



SUPPLEMENTAL PAPER NATIONAL PROTECTED AREA SYSTEMS AND THE NATURA 2000 SYSTEM

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DRAFT 1

This paper is supplementary information to the report on wild land in Europe commissioned by the Scottish Government. It details the findings of a review of the incorporation of the EU directives on Birds and Habitats into national protected area legislation in Europe. This is followed by an investigation into the relationship between national protected areas and the Natura 2000 system.

The paper should be read in conjunction with the following section of the report:
Section 6.2 Wild places and the Natura 2000 system, in Chapter 6 ISSUES AND IMPLEMENTATION OF WILDLAND IN EUROPE.

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<http://www.scotland.gov.uk/Resource/Doc/1051/0109251.pdf>

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National Protected Area Systems and the Natura 2000 System

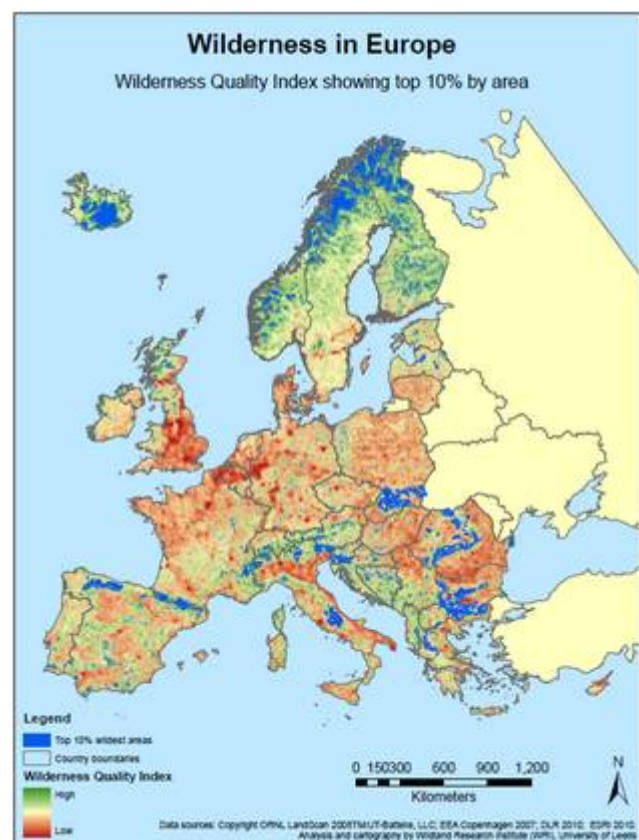
Europe has a history of privately owned forest reserves that date back to the mid 19th century, with the Žofín and Boubín Primeval Forests of the Czech Republic. Nationally recognised and protected areas reach back to the beginning of the 20th century: Allindelille Fredskov is a forested area with lakes and marshes in Denmark that has been protected since 1905, and is classified as IUCN Category Ia (1). The Swedish Parliament passed a law on national parks in 1909, and nine were designated that year, the six largest are classified as IUCN Category II. Other European countries quickly followed, and with a variety of different types of protected area: the mountain forest, alpine lakes and tundra of the Lagodekhi State Nature Reserve in the Greater Caucasus in Georgia was protected in 1912 and is IUCN Category Ia (2); the Moricsalas Nature Reserve, a wooded island in Latvia was also created in 1912 and is IUCN Category Ib (3); the Swiss National Park followed soon after in 1914 and is IUCN Category Ia (4); the mountain and taiga of the Barguzinsky Nature Reserve, a "zapovednik" or strict nature reserve in Russia set up in 1916 to protect the sable is IUCN Category Ia (5); the protection of the Alpine Conservation Park of Slovenia, now known as the Triglav National Park, dates from 1924, and is IUCN Category II (6). In Malta, the Bidnija (Zebbug Antik) protected area is an early example of a natural monument, this area of "Historical Trees Having an Antiquarian Importance" being designated under the Antiquities Protection Act of 1925 and is IUCN Category III (7).

These few examples illustrate that areas protected under national systems have existed for many decades before there were trans-national systems of classification, and certainly long before the IUCN system or Natura 2000 system were devised. It is thus testament to the wisdom of nations in Europe that knowing where their wildland was, they put in place the means to recognise its value and give it protection. Many of those early protected areas set out with the same aims as those of contemporary IUCN Category Ia & Ib areas, to safeguard a characteristic of wildness through restrictions on extractive activity within a protected area, and have that classification today. It is thus not surprising that 99% of protected areas in IUCN Category Ia and Ib can be calculated to be found within the top 10% WQI of the wildland continuum (see Fig. 1).

Figure 1 Top 10% WQI in Europe

In a very real sense, the development of the IUCN system of categories for protected areas was devised on the basis of these good examples of the national protected area systems existing around Europe and elsewhere, as first captured in 1962 by IUCN's World List of National Parks and Equivalent Reserves (8). In turn, there is widespread reciprocity in that the IUCN categories have been incorporated into the national protected area legislation in 30 European countries, and is the basis for reporting protected areas to the European Environment Agency for the National Common Database of Designated Areas (CDDA) through obligations under the Convention on Biological Diversity (CBD).

Ten of the 12 recent accession countries to EU membership have national systems of protected area legislation based on the approach of the IUCN categories. Since accession their from 2004 onwards, these countries have been required to incorporate the Birds and Habitats Directives into their national legislation (9) and will have begun to identify areas under the Natura 2000 system based on the habitats (Annex I) and



species (Annex II) that are considered a European priority, rather than necessarily a national priority. This is a compositionalist strategy for biodiversity conservation, based on the preservation of listed species and habitat types of “community interest” (10).

Through a review of the legislation, it was found that nine of those 12 recent accession countries to EU membership incorporated the EU directives through amendments into their existing protected area legislation (see Box 1). Cyprus instead included the directives in its Act on Protection and Management of Nature and Wild Life from 2003; Bulgaria amended its Biological Diversity Act from 2002; and Malta accompanied its existing protected area legislation with the Flora, Fauna and Natural Habitats Protection Regulations in 2006. Similarly, 11 of the 15 longer established members of the EU have incorporated the directives into their existing protected area legislation. Ireland, Italy and the UK incorporated the directives through regulations.

Box 1 Natura 2000 in European protected area legislation

Legislation refers to Natura 2000

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden (21/27)

Legislation refers to Natura 2000 and incorporates IUCN Categories

Austria, Czech Republic, Estonia, Germany, Greece, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden (15/27)

Slovakia

§ 17

Protected Areas and their Protective Zones

(1) Sites hosting natural habitats of European interest and natural habitats of national interest (§ 6 Section (3)), habitats of species of European interest, habitats of species of national interest and habitats of birds including migratory species for protection of which protected areas, important landscape elements or areas of international interest are designated, can be designated protected areas:

- a) protected landscape area (§ 18),
- b) national park (§ 19),
- c) protected site (§ 21),
- d) nature reserve (§ 22),
- e) nature monument (§ 23),
- f) protected landscape element (§ 25),
- g) protected bird area (§ 26).

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Spain

Article 41. Natura 2000 Network.

1. The European Ecological Network Natura 2000 is a coherent ecological network composed of Sites of Community Importance, until its transformation into special areas of conservation, such as Special Areas of Conservation and Special Protection Areas for birds, whose management will take into account economic, social and cultural requirements, as well as regional and local characteristics.

2. Sites of Community Importance, Special Areas of Conservation and Special Protection Areas for Birds have the status of protected areas, including the designation of Natura 2000 protected area, and with the scope and limitations established in the Autonomous Communities legislation and relevant planning instruments.

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In summary, 20 out of the 27 EU member states have single Acts of legislation that designate for their national protected areas as well as Natura 2000 sites, and 14 of those also incorporate the IUCN categories (see Box 1). There are protected area types for Natura 2000 sites alongside the national protected area types in the legislation of that latter group of countries, the example from Slovakian legislation showing "*protected site*" and "*protected bird area*" (see Box 1). Other examples are the "*Natura 2000 areas*" of Poland; the "*Special Areas of Conservation*" and "*Special Protection Bird Area*" of Romania. Estonian legislation has "*species protection sites*" and Luxembourg has "*Protected areas of community interest*". Greece has both "*Special Protection Areas*" and "*Special Areas of Conservation*", and the legislation allows that protected areas in these categories may also be included in any other category of protection area amongst the national designations.

It is interesting to note that in the example of the lead article for the Natura 2000 Network in Spanish legislation, that "*economic, social and cultural requirements*" are to be taken into account (see Box 1). This echoes the Czech Presidency report produced for the Conference on Wilderness and Large Natural Habitat Areas in Prague, 2009 (11):

"Within the EU itself, some of these [undisturbed/non-intervention/pristine] areas are part of the Natura 2000 network, the principal EU instrument for nature conservation, which is essentially not a network of strictly protected natural areas, but areas where human, economic, social and cultural activities are integral parts of management"

The Ministry for Environment and Protection of Land and Sea in Italy concurs with that in its description of Natura 2000 (12):

"The areas that make up the Natura 2000 are not strictly protected reserves where human activities are excluded, the Habitats Directive aims to ensure the protection of nature and taking into account "economic, social and cultural requirements and regional and local" (Art. 2)"

It is the case though that existing national protected areas in EU member countries have been co-designated as Natura 2000 sites as well, without the need for a new protected area type, and some of these are strictly protected areas rather than only cultural landscapes.

There are also examples of legislation where some of the Natura 2000 sites are not statutory protected areas, and may arise through contracts with landowners, such as in the legislation of the Czech Republic, Finland, France and Germany. In order to identify the relationship between the Natura 2000 system and national protected areas, the European Topic Centre on Nature Protection and Biodiversity has analysed the degree of overlap between the designations in national protected area systems (as reported in the CDDA) with those reported for the Natura 2000 network of protected sites (13). The overlap varies substantially between countries – from nearly 0% to 100% (see Fig 2).

Three of the more recent accession countries – Estonia, Latvia and Malta - have almost full coverage of their Natura 2000 areas with national designations. However, only seven countries have greater than 80% overlap, and with 11 countries not even achieving 50% overlap. While this may indicate that the implementation of the Natura 2000 network has increased the overall area committed to nature conservation measures across the EU, it does also suggest that member states differentiate between their aspirations for their national protected area systems and the Natura 2000 system. It may also indicate variability in being able to achieve and enforce protective measures to the same extent as in national protected areas.

Perhaps the most significant observation is that only Luxembourg out of all the EU member states identifies Natura 2000 sites as protected area types in its report to the CDDA – 47 areas for habitats and 12 areas for birds, all of which are classified as Category IV managed reserves (14). Luxembourg is the only EU country missing from the analysis of the overlap of Natura 2000 sites by national designations.

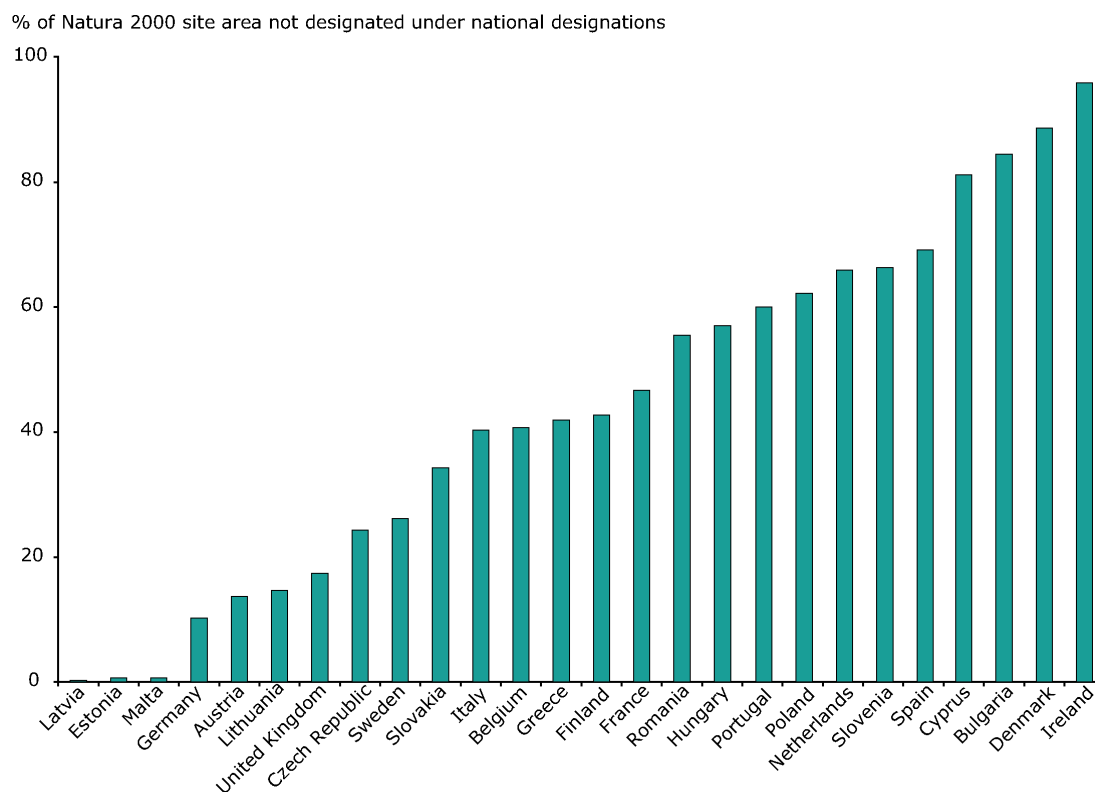


Fig 2 Percentage of Natura 2000 site area not protected under national instruments per EU Member State – EEA (13)

Of the EU countries with the lowest overlap, the report from Bulgaria to the CDDA does identify protected area types in accordance with the Bird and Habitat Directives, but it does not give any data for these. Instead, it has the following against the two protected area designations (15):

" This category is not included in the table "sites". Information for these sites has sent directly to EC with Natura 2000 database"

The CDDA of Denmark also identifies protected area types of an " *EU Habitats Directive area*" and an " *EU Birds Directive area*" but none of their protected areas are shown to be classified in either of these protected area types.

It is likely that many other EU other countries do the same, reporting on their Natura 2000 sites only to the EC, indicating that there is an emphasis on national rather than EU types of protected area in reporting under the obligations of the CBD. Ireland, for instance has 423 SACs and 131 SPAs, many of which have some overlap with national protected areas (16) but while Ireland's National Parks, National Nature Reserves and Natural Heritage Areas are given in the CDDA, there are no details for the Natura 2000 sites (17).

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(13) Percentage of Natura 2000 site area not protected under national instruments per EU Member State, European Environment Agency March 2010

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