

On the state of species and habitat protection law in the European Union

Conclusions of the Avosetta meeting of 26/27 may 2017 in Krakov

The Avosetta group, a network of European environmental lawyers, discussed the state and prospects of species protection in the EU and its Member States. We noted with great concern the rapid decline of populations of rare and even common wild animals and plants, and the progressing disappearance of wild species.

As evidenced by official reports this is due to a number of factors including the complexity and lack of transparency of the relevant law in particular at national level , the poor enforcement of the relevant laws both on the EU and MS levels, and the ever expanding human encroachments on wild animal and plant populations and habitats.

We suggest that species protection law on the Member States level should be reformed to make it better understandable and more easily applicable by citizens, stakeholders and administrators, including the compilation of lists of protected species, the categorization of harmful activities, the design of prevention instruments, and the bringing of derogations in line with EU requirements.

As also suggested by the Commission Fitness Check of the EU Nature Legislation we encourage the EU and Member States to explore possibilities of habitat and species protection beyond the already successful Natura 2000 undertaking, in reaction to the fact that land use changes, including changes in agricultural practices, have become at least as significant as takings, killings, disturbances etc. of individual specimens.

We appreciate that in many countries authorities have involved citizens and land users in various ways in the monitoring of populations and habitats as well as in supervisory tasks on the spot.

We urge the Member States to take note of the widespread non-enforcement and introduce more effective measures. We encourage the European Commission to supervise the enforcement practices and where appropriate initiate treaty infringement procedures.

Referring to the environmental integration principle we also see a need to bring the EU and MS law on land-use, such as on the planning and financing of agriculture, infrastructure and settlements, better in line with species and habitat protection as laid out in EU nature protection law and relevant international agreements, including the Convention on Biological Diversity, the Bern and the Bonn Conventions, and the European Landscape Convention.