respect. Most notably, the Polish Construction Law requires for certain types of projects (in particular roads, railways, and other projects falling under the EIA Directive) to obtain 'construction commissioning authorisation' after completion of construction works and before the constructed infrastructure can be operated. Nevertheless, the Commission is aware that implementation deficiencies may occur. The cases of non-respect of environmental conditions can be reported to the respective Regional Directorate for Environmental Protection who takes enforcement action under the Act on enforcement of administrative proceedings.

#### 36

The language barrier is an unavoidable one, considering the transnational character of the Biogeographical Process and the limited resources available, which do not allow for interpretation during the meetings.

Furthermore, the Commission services have invited all actors involved in this process to make available in their language documents of particular interest (such as for example national interpretation guides of habitat types and their conservation status). Finally, networking events can also be organised in other languages, not only in English, depending on the countries/regions involved.

## Reply of the Commission

### 41

As regards EAFRD, there is data on expenditure for the measures specifically addressed to Natura 2000 (measures 213 – “Natura 2000 payments” and 224 “Forest Natura 2000 payments”). To cover expenditure made in Natura 2000 through other measures, the Commission has increased its monitoring efforts on Natura 2000 funding in the programming period 2014-2020. In particular, expenditure realized with agri environmental climate measure in Natura 2000 areas will be monitored.

As regards ERDF and CF, there were allocations related to Natura 2000 under category of intervention 51 on Promotion of biodiversity and nature protection (including Natura 2000). To better distinguish the funding for Natura 2000 from the other biodiversity related support, for the 2014-2020 period, two separate categories were created numbered 085 and 086.

### 42

Member States authorities are free to decide the way their Natura 2000 network is managed and funded.

Conservation measures in Natura 2000 sites are usually a combination of obligations and voluntary measures. The choice of the approach influences the instruments which can be used for financing.

Support under measures 213 and 224 could only be granted for mandatory requirements defined in management plans or the equivalent instruments. Lack of such plans or instruments in many Natura 2000 sites made the use of these measures impossible in those sites.

Furthermore, most Member States have usually opted for management of Natura 2000 sites through the voluntary approach where other tools such as agri-environment measure could be relevant. Therefore, a limited use of measures 214 and 224 does not provide a complete picture of the rural development support for Natura 2000.

See also reply to paragraph 41.

### 43

Under the ERDF and CF the support for Natura 2000 and other biodiversity/nature protection measures are included in the same category of intervention for the 2007-2013 period. This has changed for the 2014-2020 period for which the Natura 2000 sites support is in a separate category of intervention.

In the context of rural development, there are various measures benefiting Natura 2000 in direct or indirect manner, e.g. supporting soil protection in agri-environment measure also benefits biodiversity. Distinguishing the support for Natura 2000 from the funding for other environmental actions might risk not reflecting the real multiple effect nature of many measures. That is why the accounting for sub-actions of rural development's environmental priority 4 is reported at the aggregated level of the priority.

In the RDPs 2014-2020 almost EUR 44 billion of EAFRD (almost 45%) was allocated to priority 4 which both directly and indirectly benefits biodiversity, even though it is not possible to indicate the exact budget dedicated to the management of Natura 2000. In addition, more than 18% of agricultural land (in addition to forest land) is under management contracts supporting biodiversity, even if it is not possible to indicate the exact area under management contract for the purpose of the implementation of Natura 2000 management plans.

See also the Commission's reply to paragraph 42.

### 44

The Commission wishes to highlight the following:

- As regards EAFRD, the Commission has increased its monitoring efforts on Natura 2000 funding in the programming period 2014-2020;
- as regards ERDF and CF, there is data per Member State for the support allocated under the ERDF and the CF for biodiversity/nature protection which also includes the support for the Natura 2000 sites (See also reply to paragraph 41).

### 45

The Commission summarised and briefly analysed the information received from most Member States as internal documents (also with the support from an external contract).

As regards the follow-up of assessments, the process was not formalised. However, as a result of bilateral exchanges (e.g. during the financing seminars) or in the framework of LIFE PAF/IP projects, Member States/regions were invited to update their PAFs and this has already taken place in several Member States or Regions (e.g. Spain, Ireland, the Netherlands, Wales).

### 49

It is the choice of the Member States to support Natura 2000 in their OPs that determines the existence of funding for Natura 2000. This is also in line with observation n. 9 ("The Member States are responsible for establishing, managing and funding the Natura 2000 site network").

See the Commission's reply to paragraphs 41 and 43.

### 50

The thematic concentration does not prevent the investments in environmental protection, including for biodiversity protection, but focused for the more developed regions the investments away from basic water and waste management infrastructure. As a result, we see a similar situation in terms of financial allocations for biodiversity/nature protection measures for the programming period 2014-2020 (EUR 3.7 billion out of which about EUR 1 billion for Natura 2000 sites) and 2007-2013 (EUR 3.7 billion). Furthermore, the Cohesion policy regulations also require that the sustainable development principle, including environmental protection and biodiversity, is integrated horizontally into the spending of the funds. This means that, for 2014-2020, environmental considerations are to be mainstreamed in all investments supported from Cohesion policy funds.

### 51

See the Commission's reply to paragraph 7.

PAFs were not the unique way of ensuring appropriate consideration of Natura 2000 into the co-financing programmes. The Commission services made a lot of efforts in this respect, notwithstanding the limitations of the PAFs.

## Reply of the Commission

### 52

In addition, even within the other DGs, such as DG REGIO, there has also been internal check with the consistency with the EU environmental policies (including PAs/OPs-based reviews carried out by senior specialists who are part of thematic networks). Guidance was also provided to the geographical units of DG REGIO, for example see:

[http://ec.europa.eu/regional\\_policy/sources/docgener/informat/2014/guidance\\_fiche\\_biodiversity\\_n2000.pdf](http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/guidance_fiche_biodiversity_n2000.pdf).

### 53

The Commission wishes to highlight that time and resources constraints did not allow for a structured approach. Specific checklists developed by DG ENV were always used during the assessments for the OPs and RDPs, even if the relevant tables were not always filled in because of time and resources constraints.

It is recalled that 118 RDPs were assessed by seven officials or national experts in a short timeframe (sometimes in a few days per RDP).

### 54

PAFs, even of an uneven quality, provided for the first time an indication on the financial needs for Natura 2000. This information was not available before and was very useful to support allocations for Natura 2000. Also, PAFs were not the unique way of ensuring appropriate consideration of Natura 2000 into the co-financing programmes. The Commission services made a lot of efforts in this respect, notwithstanding the limitations of the PAFs.

Member States have flexibility on their priorities. There is no obligation to earmark a budget corresponding to the needs identified in the PAF.

In addition, as regards EARDF, not all the Member States (or regions) sufficiently promote the measures to implement Natura 2000 to the potential beneficiaries, which often leads to low uptake of the measures. Finally, the earmarked budget is often not consumed and is switched to other measures at the end of the period.

### 55

Please see the Commission's replies to paragraphs 43 and 50.

### 58

Biodiversity protection and enhancement, including in Natura 2000 sites, being one of the sub-priorities of rural development indicates, that any relevant measure can be used to contribute to this objective. Some of these measures have higher potential in this respect than the others and thus might be better targeted to Natura 2000 needs.

Within agri-environment-climate measure, there can be both less and more targeted operations the former being of a general nature benefiting the overall environment while the latter being more focused on a concrete need/objective, e.g. specific habitat or bird species. Both of such operations (less and more targeted) may provide environmental benefits and are included in the rural development programmes.

### 59

Some EFF support was nevertheless provided to beneficiaries affected by these requirements, thus contributing to better social acceptance of Natura 2000 programmes.

#### Box 10 — First indent

The limitation of the scope of the measure was also due to a smaller budget of the RDP as compared with the 2007-2013 period.

#### Box 10 — Second indent

The Commission confirms that RDP for Poland supports only farms above 1 ha.

#### Box 10 — Third indent

Throughout the implementation of the 2007-2013 Romanian RDP and at the time of approval of the RDP 2014-2020, there were very few Natura 2000 management plans in place. Therefore, the agri-environmental measures targeting the bird species mentioned in this report could not a priori take into account conservation measures which were not yet set out. In the absence of such conservation measures, the agri-environmental measures were designed to provide broad protection schemes to contribute to the conservation objectives set up at national, EU and international level as a precursor to the Natura 2000 management plans. Romania specified in the RDP 2014-2020 that when more Natura 2000 management plans were adopted, it would review the AECM schemes and consider the introduction of the Natura 2000 support measure.

The proposed agri-environmental schemes do include (in Package 3.2 Lanius Minor and Falco Vespertinus and in both programming periods) commitments to limit livestock density for grazing and mowing only to certain periods, to ban ploughing tilling and use of heavy mechanical works. Uptake of such voluntary commitments depends on the interest of individual farmers in signing up to them.

### 61

Regarding Romania: LIFE co-financed 4 projects on brown bears conservation in Romania, three completed and one on-going. The first three covered different scales and scope: 1) a specific Natura 2000 site (Muntii Vrancei), 2) regional level including all Natura 2000 sites from Vrancea County and two neighbour counties, 3) setting national rules for conservation of brown bear (with data collected and analysed at national level). The objectives of the on-going LIFE13 NAT/RO/1154 is to conserve brown bear population on a smaller scale in Brasov County and the project actions are mainly related to human-bear conflict. In the four projects the scale and the areas are different and the studies included have a corresponding coverage.

### 62

Result-oriented conservation operations for instance within agri-environment-climate measure are a good example of a tool fitting into the concept of budget for results. It focuses more on the beneficiaries effort and own knowledge to deliver the expected results in the concrete ecosystems and not only to follow the prescribed practices. When result-oriented operations are well designed and based on evidence and correctly established indicators, their control should be easier than the control of operations based on prescribed management practices. The cost of result-oriented operations might be higher at the conceptual phase (e.g. setting the appropriate and clear indicators) than at the implementation stage.

Member States have allocated funds to result-oriented measures for Natura 2000.

## Reply of the Commission

### Box 12

Some other German regions included result-oriented agri-environment schemes in their rural development programmes in 2007-2013 and/or 2014-2020 periods.

### 63

For ERDF/CF, monitoring at programme level will provide information on the implementation of a programme and its priority axes and on any issues affecting the performance of the programme.

### 64

As regards ERDF/CF, reporting on indicators was not obligatory for 2007-2013. In 2014-2020 common output indicators have been included in the Regulation and must be used, where relevant, to aggregate information across all programmes – where the actions of a programme do not reflect a common output indicator, the Member States have to identify and report on a relevant programme-specific indicator. For ERDF/CF, result indicators are always programme-specific.

### 65

The EAFRD monitoring indicators (inputs and outputs) provide a close view on what is actually supported. This is complemented with evaluations done for each RDP which aim at evaluating the efficiency of the policy. The 2007-2013 ex-post evaluations submitted by the Member States will be synthesized by the Commission in 2017.

### Box 14

See the Commission's reply to paragraph 65.

### 66

See the Commission's reply to paragraph 65.

### 68

The funds have specific output indicators to monitor Natura 2000-supported operations. The 2007-2013 ex-post evaluations to be submitted by the Member States are due by the end of 2016 and will be synthesized by the Commission in 2017.

### 69

The Commission notes that there is no explicit obligation under the Habitats Directive to establish a monitoring plan at site level. However, it agrees that monitoring at site level is essential to assess the effectiveness of conservation measures as well as in order to comply with other obligations set by the Directive, such as the obligation to avoid deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the sites have been designated (Article 6(2)).

**71**

See the Commission's reply to paragraph 69.

**72**

The Commission checks whether SDFs have been updated (with regard to changes to the information on species and habitats for the sites are designated) or whether site boundaries have been modified, both in the framework of the annual update of the Union lists of SCIs and in the framework of the update of sufficiency assessment of the SCI network. The Commission intends to carry out a more comprehensive check in 2017.

**78**

The absence of a 'common' data collection method is not critical and given the extreme diversity of species, habitats and ecological conditions across the EU (in land and at sea), it is virtually impossible (and ecologically not feasible) to establish a single 'one size fits all' monitoring methodology; the critical issue is rather the lack of scientifically valid inventories and monitoring schemes for many species and habitat types in many Member States; if a monitoring method is scientifically valid and it delivers statistically significant results, then this is enough to guarantee the quality and comparability of data (e.g. population sizes and trends).

## Conclusions and recommendations

**81**

As a result of the Fitness Check evaluation, the Commission is planning to adopt in 2017 an action plan to improve the implementation of the Nature Directives.

### **Recommendation 1 — Achieving full implementation of the Nature Directives**

- (a) The Commission welcomes this recommendation to Member States.
- (b) The Commission welcomes this recommendation to Member States and notes that it is also essential to make sure that the Natura 2000 network is completed, including as regards its marine component.

The Commission further notes that it is essential that the implementation of the conservation measures is monitored.

- (c) The Commission accepts the recommendation. It recognises the existing linguistic barriers and it aims to make guidance documents available in all official languages. However, due to constraint in financial resources, this is only possible in a progressive manner: according to the subject covered, some languages are prioritized as compared to others, also taking into account the most spoken languages in the EU. Key guidance documents are translated into all official languages as from the date of their release. All of them are made available on the Commission website. It also relies on Member States to make sure they are disseminated to the target groups.



### 83

As regards the European Regional Development Fund (ERDF) and the Cohesion Fund (CF):

- the allocations from the ERDF and the CF related to Natura 2000, which were included under category of intervention 51 on Promotion of biodiversity and nature protection (including Natura 2000) for the 2007-2013 period, are in two separate categories for the 2014-2020 programming period, in order to better distinguish the funding for Natura 2000 for the other biodiversity-related support;
- the majority of the Member States allocated ERDF and CF support for the Natura 2000 sites and in general for biodiversity/nature protection measures;
- there is data per Member State for the support allocated under the ERDF and the CF for biodiversity/nature protection which also includes the support for the Natura 2000 sites (See also reply to paragraph 41).

In the RDPs 2014-2020, almost EUR 44 billion of EAFRD (about 45%) was allocated to priority 4, which includes the biodiversity sub-priority and which both directly and indirectly benefits biodiversity even though it is not possible to indicate the exact budget dedicated to the management of Natura 2000. Moreover, more than 18% of agricultural land (in addition to forest land) is under management contracts supporting biodiversity, even if it is not possible to indicate the exact area under management contract for the purpose of the implementation of Natura 2000 management plans.

### **Recommendation 2 — Financing and accounting for the costs of Natura 2000**

- (a) The Commission welcomes this recommendation to Member States.
- (b) The Commission welcomes this recommendation to Member States.
- (c) The Commission welcomes this recommendation to Member States and notes that it is also essential to ensure adequate funding of Natura 2000 to match available EU funding.
- (d) The Commission accepts the recommendation. However, this is without prejudice to the outcome of the upcoming discussions on the next programming period.

### **Recommendation 3 — Measuring the results achieved by Natura 2000**

- (a) The Commission welcomes this recommendation to Member States.
- (b) The Commission accepts the recommendation.

However, this is without prejudice to the outcome of the upcoming discussions on the next programming period. The Commission will consider improvement to existing indicators and the possibility to establish new ones, where relevant.

- (c) The Commission welcomes this recommendation to Member States.



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| Event  | Date      |
|--|-----------|
| Adoption of the audit planning memorandum/Start of audit                     | 15.7.2015 |
| Official sending of draft report to Commission (or other auditee)            | 9.11.2016 |
| Adoption of the final report after the adversarial procedure                 | 11.1.2017 |
| Commission's (or other auditee's) official replies received in all languages | 10.2.2017 |

The Natura 2000 network is a key element of the EU's strategy to halt biodiversity loss. The network includes thousands of sites protecting diverse natural habitats and species, all over the EU. Our audit recognised the major role played by Natura 2000 in protecting biodiversity, but found that significant progress is still needed if the EU's ambitious goals to protect biodiversity are to be met. Member States were not managing the network well enough; EU funding was not well mobilised; and there was a lack of comprehensive information on its effectiveness. The Court therefore makes a number of recommendations aimed at fully implementing the network, clarifying the funding framework, and measuring results.



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