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To: Delegations

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Subject: The Mid-Term Review of the EU Biodiversity Strategy to 2020
- Council conclusions (16 December 2015)

Delegations will find in Annex the Council conclusions concerning the Mid-Term Review of the EU Biodiversity Strategy to 2020 as adopted by the Council at its 3441st meeting held on 16 December 2015.

The Mid-Term Review of the EU Biodiversity Strategy to 2020

- Council conclusions -

THE COUNCIL OF THE EUROPEAN UNION

1. RECALLING the new global 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly at its 70th session on 25 September 2015 during the United Nations Sustainable Development Summit;
2. STRESSING that one of the three key objectives of the General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ¹ (the seventh Environment Action Programme - 7th EAP) is to protect, conserve and enhance the Union's natural capital;
3. RECALLING that in its Conclusions ² of 26 March 2010, the European Council committed to the EU post-2010 vision ³ and headline target ⁴ for biodiversity as contained in the Council Conclusions ⁵ 'Biodiversity: Post-2010. EU and global vision and targets and international ABS regime' of 15 March 2010;

¹ Decision No 1386/2013/EU of 20 November 2013.

² EUCO 7/1/10 REV 1.

³ 7536/10, p. 4: 'by 2050 European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided'.

⁴ 7536/10, p. 4: 'halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss'.

⁵ 7536/10.

4. RECALLING its Conclusions of 21 June 2011 ⁶ on the EU Biodiversity Strategy to 2020 ⁷ and its Conclusions of 19 December 2011 ⁸: 'EU Biodiversity Strategy to 2020: towards its implementation', in which the Council endorsed the Strategy and considered it, together with its targets, to be a key instrument to enable the EU to reach its overall 2020 headline target, whilst emphasising the need to further discuss its actions so as to ensure its effective and coherent implementation;
5. TAKING NOTE of the report 'The European environment - state and outlook 2015' (SOER 2015) from the European Environment Agency (EEA), the report from the Commission on the 'State of Nature in the European Union' ⁹ of 20 May 2015 and the Global Biodiversity Outlook 4 prepared by the Secretariat of the Convention on Biological Diversity (CBD);
6. RECOGNISING that targeted conservation actions to implement the EU Biodiversity Strategy to 2020 (hereinafter 'the Strategy') have brought successes and STRESSING the need for greater effort towards achieving the six targets of the Strategy, especially by ensuring adequate management of the Natura 2000 network of protected land and marine areas, and for continued efforts aimed at integrating and mainstreaming biodiversity into other policy areas, such as policies on consumption and production patterns, the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP), and the Cohesion, Trade and Development policies, in order to meet the EU 2050 vision and the 2020 headline target for biodiversity;

⁶ 11978/11 + COR 1.

⁷ Communication from the Commission 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020' (9658/11 - COM (2011) 244 final).

⁸ 18862/11.

⁹ 9534/15.

Horizontal issues

7. APPRECIATES the report from the Commission on 'The Mid-Term Review of the EU Biodiversity Strategy' ¹⁰ of 2 October 2015 and its evidence-based approach and CALLS on the Commission and the Member States to raise awareness of the relevance of biodiversity and the ecosystem services it provides on this basis, including in all relevant reviews of other policies;
8. CALLS on the Member States to further improve the implementation of their national biodiversity strategies and action plans and RECALLS the importance of the Strategy's common implementation framework;
9. TAKES NOTE that the political and legal instruments dedicated to nature and biodiversity such as the Strategy, the Birds ¹¹ and Habitats ¹² Directives, the Water Framework Directive ¹³ (WFD) and Marine Strategy Framework Directive ¹⁴ (MSFD), the Regulation on invasive alien species ¹⁵ and the LIFE programme ¹⁶ form the Union basis for the protection of nature and biodiversity in the EU;

¹⁰ 12683/15.

¹¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

¹² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

¹³ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

¹⁴ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy.

¹⁵ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species.

¹⁶ Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007.

10. **CALLS** on the Commission and the Member States to further integrate and mainstream targets for biodiversity in the development and implementation of all relevant EU and national sectoral policies, including funding instruments and decision-making processes, and **EMPHASISES** that the fulfilment of the biodiversity-related objectives included in other policy areas is key to the full implementation of the Strategy;
11. **HIGHLIGHTS** the importance of cooperation with all relevant sectors, both public and private, and other stakeholders, and the contribution that they can make to achieving the targets of the Strategy; **EMPHASISES** the importance of the Business and Biodiversity Platforms and of sharing experiences and best practices with regard to business and biodiversity initiatives;
12. **UNDERSCORES** that financing actions aimed at protecting, valuing and restoring biodiversity and related ecosystem services should be regarded as an investment, essential for Europe's resource efficiency and for meeting the sustainable growth objective of the Europe 2020 Strategy, noting for instance that the economic benefits of the Natura 2000 Network ¹⁷ alone are estimated at EUR 200-300 billion per annum;
13. **STRESSES AGAIN** the need to ensure that the implementation of the Multiannual Financial Framework for the period 2014-2020 supports the achievement of the targets set out in the Strategy and **CALLS** on the Commission to work on biodiversity-proofing the EU budget, including an analysis of the effectiveness of an integrated approach for biodiversity financing;
14. **REITERATES** the importance of mobilising and effectively using both EU and national financial resources from all possible sources as appropriate, including innovative financial mechanisms, in order to ensure adequate levels of funding to meet the Strategy targets;

¹⁷ Study from the Commission on the economic benefits of the Natura 2000 Network available here: http://ec.europa.eu/environment/nature/natura2000/financing/docs/ENV-12-018_LR_Final1.pdf.

15. NOTES the results of the preparatory action on Biodiversity and Ecosystem Services in Territories of European Overseas (BEST), the funding available under the Commission's Best 2.0 programme, and URGES the Commission and the Member States to move forward on sustainable partnerships dedicated to mobilising resources to protect the unique ecosystems and the services they provide in the EU Outermost Regions and Overseas Countries and Territories;
16. EMPHASISES that in its Conclusions ¹⁸ of 16 December 2014 on the Special Report by the European Court of Auditors: 'Is the ERDF effective in funding projects that directly promote biodiversity under the EU biodiversity strategy 2020?' ¹⁹, it took note of the Court's findings that Member States did not always recognise the European Regional Development Fund (ERDF) as a possible instrument for promoting biodiversity, while its potential for financing Natura 2000 was not sufficiently realised, and welcomed its recommendations; and CALLS on the Commission and the Member States to further develop a mechanism to track biodiversity-related funding, as called for in the 7th EAP;
17. RESTATES the importance of further developing a coherent and open framework for monitoring, assessing and reporting on progress in implementing the Strategy in order to integrate existing data and knowledge on biodiversity, ecosystems and their services into the decision-making processes; INVITES the Commission to fully use the data already reported under environmental data flows and CALLS on the Member States and other interested parties to address data gaps, especially on the marine environment in cooperation with Regional Conventions, which will allow for improved conservation;

¹⁸ 16332/14.

¹⁹ 13428/14.

18. REITERATES its call, from the conclusions on 'Greening the European semester and the Europe 2020 Strategy - Mid-Term Review'²⁰ of 28 October 2014, for the Commission and the Member States to promote, among other key instruments, further synergies between natural and cultural capital, to develop a system for the valuation of natural resources, and of biodiversity and the ecosystem services it provides, in line with the 7th EAP guidance, with a view to developing indicators for monitoring economic progress, and to track how our natural capital continues to deliver essential ecosystem services in the long term;
19. STRESSES the fundamental role of terrestrial, freshwater and marine biodiversity and related ecosystem services in climate change mitigation and adaptation and CALLS for effective integration of biodiversity issues within the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention to Combat Desertification (UNCCD);

Fully implement the Birds and Habitats Directives – Target 1^{21 22}

20. CONFIRMS that the Birds and Habitats Directives are essential components of European nature protection and that their effectiveness depends on consistent implementation and adequate financial resources, as well as on the integration of biodiversity into other sectoral policies and REITERATES that full implementation of the Birds and Habitats Directives is key to achieving the targets of the Strategy;
21. HIGHLIGHTS that, whereas there are many habitats and species that still have an unfavourable conservation status, there are clear indications that the Natura 2000 network is playing a major role in improving the status of these species and habitats, especially where the necessary conservation measures have been implemented on an adequate scale;

²⁰ 14731/14.

²¹ The targets and actions referred to in these conclusions are contained in the Communication from the Commission 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020' (9658/11 - COM(2011) 244 final).

²² See Aichi Targets 5 and 12 from the CBD Strategic Plan for Biodiversity 2011-2020.

22. **URGES** the Member States to complete the establishment of the Natura 2000 network in order to contribute to achieving Aichi Target 11 and to develop and implement comprehensive plans or other equivalent instruments for the effective management of all Natura 2000 sites;
23. **REGRETS** that illegal killing of protected species, especially birds, still represents a major threat to the conservation of a number of those species in the EU and **CALLS** on the Commission and the Member States to review the available information concerning illegal killing, to improve procedures and to take urgent actions to prevent, detect and sanction breaches of the Birds and Habitats Directives;
24. **CALLS** on the Commission and the Member States to ensure predictable, adequate, regular and targeted funding for the proper management of the Natura 2000 network and for the conservation and sustainable use of biodiversity and related ecosystem services, within, as well as beyond, Natura 2000 areas by further integrating biodiversity into the financial instruments, taking into account the European Structural and Investment Funds (ESIF) national programming and using tools such as the Prioritised Action Framework (PAF);
25. **UNDERLINES** the importance of maintaining the goals and of not lowering the nature protection standards of the Birds and Habitats Directives in order to achieve the 2020 headline target for biodiversity and of maintaining legal certainty for all stakeholders, including businesses and Member States' authorities;
26. **LOOKS FORWARD** to receiving the results of the fitness check of the Birds and Habitats Directives in the first half of 2016, which is likely to allow for the identification of measures to further strengthen the implementation of the biodiversity protection framework;
27. **HIGHLIGHTS** the need for the Member States and the Commission to raise public awareness of all the benefits of the Natura 2000 network;

Maintain and Restore Ecosystems and their Services – Target 2 ²³

28. STRESSES the importance of implementing an ecosystem-based approach for safeguarding biodiversity and UNDERSCORES that whilst the first priority remains to protect biodiversity and ecosystems as well as the services they provide, ecosystem restoration is a key activity that can help to reverse some of the losses of ecosystems and related services while contributing to the 2030 Agenda for sustainable development;
29. WELCOMES the progress in the Mapping and Assessment of Ecosystems and their Services and ENCOURAGES the Member States to intensify their efforts towards valuation and accounting of ecosystem services i.e. for the benefit of planning and development processes and decisions, including implementing green infrastructure;
30. ACKNOWLEDGES that the Communication from the Commission on Green Infrastructure (GI) – Enhancing Europe’s Natural Capital ²⁴ has promoted the deployment of green infrastructure in the EU in urban and rural areas; UNDERSCORES the major potential of green infrastructure to deliver multiple services if fully integrated into planning frameworks at all levels and in cross-boundary cooperation; WELCOMES the progress made in its implementation and CALLS on the Commission to put forward by 2017 a proposal for an instrument equivalent to the existing trans-European networks for green infrastructure in Europe - TEN-G;
31. RECOGNISES the importance of integrating green infrastructure and nature-based solutions into financing instruments such as the ERDF and ACKNOWLEDGES that the EU Natural Capital Financing Facility is an additional source of financial support with the potential to leverage private funding for projects that could demonstrate benefits for biodiversity and for the economy;

²³ See Aichi Targets 14 and 15 from the CBD Strategic Plan for Biodiversity 2011-2020.

²⁴ 9436/13.

32. RECOGNISES that restoration strategies and activities are under way in the EU, although the status of knowledge needs to be further improved in order to assess their contribution to meeting Target 2 and INVITES the Member States to further define restoration priorities to be taken into account in national restoration prioritisation or equivalent frameworks;
33. CONSIDERS that an integrated spatial planning approach at landscape and seascape scale can also reduce loss of ecosystems, avoid further degradation and promote restoration;
34. URGES the Commission to put forward by 2016 an initiative setting out a common approach to ensure No-Net-Loss of biodiversity as foreseen in the Strategy taking into account national legal frameworks;
35. CALLS on the Commission and the Member States to ensure implementation of the WFD and MSFD and other relevant legislation to contribute to the conservation and restoration of biodiversity and ecosystems and to prevent damages to them;

*Increase the contribution of Agriculture and Forestry to maintaining and enhancing biodiversity – Target 3*²⁵

36. STRESSES the particular importance of an enhanced contribution by the agricultural sector to the Strategy; NOTES with concern that agriculture is one of the most prominent pressures on terrestrial ecosystems and that there has been no measurable improvement in the status of agriculture-related habitats and species covered by the Habitats Directive until 2012 and REGRETS the significant declines of farmland birds, grassland butterflies and pollination services, which underline continuing pressures from certain agricultural practices, such as some modalities of abandonment and intensification of agricultural land;

²⁵ See Aichi Target 7 from the CBD Strategic Plan for Biodiversity 2011-2020.

37. RECOGNISES that the 2013 reform of the CAP aims at further integrating biodiversity conservation requirements into Direct Payments and Rural Development measures; URGES the Member States to fully use all the instruments that the CAP offers to effectively contribute to protecting and enhancing biodiversity and ecosystem services and achieve policy coherence and sustainable agriculture;
38. CALLS UPON the Commission to fully evaluate the effects of the implementation of the CAP and its subsidies on biodiversity in the future agricultural policy reviews and to identify, together with the Member States, concrete solutions to ensuring adequate integration of biodiversity in the further development of the CAP and its financial instruments; and STRESSES the importance of sustainable agriculture for the transition towards a sustainable climate-neutral society;
39. ACKNOWLEDGES that biodiversity for food and agriculture has significant potential for improving global sustainable food security and for climate change mitigation and adaptation and ENCOURAGES the Commission and the Member States to fully implement the International Treaty on Plant Genetic Resources for Food and Agriculture;
40. UNDERSCORES the importance of healthy forest ecosystems, and sustainable forest management, in ensuring the protection of biodiversity and the delivery of ecosystem services; EMPHASISES the importance of strengthening the forest knowledge base including a detailed analysis of influencing factors in the dynamics of forest ecosystems such as landscape ecology, air pollution, climate change, pests and diseases, land degradation, forest fires, and changes in the water regime; and EXPRESSES deep concern about the further decrease in the favourable conservation status of forest habitats of European importance to about 15%;
41. TAKES NOTE of the report "State of Europe's Forests 2015" published at the 7th Ministerial Conference of the Forest Europe process, and HIGHLIGHTS the need for further collaborative work to improve information base, building on national forest inventories, with the forest sector on all aspects of monitoring, assessment and reporting related to forests and forest-related biodiversity aspects;

42. INVITES the Member States to encourage maximum use of forest management plans or equivalent instruments and to include therein appropriate measures for conservation and restoration of protected and other species and habitats of the forest ecosystems within, as well as beyond, Natura 2000 areas;
43. STRESSES the importance of identifying appropriate measures to ensure that biodiversity concerns are met in Union policies on bioenergy, including measures to avoid adverse impacts;

Ensure the sustainable use of Fisheries Resources – Target 4 ²⁶

44. NOTES the Commission Communication "Consultation on the fishing opportunities for 2016 under the CFP" ²⁷; RECOGNISES the fact that a number of European fish stocks are still at risk due to overfishing and that the use of certain fishing methods can have adverse impacts on other, non-targeted, species and habitats and STRESSES the importance of the ecosystem-based approach, monitoring and enforcement to minimise the negative effects of these fishing methods, gradually eliminate discards, avoid the by-catch of unwanted species and preserve vulnerable marine ecosystems in accordance with Union legislation and international obligations;
45. CONSIDERS it necessary to phase out those capacity-enhancing subsidies which lead to overexploitation of fish stocks and RECOGNISES the important steps in that direction that have been taken under the European Maritime Fisheries Fund;
46. STRESSES the importance of the conservation and restoration of marine, freshwater and estuarine habitats and species as required by the Birds and Habitats Directives, the MSFD and the WFD, in particular through the implementation of the Natura 2000 network, and EMPHASISES the need for the conservation and restoration of habitats for long-distance migrating species;

²⁶ See Aichi Target 6 from the CBD Strategic Plan for Biodiversity 2011-2020.

²⁷ 9341/15 COM(2015) 239 final.

47. CONSIDERS that the development of long-term regional sustainable management plans based on scientific recommendations is a key principle for the protection of the biological diversity of marine, freshwater and estuarine environments;
48. URGES the Member States to fully use all the instruments that the CFP offers to achieve the maximum sustainable yield exploitation rate on a progressive incremental basis at the latest by 2020 for all stocks, with the aim of ensuring that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce maximum sustainable yield and to combat illegal, unreported and unregulated (IUU) fishing;

*Combat Invasive Alien Species (IAS) – Target 5*²⁸

49. WELCOMES the fact that the EU is on track with the actions envisaged under Target 5 in order to achieve it by 2020 and is contributing significantly to the achievement of Aichi Target 9; in this respect, HIGHLIGHTS the importance and the urgency of adopting a first list of invasive alien species of Union concern and keeping this list up-to-date;
50. URGES the Member States and the Commission to follow up on the list of invasive alien species of Union concern with concrete measures and comprehensive and coherent implementation actions in order to reach the objectives of the Regulation on invasive alien species;
51. STRESSES the importance of the Ballast Water Convention²⁹ and ENCOURAGES the Member States to ratify it in order to limit the spread of invasive alien species from ships and thus facilitate achievement of the target;

²⁸ See Aichi Target 9 from the CBD Strategic Plan for Biodiversity 2011-2020.

²⁹ International Convention for the Control and Management of Ships' Ballast Water and Sediments.

Help avert global biodiversity loss – Target 6

52. REITERATES the importance of the EU and its Member States' contribution to averting global biodiversity loss and enhancing its global governance; UNDERLINES that ensuring the achievement of the Strategy's targets will contribute to achieving the global commitment on biodiversity contained in the Strategic Plan for Biodiversity 2011-2020³⁰ and the Aichi Biodiversity Targets, as well as the global 2030 Agenda for Sustainable Development, which recognises biodiversity as a cornerstone for sustainable development and poverty eradication, and in particular all biodiversity related Goals and their targets; and INVITES the Commission and the Member States to ensure coherence and complementarity in the implementation of these processes, including through the use of coherent sets of indicators and through the agenda on Policy Coherence for Development;
53. WELCOMES the establishment by the General Assembly of the United Nations of a preparatory Committee to make substantive recommendations on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;
54. UNDERLINES the crucial importance of marine protected areas in helping to avert marine biodiversity loss and the need to assess the cumulative impacts of human activities on marine biodiversity;
55. REITERATES the need to ensure that biodiversity concerns are systematically reflected in all relevant trade agreements concluded by the EU, and in the Union's and Member States' development cooperation actions and programmes, and that such provisions are fully implemented by all parties;

³⁰ Decision UNEP/CBD/COP/DEC/X/2 of 29 October 2010 adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting.

56. CALLS on the Member States and the Commission to continue working to achieve Aichi Target 3 on phasing out incentives, including subsidies, harmful to biodiversity and developing positive incentives for the conservation and sustainable use of biodiversity by 2020 in all relevant sectoral policies;
57. HIGHLIGHTS the importance of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation and CALLS ON the Member States to ratify it as soon as possible;
58. RECOGNISES the threat to global biodiversity posed by poaching and illegal killings and the need for urgent and coordinated action to combat the illegal trade in wildlife; and WELCOMES the development of an EU Action Plan against Wildlife Trafficking;
59. EMPHASISES that the impact of EU production and consumption patterns must be reduced to avert global biodiversity loss and to deliver on the global 2030 Agenda for Sustainable Development; and STRESSES the importance of international cooperation in this area, including within the CBD, the International Resource Panel and the 10-year framework of programmes on sustainable consumption and production patterns;
60. TAKES NOTE of the new circular economy package that intends to minimise the EU impacts on global biodiversity and, in this context, RECALLS the importance of promoting resource efficiency and the circular economy;
61. WELCOMES the Commission's intention to carry out a feasibility study on an EU action to address global deforestation in 2016;

62. CALLS on the Member States and the Commission to contribute to delivering, together, on the international commitment for resource mobilisation to double total biodiversity-related international financial resource flows by 2015 to developing countries, in particular least developed countries and Small Island States, as well as countries with economies in transition, using average annual biodiversity funding for the years 2006-2010 as a baseline, and at least maintain this level until 2020, in line with Aichi Target 20, and ENCOURAGES the Commission and the Member States to report on their contributions to collective efforts to mobilise resources to implement the Aichi Biodiversity Targets.
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