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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Draft Council conclusions on the European Court of Auditors' Special Report No. 01/2017 entitled "More efforts needed to implement the Natura 2000 network to its full potential" - Adoption

1. On 21 February 2017, the European Court of Auditors published the Special Report No 01/2017 entitled "More efforts needed to implement the Natura 2000 network to its full potential" ¹.
2. On 8 March 2017, under the rules laid down in the Council conclusions on improving the examination of special reports drawn up by the Court of Auditors ², the Permanent Representatives Committee designated the Working Party on the Environment (WPE) as the Council competent body to examine the Report ³.

¹ This Special Report is available in all official languages on the Court of Auditors' website:

<http://www.eca.europa.eu>

² Docs 7515/00 + COR 1.

³ Doc. 6883/17.

3. At its meeting on 14 March 2017, the WPE examined the Special Report after a presentation of its main findings by the representatives of the Court of Auditors. On 4 April 2017, the WPE considered the draft Council conclusions proposed by the Presidency ⁴. On 9 May 2017, following an informal silence procedure, an agreement in principle was reached on the revised draft Council conclusions ⁵ in the Working Party.

4. The Permanent Representatives Committee is therefore invited to recommend to the Council to adopt, as an "A" item, the draft Council conclusions set out in the Annex to this Note.



⁴ Doc. 7803/17.

⁵ Doc. 8377/1/17 REV 1.

**European Court of Auditors' Special Report No. 01/2017 entitled
"More efforts needed to implement the Natura 2000 network to its full potential "**

- Draft Council conclusions -

THE COUNCIL OF THE EUROPEAN UNION:

RECALLING the Birds Directive ¹ and the Habitats Directive ², establishing the Natura 2000 network and providing a common EU framework for nature protection, as well as its conclusions regarding the EU Biodiversity Strategy to 2020 ³ and the Mid-Term Review of the Strategy ⁴ endorsing actions aimed at the finalisation, improved management, monitoring, cooperation and public awareness of the Natura 2000 network, including the predictable, adequate and regular funding for the proper maintenance and functioning of the network;

1. WELCOMES the Special Report No. 01/2017 from the European Court of Auditors;
2. NOTES that the audit was carried out following consultation with both the Commission and Member States, with additional evidence collected from 24 Natura 2000 sites in five Member States (France, Germany, Poland, Romania and Spain), covering eight of the EU's nine biogeographical regions;
3. RECOGNISES that protecting biodiversity is an essential environmental priority for the EU and CONFIRMS that the Birds and Habitats Directives are fundamental components of European nature protection and that their effectiveness depends on consistent implementation and adequate financial resources at EU and Member State level;

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

² Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

³ EU Biodiversity Strategy to 2020, Council conclusions of 21 June 2011 (docs 11978/11 + COR 1) and of 19 December 2011 (doc. 18862/11).

⁴ The Mid-Term Review of the EU Biodiversity Strategy to 2020, Council conclusions of 16 December 2015 (doc. 15389/15).

4. TAKES NOTE with appreciation of the Fitness Check of the EU Nature Legislation (Birds and Habitats Directives, the 'Nature Directives')⁵ and its overall conclusion that, within the framework of broader biodiversity policy, the Nature Directives are fit for purpose, while their implementation needs to be improved to allow the achievement of their objectives and realisation of their full potential; furthermore TAKES NOTE with appreciation that the Commission, as a follow-up to the findings of the Fitness Check and based on stakeholder consultation, has adopted a concrete action plan⁶ that aims at rapidly improving the practical implementation of the Nature Directives and accelerating progress towards the EU 2020 goal of halting and reversing the loss of biodiversity and ecosystem services, including in relation to climate resilience and mitigation;

Achieving full implementation of the Nature Directives

5. NOTES that the report observes an insufficient coordination between relevant authorities, participation of stakeholders and cross-border cooperation in the management of the Natura 2000 network;
6. Furthermore NOTES the importance of improving the access to the appropriate Commission guidance documents and to the results of biogeographical seminars for a more effective implementation of the Nature Directives, and the need to improve the dissemination of the guidance;
7. AGREES with the Court's recommendation to ensure appropriate coordination in the management of Natura 2000 sites between all authorities involved at national level, including all cross-sectoral policies, and the relevant Member States, to complete the establishment of the necessary conservation measures for sites which have been designated for more than six years, and to ensure that appropriate assessments consider cumulative effects and are of sufficient quality;

⁵ Docs 15671/16 - SWD(2016) 472 final + ADD 1 - SWD(2016) 473 final.

⁶ Docs 8643/17 - COM(2017) 198 final + ADD 1 - SWD(2017) 139 final.

8. ENCOURAGES the Commission, in close cooperation with the Member States, to consider ways how to increase the availability, awareness, and application of the guidance documents, including possible ways how to overcome linguistic barriers;
9. EMPHASISES the need for strengthening the coordination of objectives and implementation approaches at EU level between the relevant policies, and the important role of the Commission in facilitating cooperation between Member States;

Financing and accounting for the costs of Natura 2000

10. ACKNOWLEDGES that challenges remain for Member States and the Commission to ensure that EU funding programmes more clearly and comprehensively reflect Natura 2000 funding needs and that funding schemes need to be tailored more effectively to the specific objectives of Natura 2000 sites;
11. REITERATES the importance of ensuring predictable, adequate, regular and targeted EU funding for the financing of the Natura 2000 network and, taking into account the difficulty for accessing funding for Natura 2000 and biodiversity under the financial programmes of other sectors, APPRECIATES the timely presentation of the report ahead of the preparation of the next multi-annual financing framework;
12. AGREES with the Court's recommendation regarding the need to more accurately estimate spending and future funding needs at site and network level to ensure the appropriate inclusion of Natura 2000 in the programming documents of the relevant EU funds;
13. AGREES with the Court's recommendation regarding the need, for the Commission in agreement with the Member State concerned, to update the prioritised action frameworks (PAFs) based on a simplified and more focused methodology, ensuring consistency between the priorities set out in the PAFs and the programming documents for the various EU funding instruments;

Measuring the results achieved by Natura 2000

14. NOTES the recommended necessity of having a specific performance indicator system for the EU funding used to support the network;

15. AGREES with the Court's recommendation to establish cross-cutting Natura 2000 indicators for EU funds supporting the Natura 2000 network to ensure accurate tracking of results generated by these funds and to improve the quantification of the results of conservation measures, by relying on existing and regularly updated EU reporting requirements and data.

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