



JASPERS Networking Platform

Webinar on Habitats Directive Site Specific Conservation Objectives and Project Preparation

**Major Projects and application of the
Directive 92/43/EEC (Habitats Directive):
assessment of effects on Natura 2000 sites
- lessons learnt**

03rd of December 2021, DG REGIO, Unit F1

- Major Project Requirements and the Habitats Directive
- Appendix 1 Declaration
- Lessons Learnt in 2019-2020

IMPROVEMENTS COMPARED TO PREVIOUS PROGRAMMING PERIOD

Improvements compared to previous programming period	Oct. 2018	April 2019	Nov. 2019	Jun. 2020	Nov. 2021	2007-2013
Majority of MPs (%) approved within the 3 months approval period	89%	68%	64%	68%	66%	11%
Average MP approval time (without interruption) reduced to 1/2	88	98	95	96	95	198
Average nr. of interruptions during approval of a MP substantially reduced	0.29	0.34	0.29	0.34	0.37	1.9
Reduced nr. of MPs interrupted (%)	32%	26%	23%	23%	25%	82%

Source: EC and JASPERS data



MAJOR PROJECT REQUIREMENTS AND THE HABITATS DIRECTIVE

- *Part F of the Application Form* (Commission Implementing Regulation 207/2015)
 - Corresponds to Article 101 f) of the Common Provision Regulation 1303/2013
 - “an analysis of environmental impact [...]”
- *Part F.4 of the Application Form* (Commission Implementing Regulation 207/2015)
 - related to Habitats Directive; assessments on Natura 2000 sites
 - Includes only 1 question with YES/NO answer options
 - “Is the project likely to have significant negative effects [...]?”
 - Depending on the answer, requests certain type of information to be provided by the MS

MAJOR PROJECT REQUIREMENTS AND THE HABITATS DIRECTIVE

Part F.4 of the Application Form (Commission Implementing Regulation 207/2015)

- for **YES** answer the MS has to provide full appropriate assessment and copy of decision.

F.4.2 *If the reply to question F.4.1 is 'Yes', please provide:*

- (1) the decision of the competent authority and the appropriate assessment carried out according to Article 6(3) of the Habitats Directive;
- (2) if the competent authority has determined that the project has significant negative effects on one or more sites included or intended to be included in the Natura 2000 network, please provide:
 - (a) a copy of the standard notification form 'Information to the European Commission according to Article 6(4) of the Habitats Directive' ⁽²⁾, as notified to the Commission (DG Environment) and/or;
 - (b) an opinion of the Commission under Article 6(4) of the Habitats Directive in case of projects having significant impacts on the priority habitats and/or species and justified by imperative reasons of overriding public interest other than human health and public safety or beneficial consequences of primary importance for the environment.

Appendix 1 Declaration

- Little history
- Requested in case of **NO** answer
- To be filled in by the competent authority responsible for monitoring of Natura 2000 sites
- Template provided
- Instructions provided in footnote

Appendix 1 Declaration

- Instructions provided in footnote

⁽¹⁾ The Appendix 1 declaration shall provide the name of the relevant site(s), reference number, the distance of the project to the nearest Natura 2000 site(s), its conservation objectives, and justification that project (either individually or in combination with other projects) is not likely to have significant negative effects on Natura 2000 site(s) included or intended to be included in the Natura 2000 network, and, if relevant, an administrative decision.

Lessons Learnt in 2019-2020

1/3

- One big environmental issue in MPs per programming period (EIA in 2007-2013; Natura 2000 in 2014-2020)
- It turns out it is never too early to work upstream for appropriate quality MPs
- MS are capable to mobilize themselves very fast and efficiently if needed

Lessons Learnt in 2019-2020

2/3

- “Site specific” proves to be the missing link
- Too short and compact statements in Appendix 1 declaration (footnote instructions ignored)
- Risks of MPs interruptions
- Different perceptions of time

Lessons Learnt in 2019-2020

3/3

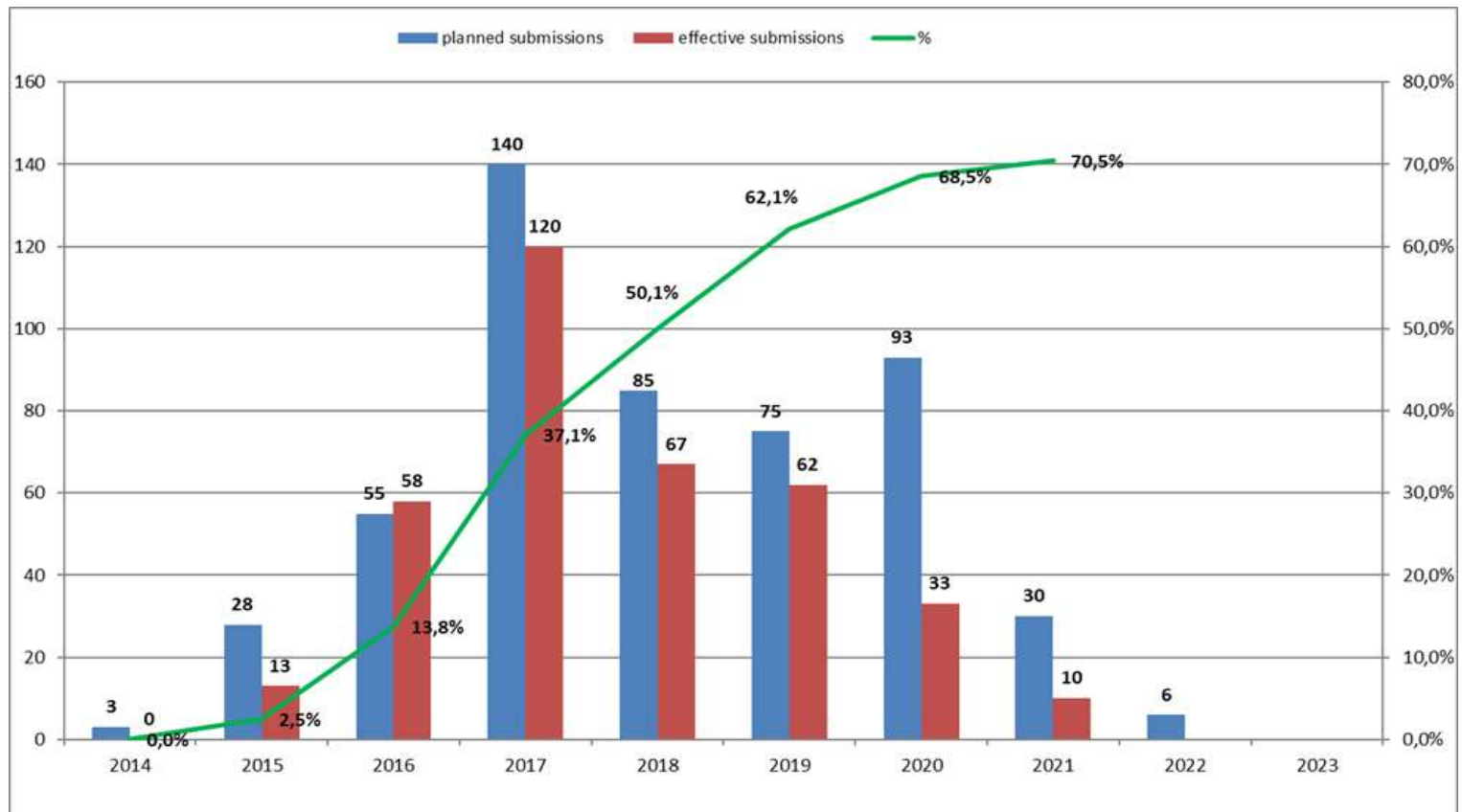
- Not all stakeholders are informed early enough
- Not all stakeholders are aware of their impact on the project's timeline
- Sometimes antagonist positions/perspectives
(investment priority versus environment protection priority while both are needed)
- Field data is core for the appropriate outcome

Lessons Learnt in 2021

- MS with MPs submitted/notified in 2019 and/or 2020, but interrupted, started earlier to address the problem; depending on their circumstances the time to correct situation was different
- MPs submitted/notified in 2021 are improved
- To continue engaging with the MS on the subject matter

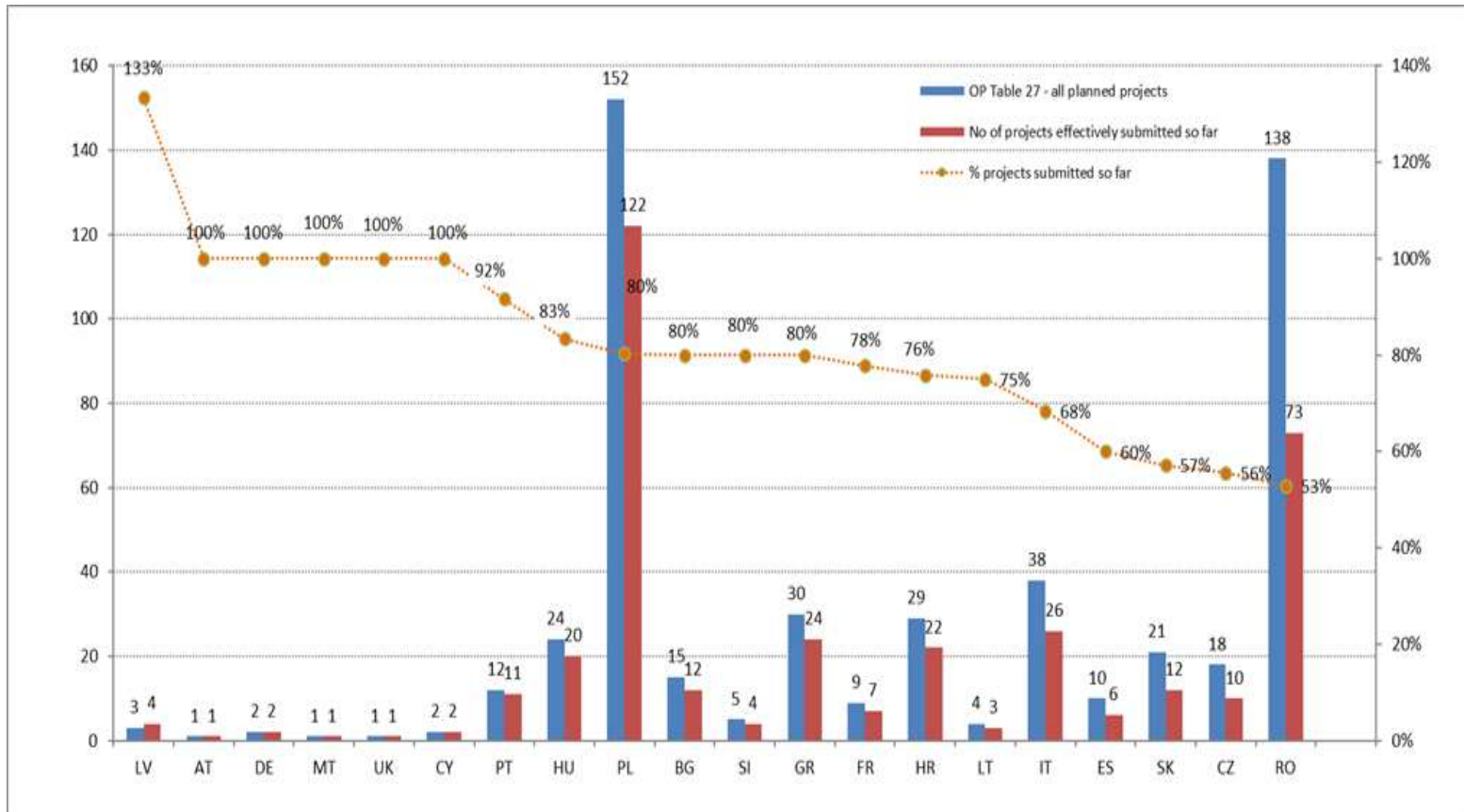
STATE OF PLAY OF MAJOR PROJECTS 2014-2020

Major projects – planned vs. submitted so far



STATE OF PLAY OF MAJOR PROJECTS 2014-2020

Major projects submissions – planned vs. submitted per MS



Conclusions

There are 3 core questions both for the environmental authorities and the Managing Authorities

- 1. How many Natura 2000 sites are concerned by each/all project(s)?**
- 2. Have those sites SITE-specific conservation objectives?** (if YES, were those discussed with DG ENV?; if NO site-specific objectives exist MS urgently to set them and advised to consider engaging in discussions with DG ENV Nature Unit (D3))
- 3. Has the Appendix 1 (Natura2000 declaration), where applicable, been written using full account of its footnote instructions and, thus, has sufficient explanations?** (If NO, revisit it or MS be prepared to be requested additional documents such as Presentation Memoires)



**Thank you for your
attention!**

Camelia Mihaela KOVÁCS

camelia-mihaela.kovacs@ec.europa.eu

REGIO-MAJOR-PROJECTS@ec.europa.eu

More Information

For info or further questions on this webinar please contact the JASPERS Networking Platform team:

jaspersnetwork@eib.org

JASPERS Networking Platform:

www.jaspersnetwork.org

JASPERS Website:

jaspers.eib.org

