

# RESTORING NATURE IN THE EU: THE ONLY WAY IS UP?

---

An Cliquet & Kris Decler

20 Years of Habitats Directive  
12-13 December, Antwerp



# Overview

- Policy targets for ecological restoration
- Legal obligations for ecological restoration in the Habitats Directive
- Ecological restoration within and outside Natura 2000 sites
- Challenges for ecological restoration

# Targets for ecological restoration

- CBD Aichi targets:
  - **Target 15:** *“By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including **restoration of at least 15 per cent of degraded ecosystems**, thereby contributing to climate change mitigation and adaptation and to combating desertification.”*

# Targets for ecological restoration

- EU Biodiversity Strategy targets:
  - **Target 1:** “*To halt the deterioration in the status of all **species and habitats** covered by EU nature legislation and achieve a significant and measurable **improvement in their status** (...)*”
    - Action 1c: ...restoration measures for all Natura 2000 sites
  - **Target 2:** “*By 2020, ecosystems and their services are maintained and enhanced by establishing green infrastructure and **restoring at least 15 % of degraded ecosystems.***”
    - Action 6: strategic framework to set priorities for restoration by 2014

# Targets for ecological restoration

- European Parliament Resolution April 2012:
  - At least 40% of habitats/species in favourable conservation status by 2020 (100% by 2050)
  - Wishes the EU to set a considerably higher restoration target
- EU Commission (Biodiversity Strategy Impact Assessment 2011):
  - 15% is minimum, but higher level (for example 30%) could be considered

# Restoration in Habitats Directive

- Definition of conservation in Habitats Directive: maintain or **restore** natural habitats and species at a favourable status (art. 1, a)
- Definition of SCI: site which contributes significantly to the maintenance or **restoration** at a favourable conservation status (art. 1, k)
- Definition of SAC: site where the necessary conservation measures are applied for the maintenance or **restoration** at a favourable conservation status (art. 1, l)

# Restoration in Habitats Directive

- General obligation of Habitats Directive: measures to maintain or **restore** at favourable conservation status habitats and species of Community interest (art. 2, § 2) = result obligation!
- Current status of conservation is often unfavourable (cf. EEA):
  - 40-85% of habitats: unfavourable
  - 40-70% of species: unfavourable

 Ecological restoration is legally obliged!

# Restoration in Habitats Directive

- Restoration and the Natura 2000 network:
  - The network shall enable habitats to be maintained or **restored** at a favourable conservation status (art. 3, § 1)
  - Criteria for designation of sites include **restoration possibilities** (annex III & Commission decision on standard data form)
  - Member states shall establish necessary conservation measures for habitats and species (art. 6, § 1) (thus including restoration measures)
  - Implicit obligation for restoration as mitigation or compensation obligation under art. 6, § 4
- Improve ecological coherence of Natura 2000 by maintaining and **developing** landscape features (art. 3, § 3)

# Restoration in Habitats Directive

- Restoration of species as measure under art. 12?
  - Commission guidelines: art. 12 does not prescribe proactive habitat management measures such as restoration or improvement of habitats
  - Advocate general in Hamster Case:
    - Concept of prohibition: prohibitions can also help to restore or improve habitats in so far as they enable positive natural developments to take place
    - Measures against deterioration and destruction: measures in areas where there are no hamster burrows are not necessary

# Where should we restore nature?

- Restoration is obliged both inside and outside Natura 2000 sites
- Target 1: restoration of habitats and species of Birds and Habitats Directives ('significant improvement'):
  - Restoration of habitats: applies certainly within but also outside Natura 2000 sites
  - Restoration of species: applies in and outside Natura 2000 sites
- Target 2: restoration of 15% of degraded ecosystems:
  - This target is linked to ecosystems and ecosystem services (not limited to Natura 2000 sites or habitats and species of Directives)
  - Green infrastructure (mentioned in target 2) is not limited to Natura 2000 sites

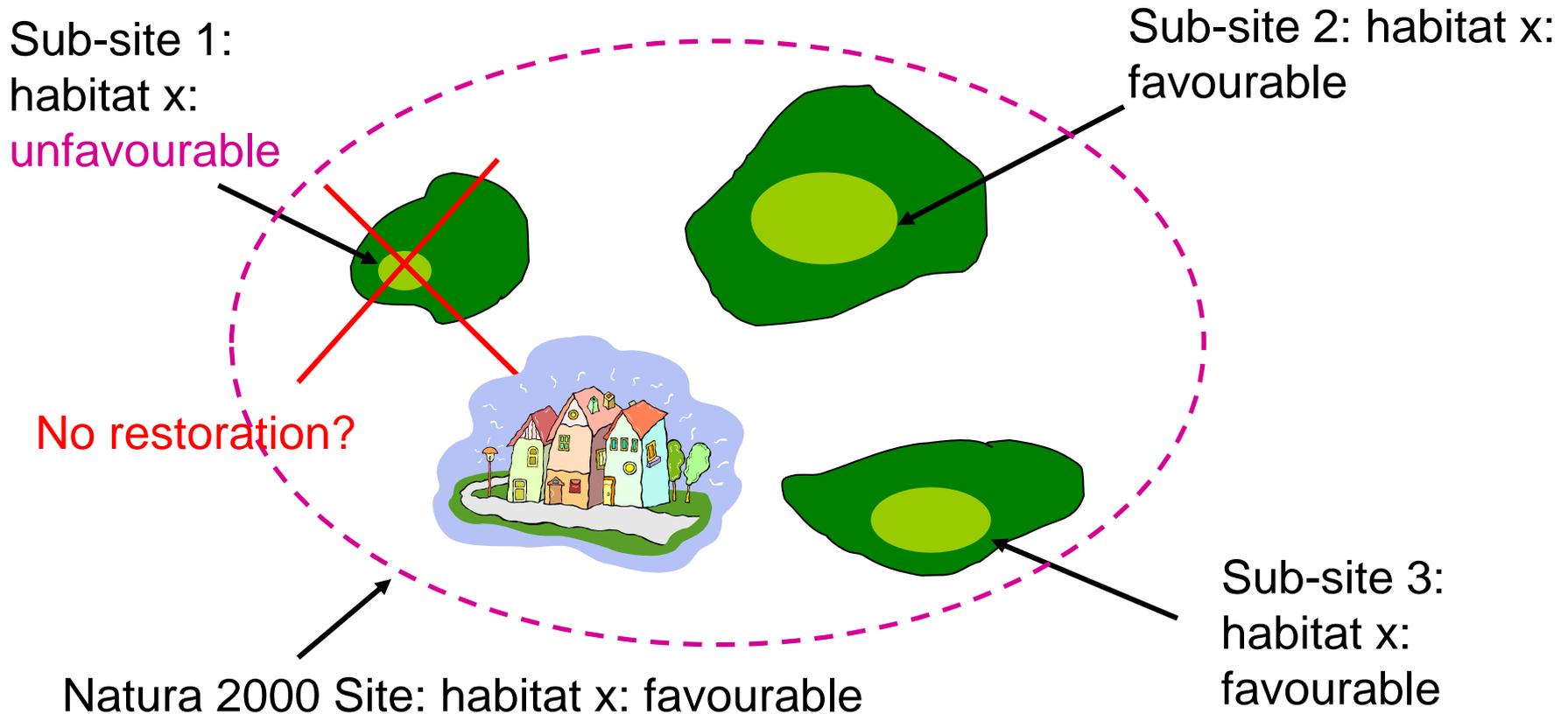
# Where should we restore nature?

- Combination of target 1 and 2: 15% should be outside Natura 2000 sites as there is already a separate target and legal obligations for restoration of habitats/species within Natura 2000 sites
- Target 1 & 2 are linked

# Restoration within Natura 2000 sites

- Not necessarily limited to 15% of Natura 2000 sites
- Legal obligation: restoration measures which correspond to ecological requirements of habitats and species
- Is restoration required in the whole site?

# Restoration in case of partial deterioration of a Natura 2000 site



# Restoration in case of partial deterioration of a Natura 2000 site

- No deterioration of a (sub) site is allowed, not even when conservation status is favourable for the whole site
- A lack of restoration measures in a sub-site will most likely lead to a further decrease of population sizes and/or meta-population functioning

# For which species & habitats?

- For Natura 2000 sites: restoration for all Annex I habitat types, all Annex II species, all Annex I birds/regularly migratory birds occurring at the Natura 2000 site (mentioned in standard data form)
- Standard data form must be updated in case of new ecological information

# Restoration in case of local extinction?

- Conservation/restoration objectives are required for habitat/species that occur in sites at time that obligation came into force: (for most EU states):
  - Birds of Birds Directive: 1981
  - Habitats/Species of Habitats Directive: 1995

# Restoration outside Natura 2000 sites

- Legal obligation to reach favourable conservation status of habitats and species is not limited to species and habitats within Natura 2000 sites (cf. obligation art. 2; monitoring obligations art. 17)
- 15% target for restoration of ecosystems and ecosystem services
- Legal possibilities within Habitats Directive for restoration outside Natura 2000 sites?

# Restoration outside Natura 2000 sites



Designation  
of additional  
site

Restoration  
measures  
Site 1

Connectivity  
measures

Restoration  
measures  
Site 2

Species  
protection  
measures



# Restoration outside Natura 2000 sites

- Other instruments will also be necessary
- Importance of Green Infrastructure policy!

# For which species and habitats?

- For habitats & species: restoration obligations for all wild bird species, for annex I habitats, annex II, annex IV & annex V species
- Target 2: ecosystems (**not limited to habitats & species of Directives!**)

# Challenges

- Restoration to which reference situation (what is baseline, what is a degraded ecosystem)?
- What if historical situation has changed due to climate change or other circumstances ? Is restoration to historical reference situation still possible/desirable?
- Working with nature vs. technical solutions
- Priorities in restoration objectives (choices have to be made) if we want to halt biodiversity loss: EU guidelines needed (to prevent 'easy' choices)
- Relationship between restoration of biodiversity and ecosystem services

# Conclusions

- Current unfavourable conservation status of most habitats and species in EU
- Restoration obligations are included in Habitats Directive
- Targets for restoration are included in EU Biodiversity Strategy both within and outside Natura 2000 sites
- So, restoration in the EU: the only way is up! But...

# Conclusions

- Restoration targets and favourable conservation status will only be reached if restoration goals are set high enough
- There is need for:
  - Science-based restoration
  - Criteria for restoration
  - Evaluation of restoration
- More specific EU guidelines on restoration are most welcome especially outside Natura 2000 sites!