



Promoting
Connectivity in the EU

What role for EU nature
conservation law?

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Content

Promoting Connectivity in the EU: What role for EU nature conservation law?

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What is connectivity?

- Developed from small scale landscape elements connecting habitat patches or two natural areas to overarching land- and seascape approach to biodiversity conservation in large terrestrial and marine areas
- Local scale: hedgerows; streams; roadsides; forest corridors; underpasses; overpasses
- Landscape scale: rivers and associated riparian vegetation; broad links between reserves
- Bioregional scale: major river systems; mountain ranges; continents, across continents for some migratory species

IUCN – ELC: The legal aspects of connectivity conservation

The legal aspects of connectivity conservation : a concept paper and case studies (Vol. I and II)

Aug, Lawrence; Born, Charles-Hubert; Farrier, David; La Viña, Antonio; Lausche, Barbara J.; Trouwborst, Arie; Verschuuren, Jonathan; Gromilova, Mariya; Harvey, Melissa; Leuzinger, Márcia Diegues; Paterson, Alexander Ross; Teles da Silva, Solange



https://www.iucn.org/about/work/programmes/environmental_law/elp_resources/elp_res_publications/

Natura 2000 on paper

- Coherent European Ecological Network consisting of:
 - > sites designated under Birds Directive and Habitats Directive
 - Art. 3(1) and 3(2) Habitats Directive
 - Obligatory
 - Many forest types
 - > important landscape features that have been maintained or developed
 - Art. 3(3) and Art. 10 Habitats Directive
 - voluntary

Article 10 Habitats Directive

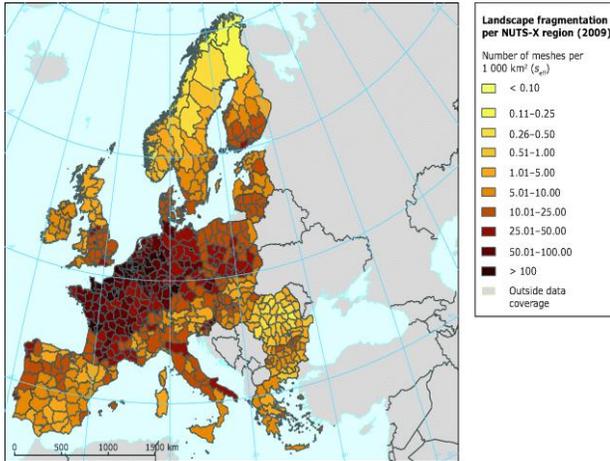
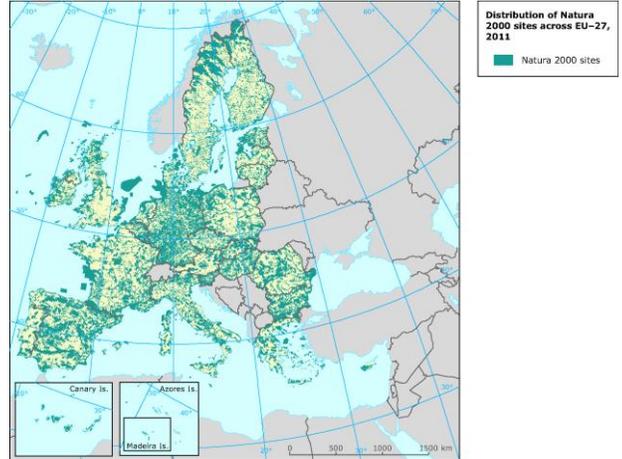
Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.



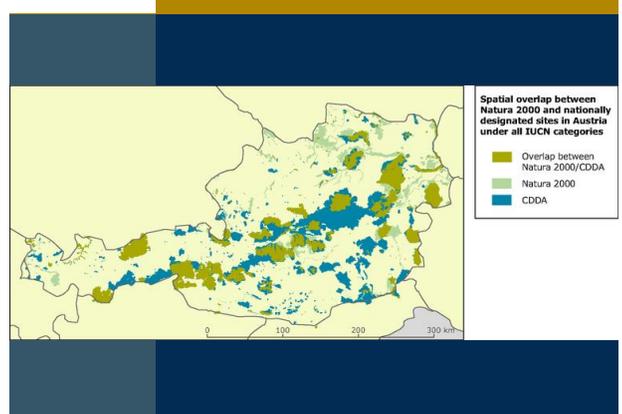
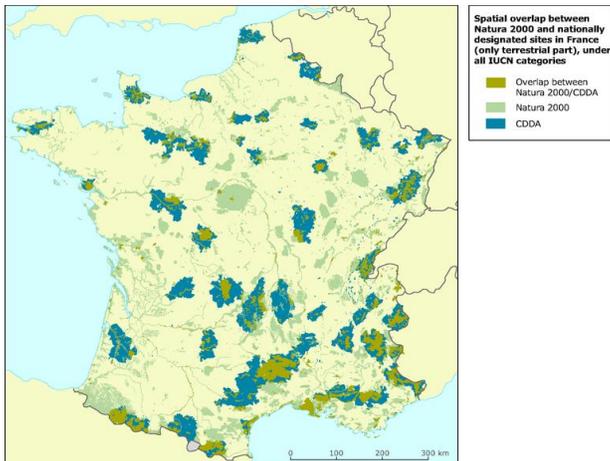
Natura 2000 in practice

- Designation of N2000 sites under Birds- and Habitats Directives:
 - > 17.5% of EU's terrestrial area
 - > 21% of marine area
- Strict legal duties in place
 - > 'positive' conservation measures/active management (Art. 6(1) Habitats Directive)
 - > 'negative' development controls (Art. 6(2)-(4) Habitats Directive)
 - > Relatively successful, high impact on decision-making



Natura 2000 in practice

- <http://natura2000.eea.europa.eu>
 - > Zooming in often shows many isolated areas
- Other instruments have to be taken into account as well
 - > domestic nature conservation law
 - > spatial planning/land use law
 - some disadvantages (more room for economic interests, only aimed at negative controls)



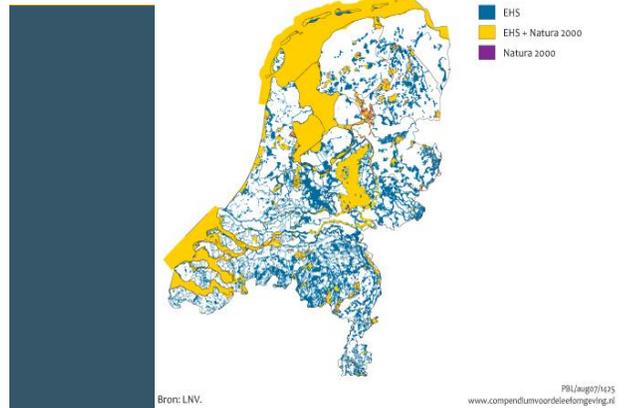


Example: The Netherlands

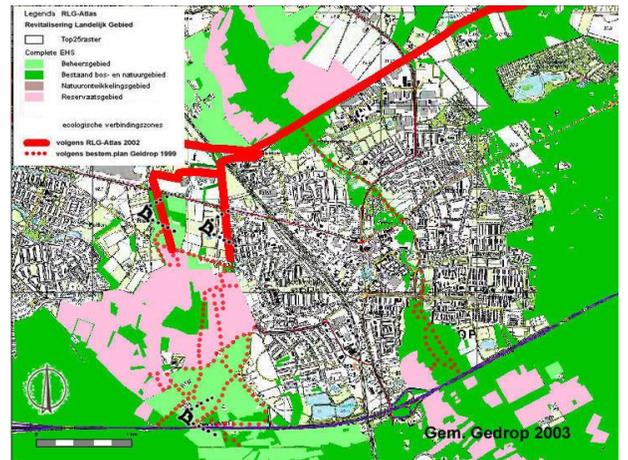
- Netherlands Ecological Network:
 - Core areas (Natura 2000 sites, national parks, estates, certain agricultural areas, large water bodies)
 - Nature development areas (areas with good opportunities to restore significant ecological values)
 - Connectivity zones (corridors connecting core areas and nature development areas)
 - Robust connectivity zones (added in 2000 to counter shortcomings in first decade)
 - Quantity and quality (nature objective types)
 - 1990-2018 → later
 - Implementation through spatial planning law



EHS en Natura 2000-gebieden



Robust connectivity zones



Growing need for connectivity

- Overall significant decline in the genetic diversity of life on Earth (Global Biodiversity Outlook 2010)
- Vast majority of species and habitat types not in favourable conservation status (EEA 2012)
- Landscape fragmentation remains very high across Europe (EEA 2012)
- Climate change impact on biodiversity
 - > See next presentation (Trouwborst)



Ways forward



Ways forward

1. Connectivity may be essential to achieve favourable conservation status and to meet requirements Art. 6(2) and 6(3)
 - Alto Sil case (C-404/09) on capercaillie:
 - there is a risk that operations currently being carried out, in conjunction with projects the implementation of which is imminent, form a continuous east-west barrier for the capercaillie, capable of leading to the isolation of population pockets of that species, and, over time, to the disappearance of pockets located to the south of that barrier.
 - it must be held that the [mines] are capable of producing a barrier effect likely to contribute to the fragmentation of the habitat of the capercaillie and the isolation of certain sub-populations of that species.

Ways forward

- Alto Sil case (C-404/09) on brown bear:

that the loss of habitats for the Cantabrian brown bear caused by the [project] has been significant within what is called the 'Leitariegos corridor', that the bears move 3.5 to 5 kilometres from the areas of impact of the noise and vibrations caused by mining operations, and that that operation will prevent access for the brown bear to that corridor, or make it much more difficult, whereas that corridor is a north-south transit route of critical importance for the western population of that species.

that the Leitariegos corridor, with a width of 10 kilometres, is a transit route of great importance for the western population of the said species, allowing in particular communication between two very important pockets of reproduction

[these are] significant disturbances of the 'Alto Sil' SCI

Ways forward

2. Interpreting Article 10 in the light of conservation objectives
3. Towards stricter language in the Habitats Directive
 - > Art. 3(3) & Art. 10 no longer voluntary
 - > Much more attention for restoration
 - > 'climate proofing' of all EU legislation: biodiversity adaptation requirements to be integrated in the Birds Directive and the Habitats Directive
 - > 'fitness check' (are current EU-laws proportionate to their objectives and delivering as expected? Covers environmental, economic and social aspects)

