



# The State of Implementation of the Habitats Directive: Overview of Commission Implementation & Infringements

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# Commission Enforcement Priorities

Since 2016, the Commission has used its discretionary power in a strategic way to focus and prioritise its enforcement efforts on the most important breaches of EU law. Approach confirmed in 2022 Communication “Enforcing EU law for a Europe that delivers”.

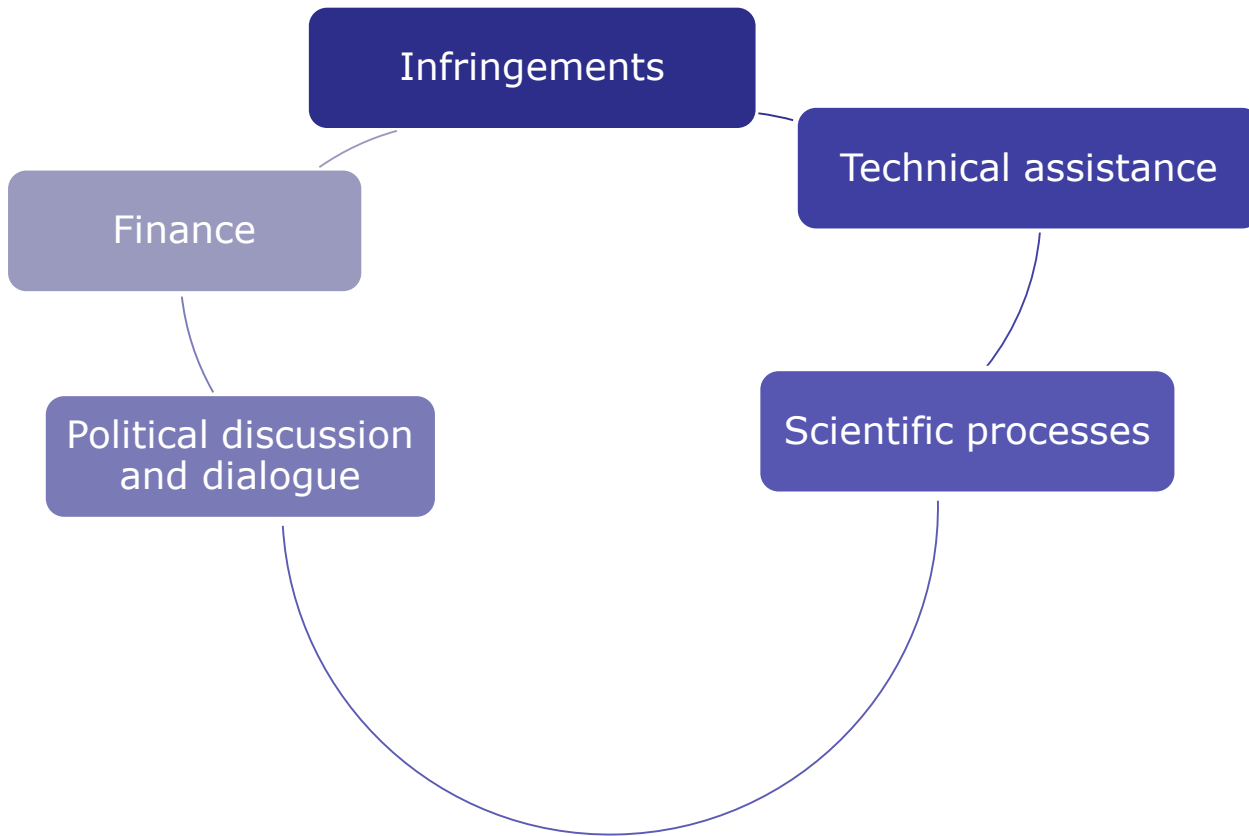
Priority is given to specific categories of cases:

- Failure to communicate new laws or correctly transpose directives (still see Habitats problems).
- Art 260 cases.
- EU financing (few nature infringements but conditionality/DNSH applied)
- Failure to allow access to justice.
- Priority also for cases of systematic failure to comply with EU law or evidence of a general practice.
- *Individual cases of incorrect application of EU law are directed to national redress mechanisms.*

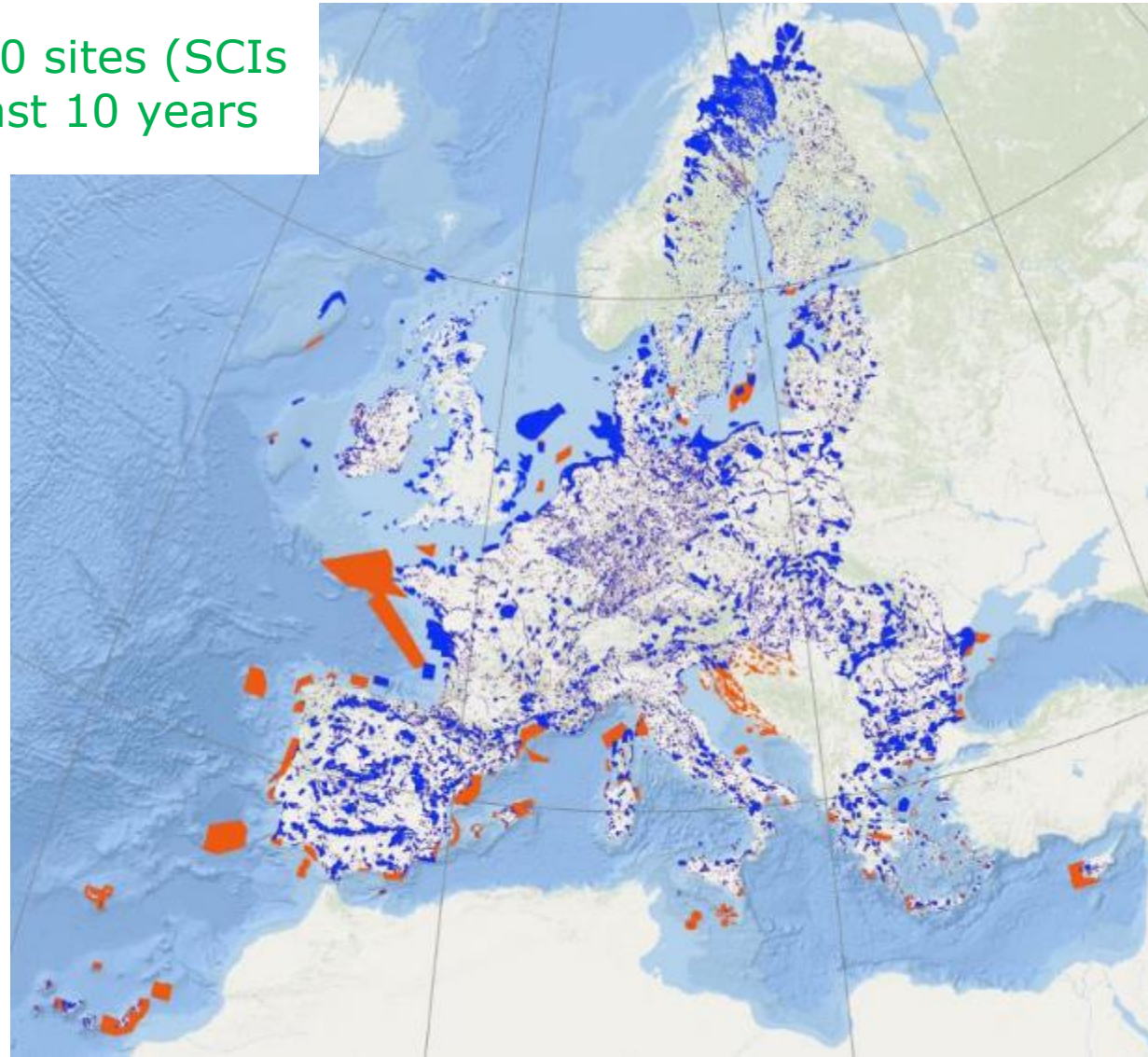
# Political context - EU Biodiversity Strategy to 2030 – relevant actions

- Ensuring the Natura 2000 network is completed both on land and sea.
- Ensuring the Natura 2000 network is effectively managed, with conservation objectives and measures established for all sites
- Ensuring species are effectively protected in the entire territory of the EU
- Ensuring action is taken in the Member States to reverse declining trends for most threatened species and habitats

# Using the full implementation toolbox



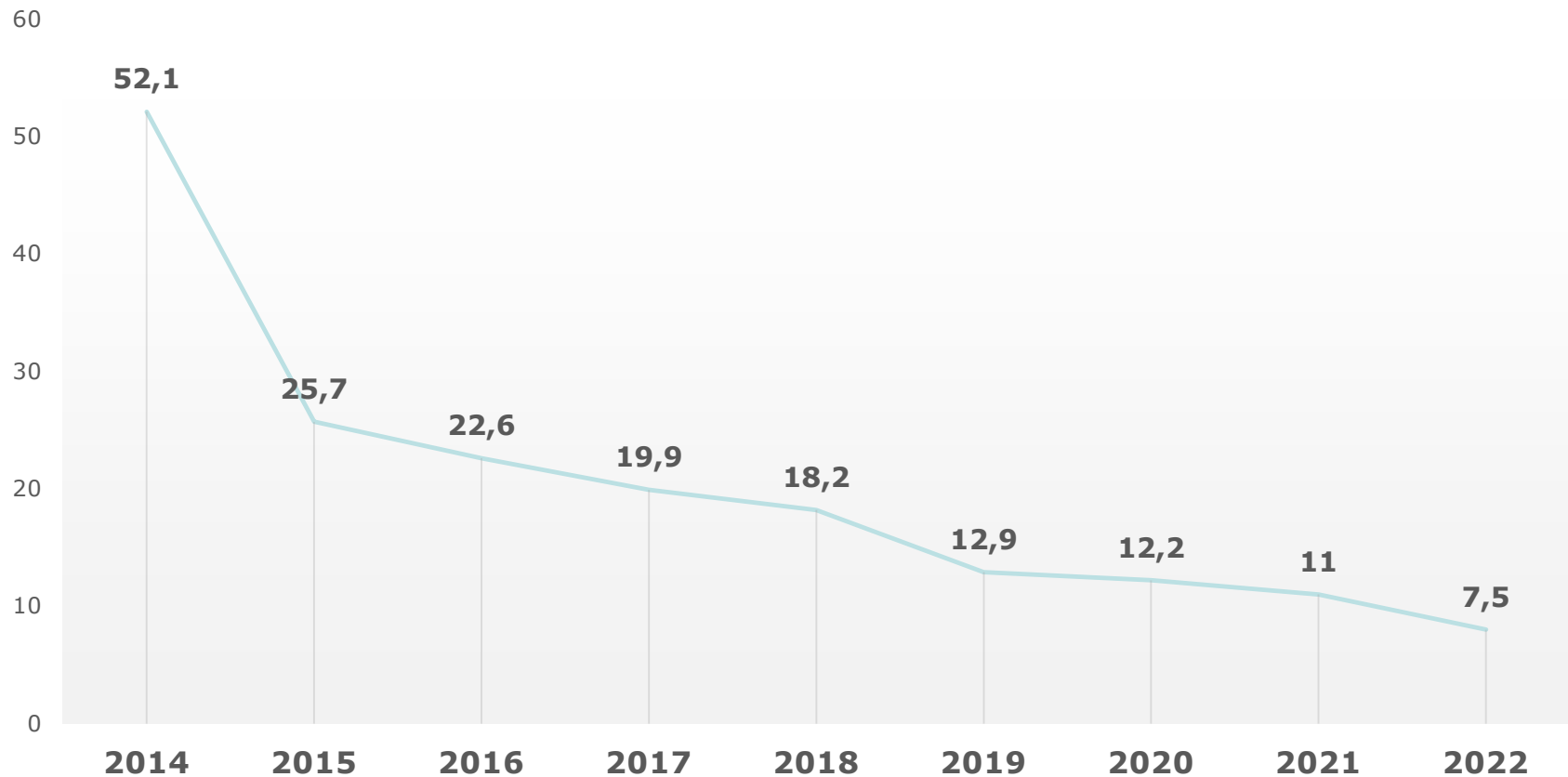
In **orange** the Natura 2000 sites (SCIs and SPAs) added in the last 10 years



**Enforcement  
has helped  
improve  
coverage on  
the ground**

# Enforcement has helped improve the level of protection offered by Natura sites

Evolution in the % of sites covered under ongoing (NIF/EU PILOT) cases in breach of Art 4(4) in the EU 28





# Access to justice in nature cases

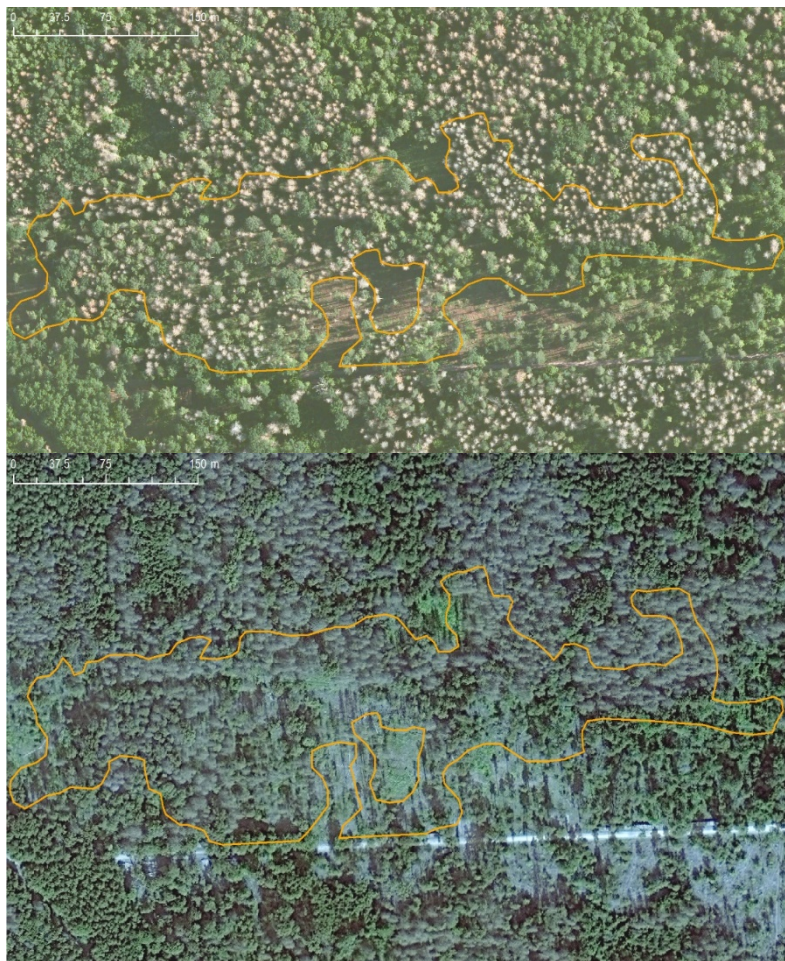
CJEU has clearly recognised the rights of citizens and eNGOs to plead infringements of the Habitats Directive before the national courts. See **Cases C-240/09 and C-243/15 (Slovak Brown Bears cases I & II)**.

Our infringement efforts focus on removing barriers to access to justice in nature claims before the national courts e.g. **Commission v. Poland in case C-432/21** – Polish Forest Plans judgment of March 2023.

EIA is also a very important access to justice tool – notably in ensuring that NGOs and citizens are heard in development projects



# Individual cases are still taken when important – and then we use all means, including geospatial



**(Example is Bialowieza forest: before and after)**



# Link between infringements and petitions

- **Some petitions – linked to structural or priority infringement cases (Doñana, Irish Peat bogs...) - *in 2022 – 9 out of 69***
- **Others, individual cases best pursued at national level (but sometimes covered in policy dialogues) - *in 2022 – 10 out of 69***
- **Majority – no proof of breach - *in 2022 – 50 out of 69***

## Conclusion

- Infringement action, in harmony with other tools, has been very successful in improving the implementation of the Habitats Directive.
- There will always be individual, localised problems. For most of these cases, local or national processes are most appropriate.
- Commission acts to ensure that these processes, including access to justice, are available everywhere.
- Where important individual breaches occur, the Commission does not hesitate to act.