

EU-wide networking event on “Strictly Protected areas in the EU Biodiversity Strategy for 2030” (12-13 Nov. 2024, Committee of the Regions, Brussels)

Background document

Introduction

One of the key targets of the EU Biodiversity Strategy for 2030 is to achieve, by 2030, a coverage of 30% of effectively managed and protected areas, both on land and at sea, one third of which should be strictly protected. Strict area protection was a new concept introduced through the strategy and therefore a guidance document was published in January 2022¹ with further clarifications on various aspects of the protected area target, including a definition of strictly protected areas.

In subsequent discussions on the target, in particular during the biogeographical seminars in 2023-24, Member States and stakeholders raised further questions on how to make the concept of strictly protected areas operational. A dedicated online event on strictly protected marine areas was organised on 16 April 2024, to discuss questions submitted by the Member States and stakeholders related to strict area protection in the marine environment².

To cover those questions related to strictly protected areas on land, the Commission services decided to also organise a dedicated event for the terrestrial environment. As a background document for this event, the current document is mainly focussing on strictly protected areas covering land and freshwater ecosystems.

“Strictly protected areas” in the EU Biodiversity Strategy for 2030 (2020)

On 20 May 2020, the European Commission adopted a Communication on an “EU Biodiversity Strategy for 2030 – Bringing nature back into our lives” (hereafter referred to as *the strategy*). The strategy’s key message is that the EU should do better in terms of protection and restoring its biodiversity.

The strategy recognises the importance of protected areas for the conservation of biodiversity and indicates that the existing protected area network is not extensive enough to safeguard Europe’s biodiversity. On that basis, the strategy provides for establishing, by 2030, a “truly coherent Trans-European Nature Network”, to legally protect at least 30% of the land, including inland waters, and 30% of the sea in the EU, *of which at least one third (10% of land and 10% of sea) should come strictly protected*.

The strategy identifies the need for the new protected areas to concentrate on areas of very high biodiversity value or potential, stating that these are the most vulnerable to climate change and that they should therefore be subject to strict protection. Furthermore, a footnote in the document provides the following definition: “Strict protection [...] leaves natural processes essentially undisturbed to

¹ SWD(2022) 23 final. Commission Staff Working Document. Criteria and guidance for protected areas designation. Available here: https://environment.ec.europa.eu/publications/criteria-and-guidance-protected-areas-designations-staff-working-document_en

² A background document and a report from this event can be found here: <https://biogeoprocess.net/past-events/>

respect the areas' ecological requirements", thereby hinting that the ecological requirements of a strictly protected area can only be accomplished through "undisturbed natural processes".

On that basis, the strategy identifies all remaining primary and old-growth forests as ecosystems in need of strict legal protection. The strategy furthermore highlights that significant areas of other carbon-rich ecosystems, including peatlands, grasslands, wetlands, mangroves and seagrass meadows should be strictly protected, considering their potential for net carbon removal and climate adaptation.

Finally, the strategy indicates that *the Commission, together with the Member States and the European Environment Agency, will put forward further criteria and guidance for identifying and designating additional protected areas, including a definition of strict protection.*

"Strictly protected areas" in the Commission Staff Working Document (2022)

After several discussion rounds with Member States and stakeholders in the framework of the Nature Directives Expert Group (NADEG), a Commission Staff Working document SWD(2022)23 (hereafter referred to as *the guidance*) with criteria and guidance for protected areas designations was published in January 2022. A significant part of this guidance is dedicated to criteria for the identification of areas to be brought under strict protection.

The guidance clarifies that the 10% strictly protected areas should be understood as a subset of the 30% protected areas target and that the criteria described in the guidance for legally protected areas therefore also apply to strictly protected areas. The guidance furthermore provides that "*Strictly protected areas are fully and legally protected areas...*". This is in line with the overall ideas that strictly protected areas should have a higher level of legal protection, as compared to a "normal protected area". However, no further information is provided on what this means in practice, leaving some flexibility to Member States to implement it according to specific national or local situations.

Regarding the remaining primary and old-growth forests in the EU, the guidance reiterates their outstanding value both for biodiversity and in terms of carbon sinks and makes it clear that all of them should be granted strict legal protection by 2030 at the latest. The Commission published a common definition for primary and old-growth forests and their strict protection regime, developed in cooperation with Member States and stakeholders, as a separate Commission Staff Working Document in March 2023³.

As only around 1.2% of EU land area (= 3% of EU forest land cover) is expected to comply with the definition of primary and old-growth forests, achieving the 10% target for strictly protected areas on land means that strictly protected areas in the EU will mostly (> 85%) be covered by areas other than primary and old-growth forests. The guidance therefore suggests that strict protection should also apply to significant areas of other carbon-rich ecosystems, specifically mentioning peatlands, grasslands, wetlands, mangroves and seagrass meadows as prime examples. The focus on these ecosystems should be seen in conjunction with the EU's goal of climate neutrality by 2050, the objective to reduce greenhouse gases by at least 55% in 2030 and the legally-binding LULUCF (Land Use, Land Use Change, and Forestry) target for the EU of 310 million tonnes (Mt) of CO₂ equivalent net removals by 2030.

In addition to these carbon-rich ecosystems, the guidance acknowledges that some other ecosystems should also be considered for strict protection, due to their high biodiversity value and potential.

³ SWD(2023)62 (20/03/2023) Guidelines for Defining, Mapping, Monitoring and Strictly Protecting EU Primary and Old-Growth Forests: [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2023\)62&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2023)62&lang=en)

Reference is made in particular to aquatic ecosystems because of their pristine state, because of their important connectivity role for migratory fish species, or for replenishing fish stocks. According to the guidance, strict protection may however also be relevant for areas which are critical for certain habitats or species, such as relict sites or areas which are essential for the life or reproduction of endangered species.

A significant part of the chapter on strict protection is devoted to the idea that **strictly protected areas should be areas without or with only very limited human intervention**, “where only limited and well-controlled activities that either do not interfere with natural processes or enhance them will be allowed”. “Strict protection should therefore mainly cover areas that are hosting primary and old-growth forests, raised bogs or seagrass beds”. This is underpinned by a reference to the “Commission guidance on wilderness in Natura 2000”, which has a similar focus⁴. A link is also made to the IUCN protected area management categories Ia (strict nature reserves), Ib (wilderness areas) and II (national parks), for the latter category however with the disclaimer that “the definition of category II allows for a process of zoning, in which strict protection does not necessarily apply to the whole protected area”.

However, as an outcome of discussion with Member States and stakeholders in the frame of the NADEG during the drafting phase of the guidance, the final version of the guidance also states that **strictly protected areas may also be areas in which active management sustains or enhances natural processes, such as semi-natural grasslands or some peatlands**, provided “*management activities are limited to what is necessary for the restoration and/or conservation of the habitats and species for whose protection the area is designated*”. In the guidance, this is described as an exception to the rule of “natural processes essentially remaining undisturbed”.

Objectives of the networking event

While this definition and the guidance provide some flexibility to national authorities to implement this commitment taking into account specific national or local situation, some Member States, NGOs and other stakeholders have raised a need for further clarification of the concepts of strictly protected areas.

Organised in the frame of the Natura 2000 biogeographical process and hosted by the Committee of the Regions, the dedicated networking event on 12-13 November 2024 will bring together interested parties to discuss how to make the concept of strict protection operational in different contexts, with a view to address any outstanding questions and create EU-wide common understanding on the concept, thereby also ensuring a level playing field between Member States.

To facilitate the discussion, the Commission and its contractor for the Biogeographical process have collected a number of questions during the registration process. These questions have been grouped according to six themes (see **Annex I**). The key objective of the event is to provide answers to all these questions, in line with the Commission Guidance document, and to make the results of the discussions available in a written event report. As part of that report and to support the efforts of Member States, the Commission intends to publish a checklist to check compliance of a protected area with the concept of strictly protected areas. A first draft of that checklist, to be discussed further during the networking event, is provided in **Annex II**.

⁴ <https://op.europa.eu/en/publication-detail/-/publication/d8c359c5-e6f0-4f76-9d2b-4e1114fc0d05/language-en>

Annex I – Questions received on the concept of the strictly protected areas

This Annex provides the list of relevant questions received from national authorities, stakeholder organisations, NGOs and scientists prior to the networking event on 12-13 November. Based on their subject, questions have been tentatively grouped according to 6 different topics.

1. The reference to “long-term” protection of areas in the guidance has generated expectations about a possibility to set a time limit to *strictly protected areas*:

- What is the time frame/duration for “long-term conservation”?
- Will there be differences in duration depending on the type of area, e.g. forest, grassland or floodplain areas?
- Are interruptions/suspensions within the duration of long-term conservation in strict protected areas provided for?
- Can areas that are temporarily taken out of use count towards the 30%- or 10%-target (e.g., areas that our Member State promotes according to climate-adapted forest management (no forestry for 20 years) or FSC-reference areas)?

2. While the guidance does not specifically refer to “Other Effective Area-based conservation measures” (OECMs) in its chapter on strict protection, some Member states and stakeholders seem to consider (or at least: ask for further clarification about the potential use of) OECMs for the reporting of “strictly protected areas”:

- Would it be possible to count OECMs as “strictly protected areas”? If yes, do you have any best practices?
- The guidelines published by the Commission states that “strictly protected areas are fully and legally protected areas” (SWD(2022) 23 final, page 19), that means the Commission doesn’t see OECMs as a possible contribution to the 10% target under strict protection, correct?

3. Some questions have been raised about the regulatory requirements for strictly protected areas, and on the types of activities that would be allowed in strictly protected areas:

- Further clarification is needed on the legal protection of the strictly protected areas.
- The guidelines published by the Commission states that in strictly protected areas “only limited and well-controlled activities that either do not interfere with natural processes or enhance them will be allowed” and “management activities should be limited to those necessary for the restoration and/or conservation of the habitats and species for whose protection the area has been designated” and also that “activities that interfere with natural processes by not sustaining or enhancing them should not be allowed” (SWD(2022) 23 final, page 19). These requirements mean that commercial resource extraction by agriculture, forestry, fishing and hunting uses has to be legally excluded in the designation act of strictly protected areas, is this correct?
- It would be useful to have more information and examples on what type of activities are consistent with strict protection and under what conditions including in relation to conservation objectives (i.e. meaning of non-intrusive). The Guidance refers to the need for a case-by-case assessment, but further guidance on these activities and the criteria for this assessment would be helpful.
- Clarification is required on the following statement of the EC's Guidance: "They should also include activities linked to small-scale subsistence resource use for indigenous peoples, provided it does not interfere with the conservation objectives of the area" (p. 19) - what would this entail (i.e. subsistence resource use - would this include small-scale commercial activities in relation to

livelihood?) and how "indigenous peoples" should be defined? Could this also be applicable to local communities?

- We appreciate very much that recreational angling can be allowed access to strictly protected areas on a case-by-case basis. This will be a win-win, which will benefit both the environment, people and society. However, we would like to know more, or discuss further, criteria for anglers' access to strictly protected areas on land. Access limitations on land can cause much more harm to recreational angling than access restrictions at sea.
- The current guidance leaves possibilities to intervene for conservation purposes, also in forest ecosystems. But what about strict protection of primary and old-growth forests? Any intervention would disrupt one of the motivations (and criteria) for their protection, namely the presence of specific rare features related to their long history of non-intervention.

4. The strong emphasis on climate objectives as compared to biodiversity outcomes and the focus in the guidance on non-intervention approaches and "undisturbed natural processes" has raised questions about the actual goal of the concept of "strictly protected areas":

- To what extent does the Commission regard the category of "strictly protected areas" as mainly focussing on undisturbed processes, and hence on wilderness approaches?
- To what extent are maintenance measures and management compatible with the definition of "strictly protected areas" (e.g. "rewilding- areas" (forest or open grassland) that are mainly without human activity, but are fenced with extensive year-round grazing)? And can these areas count towards both, the 10%-target and the 20%-restoration target?
- The Guidance includes some information on the process for identifying areas which require strict protection (p. 20-22), but further clarification would provide safeguards to ensure that members states apply strict protection regimes to areas that require such protection (and not in areas where there are no activities but where the ecological value is limited).

5. On the other hand, questions are also raised about the statement in the guidance that "*all protected areas need to have clearly identified conservation objectives and measures*", as this is considered incompatible with the open-ended biodiversity outcome that is typical of many wilderness/ non-intervention areas in Europe:

- We have a few wilderness areas and national natural heritage sites in our country that we would like to count towards "strictly protected". Although these areas are strictly protected under national law, the guidance document for strictly protected areas requires the setting of conservation objectives, monitoring and management; while this not in accordance with our own definition of wilderness resp. strict protection. The Commission definition would therefore not count these areas as strictly protected areas.

6. Several questions have been received on how the Commission and the EEA will ensure that the same standards are used in the counting of "strictly protected areas" that will be reported by different Member States

- We would like to know as much as possible about the definition of strict protection that the Commission is going to use for comparison purposes with the national protection categories.
- How does the Commission intend to reconcile different definitions and interpretations of strict protection by the different EU Member States, to ensure a coherent result for the EU and to track whether EU is reaching its strict protection target?
- We would be interested to know which EU Member States have already reported work on the 10% strict protection target, if the different EU Member States have made their own interpretation of strict protection and what the means are to make sure that these definitions are comparable and coherent in the different EU MS, as well as how aligned they are to the European Commission guidelines on strict protection, including the primary and old-growth

forest definitions. This information would help us advise our members in achieving the EU policy objectives.

- Some countries do have a definition of strict protection in their legislation, and it may therefore differ from state to state, or differ from the EU definition. In fact, even the EEA's definition used for the CDDA database seems to be different from the one in the Commission Guidance document.

Annex II - Proposed (draft) checklist for checking compliance of a protected area with the concept of strictly protected areas, as provided in the Commission Staff Working document

The following basic checklist, which is based on the Commission guidance document SWD(2022) 23, is aimed at providing some additional guidance/support to Member States, and should be used both for marine and terrestrial strictly protected areas. This draft checklist might be further refined depending on the outcomes of the networking event on 12-13 November.

- 1) The area in question falls into at least one of the 3 following categories:
 - a. It currently matches with the definition of a primary or old growth forest or has the potential to become a primary or old growth forest in the future, subject to appropriate restoration and/or management measures.
 - b. It is covered by one or several carbon-rich ecosystems, such as for example peatlands, grasslands, wetland, mangroves or seagrass meadows.
 - c. It is not covered by carbon-rich ecosystems but has a high biodiversity value or potential.
- 2) The area in question is legally protected, without any pre-set limitation in time.
- 3) The area is only subject to limited and well-controlled activities that do not interfere with the conservation objectives of the area. If relevant, this may include activities linked to small-scale subsistence resource use for indigenous people.
- 4) If the area in question is designated for management-dependent species or habitats, management activities are limited to what is necessary for the restoration and/or conservation of the habitats and species for whose protection the area has been designated.
- 5) By 2030 at the latest, the area in question will have clearly identified conservation objectives and measures and will be subject to an appropriate monitoring.
- 6) All the above conditions apply to 100% of the area that is reported as strictly protected area.