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

An Cliquet & Kris Declerck

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

Sub-site 1: habitat x: unfavourable

Sub-site 2: habitat x: favourable

Sub-site 3: habitat x: favourable

Natura 2000 Site: habitat x: favourable

No restoration?
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):
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
- Connectivity measures

- Site 1
  - Restoration measures
  - Species protection measures

- Site 2
  - Restoration 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!