

ROADMAP			
TITLE OF THE INITIATIVE	<i>Communication from the Commission "An Action Plan for nature, people and the economy"</i>		
LEAD DG – RESPONSIBLE UNIT – AP NUMBER	DG ENV – UNIT D3	DATE OF ROADMAP	10/02/2017
LIKELY TYPE OF INITIATIVE	<i>Communication</i>		
INDICATIVE PLANNING	<i>2nd quarter 2017</i>		
ADDITIONAL INFORMATION	http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm		
<p>This Roadmap aims to inform stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have. The Roadmap is provided for information purposes only and its content may change. This Roadmap does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content.</p>			

A. Context, Problem definition and Subsidiarity Check
<p>Context</p> <p>The Birds and Habitats Directives aim to protect ± 1500 animal and plant species and some 200 rare habitat types inside and outside nature conservation areas, and thereby establish the Natura 2000 conservation network, covering land and sea areas of the European Union. A recent Fitness Check¹ has concluded that, within the framework of broader EU biodiversity policy, the Birds and Habitats Directives are fit for purpose but fully achieving their objectives and realising their full potential will depend on substantial improvement in their implementation. Not achieving the Directives' objectives entails the continued depletion of our natural capital and further erodes valuable ecosystem services with major consequences for our economy. Moreover, we miss the opportunity to capitalise on nature's full potential to deliver growth and jobs, and improve citizens' health and quality of life. Based on the findings of the Fitness Check, the Commission has decided to develop an Action Plan to improve the implementation of the Directives and to address the identified shortcomings.</p>
<p>Problem the initiative aims to tackle</p> <p>While the Directives have helped improve the status of habitats and species where targeted actions have been taken at a sufficient scale, many of them remain in unfavourable status²: only about half of protected bird species have a secure population in the EU; less than a quarter of assessment for other protected species and only 16% of assessments for protected habitats show a favourable conservation status.</p> <p>Whilst there are external factors increasing pressures on protected species and habitats, the Fitness Check revealed insufficient progress towards achievement of the Directives' specific objectives. It particularly highlighted issues related to the:</p> <ul style="list-style-type: none"> • designation of Natura 2000 sites (especially at sea where significant gaps remain); • establishment of the necessary conservation measures for all sites; • management and restoration of habitats and landscape features beyond Natura 2000. <p>The shortcomings in implementation have negative consequences for safeguarding ecosystems and the services they deliver to people and the economy such as food, fuel, materials, clean water and air, carbon sequestration, reduced drought and flood risks, recreational and cultural opportunities.</p>

¹ The Commission findings of the Fitness Check are presented in the Staff Working Document published on 16 December 2016 - SWD(2016) 472 final - http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm.

² See 2015 Commission report on State of Nature in the EU- <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:219:FIN>

The Fitness Check has identified a range of key challenges notably : limited availability and targeting of funding; limited expertise together with poor enforcement by many national authorities; inefficient and sometimes unnecessarily complex implementation processes at national/regional/local level including in relation to management and protection of Natura 2000 sites; lack of full policy integration; knowledge gaps; human resource constraints; and lack of awareness among and engagement of certain stakeholders.

Lack of EU action would leave the above identified shortcomings in implementation of the Nature Directives unaddressed and severely undermine attainment of the EU goal of halting biodiversity loss by 2020. This would lead to further erosion of ecosystem services and related job and growth opportunities. Moreover, the EU would also fail to meet commitments to averting global biodiversity loss under the Convention on Biological Diversity³ and broader international commitments in relation to the Sustainable Development Goals (especially SDGs 14 and 15 on protecting life at sea and on land).

Subsidiarity check

The initiative concerns an area (environment) of shared competence between the Union and the Member States in accordance with TFEU Article 4, paragraph 2(e). This Action Plan aims at improving implementation of the Nature Directives whose legal base today is to be found in article 192.1 of the TFEU. The problem at stake is EU-wide: nature is a shared heritage of the Member States and effective management of natural resources needs to take place across borders as the ranges of many species, notably migratory ones, are dependent on suitable habitats and conditions being present simultaneously in different Member States. Many features of importance to biodiversity depend on co-ordinated and aligned activity across borders. Nature is also heavily influenced by different land and water use policies that are defined at the EU level. EU-level action is therefore instrumental in providing the effective means necessary to ensure the right investments for smart and sustainable use of EU natural capital and for reaping its full potential for green growth and jobs.

B. What does the initiative aim to achieve and how [max 25 lines]

The Fitness Check findings have illustrated that the Birds and Habitats Directives, while remaining fully valid, require improved implementation through a smart approach capable of capturing the full potential and opportunities offered by the existing legislation. This initiative will provide a comprehensive response to the findings, while at the same time complementing and contributing to the priorities of this Commission. It will aim to improve implementation of the Habitats and Birds Directives and their coherence with socio-economic objectives, including by ensuring better integration with other EU policy areas, in order to reap their full potential for green growth and jobs. The Commission will in particular look at the following areas:

- Developing and applying smart implementation approaches to support national, regional and local authorities and stakeholders to avoid unnecessary costs and burdens;
- Improving compliance with the Nature Directives for their effective delivery, harnessing the full potential of healthy ecosystems;
- Strengthening investment in Natura 2000 and coherence with other policies, in particular with EU funding policies;
- Improving access to knowledge, promoting stakeholder and public engagement.

C. Better regulation

Consultation strategy

All actions to be included in the Plan will be grounded in the results of the Fitness Check. This included a 12-week public on-line consultation which attracted a record number of responses (552,472). The Fitness Check also included an extensive evidence-gathering process with questionnaires sent to Member State authorities and stakeholder groups in all EU Member States as well as EU-level representative bodies of different stakeholders, an extensive literature search and fact-finding visits to 10 Member States⁴.

³ <https://www.cbd.int/>

⁴ Detailed information on the Fitness Check evaluation process, including replies and outcome of consultation activities, can be found here: http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

Targeted consultation to support the development of the action plan is envisaged through ad hoc meetings with key stakeholder groups. Another open public consultation would not seem necessary. Further information on intended stakeholder activities can be found here: http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm.

Impact assessment

Given that the purpose of the action plan is to improve implementation of existing obligations in the framework of the current legal framework, an impact assessment will not be necessary. However, if any new proposals with expected significant impact were to be identified, an impact assessment would then be conducted.

Evaluations and fitness checks

The Nature Directives have been recently evaluated as part of the Regulatory Fitness and Performance (REFIT) programme⁵. During the **Fitness Check** of the Nature Directives, the Commission services have assessed if the Birds and Habitats Directives are fit for purpose by examining their performance against five criteria: relevance, effectiveness, efficiency, coherence and EU added value. The Commission findings of the Fitness Check are presented in the Staff Working Document⁶ published on 16 December 2016.

⁵ The Commission's Regulatory Fitness and Performance (REFIT) programme ensures that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. REFIT aims to keep EU law simple, remove unnecessary burdens and adapt existing legislation without compromising on policy objectives.

⁶ SWD(2016) 472 final - http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm.