



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 ENVIRONMENT
 Directorate D – Natural Capital
 ENV.D – The Director

Brussels,
 ENV.D.3 NN/JVDS/pp

“Nature Directors”

Dear Nature Directors,

I would hereby like to draw your attention to two issues discussed at the last NADEG meeting of 22-23 May 2019.

1. Follow-up of decisions taken at the 7th Meeting of the Parties (MOP) of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

Several amendments to the AEWA Annexes were adopted by the MOP. Among the species concerned by a population status change in Table 1 of Annex 3 of AEWA, nine species¹ are listed in Annex II of the Birds Directive and, therefore, may be hunted under national legislation in different Member States (see Annex to this note). For those nine species, in line with Council Decision 14175/18², the Commission entered a reservation on behalf of the EU, which is currently in force.

In line with the principles established for a long time in the Guidance Document on Hunting under the Birds Directive, hunting of a species in decline “cannot by definition be sustainable unless it forms part of a properly running management plan that also involves habitat conservation and other measures that will slow and ultimately reverse the decline”³. This approach is based on Article 7(4) requiring that the practice of hunting complies with the principle of “wise use” of the species as well as on Article 7(1) requiring that the hunting of Annex II species should “not jeopardize conservation efforts”, i.e. that hunting is compatible with the maintenance of the populations of the species concerned at a satisfactory level. Hunting of a bird species in unsecure status remains possible under Article 7 of the Birds Directive by way of exception where it is duly established that it does not contribute to worsening the conservation status of the affected bird populations and it is fully consistent with their recovery to secure status⁴.

¹ Common Eider *Somateria mollissima* (6 Member States concerned), Red-breasted Merganser *Mergus serrator* (5 Member States concerned), Common Pochard *Aythya farina* (all Member States concerned), Eurasian Oystercatcher *Haematopus ostralegus* (2 Member States concerned), Northern Lapwing *Vanellus vanellus* (8 Member States concerned), Bar-tailed Godwit *Limosa lapponica* (3 Member States concerned), Black-tailed Godwit *Limosa limosa* (2 Member States concerned), Red Knot *Calidris canutus* (2 Member States concerned), Spotted Redshank *Tringa erythropus* (2 Member States concerned).

² <http://data.consilium.europa.eu/doc/document/ST-14175-2018-INIT/en/pdf>

³ EU Guide on sustainable hunting under the Birds Directive, section 2.4.25.

⁴ By analogy with the case law on Article 16 of the Habitats Directive; see judgment of 14 June 2007 Commission v Finland, C-342/05, paragraph 29.

As no valid management plan (including an adaptive harvest programme) is in place for the above nine species, their hunting cannot be considered compatible with the above-mentioned requirements set in Article 7 of the directive. Therefore, hunting of these species should temporarily be suspended until such plans are in place and implemented. Any hunting thereafter should only be on the basis of it being sustainable and consistent with the recovery of the species to good conservation status. I hereby would like to invite you to inform us on your intentions in this respect by 31 July 2019.

Member States willing to allow hunting of these species in the future should take the lead in developing management plans, including adaptive harvest management programmes. In this respect, I welcome the availability expressed by Finland to lead on the Common Eider management plan development.

2. Prioritized Action Framework (PAF) and financing seminars

On 5 February 2019, I sent you a note recalling the need to submit to us the updated PAFs for the upcoming period 2021-2027. I would like to thank the nine Member States which have already done this and encourage those which still have to submit their PAFs to do so as soon as possible.

As explained at the latest NADEG meeting, the Commission assesses the PAFs in terms of their completeness, coherence and quality. Some of you have already received our feedback. I hope you found it useful in view of finalising the draft and submitting the final PAF. The remaining Member States, which are still awaiting our feedback, will receive our assessments in the coming weeks.

Let me take this opportunity to remind you of the importance of the PAFs as strategic planning tools. They set the financing priorities for EU investment in nature for the period 2021-2027 with a view to uptake of EU funds. On the basis of updated costings of management of the Natura 2000 network they should underpin the preparation of EU funding programmes post-2020, including the CAP Strategic Plans and Eco-schemes, cohesion, regional, maritime and fisheries programmes. In this respect, I would like to stress that according to the Commission proposal for the European Regional Development Fund (ERDF) regulation, funding from objective 2(7) related to biodiversity is conditional upon submitting a complete PAF of sufficient quality. The fulfilment of this so-called 'enabling condition' is necessary to ensure the timely approval of the ERDF programme for each of your countries.

PAFs will also serve as relevant plans for the purpose of strategic nature projects (SNAPs), which will replace nature integrated projects in the next LIFE Programme starting in 2021. In order to avoid any delay in LIFE implementation and optimise use of this fund, PAFs need to be in place well before the next EU funding cycle.

Let me also recall that the Commission has offered Member States to host financing seminars organised with the support of an external contractor. Most of you have already availed of this opportunity. The overall feedback from these seminars has been very positive as it helped the authorities and stakeholders to better understand the rationale behind the revised PAF format and to get information about opportunities for EU funding for Natura 2000 post-2020. Yet, some of you have not expressed an interest in hosting such a seminar. I think it would be regrettable if this opportunity was not availed of. I would therefore strongly encourage the remaining Member States to get in touch with us with a view to scheduling the event and discussing the agenda.

Yours sincerely,
E-signed

Humberto Delgado Rosa
Director

Appendix

No	Member State	AEWA-related issue		PAF-related issue	
		Species listed in Annex II of the Birds Directive covered by an EU reservation to AEWA.	Huntability in (according to the Artemis database http://www.artemis-face.eu/about-the-database)	PAF submitted	Financing seminar organised
1.	Austria	Common Pochard	Huntability	√	√
2.	Belgium	Common Pochard Northern Lapwing	- -	√	
3.	Bulgaria	Common Pochard	-		√
4.	Croatia	Common Pochard	-		√
5.	Cyprus	Common Pochard	Huntability		√
6.	Czech Republic	Common Pochard	Huntability		√
7.	Denmark	Common Eider Red-breasted Merganser Common Pochard Eurasian Oystercatcher Northern Lapwing Bar-tailed Godwit Black-tailed Godwit Red Knot Spotted Redshank	Huntability - Huntability - - - - - -		
8.	Estonia	Common Eider Common Pochard	Huntability Huntability	√	√
9.	Finland	Common Eider Red-breasted Merganser Common Pochard	Huntability Huntability Huntability		√
10.	France	Common Eider Common Pochard Eurasian Oystercatcher Northern Lapwing Bar-tailed Godwit Black-tailed Godwit Red Knot Spotted Redshank	- Huntability Huntability Huntability Huntability - Huntability Huntability		
11.	Germany	Common Pochard	Huntability		
12.	Greece	Common Pochard Northern Lapwing	Huntability Huntability		√
13.	Hungary	Common Pochard	Huntability		√
14.	Ireland	Common Eider Red-breasted Merganser Common Pochard Northern Lapwing	- - Huntability -	√	√
15.	Italy	Common Pochard Northern Lapwing	Huntability Huntability		√
16.	Latvia	Common Pochard	Huntability		√
17.	Lithuania	Common Pochard	Huntability	√	√
18.	Luxembourg	Common Pochard	-	√	√

19.	Malta	Common Pochard Red-breasted Merganser Northern Lapwing	Huntable - -	√	√
20.	Netherlands	Common Pochard Northern Lapwing	- -		√
21.	Poland	Common Pochard	Huntable		√
22.	Portugal	Common Pochard	-		√
23.	Romania	Common Pochard	Huntable	√	√
24.	Slovakia	Common Pochard	Huntable		√
25.	Slovenia	Common Pochard	-		√
26.	Spain	Common Pochard Northern Lapwing	Huntable Huntable	√	√
27.	Sweden	Common Eider Red-breasted Merganser Common Pochard	Huntable Huntable -		
28.	United Kingdom	Common Pochard Bar-tailed Godwit	Huntable -	N/a	N/a

Cc: Nicola Notaro, Michael O'Briain, Luisa Samarelli, Przemyslaw Oginski, Joseph van der Stegen (Unit D.3)