



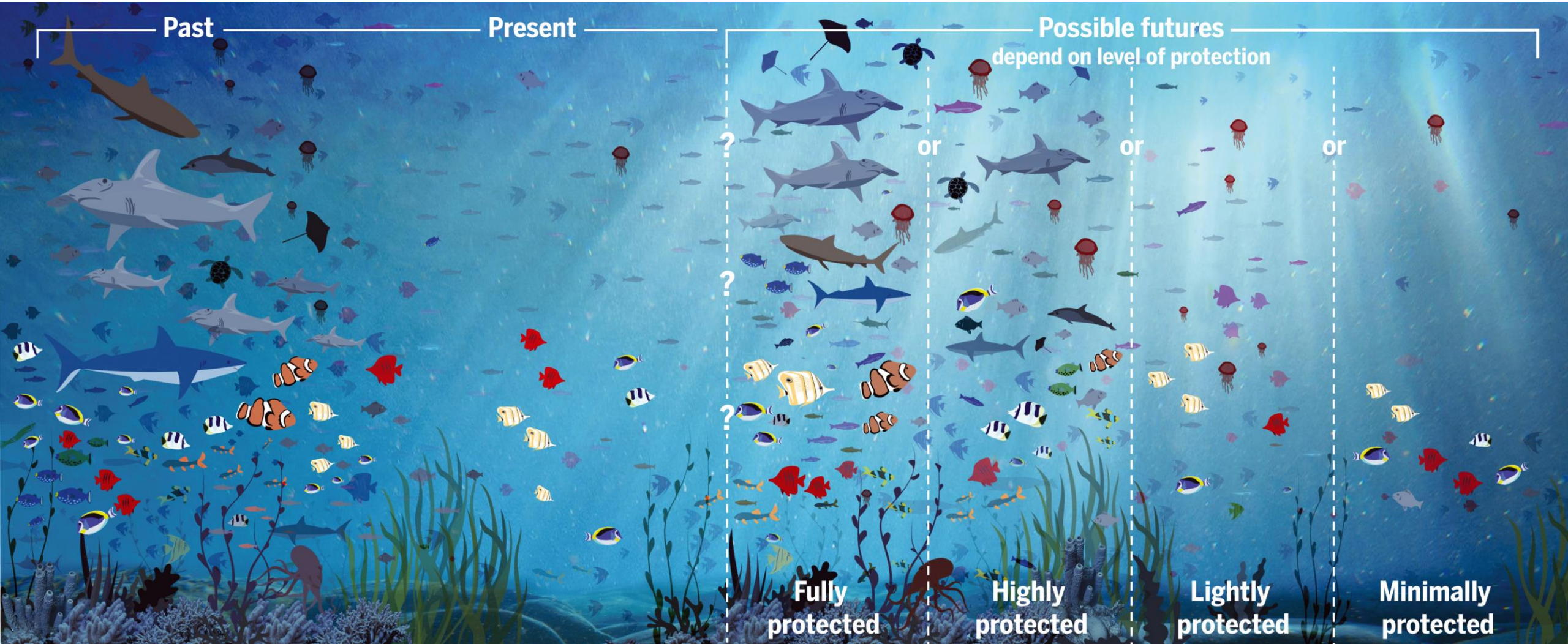
# Effective management of Natura 2000 sites – legal requirements

Dr Vedran Nikolić, European Commission, DG Environment, Nature Conservation Unit

Surveillance and Enforcement for the Effectiveness of Marine Protected/Natura 2000 areas in the Adriatic Sea  
Natura 2000 biogeographical process networking event  
26 March 2024, Hotel Atrium, Split, Croatia

**We are not interested in “paper parks”.**

Only effectively managed MPAs protect biodiversity and deliver substantial socio-economic benefits.



# Biodiversity strategy for 2030 – marine targets

## PROTECT NATURE

- Legally protect at least 30% of the European Union's sea area – coherent trans-European nature network
- Strictly protect at least a third of the EU's marine protected areas (10% of sea area)
- Effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.
- Fisheries management measures must be established in all MPAs according to clearly defined conservation objectives and on the basis of the best available scientific advice.

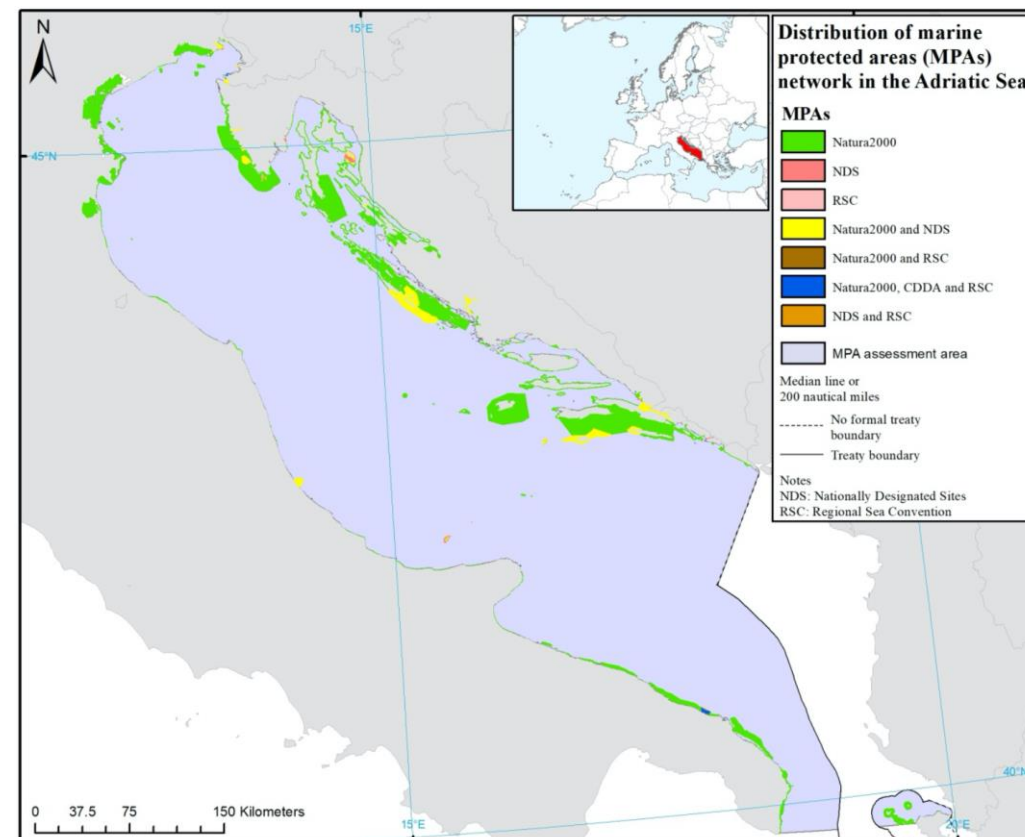
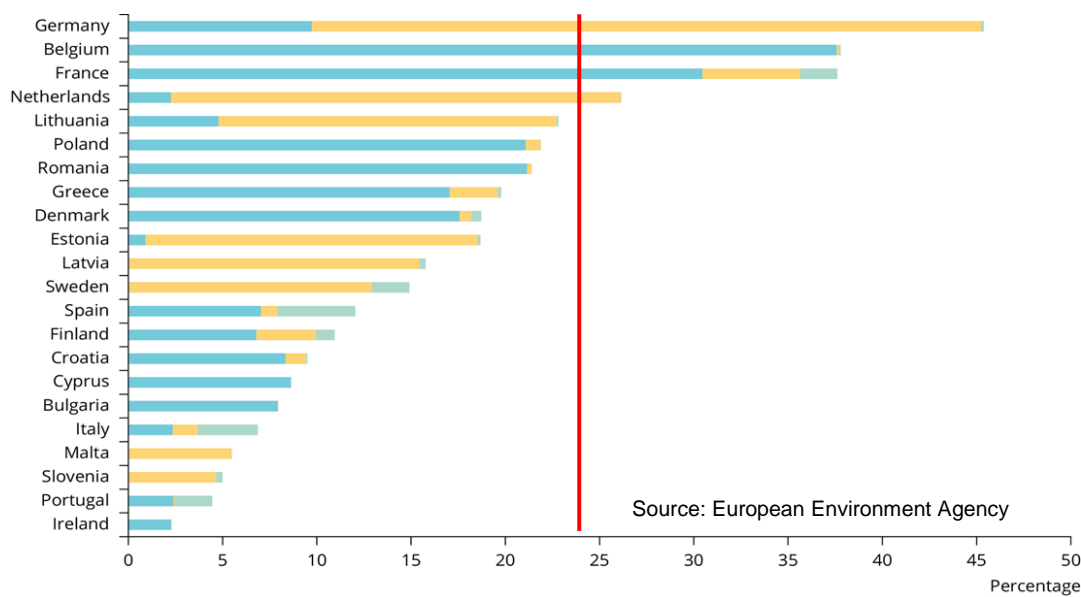
## RESTORE NATURE

- Nature Restoration Law with legally binding restoration targets, including for the marine environment.
- Achieving good environmental status of marine ecosystems, including through strictly protected areas, must involve the restoration of carbon-rich ecosystems as well as important fish spawning and nursery areas.
- Reduce bycatch of sensitive species and the impact of bottom fishing on the seabed.



# EU marine protected areas today

- EU MPA network currently covers **12% of EU seas** (Natura 2000 >9%)
- **Less than 1%** is strictly protected
- Most MPAs are **not effectively managed**
- Low coverage in the Adriatic: **5.8%**
- Largest contribution by **Natura 2000 sites (90%)**
- Need to expand **5x** to reach the target, offshore gap!



# Natura 2000 network

- **Natura 2000** - the largest coordinated network of protected areas in the world (>9% of EU sea)
- **Birds and Habitats Directives apply where Member States have/exercise sovereignty and/or jurisdiction** (territorial waters, EEZ or similar zones and the continental shelf incl. extended)
- *'Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification'*



**NATURA 2000 - EUROPEAN UNION**  
■ Birds Directive sites (SPA)  
■ Habitats Directive sites (pSCI, SCI, SAC)  
■ Sites - or parts of sites - belonging to both Directives



Source:  
- NATURA 2000 - DG ENV, compiled from databases from the Member States  
- Source background map: © EuroGlobe/Envirogeographics and DG ESTAT  
- Website of NATURA 2000 data for Europe, updated end 2010  
- Projection: Lambert Azimuthal Equal Area

# “Surveillance and enforcement” – of what?

- **What rules** should be established, controlled and enforced?
- Clear **obligations** under the Birds and Habitats Directives. **Member States are responsible for taking required conservation measures.** Flexibility exists, but the result must be achieved!
- In many cases, authorities are **competent** to take the necessary measures (eg licencing activities for mineral, oil and gas extraction, renewable energy and other infrastructure, military activities, maritime spatial plans, anchoring, fishing withing 12 NM, etc).
- In some cases, they may **not have full competency** to take the necessary measures (eg regulating **international maritime traffic, fisheries measures**), so they must be taken under the relevant frameworks (**IMO, EU CFP**).

# Natura 2000 management regime



- Strong legal basis
- Stakeholders involved
- Precautionary principle
- **Commission's guidance documents**

## Conservation measures - Article 6(1) HD\*

- Conservation measures which correspond to the **ecological requirements** of habitats and species

## Avoid deterioration - Article 6(2) HD

- **Avoid the deterioration of habitats** of species as well as **significant disturbance of the species**

## “Appropriate assessment” of plans and projects - Article 6(3) HD

- **Plan or projects** can be approved only after having ascertained that **they will not adversely affect** the integrity of the site

\* Similar provisions apply to SPAs, Article 4 of the Birds Directive

# Article 6(1) of the Habitats Directive

- Establishing **site-specific conservation objectives**.
- Site-specific conservation objectives define which **condition species and habitat types in a site should achieve** so that the site can **contribute to the overall goal of favourable conservation status** of these species and habitat types at national, biogeographical or European level.
- SSCOs must be **comprehensive**, correspond to **ecological requirements of habitats and species**, reflect the importance of the site/pressures, be specific to the envisaged **condition (quantified and measurable attributes** which can be monitored), etc.

Commission Note on Setting Conservation Objectives for Natura 2000 Sites of November 2012, available at [http://ec.europa.eu/environment/nature/natura2000/management/docs/commission\\_note/commission\\_note2\\_EN.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf)



# Example of conservation objectives for marine sites

Conservation objectives for the habitat type *Posidonia* meadows (*Posidonia oceanica*) (1120) in SCI-SPA NISOS GYAROS KAI THALASSIA ZONI (GR4220033)<sup>126</sup>

Parameter	Measurement unit	Target	Specific Target
Surface	Hectares	199.4	Maintenance
Rhizome growth strategy (at 15 m depth)	% of plagiotropic rhizomes	<10%	Maintenance
Depth of lower distribution limit	Meters	≥35	Maintenance
Meadow coverage (at 15 m depth)	% total habitat surface	>80%	Maintenance
Dynamics (stability, range, shrinking) of meadow at the lower distribution range	Typology of lower limit of meadow distribution	Advancing	Maintenance
Conservation Index (at 15 m depth)	Index (Conservation Index - CI)	> 0,9	Maintenance
Meadow density (at 15 m depth)	Shoots per m <sup>2</sup>	>500	Maintenance

# Example of conservation objectives for marine sites

Conservation objectives for the Natura 2000 site Vlaamse Banken in Belgium as defined under the Habitats Directive<sup>125</sup>.

Targets	
<b>1 The spatial extent of habitat type 1110 does not change significantly</b>	
1.1 Positive trend in terms of seabed area permanently spared from disturbance by fishing gear hitting the bottom within the different benthic habitat types (= pressure indicator), which in turn results in a natural development of the benthic fauna and flora and minimizes the artificial division of the seabed (= desired situation)	
1.2 The spatial range and distribution of Level 2 EUNIS physical habitats (sandy mud to mud, muddy sand to sand and gravel containing sediment) fluctuates - in relation to the reference status as described in the 'Initial Assessment' (KRMS) - within a margin limited to the accuracy of the current distribution folders	
1.3 The spatial range and distribution of the <i>A. alba</i> community is maintained	
<b>2 Function of shallow sandbanks as spawning and nursery areas is maintained or enhanced</b>	
<b>3 The frequency of occurrence of vulnerable and benthic key-species increases</b>	
3.1 The ratio of benthic R-strategists to K-strategists (at species level) is decreasing	
3.2 The number of K-strategists (at species level) is increasing	
3.3 There is a positive trend in the mean density of adult specimens (or frequency of occurrence) of a selection of long-lived and/or slow reproducing species and the major structuring benthic species groups in mud to muddy sands and pure fine to gravelly sands	
3.4 The densities of tube-building polychaetes that have a habitat-structuring function are high within the <i>A. alba</i> community ( <i>Lanice conchilega</i> , <i>Owenia fusiformis</i> , <i>Lagis koreni</i> )	
<b>4 The benthic ecosystem provides sufficient food for higher trophic levels</b>	
<b>5 The ecological qualities of each occurring community are preserved</b>	
5.1 The Benthic Ecosystem Quality Indicator as determined by BEQI tool is a minimum value of 0.60 for each occurring community	
5.2 The bioturbation potential (BPc), an indicator for evaluating the functioning of the ecosystem has a minimum value of 331 for the <i>A. alba</i> community	
<b>6 The autonomous development of <i>L. conchilega</i> aggregations is not prevented</b>	
6.1 The 3D structures formed by <i>L. conchilega</i> are preserved	
	6.2 The densities of the <i>L. conchilega</i> reef-associated species (e.g. <i>Eumida sanguinea</i> , <i>Pariambus typicus</i> , <i>Microprotopus maculatus</i> and <i>Phylodoce</i> spp.) do not show a downward trend
	<b>7 There is at least a conservation of the surface area of naturally occurring hard substrates</b>
	7.1 For gravel beds, the ratio of hard substrate surfaces (specifically, surfaces colonized by hard substrate epifauna) to soft sediment surfaces (specifically, surfaces on top of the hard substrate and preventing the development of substrate fauna) should not show a negative trend in predefined test zones
	<b>8 There is a recovery of the natural benthic communities in the gravel beds</b>
	8.1 There has been an increase in species richness within taxa typically associated with hard substrates (specifically Porifera, Cnidaria, Bryozoa, Polychaeta, Malacostraca, Maxillopoda, Gastropoda, Bivalvia, Echinodermata and Ascidiacea)
	8.2 There is an increase in the frequency of occurrence or median density of adult or mature colonies of at least half of the most important and long-lived species within gravel beds: native Flat oyster ( <i>Ostrea edulis</i> ), Mussel ( <i>Mytilus edulis</i> ), Common Whelk ( <i>Buccinum undatum</i> ), Dead man's fingers ( <i>Alcyonium digitatum</i> ), erected sponges (such as Mermaid's glove sponge ( <i>Haliclona oculata</i> )) and erected Bryozoa (such as Sea chervil ( <i>Alcyonidium</i> spp.) and Leafy hornwrack ( <i>Flustra foliacea</i> ))
	8.3 There is an increase in the median body size of the larger benthic species: Common Whelk ( <i>Buccinum undatum</i> ) and Spider Crabs (Majidae spp.)
	8.4 There is an increase in the number and size of sand tubeworm Ross worm ( <i>Sabellaria spinulosa</i> ) reefs and the number of clusters of triangular tubeworms ( <i>Pomatoceros (Spirobranchus) triquetter</i> ). - Type 1
	8.5 There is recovery of gravel beds as spawning areas for Herring ( <i>Clupea harengus</i> ) and as sites for egg deposition by rays and sharks

# Article 6(1) of the Habitats Directive

- Establishing and **implementing conservation measures - statutory, administrative or contractual measures** which correspond to the ecological requirements of the habitats and/or species. (MS are encouraged to use management plans)
- Actions to be put in place **with the aim of achieving the site's conservation objectives** and **addressing the pressures and threats** that the species and habitats within the site face.
- Based on **best knowledge of ecological requirements and pressures.**
- Detailed: **who does what, when and how!**
- CJEU: “...not only be adopted, but also, and above all, **be actually implemented**”

# Article 6(2) of the Habitats Directive

Member States must take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

- Obligation of general protection - on-going in nature – preventive measures
- Margin of discretion for competent authorities in application, but effectiveness needs to be ensured (clear rules and effective enforcement)
- Also applicable to (existing ongoing) activities not requiring authorisation and to natural developments (incl. climate change)



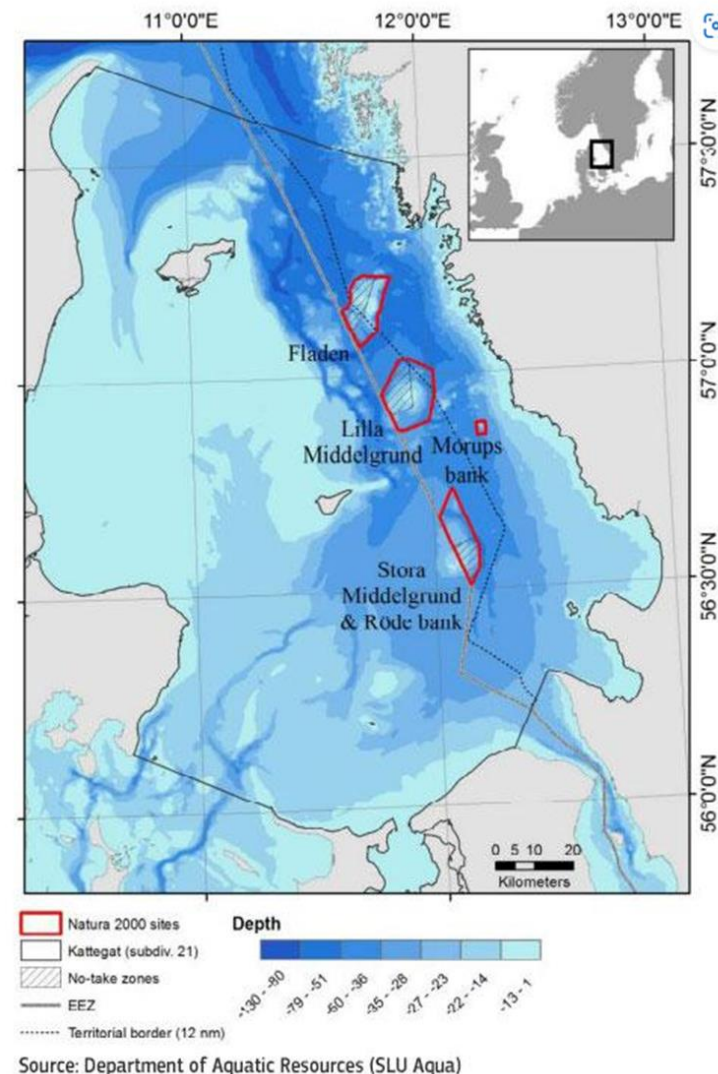
# Article 6(3) of the Habitats Directive

- Article 6(3): a **step-wise procedure for considering plans and projects that may have a significant effect on a Natura 2000 site**, either alone or in combination with other plans or projects.
- Authorities **can agree to the plan or project only if it will not have adverse effect on the integrity of the site** (subject to exceptions in Article 6(4)).
- **Correct application of Article 6(3)** is important for effective management of activities, as well as implementation and monitoring of mitigation measures.
- Activities not falling within the scope of Article 6(3) will still have to be compatible with the provisions of Article 6(1) – or, in the case of SPAs, Articles 3, 4(1) and (2) of the Birds Directive – and 6(2) of the Habitats Directive.

# Examples of pressures /marine activities that may need to be regulated to comply with Article 6 HD



- Anchoring can cause deterioration of *Posidonia* beds in Natura 2000 sites.
- **Allowing such activities is a violation of Article 6(2) of the Habitats Directive!**



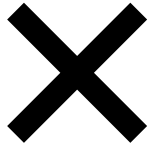
- **Commercial and/or recreational fishing activities**

# Implementation of fisheries management measures

- Fisheries – exclusive competence of the EU
- **Article 11 CFP – measures to comply with EU environmental law:** obligations for Natura 2000 sites (Art 4 BD and Art 6 HD) and under the MSFD (Art 13.4)
- **Technical measures regulation (CFP)** – also for outside Natura 2000 sites
- [Guidance on procedure under Article 11 CFP](#)
- *New guidance coming by end 2024 – Natura 2000 and fishing*
- Existing measures under the CFP can contribute to fulfilling environmental obligations (eg Med Reg prohibition to fish above coralligenous/maerl)

# Clear and enforceable measures!

- **Control and enforce:** “*unsustainable and illegal fishing*”, “*activities that can significantly affect Posidonia meadows*” ... ?
- **Control and enforce:** “*it is forbidden to fish with bottom-contacting gears (list) in areas defined by coordinates xy*”, “*it is forbidden to anchor in Posidonia meadows (map), except in cases of force majeure*” ... ?








# Conclusions

- Strong **legal obligations** for the management of Natura 2000 sites.
- Authorities are responsible for the definition of **site-specific conservation objectives** and **implementation of necessary conservation measures**.
- Authorities are responsible **for effective control and enforcement system**, according to their national frameworks.
- Urgency to ensure **effective implementation** of the Natura 2000 network and other MPAs.
- Priority for the Commission: continue **supporting** MS as well as **enforcement**.

# EU methodology to assess MPA management effectiveness

- Proposal developed in 2021-22   
- Uses effort-based and outcome-based criteria and indicators
- Tested on 75 Natura 2000 sites and other MPAs – development continues



Site Name:  
 Site Code:  
 Site Location:  
 Site Designation (Category and Type):  
 Date of designation:  
 Overlapping site Designations:  
 Management body (if established):  
 Respondent / Institution:  
 Date:

Version 5.4

Instructions

Area Input

1. Conservation Objectives

2. Pressures

3. Conservation Measures

4. Management

5. Monitoring

6. Conservation Outcomes

Configuration

Progress Assessment

Save & Exit

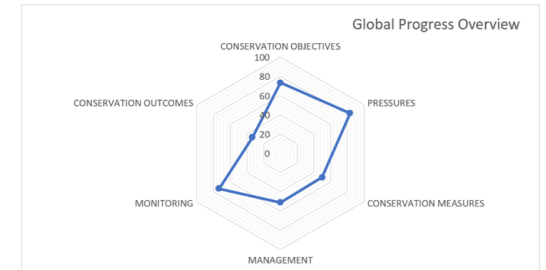
TEST

2022

## PROGRESS ASSESSMENT Return Main Menu

### Site Identification:

THEME	% of Total Score
1. CONSERVATION OBJECTIVES	73
2. PRESSURES	83
3. CONSERVATION MEASURES	50
4. MANAGEMENT	51
5. MONITORING	73
6. CONSERVATION OUTCOMES	33



INDICATOR	QUESTION	YES	PARTIAL	NO	
A	1	Have conservation objectives (COs) been set for the MPA?			
B	2	Have the pressures on species/ habitats protected in the site been identified and their impact assessed (indicate if pressures are inside/outside the MPA, and confidence level)?			
C	3	Have conservation measures been established to achieve the conservation objectives of the MPA (NB. Applies to relevant measures inside and outside the MPA)?			
D	7	Is there sufficient collaboration between authorities and bodies that are responsible or competent for managing activities that affect the protected species/habitats, including those outside of the MPA?			
E	9	Is there regular and systematic monitoring of the types and level of pressures acting on the MPA protected species/habitats?			
F	11a	Have conservation objectives been achieved or are they on track to be achieved in the timescale specified in the relevant conservation objective?			

# Natura 2000 Award 2024 – Public Vote



The Natura 2000 Award **celebrates excellence in the management of Natura 2000 sites.**



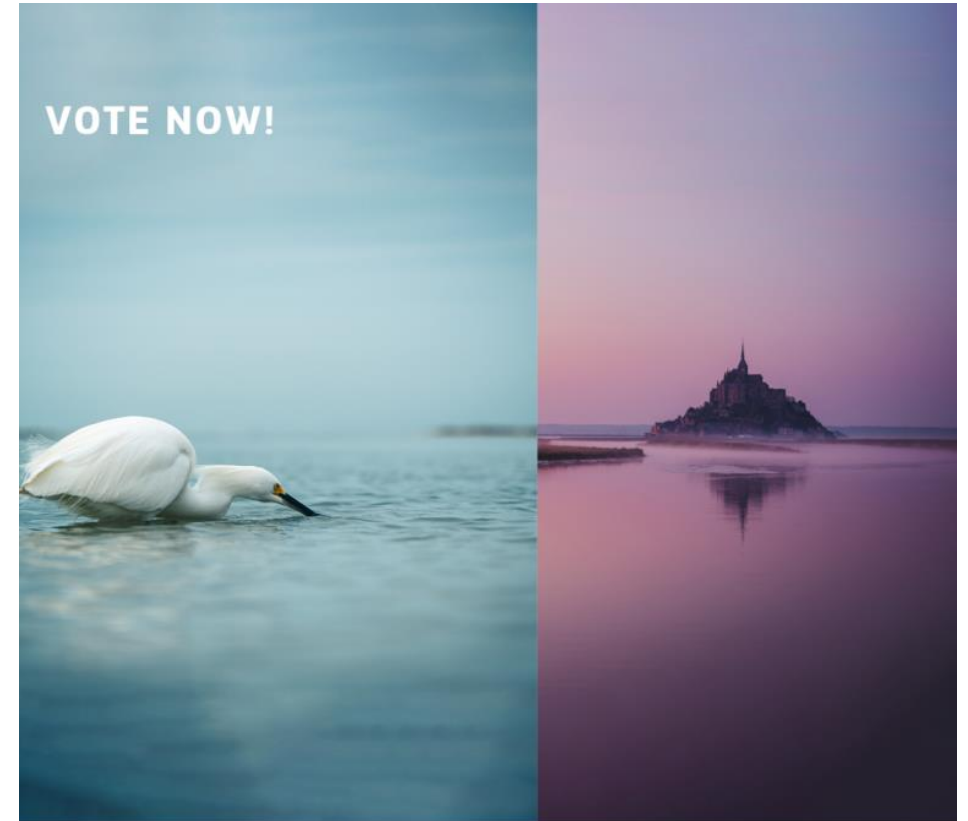
**Five categories:** Conservation on land; **Marine conservation**; Working together for nature; Cross-border cooperation; Communication + the *Citizens' Award*, voted by the public.



In the 2024 edition, **27 finalists have been chosen from 96 applications.** All finalists take part in the public vote. The finalist receiving the most votes wins the Citizens' Award.



**Vote now until 25 April 2024!**



[#Natura2000Awards](#)



# Vote now and spread the word!



**Support conservation efforts!** The Natura 2000 network is key to protecting nature and maintaining our ecosystems. Spreading the word about the finalists helps to raise awareness about the importance of their conservation efforts.



**Start a conversation on why nature matters!** Share the public vote and kick-start a conversation with your networks, colleagues and friends about the many ways that we can contribute to protecting our biodiversity.



**Celebrate success!** Celebrate the people and initiatives that fill the Natura 2000 network with life and help them to get the recognition they deserve.





# Thank you



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