

Science for Environment Policy

What is 'favourable conservation status' for species? Researchers clear up misinterpretations

'Favourable conservation status' (FCS) is a critical but often misinterpreted legal concept in the EU's Habitats Directive. Now, law and ecology researchers have teamed up to help clarify some of the most disputed aspects of this term for species. Correctly applied, the concept will help environmental managers, policymakers and scientists effectively protect biodiversity.

The **Habitats Directive** is believed to have played a major role in saving many species and habitats from extinction in Europe. It requires EU Member States to achieve FCS of natural habitats and species, defined with respect to species by Article 1 (i) of the Directive as below:

"conservation status will be taken as 'favourable' when: 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 the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis."

However, aspects of this legal definition are often misinterpreted by scientists, managers and policymakers when put into practice. It can, therefore, be unclear whether FCS has been achieved. Furthermore, EU Member States' own interpretations can be legally disputed. For instance, Sweden has argued that selective wolf hunting may help achieve FCS by reducing inbreeding, but the European Commission has argued that it infringes the Directive.

The researchers, academics based in Sweden and Spain, propose interpretations of commonly disputed aspects of FCS in the new study. Their definitions are based on their analyses of key EU legal texts, including the Directive itself, decisions of the Court of Justice of the European Union (in cases of FCS legal disputes) and advisory texts. They explain six aspects as follows:

At what level should FCS be measured?

Should FCS be achieved at the European, population or Member State level? The Commission requires assessment and reporting of FCS for each biogeographical region (e.g. Alpine, Atlantic) *within* a Member State. Therefore, Member States should promote FCS of populations that are either wholly or partly within national borders. This contributes to FCS of species at the European level.

What does it mean for a species to be a 'viable component of its natural habitat'?

It is important to consider not just a population's demographic viability, but also its relationship with other species and its habitat, the researchers explain. European Commission guidelines recommend using the concept of 'favourable reference population' to assess this ecological form of viability. This method includes ecological role as well as population size.

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Contact:
yaffa.epstein@jur.uu.se

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What is 'long-term basis'?

The Directive does not explicitly state how long a population must remain a viable component of its natural habitat, but its introductory text suggests indefinitely. The researchers also argue that a population must maintain genetic [diversity](#) in order to preserve evolutionary potential and avoid extinction.

What does it mean for a species to 'maintain itself'?

The word 'itself' may suggest that a species must be viable without human intervention, but this is often contested. Furthermore, most translations of the Directive's English text into other languages do not use an equivalent word to 'itself'. The researchers propose that some human intervention is permissible, and sometimes necessary, but it should remain exceptional. This means that species should not entirely depend on intervention to maintain FCS.

Should FCS be measured from extinction or carrying capacity?

Carrying capacity — the maximum number of individuals that an area can support — seems to be the best starting point, the researchers say, because Commission guidance documents emphasise that FCS must be assessed as 'distance from some favourable state', rather than distance from extinction. The use of carrying capacity in the case of wolf conservation in Poland has been used as a positive example by the European Commission's reporting guidance, which would also indicate it is a suitable metric.

Does FCS require that a population approaches historical levels?

The Directive's reporting guidelines support the promotion of populations towards historical levels, but it is not legally required.

The researchers suggest that these six definitions are also relevant to the [Birds Directive](#). They regard the latter to use less precise terms than 'favourable conservation status', but [Commission guidance](#) for the Habitats Directive states that 'the principles underpinning [FCS] are equally applicable in relation to the objective of [the Birds Directive].'

