



## BIODIVERSITY, LAND USE AND FORESTRY

The 1992 UN Conference on the Environment and Development marked a major step forward for the conservation of biodiversity and the protection of nature thanks to the adoption of the Convention on Biological Diversity. The EU has played an important international role in seeking solutions to biodiversity loss, climate change and the destruction of tropical rainforests. In 2011 the EU committed itself to halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020. Other objectives set out in the Habitats Directive or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) remain to be achieved. The global Paris Agreement on climate change reached in December 2015 to mitigate the effects of climate change and the subsequent EU legislation to implement the agreement are expected to have a positive impact on the preservation of biodiversity and forests in the decades to come. Since 1992, the LIFE programme has been the most important financial instrument for the protection of biodiversity and forests in the EU.

### LEGAL BASIS

Articles 3, 11 and 191-193 of the Treaty on the Functioning of the European Union (TFEU).

### GENERAL BACKGROUND

The UN Conference on the Environment and Development (UNCED), held in Rio de Janeiro in 1992, led to the adoption of the Framework Convention on Climate Change and of the Biological Diversity Convention (CBD), as well as to the Rio Declaration, a Statement of Forest Principles and the Agenda 21 programme. The CBD is complemented by two major protocols: the Cartagena Protocol on Biosafety, which was adopted in 2000 and entered into force in 2003, seeks to protect biodiversity from the potential risks posed by living modified organisms resulting from modern biotechnology; and the Nagoya Protocol on Access and Benefit-Sharing, which was adopted in 2010 and entered into force in 2014, aims to create greater legal certainty and transparency for both providers and users of genetic resources. The UN General Assembly declared 2010 the Year of Biodiversity. However, the report entitled 'The Global Biodiversity Outlook 3', published by the CBD's secretariat, shows that the 2010 biodiversity target was not met. In 2010 in Nagoya (Aichi Prefecture, Japan), the Parties to the CBD also adopted a revised strategic plan incorporating the Aichi Biodiversity



Targets: 20 ambitious targets organised in five strategic goals to achieve biodiversity protection by 2020, as part of a strategic biodiversity plan for the 2011-2020 period.

The UN Environment Programme (UNEP) estimates that up to 24% of species belonging to groups such as butterflies, birds and mammals have already completely disappeared from the territory of certain European countries. According to data published since 2007 by the International Union for the Conservation of Nature (IUCN), 23% of amphibians, 19% of reptiles, 15% of mammals and 13% of birds in Europe are under threat. The EU is a party to the following conventions: the Ramsar Convention on the Conservation of Wetlands (February 1971); the CITES convention (March 1973); the Bonn Convention on the Conservation of Migratory Species of Wild Animals (June 1979); the Bern Convention on the Protection of European Wildlife and Natural Habitats (1982); the Rio de Janeiro CBD (June 1992); and to the following regional conventions: the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (1974); the Barcelona Convention on the Mediterranean (1976); and the Convention on the Protection of the Alps (1991). The EU is also bound by the Aarhus Convention (1998), which provides for public access to environmental information, public participation in decision-making and access to justice.

International efforts to reduce greenhouse gas (GHG) emissions are made under the UN Framework Convention on Climate Change (UNFCCC). The Kyoto Protocol to the UNFCCC commits developed nations to GHG emissions reductions in the period up to 2020. In December 2015, the Parties to the UNFCCC adopted the Paris Agreement, a legally binding climate agreement that applies to all countries and aims to limit global warming to well below 2 degrees Celsius and pursue efforts to stay below 1.5 degrees. Within the UNFCCC, the REDD+ initiative provides instruments for combating deforestation and forest degradation in the tropics. Moreover, the Paris Agreement, adopted within the UNFCCC, points also to the critical role of the land use sector in reaching the long-term climate mitigation objectives.

## **OBJECTIVES AND ACHIEVEMENTS**

### **A. Biodiversity action plans**

In May 2006 the Commission adopted a communication entitled 'Halting the loss of biodiversity by 2010 — and beyond: Sustaining ecosystem services for human well-being', which included an EU action plan for achieving the necessary protection of biodiversity. As the EU was unlikely to meet its 2010 target of halting biodiversity decline, a new strategy was adopted by the Commission in June 2011 in order to 'halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them..., while stepping up the EU contribution to averting global biodiversity loss'. In December 2011 the Council endorsed the EU biodiversity strategy to 2020, incorporating the following six targets: full implementation of EU nature legislation so as to protect biodiversity; better protection of ecosystems and greater use of green infrastructure; more sustainable agriculture and forestry; better management of fish stocks; tighter controls on invasive alien species; and a bigger EU contribution to averting global biodiversity loss. In addition to the 2020 target, the new EU biodiversity strategy to 2020 defines the 2050 vision: 'By 2050, European Union biodiversity and the ecosystem services it provides — its natural capital — are



protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided.'

#### **B. Conservation of natural habitats and of wild fauna and flora**

The Habitats Directive (Directive 92/43 on the conservation of natural habitats and of wild fauna and flora, amended by Directive 97/62) established a European network, Natura 2000. It comprises 'Sites of Community Interest'/'Special Areas of Conservation' designated by Member States, and 'Special Protection Areas' classified pursuant to Directive 79/409 on the conservation of wild birds. With a total area of over 850 000 km<sup>2</sup>, this is the largest coherent network of protected sites in the world. The Habitats Directive aims principally to promote the conservation of biological diversity while taking account of economic, social, cultural and regional requirements. The amended Birds Directive (2009/147) covers the protection, management and control of (wild) birds, including rules for sustainable hunting.

#### **C. Invasive alien species (IAS)**

Tighter controls on IAS are one of the six targets of the EU biodiversity strategy to 2020. IAS cause damage amounting to billions of euros every year in the EU, not only to ecosystems but also to crops and livestock, disrupting local ecology and affecting human health. A key feature of Regulation 1143/2014 on the prevention and management of the introduction and spread of IAS is the list of IAS of Union concern. The regulation seeks — through prevention, early warning and rapid response — to protect native biodiversity and to minimise and mitigate the impact of such species on human health and the economy. In particular, the Member States will have to establish surveillance systems and action plans.

#### **D. Access and benefit-sharing**

Following the adoption of the Nagoya Protocol on Access and Benefit-Sharing, the Commission presented a proposal in October 2012 with a view to laying down binding requirements for access to genetic resources in the country of origin and ensuring that the benefits are fairly and equitably shared. An agreement between Parliament and the Council led to the adoption of Regulation 511/2014. Under this regulation, genetic resources and traditional knowledge associated with such resources can only be transferred and utilised in accordance with terms mutually agreed between the users (businesses, private collectors and institutions) and the authorities of the country of origin.

#### **E. Exploitation and trade of wild fauna and flora**

The CITES convention regulates international trade, specifically the (re-)exporting and importing of live and dead animals and plants and of parts and derivatives thereof, on the basis of a system of permits and certificates. The basic regulation (338/97) on the protection of wild fauna and flora by regulating trade applies the objectives, principles and provisions of the CITES convention to EU law. Whenever a change is made to the list of species listed in the annexes to Council Regulation 338/97, e.g. in order to implement listing decisions by the CITES Conference of the Parties, this is done by means of a Commission implementing regulation, such as Commission



Regulation 865/2006, which lays down detailed rules for the implementation of Regulation 338/97 and the CITES provisions. A more recent example is Commission Implementing Regulation 2017/1915, which prohibits the introduction into the EU of specimens of certain species of wild fauna and flora.

#### **F. Biodiversity related to animal welfare**

Directive 1999/22 sets minimum standards for housing and caring for animals in zoos and reinforces the role of zoos in conserving biodiversity while retaining a role in education and research. The Commission launched the Action Plan on Protection and Welfare of Animals 2006-2010 ([COM\(2006\) 0013](#)), in support of the 'three Rs' principle (replacing, reducing and refining the use of animals for research). Directive 2010/63 on the Protection of Animals used for Scientific Purposes (repealing Directive 86/609) is based on that principle, and took effect from 1 January 2013. Moreover, Regulation 1007/2009 aims to ensure that products derived from seals are no longer found on the EU market.

#### **G. Marine biodiversity**

Marine biodiversity comes within the scope of the Biodiversity Action Plans for Natural Resources and Fisheries. The review of the EU Biodiversity Strategy stresses the importance of the 'good ecological status' of seas and coastal areas if they are to support biodiversity. Furthermore, the Marine Strategy Directive (2008/56) on the protection and conservation of the marine environment entered into force in July 2008. It aimed to ensure the good status of the EU's marine waters by 2020 and to protect the resource base on which marine-related economic and social activities depend.

#### **H. Forests**

Forests make up almost 30% of the surface area of the Natura 2000 network. Several measures are aimed at protecting forests. Regulations 3528/86 and 2158/92 (which expired in 2002) on the protection of the EU's forests against pollution and fire have been integrated into the Forest Focus Regulation (2152/2003). Council Regulation 1615/89 established the European Forestry Information and Communication System (EFICS), setting up an information system on forestry. A Commission communication entitled 'A new EU Forest Strategy: for forests and the forest-based sector' (COM(2013) 0659) was adopted in September 2013. Subsequently, the Council conclusions of 19 May 2014 'underscore the importance of the forest-based sector for the EU and the crucial role of forests in making possible the structural transformation of society towards bio-based economies'. The EU Timber Regulation (995/2010) lays down the obligations of operators who place timber and timber products on the EU market. It counters the trade in illegally harvested timber and timber products through key obligations and prohibits the placing on the EU market for the first time of illegally harvested timber and timber products.

#### **I. Land use, land-use change and forestry (LULUCF)**

The LULUCF sector covers the use of soils, trees, plants, biomass and timber, and has the particular characteristic of not only emitting GHGs but also being able to absorb CO<sub>2</sub> from the atmosphere. Up to 2020, Member States are committed, under the Kyoto Protocol, to ensuring that GHG emissions from land use are compensated by an



equivalent absorption of CO<sub>2</sub>, made possible by additional action in the sector. The EU now aims to enshrine this principle (the so-called no-debit rule) in EU law for the period 2021-2030, by incorporating LULUCF into the EU's emissions reduction efforts for the first time. Regulation 2018/841, which was adopted in May 2018 and entered into force on 9 July 2018, on the inclusion of GHG emissions and removals from LULUCF into the 2030 climate and energy framework, implements the agreement reached by EU leaders in October 2014 that all sectors should contribute to the EU's 2030 emissions reduction target. Under this regulation, GHG emissions from LULUCF should be offset by at least an equivalent removal of CO<sub>2</sub> from the atmosphere during the period 2021-2030.

## J. Financial instruments

Since 1992 the EU's dedicated funding instrument for the environment has been the LIFE programme. Nature conservation and biodiversity have been included among the sub-programmes for the four phases already completed. The Commission manages the LIFE programme, which supports projects in Member States and non-EU countries. The fifth phase of the LIFE programme (introduced by Regulation 1293/2013 and covering the LIFE period 2014-2020) consists of two sub-programmes, on climate change and the environment. A budget of EUR 1.155 billion is available for nature and biodiversity, as part of the environment sub-programme. Other funding to support biodiversity has been taken up under agriculture and fisheries policies, Cohesion and Structural Funds, and the multiannual research framework programmes.

## ROLE OF THE EUROPEAN PARLIAMENT

As co-legislator, Parliament has long been supportive of EU biodiversity protection and climate change policies. In September 2010 Parliament adopted a resolution on the implementation of legislation aiming at the conservation of biodiversity<sup>[1]</sup>, in view of the post-2010 target. It expressed deep concern at the absence from the international political agenda of any sense of urgency in relation to halting the loss of biodiversity, and called for improved biodiversity governance in both internal and external relations.

In early 2016 the Commission launched an action plan on wildlife trafficking, which the EU and Member States have until 2020 to implement. In November 2016 Parliament adopted a resolution<sup>[2]</sup> in response to the action plan, aiming at curbing this organised and destructive crime that represents a threat to biodiversity by bringing many species to the brink of extinction. The action plan has three priorities: prevention, enforcement and cooperation. The importance of global cooperation between countries of origin, transit countries and destination countries was stressed. In October 2016<sup>[3]</sup> and October 2017<sup>[4]</sup>, Parliament adopted resolutions against the authorisation by the Commission of genetically modified organisms (GMOs) — maize, soybean, etc. — and on efforts to facilitate the banning of GMO cultivation by Member States in line with the objective of protecting biodiversity, nature and soil.

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[1] Texts adopted, [P7\\_TA\(2010\)0325](#).

[2] Texts adopted, [P8\\_TA\(2016\)0454](#).

[3] Texts adopted, [P8\\_TA\(2016\)0388](#).

[4] Texts adopted, [P8\\_TA\(2017\)0378](#).



In its resolution of 14 October 2015 ‘Towards a new international climate agreement in Paris’<sup>[5]</sup>, Parliament called for an agreement that involves the ‘comprehensive effort of all sectors’ and noted that land use ‘has significant cost-effective potential for mitigation and enhancing resilience’. Parliament also underlined in its resolution of 28 April 2015 on a new EU Forest Strategy: for forests and the forest-based sector<sup>[6]</sup> that sustainable forest management can have an important role in reducing GHG emissions.

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[5] Texts adopted, [P8\\_TA\(2015\)0359](#).

[6] Texts adopted, [P8\\_TA\(2015\)0109](#).

