



# Relevance of nature conservation issues for site remediation

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Martin Schamann  
Irene Oberleitner



1. Restoration and renaturation of natural habitats – obligations
2. Baseline Condition
3. Favourable Conservation Status (Habitats Directive, Birds Directive)
4. Requirements for authorities and companies



# Restoration: International Obligations

- **Convention on Biological Diversity** (EU is Member)
- Convention on Migratory Species (EU)
- African-Eurasian Waterbird Agreement (EU)
- Alpine Convention: Nature Conservation Protocol (EU)
- Ramsar Convention: Resolution on wetland restoration (EU)
- etc.

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# Convention on Biological Diversity (CBD)

Signed by 150 government leaders at the 1992 Rio Earth Summit.

## Three main goals:

1. The conservation of biodiversity (diversity of **species, ecosystems** and **genetic diversity**)
2. Sustainable use of the components of biodiversity (species, ecosystems, genetic diversity)
3. Sharing the benefits arising from the commercial and other utilization of genetic resources in a fair and equitable way.

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# Convention on Biological Diversity

Article 8 (f):

Member States shall

- rehabilitate and restore degraded ecosystems,
- promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies.

> Austria: no sufficient legal basis for realisation!

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# 2010 Biodiversity Target

- The Parties of the CBD (April 2002) committed themselves to achieve a significant reduction of the current rate of biodiversity loss.  
**“Countdown 2010 - Save Biodiversity”**
- Within the EU: stipulating more stringent targets:  
**“Stop the loss of biodiversity by 2010”.**

Relevance for industry: Minimisation of environmental impacts (e.g. emissions, sealed soil, reduction of traffic,...)

Application of the precautionary principle,...

# EU and national obligations

- **Birds Directive & Network Natura 2000**
  - **Habitats Directive & Network Natura 2000**
  - **Environmental Liability Directive**
  - Water Framework Directive (Groundwater and surface water)
- 
- Conservation objectives of national protected areas (National Parks, Nature Reserves etc.)

## **Council Directive 79/409/EEC on the conservation of wild birds.**

- Art. 3 (1): Member States shall take measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for wild birds.
- Art. 3 (2): The preservation, maintenance and re-establishment of habitats includes e.g. the re-establishment of destroyed biotopes and the creation of biotopes.

# Habitats Directive

## Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

- Art. 1a: Conservation means measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a **favourable status** (...).
- Art. 2 (2): Measures shall maintain or restore, at **favourable conservation status**, natural habitats and species of wild fauna and flora.

# Habitats Directive

- Precautionary principle: Obligations independent from damages/threats.
- Preventive protection of wild species and natural habitats (z.B. assessment of the implications for Natura 2000 sites).
- Liability even if intervention is permitted - but only in the event of negligence or deliberate action (>Authority has to inform companies about relevant habitats and species).
- The prohibition to disturb breeding sites or resting places is not limited to deliberate action or acts of negligence (Art. 12 Abs.1 Z4).
- No restriction to certain activities.

# Network Natura 2000

Natura 2000 – A coherent european ecological network of special areas of conservation (Habitats Directive, Art. 3)

## Composed of:

- sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II,
- the special protection areas pursuant to the Birds Directive.

**For the Natura 2000 sites: MS have to establish necessary conservation measures** (Habitats D., Art. 6).

Natura 2000 sites (December 2006): **12% of the EU** (terrestrial area).

# Environmental Liability Directive

- "Polluter pays principle"
- The Environmental Liability Directive covers damage to **all species and habitats protected under the Habitats Directive** as well as **most threatened species and migratory birds protected under the Birds Directive**.
- "Environmental damage" means damage to protected species and natural habitats.  
Damage: **Significant adverse effects on reaching or maintaining the favourable conservation status of such habitats or species.**

# Baseline Condition

Environmental Liability Directive (Annex I):

- The significance of any damage has to be assessed by reference to the **conservation status at the time of the damage** (...).

# Define Baseline

In general difficult to define!

1. **Conservation status is sufficiently documented**  
e.g. by means of biotope mapping (relevant parameters have been respected, like area, species, status of protection, protective measures taken etc.  
> Local or regional Level
2. **Conservation status has to be reconstructed**  
(no information is available concerning status before damage): e.g. comparison with similar habitat

# Monitoring Biodiversity

- Habitats Directive (Art. 11): **Member States shall undertake surveillance of the conservation status of the wild species and natural habitats.**  
> National Level
- **In future:** Increasing importance of monitoring programs at regional and local level
- Support of administrative authorities: Monitoring by NGOs and volunteers: Austrian Orchid Network, Bird Watching, Monitoring of hedgehogs and fireflies in Vienna etc.

# EU Reporting Obligations

Habitats Directive Art. 17

- Every six years the Member States **report on the implementation of the measures taken under the Habitats Directive.**

The report includes the evaluation of the impact of measures on the conservation status

**By end 2007: new report for EU Commission**

→ increased data quality in NATURA 2000 areas

→ however: additional investigations at local level will be necessary (e.g. in case of risks of damages)!



# Favourable Conservative Status

- Measures taken under the Habitats Directive aim to conserve or restore a favourable conservation status of habitats and wild species.
- Central scale to assess whether damage to the environment is considerable or not.

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## Favourable Conservative Status - **HABITATS**

(Habitats Directive, Art. 1)

**The conservative status is "favourable" when:**

- its natural range and areas it covers within that range are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable (...).

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## Favourable Conservative Status - **SPECIES**

(Habitats Directive, Art. 1)

**The conservative status is "favourable" when:**

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

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## Favourable Conservative Status - **BIRDS**

### **Birds Directive (1979)**

„Favourable conservation status“ does not exist, however:

Art. 2: Member states take the requisite measures to **maintain the population of the species.**

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## Favourable Conservation Status - Criterias

	Quantitative criteria	Qualitative criteria
<b>Habitats</b>	<ul style="list-style-type: none"><li>* Range (distribution area)</li><li>* Habitat area</li></ul>	<ul style="list-style-type: none"><li>* Site characteristic</li><li>* Site structure</li><li>* Indicator species</li><li>* Management</li><li>* etc.</li></ul>
<b>Species</b>	<ul style="list-style-type: none"><li>* Range (distribution area)</li><li>* Population size</li><li>* Habitat area</li></ul>	<ul style="list-style-type: none"><li>* Population structure</li><li>* Population dynamic</li><li>* Habitat structure</li><li>* Management</li></ul>

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## Baseline Condition – Requirements for Authorities

- Selected species and habitats are documented and monitored continuously (national level).
- Conservative objectives of protected areas are stipulated in detail.
- Authority informs companies about Natura 2000 conservation objectives (species and habitats).
- Free access to information relevant for the protection of habitats and species.

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# Baseline Condition – Requirements for Companies

## Avoid damage!

- Gather information: What Natura-2000-conservation objectives exist and may be impacted?
- Participation in the Eco-Management and Audit Scheme („EMAS“): Ecological and economic weaknesses are eliminated to save materials, energy and costs.

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**Biodiversity increases the quality of our life!**

[martin.schamann@umweltbundesamt.at](mailto:martin.schamann@umweltbundesamt.at)

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