



21.9.2018

## NOTICE TO MEMBERS

**Subject: Petition No 0050/2018 by Heiko Fritschen (German) on changes to the Habitats Directive**

### 1. Summary of petition

The petitioner asks for the Habitats Directive to be amended. The petitioner considers that construction projects of between 3 and 10 hectares must include a basic greening plan, corresponding to a natural environment, in the development plan for the total area. Currently, nature protection only applies to construction reactively, and is far less frequently incorporated into an active construction schedule.

### 2. Admissibility

Declared admissible on 19 April 2018. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 21 September 2018

The Birds<sup>1</sup> and Habitats Directives<sup>2</sup> are the main pieces of EU environmental legislation for the conservation of nature. All wild bird species are protected under the Birds Directive and species of fauna and flora of EU conservation importance are protected under the Habitats Directive. Both Directives require Member States to establish strict protection systems for these species. In addition, the Habitats Directive requires the protection of habitat types of EU conservation concern. Areas of EU importance for habitat types and species are protected in the Natura 2000 network of protected areas, which currently totals over 27,000 sites and

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<sup>1</sup> Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds, codifying Directive 79/409/EEC; OJ L 020, 26.1.2010, p.7.

<sup>2</sup> Directive 92/43/EEC of the Council 21. May 1992 on the conservation of natural habitats and of wild fauna and flora; OJ L 206, 22/07/1992, p.0007- 0050.

covers over 18% of the terrestrial and about 9% of the marine environment of the Member States.

There are legal safeguards, both in relation to the protection of the Natura 2000 sites and in relation to species protection that Member States must apply in relation to proposed developments, including in relation to construction projects. This is not in the first place dependent on the scale of the development, but rather on the risk of negative effects on protected habitats and species. It is for the Member States to ensure that these provisions of the Directives are correctly applied.

Member States may also introduce protection measures stricter than those provided by the Directive. While welcoming additional measures taken in the Member States to offset any loss of wildlife habitats arising from construction, the Commission considers that it would be disproportionate and unnecessary to introduce amendments under the Habitats Directive to regulate all development plans and construction projects at this arbitrary scale. This is a matter for the relevant authorities to consider under planning legislation in the Member States.