

The enforcement challenge: how to fill the gap between theory and practice

Antwerp, 12-13/12 2012

Ludwig Krämer

Kramer.ludwig@skynet.be

Theory and practice

1994 National habitats lists

1998 EU lists

started in 2002

2004 Designation of SAC

Favourable conservation status

Habitats ? 2004

2010: 17% favourable; 65% unfavourable; 18%?

Species ?

17% favourable; 52% unfavourable; 31%?

How to fill the gap: Transparency

Be serious about legal obligations; they are more than recommendations

- (1) National reports every six years (2000; 2006; 2012)**

- (2) Publish the national reports**

- (3) Ensure that they report *results*, not only measures; not only success but also failure stories**

- (4) Establish EU reports on *results* every six years (2002, 2008; 2014)**

- (5) Take measures, where national reports lack or are insufficient (Art.258)**

Designation (Art.4)

- (1) Ensure designation as SAC under Article 4(4), with zero tolerance**
- (2) Appoint a mediator, where designation does not take place (TEN)**
- (3) Publish list of sites which would qualify as SAC, according to Commission**
- (4) Make use of Article 5, where necessary**
- (5) Assist national nature conservation administrations against other interests**

Derogations (Arts 6 and 16)

- (1) Be stricter with application of Article 6(3) and (4)**
- (2) Take initiatives yourself to have 6(3) and (4) respected**
- (3) Be stricter with alternative checking**
- (4) Publish cases, where Article 6(3) was disregarded**
- (5) (Art.16) Do not assume that absence of alternative discussion means that no alternative existed (Derogation report)**

Financing

- (1) Bring Article 8-requirements into the Structural Funds**
- (2) Become active in implementing the Structural Funds Regulations**
- (3) Make own proposals for co-financing under LIFE**
- (4) Publish results, where SACS were economically beneficial**
- (5) Become active in the TEN-T and TEN-E discussions (Picos de Europa)**

Corridors (Art.10)

- (1) Make Article 10 operational in concrete terms, not only *in abstracto***
- (2) Take yourselves initiatives, where corridors should be established**
- (3) Ratify the Nature Conservation Protocol of the Alpine Convention**
- (4) Ratify the Landscape Convention**
- (5) Take measures against invasive species**

Monitoring

- (1) Challenge the omission to make surveillance plans (Article 11)**
- (2) Collect, compare and publish the national monitoring systems (Article 12(4))**
- (3) Ensure practical application of Articles 12(1) and 13(1)**
- (4) Produce barometers for conservation status of habitats and species**
- (5) Check more systematically compliance with Article 16.**

Communication

- (1) Why is „world heritage“ prestigious, but „EU heritage“ not?**
- (2) In communication material, show the beauty of nature, *but also the threats***
- (3) Show loss of habitats, wetlands, nature, over the last 20, 30, 50 years (Camargue)**
- (4) Create awards: „Habitat of the year“; „best experience“; „worst experience“**
- (5) Make sure that people talk of nature; give a voice to the environment**