

EXECUTIVE SUMMARY

The Public consultation questionnaire

The European Commission carried out an open public consultation on the Birds and Habitats Directives between April and July 2015. The consultation was undertaken as part of the wider process to collect evidence and opinion to feed into an overall 'Fitness Check' on the two Directives, designed to assess whether the current regulatory framework is proportionate and fit for purpose, and how well the Directives are achieving their objectives.

The online consultation closed on the 26th July after 12 weeks. The questionnaire contained 32 questions and was divided into two parts. Participants had a choice of replying only to the first 14 general questions in Part I, or answering all 32 questions including 18 more detailed questions in Part II (which required a greater understanding of the Directives). All questions were multiple-choice. However, at the end, in a final free text question, participants were offered an opportunity to provide further remarks on any issues they wished to expand upon.

The objective of this consultation, which was reflected in the design of the questions, was to obtain opinions and qualitative insights relating to various aspects of the five key evaluation criteria of the fitness check - effectiveness, efficiency, coherence, relevance and EU added value. The consultation exercise will provide one part of the evidence base for the fitness check¹.

This report on the public consultation presents the analysis undertaken under contract to the European Commission and will feed into a final contractors' report, based on an analysis of all the evidence gathered to support the fitness check. The Commission is however conducting further analysis of the public consultation responses, including further analysis of all the free text comments (see Chapter 6), and this will feed into the final conclusions of the fitness check, to be written by the services of the Commission.

An overview of the respondents

The consultation generated an unprecedented level of interest with participants responding from all 28 EU countries and beyond. In total, 552,472 replies were submitted. To date, this is the largest response received by the Commission to an on-line consultation. The greatest number of replies came from participants in Germany and the United Kingdom (each around 100,000 replies), followed by Italy (around 70,000), Spain, Belgium, the Netherlands and France (each around 40,000 replies).

97% of respondents answered only Part I of the questionnaire (535,657 replies). 3% went on also to complete Part II (16,815 replies). The vast majority of replies (547,516) came from individuals. 4,600 replies were received from organisations, of which over half (2,371 replies) came from businesses.

The interests of respondents varied significantly between those who answered Part I of the questionnaire only, and those who also filled in Part II. 93% of respondents to Part I (511,352) stated they were mainly interested or active in 'nature'. Of the 16,815 respondents who replied to both Part I and Part II, the range of interests was more diverse: 21% stated 'hunting', 19% 'nature', 17% 'forestry', 15% 'agriculture' and 5% 'science' as their main interest.

¹ http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

At least twelve campaigns from different interest groups were organised to guide respondents through the questionnaire. It has not been possible to quantify their influence on the results in a precise manner since not all campaigns published a list of suggested replies, and some respondents may have been influenced by campaigns without following a prescribed set of responses. Others may have answered in the same way as the campaigns by coincidence.

The responses in Part I of the questionnaire reflect substantial support for the largest campaign: the Nature Alert campaign. It was organised by a consortium of environmental NGOs and supported a positive view of the Directives, albeit highlighting some issues of implementation. It guided respondents on how to reply to the questions in Part 1 of the questionnaire only. This campaign claims on its website to have generated 520,325 replies (94% of all replies). According to the results retrieved from the consultation, 505,548 respondents, or 92%², answered exactly as suggested by this campaign, which indicates the very significant extent to which overall responses to Part I reflect the views promoted through this campaign. Those who replied through the Nature Alert campaign indicated that they were individuals interested in 'nature'.

Another significant campaign that has been identified is the Aktionsbündnis Forum Natur AFN campaign which, according to their website represents agriculture, forestry, hunting and fishing interests. It supported a critical view of the Directives, and suggested answers to both Parts I and II of the questionnaire. Its website gives no indication of the number of replies that it generated. However, an analysis of the responses indicates that 6,243 respondents replied exactly as suggested by this campaign, which represents 1.1% of the replies to Part I and 38.2 % of the replies to Part II. 5,880 (94%) of those replies came from Germany, 329 (5%) from Austria and the remaining 34 from other countries. The main interests stated by these respondents were 'agriculture' (1,758), 'forestry' (1,821) and 'hunting' (1,793).

While a number of other campaigns are known to have operated, it has not been possible at this point to estimate the number of replies they generated.

Replies to Part I of the questionnaire

All respondents to the public consultation (552,472) responded to the 14 questions of Part I, which were mandatory. Of these replies, 547,516 were from individuals, 2,371 from businesses, 824 from NGOs and 817 from other organisations. Governments and research institutes submitted 356 and 232 comments each. The definition of these categories is given in the report.

Overall, it is evident that the results of Part I reflect, to a large extent, the responses proposed by the Nature Alert campaign. Nevertheless, the analysis offered in this report, which examines responses by different types of stakeholder (individual, business, NGO, etc.) and by different fields of interest (nature, hunting, forestry, etc.) allows an examination of how different interest groups varied in their opinions.

The vast majority of respondents to Part I stated that, in their view:

- The Birds and Habitats Directives are *important* or *very important* to nature conservation (98%)

² 505,874 respondents gave the same answers as suggested by the campaign; of these, 505,548 registered as individuals with their main field of interest being nature – since these two categories were also automatically filled in by the campaign's system, it can be deduced that the remaining 326 respondents either gave the same answers by chance, or that they independently answered the survey, but followed the suggestions of the campaign.

- The strategic objectives and approach set out in the Directives are *appropriate* or *very appropriate* for protecting nature in the EU (94%)
- The Directives are *effective* or *very effective* in protecting nature (93%)
- The benefits of implementing the Directives *far exceed* the costs (93%)
- Economic, social and cultural concerns, as well as regional and local characteristics are taken into account either very well or enough when implementing the Directives (around 93-94% in each case)
- The EU environmental policy is supportive of the two nature Directives (94% agree)
- agriculture and rural development (93%), energy (96%) and transport policies (97%) are not supportive
- Other policy³ areas could contribute more
- The Directives provide *significant* added value over and above that which could be achieved through national or regional legislation (93%)
- The Directives add significant value to the economy (93%)
- The Directives bring additional social benefits (95%)
- There is still a need for EU legislation to protect species and habitats (98%)

The views varied, however, according to the type of respondent. For instance, while most individuals thought the benefits far exceed the costs (94% of the replies submitted by individuals), three quarters (75%) of businesses stated that in their view the costs of implementation far exceed the benefits. This proportion rises to 85% in responses from businesses in the agriculture and forestry sectors.

Businesses also had a different view from individuals as regards economic aspects: only 13% of businesses considered that economic concerns had been taken into account in the Directives' implementation, as compared with 94% of individuals who thought they had. As regards the relevance of the Directives, whereas most types of respondents answered they were still needed (98% of individuals, 89% of academic or research institutes, 82% of NGOs, 78% of governments or public authorities and 76% of other organisations), the majority of respondents from business (63%) believed there is no longer a need for EU legislation in this field.

Replies to Part II of the questionnaire

Replying to the 18 questions of Part II was optional and required a greater understanding of the Directives. Only 3% of all respondents (16,815 replies out of a total of 552,472 replies) replied to both Part I and Part II. Of these replies, 13,198 were from individuals, 1,785 from businesses, 660 from NGOs and 491 from other organisations. Governments and research institutes submitted 277 and 155 responses each. 249 replies were submitted by respondents who registered as 'other'.

A higher proportion (44%) of respondents from Germany and Austria stated that their fields of interest were agriculture and forestry, when compared with other countries (14%). This may reflect the impact of certain campaigns organised by these interest groups in the countries concerned, such as the Aktionsbündnis Forum Natur AFN campaign.

Part II of the questionnaire appears to give contrasting views to Part I as regards the effectiveness, efficiency, relevance and coherence of the Directives. This may reflect the different composition of respondents between the two parts and the impact of different campaigns.

³ fisheries and maritime, cohesion, industry and enterprise, climate change, health, research and innovation

The majority of respondents to Part II shared the view that:

- The administrative costs associated with the implementation of the Directives are *major* (60%);
- There is *insufficient* funding for implementing the Directives (77%)
- This lack of sufficient funding is *significantly* restricting progress (74%)
- Proper enforcement, effective national coordination, international cooperation, public awareness and guidance have *some* impact on the success of the Directives (87-90%)
- The following elements are *significantly* limiting progress: insufficient stakeholder involvement (65%), ineffective local coordination (62%), gaps in scientific knowledge of species and habitats (61%), unclear wording of the Directives (54%), ineffective EU-level coordination (54%)
- Interactions with other EU laws and policies have caused inefficiencies to *some* extent (58%), or to *a large* extent (27%)

The replies to Part II expressed contrasting views according to the type of stakeholder, their field of interest and their country of origin:

- Most respondents from business (79%), individuals (59%) and government (56%) and half of other organisations or associations (50%) thought the two Directives are *somewhat* effective whereas the majority of NGOs (52%) and research institutes (53%) thought the Directives were *very* effective;
- The majority of respondents from agriculture and forestry (80%) as well as from fishing, angling and hunting (62%) thought that the Directives were *not very* important for safeguarding Europe's biodiversity whereas over half of respondents from industry (construction, extractive industry, transport) thought that they were important (54%). Respondents interested in nature and environment also generally believed that the Directives were *very important* (83%)
- While, in most countries, respondents considered the Directives to be *very* important to safeguarding Europe's biodiversity, 69% of respondents from Germany and 67% from Austria considered that the Directives were *not very important*. This was the answer recommended by the Aktionsbündnis Forum Natur AFN campaign.

Views expressed in the final open question

In total, 10,213 respondents (1.8% of the total of 552,472 replies received) submitted comments in the final open question. Of these, 8,103 were from individuals, 875 from businesses, 449 from NGOs, and 393 from other organisations. Governments and research institutes submitted 143 and 101 comments each. 149 responded as 'other'. A large proportion of comments (43%) came from those interested in nature and environment, followed closely by those interested or active in agriculture, forestry, fishing or hunting (together 37%).

A detailed analysis of these contributions was carried out using stratified random sampling of comments. This stratification was based on a combination of type of respondent and main field of interest, using samples of 10% of replies in each stratum. In total, 1,017 replies were analysed.

One of the most frequent issues raised by all types of respondents (individuals and organisations combined) in the comments sampled was that the Directives' objectives are poorly implemented or enforced. Comments varied from general statements about the lack of enforcement, control or monitoring to more specific comments about poor management of protected areas, lack of coordination or inadequacy of implemented measures. This type of comment featured in 23% of all responses in the sample. Another frequent comment was that

the Directives are effective and have contributed to nature protection (17% of comments in the sample).

Among those interested or active in agriculture, forestry, fishing and hunting, 20% commented that socio-economic aspects were not adequately taken into account and that land owners and users, as experts in the use or management of nature or natural resources, were not sufficiently involved in the implementation of the Directives (35%). Furthermore, they often stated (20% in the sample from these interests) that the Nature Directives carry a considerable cost in terms of their implementation, which they felt placed too high a burden on them. They also emphasised that the rules were sometimes too complicated to implement and were not understandable for them (32% of this sample).

Respondents in the field of nature and environment most often commented that the problems of implementation were linked to a lack of enforcement (35% of the sample of this group). There were also a number of comments stating that the Directives have been effective (31% in the sample of comments from these interests) and about the scarcity of financial and human resources (12%). Within this group, 30% of comments submitted made stressed that the Directives had an added value over and above national legislation, and that they should be maintained.