

## European treaties summaries

This document contains summaries of the following European treaties:

1. EU Birds Directive
2. EU Habitats Directive
3. EU Water Directive
4. EC Regulation No 338/97 of 9 December 1996
5. EC Regulation No 1808/2001 of 30 August 2001
6. Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)
7. Kiev Resolution on Biodiversity (2003)
8. MOU concerning Conservation Measures for the Siberian Crane
9. OSPAR - Convention for the Protection of the Marine Environment of the North-East Atlantic
10. EU Directive 2003/87/EC (13 October 2003)
11. EU Directive 2004/101/EC (27 October 2004)
12. Aarhus Convention - Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
13. Pan-European Biological and Landscape Diversity Strategy (PEBLDS)
14. Eurobats - Agreement on the Conservation of Bats in Europe
15. Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

### 1. EU Birds Directive

The European Union Birds Directive was adopted on April of 1979 and came into force on April of 1981 and is one of the main directives introduced by the EU on nature conservation.

#### Aims and approach

The aim of the Birds Directive is to provide for the protection, management and control of naturally occurring wild birds and their nests, eggs and habitats within the European Union. It serves to ensure that all wild birds receive basic protection from trapping and killing; that sufficient habitat is protected to assure the survival of threatened and migratory species; that large-scale or non-selective means of taking birds are prohibited; and that the exploitation, sale or commercialisation of most species is prevented.

Certain exceptions are made for legitimate sporting and hunting practices, and to allow governments to take action when birds pose serious risks for human health and safety, crops, livestock, fisheries, forests, water, or other flora and fauna. In particular it seeks to protect all wild birds and the habitats of listed species through the designation of specially protected areas (SPAs), which are incorporated in the Natura 2000 network established by the Habitats Directive 92/43/EEC.

This directive imposes strict legal obligations to the states - members and the European Committee are responsible for their implementation. The Committee may bring a case in the European Court, whenever a state - member is considered to offend the terms of the directive.

### **Institutional structure**

The treaty constitutes a framework for action that takes place at the international level. It places binding obligations upon Contracting Parties.

### **Work areas**

The treaty establishes a complex scheme for the protection of wild birds and their Habitats which requires the Member States to designate habitats, called Special Protection Areas (SPAs) for “particularly vulnerable species” (listed in Annex I) and to ensure the implementation of special habitat conservation measures.

Special Protection Areas (SPAs): EU Member States have classified over 3,600 Special Protection Areas covering more than 7% of EU-15 terrestrial territory.

Species Action Plans: Species Action Plans for at least 47 of Europe's most threatened birds have been finalised and are being implemented with the support of EU funds,

LIFE Nature Programme: In 1992, the EU launched the LIFE Nature Programme, which has played a key role in jumpstarting good SPA management, building up capacities and co-financing Species Action Plans.

Hunting: On 12 October 2004, the two main organisations representing hunters and bird conservationists in Europe, the Federation of Associations for Hunting and Conservation of the EU (FACE) and BirdLife International,

signed an agreement on sustainable hunting in which they affirmed their commitment to the objectives of the Birds Directive.

Awareness: The EU Birds Directive is well known among bird conservationists, ornithologists, hunters and people who are simply interested in birds.

## **2. EU Habitats Directive**

### **Objectives and approach**

The main aim of the European Union Directive on Habitats is to protect biodiversity in Europe. In the frame of this Directive, Member States should therefore maintain or restore habitats and species of Community Interest to a Favourable Conservation Status. For the protection of the habitat types listed in Annex I, and the species listed in Annex II of the Habitat Directive, Special Areas of Conservation (SACs) should be designated. The SACs will form a large part of NATURA 2000, a coherent European ecological network.

The European Commission (EC) requires Member States to report on the implementation of the Habitat Directive every six years, formally starting in 2001. The national reports include information about the status of the listed habitats and species and about the implementation and effect of applied management measures. Based on monitoring results, the status and the effect of management measures are assessed. Based on the national reports, the EC then writes a composite report including an assessment of the status of the habitats and species listed in the Directive on the European level.

### **Institutional structure**

The treaty constitutes a framework for action that will take place mainly at the international level. It places binding obligations upon Contracting Parties.

### **Work areas**

Under the treaty, protected habitats in Europe areas are identified, classified and managed.

### **3. EU Water Directive**

In October 2000 the 'Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy' (EU Water Framework Directive or WFD) was adopted.

#### **Objectives and approach**

The purpose of the Directive is to establish a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. It will ensure all aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands meet 'good status' by 2015.

The Directive requires Member States to establish river basin districts and for each of these a river basin management plan. The Directive envisages a cyclical process where river basin management plans are prepared, implemented and reviewed every six years. There are four distinct elements to the river basin planning cycle: characterisation and assessment of impacts on river basin districts; environmental monitoring; the setting of environmental objectives; and the design and implementation of the programme of measures needed to achieve them.

#### **Institutional structure**

The implementation of the Water Framework Directive raises a number of shared technical challenges for the Member States, the Commission, the Candidate and EEA Countries as well as stakeholders and NGOs. In addition, many of the European river basins are international, crossing administrative and territorial borders and therefore a common understanding and approach is crucial to the successful and effective implementation of the Directive.

In order to address the challenges in a co-operative and coordinated way, the Member States, Norway and the Commission agreed on a Common Implementation Strategy (CIS) for the Water Framework Directive.

#### **Work areas**

The treaty has an ambitious programme of working including the following priority issues:

expanding the scope of water protection to all waters, surface waters and groundwater

- achieving "good status" for all waters by a set deadline
- water management based on river basins
- "combined approach" of emission limit values and quality standards
- getting the prices right
- getting the citizen involved more closely
- streamlining legislation

#### **4. EC Regulation No 338/97 of 9 December 1996**

The European Union Wildlife Trade Regulation, Council Regulation (EC) No. 338/97 came into effect on 1 June 1997.

##### **Objectives and approach**

The aim of the Regulation is to protect wild animals and plants currently or likely to become threatened by international trade, by regulating the trade in these species. It enforces CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) within the EU and provides additional measures for the conservation of species in trade.

##### **Institutional structure**

European Council Regulation 338/97 provides the legal framework for the control of trade within the European Community as well as import, export and re-export of species listed in the Appendices. This includes information as to the various documents required for trade and regulations regarding trade in live specimens of plants and animals.

##### **Work areas**

The regulation covers species listed in its four Annexes:

- Annex A : All CITES Appendix I species; Some CITES Appendix II and III species, for which the EU has adopted stricter domestic measures.
- Some non-CITES species
- Annex B : All other CITES Appendix II species; Some CITES Appendix III species; Some non-CITES species

- Annex C : All other CITES Appendix III species
- Annex D : Some CITES Appendix III species for which the EU holds a reservation; Some non-CITES species

## **5. EC Regulation No 1808/2001 of 30 August 2001**

Commission Regulation (EC) No. 939/37 came into effect on 1 June 1997. It lays down detailed rules for Member States on the implementation of Council Regulation (EC) No 338/97, as described above. This regulation, however has now been replaced by Commission Regulation (EC) No.1808/2001.

### **Objectives and approach**

European Council Regulation 1808/2001 provides the legal framework for the control of trade within the European Community as well as import, export and re-export of species listed in the Appendices. This includes information as to the various documents required for trade and regulations regarding trade in live specimens of plants and animals.

### **Institutional structure**

The regulation was issued by the European Council.

### **Work areas**

The regulation sets out the policies, procedures and measures with respect to import permits, export permits and associated documentation for wildlife trade.

## **6. Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)**

The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and came into force in 1982.

### **Objectives and approach**

The aims of the Convention are "to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation. Particular emphasis is given to endangered and vulnerable species, including endangered and vulnerable migratory species."

The Convention lists protected species on four Appendices: Appendix I lists strictly protected flora species, appendix II lists strictly protected fauna species, Appendix III lists protected fauna species, and Appendix IV lists prohibited means and methods of killing, capture and other forms of exploitation.

The Convention is a fundamental treaty at European level for biological diversity. It is co-ordinated by a Standing Committee that meets every year, has adopted 90 recommendations and seven resolutions, and organises many seminars and technical groups. It has put in place a very effective monitoring system (file cases) and develops a very comprehensive work programme.

### **Institutional structure**

Monitoring the convention is the responsibility of:

- the Standing Committee, which meets once a year and brings together representatives of the contracting parties and the observers. The Standing Committee sees to it that the provisions of the convention and its appendices are applied. It examines the reports filed by the contracting parties and the files on any controversial cases, which are often reported by the NGOs. The Standing Committee adopts recommendations for improving the implementation of the convention;
- the Bureau of the Standing Committee;
- Groups of Experts on threatened species; and
- a Secretariat provided by the Council of Europe.

### **Work areas**

The activities are organised by the standing committee focus on: the promotion of national policies for the conservation of wild flora, wild fauna and natural habitats; the integration the conservation of wild flora and fauna into national planning, development and environmental policies; and the promotion of education and dissemination of information on the need to conserve species of wild flora and fauna and their habitats

## **7. Kiev Resolution on Biodiversity (2003)**

In the final declaration of the Kiev Conference, the Environment Ministers renewed their commitment to the implementation of the Strategy as an instrument to achieve the objectives of the Convention on Biological Diversity. They also endorsed the Kiev Resolution on Biodiversity and committed to achieving the loss of biodiversity by 2010 through national efforts and regional co-operation.

### **Objectives and approach**

The resolution commits the EU commits itself to halting the loss of biodiversity in the pan-European region by 2010 by taking nine specific actions.

The resolution provides, *inter alia*, the following key targets: By 2006, the identification, using, of all high nature value areas in agricultural ecosystems in the pan European region will be complete. By 2008, a substantial proportion of these areas will be under biodiversity-sensitive management by using appropriate mechanisms support their economic and ecological viability.

### **Institutional structure**

This is a ministerial resolution.

### **Work areas**

The resolution highlighted key issues for Europe: forests and biodiversity, agriculture and biodiversity, the Pan-European Ecological Network, invasive alien species, financing of biodiversity, biodiversity monitoring and indicators, and public participation and awareness.

## **8. MOU concerning Conservation Measures for the Siberian Crane**

The Memorandum of Understanding concerning Conservation Measures for the Siberian Crane was concluded under CMS auspices in 1993, and was the first such instrument to be considered an agreement under Article IV (4) of the Convention..

### **Objectives and approach**

Originally concentrating on the highly endangered Western and Central Populations of Siberian cranes, which migrate between breeding grounds in Western Siberia and wintering sites in Iran and India, respectively, the scope of the Memorandum was extended in 1998 to cover the larger Eastern Population which winters around Poyang Lake, China, and accounts for over 95% of the species.

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### **Institutional structure**

The Siberian crane MOU now has nine Signatory States: Azerbaijan, China, India, Islamic Republic of Iran, Kazakhstan, Pakistan, Russian Federation (the latest to join), Turkmenistan, and Uzbekistan. It is hoped that the two remaining Range States - Afghanistan and Mongolia - will become members in the not too distant future.

### **Work areas**

The Conservation Plans for the Western, Central and Eastern Siberian Cranes, agreed in May 2001, are structured according to the Mouse basic objectives, followed by a number of programmes and specific activities that recognize both the similarities and differences in the actions required to restore the populations.

Important new information about critical sites has been gathered, recovery efforts are better co-coordinated and the remaining Western/Central Asian populations are managing to maintain stable numbers

## **9. OSPAR - Convention for the Protection of the Marine Environment of the North-East Atlantic**

The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) was adopted in Paris, France in September 1992 and entered into force in March 1998.

### **Objectives and Approach**

The Commission has adopted five strategies for directing its work. Measures and programmes within the Biodiversity Strategy include the identification of ecological quality objectives of the North Sea, development of lists of species and habitats in need of protection, identification and selection of marine protected areas, and the prevention and control of adverse impacts from human activities.

### **Institutional Structure**

An OSPAR Commission was established to administer the Convention and to develop policy and international agreements.

### **Work areas**

OSPAR replaced both the Oslo and Paris Conventions, with the intention of providing a comprehensive and simplified approach to addressing all sources of pollution which might affect the maritime area, as well as matters relating to the protection of the marine environment other than those relating to the prevention and elimination of pollution. It retained all decisions, recommendations and agreements adopted under the previous Conventions, subject to termination through the adoption of new measures under OSPAR.

## **10. EU Directive 2003/87/EC (13 October 2003)**

Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive

96/61/EC. The Directive came into force on 25 October 2003 when it was published in the EU's Official Journal.

### **Objectives and approach**

The directive established a scheme for greenhouse gas emission allowance trading within the European Community in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner.

This scheme includes a system of permits and allocations.

## **11. EU Directive 2004/101/EC (27 October 2004)**

The European Parliament and Council issued Directive 2004/101/EC on 27 October 2004 to cover the text of the Kyoto Protocol with relevance to the EEA. This Directive effectively amended the original Directive 2003/87/EC which set up the EU ETS.

### **Objectives and approach**

The Linking Directive, as it is known, allows emissions credits generated by Kyoto project-based mechanisms (through Joint Implementation and the Clean Development Mechanism) to be used to meet EU ETS obligations.

Specifically, the Directive allows the use of certified emissions reductions (CERs) from 2005 and emission reduction units (ERUs) from 2008. The use of CERs and ERUs will take place in the same way as use of EUAs.

In Phase II of the EU ETS, a limit on the use of CERs and ERUs will be set in each Member State's National Allocation Plan

## **12. Aarhus Convention - Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

The UN Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of

Aarhus at the Fourth Ministerial Conference as part of the "Environment for Europe" process. It entered into force on 30 October 2001.

### **Objectives and approach**

The Aarhus Convention establishes a number of rights of the public with regard to the environment. Its Parties required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. In particular, the treaty provides for:

- the right of everyone to receive environmental information that is held by public authorities;
- the right to participate in environmental decision-making; and
- the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general.

### **Institutional structure**

The governing body of the Aarhus Convention is the Meeting of the Parties.

In the periods between meetings of the Parties, the Working Group of the Parties oversees the implementation of the work programme.

The Bureau of the Meeting of the Parties serves also as the Bureau of the Working Group.

A Compliance Committee has been established to address issues of alleged non-compliance with the Convention.

The Parties have also established the following Working Groups or Task Forces :

- Working Group on Genetically Modified Organisms,
- Working Group on Pollutant Release and Transfer Registers,
- Task Force on Electronic Tools,
- Task Force on Access to Justice,
- Task Force on Financial Arrangements, and
- Expert Group on Public Participation in International Forums.

These bodies are serviced by a Secretariat of the convention.

### **Work areas**

From the Conference of the Parties, numerous areas are now being addressed under the convention. These include: a protocol on pollutant relation and transfer registers (PRTR), GMOs, access to justice, electronic information tools, compliance, and capacity building.

## **13. Pan-European Biological and Landscape Diversity Strategy (PEBLDS)**

The Council of Europe in 1994, in cooperation with other national and international organizations, both governmental and non-governmental, took the initiative to develop the Pan-European Biological and Landscape Diversity Strategy. PEBLDS is a European response to support implementation of the Convention on Biological Diversity. It was proposed in the Maastricht Declaration Conserving Europe's Natural Heritage (1993), and builds on the Bern Convention, the European Conservation Strategy (1990), the Dobruša and Lucerne Ministerial Conferences (1991, 1993), UNCED (1992), and other existing initiatives and programmes.

### **Objectives and approach**

PEBLDS is an innovative and proactive approach to stop and reverse the degradation of biological and landscape diversity values in Europe. Innovative, because it addresses all biological and landscape initiatives under one European approach. It is proactive, because it promotes the integration of biological and landscape diversity considerations into social and economic sectors.

PEBLDS reinforces the implementation of existing measures and identifies additional actions that need to be taken over the next two decades. It also provides a framework to promote a consistent approach and common objectives for national and regional action to implement the Convention on Biological Diversity.

### **Institutional structure**

The PEBLDS bodies include:

- the Strategy Council, which is the decision making body consisting of countries and observers;
- the Strategy Bureau, which is the executive support to the Council and consists of a limited number of countries whose task is to assist the Council and its president; and
- the Joint Secretariat from the Council of Europe and UNEP.

In addition, there is an Expert Committee for the Pan European Ecological Network led by CoE and ECNC, consisting of State members along with expert observers.

Also there is another European Task Force on Banking, Business and Biodiversity, with its Secretariat at ECNC.

### **Work areas**

PEBLDS seeks to achieve its activities by:

- facilitating and supporting the exchange of experience on, and creation or further development of, National Biodiversity Strategies, Action Plans and Programmes as stipulated by the Convention on Biological Diversity, and promoting a consistent approach and common objectives in all countries of Europe;
- using all other existing international and national legislation and policy, such as the EU Natura 2000 Programme, sectoral policy including agricultural, fisheries, transport, regional development and social policies, and implementing fully the EU Sixth Environmental Action Programme and the EU Sustainable Development Strategy; and
- facilitating, supporting and promoting the implementation of the existing international agreements and treaties.

## **14. Eurobats - Agreement on the Conservation of Bats in Europe**

The Agreement on the Conservation of Populations of European Bats, which came into force in 1994, at present numbers thirty European states among its Parties, from North, South, East and West.

The Agreement was set up under the Convention on the Conservation of Migratory Species of Wild Animals, which recognises that endangered migratory-species can be properly protected only if activities are carried out over the entire migratory range of the species.

### **Objectives and approach**

The agreement's main aim is to provide a framework for the member countries and those that have not yet joined for co-operation towards a common goal: the conservation of bats throughout Europe.

The member states (parties) prohibit the deliberate capture, keeping or killing of bats except for research purposes for which a permit is required. The strategic goals of the agreement are the identification of important sites for bat conservation, surveys of the status and trends of bat populations and studies of their migratory patterns. Based on the results of these monitoring activities the Agreement aims to develop and review recommendations and guidelines on diverse topics that shall be implemented by the Parties on a national level.

### **Institutional structure**

The EUROBATS Secretariat was established by the First Session of the Meeting of Parties in 1995. It started working in Bonn, Germany in 1996, and has been co-located with the Secretariat of the Bonn Convention and other environment and development-related United Nations institutions in Bonn, Germany.

Its particular functions are to:

- be a point for exchanging information, and co-ordinate international research and monitoring initiatives;
- arrange Meetings of the Parties and the Advisory Committee;
- stimulate proposals for improving the effectiveness of the Agreement, and attract more countries to participate in and join the Agreement;
- stimulate public awareness, by all media open to it, of the threats to bat populations in Europe and what can be done at all levels to prevent their numbers dwindling further.

### **Work areas**

The Bat Agreement aims to protect all 45 species of bats identified in Europe, through legislation, education, conservation measures and international co-operation with Agreement members and with those who have not yet joined.

In 1995, the First Session of the Meeting of Parties to the Agreement formed an Action Plan, which was to be translated into international action. They established an Advisory Committee to carry forward this Plan between the Meetings of Parties.

The most significant items for the Advisory Committee are monitoring and international activities. A pan-European observation study is to identify population trends and then to facilitate the timely introduction of measures to address any problems which the study's results might throw up. The study is based upon representative species, and consistent methods for observing them are to be used.

International-protection measures for bats have, above all, to concentrate on those species which migrate the furthest across Europe, in order to identify and address possible dangers caused by bottle-neck situations in their migratory routes. Therefore, the Advisory Committee is also to examine the available data about the migratory behaviour of representative bat-species.

## **15. Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)**

The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) is the largest of its kind developed so far under CMS. It was concluded on 16 June 1995 in the Hague, the Netherlands and entered into force on 1 November 1999 after the required number of at least fourteen Range States, comprising seven from Africa and seven from Eurasia had ratified. Since then the Agreement is an independent international treaty.

### **Objectives and approach**

Parties to the Agreement are called upon to engage in a wide range of conservation actions which are describes in a comprehensive Action Plan (2003-2005). This detailed plan addresses such key issues as: species and

habitat conservation, management of human activities, research and monitoring, education and information, and implementation.

### **Institutional structure**

The Agreement is governed by a Meeting of the Parties (MOP) who in turn have created a Technical Committee and a Standing Committee. The latter is responsible for matters related to policy, governance, administration and finance

### **Work areas**

The Agreement has an ambitious programme of work. With the productive outcome of 20 adopted resolutions the Third Meeting of the Parties to AEWA (23 – 27 October 2005 in Dakar, Senegal) paved the way for a host of activities to be implemented within the next three years. An important issue was the adoption of the Communication Strategy, which is expected to bring major improvements in internal and external communication, capacity building and public awareness.