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DRAFT REPORT

on the implementation of EU legislation aiming at the conservation of
biodiversity
(2009/2108(INI))

Committee on the Environment, Public Health and Food Safety

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of EU legislation aiming at the conservation of biodiversity (2009/2108(INI))

The European Parliament,

- having regard to the Commission Communication on the mid-term assessment of implementing the EC Biodiversity Action Plan (COM(2008)0864 final),
- having regard to the Commission Communication on the Options for an EU vision and target for biodiversity beyond 2010,
- having regard to the report from the Commission on the conservation status of Habitat types and Species as required under Article 17 of the Habitats Directive (COM(2009)0358),
- having regard to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds¹ (Birds Directive) and to the European Parliament resolution of 17 January 2001² on implementation of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora³ (Habitats Directive),
- having regard to the Environment Council Conclusions of 25 June 2009 on the mid-term assessment of implementing the EU Biodiversity Action Plan and Towards an EU Strategy on Invasive Alien Species,
- having regard to the informal Council held on 26-27 January 2010 in Madrid which adopted the so-called ‘Cibeles’ priorities and Environment Council Conclusions of 15 March 2010 on biodiversity post-2010 – EU and global vision and targets and international access and burden sharing regime,
- having regard to the European Council Conclusions of 25-26 March 2010, in particular paragraph 14,
- having regard to the European Summit in Gothenburg in 2001, where it was agreed to halt the loss of biodiversity by 2010 as part of a Sustainable Development Strategy,
- having regard to the Study on the Economics of Ecosystems and Biodiversity (TEEB) (<http://www.teebweb.org>),
- having regard to the Commission Communication towards an EU strategy on invasive species (COM(2008)0789),

¹ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

² OJ C 262, 18.9.2001, p. 132.

³ OJ L 206, 22.7.1992, p.7. Directive as last amended by Directive 2006/105/EC.

- having regard to the EU’s Blue Paper on an Integrated Maritime policy (COM(2007)0575 and SEC(2007)1278) and the ongoing preparations for the reform of the common fisheries policy,
 - having regard to the measures aiming at enhancing nature conservation and biodiversity forming part of the ‘Health check of the CAP’ and the opportunities offered by the reform of the CAP currently being discussed,
 - having regard to the fact that the United Nations have declared 2010 the Year of Biodiversity,
 - having regard to the outcome of the 15th meeting of the Conference of the Parties (COP15) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which took place in Doha, Qatar from 13 to 25 March 2010,
 - having regard to the upcoming fifth meeting of the Conference of the Parties serving as the Meeting of the Parties of the Cartagena Protocol on Biosafety (COP-MOP 5) and the Conference of the Parties (COP 10) of the UN Convention on Biodiversity (CBD),
 - having regard to Rule 48(2) of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Fisheries and the Committee on Petitions (A7-0000/2010),
- A. whereas it has become clear from the Commission’s Communications that the EU will not meet its 2010 biodiversity target,
- B. whereas the health check of species and habitat types protected under the Habitat Directive shows that a majority of species and habitat types have an unfavourable conservation status, that the extinction rate is disturbingly high and that the drivers of biodiversity change show no evidence of declining; whereas habitats and species of EU interest are potentially threatened by climate change,
- C. whereas several factors have prevented the EU from achieving its 2010 target, such as incomplete implementation of legislation, incomplete and poor integration into sectoral policies, insufficient scientific knowledge and data gaps, insufficient funding, lack of additional efficiently-targeted instruments to tackle specific problems such as invasive alien species,
- D. whereas biodiversity, as the world’s natural capital, is essential to the existence of human life on Earth and societies’ well-being, both directly and indirectly through the ecosystem services it provides; whereas biodiversity plays a central role in the global fight against hunger and in favour of food security; whereas conservation and sustainable use of biodiversity is one prerequisite for mitigation of and adaptation to climate change,
- E. whereas the loss of biodiversity gives rise to substantial economic and welfare losses,
- F. whereas a recent study by Eurobarometer shows that EU citizens are largely unfamiliar

with the term biodiversity and the consequences of the loss of biodiversity,

General remarks

1. Expresses its concern about the very fast pace of human-induced biodiversity loss which, if it continues as in the last decades, will leave us with a greatly impoverished nature by 2050;
2. Is aware that failure to stop biodiversity loss is unacceptable not only from an ethical but also from an ecological and economic perspective, as it deprives future generations of the ecosystem services and welfare aspects of a rich, natural biodiversity;
3. Underlines that ongoing studies, such as the TEEB study, estimate that the welfare loss from biodiversity loss is currently around EUR 50 billion per year (just under 1% of GDP), rising to EUR 14 trillion or 7% of estimated GDP per year in 2050;

The EU and biodiversity

4. Expresses its regret that the EU's objective, as agreed to at the European Summit in Gothenburg in 2001, to halt biodiversity loss by 2010 has not been met;
5. Welcomes the Commission's Communication on 'Options for an EU vision and target for biodiversity beyond 2010';
6. Welcomes furthermore the conclusions on biodiversity of the March 15 Environment Council, including the new headline target of halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020 and restoring them in so far as feasible;
7. Believes that halting biodiversity loss constitutes the absolute minimum level of ambition to be realised by 2020;
8. Points to the valuable initiatives aimed at restoring biodiversity and ecosystem services already taking place and believes that such restoration activities could also be part of the 2020 headline target; underlines, however, the need for a thorough impact assessment and suitability study before deciding on the precise targets of the future EU biodiversity strategy;
9. Given the global character of biodiversity and ecosystems, is convinced that the future EU strategy should also step up international efforts to avert biodiversity loss;
10. Underlines furthermore that, as a part of a policy aimed at protecting and improving biodiversity, a coordinated strategy to tackle the problem of invasive alien species is necessary;

Natura 2000

11. Recognises that a correct implementation of Natura 2000 legislation plays a major role in achieving the EU's biodiversity objective;
12. Remains concerned, regardless of tangible and positive results in the conservation status of several species, about the implementation of Natura 2000 legislation;

13. Welcomes the progress made in some Member States in the designation of Natura 2000 sites and the formulation of measures or management plans; calls on all Member States to respect the deadlines laid down in the Directive;
14. Expresses its concern about the lack of progress in the establishment of the Natura 2000 network in the marine environment and asks the Commission to speed up the necessary procedures;
15. Welcomes, in principle, an inevitable degree of flexibility in EU environmental legislation in order to adapt implementation to local circumstances; observes, at the same time, some striking differences between Member States regarding, for example, the ‘external effect’ of Natura 2000 sites, block exemptions for certain ‘existing activities’ or the application of the precautionary principle;
16. Given these differences between Member States, invites the Commission to provide further clarification of the Directives or guidance where necessary;
17. Furthermore expresses its concern about the lack of cross-border cooperation, which can lead to identical areas being approached differently;
18. Urges the Commission to focus more on ecosystem services, and in particular on the resilience of ecosystems to perform under stress, in its future biodiversity strategy and within the context of Natura 2000;

Integration into other policy areas

19. Is convinced that the Natura 2000 land and marine network is not the only EU instrument for biodiversity conservation, but that a more integral approach is needed for the EU biodiversity policy to be successful;
20. Therefore, calls on the Commission to ensure a further mainstreaming of biodiversity into other EU policy areas – such as agriculture, forestry, fisheries, regional policy and cohesion, tourism, research and innovation – in a mutually reinforcing way;
21. Welcomes the previous attempts to integrate environmental considerations into the common agricultural policy (CAP), such as the introduction of agri-environment measures and good agriculture and environmental conditions, and calls on the Commission to use the reform of the CAP as an opportunity to further enhance this trend, for example through the introduction of compensation for eco-services or the provision of public goods, including sustainable farming in ecologically sensitive areas, such as Natura 2000 sites;
22. Welcomes the reform of the common fisheries policy currently being prepared and calls on the Commission to mainstream biodiversity criteria in its future legislative proposals; furthermore, insists that, as a possible alternative to fishing, sustainable aquaculture models should be developed along the lines proposed by the Commission in its Communication (COM(2009)162) and taking into account the European Parliament’s position (*);

23. Urges Member States to design their forestry policy in a way that takes fully into account the role of forests as a reserve for biodiversity, carbon sequestration and air purification characteristics and for purposes of recreation for our citizens;
24. Stresses the need to increase the budget for research dedicated to environment and biodiversity under the 8th Framework Programme, proportionate to the huge needs and challenges of tackling both biodiversity loss and climate change;

Biodiversity and climate change

25. Underlines the vital importance of biodiversity and resilient ecosystems for climate change mitigation and adaptation, given the fact that terrestrial and marine ecosystems currently absorb around half of anthropogenic CO₂ emissions;
26. Welcomes the increasing support for measures concerning climate change from which biodiversity can also benefit, but which should not have a negative impact on the funding for biodiversity as such;

Job potential and the 2020 Strategy

27. Recognises the considerable job potential that is linked to the activities mentioned above and to the development of a sustainable economy and green infrastructure, which by their nature would imply local jobs (which cannot be relocated to third countries), thus contributing considerably to the EU's 2020 Strategy;
28. Furthermore, strongly believes that sustainable economic development and nature conservation can and should go hand in hand;

Financing

29. Takes note of the Commission's estimates that full implementation of Natura 2000 legislation is expected to cost EUR 6.1 billion;
30. Deplores, however, the fact that a clear breakdown of the actual amounts being spent per annum on biodiversity conservation in the EU is lacking and insists that Member States and the Commission cooperate to provide a clearer picture;
31. Welcomes the increase in spending for LIFE+ (+ 8% in the 2011 draft budget), but underlines that this instrument continues to represent only a very small part of the EU budget (0.2%);
32. Is aware that additional funding for biodiversity conservation is available through other instruments, such as the Structural Funds and the Rural Development Fund, but deplores the limited use most Member States make of this possibility;
33. Is convinced that public spending alone will not suffice to reach the EU headline target and underlines the importance of corporate responsibility to also take into account biodiversity;

34. Furthermore, underlines the need to incorporate external costs, such as the damage done to biodiversity or the costs incurred to support biodiversity, into the final price of products on the market;

Data and knowledge base

35. Points out that research and development are of key importance for developing policy tools to halt biodiversity loss and in order to close the current knowledge gaps;

36. Stresses the need to develop a clear baseline, on the basis of which the Commission is to set realistic and evidence-based (sub-)targets;

37. Given the current lack of knowledge among the general public about the importance of biodiversity, welcomes the Commission's information campaign and calls on the Member States to increase their awareness-raising efforts;

International aspects

38. Expresses its concern about the failure to realise or even approach the global target to reduce the rate of biodiversity loss by 2010, as defined at the World Summit on Sustainable Development in 2002;

39. Welcomes the Conference of the Parties to the Convention on Biological Diversity in Nagoya in October 2010 and urges the EU to send a broad delegation to this conference;

40. Encourages the Commission and Member States to integrate the environmental element in their relations with third countries and to continue the 'Green Diplomacy';

41. Insists that, in international trade agreements, sustainability of the products being traded is a key element; underlines in this regard the need to incorporate 'non-trade concerns', including production methods and respect for biodiversity, in any future WTO agreement;

42. Strongly regrets the disappointing outcome of the CITES conference, where the main elements of the EU mandate were not realised, such as the protection of marine species of high commercial interest;

43. Strongly urges the Commission and Member States to improve the speed and efficiency of their internal decision-making procedure and to devote more resources and time to their diplomatic efforts vis-à-vis third countries;

44. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

'All things of value are defenceless.' This line of verse by the Dutch poet, artist and photographer Lucebert (1924-1994) seems to sum up succinctly the great challenge we face in the area of biodiversity.

On the one hand, maintaining biodiversity and ecosystems and preventing them from degrading further is invaluable to society. Halting the loss of biodiversity is not only our ethical duty - the concept of stewardship obliges us to maintain our planet in such a way that it can also sustain future generations. It also makes ecological and economic sense. In ecological terms, the vast array of interactions among the various components of biodiversity makes the planet habitable for all species, including humans. 'Goods and services' provided by ecosystems include: the provision of food, fuel and fibre, the purification of air and water, the decomposition of wastes, moderation of floods, droughts, temperature extremes and the forces of wind, renewal of soil fertility and the pollination of plants. Therefore, also from an economic perspective, protecting biodiversity is in our self-interest. After all, biological resources are the pillars upon which we build civilizations. The loss of biodiversity threatens our food supplies, opportunities for recreation and tourism, capability to deal with climate change and sources of wood, medicines and energy.

On the other hand, we seem to have disconnected ourselves from nature and are struggling to find this 'value of Nature'. Our production methods and the price we pay for goods and services do not - or only to a limited extent - take into account the cost of biodiversity loss or ecosystem degradation. Equally, services or activities attempting to halt the loss of biodiversity and maintaining valuable ecosystems often do not receive a just reward. Although 'putting a price' on ecosystem services may be controversial, ongoing studies¹ seem to indicate that the welfare loss from the loss of biodiversity is currently around € 50 billion per year (just under 1% of GDP), rising to € 14 trillion or 7% of estimated GDP per year in 2050.

An urgent state of affairs

The loss of biodiversity is continuing at an alarming rate. Worldwide, the current global species extinction rate is estimated at 50 to 1000 times higher than the natural background rate. The rate of loss is projected to accelerate 10-fold by 2050. In the EU, 42% of mammals, 43% of birds, 45% of butterflies, 30% of amphibians, 45% of reptiles and 52% of freshwater fish are threatened with extinction. In its mid-term assessment of implementing the EC biodiversity action plan in 2008, the Commission stated that 50% of species and up to 80% of habitats of the European conservation interest have an unfavourable status.

Halting the loss of biodiversity and conserving or restoring resilient ecosystems is all the more important with a view to climate change, given the fact that terrestrial and marine ecosystems currently absorb around half of anthropogenic CO₂ emissions, which make them

¹ The Economics of Ecosystems and Biodiversity (TEEB), see <http://www.teebweb.org/>.

invaluable for their carbon capture and storage capacity. On the other hand, the degradation and destruction of ecosystems can release significant volumes of greenhouse gases and there is growing evidence that the capacity of the Earth's carbon sinks is decreasing, due to global warming and other stress factors. Maintaining ecosystems is therefore of vital importance for climate change mitigation and adaptation.

Previous international and European initiatives and agreements to halt the loss of biodiversity and ecosystems have unfortunately not been successful. In 1992, as a result of the Rio Earth Summit, the Convention on Biological Diversity was adopted, which was ratified by the EU in 1993. In 1998, the EU adopted a biodiversity strategy with four biodiversity action plans which were presented in 2001, on conservation of natural resources, agriculture, fisheries, and economic and development cooperation. Nature and biodiversity are also one of the four priorities of the EU's sixth environment action programme, together with climate change, resource and waste management and health in relation to the environment. In 2006, the Commission unveiled an action plan to halt biodiversity loss, identifying four priority areas: biodiversity in the EU, the EU and global biodiversity, biodiversity and climate change, and the knowledge base. Despite these initiatives the EU's objective, as agreed to at the European Summit in Gothenburg in 2001, to halt the loss of biodiversity by 2010 has unfortunately not been met.

Despite the urgency of the situation, European citizens are insufficiently aware of biodiversity loss and its adverse consequences. According to a Eurobarometer survey in April 2010, only 38% of Europeans know the meaning of the term 'biodiversity', while 28% know the word but not its meaning. Admittedly, a majority consider biodiversity loss to be a serious issue, but they do not think they will be personally affected by it. Only 17% of respondents believe that they are already touched by biodiversity decline. As the most important reason for their lack of action to combat biodiversity loss, citizens cite a lack of knowledge about what can be done. An awareness raising campaign in this area is therefore sorely needed.

EU instruments and policies

The key EU-level instrument for safeguarding biodiversity and ecosystems is Natura 2000, an EU-wide network of nature protection areas established under the Habitats Directive. It is comprised of Special Areas of Conservation (SAC) designated by Member States under the Habitats Directive (1992), and also incorporates Special Protection Areas (SPAs) which they designate under the Birds Directive (1979). The main objective of Natura 2000 is to 'contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States.'¹ Measures taken on the basis of Natura 2000 legislation are designed to 'maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest', while at the same time taking account of 'economic, social and cultural requirements and regional and local characteristics.'² Despite the current focus on habitat conservation and the protection of species, it might be worth considering focusing more on the creation of resilient ecosystems, which can respond to stress and provide valuable ecosystem services.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), Article 2.

² *Idem*.

As is customary in European environment policy, these directives afford the necessary flexibility to tailor implementing measures to local circumstances - rightly so, given the subsidiarity and proportionality principles. Action must certainly be taken to prevent differences between Member States from becoming so great that the effectiveness of the directives suffers as a result. For instance, there are still considerable differences between Member States as to how quickly the directives are implemented, and how they are interpreted, such as with regard to the precautionary principle, dealing with existing activities and external effects.

Biodiversity has also gradually become a factor in policy areas other than European environment policy, even though, in many instances, it has been incorporated to what is as yet only a modest degree, such as within the common fisheries policy (currently under review), cases in point being the agri-environment measures and the requirement to keep land in good agricultural and environmental condition under the common agricultural policy (CAP) and the attention given to biodiversity in the 7th Research Framework Programme.

As farmers manage about half of the European landmass, they play a special role in safeguarding biodiversity, facing a major challenge in the process: because world population and affluence are increasing, global agricultural production must increase, too, while the farming sector must ensure that there is quality of life in the countryside and that biodiversity is safeguarded. Within a successful future agricultural policy, these three components must be complementary and not contradictory.

Financing

As a result inter alia of what is often a sector-based approach to biodiversity, European budget financing of biodiversity and ecosystem measures is highly fragmented, too. The EU Financial Instrument for the Environment (LIFE), established in 1992 to support the implementation of the Union's environmental policy, has traditionally played a major role in funding biodiversity conservation within the EU, although this constitutes a small proportion of total Community expenditure. Other paths for funding flows:

- the common agricultural policy: mainly agri-environment measures, which form one of the largest elements of EU support for biodiversity, (financed via the EAFRD);
- the common fisheries policy: protection measures for the marine environment (EFF)
- regional development and cohesion (Structural Funds, Cohesion Fund)
- research policy (7th framework programme)

On the one hand, fragmented financing may have a positive effect in that a number of sources can be tapped. As a result, on the other hand, of mandatory co-financing and a 'pick and choose' approach in rural and structural policy, for instance, only Member States making this conscious choice actually use these funds for biodiversity purposes. In this area, too, there are considerable differences between the 27 Member States.

Without anticipating the debate on the new post-2013 multiannual financial framework, other funding mechanisms in addition to public sources of financing (subsidies) will have to be found, a significant challenge being to incorporate external costs into final product prices.

Future initiatives

New initiatives to halt the loss of biodiversity and the degradation of ecosystems have been or will be proposed this year, the International Year of Biodiversity. From 18-29 October, the tenth meeting of the Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD) will be held in Nagoya, Japan.

At the European level the European Commission presented its communication 'Options for an EU vision and target for biodiversity beyond 2010' on 19 January, which is currently the subject of public consultation. The 4 policy options as presented by the Commission include:

- 1) A significant reduction of the rate of loss of biodiversity and ecosystem services in the EU by 2020;
- 2) Halting the loss of biodiversity and ecosystem services in the EU by 2020;
- 3) Halting the loss of biodiversity and ecosystem services in the EU by 2020 and restoring them insofar as possible;
- 4) Halting the loss of biodiversity and ecosystem services in the EU by 2020 and restoring them insofar as possible, and stepping up the EU's contribution to averting global biodiversity loss

This communication and the outcome of the public consultation is expected to give rise to the publication of a proposal for a new EU biodiversity strategy, including legislative proposals, before the end of the year.

Furthermore, the March 15 European Environment Council agreed to a new headline target to 'halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.'

This own-initiative report intends to reflect the European Parliament's priorities in the fight against continued biodiversity loss and ecosystem degradation.