

José Manuel Barroso
President of the European Commission

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Brussels,
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Dear Jan Peter,

Thank you for your letter of 13 July informing me of your concerns in relation to Natura 2000. Please find enclosed a detailed response to the points raised in the Dutch position paper attached to your letter.

I trust this clarifies matters and look forward to continuing our close cooperation.

Yours sincerely,

A handwritten signature in black ink, consisting of a vertical line on the left, a horizontal line extending to the right, and a large, sweeping curve that arches over the horizontal line and ends with a small tick mark.

José Manuel BARROSO

H.E.
Dr. Jan Peter BALKENENDE
Prime Minister
Kingdom of the Netherlands

European Commission response to the Dutch Position paper on Natura 2000

Balance between economic and natural development

Natura 2000 does not threaten the balance between economic and natural development. Economic activities and new developments are not excluded from Natura sites. The EU Nature Directives explicitly acknowledge that human activities are part of the environment and the landscape. They establish safeguards to ensure that economic activities take due account of nature conservation objectives and that an acceptable balance between economic interests and nature protection is achieved.

There is no instance of the EU Nature Directives having prevented significant economic development in the Netherlands or in other Member State. There are numerous examples of large projects (e.g. extension of the Airbus factory in Hamburg, extension of the Rotterdam harbour) taking place within or close to Natura sites. In the Commission's experience, the systematic application of the protection regime under the Habitats Directive can actually help with the development of plans and projects since it provides a mechanism to manage potential conflicts between ecological and economic factors.

Ensuring proper management of Natura 2000 sites is also a sound economic investment in itself. Recent findings on the economic importance of protected areas - of which the Natura 2000 network constitutes the largest network worldwide - demonstrate that €32 billion invested in protected areas could secure ecosystem services worth €3.5 trillion per year (preliminary findings from the TEEB Study - The Economics of Ecosystems and Biodiversity - launched at the initiative of the European Commission and Germany in 2007).

Public support

Opinion surveys carried out by the Commission indicate that there is widespread public concern throughout Europe about the loss of biodiversity. Against this context, addressing the challenge of biodiversity loss is an agreed priority of both the Commission and the European Union. European Heads of State and Government have committed themselves to halting the loss of biodiversity by 2010. The UN has designated 2010 as the International Year on Biodiversity.

Natura 2000 is the European Union's main policy instrument to address the loss of biodiversity. To develop a wider understanding of the Network, the Commission has worked closely with Member States and other stakeholders to develop sector guidelines on the application of the directives. The Commission is also in the process of reinforcing its communication efforts on biodiversity.

The experience from several Member States is that one of the most effective ways of avoiding possible conflicts or delays in permitting procedures (and thereby maximising public support) is if nature conservation objectives are taken into account and integrated into project planning at an early stage.

Dynamic approaches vs. static conservation objectives

The Habitats Directive offers ample scope for dynamic approaches in achieving conservation objectives while also integrating socio-economic considerations. The development of integrated management plans for Natura 2000 sites and the establishment of species protection plans are two examples of this approach.

The Directive does not require the application of static conservation objectives. It is for the Member States to develop appropriate conservation measures while at the same time taking account of economic, social and cultural requirements and regional and local characteristics. The achievement of conservation objectives must be subject to regular surveillance and the conservation objectives must be adapted to natural developments or climate change where necessary.

Application of the precautionary principle

The precautionary principle is one of the foundations of the Community environment policy in accordance with Article 174(2) of the Treaty. The precautionary principle is also explicitly set out in the preamble of the Convention on Biological Diversity (CBD)¹.

The application of this principle in the context of the Habitats Directive does not contradict the approach taken in the CBD. Furthermore, it should not represent an obstacle to sustainable economic development since plans or projects can be authorised when there is no evidence of significant adverse effects on Natura 2000 conservation objectives. For plans or projects that will adversely affect the integrity of Natura 2000 sites, the Directive allows for the possibility of a derogation scheme.

Addressing the impacts of Climate Change

Climate and the status of biodiversity are irrevocably intertwined. Healthy ecosystems - to which the Natura 2000 network is a major contribution - play a critical role in resisting environmental stresses such as climate change.

Review of the Directives

The Directives as they stand do provide the necessary flexibility to ensure compatibility between nature protection and economic developments. The Netherlands is particularly advanced when it comes to developing such integrated development approaches. Development schemes for the Western Scheldt, the Markermeer and IJmeer and the development plan for the Dutch large river areas provide good examples.

Across Europe, the process of designation of terrestrial sites is nearing completion and the Commission's priority is to ensure that the Natura 2000 network is effectively managed and properly resourced. We therefore do not believe that a review would be justified.

A further consideration is that economic operators benefit from a stable and predictable legislative framework. The inevitable legal uncertainty that would be caused by a review would be likely to slow down the development of existing plans and projects.

¹ Which reads "where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat"