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“Future Environmentalists - Linking EU Natural Capital Management to Field Research”
Agreement № 2018-1-BG01-KA203-047962

REPORT

Topic: “International nature conservation policy (global, pan-European and the European Union) I.”

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of Parks in
Bulgaria



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Reasons for developing international cooperation in nature conservation are:

- i. Nature does not respect country's borders;
- ii. Some issues are global or regional;
- iii. Saving capacities;
- iv. Setting the common priorities through conservation planning;
- v. Exchange good practices, lessons learnt and failures.

International cooperation in nature conservation according to the legally binding (hard and soft laws) consists of:

- a. Implementing the European Union's legislation;
- b. Multilateral biodiversity-related treaties;
- c. International intergovernmental and non-governmental organisations incl. private ones;
- d. International programmes, projects and initiatives;
- e. Bilateral and transboundary cooperation.

Implementing the European Union's legislation

The EU Member States have conferred a part of their sovereign rights to the European Community (1958-2009), European Union respectively (since 2009). The EU law is legally binding for Member States (EUROPEAN COMMISSION 2020a).

The EU legislation implementation can be enforced through the European Court of Justice (NB the European Court of Human Rights is Council of Europe's, *i.e.* pan-European body). At the same time, *acquis communautaire* is very often positively supported by subsidies from the EU funds.

There are three main types of the EU legislation (EUROPEAN COMMISSION 2020a):

1. Regulations





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Regulations are legal acts that apply automatically and uniformly to all EU Member States as soon as they enter into force, without needing to be transposed into national law. They are binding in their entirety on all the EU States.

2. Directives

Directives require EU Member States to achieve a certain result, but leave them free to choose how to do so. Therefore, the EU Member States must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive.

3. Decisions

A decision shall be binding in its entirety: a decision which specifies those to whom it is addressed shall be binding only on them.

At the beginning, the European Community legislation had aimed at technological protection of the environment through various standards. Moreover, the EU nature conservation legislation has been the most comprehensive in the world. It has been pioneering in many aspects

Directive 2009/147/EC on the conservation of wild birds (**the Birds Directive**) was adopted in April 1979, the original replaced in November 2009. It makes a revolution in species protection (EUROPEAN COMMISSION 2020b).

The Birds Directive introduces:

- a. General protection of all the bird species and subspecies in all developmental stages (eggs, young);
- b. Measures for animal welfare;
- c. Ban on hunting game species in the breeding season.



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Within the Birds Directive, a special attention paid to migratory and wetland bird species and for particularly threatened 194 species and subspecies Member States must designate Special Protection Areas (SPAs).

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (**the Habitats Directive**) was adopted in May 1992 before the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in June 1992 and is considered to be a real milestone in nature conservation globally.

The Habitats Directive is the most comprehensive nature conservation legal tool in the world. It provides the special, *i.e.* strict protection of 400 species and subspecies important for the EU as a whole. Protected sites are established directly for the particular taxa. Natural habitats of the EU importance are also directly protected by sites. Therefore, the Habitats Directive combines species and territorial conservation.

For 90 wildlife species and subspecies, management should be sustainable keeping their favourable conservation status.

For >900 wildlife taxa and 200 natural habitat types Member States must designate Sites of Community importance (SCIs), Special Areas of Conservation (SACs) respectively.

Importance of the EU Natura 2000 network of protected areas consisting of SPAs and SACs:

- a. Target parts of nature are protected directly *in situ*, sites are declared so that the target parts of nature are maintained in favourable conservation status or the latter has been improving;
- b. Biogeographical not geopolitical approach applied;
- c. The sites to be selected purely on the scientific basis.

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For conservation of the wildlife species and habitats targeted both the respective Member States and the EU are responsible: the proportionality principle (more species or habitats occur on a Member State’s territory, more or larger sites should be protected by the respective Member State).

The Natura 2000 sites have not to be strictly protected and pristine, but the status of the protected phenomenon is crucial. The Directives do not exclude economic activities at the site when maintaining or improving the conservation status of the species or habitat or both is not disturbed or damaged. In addition drivers outside the site influencing it should also be considered.

Special attention has been paid to monitoring (both on the national level and at the sites), assessment and reporting: a never-ending process because the Member States should report on the conservation status in species or habitats.

By the number of sites, the Natura 2000 is the largest network of protected areas worldwide based on the same principle (EEA 2019a). As of March 2020, it consists of approx. 28,000 sites covering 18 % of the EU land area ((EUROPEAN COMMISSION 2020b).

There have been repeated attempts to reduce the EU nature directives power. In May 2014 Jean-Claude Juncker announced the deep analysis of the directives to become more current and to be merged causing worries about reducing their power, *i.e.* the EU Nature Directives Health-Check. Against any changes were the European Parliament, scientists, NGOs (NatureAlert) and part of private sector. When the European Commission launched on-line public consultations: 550,000 citizens involved mostly requiring to keep the directives as they are. In addition there was a strong support to the directives from some Member States In December 2016 the decision to keep the status quo was officially announced.

The Natura 2000 network generates recreational benefits worth between EUR 5 – 6 billion per year. The provision of ecosystem services by the Natura 2000 has been estimated to in the order of EUR 200 – 300 billion/year (EUROPEAN COMMISSION 2013).

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Shortcomings of the EU nature conservation legislation:

- i. Delay in the Natura 2000 designation almost 20 years;
- ii. 60 % of species assessment pursuant to the Habitats Directive show unfavourable conservation status. The worst state has been in fish, molluscs and amphibians and there has been a significant gap of knowledge in marine species.
- iii. Only 16 % of the assessments of habitats protected under the Habitats Directive have a favourable conservation status at the EU level.
- iv. Bogs, mires and fens display the highest proportion of unfavourable assessments followed closely by grasslands.
- v. Only half of the bird species covered by the Bird Directive are considered to be secure (EEA 2020).
- vi. The Natura 2000 is not an ecological network *sensu stricto*.
- vii. Problem with size of sites: in Europe approx. 93 % of protected areas are less than 10 km² and 78 % less than one km² on size (EEA 2012a).
- viii. There has been a long-lasting deficit in marine Natura 2000 sites, both in number and size.
- ix. Only designation of a protected area itself is not a guarantee of effective biodiversity protection: appropriate management is needed but only half of the Natura 2000 has had a management plan.
- x. The Natura 2000 network has been built on past and present, not on the future. Therefore it is extremely vulnerable to climate change because most sites have been stabled in flat landscapes (ARAÚJO *et al.* 2011).
- xi. There is no special line in the EU budget and no special fund. Implementation of the EU nature conservation directives should be paid, *inter alia*, from the LIFE+ fund and from the Cohesion Fund after COVID-19. Thus, most activities related to the EU nature conservation directives have to be paid from Member State's budget.

Generally, the Natura 2000 ecological network is quite a success. In 2020, it covers >1 million km². Moreover, it has not met the high ambitions.

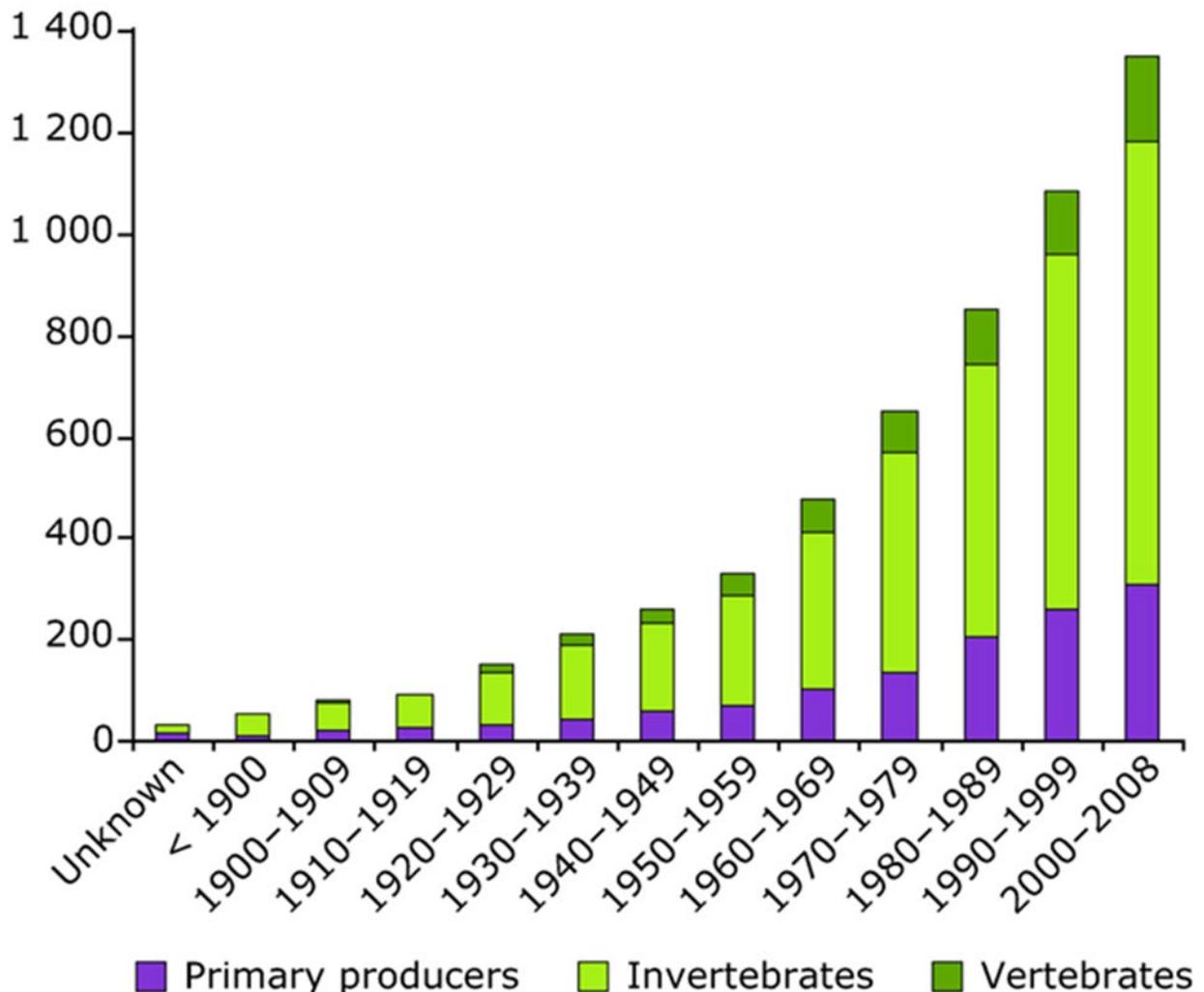


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Regulations on invasive alien species (2014, 2016)

In Europe: IAS number increased four times in 1900 – 2010 and annual loss in the EU is estimated at EUR 12 billion (KETTUNEN *et al.* 2009, EEA 2012b, RABITSCH *et al.* 2016).

Cumulative number of species



The list of IAS of Union concern (the Union list), *i.e.* significant for the EU as a whole, which is annexed to the regulation, has been including 66 species and

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subspecies since 2019. The Member States have to control or regulate them through various ways.

Water Framework Directive (adopted 2000) target is that all EU waters to be in good quality in 2015 (53 % in reality).

Parameters for quality assessment:

- 1) Biological/ecological
- 2) Hydromorphological
- 3) Physical—chemical
- 4) Chemical

Ecosystem approach has been applied within the WFD because the quality parameters area assessed in the individual river basins.

Marine Strategy Framework Directive (adopted in 2008) aims at good environmental status in the EU Member States seas by 2020. The piece of legislation pays special attention to biodiversity.

The first key biodiversity policy document the EU 2010 target adopted in Gothenburg 2001 states the biodiversity decline should be halted with the aim of reaching this objective by 2010: the EU failed. The next one, the EU biodiversity strategy to 2020 entitled as *Our life insurance, our natural capital* includes six targets (EUROPEAN COMMISSION 2011):

- 1) Fully implement the Birds and Habitats Directives;
- 2) Maintain and restore ecosystems and their services;
- 3) Increase the contribution of agriculture and forestry to biodiversity;
- 4) Ensure the sustainable use of fisheries resources;
- 5) Combat Invasive Alien Species;
- 6) Step-up action to tackle the global biodiversity crisis.



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As indicated it has been clear that not all the above target will be fully met (EUROPEAN COMMISSION 2015, 2019a).

Since 1962, the **Common Agriculture Policy (CAP)** is a key European Communities/EU policy instrument. In the past, > 50% of the EC/EU budget was allocated for the CAP.

Key CAP tasks are as follows:

- A. Provide consumers with high-quality and easy available food;
- B. Maintaining stable and consumer-friendly food prices;
- C. Enhance well-being of citizens in the countryside;
- D. Support economic development in rural regions;
- E. Support long-term export.

There has been almost permanent CAP reform, at least formally dealing with both the CAP's pillars (EEA 2019b):

- a. Pillar 1 Production support
- b. Pillar 2 Rural development

The CAP, particularly its strong subsidy schemes for the pillar 1, have been strongly criticized by the Miami Group (big agricultural products exporters, i.e. U.S.A., Australia, New Zealand, Brazil and Argentina) within the World Trade Organisation.

The CAP proposal for 2021 – 2030 is criticized because greening the CAP seems to be insufficient. Moreover funds from the CAP are supposed to be allocated now more for climate change adaptation and mitigation (ENCA 2018, STRATMANN *et al.* 2018).

Intensive agriculture has been one of the most important biodiversity loss drivers. Agro-environmental schemes which differ significantly among the EU Member States, has not been always efficient (KLEIJN & SUTHERLAND 2003, WHITTINGHAM 2011, HARDMANN *et al.* 2016, SEP 2017).



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The Green Deal, adopted in 2019, highlights that the priorities of the European Commission for 2019 – 2024 include also environment protection (EUROPEAN COMMISSION 2019b). The EU Biodiversity Strategy which has been under preparation shall be one of the principal tools to implement the Green Deal.

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