

# **ENEP Thematic Task Force Overview**

## **11 March 2015**

### **Title:**

- The Fitness Check of EU Nature Legislation

### **Current Membership of the TTF:**

- Paul Goriup (CIEEM) as the Chair.
- Jason Reeves (CIEEM) as Coordinator.
- Adam Donnan (IES) as supporting MO.
- Other MOs to be approached

### **Objectives:**

- 1) To establish ENEP as a participant in the key stakeholder group for the consultation process and the future.
- 2) To inform ENEP members about the progress, outcomes and implications for environmental professionals of the 2015 Fitness Check into the EC Habitats and Wild Birds Directives.
- 3) To encourage all ENEP member associations to submit consultation responses individually as well as to provide input to the ENEP joint response.

Background Information about the fitness check is attached.

### **Activities and timescales:**

- 1) Make contact with the consortium leading the Fitness Check and DG Environment to express ENEP's wish to be included in the key stakeholder group (March 2015).
- 2) Collate evidence from ENEP members and other European professionals in relation to the Fitness Check criteria including relevant documents and reports (1 April 2015).
- 3) Provide input to the public consultation process and produce an ENEP Position Paper (April-June 2015).
- 4) Produce relevant display and information materials (April-May 2015) and support the ENEP stand at Green Week (3-5 June 2015).
- 5) Launch the Position Paper in Brussels at an event (Green Week if possible) with DG Environment in attendance.
- 6) Represent ENEP at the Fitness Check conference/workshop on 29 September 2015 and circulate summary report on the results (October 2015).
- 7) Contribute to any further rounds of consultations until the publication of the report (ca. March 2016).
- 8) Prepare a revised ENEP Position Paper on the conduct, results and implications of the Fitness Check (ca. May 2016) and have a launch event in Brussels.

### **Funding Required:**

- If direct funding from ENEP is not available, CIEEM will cover the costs of TTF coordination, attendance of CIEEM members of the TTF at relevant meetings and events, information materials for Green Week and production/launch of the Position Paper.
- Other funding may be required for other members of the TTF to attend relevant meetings and events.
- Where possible, teleconferencing will be used to reduce both costs and our environmental footprint.



## Fitness Check of EU Nature Legislation (Birds and Habitats Directives)

As part of its Smart Regulation policy the Commission has initiated a [Regulatory Fitness and Performance Programme](#) (REFIT). This is a continuous process, affecting the whole policy cycle – from the design of a piece of legislation to implementation, enforcement, evaluation and, where justified, revision.

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'. In this context, Fitness Checks provide **an evidence-based critical analysis** of whether EU actions are proportionate to their objectives and delivering as expected. They cover environmental, economic and social aspects, and concern all EU policy areas.

In the environment policy field, the Commission has already completed Fitness Checks of EU freshwater and waste related legislation, and has now begun a Fitness Check of the EU Birds and Habitats Directives.

### The mandate

As a first step, the Commission developed a mandate for the Fitness Check on the EU Birds and Habitats Directives. Published in February 2014, this defines the overall scope and aim of the exercise, and sets out a number of key questions that are to be addressed in relation to the Fitness Check criteria:

- Effectiveness (Have the objectives been met?)
- Efficiency (Were the costs involved reasonable?)
- Coherence (Does the policy complement other actions or are there contradictions?)
- Relevance (Is EU action still necessary?)
- EU added value (Can or could similar changes have been achieved at national/regional level, or did EU action provide clear added value?)

In this context the Fitness Check will examine, among other things:

- Implementation and integration successes and problems
- The costs of implementation and of non-implementation of the legislation
- Opportunities for improving implementation and reducing administrative burden without compromising the integrity of the purpose of the directives
- The situation of implementation in different EU countries
- The views of key stakeholder groups

Here is a link to the [mandate for the Fitness Check](#)

A key input to the Fitness Check will be the Commission's *State of Nature in the EU* report. The report, which is based on Member States' conservation status assessments of the species and habitat types protected by the two nature directives, is due in April 2015. The mid-term view of the Biodiversity Strategy, foreseen for later in 2015, will also provide further evidence-based information.

### Evidence-gathering and public consultation

The collection of evidence, data and information constitutes a critical part of the Fitness Check. Ensuring that all interested parties are able to provide input and make their views known is crucial to the process.

In October 2014, the Commission launched a contract to support the Fitness Check, notably in gathering and assessing relevant information and evidence on implementation and integration achievements and problems from different sources at both EU and Member State level.

Evidence, data and information will be gathered in two key phases.

**Phase 1 (January-April 2015)** involves an extensive evidence-gathering exercise in which all Member States and selected key stakeholder groups are being consulted.

The list of **EU-level** representative bodies consulted as part of the evidence-gathering phase can be accessed [here](#).

At **national level**, one representative from each of the following stakeholder groups have been consulted as part of the evidence-gathering phase in each of the 28 EU Member States:

- 1) Competent authority for nature
- 2) Other public sector body
- 3) Private sector
- 4) Non-governmental organisation involved in nature conservation

In selecting the national level stakeholders, the Commission has sought to ensure that evidence is gathered from a geographically balanced and representative sample of all sectors that interact with the EU nature legislation (eg. agriculture, forestry, marine and fisheries, energy, transport, tourism, other

infrastructure development, etc).

**Phase 2 (April-July 2015):** the Commission will launch a 12-week public Internet consultation, which will be open to all.

#### Reference documents

An initial **list of Commission studies and published and peer-reviewed key documents** relevant for the evaluation of EU Nature Directives has also been drawn up. The relevance to different questions in the mandate of the fitness check is indicated under each of the categories (S = Effectiveness; Y = Efficiency; R = Relevance; C = Coherence; AV = EU added value). The Commission would welcome further contributions to this list, which will be updated at regular intervals and posted on this webpage.

If you would like to propose a document for the list please send the following information to [info.NatureDirectivesFitnessCheck@milieu.be](mailto:info.NatureDirectivesFitnessCheck@milieu.be):

- Title of publication or review;
- Author(s);
- Type of document (scientific review, publication, study report...)
- Web link to publication or review
- Short explanation of the relevance of the document in relation to the mandate questions or the Fitness Check criteria

All proposals will be studied carefully, but the Commission reserves the right not to include documents that do not meet the necessary criteria or for which insufficient information has been provided. Please note that only documents which have been published (on paper or online), in particular those that have been subject to peer review, will be considered.

#### Indicative timeframe and key milestones for the Fitness Check

- **February 2014:** publication of the mandate for the Fitness Check on the Habitats and Birds Directives
- **End October 2014:** launch of a contract to assist the Commission in the gathering and assessment of relevant information and evidence for the Fitness Check by a consortium, led by MILIEU Legal and Policy Consultant in partnership with the Institute of European Environment Policy (IEEP), ICF International and ECOSYSTEMS Ltd.
- **From January 2015:** consultation on the draft list of key documents that are relevant to the Fitness Check.
- **January 2015:** start of a structured evidence gathering consultation with all Member States and key stakeholder groups
- **April 2015:** launch of a 12 week public internet consultation.
- **April 2015:** publication of the 'State of Nature in the EU' report, based on Member States conservation status assessments for the Birds and Habitats Directives
- **June 2015:** Green Week 2015, in Brussels, will focus on nature and biodiversity related issues and will provide opportunities for discussion on topics related to the Fitness Check.
- **Late September 2015:** a dedicated conference will be held on the Fitness Check in Brussels, where draft results of the evaluation will be shared and discussed with Member States and key stakeholder groups.
- **Early 2016:** publication of Commission report on the results of the Fitness Check.