

LEGISLATION ON NATURE PROTECTION

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INTERNATIONAL BACKGROUND

- Convention on the Conservation of European Wildlife and Natural Habitats - **Berne 1979**
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat - **Ramsar 1971**
- Convention on Migratory Species of Wild Animals - **Bonn 1979**
- Convention on Biological Diversity - **Rio de Janeiro 1992**
- Agreement on the International Dolphin Conservation Programme, **Washington, D.C. 1998**

EU LEGISLATION

- Directive 79/409 → Directive 2009/147/EC on the conservation of wild birds (**Wild Birds Directive**) amended by 2013/17/EU
- Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (**Habitats Directive**), as amended
- Regulation 1143/2014 on **invasive alien species**
- Regulation 338/97 on **the protection of species of wild fauna and flora by regulating trade therein**

WILD BIRDS DIRECTIVE

- Relates to all species of naturally occurring birds in their wild state in the European territory of MS

- It applies to birds, their **nests** and habitats
- Only those species occurring on the territory of a MS or species occurring elsewhere?

Case 247/85; C -149/94

WILD BIRDS DIRECTIVE

The scope of the directive:

- Protection
- Management
- Exploitation
- Control



- birds, their eggs, nests and **habitats**
- all stages of bird's life

WILD BIRDS DIRECTIVE

Aim:

- To maintain the population of all species in the EU at a level which corresponds in particular to ecological, scientific and cultural requirements, while **taking account of economic and recreational requirements.**

- to preserve, maintain or re- establish a sufficient diversity and area of habitats for all the species of birds
 - to ensure survival and reproduction of Annex I species
- special conservation measures

WILD BIRDS DIRECTIVE

Regulation is focused on:

- Habitat protection
- Prohibition of killing and other disturbances
- Limitation of hunting
- Trading in bird species



○ all species of birds



- Annex I species
- migratory species

WILD BIRDS DIRECTIVE

Habitat protection for all species:

- creation of protected areas;
- upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- re-establishment of destroyed biotopes;
- creation of biotopes.

Habitat protection for Annex I species:

- Establishment of **special protection areas** (SPAs)
- Avoid pollution or deterioration of habitats or any disturbances affecting the Annex I birds.

WILD BIRDS DIRECTIVE

Prohibition of killing and other disturbances for all species of birds (Art. 5):

- deliberate killing or capture by any method;
- deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- taking their eggs in the wild and keeping these eggs even if empty;
- deliberate disturbance of these birds particularly during the period of breeding and rearing, keeping birds of species the hunting and capture of which is prohibited.

WILD BIRDS DIRECTIVE

Restrictions on hunting and trading:

- General obligation applicable to all species (Art. 5)



- the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds **is to be prohibited**

- Derogation from the general prohibition in respect of species referred to in the Annexes (Art. 6, 7)
- Derogation from the general prohibitions based on reasons set in Art. 9 (the interests of public health and safety, prevention of serious damage to crops, livestock, forests, fisheries and water, etc.)

STURNUS VULGARIS (C-247/85)



KINGFISHER



HABITATS DIRECTIVE

Aim:

- o To promote maintenance of biodiversity, **taking account of economic, social, cultural and regional requirements**
- o To ensure conservation of a wide range of rare, threatened or endemic species (450 species of animals; 500 species of plants)
- o To ensure conservation of their habitats and of rare and characteristic types of habitats

HABITATS DIRECTIVE

Special protection of

- o Conservation areas – types of habitat of Community interest (Annex I), Priority habitats (Annex I*)
 - o Wild animal species
 - o Wild plant species
 - o Priority species (Annex II*)
- } whose habitats require protection (Annex II)



- designation of **special areas of conservation** (SACs)
- establishment of European ecological network **NATURA 2000** (SACs + SPAs)

HABITATS DIRECTIVE

o Designation of SACs:

1. MS propose a list indicating which natural habitat types and which species occur in their territory that are eligible for protection
2. Priority and non-priority habitats and species
3. List of sites of Community importance (SCI)
4. Designation of the SCI as a special area of conservation (SAC) by the MS
5. **Establishment of necessary conservation measures for SACs by the MS**
6. Management plans

HABITATS DIRECTIVE

- SITE PROTECTION

Assessment requirements:

- o 2- stage assessment of any plan or project likely to have significant effect on the site
 - o General public opinion
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- o Prohibition of activities that could endanger wildlife in the habitat
 - o Italian ban on the construction of large wind turbines in a conservation area and a 200 metre buffer zone (C- 2/10)

HABITATS DIRECTIVE

The competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned



- o 1st stage assessment (likely to have/no significant effect)
- o EIA (2nd stage - in depth assessment)
- o Opinion of general public
- o No significant adverse effect on the site
- o Permit

HABITATS DIRECTIVE

o Derogations from the requirement of Art. 6(2),6(3) :

o (The competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned)



- o Imperative reasons of **overriding public interest**, including those of social or economic nature compensatory measures(Art. 6(4))
- o Priority habitat or species only human health and public safety or project benefit for environment

HABITATS DIRECTIVE - SPECIES PROTECTION

- Protection of animal species (Art. 12)
- Protection of plant species (Art. 13)
 - ➔ strict protection of Annex IV species



Prohibition of:

- destruction or disturbance of their population
- keeping
- trading in

species of animals and plants listed in Annex IV

Derogation (Art. 16)

INVASIVE ALIEN SPECIES REGULATION

- Invasive alien species are animals and plants that are introduced accidentally or deliberately into a natural environment where they are not normally found, with serious negative consequences for their new environment.

3 types of intervention:

- prevention
- early detection
- rapid eradication and management

EU LEGISLATION

- Regulation **1143/2014** on the prevention and management of the introduction and spread of invasive alien species
- List of Invasive Alien Species of Union concern (implementing regulation (EU) **2016/1141**)
 - ➔ 37 species
- The first update of the list entered into force on **2.8.2017**
 - ➔ 49 species



Eriocheir sinensis (Chinese mitten crab)



Myocastor coypus (Coypu)



Nyctereutes procyonoides (Raccoon dog)



Procyon lotor (Raccoon)



Pseudorasbora parva (Stone moroko)



Trachemys scripta (Red-eared, yellow-bellied and Cumberland sliders)



Sciurus niger (Fox squirrel)

CURRENT DRAFT FOR INCLUSION ON THE LIST



Ailanthus altissima

CURRENT DRAFT FOR INCLUSION ON THE LIST



Ameiurus nebulosus (Sumeček americký)



Norek americký (Mustela vison, Neovison vison)

WHERE TO FIND?

- List of invasive alien species of **Union concern** based on criteria laid down in Art. 4 of the Directive
- National list of invasive alien species of **Member State concern**, pursuant to Article 12(1)
- Invasive alien species of **regional concern**

WHAT A MAN HAVE TO DO WITH INVASIVE ALIEN SPECIES?

Preventive restrictions (Art. 7):

- do not bring in into the territory of the EU
- do not keep it
- do not breed it
- do not transport it within the EU **intentionally**
- do not place it on the market
- do not use it or exchange it
- do not permit it to reproduce or cultivate
- do not release it into the environment

Prevention of **unintentional** introduction or spread
EU MS

WHAT A MAN HAVE TO DO WITH INVASIVE ALIEN SPECIES?

No direct duties for individuals regarding to

- Detection, surveillance
- Emergency measures
- Eradication
- Restoration of damaged ecosystems

EU MS are in charge!