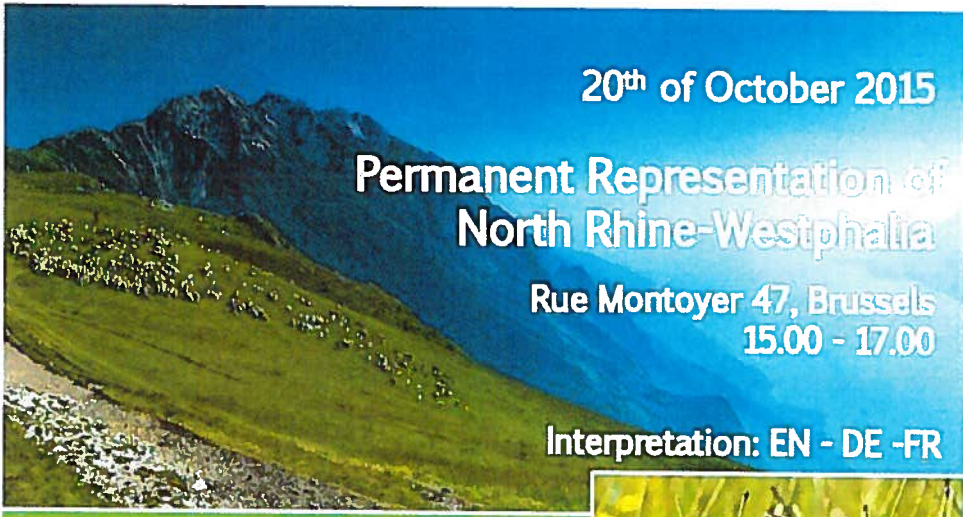


20th of October 2015

Permanent Representation of North Rhine-Westphalia

Rue Montoyer 47, Brussels
15.00 - 17.00

Interpretation: EN - DE -FR



Fitness Check of EU Nature Legislation For a Better Implementation?

Chaired by
MEP Karl-Heinz FLORENZ
President of the Intergroup Biodiversity,
Hunting, Countryside



BIODIVERSITY, HUNTING, COUNTRYSIDE
BIODIVERSITÉ, CHASSE, ACTIVITÉS RURALES
BIODIVERSITÄT, JAGD, LÄNDLICHE AKTIVITÄTEN



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SUSTAINABLE HUNTING, BIODIVERSITY, COUNTRYSIDE ACTIVITIES & FORESTRY
CHASSE DURABLE, BIODIVERSITÉ, ACTIVITÉS RURALES & FORÊT
NACHHALTIGE JAGD, BIODIVERSITÄT, LÄNDLICHE AKTIVITÄTEN & FORST

Fitness Check of EU Nature Legislation For a Better Implementation?

20th of October 2015

**Representation of North Rhine-Westphalia to the
European Union**

Rue Montoyer 47, Brussels

15:00 - 17:00

1. **Welcome** (15:00-15:05)
Rainer Steffens, Head of the Permanent Representation of North Rhine-Westphalia to the European Union
2. **Introduction** (15:05-15:15)
Karl-Heinz Florenz MEP, President of the Intergroup
3. **Panel Discussion** (15:15-15:45)
Nicola Notaro, Head of Nature Unit, DG ENV, European Commission
Seger van Voorst tot Voorst, director, Stichting Het Nationale Park de Hoge Veluwe
Philippe Plisson, Member of the French National Assembly (PS), Rapporteur on the greylag goose report in France
Wouter Langhout, EU Nature Policy Officer, Birdlife
4. **Discussions** (15:45-16:45)
Filippo Segato (Secretary General FACE)
Konstantin Kostopoulos (Advisor ELO)
5. **Conclusion** (16:45-17:00)
Karl-Heinz Florenz MEP, President of the Intergroup

Biodiversity, Hunting and Countryside Intergroup

The Sustainable Hunting, Biodiversity, Countryside activities and Forestry Intergroup was created in 1985 and is one of the oldest and most active parliamentary platform. It gathers MEPs from different political groups and various stakeholders promoting wildlife conservation, sustainable hunting and fishing, as well as the sustainable management of the countryside and cultural heritage.

The objectives of the Intergroup are to promote the role of hunting and other forms of sustainable use of wild species for biodiversity, wildlife management, rural development and forestry issues. Additionally, the Intergroup regularly focuses on cross cutting issues that affect socio-economic activities in rural areas and seek to build bridges between the civil society and decision makers.

Past debates and discussions have, for example, addressed issues such as forestry management, wildlife population, the future of EU water courses, the 2020 EU Biodiversity Strategy and other thematic related to Natura 2000.

For the term 2014-2019, the Intergroup has been validated by European Parliament Conference of the Presidents and named the "Biodiversity, Hunting and Countryside Intergroup".

Since 1985, FACE (Federation of Associations for Hunting and Conservation of the EU) provides the Secretariat for the Intergroup. In 2004, ELO (European Landowners' Organization) joined the Intergroup as Co-Secretariat, bringing expertise in countryside-related topics.



Follow-up of the meeting

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De Hoge Veluwe National Park Condition of Nature

Seger E. baron van Voorst tot Voorst

Introduction to De Hoge Veluwe National Park

- Since 1935
- 500.000 – 550.000 visitors each year
- High biodiversity (8 of 10 birds / 35% habitat / 25% potential habitat)
- Lots of red list species (stable or increasing in numbers)
- Visible historic stories
- Museums: Kröller-Müller Museum, Museonder (underground), and Country residence / museum Jachthuis Sint Hubertus

De Hoge Veluwe National Park is a foundation, established in 1935, and is one of the two oldest National Parks in the Netherlands.

The Park receives between 500.000 and 550.000 visitors each year and is well-known because of its high biodiversity. Not only birds protected by the EU Birds Directive live in the Park, but also 35% of the surface is designated as protected habitat, and another 25% of the surface has the potential to become protected habitat pursuant to the EU Habitats Directive. Besides, a lot of red list species, which are species threatened with extinction, have their last shelter in the Park.

Further, the elements in the landscape added by humans over many years visualize the history of the Park to its visitors. The Park also has 3 museums of which the Kröller-Müller Museum is the most famous with its 80 Van Gogh paintings.

Birds: for instance black woodpecker, nightjar and wryneck

Habitats: for instance drifting sands, moorland and old oak forests

Red list: marsh gentian, asphodel and sand lizard

Management of the Park

- Active and practical
- Always multidisciplinary (mainly: nature and landscape / cultural history / visitors)
- Less than 10% subsidy
- Economic spin-off € 70 million



The management of the Park is based on an active and practical approach.

This means that we intervene into nature to protect biodiversity. For example by hunting or by soil cutting heath. Important is that the management considerations are multidisciplinary.

As a result, all applicable interests, like ecology, economy, and cultural history, are integrated in our decisions. The Park receives less than 10% subsidy for exploitation. This means that we are mainly dependent on revenues from our ticket service.

The economic spin-off in the region is approximately € 70 million.

A background image showing a stack of cut logs, with the text overlaid on it.

EU Birds and Habitats Directive

(mainly Article 6 para 3, precautionary principle)

- Political, scientific, and legal boundaries
 - Little space for practical approach
 - Increase of costs
 - No space for multidisciplinary approach (the EU Directives are sector-based)
- Different implementation in EU member states
- Basis of infringement on ownership rights in the Netherlands

De Hoge Veluwe National Park has to work within the framework of the EU Birds and Habitats Directive.

Although we fully endorse the purpose of these important EU Directives, we experience difficulties in the implementation of one of the underlying principles of the EU Habitats Directive, namely: the precautionary principle.

The precautionary principle is partly implemented by Article 6 paragraph 3 of the Habitats Directive.

Briefly stated, this principle means that we have to preserve nature before we intervene into nature.

We face the precautionary principle, for example, in the construction or modification of footpaths or cycle tracks in order to control the traffic flow of our visitors.

We also have to comply with this principle in making our visitors centre up to date for hosting our guests, which is currently in the centre of the Park.

In short: we have to deal with the precautionary principle if it concerns the relation between ecology and economy.

As said before, economy, understood as revenues, is very important to keep the Park alive (and kicking).

Without revenues we cannot preserve nature.

The problem we face with the precautionary principle is the very strict interpretation of this principle by the European Court of Justice (ECJ).

It is settled case law of the European Court that the assessment carried out under Article 6 paragraph 3 of the Habitats Directive cannot have lacuna.

According to the Court this assessment must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. See for example the judgment of the Court dated 15 May 2014 concerning the highway A2 in the Netherlands (case C-521/12, para 26).

The settled case law of the Court does leave very little space for a practical approach based on the many decades' experience of the Park, because this is not recognized as science. Therefore, we are forced to consult highly-paid academics or engineering bureaus to assess whether there is any reasonable scientific doubt.

Whereas we have this knowlegde in the Park already, based on our experience! However, this does not count for the Court and for the Dutch regulator.

Therefore we principally argue that Article 6 of the Habitats Directive shall be amended and shall incorporate the experience and opinion of the landowner.

Furthermore, in brief, because we are running out of time, we argue that the EU Birds and Habitats Directive, which are sector-based, should be better coordinated.

We have the experience that nature management based on the Habitats Directive infringes the Birds Directive.

For example, if we have to cut forest to increase the amount of heath to comply with the Habitats Directive, this will, in principle, be prevented by the regulator, because this may do harm to the black woodpecker, which is protected pursuant to the Birds Directive.

Also we face a different implementation of the Birds and Habitats Directive in the EU member states.

For example, in the Netherlands hunting is only allowed on just five animals (hare, pheasant, duck, rabbit, and wood pigeon).

The list of game in other EU countries, like Germany, Denmark, and the United Kingdom, is much broader (I believe hunting is allowed up to 40 animals).

In the end in the Netherlands the protection regime of the Birds and Habitats Directive is used to infringe the ownership rights of landowners.

Pursuant to new Dutch legislation, hunting for own use will be prohibited.

Hunting will only be allowed in case of wildlife management and damage control. This infringes the ownership rights of landowners.

These ownership rights are further limited by the legal demand that hunting is subject to approval granted by a wildlife management unit.

As result the Park is seriously restricted in preserving biodiversity according to its own qualified knowlegde and its many decades' experience.

This cannot, and may not, be the intention and the effect of the EU Birds and Habitats Directive!



Balanced solution

- Wider scope for (private) owners and practical approach
- One's own management plan
- Certification by government
- Notification requirement on certain issues

To tackle the said problems, we request to leave a wider scope for private landowners to follow the practical approach based on their settled experience.

Lots of rare species are within and on private lands not because of legislation, but most of all because of consistent and active management of the property.

Therefore, we propose that land owners write their own management plan, which may be certified by the competent authorities.

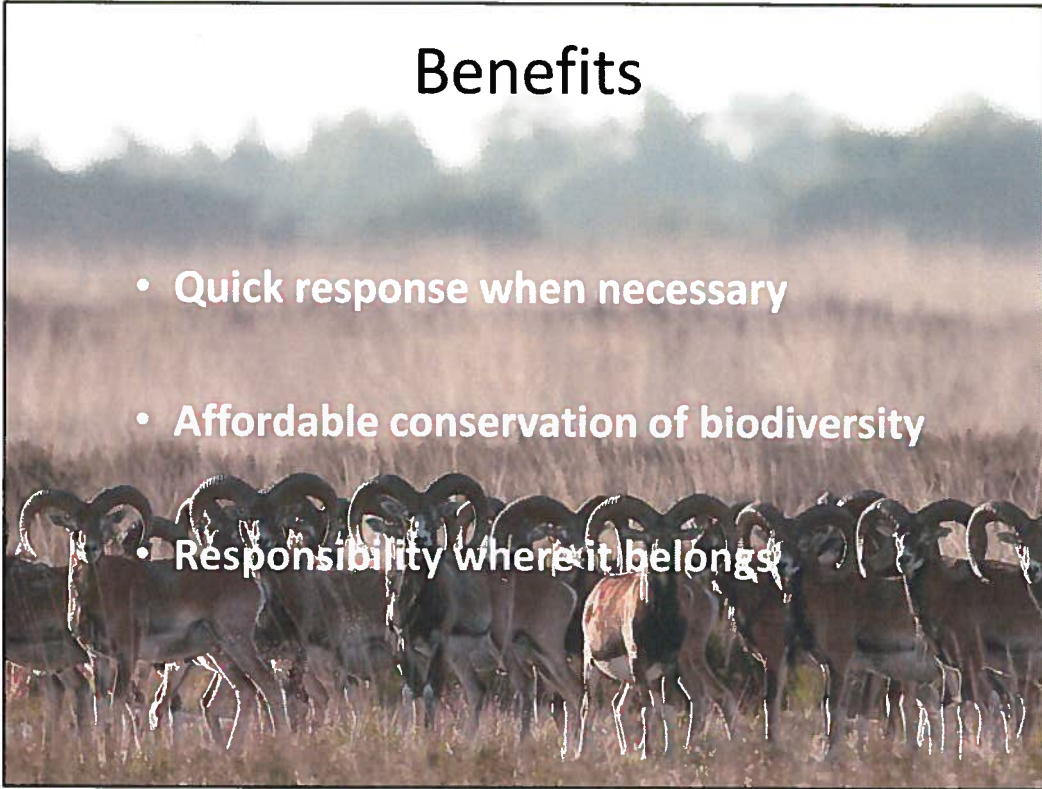
Certain comprehensive issues may require notification to the competent authorities.

The notification requirements shall be laid down in the applicable nature legislation.

As time is now too short to discuss this plan in detail, hopefully we can elaborate further on this in another setting.

Benefits

- Quick response when necessary
- Affordable conservation of biodiversity
- Responsibility where it belongs



The benefit of this solution is that landowners are able to respond quickly to species intervention, as no licensing procedure is required.

Furthermore, a system which provides in a wider scope for the experience of the landowner affords a payable, and as such a long-lasting, conservation of biodiversity.

As a result, this system leaves the responsibility primarily to the landowner, where it belongs.

Q & A

- Questions?
- Contact details

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STICHTING HET NATIONALE PARK
De Hoge veluwe