

Evidence Gathering Questionnaire for the Fitness Check of the Nature Directives

Introduction

As part of its Regulatory Fitness and Performance Programme (REFIT), the European Commission is undertaking a Fitness Check of the EU nature legislation, the Birds Directive¹ and the Habitats Directive² ('the Nature Directives'),³ which will involve a comprehensive assessment of whether the current regulatory framework is “fit for purpose”.

Adopted in 1979, the Birds Directive relates to the conservation of all wild birds, their eggs, nests and their habitats across the EU. Its strategic objective is ‘to maintain the population of all species of wild birds in the EU at a level which corresponds to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level’.

The Habitats Directive, adopted in 1992, covers around 1000 other rare, threatened or endemic species of wild animals and plants and some 230 habitat types. These are collectively referred to as habitats and species of Community interest. The strategic objective of the Habitats Directive is "to maintain or restore natural habitats and species of Community interest at favourable conservation status, taking into account economic, social and cultural requirements and regional and local characteristics".

The Directives require Member States to take a variety of measures to achieve these objectives. These measures include the designation of protected areas for birds (Special Protection Areas) and for habitats and species of Community interest (Special Areas of Conservation), which together comprise the Natura 2000 network, and the adoption of strict systems of species protection (see objectives of the Directives in Annex I to this document).

The Fitness Check is intended to evaluate how the Nature Directives have performed in relation to the achievement of the objectives for which they were designed. In accordance with its mandate,⁴ adopted by the European Commission in February 2014, it will assess the effectiveness, efficiency, coherence, relevance and EU added value of the Nature Directives⁵.

As part of this process, the European Commission has commissioned an evaluation study to support the Fitness Check. The study is tasked with gathering and analysing evidence and data held by a wide range of stakeholders.

The Questionnaire presented below is a key tool to enable you to provide this evidence.

In parallel to this questionnaire, you are invited to contribute to the initial list of published and peer-reviewed documents identified as being relevant for the Fitness Check. The list, which

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).

² 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. 7-50).

³ Please note that for the purposes of this questionnaire, the terms 'EU nature legislation' and 'Nature Directives' refer to the Birds Directive and the Habitats Directive.

⁴ http://ec.europa.eu/smart-regulation/evaluation/docs/mandate_for_nature_legislation_en.pdf

⁵ For more information see: http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

will be updated at regular intervals, is structured according to the evaluation categories set out in the mandate. It can be accessed at:

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

The European Commission will also launch an online public consultation for 12 weeks from April to June 2015. You are welcome to fill in that survey as well, but please be aware that the two exercises are of a different nature. The public consultation will collect views and opinions, whereas the questionnaire presented below aims to collect evidence, meaning facts or information (such as case studies, research findings, infringement cases, case law and data) which support a point or position.

The questionnaire

The questionnaire has been prepared in order to gather evidence-based information for the evaluation. It is being sent out to all Member States and selected key stakeholders across the EU.

Please answer all questions that you consider **relevant to the situation in your country/region/sector/area of activity, based on direct experience supported by evidence. You are not expected or obliged to answer all questions.**

Where possible, quantitative evidence should be provided. Where this is not possible, semi-quantitative or qualitative evidence would be welcome.

We would encourage you to answer in English. In your answers please specify why and how the evidence and documents provided is relevant for the specific question. For documents that are not in English, please provide in the answer to the question a brief summary in English that explains its relevance to the question.

Please **provide full reference details for all documents cited or referred to** in your answers: author / editor names and their initials, full titles, full names of journals, relevant page numbers, publishers and place of publication. If the document is available online, please add a URL link. If it is unpublished information, please supply a copy or relevant excerpt. When citing in short a document for which you have already provided full reference details, please ensure that we can distinguish between references that have the same author(s) and year of publication.

Please, make sure that the link between a question and the document related to it is clear. You may choose to provide the full reference of cited documents in footnotes or in notes numbered and linked to a reference list at the end of the questionnaire. If you send documents as attachments to the email, please give them a name that includes the number of the question(s) they are related to.

Deadlines for submission of the questionnaire

We kindly ask you to fill in the questionnaire and return it by e-mail **within 5 weeks** of receiving it to: info.NatureDirectivesFitnessCheck@milieu.be.

We appreciate that it may not be possible to provide complete answers to all the questions and collect all the evidence you may wish to provide within this timeframe. However, it is essential that we receive an initial response which is as complete as possible within 5 weeks in order to enable us comply with the tight evaluation schedule.

On the basis of the initial responses received, follow-up interviews may be organised to seek clarification or additional information if required. It may not be possible to organise such interviews for responses received after the 5 week deadline. However, you will have until the end of April to complete your final submission in response to the questionnaire. Please note that it will not be possible to take into account contributions received after that deadline.

The evidence gathered through this questionnaire will be vital to the overall process. For this reason, **if you anticipate that you will not be able to complete the questionnaire, please let us know as soon as possible.**

Thank you in advance for your contribution.

QUESTIONNAIRE

A. General Information

Please answer ALL questions in this table

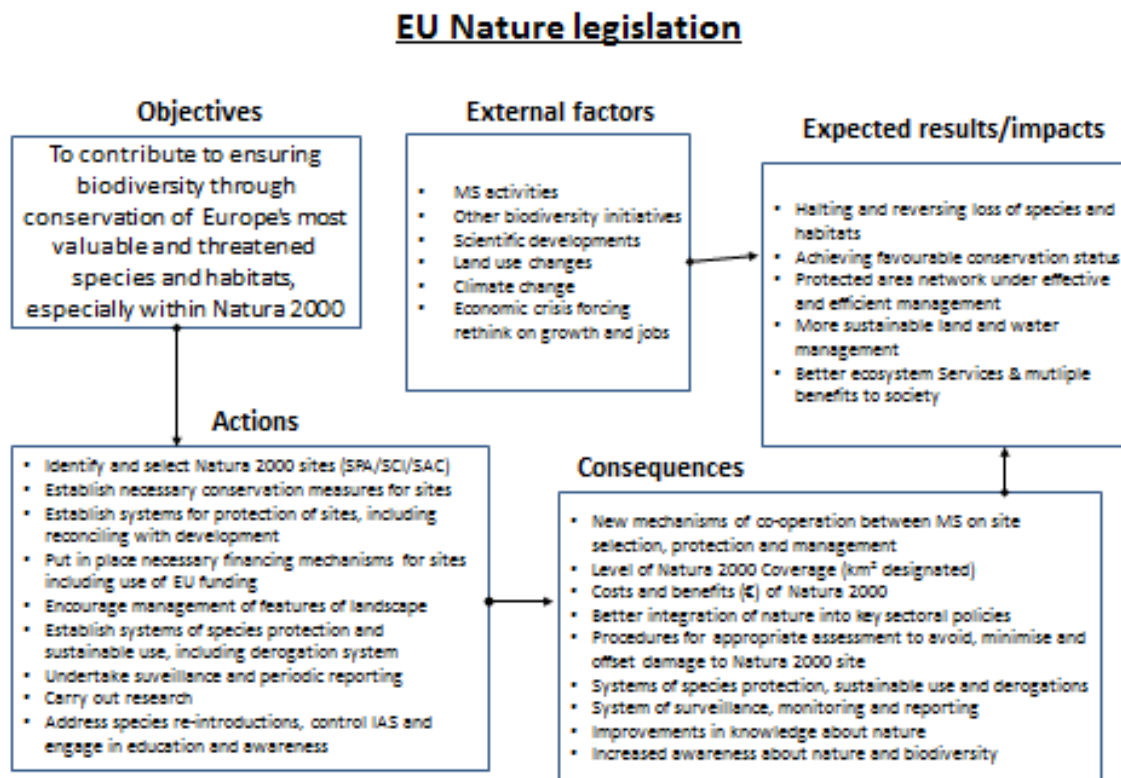
	Answer
Organisation:	Ministry of Industry and Trade of the Czech Republic
Date:	18.3.2015
Country (and, if applicable, region) represented:	Czech Republic
Organisation(s) represented:	Ministry of Industry and Trade of the Czech Republic
Name of contact for enquires (including follow-up interview if required):	Ing. Pavlína Kulhánková
Contact email address:	kulhankovap@mpo.cz
Contact telephone number:	+ 420 224 852 689
Languages spoken fluently by contact person:	English
Language for the interview if it is not possible to conduct it in English	
Type of organisations you represent: EU authority or agency / Member State authority or agency / business or industry / educational or scientific institute / nature conservation charity / recreation / individual expert / other (please specify).	Member State Authority
Sector represented: environment / water / agriculture / forestry / fisheries / transport / energy / extractive industry / industry / housing and other buildings / recreation & tourism / science & education / other (please specify)	Industry, business, energy
Additional comments:	

B. EVALUATION / FITNESS CHECK questions

Please answer all questions that are relevant to you and for which you can provide informed insights from direct experience and/or supporting evidence.

We would kindly ask that you keep your answers as succinct as possible. They should summarise in **no more than 2 pages** any evidence relevant to a given question. More complete/detailed information, if any, should be provided in the form of references and/or web links. Definitions, explanations and examples are provided under each question to assist you in answering them.

When answering the questions, please note that the Fitness Check intends to examine the performance of the Nature Directives in relation to their stated objectives, taking into account expected results, impacts and external factors. The figure below presents the intervention logic as included in the mandate. For ease of reference, a table presenting the objectives of the Directives, differentiating between different types of objectives (strategic, specific, operational), is included in Annex I to this document.



The questions are structured around the five evaluation criteria addressed in the mandate: effectiveness = S, efficiency = Y, coherence = C, relevance = R, and EU added value = AV.

Effectiveness

This section focuses on assessing the extent to which the objectives of the Birds Directive and Habitats Directive have been met, and any significant factors which may have contributed to or inhibited progress towards meeting those objectives. By 'objectives', we refer not only to the strategic objectives, but also to other specific or operational objectives required under other articles of both Directives (as set out in Annex I to this questionnaire).

'Factors contributing to or inhibiting progress' can relate to the Nature Directives themselves (e.g. the clarity of definitions) or be external factors such as lack of political will, resource limitations, lack of cooperation of other actors, lack of scientific knowledge, or other external factors (e.g. see those listed in the above intervention logic).

We are particularly keen to learn of evidence that is not included in the Member State implementation reports⁶.

S.1.1 What progress have Member States made over time towards achieving the objectives set out in the Directives and related policy documents?

Please provide evidence on what progress has or is being made towards the achievement of the objectives set out in Annex I that are of relevance to you. Please address separately the objectives of the Birds Directive and the Habitats Directive, and specify which objective(s) you are referring to, with references to the corresponding Articles. If possible quantify the progress that is being made.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

S.1.2- Is this progress in line with initial expectations?

'Initial expectations' refer to the expectations, positive or negative, held by different stakeholders at the time the legislation transposing the Directives came into force in your country. For example, government reports and plans might provide evidence of intended timetables for the identification and designation of Natura 2000 sites. We are seeking to understand the extent to which progress made to date has met, exceeded, or fallen short of such expectations. If possible, in your answer please address separately each of the objectives referred to in question S1.1 for which you have provided evidence.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

S.1.3 - When will the main objectives be fully attained?

On the basis of current expectations and trends, please provide evidence that indicates the likely year or range of years that the main objectives will be met. By 'main objectives' we mean the strategic objectives of the Birds Directive (as set out in its Article 2) and the Habitats Directives (in its Article 2), as well as the specific objectives set out in Annex I to this document.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the

⁶ Habitats Directive Reports: http://bd.eionet.europa.eu/activities/Reporting/Article_17/Reports_2013/
Birds Directive Reports: http://bd.eionet.europa.eu/activities/Reporting/Article_12/Reports_2013/

Czech Republic.

S.2 – What is the contribution of the Directives towards ensuring biodiversity? In particular to what extent are they contributing to achieving the EU Biodiversity Strategy* Objectives and Targets?

By 'contribution towards ensuring biodiversity', we are referring not only to the conservation of the species and habitats specifically addressed by the Directives, but also to biodiversity more broadly defined: i.e. other species and habitats not targeted by the Directives; ecosystems (terrestrial and marine); and genetic diversity, both within and beyond the Natura 2000 network – in line with the EU's 2050 vision and 2020 headline target and the Targets of the EU's Biodiversity Strategy to 2020.

** For an overview of the EU biodiversity Strategy see:*

<http://ec.europa.eu/environment/nature/info/pubs/docs/factsheets/Biod%20Strategy%20FS.pdf>

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

S.3 – Which main factors (e.g. implementation by Member States, action by stakeholders) have contributed to or stood in the way of achieving the Directive's objectives?

Please summarise evidence of the main factors that have supported or constrained progress towards achieving the objectives of the Nature Directives. As in previous questions, by 'objectives' we mean not only the strategic objectives set out in Articles 2 of both Directives, but also specific and operational objectives, as set out in Annex I to this document. Relevant factors might include, for example, resource limitations, lack of cooperation of other actors, lack of scientific knowledge, or other external factors (e.g. those listed in the above intervention logic).

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

S.4 - Have the Directives led to any other significant changes both positive and negative?

This question aims to assess whether the implementation of the Nature Directives has brought about any significant environmental, social or economic effects or changes that were not intended or foreseen by the Directive at the time of their approval, and whether these changes were positive, negative or neutral in terms of their contribution towards meeting the objectives of the Directives. Examples of such effects or changes might include the development of a culture of social participation in nature-related decisions as evidenced by Committees for the development of management plans or higher cooperation of departments of different ministries, etc.

Answer:

The EU nature-related legislation in the form of Directives require the Member States to implement a number of measures regulating the industrial sector, including the refineries and gas industries. These measures become an integral part of the production processes and objectives creating an efficient system compliant with directives and other legislation regulating protection of nature and landscape and this protect and help in co-creating natural biosphere habitats. Directive 2009/30/EC (FQD), which amends

Directive 98/70/EC in the area of petrol and diesel fuels and gaseous oils specifications, introducing a mechanism for monitoring and reducing greenhouse gas emissions, and the Council Directive 99/32/EC, which specifies the types of fuel used in inland navigation, and which abolishes Directive 93/12/EEC, deals in Articles 7a through 7e with nature protection and protection of affected natural components as well as protection of air, surface water and groundwater, soil and landscape areas including biota, in line with the requirements and criteria related to the quality of fuels. Requirements in place regulating gas-processing facilities, which relate to construction and operation thereof, as well as transport and distribution systems, i.e. operators and manufacturers of underground tanks and gas infrastructure in the Czech Republic comply with laws which originate from the EU Directives, and this also comply with the complex legal protection that is accorded by European-wide legislation.

In energy sector, the above quoted Directives, i.e. the Bird and the Habitat Directives, are taken into account when planning new electricity grid routes or reconstructing the existing and this process results in protection of habitats that have been newly defined in these Directives (the so-called Natura 2000 system). These new requirements triggered certain logistical measures and additional costs during the actual construction of these facilities, but all energy sector corporations / operators have managed to observe and fulfil these requirements without much problem.

In the mining sector and raw materials processing sector the EU nature legislation imposes a number of measures on Member States, which should in their synergy define realistic and over long-term horizon stable conditions for mining and processing of raw materials taking into account protection of the environment and supporting recycling of construction materials.

Mining causes change in the nature and landscape, but implementation of the above quoted Directives ensures that mining activities are undertaken with respect to the existing biodiversity in the given area. In many cases mining activities have additional effect of creating a large number of habitats, which contribute to the existence of many species of plants and animals, as they provide them with sanctuaries, which could be hardly found outside old mining areas. These sanctuaries host for instance sand martins, European honey buzzards (*Pernis apivorus*), stock owls, peregrine falcons, yellow-bellied toads (*Bombina variegata*), natterjack toads or *Ophrys apifera*, known in Europe as the bee orchid, and other scarce and rare orchids. Before the mining companies may set out (define) mining areas they must undergo an environmental impact assessment process. This process results in defining a detailed plan for remediation and restoration of the area, which applies all new approaches in restoration of these sites. Protection and creations of habitats also supports species of plants and animals which live in the surrounding zones.

Českomoravský štěrk, a.s. [Czech-Moravian Gravel, a joint stock company] for instance completed reclamation works in the so-called Veselské sandpits. In this particular case, the reclamation resulting in a fully functional integration of the sand mining areas into the natural complex of Protected landscape area [CHKO] Třeboňsko, for which the company received the first place in the national competition "Green Bridge 2008", which is organized by the Mining Union to highlight the best reclamation efforts in the Czech Republic.

Another good example of a well-managed reclamation project is the restoration of the stone quarry in Mašovice, which became a sanctuary for protected species of the Italian crested newt (*Triturus carnifex*).

This project received a special NATURA 2000 accolade in Brussels. The quarry now forms a part of the Nature 2000 system, having the status of a protected natural heritage site.

Tovačov lakes area can be also expressed as an example of a successful reclamation project. A pro-active sensitive approach to mining along with professional care for the environment of the lakes provides a unique opportunity for simultaneous mining and protection of the nature. The area is interesting also due to the fact that the lakes created by the mining activities provide a very valuable reservoir of high-quality drinking water serving the entire district of Přerov; a large part of this area has been incorporated into the NATURA 2000 system. Besides that, this area is well known for the successful and concerted efforts of the Českomoravský štěrk, a.s. [Czech-Moravian Gravel, a joint stock company] and the Moravian Ornithological Association which resulted in creating a unique artificial habitats for the common tern (*Sterna hirundo*).

Efficiency

Efficiency is essentially a comparison between inputs used in a certain activity and produced outputs. The central question asked here is whether the costs involved in the implementation of the EU nature legislation are reasonable and in proportion to the results achieved (benefits). Both 'costs' and 'benefits' can be monetary and/or non-monetary. A typology of the costs and benefits resulting from the implementation of the Directives is given in Annex II to this questionnaire. In your answers, please describe the nature, value and overall significance of the costs and benefits arising from the implementation of the Directive, supported by evidence.

Y.1 - What are their costs and benefits (monetary and non-monetary)?

Based on the explanation given above, please indicate, supported by evidence, what types of costs and benefits have resulted from the implementation of the Nature Directives. Please provide evidence, quantitative where possible, of costs and benefits, describe their nature (monetary/non-monetary) and value, and who is affected and to what extent. Please distinguish between the costs and benefits arising from the Directives themselves and those arising as a result of other factors. To facilitate analysis of the answers it would be useful if costs and benefits could be addressed separately.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.2 - Are availability and access to funding a constraint or support?

This question focuses on the proportion of identified funding needs that has been or is being met by EU and Member State funding, respectively, the extent to which the level of available funding affects the implementation of the Directives and enables the achievement of their objectives (as set out in Annex I to this questionnaire), and the extent to which initial funding allocations for nature under EU funding instruments were used as well as any factors which may have favoured or hindered access to and use of funds. In your answer please consider whether funding constraints affect costs or create administrative burdens (eg as a result of limitations on guidance or delays in decision making).

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.3 - If there are significant cost differences between Member States, what is causing them?

This question seeks to understand the factors that affect the costs of implementing the Directives, whether there is evidence of significant cost differences between Member States, and the causes of these cost differences. In your answer, please describe the cost differences and the reasons for them (e.g. whether they arise from specific needs, circumstances or economic factors), supported by quantitative evidence. Do these differences lead to differences in impact? Please note that Question Y.5, below, focuses on good practices in keeping costs low. For this Question Y.3 we are interested in evidence of overall differences in implementation cost (see typology of costs in Annex II to this questionnaire) along with the reasons for them.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.4 - Can any costs be identified (especially regarding compliance) that are out of proportion with the benefits achieved? In particular, are the costs of compliance proportionate to the benefits brought by the Directives?

Please provide any quantitative evidence you may have demonstrating that the costs of implementing the Directives exceed the benefits. Do the Directives require any measures which give rise to significant costs but which bring about little, or only moderate benefits?. If so, please explain the extent to which any imbalances are caused by the Directives themselves, or by specific approaches to implementation.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.5 - Can good practices, particularly in terms of cost-effective implementation, be identified?

Here we are looking for examples of where the objectives of the Directives are being met more cost-effectively in some Member States or regions than others, and the reasons for these differences. It is important to understand whether they are due to particular practices (rather than, for example, differences in needs, circumstances or economic factors) that have kept costs relatively low. We would welcome examples of differences in practices between Member States in implementing the requirements of the Directives, including initiatives designed to achieve cost-effective implementation, and evidence of whether these initiatives or practices have reduced costs in certain Member States or regions.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.6 - What are likely to be the costs of non-implementation of legislation?

This question seeks to gather evidence on the impacts of non-implementation of the Birds and Habitats Directives, and its associated costs, whilst assuming that some measures would be taken to conserve nature. Taking into account current national measures that do not arise directly from obligations under the Directives, please describe and, if possible, quantify, with supporting evidence, the potential impacts and associated costs of non-implementation of the Directives, for instance on: habitats and species of Community interest and wider biodiversity; ecosystem services (eg in relation to carbon sequestration, areas for recreation); and economic and social costs (eg jobs and health).

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.7 - Taking account of the objectives and benefits of the directives, is there evidence that they have caused unnecessary administrative burden?

This question seeks to gather evidence of any unnecessary burden arising from the administrative requirements of the Directives for different stakeholders (MS authorities, businesses, landowners, non-governmental organisations, citizens). Administrative burdens are the costs to businesses and citizens of complying with information obligations resulting from legislation, and relate to information which would not be collected in the absence of the legislation. Some administrative burdens are necessary if the objectives of the legislation are to be met effectively. Unnecessary burdens are those which can be reduced without affecting the objectives. Quantitative evidence may include typical requirements in terms of human resource inputs, financial costs (such as fees and wages), delays for development and

other decision-making processes, and other measures of unnecessary or disproportionate burden the administrative costs in terms of effort and time, and other inputs required, financial costs, delays and other measures of unnecessary or disproportionate burden.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Y.8 - Is the knowledge base sufficient and available to allow for efficient implementation?

This question seeks to establish the extent to which adequate, up-to-date and reliable information required to implement the Directives efficiently is available, such as information related to the identification, designation, management and protection of Natura 2000 sites, the choice of conservation measures, the management and restoration of habitats, the ecological requirements of species and the sustainable hunting/use of species, permitting procedures, etc. Please indicate key gaps in available knowledge relating to your country and, if relevant, at biogeographical and EU levels. If possible, please provide evidence that inadequacies in the knowledge base have contributed to the costs and burdens identified in previous questions.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Relevance

Relevance concerns the extent to which the objectives of the nature Directives are consistent with the needs of species and habitats of EU conservation concern. The question of relevance relates to whether the objectives of the legislation are still necessary and appropriate; whether action at EU level is still necessary in light of the challenges identified and whether the objectives and requirements set out in the EU nature legislation are still valid.

R.1 - Are the key problems facing species and habitats addressed by the EU nature legislation?

By 'key problem', we mean the main pressures and threats that species and habitats face, which are significantly widespread in terms of their incidence (geographic extent) and/or magnitude/severity. Do the Nature Directives respond adequately to these problems? Are the specific and operational objectives of the Directives suitable in light of the key problems identified? Please justify your answers with evidence.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

R.2 - Have the Directives been adapted to technical and scientific progress?

With this question, we are seeking to examine the implications of technical and scientific progress regarding the habitats and species that the Directive focus on. Please summarise, and provide any evidence you may have that indicates that the annexes listing habitats and species in both Nature Directives are, or are not, sufficiently updated to respond to technical and scientific progress.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

R.3 How relevant are the Directives to achieving sustainable development?

This question seeks to examine the extent to which the Directives support or hinder sustainable development, which is about ensuring that the needs of the present generation are met without compromising the ability of future generations to meet their own needs. It requires ensuring a balance between economic development, social development and environmental protection. . In your answer, please provide evidence of the impacts that implementation of the Directives has had in relation to these three 'pillars' of sustainable development.

Answer:

Generally, it can be said that the Bird Directive and the Habitats Directive (the so-called Natura 2000) limit implementation of certain projects in these areas and thus economic development of certain areas, because the principles of protection of nature, as embodied by the NATURA 2000 system, is an over-riding priority to the detriment of potential economic development. The national legislation imposes strict protection of NATURA 2000 system whether within the EIA process or in relation to other projects that could significantly negatively affect these sites. If there is an assumption that this effect may become real, there is a mandatory evaluation of its impact on the NATURA 2000 system which is undertaken by an authorized professional in the Natura 2000 segment, who prepares an expert assessment. The conclusion of the NATURA 2000 impact assessment then can directly decide on the potential implementation or non-implementation of projects in the given area. Should the findings state that a particular construction / project is not appropriate due its potential impact on NATURA 2000 system, it may be implemented only if an over-riding public interest will have been duly demonstrated plus other requirements as dictated by the Act on Protection of Nature. There is large number of NATURA 2000 sites in the Czech Republic, and for this reason the limitations placed on potential investors are considerable. It may even said that in some NATURA 2000 sites the subject of the

protection no longer survives, but the area remains protected and off-limits to investors. In this regard it will be necessary to review and update this information, so as to ensure balance between economic development and protection of nature in certain areas.

In the refinery industry and gas industry the complex requirements for protection of nature are an integral part of the objectives defined in legislation which endeavour to balance production processes and quality of product. The common focus of Member States with regard to use of the best available technologies in the refinery and gas industry creates a unique opportunity to continuously search for new methods in fuel production in synergy with use of renewable sources of energy and conservation of fossil raw material resources for future generations. These efforts are reflected in the search for alternative production methods of sustainable bio fuels by updating new standards and criteria for economic subjects in connection with sustainable production for commerce and consumption. At the same time, we assess various impacts on social development regularly, including minimization of negative impacts on the nature and the environment. In order to achieve a sustainable development in the gas sector, especially with regard to certain deposits of natural gas, which are unique and irreplaceable, and which require that these deposits are maintained in their original sites, the operators of underground storage reservoirs and gas producers propose to undertake re-evaluation and adjustment of certain bird habitats in line with the applicable European legislation requirements (Sites of Community Importance - SCI) and the NATURA 2000 system so that their extent is re-defined, or that certain other specifics of these sites are made use of in order to achieve mutual harmony and minimization of negative impact on special interest objectives.

From sustainable development of the mining industry point of view, it will be necessary to respect raw material deposits in conflicts with nature and environmental protection interests. This will also result in occasional requirement to re-evaluate and adjust certain bird habitats in line with the applicable European legislation requirements (Sites of Community Importance - SCI) and the NATURA 2000 system so that their extent is re-defined, or that certain other specifics of these sites are made use of in order to achieve mutual harmony and minimization of negative impacts on the mining industry and legitimate interests of nature protection.

Some of the corporations have issued their own declarations or policies relating to biodiversity within the framework of their overall social responsibility strategies. Some of these are in the process of drawing up more detailed strategies and action plans protecting biodiversity, in which they analyse how their industries may positively contribute to biodiversity in their own mining locations and ensure that these contributions form a part of practical operation of each site. Biodiversity is often assisted by cooperation and partnership with bodies and organizations which are active in the area of environmental protection on national or international level.

R.4 - How relevant is EU nature legislation to EU citizens and what is their level of support for it?

The aim of this question is to understand the extent to which citizens value the objectives and intended impact of the EU nature legislation. To this end, we would like to obtain information and evidence on the extent to which nature protection is a priority for citizens (e.g. in your country), including in comparison with other priorities; for example whether citizens (e.g. in your country) support the establishment and/or expansion of protected areas, the extent to which they access/use them or; the extent to which citizens are involved in any aspect of the implementation of the Directives (e.g. participation in the development of management plans of protected areas or decisions concerning the permitting of projects which have an impact on protected areas).

Please note that the Birds and Habitats Directives may be relevant to citizens even if they do not actually know of their existence or the existence of the Natura 2000 network.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

R.5 - What are citizens' expectations for the role of the EU in nature protection?

The aim of this question is to obtain information and evidence on questions such as: whether citizens submit complaints or petitions to the EU requesting its involvement on cases regarding nature protection, whether citizens expect the EU to become more involved in promoting nature protection, or whether nature protection should be left to each individual Member State; whether citizens expect the EU to introduce laws on nature protection to be applied in all Member States equally or whether the EU should limit itself to coordinating Member States' initiatives; whether the EU should focus on laying down rules, or whether the EU should more actively promote their monitoring and enforcement in Member States.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Coherence

Evaluating the coherence of legislation, policies and strategies means assessing if they are logical and consistent, internally (i.e. within a single Directive), with each other (i.e. between both Directives), and with other policies and legislation. Here we are looking for evidence regarding how far and in what ways the Directives are complementary and whether there are significant contradictions or conflicts that stand in the way of their effective implementation or which prevent the achievement of their objectives.

C.1 – To what extent are the objectives set up by the Directives coherent with each other?

This question focuses on coherence between objectives within each Directive, and/or between objectives of the Birds and Habitats Directives. It covers not only the strategic objectives but also the specific and operational objectives set out in Annex I to this document. Based on experience in your country/region/sector, please provide evidence of any inconsistencies between the objectives that negatively impact on the implementation of the Directives.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

C.2 – To what extent are the Directives satisfactorily integrated and coherent with other EU environmental law e.g. EIA, SEA?

This question is similar to the previous question, but focuses on the extent to which the EU Nature Directives are coherent with and integrated into other EU environment legislation, and the extent to which they are mutually supportive. EU environment legislation of particular relevance to nature conservation includes the following:

- *Strategic environmental assessment of policy plans and programmes 2001/42/EC Directive (SEA)*
- *Environmental impact assessment of projects 85/337/EC Directive as codified by Directive 2011/92/EU (EIA)*
- *Water Framework Directive 2000/60/EC, (WFD)*
- *Marine Strategy Framework Directive 2008/56/EC (MSFD)*
- *Floods Directive 2007/60/EC (FD)*
- *National Emission Ceilings Directive 2001/81/EC (NECD)*
- *Environmental Liability Directive 2004/35/EC (ELD).*

This question considers how the main provisions and measures set out in these instruments interact with the EU nature legislation, including whether there are potential gaps or inconsistencies between these instruments and the EU nature legislation, for example whether the current permitting procedures are working in a coherent way or whether they are acting as barriers to achieve the EU Nature Directive's objectives; whether the assessments required under the different pieces of EU legislation, in particular under the EIA, are aligned or whether there are differences which result in additional administrative burden; whether any identified gaps and inconsistencies are due to the texts of the Directives or due to implementation in your/a Member State.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

C.3 - Is the scope for policy integration with other policy objectives (e.g. water, floods, marine, and climate change) fully exploited?

This question is linked to the previous questions as it addresses the extent to which the objectives of the Nature Directives have been integrated into or supported by the objectives of other relevant EU environment policies. However, this question focuses more on policy implementation. The other EU legislation and policies targeted in this question are the same as those referred to under question C.2, as well as climate change policy. When answering this question, please note that the scope of integration refers to the integration from the EU Nature Directives to other policies as well as to the extent in which the objectives of these other policies are supported by the implementation of the Nature Directives.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

C.4 – To what extent do the Nature Directives complement or interact with other EU sectoral policies affecting land and water use at EU and Member State level (e.g. agriculture, regional and cohesion, energy, transport, research, etc.)?

In this question we are aiming at gathering evidence on whether the provisions of EU nature legislation are sufficiently taken into account and integrated in EU sectoral policies, particularly in agriculture, rural development and forestry, fisheries and aquaculture, cohesion or regional development, energy, raw materials, transport or research policies. It also addresses whether those policies support and act consistently alongside EU nature legislation objectives. Please provide specific examples which show how the Nature Directives are coherent with, or conflict with, relevant sectoral legislation or policies. Please be as precise as possible in your answers, e.g. pointing to specific articles of the legislation and how they support or contradict requirements or objectives of other legislation or policies, stating what are main reasons or factors for the lack of consistency and whether there are national mechanisms in place to monitor coherence.

Answer:

Protective elements and limiting requirements protecting natural resources or regions, including natural sources of water, soil and forests form a part of objectives of the refinery and gas-production industry in the Czech Republic, and must be reflected in undertaking individual steps in fulfilling partial objectives of Directive 2009/30/EC of the European Parliament and of the council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (hereinafter the “FQD”). Monitoring of the fuel product quality according to Czech legislation in line with the FQD takes place in line with the requirements protecting human health and the environment and simultaneously in accordance with uniform monitoring processes for all Member States, which in part eliminates shortcomings or dysfunctionalities of individual partial steps within the framework of European monitoring system, including compliance and fulfilment of requirements and objectives of the FQD Directive and simultaneously ensures adherence to protective elements protecting and conserving natural resources and living conditions in line with NATURA 2000. In the gas sector, especially during construction of larger gas-processing facilities, the European legislation is applied during preparation of SEA and EIA analysis pursuant to Act No. 100/2001 Coll., on Environmental Impact Assessment and Act No. 114/1992 Coll., on Protection of Nature, as amended.

The bidding key document for area of natural resources within the EU remains the “Raw Materials Initiative – Meeting our critical needs for growth and jobs in Europe,” and the “Resource-efficient Europe – Flagship initiative of the Europe 2020 Strategy,”; these are in relevant parts supplemented by documents such as Conflict Minerals (2012); Non-Energy Raw Materials (2011); European Innovation Partnership on Raw Materials (2013); Critical Raw Materials (2011). The updated Raw Materials Policy of the Czech Republic reflects these documents in full. The objectives of the raw materials policy for the areas of natural resources

and mining include search for common legal framework ensuring that mining activities in the Czech Republic do not considerably interfere with integrity of Natura 2000 sites and, conversely, that the potential to use natural resources is not considerably compromised, as stipulated in Act No. 44/1988 Coll., on the Protection and Utilisation of Mineral Resources (the Mining Code), as amended. Integration into the European legislation is ensured also by mandatory review of projects within the EIA and / or SEA processes pursuant to Act No. 100/2001 Coll., on Environmental Impact Assessment and Act No. 114/1992 Coll., on Protection of Nature, as amended.

C.5 - How do these policies affect positively or negatively the implementation of the EU nature legislation

In this question, we are keen to gather evidence on whether agriculture and rural development, fisheries and aquaculture, cohesion or regional development, energy, raw materials, transport and research policies have a positive or negative impact on the achievement of the objectives of nature legislation. Please provide specific examples/cases (including infringement cases or case law), which demonstrate clear conflicts or incoherencies between sectoral policies and EU nature legislation, and/or examples showing how specific policies influence the implementation of the Nature Directives in a positive or negative way, for example in relation to Article 6 of the Habitats Directive (see Annex I to this questionnaire). Where possible, please include evidence of the main factors influencing the positive and negative effects. Please consider in your answer what ex ante and ex post evaluation procedures are applied to ensure that this coherence is implemented or supervised.

Answer:

The Ministry of Industry and Trade oversees and exercises its powers also with respect to the refinery and gas-producing industries and its policies; within this domain the Ministry monitors, besides production processes and quality of products, also minimization of negative impacts on nature and the environment, which are translated into main objectives. The legal framework regulating these two sectors include protective elements, which form a part of the requirements and create public interest by teaching the producers and consumers alike that protection of nature and the environment form an inherent part of conditions ensuring development of the entire society and all individuals. As evidence we would like to point to the FQD control mechanism in national legislation in the form of Act No. 311/2006 Coll., on Fuels, as amended and its implementing regulation No. 133/2010 Coll., defining fuel requirements and the manner and extent of monitoring of composition and quality of fuel and related record-keeping, as amended, and the monitoring processes and legal sanction in place in cases of failure to comply with limiting concentrations of the monitored quality indicators according to Annex I and Annex II to the FQD Directive. With respect to the gas-producing- related legislation, please note regulation pursuant to the Energy Act No. 458/2000 Coll., as amended, which, among other, imposes strict regulation of a special working regime in protective and safety zones of gas-related facilities (GF) which has positive consequences on conserving nature and the landscape. Liberalization of the energy market is subject to compliance with environmental protection regulation and results in consumers being provided with high-quality products and services, as well as reliable supply of energy commodities – in this instance gas – which complies with public interest objectives.

The updated Raw Materials Policy of the Czech republic, which is under preparation, react to changes in related EU legislation, which are being implemented into national legislation (this concerns among other the Mining Code, the Building Code, the Energy Act, the Act regulation commodity stock-exchanges, the Act on the Environment, the EIA Act etc.).

For instance, since 2005, the Act No. 44/1988 Coll., on the Protection and Utilization of Mineral Resources (the Mining Code), as amended, includes an obligation to create financial reserve for remediation and restoration projects in mining areas, which are deposited to escrow accounts and may be used only with the approval of the Mining Authority for the purposes and sites, for which they were created. In this manner the mining industry contributes to creating of new habitats for plants and animals.

C.6- To what extent do they support the EU internal market and the creation of a level playing field for economic operators?

This question seeks to gather evidence of the implications of the EU Nature Directives for economic operators in terms of whether they help ensure a level playing field across the EU (e.g. by introducing common standards and requirements for activities carried out in or around Natura 2000 areas or otherwise depend on natural resources protected under the Directives), predictability and legal certainty (e.g. helping to avoid that developments are blocked due to 'Not In My Backyard' type challenges), or whether they negatively affect the internal market.

Answer:

The Ministry of Industry and Trade oversees and exercises its powers also in the area of supporting EU internal market. Using the FQD Directive, we have created and updated standards ensuring implementation of common processes and methodologies for fuel quality evaluation in all Member States based on identical principles. This creates identical rules and implements requirements of the Directive in national legislations, which in parallel unifies conditions on national and international level into one European whole. Operators of large distribution and local gas pipelines transgressing Sites of Community Interests (SCI) such as protected landscape areas [CHKO] Kokořínsko, Karlštejn, Šumava, České Švýcarsko etc. are subject to common standards and requirements of the national and European legislation. Standard conditions on the internal energy market support and have direct impact on creation of level playing field for operators pursuant to Act No. 458/2000 Coll. (Energy Act), as amended.

The Raw Materials Policy of the Czech Republic respects objectives defined in the “Strategy on the Sustainable Use of Natural Resources used in Europe “ (published in December 2005); The objective of the strategy is to reduce the environmental impacts associated with resource use and to do so in a growing economy. It is however necessary to ensure balance between use of the land for industrial and civic spheres (mining of natural resources, construction of civic facilities and related infrastructure) and the protection of the environment (Bird habitats, Natura 2000). Both Directives define a common legal framework, which is in force in all EU countries and which ensures that activities, including activities related to mining, are undertaken in such a manner that they do not compromise integrity of Natura 2000 sites. Given the interest of maintaining industry and jobs in certain problematic regions within the Czech Republic, it is therefore necessary to take into account, within the territorial development planning processes, the necessity of maintaining supply of raw materials for the Czech economy. In this connection, an equal attention must be paid to economic, environmental and social aspects of the sustainable development strategy.

C.7 – To what extent has the legal obligation of EU co-financing for Natura 2000 under Article 8 of the Habitats Directive been successfully integrated into the use of the main sectoral funds?

This question builds on question Y.2 on the availability and access to funding, but aims at examining whether Member States have sufficiently identified the funding needs and are availing of EU funding opportunities to meet the requirements of Article 8 of the Habitats Directive. EU co-funding for the Natura 2000 network has been made available by integrating biodiversity goals into various existing EU funds or instruments such as the European Agricultural Fund for Rural Development (EAFRD), European (Maritime and) Fisheries Fund (EFF / EMFF), Structural and Cohesion funds, LIFE and Horizon 2020. In your reply, please distinguish between different sources of funding.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

C.8 - Are there overlaps, gaps and/or inconsistencies that significantly hamper the achievements of the objectives?

This question refers to overlaps, gaps and/or inconsistencies in the different EU law/policy instruments regarding nature protection. It therefore depends largely on the results of other questions related to the coherence of the Nature Directives with other EU law and policies. When answering this question you may want to consider whether the identified overlaps, gaps and inconsistencies hamper the achievement of the Directive's objectives (e.g. see Annex I to this questionnaire).

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

C.9 - How do the directives complement the other actions and targets of the biodiversity strategy to reach the EU biodiversity objectives?

With this question we seek to collect evidence on ways in which the implementation of measures under the Birds and Habitats Directives that are not explicitly mentioned in the EU Biodiversity Strategy, help to achieve actions and targets of the EU Biodiversity Strategy. For example, restoration of Natura 2000 sites can significantly contribute to helping achieve the goal under Target 2 of the EU Biodiversity Strategy to restore at least 15% of degraded ecosystems.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

C.10: How coherent are the directives with international and global commitments on nature and biodiversity?

This question seeks to assess whether and how the EU nature legislation ensures the implementation of obligations arising from international commitments on nature and biodiversity which the EU and/or Member States have subscribed to⁷, and whether there are gaps or inconsistencies between the objectives and requirements of the EU nature legislation and those of relevant international commitments, including the way they are applied. For example, the Directives' coherence with international agreements which establish targets relating to nature protection and/or require the establishment of networks of protected areas.

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

⁷ e.g. Bern Convention; Convention on Biological Diversity; Convention for the Protection of the World Cultural and Natural Heritage; Ramsar Convention; European landscape Convention; CITES Convention; CMS (Bonn) Convention; International Convention for the protection of Birds; Agreement on the Conservation of African-Eurasian Migratory Waterbirds; Regional Sea Conventions (Baltic, North East Atlantic, Mediterranean and Black Sea).

EU Added Value

Evaluating the EU added value means assessing the benefits/changes resulting from implementation of the EU nature legislation, which are additional to those that would have resulted from action taken at regional and/or national level. We therefore wish to establish if EU action (that would have been unlikely to take place otherwise) made a difference and if so in what way? Evidence could be presented both in terms of total changes since the Directives became applicable in a particular Member State, in changes per year, or in terms of trends.

AV.1 - What has been the EU added value of the EU nature legislation?

When responding to this question, you may wish to consider the following issues: What was the state of play or the state of biodiversity in your country at the moment of the adoption of the Directives and/or your country's entry into the EU? To what extent is the current situation due to the EU nature legislation? In answering this question, please consider different objectives/measures set out in the Directives (eg regarding protected areas, species protection, research and knowledge, regulation of hunting, etc, including their transboundary aspects).

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

AV.2 - What would be the likely situation in case of there having been no EU nature legislation?

This question builds on question AV.1. In answering it, please consider the different objectives/measures set out in the Directives (eg. whether there would be a protected network such as that achieved by Natura 2000; whether the criteria used to identify the protected areas would be different, whether funding levels would be similar to current levels in the absence of the Nature Directives; the likelihood that international and regional commitments relating to nature conservation would have been met; the extent to which nature conservation would have been integrated into other policies and legislation, etc).

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

AV. 3 - Do the issues addressed by the Directives continue to require action at EU level?

When answering this question the main consideration is to demonstrate with evidence whether or not EU action is still required to tackle the problems addressed by the Directives. Do the identified needs or key problems faced by habitats and species in Europe require action at EU level?

Answer:

This Question is not relevant to the responsibility and authority of the Ministry of Industry and Trade of the Czech Republic.

Annex 1: Objectives of the Directives

Overall objective	To contribute to ensuring biodiversity through conservation of Europe's most valuable and threatened habitats and species, especially within Natura 2000	
	Birds Directive	Habitats Directive
Strategic Objectives	Art. 2: Maintain the population of all species of naturally occurring wild birds in the EU at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.	Art 2: Maintain or restore natural habitats and species of Community interest at a favourable conservation status (FCS), taking into account economic, social and cultural requirements and regional and local characteristics.
Specific Objectives	<p>Art. 3: Preserve, maintain or re-establish a sufficient diversity and area of habitats' for birds, primarily by creating protected areas, managing habitats both inside and outside protected areas, re-establishing destroyed biotopes and creating new ones.</p> <p>Art. 5: Establish a general system of protection for all birds.</p> <p>Art. 7: Ensure hunting does not jeopardize conservation efforts and complies with the principles of wise use and ecologically balanced control of the species concerned.</p>	<p>Art 4: Establish Natura 2000 – a coherent network of special areas of conservation (SACs) hosting habitats listed in Annex I) and habitats of species listed in Annex II), sufficient to achieve their FCS across their natural range, and SPAs designated under the Birds Directive.</p> <p>Art. 6: Ensure SCIs and SACs are subject to site management and protection.</p> <p>Art 10: Maintain/develop major landscape features important for fauna and flora</p> <p>Art. 12-13: ensure strict protection of species listed in Annex IV.</p> <p>Art. 14: ensure the taking of species listed in Annex V is in accordance with the maintenance of FCS.</p> <p>Art. 22: Consider the desirability of reintroducing species listed in Annex IV that are native to their territory.</p>
Measures/ Operations objectives	<p>Site Protection system</p> <p>Art. 4:</p> <p>4(1): Designate Special Protection Areas (SPAs) for threatened species listed in Annex I and for regularly occurring migratory species not listed in Annex I, with a particular attention to the protection of wetlands and particularly to wetlands of international importance.</p> <p>4(3): Ensure that SPAs form a coherent whole.</p> <p>4(4): [Obligations under Art 6(2), (3) and (4) of Habitats Directive replaced obligations under first sentence of 4(4)]. Outside SPAs, strive to avoid pollution or deterioration of habitats.</p> <p>Species protection system</p> <p>Art. 5 (a-e): Prohibit certain actions relating to the taking, killing and deliberate significant disturbance of wild birds, particularly during the breeding and rearing periods.</p> <p>Art. 6: Prohibit the sale of wild birds except of species listed in Annex III/A and, subject to consultation with the Commission, those listed in Annex III/B.</p>	<p>Site Protection system</p> <p>Arts. 4 & 5: Select Sites of Community Importance (SCIs) and SACs, in relation to scientific criteria in Annex III.</p> <p>Art. 6(1): Establish necessary conservation measures for SACs.</p> <p>Art. 6(2): [Take appropriate steps to?] Avoid the deterioration of habitats and significant disturbance of species in Natura 2000 sites.</p> <p>Plans or projects</p> <p>Art. 6(3/4): Ensure, through an 'appropriate assessment' of all plans or projects likely to have a significant effect on a Natura 2000 site, that those adversely affecting the integrity of the site are prohibited unless there are imperative reasons of overriding public interest.</p> <p>Art. 6(4): When plans or projects adversely affecting the integrity of a site are nevertheless carried out for overriding reasons, ensure that all compensatory measures necessary are taken to ensure the overall coherence of Natura 2000.</p> <p>Financing</p> <p>Art. 8: Identify required financing to achieve favourable conservation status of</p>

	<p>Art. 7: Regulate hunting of species listed in Annex II and prohibit hunting in the breeding and rearing seasons and, in the case of migratory birds, on their return to breeding grounds.</p> <p>Art. 8: Prohibit the use of all means of large-scale or non-selective capture or killing of birds, or methods capable of causing the local disappearance of species, especially those listed in Annex IV.</p> <p>Art. 9: Provide for a system of derogation from protection of species provisions under specified conditions</p> <p>Research Art. 10: Encourage research into relevant subjects, especially those listed in Annex V.</p> <p>Non-native species Art. 11: Ensure introductions of non-native species do not prejudice local flora and fauna.</p> <p>Reporting Art. 12: report each 3 years on implementation</p>	<p>priority habitats and species, for the Commission to review and adopt a framework of aid measures.</p> <p>Landscape features Art. 10: Where necessary, encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network.</p> <p>Surveillance Art. 11: Undertake surveillance of the conservation status of habitats and species of Community interest.</p> <p>Species protection system Art. 12 & 13: Establish systems of strict protection for animal species and plant species of Annex IV prohibiting specified activities. Art. 14: Take measures to ensure that taking/ exploitation Annex V species is compatible with their maintenance at FCS Art. 15: Prohibit indiscriminate means of capture/killing as listed in Annex VI. Art. 16: Provide for a system of derogation from protection of species provisions under specified conditions</p> <p>Reporting Art. 17: report on implementation each 6 years, including on conservation measures for sites and results of surveillance.</p> <p>Research Art. 18: undertake research to support the objectives of the Directive.</p> <p>Non-native species Art. 22: ensure that introductions of non-native species do not prejudice native habitats and species.</p>
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Annex 2: Typology of cost and benefits

This annex sets out a typology of costs and benefits resulting from implementation of the Nature Directives in the EU, which need to be considered in the evaluation.

Typology of Costs

The evaluation will consider costs which result directly and indirectly from the Directives, including both monetary costs (i.e. involving direct investments and expenditures) and non-monetary costs (involving additional time inputs, permitting delays, uncertainty and missed opportunities).

It will include both the **compliance costs** of the legislation, and any **opportunity costs** resulting from missed or delayed opportunities for development or other activities. Compliance costs can be further divided into **administrative costs** and **costs of habitat and species management**. Examples of each of these types of costs are set out in Table 1.

Administrative costs refer to the costs of providing information, in its broadest sense (i.e. including costs of permitting, reporting, consultation and assessment). When considering administrative costs, an important distinction must be made between information that would be collected by businesses and citizens even in the absence of the legislation and information that would not be collected without the legal provisions. The costs induced by the latter are called **administrative burdens**.

Evidence of these costs will include:

- **Monetary estimates** of investments required and recurrent expenditures on equipment, materials, wages, fees and other goods and services; and
- **Non-monetary estimates** of administrative time inputs, delays, missed opportunities and other factors affecting costs.

Typology of benefits

The evaluation will collect evidence on the direct and indirect benefits derived from EU nature legislation, which include benefits for biodiversity and for the delivery of ecosystem services, and the resultant effects on human well-being and the economy.

The **ecosystem services** framework provides a structured framework for categorising, assessing, quantifying and valuing the benefits of natural environmental policies for people. However, it is also widely recognised that biodiversity has **intrinsic value** and that the Directives aim to protect habitats and species not just for their benefits to people, but because we have a moral duty to do so. In addition, consideration of benefits needs to take account of the **economic impacts** of implementation of the legislation, including effects on jobs and output resulting from management activities as well as the effects associated with ecosystem services (such as tourism).

A typology of benefits is given in Table 2. Assessment of the benefits of the Directives for biodiversity is a major element in the evaluation of their effectiveness. Effects on ecosystem services will be assessed in both:

- **Biophysical terms** – e.g. effects on flood risk, number of households provided with clean water, number of visitors to Natura 2000 sites etc.; and
- **Monetary terms** – e.g. reduced cost of water treatment and flood defences, value of recreational visits, willingness to pay for conservation benefits.

Evidence of economic impacts will include estimates of expenditures by visitors to Natura 2000 sites, employment in the creation and management of the Natura 2000 network, and resultant effects on gross value added in local and national economies.

Typology of costs resulting from the Nature Directives

Type of costs	Examples
Administrative costs	<ul style="list-style-type: none"> • Site designation, including scientific studies, administration, consultation etc. • Establishing and running of management bodies • Preparation and review of management plans • Public communication and consultation • Spatial planning • Development casework, including time and fees involved in applications, permitting and development casework affecting habitats and species, including conducting appropriate assessments • Time and fees involved in compliance with species protection measures, including derogations • Research • Investigations and enforcement
Habitat and species management costs	<p>Investment costs:</p> <ul style="list-style-type: none"> • Land purchase • Compensation for development rights • Infrastructure for the improvement/restoration of habitat and species • Other infrastructure, e.g. for public access, interpretation works, observatories etc. <p>Recurrent costs - habitat and species management and monitoring:</p> <ul style="list-style-type: none"> • Conservation management measures– maintenance and improvement of favourable conservation status for habitats and species • Implementation of management schemes and agreements with owners and managers of land or water • Annual compensation payments • Monitoring and surveillance • Maintenance of infrastructure for public access, interpretation etc. • Risk management (fire prevention and control, flooding etc.)
Opportunity costs	<ul style="list-style-type: none"> • Foregone development opportunities resulting from site and species protection, including any potential effects on output and employment • Delays in development resulting from site and species protection, and any potential effects on output and employment • Restrictions on other activities (e.g. recreation, hunting) resulting from species and site protection measures

Typology of Benefits

Type of benefit	Examples
Benefits for species and habitats	<p>Extent and conservation status of habitats</p> <p>Population, range and conservation status of species</p>
Ecosystem services	<p>Effects of Directives on extent and value (using a range of physical and monetary indicators) of:</p> <ul style="list-style-type: none"> • Provisioning services – food, fibre, energy, genetic resources, fresh water, medicines, and ornamental resources. • Regulating services – regulation of water quality and flows, climate, air quality, waste, erosion, natural hazards, pests and diseases, pollination. • Cultural services – recreation, tourism, education/ science, aesthetic, spiritual and existence values, cultural heritage and sense of place. • Supporting services – soil formation, nutrient cycling, and primary production.
Economic impacts	<p>Effects of management and ecosystem service delivery on local and national economies, measured as far as possible in terms of:</p> <ul style="list-style-type: none"> • Employment – including in one-off and recurring conservation management actions, as well as jobs provided by tourism and other ecosystem services (measured in full time equivalents); • Expenditure – including expenditures by visitors as well as money spent on conservation actions; • Business revenues – including effects on a range of land management, natural resource, local product and tourism businesses; • Local and regional development – including any effects on investment, regeneration and economic development; and • Gross Value Added – the additional wages, profits and rents resulting from the above.