

**Opinion of the European Economic and Social Committee on ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — An Action Plan for nature, people and the economy’**

(COM(2017) 198 final)

(2018/C 129/15)

Rapporteur: **Lutz RIBBE**

Consultation	European Commission, 31.5.2017
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Plenary Assembly decision	25.4.2017
Section responsible	Agriculture, Rural Development and the Environment
Adopted in section	21.11.2017
Adopted at plenary	6.12.2017
Plenary session No	530
Outcome of vote (for/against/abstentions)	157/5/6

## 1. Summary of the EESC’s conclusions and recommendations

1.1. The EESC generally welcomes the findings of the Fitness Check of the Nature Directives, which indicate that the directives are fulfilling their purpose as pillars of a wider biodiversity policy, but that their implementation must be substantially improved.

1.2. Even if each of the 15 individual proposed measures of the new action plan is well-founded, the plan is confusing to the extent that there is little clarity about how it relates to the existing biodiversity strategy, especially since a lot of the content overlaps and there are only very few new features. The EESC feels it would have made more sense to evaluate, and where necessary enhance, the existing biodiversity strategy.

1.3. The critical issue for an effective biodiversity policy must surely be that measures to promote or maintain biodiversity today largely represent a cost factor rather than a source of revenue for land owners and users. Whether they are implemented in or outside Natura 2000 sites, biodiversity measures must make economic sense for those who are to put them into effect. They must not and cannot be carried out on the backs of those people. None of the programmes introduced by the EU and the Member States to date have really been able to resolve this fundamental dilemma; nor unfortunately does the action plan, in which ‘win-win’ positions are often invoked, offer any useful approaches.

1.4. Lack of financing is not just a major obstacle to achieving the agreed biodiversity targets, but is symptomatic of the failures of EU policy. Laws are adopted that entail costs, but no agreement is reached on who must pay or how these costs are to be covered.

1.5. The EESC again urges the European Commission to produce an up-to-date estimate of costs for the Natura 2000 network. The constantly cited sum of EUR 6,1 billion as the amount of resources needed for Natura 2000 is in our view inaccurate; we think that the actual need is likely to be double to three times that figure.

1.6. The EESC therefore believes it is imperative to set out a long-term strategy for meeting the financing needs of biodiversity policy<sup>(1)</sup>. The appropriate context for this would be the discussion about the post-2021 financial perspective, but neither the action plan nor the approaches set out in the *Reflection Paper on the Future of EU finances*<sup>(2)</sup> indicate that the situation could be substantially improved.

1.7. The EESC emphatically welcomes the European Commission's intention to further expand the strategy on green infrastructure in the framework of the action plan. It points out, though, that no blueprint — including this one — will bring about any changes unless backed up by financial resources.

## 2. Background

2.1. The EU adopted its first biodiversity strategy<sup>(3)</sup> back in 1998 to stem the loss of wild animal and plant species and their habitats. The sustainable development strategy adopted in 2001 (Gothenburg Strategy) set out clear goals in relation to biodiversity, namely to halt loss of biodiversity in the EU by 2010 and restore habitats and natural ecosystems.

2.2. Other measures followed, including a biodiversity action plan<sup>(4)</sup> in 2001 and another action plan in May 2006<sup>(5)</sup> whose content was virtually identical.

2.3. When it became evident that the agreed and promised objective could not be achieved, another new EU biodiversity strategy to 2020<sup>(6)</sup> was adopted, based on the Commission Communication *Options for an EU vision and target for biodiversity beyond 2010*<sup>(7)</sup>. The strategy essentially put forward the same recommendations and instruments as the previous action plans and postponed the original deadline of 2010 to 2020.

2.4. The findings of the mid-term review of the biodiversity strategy, containing six clearly defined individual targets with a total of 20 measures, were very disappointing; the review concluded that efforts to protect the natural environment must be dramatically stepped up to achieve the new objective of completely halting biodiversity loss by 2020 and ensuring that lost habitats are restored.

2.5. The EESC gave its opinion on all these texts, with essentially the same critical position, to the effect that:

- in the EU, 'when it comes to maintaining biodiversity there is no shortage of laws, directives, programmes, model projects, political declarations or recommendations, but there is a lack of implementation and concerted action at all political levels',
- further: 'Politicians have not yet found the strength or the will to implement measures which have been acknowledged to be necessary for years, although the communication repeatedly makes the point that society and the economy will benefit equally from a stringent biodiversity policy'<sup>(8)</sup>,
- the EU's biodiversity policy is thus a classic example of a policy of broken promises at European and national level, despite the fact that it has correctly identified the problems and put in place the necessary tools. The EESC did not consider it necessary to change the existing legal basis.

2.6. The Juncker Commission nevertheless decided to review the Nature Directives as part of its REFIT programme. The conclusions confirm the EESC's position; likewise, the Environment Council found that 'as a cornerstone of broader EU biodiversity policy, the Nature Directives are fit for purpose but [...] achieving their objectives and realising their full potential can only be accomplished by substantially improving their implementation'<sup>(9)</sup>.

<sup>(1)</sup> See EESC opinion on *The biodiversity policy of the EU* (OJ C 487, 28.12. 2016, p. 14) and on the *Mid-term evaluation of the LIFE Programme* (OJ C 173, 31.5.2017, p. 7).

<sup>(2)</sup> COM(2017) 358 of 28 June 2017.

<sup>(3)</sup> COM(1998) 42 final.

<sup>(4)</sup> COM(2001) 162 final.

<sup>(5)</sup> COM(2006) 216 final.

<sup>(6)</sup> COM(2011) 244 final.

<sup>(7)</sup> COM(2010) 4 final.

<sup>(8)</sup> See EESC opinion on *Our life insurance, our natural capital: an EU Biodiversity Strategy to 2020* (OJ C 24, 28.1.2012, p. 111).

<sup>(9)</sup> Environment Council conclusions of 19 June 2017.

2.7. The Commission has responded to the outcome of the REFIT process by presenting an action plan for nature, people and the economy <sup>(10)</sup>, which is the subject of this opinion.

### 3. General comments on the action plan

3.1. The action plan begins with an update on the dire conservation status of species and habitats, which should really have been protected for many years under the nature directives adopted in 1979 or 1992: 'Key factors behind the shortcomings in implementation include limited resources, weak enforcement, poor integration of nature objectives into other policy areas, insufficient knowledge and access to data, and poor communication and stakeholder involvement. Moreover, those who implement the Directives, particularly at regional and local level, are sometimes not sufficiently aware of their requirements or of the flexibility and opportunities they offer. This can lead to tensions between nature protection and economic activity'.

3.2. The purpose of the action plan is 'to improve the implementation of the Directives, their coherence with socioeconomic objectives and engagement with national, regional and local authorities, stakeholders and citizens'.

3.3. In view of the highly regional dimension of the directives and the key role played by local and regional authorities in implementing them, the European Committee of the Regions was closely involved in the preliminary work on the action plan and will also play a key role in the future in collaborating with local and regional authorities and raising their awareness.

3.4. The action plan has a short time frame: the Commission plans to report on the 'delivery' of measures before the end of its current term of office in 2019. The EESC thinks this is very ambitious, if only because the Commission does not provide for any extra human resources to implement the action plan.

3.5. The plan is divided into four priority areas with 15 'concrete actions':

- Priority A — Improving guidance and knowledge and ensuring better coherence with broader socioeconomic objectives,
- Priority B — Building political ownership and strengthening compliance,
- Priority C — Strengthening investment in Natura 2000 and improving synergies with EU funding instruments,
- Priority D — Better communication and outreach, engaging citizens, stakeholders and communities.

### 4. Specific comments on the action plan

4.1. The EESC broadly welcomes the results of the Fitness Check, which vindicate its opinions to date on the matter. A significant number of stakeholders were involved in the Fitness Check, demonstrating that EU biodiversity policy is a subject which concerns a broad cross-section of the population, with a direct impact on some stakeholders, and that it is being intensively discussed.

4.2. Even if each of the 15 individual measures of the action plan could in themselves help to improve implementation of current nature protection legislation, the EESC is somewhat frustrated that the Commission has submitted yet another action plan. In our view it would have made more sense to evaluate the existing biodiversity strategy with its six targets and 20 specific measures, carry out and publish a detailed analysis of its weak points and on that basis possibly incorporate additional measures into it. Producing a new action plan like this will create confusion because it is still completely unclear how it relates to the existing biodiversity strategy, especially since some measures of the action plan (e.g. under Priorities B and C) have been in the EU's biodiversity programmes and on the political agenda for years and remain unimplemented.

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<sup>(10)</sup> COM(2017) 198 final of 27 April 2017.

4.3. The EESC has already pointed out that the profusion of programmes and strategies just creates confusion and that the impression might be created that adding on more and more new programmes, plans or strategies is a way of pretending to be taking action while in reality there is little improvement.

4.4. In the title of the press release on the action plan the European Commission already says that it will help the regions 'defend biodiversity and reap the economic benefits of nature protection'. The EESC appreciates that the action plan does not 'only' address nature and biodiversity, but also considers the relationship between people, nature and economic activities. This demonstrates that biodiversity policy goes beyond the ethical and moral obligation to protect species and habitats, and is also consistent with the EESC's comments in recent years.

4.5. In many regions of Europe, ideas were developed long ago showing how people can benefit from natural capital. For instance, there is an obvious connection between tourism and diverse, varied landscapes with high biodiversity. And it is increasingly recognised that ecosystem services — which are not provided solely in Natura 2000 sites — promote the common good.

4.6. The critical problem, however, is that measures to promote or maintain biodiversity today largely represent a cost factor rather than a source of revenue for land owners and users. Whereas 'natural diversity' used to be a virtual by-product of extensive agriculture, a classic land-use conflict has now arisen, triggered among other things by the difficult economic environment facing farmers and foresters.

4.7. Whether they are implemented in or outside Natura 2000 sites, biodiversity measures must make economic sense for those who are to put them into effect. They must not and cannot be carried out on the backs of those people. The programmes introduced by the EU and the Member States to date have not been able to resolve this fundamental dilemma; nor unfortunately does the action plan, where 'win-win' positions are often invoked, really offer any useful approaches.

4.8. Even those measures that were missing from the previous biodiversity strategies and are introduced in the action plan will not alter this fact: no awareness-raising campaign, however good, no public engagement, however ingenious, no improved guidance and not even the proclamation of 21 May as 'European Natura 2000 Day' — all new measures introduced in the action plan — will be effective unless the economic and financial conditions are right. The EESC believes that further improvement is very necessary in this area: adequate funding must be earmarked for the Natura 2000 network under the new medium-term financial plan from 2021 and sufficient staff must be provided for the authorities that administer it, at both EU and Member State level.

## 5. The issue of the lack of financial resources

5.1. Even as the Natura 2000 network was being set up, land owners and users, for example, were promised that they would receive at least adequate financial compensation if they suffered financially as a result of measures or obligations relating to the Natura 2000 sites. In its *2010 Assessment of Implementing the EU Biodiversity Action Plan* <sup>(11)</sup>, the Commission names ensuring adequate financing as one of four key supporting measures. However, it also concedes: 'Only 20 % of the total financing needs for managing protected areas including the Natura 2000 network in Europe are being met. In 2004, it was estimated that the management of Natura 2000 would require an investment of EUR 6,1 billion annually for the EU-25'. This means there is an annual financial hole of more than EUR 5 billion.

5.2. More recent calculations of the cost of managing Natura 2000 sites suggest that considerably more resources are needed. The German *Länder* estimate that about EUR 1,417 billion is needed for the terrestrial Natura 2000 network in Germany, an average of EUR 175 per hectare. Extrapolating these per-hectare costs to the EU-wide terrestrial Natura 2000 network gives an annual financing need for the EU-28 of almost EUR 21 billion. This does not include the costs of marine Natura 2000 sites. The EESC urges the European Commission to produce an up-to-date and sound estimate of costs for the whole Natura 2000 network.

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<sup>(11)</sup> COM(2010) 548, p. 13.

5.3. Lack of financing for managing the Natura 2000 network is not just a major obstacle to achieving the agreed biodiversity targets, but is symptomatic of the failures of EU policy. Laws are adopted that entail costs, but no agreement is reached on who must pay or how these costs are to be covered. The lack of alignment between EU laws and the EU budget is the main reason for the problems with biodiversity protection in Europe.

5.4. The action plan also assumes no change to the EU budget. This is understandable since we are in the middle of the 2014-2020 financing period; but it means that the problems of biodiversity protection cannot be resolved in this manner by the action plan.

5.5. The only financial measure announced in the action plan is a 10 % increase in the LIFE budget for projects supporting the conservation of nature and biodiversity. This is supposed to be budget-neutral, i.e. the total LIFE budget is to be kept at the same level, so it will have to be offset by cuts to funding for other LIFE programme measures. In 2014-2017 around EUR 610 million was available under the LIFE budget for the priority area covering nature and biodiversity. Thus a 10 % increase would amount to EUR 15 million annually.

5.6. The Commission is therefore right to also mention 'synergies with funding from the common agricultural policy' in connection with Priority C of the action plan ('Strengthening investment in Natura 2000 and improving synergies with EU funding instruments'), as well as increasing awareness of funding opportunities under cohesion policy and the common fisheries policy, and the provision of guidance to support green infrastructure. However, none of these are new measures or proposals, but are things that have long been on the policy agenda and long been called for. They are mentioned in the earlier biodiversity programmes and plans, but no progress has been made on them in the last few years.

5.7. What is therefore needed is for the Commission to set out a long-term strategy on how to finance biodiversity policy<sup>(12)</sup>. The EESC thinks that the discussion now commencing on the financial perspective is the framework in which the relevant issues should be raised. Experience shows that the cooperative projects between regions, nature conservation organisations, as well as farmers and foresters, to implement Natura 2000 measures can work extremely well if they are made sufficiently financially attractive. However, neither the action plan nor current approaches, as set out in the *Reflection Paper on the Future of EU finances*<sup>(13)</sup>, suggest that the situation could be substantially improved.

5.8. The EESC emphatically welcomes the European Commission's intention to further expand the strategy on green infrastructure in the framework of the action plan. It points out, though, that no blueprint — including this one — will bring about any changes unless backed up by financial resources. The EESC would also point here to the conclusions of the Environment Council of 19 June 2017, where the European Commission was urged to move ahead with a proposal for a trans-European network for green infrastructure (TEN-G).

5.9. We therefore refer to our recently adopted opinion on the mid-term review of the LIFE programme<sup>(14)</sup>, in which we recommended making LIFE 'the main instrument for funding the Natura 2000 network'. The opinion goes on to say: 'The approach taken in the past, of funding the Natura 2000 network primarily via the EU's regional development funds and the second pillar of the Common Agricultural Policy, must be regarded as unsatisfactory. The Committee would draw attention to its opinion<sup>(15)</sup> in this connection, and calls for the LIFE programme to be supplemented with appropriately earmarked funds. It is important in this connection to ensure coherence between all support measures, i.e. to avoid any conflict between or duplication of support from other EU funds'.

5.10. The action plan provides for better communication, awareness-raising and involvement of the general public, stakeholders and communities, as well as local and regional authorities. The means of achieving these goals include setting up a 'platform' with the Committee of the Regions. The EESC welcomes this and feels very strongly that greater civil society involvement can only be positive for implementation.

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<sup>(12)</sup> See EESC opinion on *The biodiversity policy of the EU* (OJ C 487, 28.12.2016, p. 14) and on *Mid-term evaluation of the LIFE Programme* (OJ C 173, 31.5.2017, p. 7).

<sup>(13)</sup> COM(2017) 358 of 28 June 2017.

<sup>(14)</sup> See EESC opinion on *Mid-term evaluation of the LIFE Programme*, OJ C 173, 31.5.2017, p. 7.

<sup>(15)</sup> See EESC opinion on *The biodiversity policy of the EU*, OJ C 487, 28.12.2016, p. 14.

5.11. The EESC is pleased to note that the Commission developed and intends to implement the action plan in close collaboration with the CoR. We also offer support for our part, since we believe that even local and regional authorities can only succeed fully if civil society commitment and acceptance are ensured.

Brussels, 6 December 2017.

*The President*  
*of the European Economic and Social Committee*  
Georges DASSIS

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