

COMMISSION NOTE ON SETTING CONSERVATION OBJECTIVES FOR NATURA 2000 SITES

The purpose of this note is to provide guidance to assist Member States in setting conservation objective for Natura 2000 sites.

1. What does the Habitats Directive require?

There are several references to the term 'conservation objectives' in the preamble of the Directive as well as an explicit mention of it in Article 6.3. The need for such a concept is also underlined by Articles 4.4 and 6.1 of the Directive and is even relevant in the context of Article 8.2

In the preamble to the Directive it is stated:

*"..it is appropriate, in each area designated, to implement the necessary measures having regard to the **conservation objectives** pursued"*

*".. an appropriate assessment must be made of any plan or programme likely to have a significant effect on the **conservation objectives** of a site which has been designated or is designated in future"*

According to Article 4(4) of Directive 92/43/EEC, *"once a site of Community importance has been adopted in accordance with the procedure laid down in paragraph 2, the Member State concerned shall designate that site as a special area of conservation as soon as possible and within six years at most, establishing priorities in the light of **the importance of the sites for the maintenance or restoration, at a favourable conservation status**, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed"*.

Article 6.1 states that *"for special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the **ecological requirements** of the natural habitat types in Annex I and the species in Annex II present on the sites."*

Article 6.2 states that *Member States shall 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 the Directive**.*

Article 6.3 states that *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to*

*appropriate assessment of its implications for the site in view of the site's **conservation objectives**¹....."*

Article 7 of the Directive, which applies to Special Protection Areas (SPAs) designated under the Birds Directive, makes clear that the provisions of Article 6.3 apply to the SPAs.

Article 8.2 states that "*In agreement with each of the Member States concerned, the Commission shall identify, for sites of Community importance for which co-financing is sought, those measures essential for the maintenance or re-establishment at a favourable conservation status of the priority natural habitat types and priority species on the sites concerned, as well as the total costs arising from those measures*

These above mentioned provisions indicate the need for establishing site-related conservation objectives as a necessary reference for identifying site-related conservation measures and for carrying out appropriate assessments of the implications of plans and projects for a site.

2. What is meant by conservation objectives?

Article 1 states that for the purpose of the Directive "*Conservation means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status...*".

As stated in Article 2 the overall aim of the Habitats Directive is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora. The measures taken under the Directive are with a view to ensuring that the species and habitat types covered achieve '*favourable conservation status*' and that their long-term survival is secured across their entire natural range within the EU.

Therefore, in its most general sense a conservation objective is the specification of the overall target for the species and/or habitat types for which a site is designated in order for it to contribute to maintaining or reaching favourable conservation status^{2, 3},

¹ In the Wadden Sea case (C-127/02) the EU Court of Justice stated that 'such an (appropriate) assessment of the implications implies that, prior to the approval of the plan or project, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's **conservation objectives** must be identified in the light of the best scientific knowledge in the field.'

² Conservation status for species is defined in Article 1(i) as *the sum of influences acting on the species concerned that may affect the long-term distribution and abundance of its populations...* It is taken as favourable when:

- *population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitat, and*
- *the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and;*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.*

³ Conservation status for natural habitat types is defined in Article 1 (e) as '*the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species*'. The conservation status is taken as favourable when:

- *its natural range and the areas it covers within that range are stable or increasing; and*
- *the specific structure and function which are necessary for its long-term maintenance are present and are likely to continue to exist for the foreseeable future;*

of the habitats and species concerned, at the national, the biogeographical or the European level.

Whereas each site contributes to the attainment of favourable conservation status (FCS) this objective can only be defined and achieved at the level of the natural range of a species or a habitat type. A broad conservation objective aiming at achieving FCS can therefore only be considered at an appropriate level, such as for example the national, the biogeographical or the European level.

However, the general objective of achieving FCS for all species and Habitat types listed in Annexes I and II of the Habitats Directive needs to be translated into **site-level conservation objectives** which define the condition to be achieved by species and habitat types within the respective sites in order to maximise the contribution of the sites to achieving FCS at the national, biogeographical or European level.

Therefore identifying the contribution a particular site can make to Member States' achieving favourable conservation status for the habitats and species present on the site provides the basis for setting of site level conservation objectives.

The definition of a set of targets to be attained through clear conservation measures would appear to be necessary in those cases where the current conservation status is not the desired one with a view to achieving national targets. This will involve an assessment at the site level of the degree to which the habitat or species concerned requires maintenance of, or, where necessary, restoration to a particular conservation status in order to make sure that the site contributes to achieving conservation targets that may exist at a higher level (regional, national, biogeographical region or EU).

When adopting conservation objectives for a particular Natura 2000 site, Member States should establish priorities in the light of the importance of the respective site for the maintenance of or the restoration at a favourable conservation status of the habitat types and species of Community interest present on the site and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which the site is exposed.

The terms "conservation objectives", "conservation measures" and "conservation priorities" are frequently used together and can often be confused and even presented as the same concept. Whereas they are clearly interconnected they are distinct concepts.

It is important to distinguish between conservation objectives of individual sites and the overall objective of achieving FCS. **Site level conservation objectives** are a set of specified objectives to be met in a site in order to make sure that the site contributes in the best possible way to achieving FCS at the appropriate level (national or the regional level, taking into account the natural range of the respective species or habitat types). Whereas it may not be practically possible for Member States to frame conservation objectives in the context of FCS defined at a level that includes the territory of other Member State, having a biogeographical perspective will benefit such objective setting. Site level objectives should be established not only for special areas of conservation (SACs) under the habitats Directive but also for

- *the conservation status of typical species that live in these habitat types is favourable*

special protection areas (SPAs) under the Birds Directive with a view to achieving the requirements as set out in Articles 2, 4.1, 4.2 and 4.4 of the Directive.

Conservation measures are the actual mechanisms and actions to be put in place for a Natura 2000 site with the aim of achieving the site's conservation objectives. The obligation is to establish the necessary measures, irrespective of whether those measures are applied within individual sites, or even in some cases outside the boundaries of sites or across multiple sites. It may be that a significant component of a Member State's compliance with Article 6.1 is through measures which are not site specific. This may be particularly relevant to marine sites where, for example, wider regulation of fisheries activities may be a significant element of Article 6.1 compliance. According to Art. 6.1, conservation measures in SACs must correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the site. Conservation measures are generally established at the local/site level, but they can also be designed at the regional or national level, or even agreed at the cross-border, biogeographical or EU level. They may include areas that are not part of the Natura 2000 network (horizontal measures or measures for national ecological networks, connectivity, etc.).

Conservation priorities are a determination of the most important species/habitats to take action for and/or the most important or urgent measures to be taken. Such priorities can also be established at different levels (EU, biogeographical level, national, regional, local/site level). Article 4.4 refers to the need of "*establishing priorities*" when designating a site of Community importance as a special area of conservation. However, it must also be recognised that a form of prioritisation was already done when the sites were selected for Natura 2000 and it is important to ensure that all Natura 2000 sites are managed in a way that ensures their contribution to FCS is optimized.

The **conservation objectives** at the site level must have full regard to:

- the ecological requirements of the species & habitat types listed in the Natura 2000 Standard Data Form (i.e. present on the site, except for those whose presence is non-significant according to the SDF)
- the local, regional, national conservation status of the habitats and species
- the overall coherence of the Natura 2000 network
- higher level conservation objectives at national/biogeographical level and the contribution of the site to them

It is important to distinguish clearly between objectives and measures. For example, conservation objectives can be expected to be reasonably stable over time, indeed in most cases they need to be long term aims. Meanwhile the conservation measures required to achieve those objectives, including those are likely to change, including in response to changing patterns of threats to sites, and of course the hopefully positive effects of conservation measures already taken.

3. When are the site level conservation objectives to be established?

Under Article 4.5 of the Habitats Directive conservation objectives are a legal and practical necessity by the time sites are adopted as SCIs, in order to enable compliance with Article 6.3 and 6.4 of the Directive. Conservation objectives are also a practical, if not legally

explicitly stated, requirement for effective implementation of Article 6.2, which also applies from the point of SCI adoption.

Providing the necessary clarity regarding conservation objectives is a necessary reference for the subsequent definition of conservation measures for the SACs. Article 6.1 refers to establishing "the necessary conservation measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites". Such measures must be identified within the six years (Article 6.1) so that they can normally be established and applicable at the time of SAC designation.

Having clear conservation objectives is also relevant in setting priorities for application of Article 4.4 of the Habitats Directive which refers to the need of "*establishing priorities in the light of the importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed*".

4. What elements need to be considered in setting conservation objectives?

Some Member States have already given much consideration to this matter and have provided answers to key questions or specified issues concerning conservation objectives⁴.

Species and habitat types for which conservation objectives should be formulated

In principle site level conservation objectives should be set for all species and habitat types of Community interest of the Habitats Directive and bird species of the Annex I of the Birds Directive that are significantly present on a Natura 2000 site, as well as for regularly occurring migratory species. Site level conservation objectives should be based on the ecological requirements of the natural habitat types and species. They should reflect the importance of the site for the maintenance or restoration, at a favourable conservation status of the habitat types and species present on the site and for the coherence of Natura 2000 and address the threats of degradation or destruction to which the habitats and species on the site are exposed.

Thus the information in the Natura 2000 standard data form provides the starting point for the setting of conservation objectives. It also allows for the identification of those species and habitat types for which it has already been determined that their presence in a site is non-significant (code D for representativeness or population) and for which the Habitats Directive does not require conservation efforts.

Article 6.1 of the Habitats Directive refers to the need for establishing the necessary conservation measures "[...] which correspond to the ecological requirements of the natural habitat types in Annex I and species in Annex II present on the sites". When establishing conservation objectives, consideration should therefore be given to each of the interest features present on the site. However, it is not necessary to establish specific conservation objectives or conservation measures for species or habitat types whose presence on the site is non-significant according to the Natura 2000

⁴ see for example Page 24-25: "Frequently Asked Questions about conservation objectives at site level" in the booklet on Natura 2000 targets document summary of the Netherlands Ministry of Agriculture, Nature and Food Quality
<http://www.minlnv.nl/portal/page?_pageid=116,1640360&_dad=portal&_schema=PORTAL&p_file_id=19683> .

Standard Data Form [i.e. all species indicated as having an insignificant population size and density⁵ in relation to the populations present within the national territory (population size category D), habitat types indicated as having an insignificant representativity⁶ (category D)]

Level of definition

The reference to conservation objectives in the preamble and in the wording of Article 6.3 of the Habitats Directive underlines the need for conservation objectives to be set at the level of each **site**. In cases where sites are close together with the same species and habitat types there may be merit in setting conservation objectives for the group of sites. Furthermore, given that the conservation objectives need to be framed in the context of the overall attainment of favourable conservation status, a broader set of conservation targets may be needed at higher levels and for the contribution of the network towards this overall goal⁷. This is also underlined by the reference in Article 4.4 of the Directive to the obligation of “*establishing priorities in the light of the importance of the sites for the maintenance or restoration, at a favorable conservation status, of a natural habitat type in Annex I or a species in Annex II*”.

Where a Member State has decided to set conservation objectives at the higher level the targets for achieving favourable conservation status should be defined at national, regional or biogeographical levels within the Member State or at an even broader level (biogeographical or EU). Conservation objectives at the site level and conservation targets at the regional, national or broader level would, if defined, have a complementary nature because Natura 2000 is a network where each site will have a specific function in contributing to the overall coherence of the network and hence in the contribution of the network to the overall goal of achieving a favourable conservation status of species and habitats of Community interest.

Guidelines / recommendations for setting conservation objectives

Conservation objectives for Natura 2000 sites need to be as clear and straightforward as possible and allow to put in place operational conservation measures in practice. They need to be specified in concrete terms and wherever possible be quantifiable in numbers and/or size. In other words, the definition of site level conservation objectives must not be ambiguous, vaguely formulated, unverifiable or involve unclear responsibilities with regard to the corresponding establishment of specific conservation measures.

The following standards for conservation objectives may be relevant⁸:

- **be specific** - relate to a particular interest feature (species or habitat type) and define the condition(s) required to satisfy the conservation objective;

⁵ Criterion B(a) of Annex III of the Habitats Directive: Size and density of the population of the species present on the site in relation to the populations present within national territory.

⁶ Criterion A(a) of Annex III of the Habitats Directive, representativity, should be linked to the interpretation manual of Annex I habitat types since this manual provides a definition, a list of characteristic species and other relevant elements. The degree of representativity gives a measure of 'how typical' a habitat type is.

⁷ Article 17.2 of the Directive underlines the need for "an appropriate evaluation of the progress achieved and, in particular, of the contribution of Natura 2000 to the achievement of the objectives set out in Article 3 (i.e attainment of favourable conservation status)

⁸ This approach has been used by UK's Joint Nature Conservation Committee (JNCC) for marine SACs with a view to ensuring consistency across its Natura 2000 network http://www.ukmarinesac.org.uk/activities/ports/ph2_2_3.htm

- **be measurable and reportable** - enabling monitoring to be undertaken to determine whether the conservation objectives are being met and for the purposes of Article 17 of the Habitats Directive;
- **be realistic** - given a reasonable time-frame and application of resources;
- **be consistent in approach** - the structure of conservation objectives should, as far as is possible, be the same across all (UK Natura 2000) marine sites, and at sites supporting the same interest feature, use similar attributes and targets to describe favourable condition; and
- **be comprehensive** - the attributes and targets should cover the properties of the interest feature necessary to describe its condition as either favourable or unfavourable.

The level of detail given in conservation objectives for certain species or habitats may be constrained by current limitations of scientific knowledge. In such circumstances the overall objective on favourable conservation status, as defined in article 1 of the directive, can be applied in combination with site specific knowledge on the actual occurrence, distribution etc. of the actual species or habitat.

Landowners and local agents must have a good knowledge and understanding of the conservation objectives at all levels, and particularly at the site level and the way they are expected to contribute to them. Clearly communicating the site's conservation objectives and its contribution to higher level conservation objectives should help improve awareness and commitment of local stakeholders.

What type of legal status should be given to the conservation objectives?

The site level conservation objectives, already needed for the protection of the SCIs, are also necessary for the definition and establishment of conservation measures with the designation of the SAC. There should be a clear definition of the conservation objectives for the site in the light of its importance for the different species and habitat types for which the site is designated.

The specification of the conservation objectives can be set out in the site designation decisions or can be further elaborated in the context of site management plans or other instruments.

When are the site level conservation objectives to be achieved?

The Habitats Directive does not set a date for the attainment of favourable conservation status. Neither is there a similar specification in relation to the overall objective of the Birds Directive. There is clearly a duty to put in place the necessary conservation measures for SACs to contribute to achieving FCS. In practice the conservation measures on a given site should have a clear reference to the site's conservation objectives. To be credible the conservation measures must normally be identified, established and applicable at the time of SAC designation.

It is important also to set a timeline to review of the conservation measures taken, in terms of their suitability for, and progress towards, achieving the conservation objectives in order to check appropriateness, measurability and implementation.