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Position Paper

Fitness Check of the EU nature legislation

an important reference for ensuring a more transparent, coherent and consistent implementation of the Birds Directive and Habitats Directive.

The **Confederation of European Forest Owners (CEPF)** welcomes the Regulatory Fitness and Performance Programme (REFIT) by the European Commission, aimed at assessing whether the regulatory framework for a particular policy sector is 'fit for purpose'. In context of the EU nature legislation, the European Commission published a mandate in February 2014, setting out a number of key aspects to be addressed in this context, namely effectiveness, efficiency, coherence, relevance and EU-added value.

Representing the interests of Europe's private forest owners, CEPF appreciates the opportunity to actively contribute to this process, especially in context of the evidence-gathering exercise and the public consultation, and is looking forward to intensifying the collaboration with the European Commission as equal partners in future. Both directives are considered to be important tools for enhancing the natural heritage in Europe. Their strategic objectives are still of the utmost relevance for nature conservation in forests. However, 23 years after the introduction of Natura 2000 it is our shared experience that there are still gaps hampering its successful implementation.

A number of reasons have been commonly identified. These are, among others, the insufficient or non-existing involvement of forest owners and managers for designating, implementing and managing the Natura 2000 network, in particular at national and regional level; the static approach to nature conservation, not sufficiently acknowledging the natural dynamics; the lack of recognition of technological developments in the forest sector, increasingly creating conflicts on the ground; the lack of recognition of achievements made for better integrating measures for enhancing biodiversity into regular sustainable forest management practices, considering e.g. deadwood, natural regeneration, habitat spots, stand structures and natural dynamics; the recognition of the time factor, as the impact of measures aimed at enhancing biodiversity and/or the quality of habitats can only be seen in the long-term, especially in forests; as well as uncertainty concerning the various terms used, e.g. good conservation status, or the importance of active forest management in Natura 2000 sites, causing forest owners and managers to be hesitant to commit.

Therefore, Europe's private forest owners and managers call for

- a transparent, coherent and consistent implementation of the nature legislation across the EU;
- good governance acknowledging property and ownership rights, as well as the time lag for measures aimed at enhancing biodiversity;



- ensuring the involvement of concerned landowners, managers and their organisations at all stages of the designation, implementation and management of the Natura 2000 network;
- an adaptation of the Annexes of the Directives, sustaining an appropriate long-term perspective, and catering for more flexible and viable solutions to implementing the EU nature legislation.

In addition, aimed at enhancing the successful implementation of the EU nature legislation, CEPF strongly encourages the European Commission, the Member States, as well as the national and regional competent authorities to duly consider the following, more specific requirements/ demands:

1. In context of designating Natura 2000 sites, ensuring that right from the start forest owners and managers are included in the decision-making process, that all relevant documentation/information is made available by the competent authorities to those affected, and that their comments will be duly considered in the decision-making process.
2. The right for representatives of landowners and managers to participate in all relevant scientific and implementing committees.
3. The disclosure of all scientific documents and the applied assessment methodologies, forming the basis for the respective designation of Natura 2000 sites.
4. An assessment of the impact of the implementation of the EU nature directives on the sustainable safeguard of an area-wide management.
5. Ensuring that all external effects outside the responsibility of forest owners and managers are duly taken into consideration, e.g. climate change, impact of invasive alien species, or natural variations.
6. With reference to Article 2(3) of the Habitats-Directive (92/43/EEC), that a cost-benefit assessment with view on economic, ecological and social impacts should be integrated in the entire decision-making process.
7. Establishing an own financial instrument for implementing the Natura 2000 network, independent of the Rural Development Programme(s).
8. In advance of the designation of Natura 2000 sites and the enactment of Natura 2000 management plans, to establish appropriate financial plans for compensating the loss of income and the income forgone, as well as for the additional administrative burden.
9. Creating better incentives for forest owners and managers, using voluntary measures instead of compulsory requirements (e.g. contractual nature protection).
10. A simplified approach to evaluating and monitoring the obligations for forest owners and managers, taking into account the natural variability and dynamics in species development.
11. A cautious approach to further designating additional Natura 2000 sites in forests.
12. Embedding a more dynamic and flexible approach for measures within a Natura 2000 site based on agreed protection priorities between the Member States and the European Commission.