

Speech by Roby Biwer

CoR member and rapporteur for the contribution to the fitness-check of the Bird and Habitats Directives

Conference on the Fitness Check of the EU Nature Directives

20 November 2015

The Square - Brussels Meeting Centre, Brussels

**Dear Minister Dieschbourg,
Commissioner Vella,
Mr Bruyninckx,
Dear Chair and participants,**

I am very grateful for having been invited, as the European Committee of the Regions' rapporteur on the fitness-check, to represent my Committee in this high level introductory session.

The Committee of the Regions decided to draw-up an own-initiative opinion on the fitness-check in order to gather and introduce into the debate the proposals and experience of local and regional authorities with the Birds and Habitats Directives and especially, Natura 2000 sites. Our opinion has already been adopted unanimously in the Committee's Commission for Environment.

Dear Commissioner Vella, dear Chair,

I am very pleased that you decided to present in this introductory session ALL levels of governance and administration involved in the Nature Directives.

I see this as a very strong signal of this conference : that the debate does not stop at the Member States' national level, but looks also at the level of regional governments and local authorities!

Local and regional authorities have a key role to play in the implementation of the Nature Directives.

Overall, the following 6 issues are competencies of the local or regional level:

1. the designation of sites of community interest,
2. their protection as special areas for conservation,
3. their management including mediation of conflicts with different stakeholders,
4. the carrying out or the authorisation of impact assessments,
5. the strict protection of species,
6. and the allocation of funding

Based on our opinion, on exchanges I had with regions and cities, with the European Parliament rapporteur and shadow rapporteurs, and from my own experience in Luxemburg, I would like to briefly elaborate on the following four aspects:

First let me start by underling that **“biodiversity matters for regions and cities.”**

Behind the worrying figures provided in the State of Nature Report, we are also worried at our local and regional scale about Natura 2000 sites that are not properly protected and managed, worried about inappropriate impact assessments, and we see, for example, the declining number of common farmland birds in the rural landscapes around our municipalities.

The Mid-Term Review of progress to the EU Biodiversity Strategy to 2020 draws the conclusions that we have to double our efforts, although the State of Nature Report does provide some inspiring positive examples in this regard.

It is often at the local and regional level, with relevant support from the EU, where we already achieved substantial successes. There are several regions and municipalities who are successfully managing their Natura 2000 sites. And others that are successful in managing impact assessments of major infrastructure projects for example.

There is an increasing number of regions and cities that recognise the additional health and social benefits of Natura 2000 and nature conservation.

At EU Green Week, I also had the pleasure to moderate a session about how regions and cities manage their Natura 2000 for the benefit of creating regional and local identity and values.

Second aspect – regions and local authorities do not want any more legal uncertainty on the ground.

Implementing the existing Nature Directives took several years and has not always been an easy task for local and regional authorities - with delayed and incomplete national transposition of the Directives, opposition from different stakeholders to the site designations, numerous court cases and infringement procedures.

Many regions and municipalities have only just recently been starting to operate in a clearer and more stable framework. Initial uncertainties about the interpretation of the directives have largely been addressed by European Court of Justice case law.

The Committee of the Regions believes, for the above reasons, that it would be better not to open up the Nature Directives for review, because this would create another long period of legal uncertainty.

In order to realise the potential of the directives to the greatest possible extent, local and regional authorities still need more time to implement measures that are possible and recommended under the existing directives, but have not yet been put in place,

Instead - and this leads me to my third point – regions and local authorities need the right instruments and EU support for implementation on the ground.

The answer to the still weak, yet improving performance of the Nature Directives is not a lengthy debate on their review. What the Committee of the Regions wants instead is that the European Union and the Member States give the right instruments to local and regional authorities to better implement the Directives. For example, the Commission should adopt more effective implementation guidelines and update existing ones so that they are more easily understandable and available.

The Commission should also reinforce its support for exchange between local and regional authorities, via the instruments referred to in the 7th Environment Action Programme.

Just one example : the existing 'Natura 2000 viewer' of the European Environment Agency could be further developed into a comprehensive geographical online information system which systematically informs all actors about all aspects of the implementation of the Nature Directives in individual Natura 2000 sites.

It is then crucial to achieve a sustainable funding for the Natura 2000 management. The EU should re-assess the possibility of creating a specifically dedicated European fund for Natura 2000. Too often, funding for Natura 2000 loses out when it comes to priority setting by the Member States and regions.

Coming now to my **fourth point**:

Regions and local authorities want the European Commission to ensure a level playing field.

We live in times where citizens risk to lose the believe in Europe - and the idea Europe stands for – and where they see many negative developments.

In this situation, the citizens are looking for positive messages on what the EU can bring to them, and nature conservation is such an EU success story. This is proven by the highest number ever of participants in an EU public consultation.

As a minimum, the EU should support this positive understanding of EU nature conservation by citizens, with actions that ensure a common European level playing field in the implementation of the Nature Directives. And over all, **sensibilisation and information of our citizens is a key factor to success.**

The Commission must take its role as guardian of Union law seriously and respond effectively to complaints concerning the application of Union law and consider infringement proceedings as appropriate.

Ladies and gentlemen,

To conclude, I would like to stress that the Committee of the Regions wants to see pragmatic solutions for a better implementation of the Nature Directives, rather than a new set of long-drawn conflicts between stakeholders affected by the legislation and legal uncertainty that would arise when Directives are put into question.

Local and regional authorities are ready and capable to solve concrete problems on the ground in cooperation with all actors concerned – which I am sure the following speakers will prove.

Thank you for your attention!