

Basics of EU Environmental Law

NATURE PROTECTION



22 November 2023

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Biodiversity in the EU

Birds Directive

EU measures to protect Europe's wild bird species

Nature restoration

The Commission's proposal for a new law to restore ecosystems, habitats and species.

Urban greening

Supporting towns and cities in restoring nature and biodiversity.

Habitats Directive

EU measures to conserve Europe's wild flora and fauna

Invasive alien species

Preventing and minimising the effects on invasive alien species on Europe's biodiversity.

Animals in zoos

Promoting the protection and conservation of wild animals outside their natural habitat.

Natura 2000 network

The largest coordinated network of protected areas in the world.

Pollinators

Contributing to global conservation efforts and addressing the decline of wild pollinators.

Green infrastructure

Promoting the use and integration of green infrastructure in all EU policies.

EU Law on Nature Protection

Birds Directive, Habitats Directive

- **Protection of sites – Natura 2000**
- **Protection of species**

Other Directives: **Environmental Crime Directive, Environmental Liability Directive**

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Czech Republic To Allow Shooting of Dangerous Wolves

[Czech News Agency](#) [May 5, 2023](#) [Czech Republic / World](#)



Wolf packs have returned to the mountain areas of Moravian Silesia in recent years. Photo credit: Freepik.

Overview of international legal instruments for wildlife conservation.

Title	Adopted	In force	Participants
'Big 5' global instruments			
Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)	1971	1975	169 P
UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage	1972	1975	192 P
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	1973	1975	183 P
Convention on the Conservation of Migratory Species of Wild Animals (CMS / Bonn Convention)	1979	1983	124 P
Convention on Biological Diversity (CBD)	1992	1993	196 P
Regional instruments with general scope			
Convention on Nature Protection and Wild-Life Preservation in the Western Hemisphere	1940	1942	19 P
African Convention on the Conservation of Nature and Natural Resources (Algiers Convention)	1968	1969	31 P
Convention on Conservation of Nature in the South Pacific	1976	1980	5 P
Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)	1979	1982	51 P
Protocol Concerning Protected Areas and Wild Flora and Fauna in the Eastern African Region	1985	1996	10 P

Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific	1989	1994	5 P
Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean	1990	2000	16 P
Protocol to the Antarctic Treaty on Environmental Protection	1991	1998	37 P
Convention for the Conservation of Biodiversity and the Protection of Priority Wilderness Areas in Central America	1992	1994	6 P
EU Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive)	1992	1992	28 MS
Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)	1992	1998	16 P
Protocol for the Implementation of the Alpine Convention Relating to Nature Protection and Landscape Conservation	1994	2002	7 P
Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean	1995	1999	17 P
Protocol to the SADC Treaty on Wildlife Conservation and Law Enforcement	1999	2003	10 P
African Convention on the Conservation of Nature and Natural Resources, revised version (Maputo Convention)	2003	NIF	13 R
East African Community Protocol on Environment and Natural Resource Management	2006	NIF	2 R
Protocol to the Carpathian Convention on Conservation and Sustainable Use of Biological and Landscape Diversity	2008	2010	7 P

CMS instruments – treaties

Agreement on the Conservation of Seals in the Wadden Sea (WSSA)	1990	1991	3 P
Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)	1991	1994	10 P
Agreement on the Conservation of Populations of European Bats (EUROBATS)	1991	1994	36 P
Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)	1995	1999	76 P
Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)	1996	2001	23 P
Agreement on the Conservation of Albatrosses and Petrels (ACAP)	2001	2004	13 P
Agreement on the Conservation of Gorillas and their Habitats	2007	2008	7 P
CMS instruments – memoranda of understanding			
MoU Concerning Conservation Measures for the Siberian Crane (<i>Grus leucogeranus</i>)	1993	1993	11 S
MoU Concerning Conservation Measures for the Slender-Billed Curlew (<i>Numenius tenuirostris</i>)	1994	1994	18 S
MoU Concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa	1999	1999	23 S
MoU on the Conservation and Management of Middle-European Populations of the Great Bustard (<i>Otis tarda</i>)	2001	2001	13 S
MoU on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia	2001	2001	35 S
MoU Concerning Conservation and Restoration of the Bukhara Deer (<i>Cervus elaphus</i>)	2002	2002	4 S

EU Law on Nature Protection

The EU has played and continues to play an important role at international level in nature protection and conservation. It is party to several conventions including:

- the Convention on the Conservation of Wetlands, adopted in Ramsar (1971);
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora, known as CITES, adopted in Washington (1973);
- the Convention on the Conservation of Migratory Species of Wild Animals, adopted in Bonn (1979);
- the Convention on the Protection of European Wildlife and Natural Habitats, adopted in Bern (1982);
- the Convention on Biological Diversity, adopted in Rio de Janeiro (1992).

The EU is also bound by the Aarhus Convention (1998), which concerns public access to environmental information, public participation in decision-making and access to justice.

The EU's first legislation to protect nature was the original **Birds Directive, adopted in 1979 and codified and replaced, in 2009, by Directive 2009/147/EC. The Directive provides comprehensive protection to all wild bird species naturally occurring in the EU.**

In 1992, **the Habitats Directive (Directive 92/43/EEC) was adopted to help maintain biodiversity by protecting over 1,000 animal and plant species and over 200 types of habitats, and introducing the Natura 2000 network of protected areas across Europe. The Natura 2000 network's Special Areas of Conservation and Special Protection Areas currently (2021) account for around 18% of EU's land and 9% of EU seas.**

The Habitats Directive (92/43/EEC)

Article 6(3) **Any plan or project** not directly connected with or necessary to the management of the site but **likely to have a significant effect** thereon, either individually or in combination with other plans or projects, **shall be subject to appropriate assessment** of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, **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 and, if appropriate, after having obtained the opinion of the general public.**

Art. 6(4): **If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.**

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

The Habitats Directive (92/43/EEC)

Article 12

1. Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

(a) all forms of deliberate capture or killing of specimens of these species in the wild;

(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;

(c) deliberate destruction or taking of eggs from the wild;

(d) deterioration or destruction of breeding sites or resting places.

2. For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.

3. The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.

4. Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

The Habitats Directive (92/43/EEC)

Article 16

1. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):

- (a) in the interest of protecting wild fauna and flora and conserving natural habitats;
- (b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;
- (c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (d) for the purpose of research and education, of repopulating and re-introducing these species and for the breedings operations necessary for these purposes, including the artificial propagation of plants;
- (e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities.

2. Member States shall forward to the Commission every two years a report in accordance with the format established by the Committee on the derogations applied under paragraph 1. The Commission shall give its opinion on these derogations within a maximum time limit of 12 months following receipt of the report and shall give an account to the Committee.

The Birds Directive (2009/147/EC)

Article 5

Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a **general system of protection for all species of birds** referred to in Article 1, prohibiting in particular:

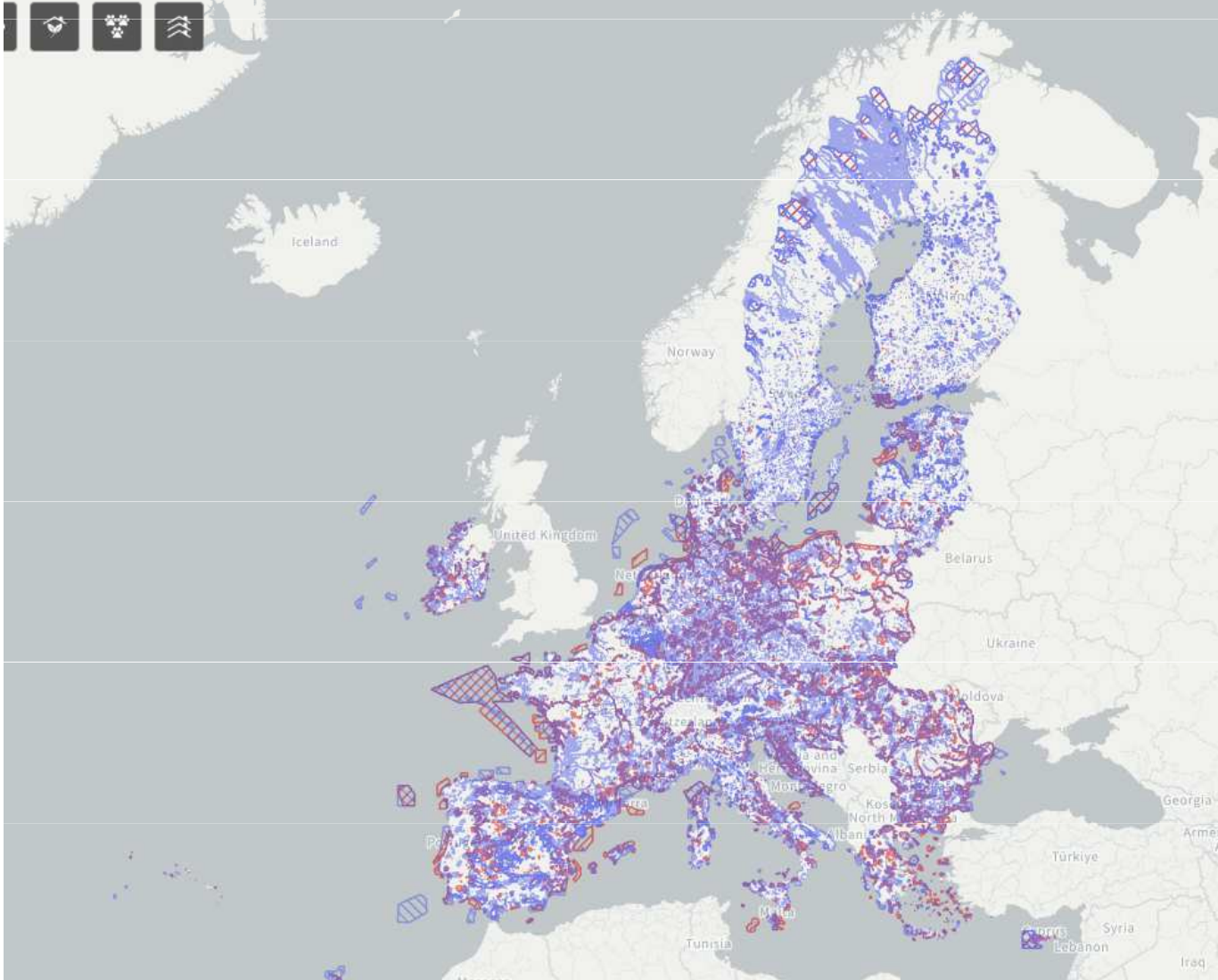
- (a) deliberate killing or capture by any method;
- (b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- (c) taking their eggs in the wild and keeping these eggs even if empty;
- (d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
- (e) keeping birds of species the hunting and capture of which is prohibited.

Article 9

The I

1. Member States may derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution, for the following reasons:
 - (a) — in the interests of public health and safety,
 - in the interests of air safety,
 - to prevent serious damage to crops, livestock, forests, fisheries and water,
 - for the protection of flora and fauna;
 - (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
 - (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.
2. The derogations referred to in paragraph 1 must specify:
 - (a) the species which are subject to the derogations;
 - (b) the means, arrangements or methods authorised for capture or killing;
 - (c) the conditions of risk and the circumstances of time and place under which such derogations may be granted;
 - (d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom;
 - (e) the controls which will be carried out.
3. Each year the Member States shall send a report to the Commission on the implementation of paragraphs 1 and 2.

Search for a site or place



EU Law on Nature Protection

The EU's nature-related legislation also deals with:

- **invasive alien species** (animals and plants introduced accidentally or deliberately into a natural environment where they are not normally present, with serious negative consequences for their new environment);
- **wildlife trade** (rules implementing CITES, which go beyond the convention's requirements, trade in seal products, and humane trapping standards);
- the role of zoos in the conservation of biodiversity.

Since the mid-2000s, the EU has adopted a series of biodiversity action plans and strategies. The latest one, the 2030 Biodiversity Strategy, aims to protect nature and reverse the degradation of ecosystems. The strategy aims to put Europe's biodiversity on a path to recovery by 2030, and contains over 100 specific actions and commitments. It is the proposal for the EU's contribution to the international negotiations on the global post-2020 biodiversity framework. A core part of the European Green Deal, it will also support a green recovery following the COVID-19 pandemic.

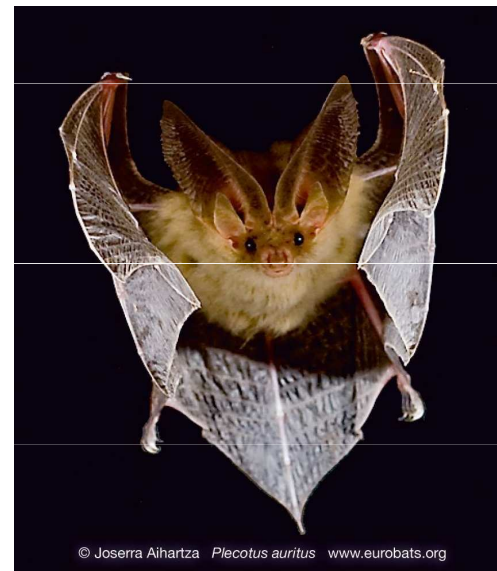
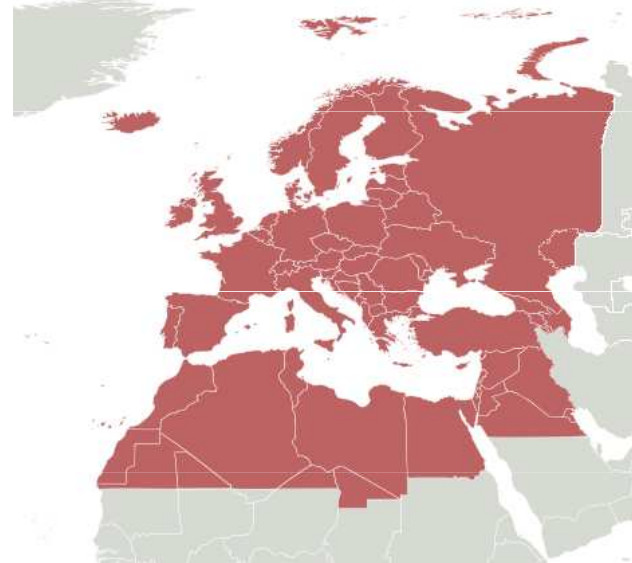
Example: Protection of bats

(a) International law: EUROBATS

51 species

38 parties

States prohibit the deliberate capture, keeping or killing of bats except for research purposes for which a special permit is required. Furthermore, the Parties identify important sites for bat conservation, survey the status and trends of bat populations and study their migratory patterns.



© Joserra Aihartza *Plecotus auritus* www.eurobats.org

Country
Algeria
Andorra
Armenia
Austria
Azerbaijan
Belarus
Egypt
Greece
Holy See
Iran (Islamic Republic of)
Iraq
Jordan
Kazakhstan
Kuwait
Lebanon
Libya
Liechtenstein
Morocco
Palestinian National Authority
Russian Federation
Saudi Arabia
Spain
Syrian Arab Republic
Tunisia
Turkey

Example: Protection of bats

EU law

The Habitats Directive

Article 3

1. A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000. This network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.

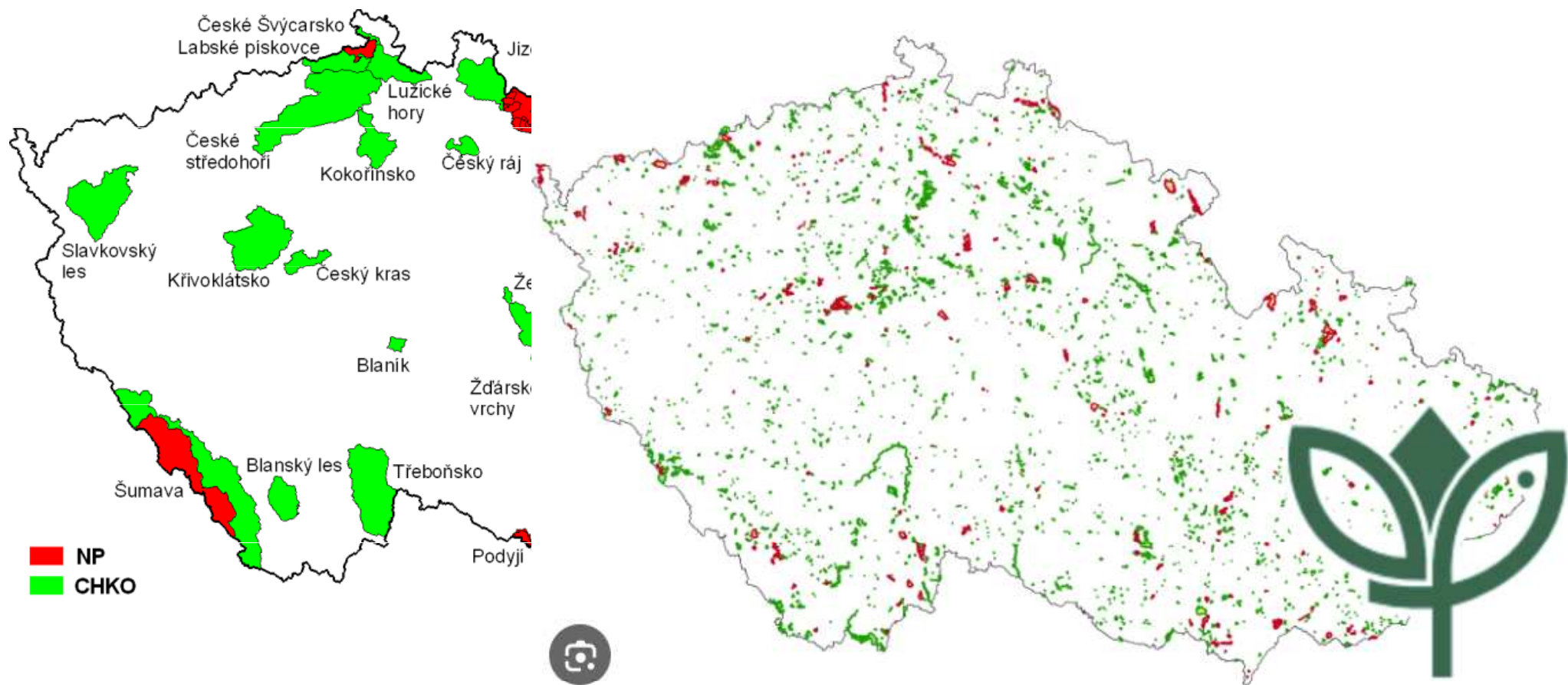
The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.

Bats are a European Protected Species, included in Annex 4 of the Habitats Directive - referred to as “Microchiroptera”.

Article 12 sets out legal protection for bats and their roosts.

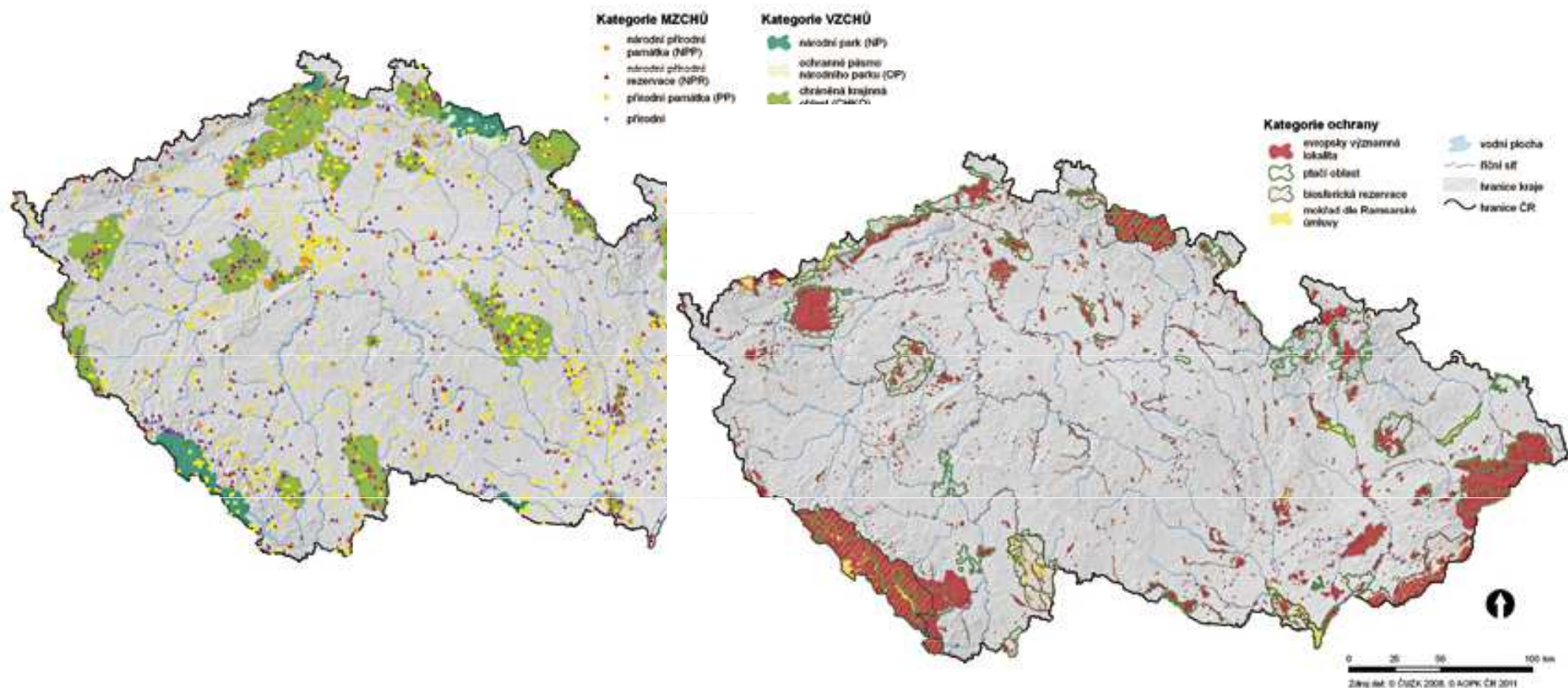
Under Annex 2 it also sets out which bat species should have Special Areas of Conservation designated for them- Greater horseshoe, Lesser horseshoe, Barbastelle and Bechstein's.

Czech Law on Nature Protection - Act No. 114/1992, on Protection of Nature and Landscape



There are 26 Protected Landscape Areas (IUCN Category V) and 4 National Parks (Category II) in the Czech Republic, and hundreds of small scale protected areas of different categories.

Czech Law on Nature Protection - Act No. 114/1992, on Protection of Nature and Landscape



The traditional system is combined with Natura 2000 EU network.

Czech Law on Nature Protection

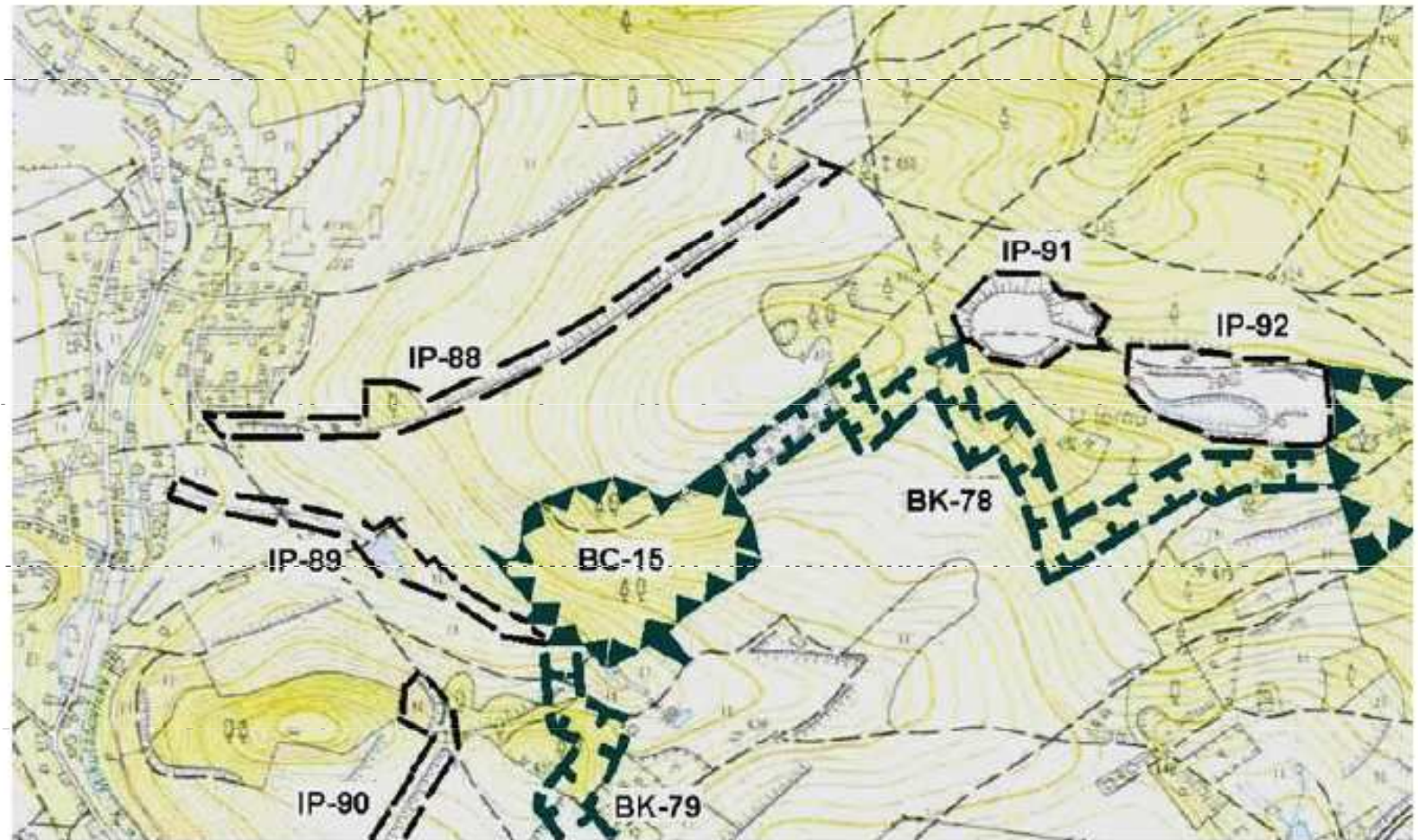
Protection of landscape character is defined as general protection and, as such, it is valid on the whole territory of the Czech Republic

- More attention to harmonious projects.
- The author so in the ca

Territorial systems

The Territorial systems are both natural and artificial

- Its main purpose is restoration.
- In other words, they are biocentres in the country.
- They serve for processing and management of the landscape.



Practical task

- 1. Does your country set a network of (traditional) protected sites?**
- 2. What is the hierarchy of the protective system?**
- 3. Which protective measures are used?**

Protection of Species (CZE)

General protection (§ 5):

All species of plants and animals are protected from destruction, damage, collection or capture that could lead to the extinction of a population or the destruction of an ecosystem + protection of vertebrates against cruelty by Act. 246/1992 Coll.

Protection of birds (§ 5a):

All bird species protected from killing, trapping, scaring, egg collecting, disturbing, keeping
Derogatory regime (§ 5b): Due to various public interests

Specially protected species (including birds)

Categorisation: (a) Critically Endangered (b) Severely Endangered (c) endangered

Protection: in all underground and above-ground parts in all developmental stages, even 'dead'

- prohibition to collect, tear, dig, damage, destroy or otherwise disturb in development
- prohibition to possess, cultivate, transport, sell, barter or offer for sale or exchange

Exception: various overriding public interests

Obligation to prove origin!

Example: The Golden Beetle

Carabus auratus Linnaeus,

gbif.org/species/1036779

Get data How-to Tools Community About

Classification

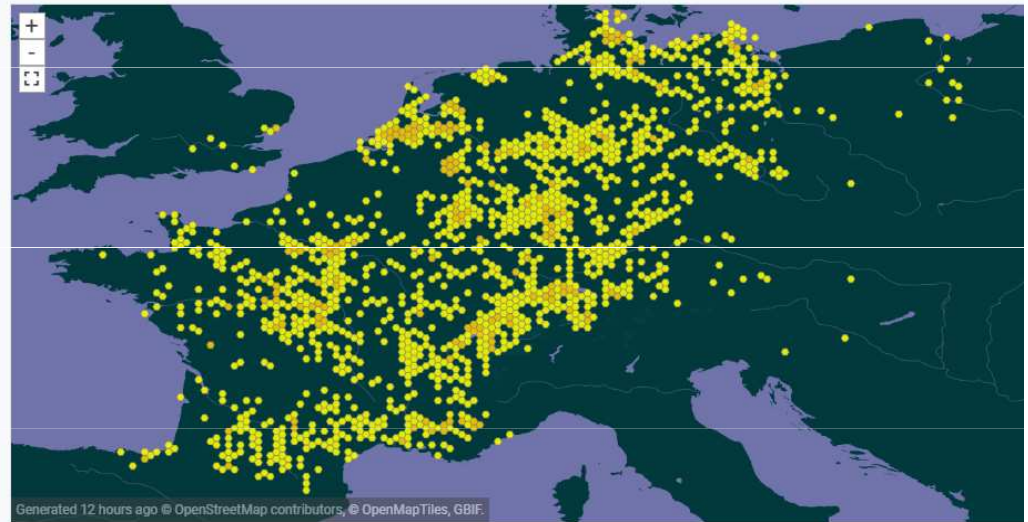
Class
Order
Family
Subfamily
Genus
Carabus Linnaeus, 1758
auratus Linnaeus, 1760
Carabus auratus (Linnaeus,
Carabus lotharingus
Carabus auratus (Linnaeus, 1760)
Children
auratus subsp. *auratus*
Linnaeus, 1760
auratus subsp. *diensis* Tarrier,
auratus subsp. *honoratii*
1826

OVERVIEW 1 TREATMENT METRICS REFERENCE TAXON

1,749 OCCURRENCES WITH IMAGES



4,247 GEOREFERENCED RECORDS



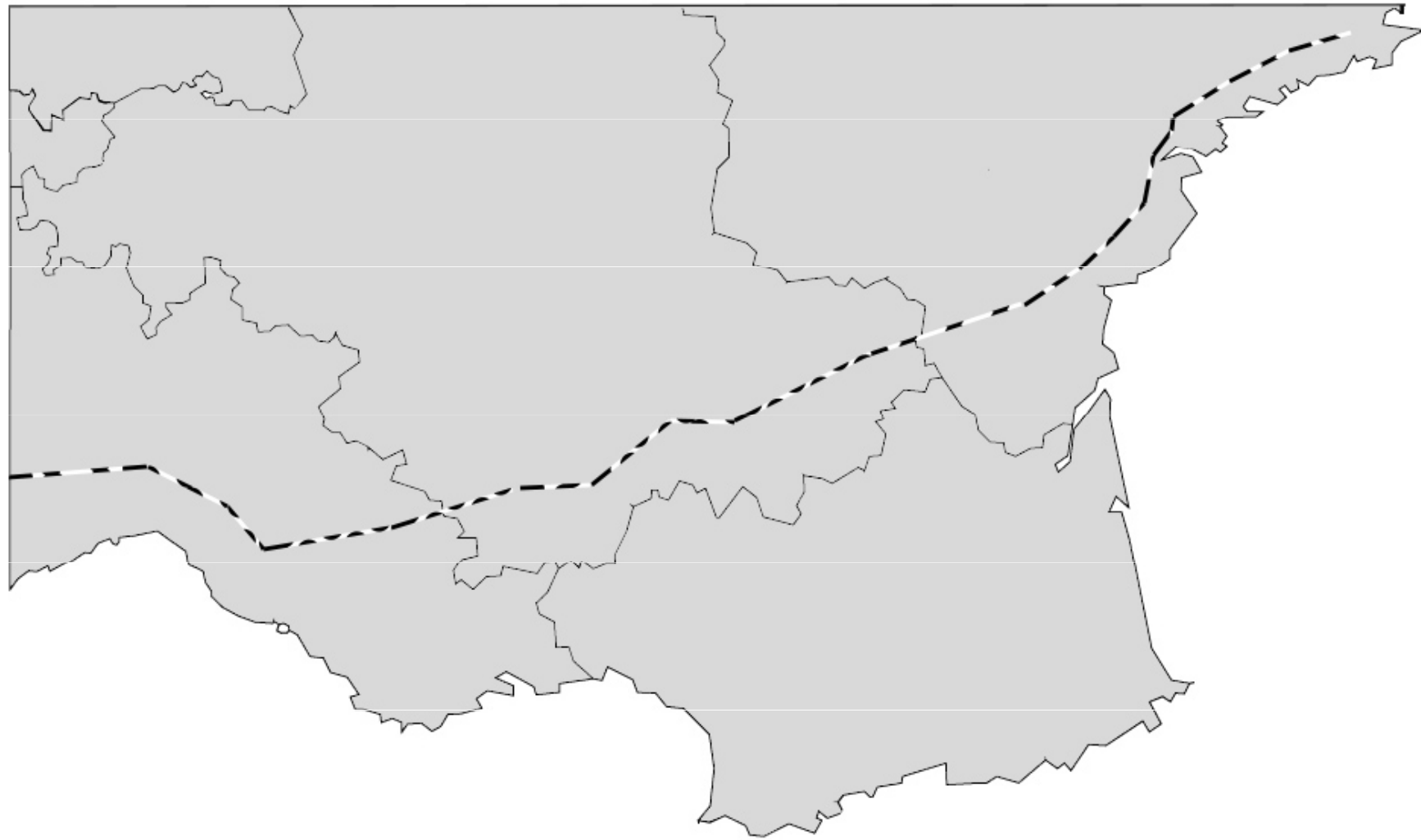
Generated 12 hours ago © OpenStreetMap contributors, © OpenMapTiles, GBIF.

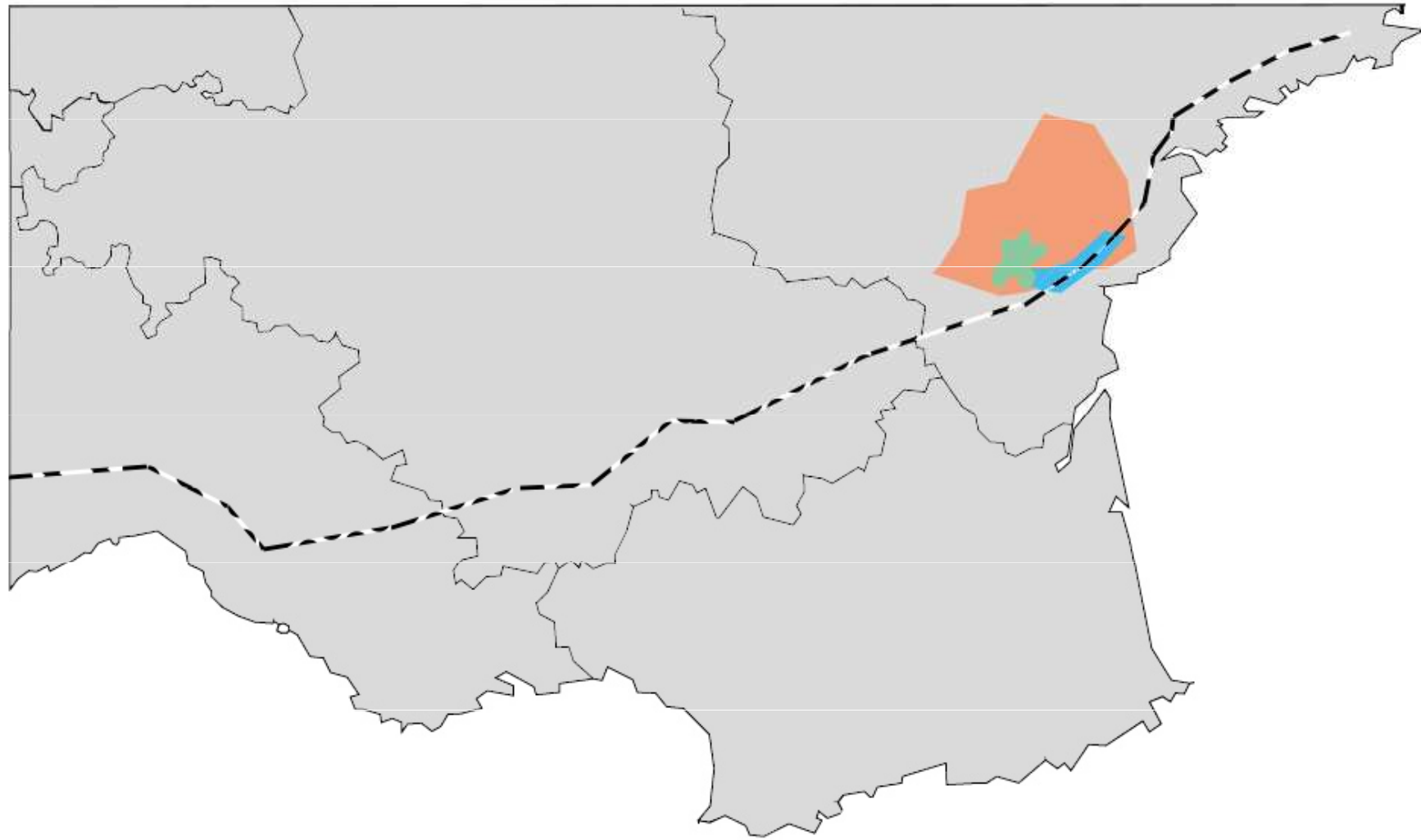
Any year 1758 - 2023

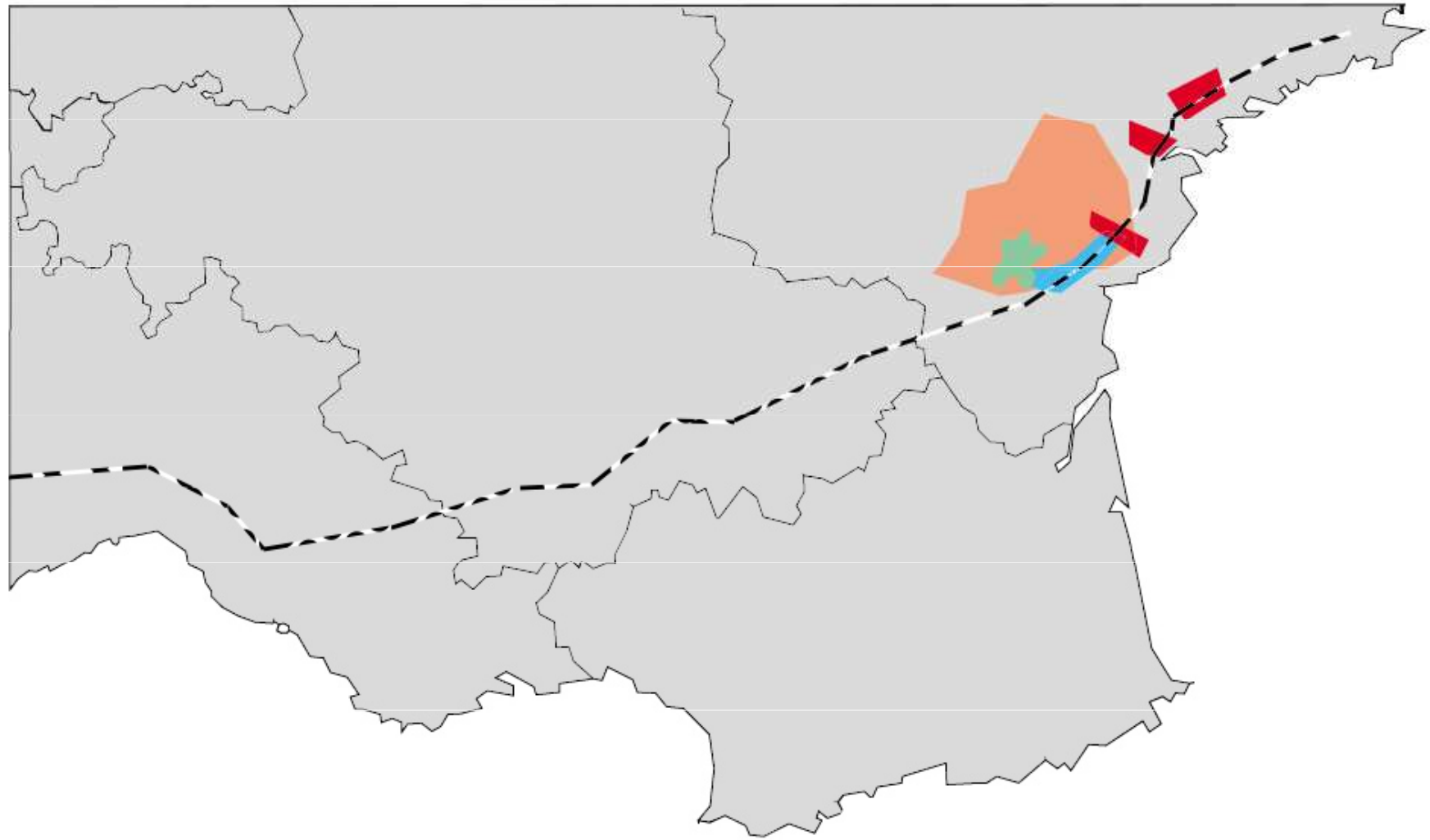


[Saxifraga-Frits Bink](#)









EU ENVIRONMENTAL LAW

Environmental Impact Assessment (EIA Directive, SEA Directive)

- **(assessment of projects and plans)**

EIA Directive, Annex I: 15. *Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres*


Annex II: 10. *(f) Inland-waterway construction not included in Annex I, canalisation and flood-relief works; (g) Dams and other installations designed to hold water or store it on a long-term basis (projects not included in Annex I);*

Protection of the site in the NATURA 2000 network (the Habitats Directive)


- **(protection of the site, assessment of the plans and projects, monitoring)**

Protection of the species (the Habitats Directive, the Birds Directive)

- **(protection against interference, illegal capture or killing)**



EURASIAN OTTER ENDANGERED BY A 4-LANE MOTORWAY IN CZECH REPUBLIC

 MARIE-AMÉLIE BRUN • JUNE 28, 2018 • EIR • FEATURED • NATURE

Controversial plans for a 4-lane motorway through EU-protected nature zones in the Czech Republic could be about to get the go-ahead.

For the past 20 years environmental groups have been challenging the D52 project – previously known as R52 – in the country's South Moravian region, home to three protected nature zones.

The road is part of the international A5 corridor that connects the Austrian capital Vienna to the second largest city in the Czech Republic, Brno. But environmental activists are strongly opposed to the project as it would endanger three Natura 2000 sites ([SCI Musovský Luh](#), [SPA Střední nadrž vodního díla Nove Mlýny](#) and [SPA Palava](#)), home of incredible biodiversity such as the Eurasian Otter.



Friends of the Earth Bulgaria delivering 'Save Kresna Gorge' petitions to Environment Commissioner Karmenu Vella. Credit: Friends of the Earth Bulgaria

LOCAL COMMUNITIES CALL ON COMMISSION TO SAVE BULGARIAN BUTTERFLY GORGE

 EMILY MACINTOSH • JUNE 11, 2018

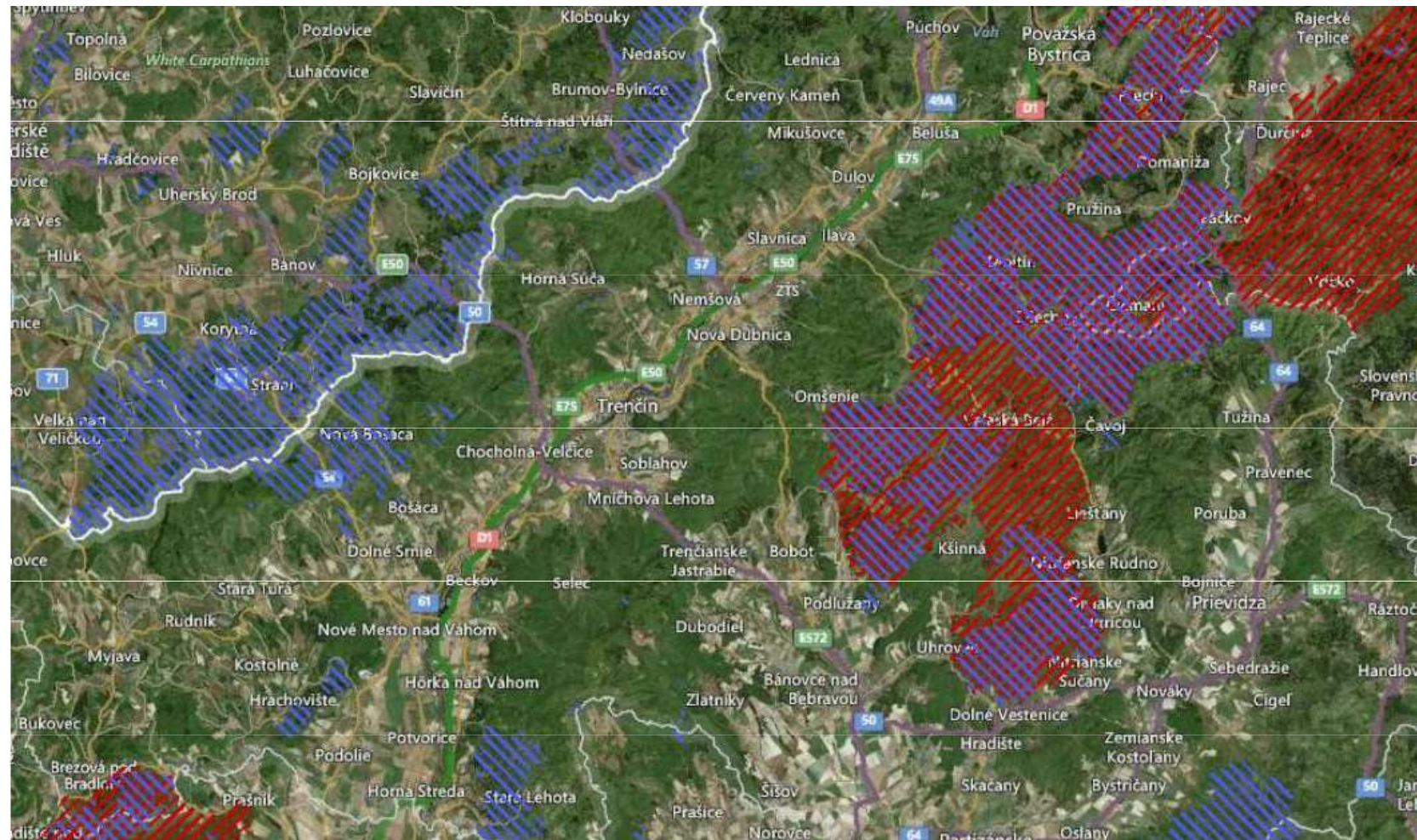
FEATURED NATURE 1 3 MIN READ

THE CASE STUDY

- **Requirements of the Habitats Directive – easy interpretation**
- **Requirements of the Habitats Directive – difficult interpretation (CJEU case law)**
- **A gray zone – legal questions upon consideration of the official authorities and ultimately of the national judges.**

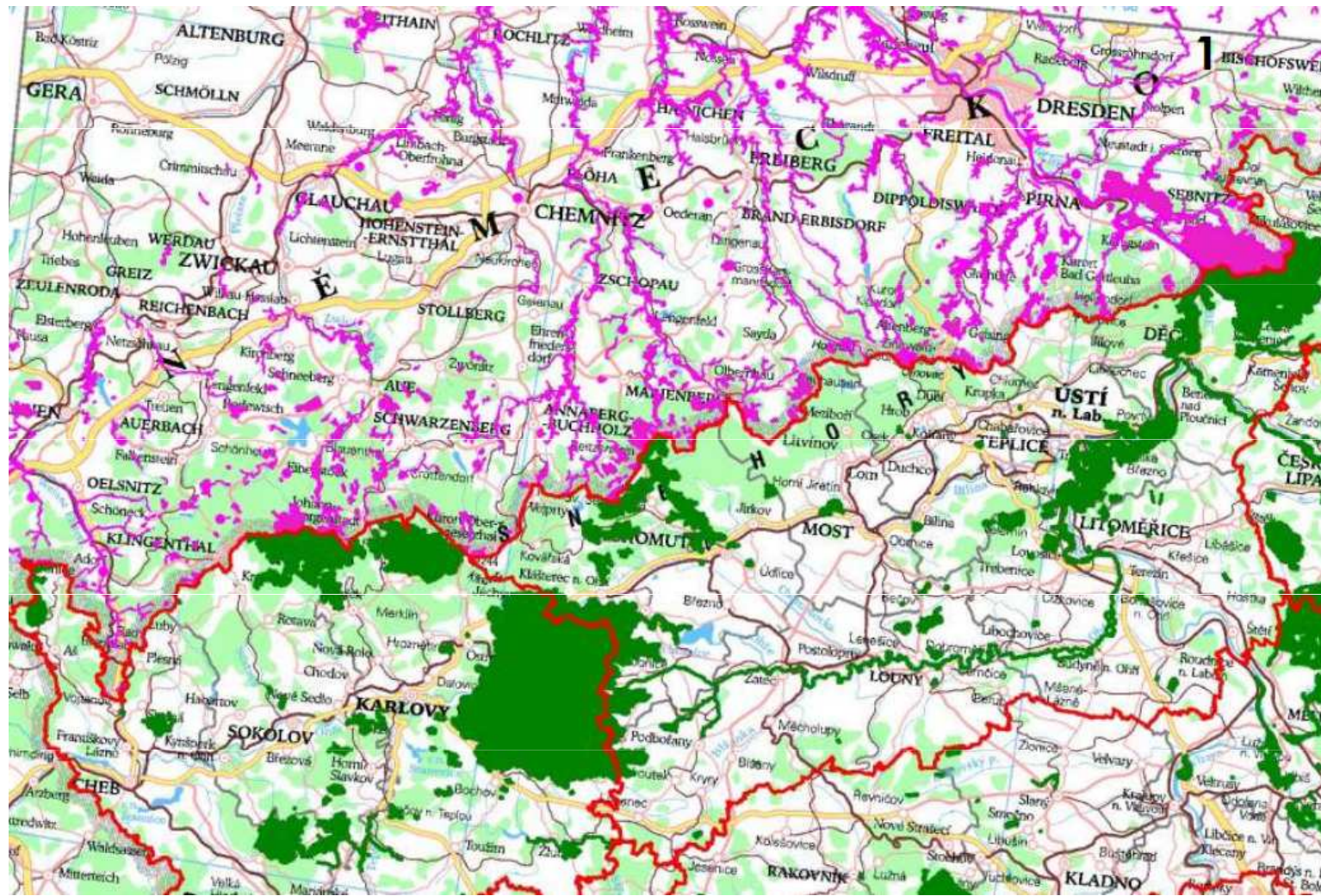
How many NATURA 2000 networks?

<http://natura2000.eea.europa.eu/>



How many NATURA 2000 networks?

<http://natura2000.eea.europa.eu/>





16km-long Kresna Gorge is home to 35 protected habitats and 92 species protected under EU rules including brown bears, tortoises, rare bats, griffon, and butterflies. Experts estimate that **twice as many butterfly species** live in Kresna Gorge than in all of the UK.



Friends of the Earth Bulgaria delivering 'Save Kresna Gorge' petitions to Environment Commissioner Karmenu Vella. Credit: Friends of the Earth Bulgaria

LOCAL COMMUNITIES CALL ON COMMISSION TO SAVE BULGARIAN BUTTERFLY GORGE

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FEATURED NATURE 1 3 MIN READ

Dusky large blue

(*Phengaris nausithous*)

The life cycle of this species is strongly related to the herbaceous plant *Sanguisorba officinalis* (great burnet).

Egg like that of euphemus laid on *Sanguisorba*. The young larva pale, later on purple-brown and finally probably yellowish-brown, at first at the flowers, later on at the leaves of *Sanguisorba*.



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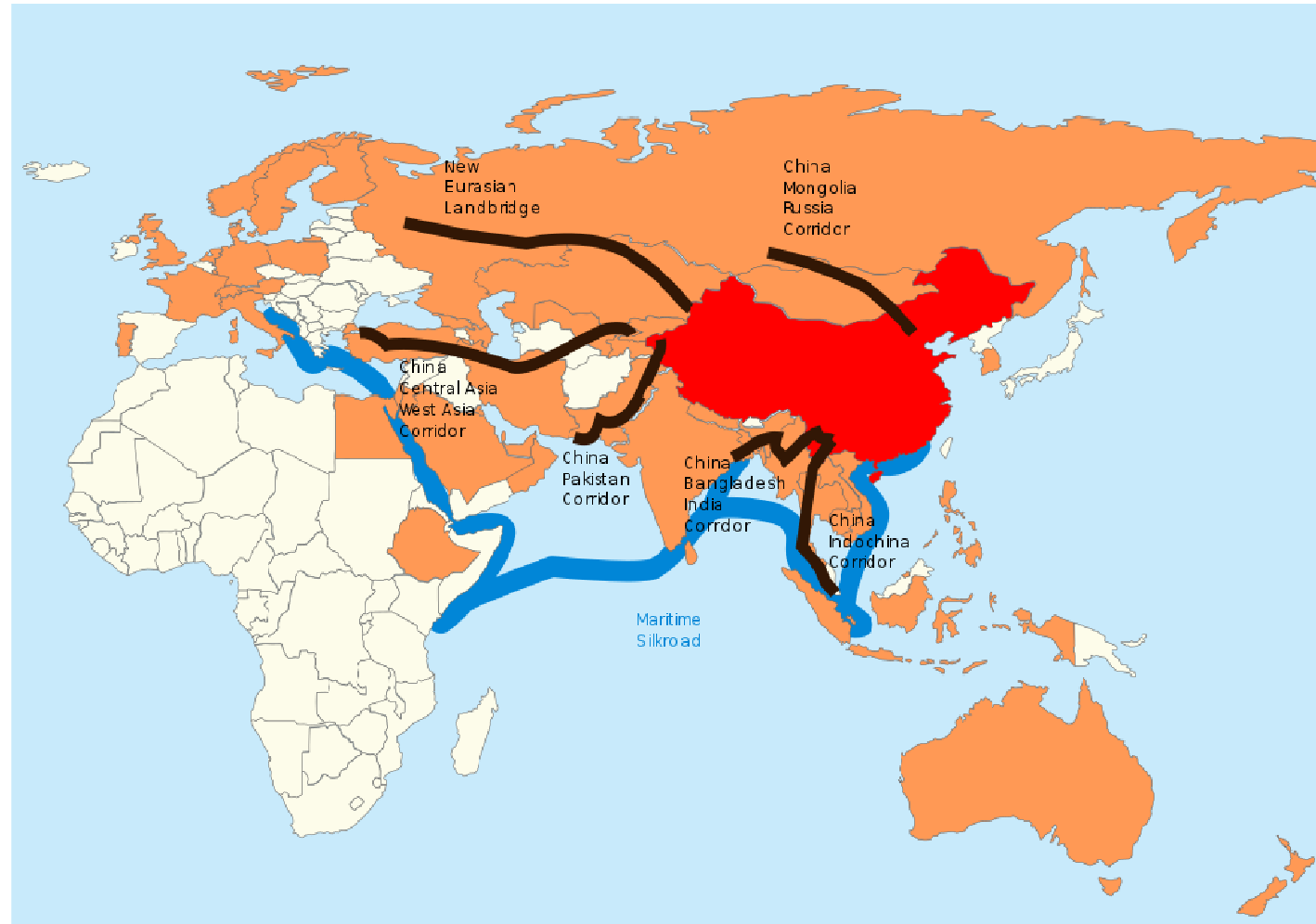
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Belt and Road Initiative

The immense project will have environmental effects, generating a substantial carbon footprint, and construction will directly affect environmentally sensitive areas.

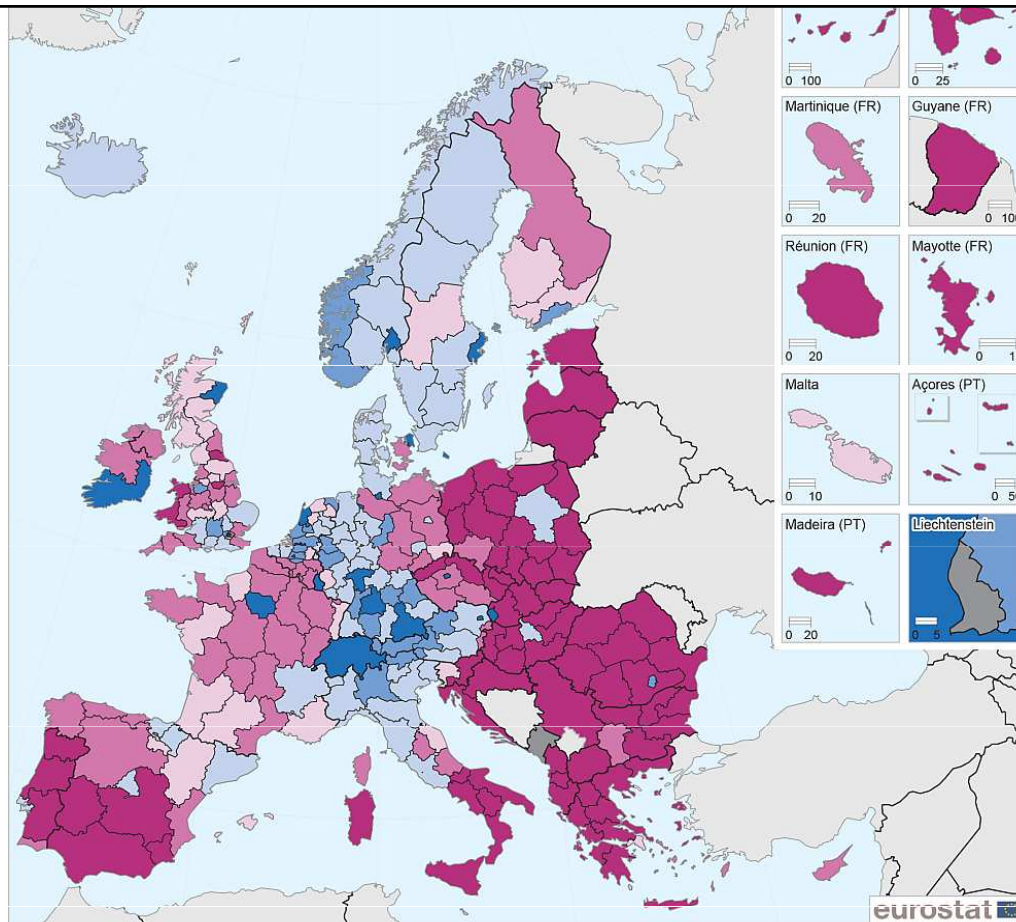
The BRI will use more concrete (a major source of greenhouse gas emissions) than all pre-existing infrastructure projects on the planet.



THE CASE STUDY

- **Definition of plans and projects**
- **Temporary scope of the Habitats Directive**
- **Requirements of the Art. 6(3) of the Habitats Directive**
- **Existence of alternative solutions**
- **Imperative reasons of overriding public interest**

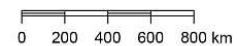
SOLUTION



(% of the EU-28 average, EU-28 = 100)

- EU-28 = 100
- < 75
- 75 – < 90
- 90 – < 100
- 100 – < 125
- 125 – < 150
- >= 150
- Data not available

Administrative boundaries: © EuroGeographics © UN-FAO © INSTAT
 © Turkstat
 Cartography: Eurostat - GISCO, 07/2017



eurostat



Thank you for your attention!