



Wildlife and
Countryside



Cyswilt Amgylchedd
Cymru



Joint Links Position Statement: European Commission 'Fitness Check' of the Birds and Habitats Directives

This Joint Links position statement sets out our views on the European Commission's REFIT 'Fitness Check' of the nature laws that exist to protect the most important wildlife species and habitats in the UK and Europe - the single biggest threat to UK and European nature and biodiversity in a generation.

Joint Links collectively represents voluntary organisations with more than 8 million members across the UK. It comprises the combined memberships of Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and the Northern Ireland Environment Link. Each is a coalition of environmental voluntary organisations, united by common interest in the conservation and restoration of nature and the promotion of sustainable development across the terrestrial, freshwater and marine environments.

We are deeply concerned by the European Commission's decision to subject the EU Birds and Habitats Directives to a 'Fitness Check', as part of its 'REFIT' programme. The economies of the UK and other EU Member States are struggling and evidence is growing that nature is in crisis. Most people in the UK and Europe want nature to be protected and improved¹; we believe that the uncertainty about the future of the Directives caused by the 'Fitness Check' could be:

- **Bad for nature** – threatening to weaken vital protection for species and habitats when what is needed is proper implementation of the laws
- **Bad for people** – jeopardising the protection of biodiversity also jeopardises the wider health, well-being and 'ecosystem services' benefits that nature provides
- **Bad for business** – threatening the stable regulatory framework for sustainable development that the Directives provide, leading to business uncertainty and investor risk.

Environmental legislation is under attack from those who wish to see existing protections weakened because they mistakenly regard them as a block on business and economic growth. In the current political context any revision of the Directives would expose them to prolonged uncertainty and leave the long-term future of Europe's biodiversity vulnerable to short-term political priorities.

Where they are properly implemented the Directives work for nature, for people and for business. Weakening the protection the Directives provide would be a retrograde step. Better implementation of existing requirements at the EU and Member State level, alongside more and better-targeted funding. This would be better for nature, better for people, and better for business. Short-sighted politics must not be allowed to put the future of nature and biodiversity in Europe at further risk.

- The Birds and Habitats Directives were developed in recognition of:
- The failures of individual Member States to tackle the loss of biodiversity;
- The fact that nature transcends national borders and protecting habitats and species, especially those that migrate, requires coordinated effort across Member States;

¹ [Eurobarometer. \(2014\). Attitudes of European Citizens towards the Environment. Report. http://ec.europa.eu/public_opinion/archives/ebs/ebs_416_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_416_en.pdf)

- The need to provide a level playing field for nature and for business across Europe to ensure that nature is protected for all and to provide a stable regulatory framework for business

The Birds and Habitats Directives are the cornerstone of national and Europe-wide attempts to halt and reverse the loss of biodiversity². When they are respected they work. Scientific evidence shows that these Directives have delivered demonstrable positive benefits for Europe's wildlife³, and a series of reviews at UK and EU level (including Defra's Review of Implementation of the Birds and Habitats Directive in England⁴, the recent UK Balance of Competences Review⁵ the Red Tape Challenge⁶ and the High Level Task Force for Better Regulation) have concluded that they do so without placing an unnecessary burden on business. This is also reflected in the views of UK and EU citizens⁷ and businesses who value the role of the European legislation including the Directives in protecting nature and the environment.

"The EU Birds and Habitats Directives provide an appropriate and effective legal instrument for the conservation of biodiversity in Europe and an appropriate framework for the development of extractive activities in harmony with nature." CEMEX / BirdLife⁸

"The Directives provide a clear and robust legal framework for achieving sustainable development." Sustainable Development Commission⁹

We recognise that implementation of the Directives is far from complete, and this, combined with poor implementation of national laws to protect nature, inadequate funding of conservation measures and the failure to address other UK Government and EU policies, such as the flawed Common Agricultural Policy, continue to drive the loss of biodiversity, means that further action is needed.

Full implementation of the Directives, alongside more effective national protection and review of policies that continue to harm nature across the EU would bring multiple benefits to society¹⁰ and help governments meet their pledges to restore nature by 2020.

Joint Links evidence

On 30 April 2015, the Joint Links submitted the UK NGO sector's response to the first phase of the Commission's Fitness Check consultation. This is supported by over 500 separate pieces of evidence. **100 UK NGOs** (listed in Annex 2) supported the response which is summarised at Annex 1.

For more information, please contact Morwenna Mckenzie, morwenna@wcl.org.uk 020 7820 8600.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf

³ <http://www.sciencemag.org/content/317/5839/810.abstract>

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf

⁵ <https://www.gov.uk/review-of-the-balance-of-competences>

⁶ <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/>

⁷ http://ec.europa.eu/public_opinion/archives/ebs/ebs_416_en.pdf

⁸ <http://www.birdlife.org/europe-and-central-asia/news/rules-business-and-environment-cemex-and-birdlife-jointly-endorse-eu>

⁹ <http://www.sd-commission.org.uk/publications.php?id=6077>

¹⁰ http://ec.europa.eu/environment/nature/natura2000/financing/docs/ENV-12-018_LR_Final1.pdf

ANNEX I: Summary of the Joint Links evidence to the Fitness Check process

Effectiveness

The Directives are scientifically proven to be effective where properly implemented, **delivering demonstrable benefits for biodiversity, as well as significant social and economic benefits.** They are therefore widely recognised as the cornerstone of attempts across the EU to halt and reverse the loss of biodiversity, and their full implementation is recognised as essential if the objectives of the 7th Environmental Action Plan are to be achieved¹¹. They have delivered demonstrable progress towards ensuring biodiversity, through the conservation of Europe's most valuable habitats and species, especially within Natura 2000. However, the failure by Member States to adequately define Favourable Conservation Status under the Habitats Directive and the corresponding Birds Directive Article 2 requirements limits the extent to which an absolute measure of their effectiveness can be made. Delays, and ongoing gaps in implementation, coupled with chronic under funding, and a lack of political will to deliver on biodiversity conservation commitments, have constrained progress towards achievement of the objectives set out in the Directives. Unsustainable land management and fisheries practices promoted under EU sectoral policies have also limited progress towards EU biodiversity conservation objectives.

Efficiency

The Directives are **delivering environmental, social, and economic benefits that far out weigh the costs of implementation.** It is therefore reasonable to suggest that failure to implement the Directives would incur substantial environmental, economic and social costs that would far outweigh any savings made. The evidence shows that they do not generate unnecessary administrative costs, that they are not a significant burden for business and that inadequate implementation of the Directives, and of EU legislation generally, often generates uncertainty and unnecessary burdens for businesses.

Relevance

The Directives establish a **modern, flexible, effective legislative framework for nature conservation.** Evidence shows that they are able to respond to climate change, and to adapt to the different political, environmental and geographical situations in the 28 EU Member States, while delivering scientifically proven benefits for wildlife. They represent a "litmus test" for sustainable development, allowing an environmentally sustainable balance to be struck between the interests of nature conservation and short-term economic gain. Experience strongly suggests that fully implementing the Directives as they stand, rather than opening them up to update species listings, would have the best outcome for the objectives of the Directives up to 2020. Concern about biodiversity loss, and support among European citizens for EU environmental action remain very high.

Coherence

The Directives establish a legal framework **that is coherent and integrated with other EU environmental laws, and with EU sectoral policies. This framework is key to achievement of EU and international biodiversity conservation objectives.** The Directives also help deliver a level playing field in competition terms for companies in support of the EU single market. The flexibility built in to the Directives, stakeholder consultation, Commission Guidance, and jurisprudence have helped resolve many real or perceived conflicts. Achievement of the goals set out in the Directives and in the EU's Biodiversity Strategy has, however, been significantly undermined by inadequate implementation, underfunding, and unsustainable practices promoted under the EU's sectoral policies (e.g. Common Agricultural Policy and Common Fisheries Policy).

EU added value

The Directives were adopted to **address failures and inconsistencies in national nature protection laws, and tackle rapid and accelerating biodiversity losses.** As nature knows no borders, to be effective nature conservation action must be coordinated at international level, justifying an EU-level approach. Similarly, in a common market we need a level-playing field for economic activity, based on a shared framework of environmental laws and standards.

¹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013D1386>

ANNEX II: List of 100 Joint Links members who support the response and the position statement

Action Renewables
Alliance Youth Works
Amphibian and Reptile Conservation
ARENA Network
Badenoch & Strathspey Conservation Group
Bat Conservation Trust
Belfast Civic Trust
Belfast Healthy Cities
Belfast Hills Partnership
Born Free Foundation
British Ecological Society
British Trust for Ornithology
Broughshane Improvement Committee
Bryson Charitable Group
Bryson Energy
Buglife – the Invertebrate Conservation Trust
Bumblebee Conservation Trust
Butterfly Conservation
Campaign for National Parks
Campaign for the Protection of the Countryside
Campaign to Protect Rural England
Carnogher Community Association
Causeway Coast and Glens Heritage Trust
Cavehill Conservation Campaign
Chartered Institute of Environmental Health
ClientEarth
Colin Glen Trust
Community Places
The Conservation Volunteers
Copeland Bird Observatory
Council for British Archaeology
County Armagh Wildlife Society
Creggan Country Park
EcoSeeds
Environmental Investigation Agency
Federation of City Farms and Community Gardens
Field Studies Council
Friends of the Earth England
Froglife Trust (Scotland)
Grass Roots Conservation Group
Green Action Belfast
Greencastle Area Residents Group
Hebridean Whale and Dolphin Trust
Holywell Trust
Humane Society International/UK
Institute of Fisheries Management
Irish Hare Initiative
John Muir Trust
Keep Northern Ireland Beautiful
The Institute for Archaeologists
Lagan Valley Regional Park
Landscape Institute Northern Ireland
Lecale Conservation
Lough Neagh Partnership
The Mammal Society
Marine Conservation Society
MARINElife
Mountaineering Ireland
Mourne Heritage Trust
National Trust
National Trust for Scotland
Natural Copeland
North Belfast Partnership
Northern Ireland Badger Group
Northern Ireland Forest School Association
The Organic Centre
Outdoor Recreation Northern Ireland
Peoples Trust for Endangered Species
Positive Futures
Plantlife
Royal Society for the Protection of Birds
Royal Society for the Prevention of Cruelty to Animals
Royal Zoological Society of Scotland
Rural Community Network
Rural Development Council
Salmon and Trout Association
Scottish Badgers
Scottish Campaign for National Parks
Scottish Ornithologists' Club
Scottish Wild Land Group
Scottish Wildlife Trust
Speedwell Trust
Sperrins Gateway Landscape Partnership
Supporting Communities NI
Sustainable Northern Ireland
Sustrans
Talnoy Avian Care Trust
Ulster Angling Federation
Ulster Archaeological Society
Ulster Architectural Heritage Society
Ulster Federation of Rambling Clubs
Ulster Wildlife
Waste and Resources Action Programme
Whale and Dolphin Conservation
Wildlife Gardening Forum
Wildlife Trusts Wales
Wildfowl & Wetlands Trust
The Wildlife Trusts
Woodland Trust
WWF - UK