



# **Article 6(3)-(4) of the Habitats Directive**

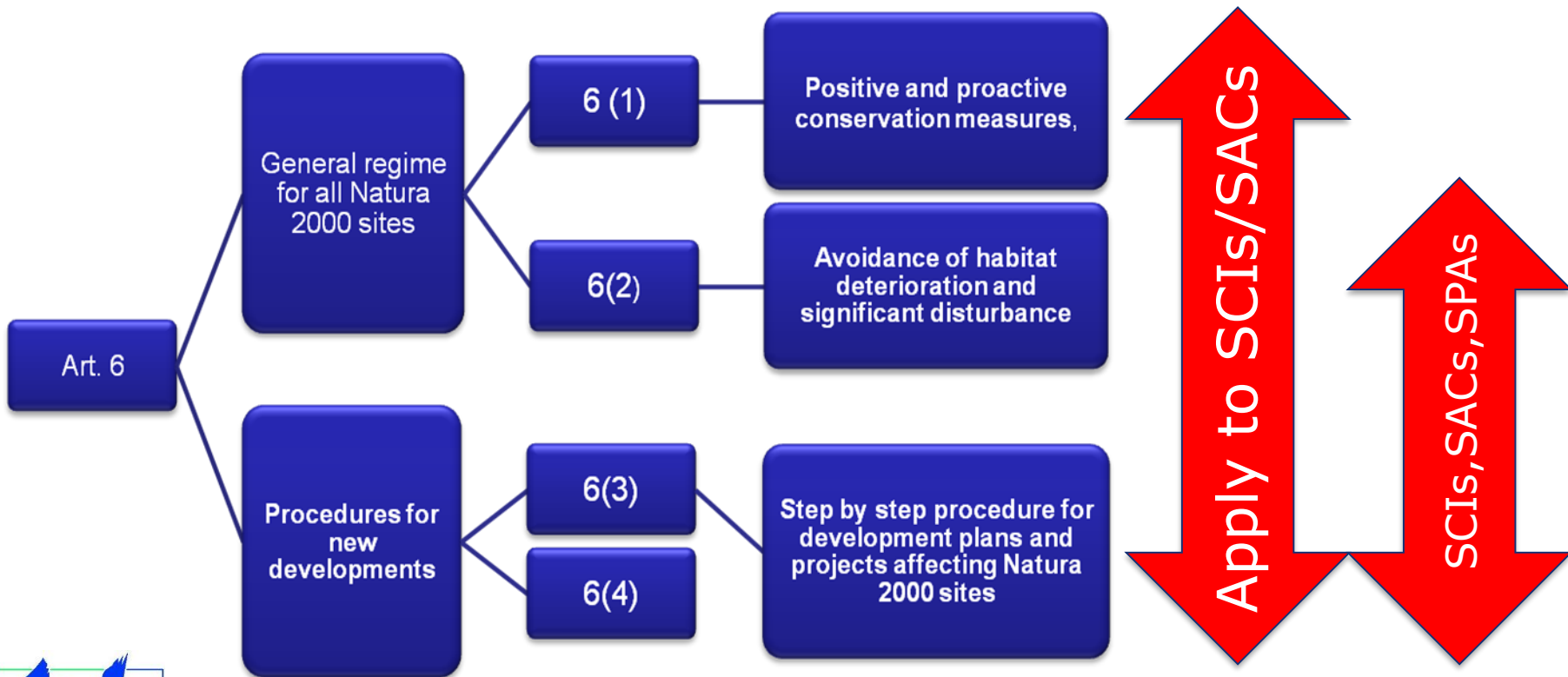
**Site-specific conservation objectives in  
the context of appropriate assessments**

**JASPERS Networking Platform**

**Webinar on Habitats Directive**

**18.03.2021**

## Article 6: protection and management of the Natura 2000 sites



## Art. 6(1) HD

*„For special areas of conservation [SACs], Member States shall establish the necessary **conservation measures** involving, if need be, appropriate **management plans** specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures **which correspond to the ecological requirements** of the natural **habitat types** in Annex I and the **species** in Annex II present on the sites.”*



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## Art. 6(3) HD

***„Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the **site’s conservation objectives.**”***





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## **Commission note on setting conservation objectives for Natura 2000 sites**

- **all sites need to contribute to the favourable conservation status (FCS);**
- **this general objective has to be translated to SSCOs;**
- **SSCOs should specify targets to be achieved for each of the attributes / parameters of the interest feature which determine its conservation condition on the site.**

[https://ec.europa.eu/environment/nature/natura2000/management/docs/commission\\_note/commission\\_note2\\_EN.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf)

## Guidelines / recommendations for setting conservation objectives

*The conservation objectives should be:*

- ***specific*** - relate to a particular interest feature (species or habitat type) and define the condition(s) required to satisfy the CO;
- ***measurable and reportable***;
- ***realistic***;
- ***consistent in approach***;
- ***comprehensive***;
- ***specific whether they aim at "restoring" or "maintaining" the attributes of the feature.***

# Example for Ireland



## National Parks & Wildlife Service

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[> Natural Heritage Areas \(NHA\)](#)[> Special Areas of Conservation \(SAC\)](#)[> Special Protection Areas \(SPA\)](#)[> Appropriate Assessment](#)[> Designation Process](#)[> Wildfowl Sanctuaries](#)[> OSPAR Sites](#)[> Conservation Objectives](#)[> National Parks](#)[> Nature Reserves](#)

## Conservation Objectives

[Special Areas of Conservation](#)[Special Protection Areas](#)

Click the site name to view the conservation objectives and other details for a site. Click the table headers to sort by site name, site code or date.

| Site name  | Site code | Date ▼         |
|--|-----------|----------------|
| <a href="#">Carriggower Bog SAC</a>                          | 000716    | December 2019  |
| <a href="#">Blackstairs Mountains SAC</a>                    | 000770    | November 2019  |
| <a href="#">Bellacorick Iron Flush SAC</a>                   | 000466    | November 2019  |
| <a href="#">Cloonee and Inchiquin Loughs, Uragh Wood SAC</a> | 001342    | November 2019  |
| <a href="#">Mocorha Lough SAC</a>                            | 001536    | October 2019   |
| <a href="#">Lough Eske and Ardnamona Wood SAC</a>            | 000163    | September 2019 |
| <a href="#">Meenaguse Scragh SAC</a>                         | 001880    | September 2019 |

<https://www.npws.ie/protected-sites/conservation-management-planning/conservation-objectives>





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## Durnesh Lough SAC

### Site Details

|             |  |
|-------------|--|
| Site code   | 000138                                   |
| Designation | Special Area of Conservation (SAC)       |
| County      | Donegal                                  |
| Coordinates | Latitude: 54.5728<br>Longitude: -8.19487 |




### Qualifying Interests

Coastal lagoons [1150]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils  
(Molinion caeruleae) [6410]

### Site Documents

#### Download Conservation Objectives

 [CO000138.pdf](#) [5.8 MB]

#### Download Natura 2000 form

 [NF000138.pdf](#) [106 KB]

#### Download Site Synopsis

 [SY000138.pdf](#) [132 KB]







### Conservation Objectives for : Durmish Lough SAC [000138]

#### 6410 **Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)**

To restore the favourable conservation condition of *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) in Durmish Lough SAC, which is defined by the following list of attributes and targets:

| Attribute  | Measure   | Target   | Notes  |
|--|---|--|--|
| Habitat area                                       | Hectares  | Area stable or increasing, subject to natural processes  | <i>Molinia</i> meadows occurs in close association with other grassland habitats as well as wetland habitats including swamp and fen. The Irish semi-natural grasslands survey (ISGS) (O'Neill et al., 2013) recorded 1.02ha of this Annex I habitat at site 1249 (see map 3). Other semi-natural grassland types occur in the SAC and there may be more, as yet unmapped, areas of the Annex I habitat type present |
| Habitat distribution                               | Occurrence  | No decline, subject to natural processes. See map 3 for mapped area  | See note for area above  |
| Vegetation composition: typical species            | Number at a representative number of monitoring stops     | At least seven positive indicator species present, including one "high quality" species as listed in O'Neill et al. (2013) | List of positive indicator species, including high quality species, identified by O'Neill et al. (2013). Note that purple moor-grass ( <i>Molinia caerulea</i> ) is a positive indicator species, but not necessarily an essential component of the habitat  |
| Vegetation composition: negative indicator species | Percentage at a representative number of monitoring stops | Negative indicator species collectively not more than 20% cover, with cover by an individual species less than 10%         | Attribute and target based on O'Neill et al. (2013)  |
| Vegetation composition: non-native species         | Percentage at a representative number of monitoring stops | Cover of non-native species not more than 1%   | Attribute and target based on O'Neill et al. (2013)  |
| Vegetation composition: moss species               | Percentage at a representative number of monitoring stops | Hair mosses ( <i>Polytrichum</i> spp.) not more than 25% cover   | Attribute and target based on O'Neill et al. (2013)  |
| Vegetation structure: woody species and bracken    | Percentage at a representative number of monitoring stops | Cover of woody species and bracken ( <i>Pteridium aquilinum</i> ) not more than 5% cover                                   | Attribute and target based on O'Neill et al. (2010)  |
| Vegetation structure: broadleaf herb: grass ratio  | Percentage at a representative number of monitoring stops | Broadleaf herb component of vegetation between 40 and 90%  | Attribute and target based on O'Neill et al. (2013)  |
| Vegetation structure: sward height                 | Percentage at a representative number of monitoring stops | At least 30% of sward between 10 and 80cm tall   | Attribute and target based on O'Neill et al. (2013)  |
| Physical structure: bare soil                      | Percentage at a representative number of monitoring stops | Not more than 10% bare soil  | Attribute and target based on O'Neill et al. (2013)  |





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## Legal action state of play

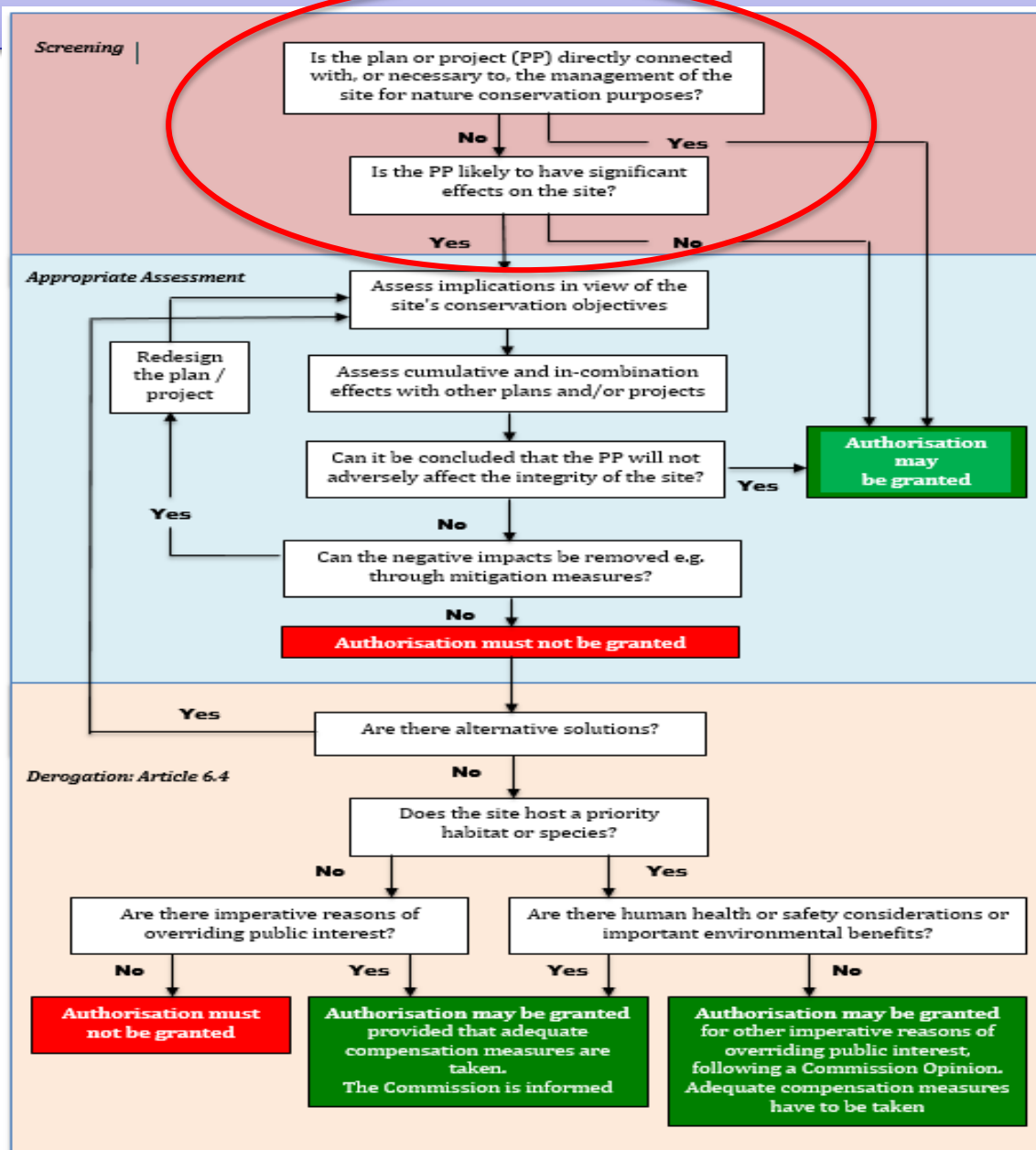
- ***PT, EL - judgement of the CJEU***
- ***IE – decision to refer to CJEU***
- ***DE, RO – reasoned opinion***
- ***IT, ES – additional LFN***
- ***BE, BG, LT, LV, RO and SK – letter of formal notice***
- ***AT, CY, CZ, DK, EE, FI, FR, HU, MT, NL, PL, SE, SI – pilot***
- ***HR – no action to date***



## **Non-legal action state of play**

- ***Bilateral dialogues with the MS – one of the actions under Action Plan for Nature***
- ***Letter sent in May 2020 to all MS (nature authorities and EU funds managing authorities)***
- ***Discussions with REGIO and JASPERS about enforcement (major projects)***

# STEP 1 - Screening



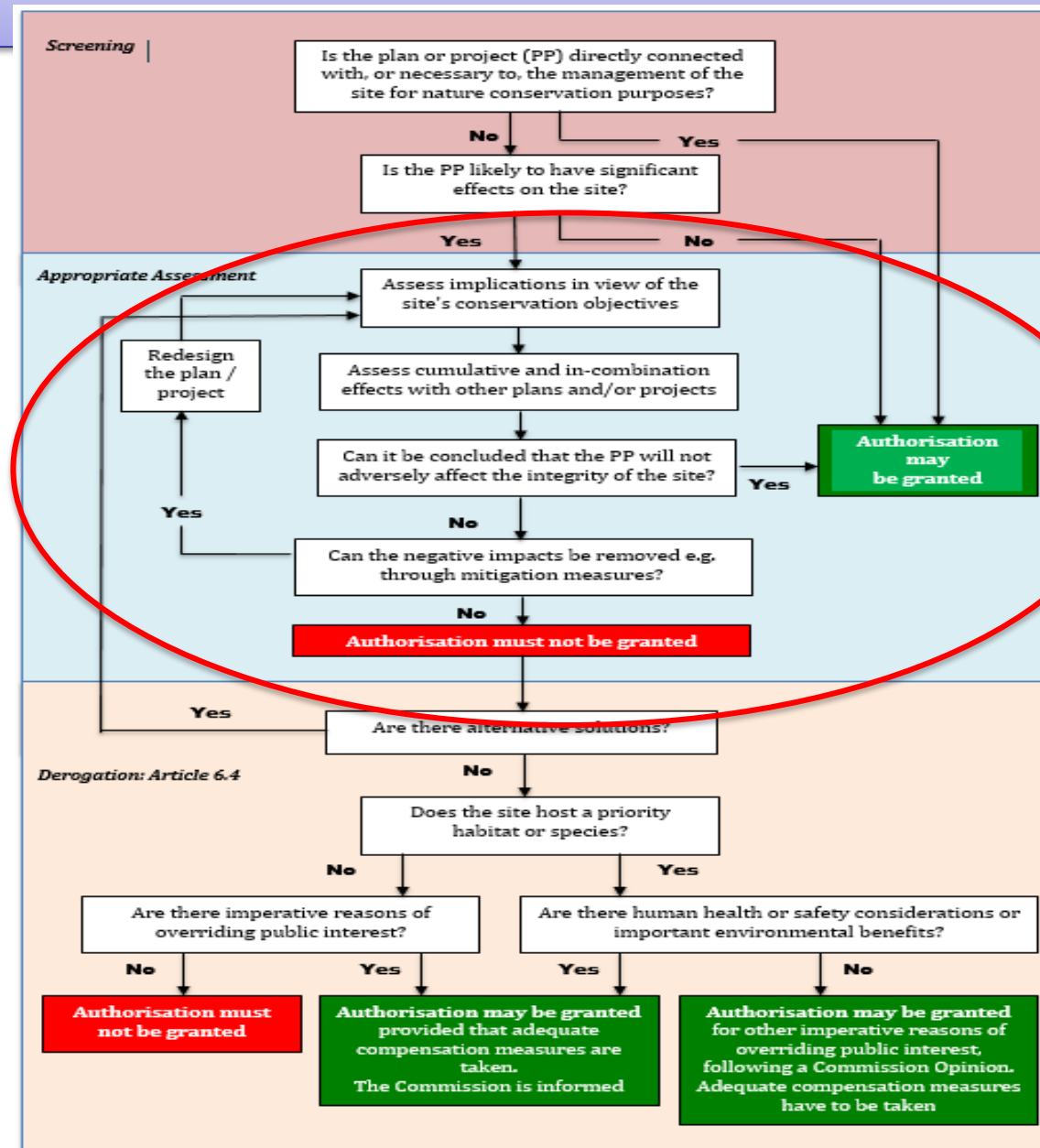
## Determining likelihood of significant effect in the context of SSCOs

- **Certainty v. likelihood;**
- **Precautionary principle – if in doubt, do the AA;**
- **Spatial scope (plan and project inside and outside Natura 2000 sites);**
- **Significant effect – no arbitrary (quantitative) definition → case by case approach;**
- **Related to specific features and ecological conditions of the protected site (link with SSCOs);**
- **Mitigation measures should not be considered.**





# STEP 2 – Appropriate assessment





## Appropriate assessment elements in view of the COs

- **1. Gathering *information on the project and on the Natura 2000 site concerned (scoping).***
- **2. Assessing the *implications of the plan or project in view of the site's conservation objectives.***
- **3. Determining whether the plan or project can have adverse effects on the *integrity of the site.***
- **4. Considering *mitigation measures (including their monitoring).***

# Sources of information about the site (including SSCOs)

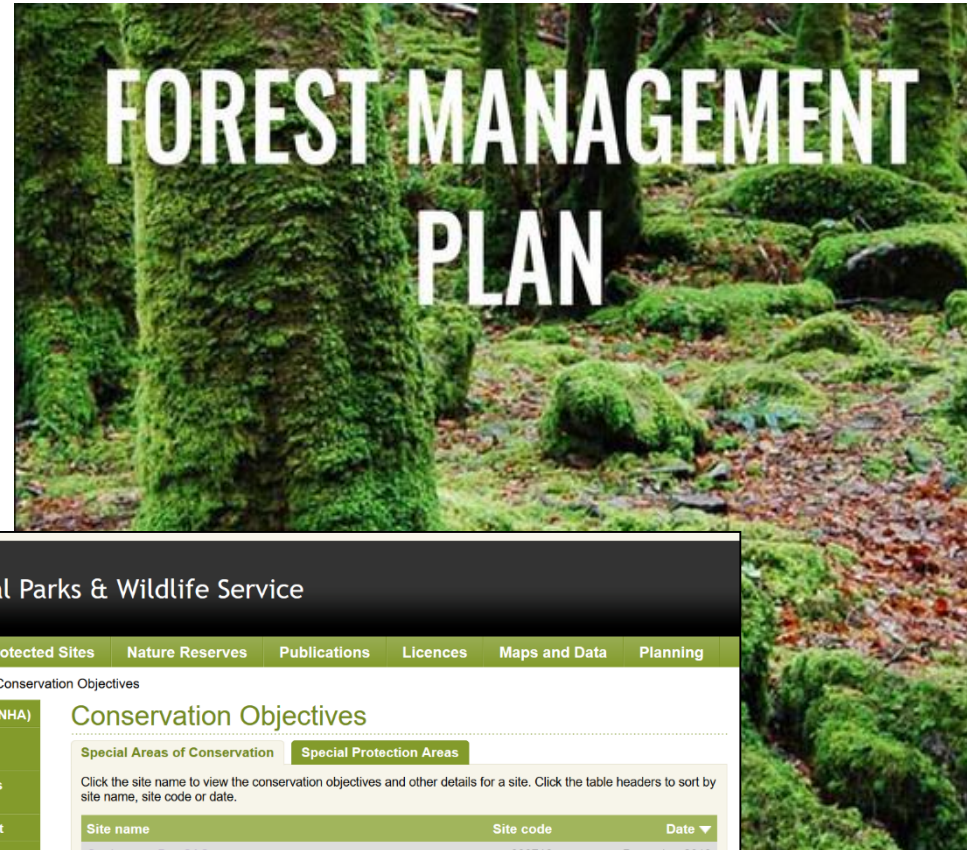

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**DOCument d'OBjectifs**  
des sites Natura 2000 du  
**Complexe lagunaire  
de Salses-Leucate**

SIC FR9101463 / ZPS FR 9112005  
Document validé par le Comité de pilotage Natura 2000 le 10 juin 2011

**TOME I : Etat des lieux et objectifs**  
**TOME II : Mesures de gestion**

National Parks & Wildlife Service

National Parks Protected Sites Nature Reserves Publications Licences Maps and Data Planning

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Conservation Objectives

Special Areas of Conservation Special Protection Areas

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| <a href="#">Moorha Lough SAC</a>                             | 001536    | October 2019   |
| <a href="#">Lough Eske and Ardnamona Wood SAC</a>            | 000163    | September 2019 |
| <a href="#">Meenaguse Scragh SAC</a>                         | 001880    | September 2019 |
| <a href="#">Blackwater River (Kerry) SAC</a>                 | 002173    | September 2019 |
| <a href="#">Leannan River SAC</a>                            | 002176    | August 2019    |

- > Natural Heritage Areas (NHA)
- > Special Areas of Conservation (SAC)
- > Special Protection Areas (SPA)
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- > Nature Reserves







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## Appropriate assessment

- Identifying impacts (field studies may be necessary)
- Direct and indirect impacts
- Life-time of the project
- Modest impacts multiplied = significant impact

Plans and projects to be considered:

- ❖ Completed, or
- ❖ approved but uncompleted, or
- ❖ actually proposed.



# Integrity of the site:

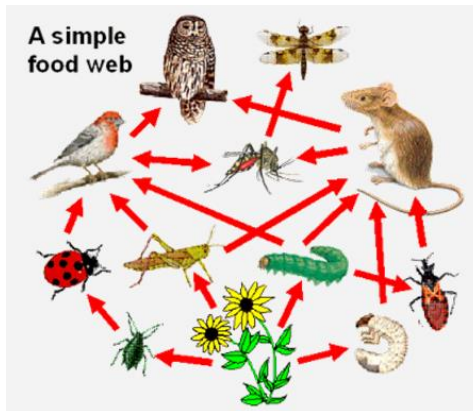
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## Ecological

- structure
- function
- processes

Linked to  
conservation  
objectives

Site specific

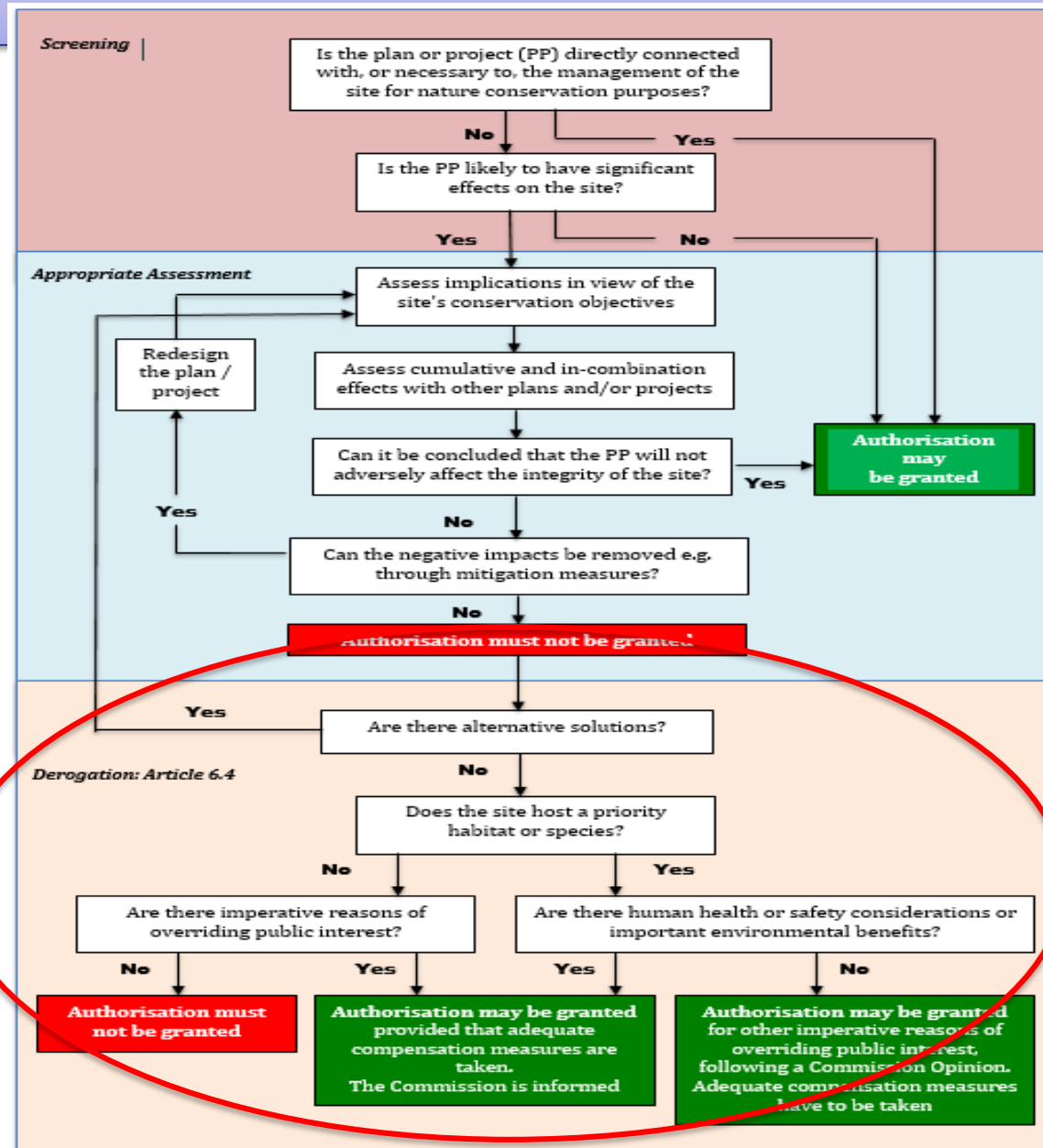


## Mitigation measures

- Prevent negative effects or
- Reduce them to non-significant level
- Directly linked to the negative effects
- Must be described in sufficient detail
- Case A2 Motorway in NL (C-521/12)  
– mitigation and compensation not to be confused

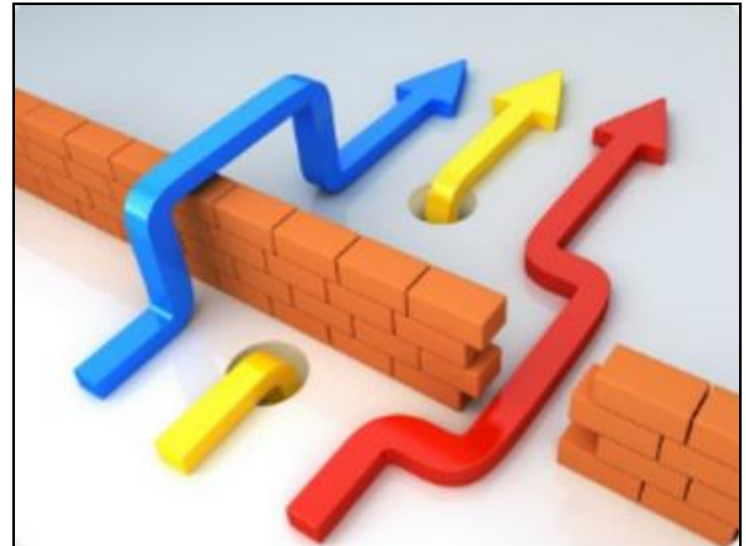


# STEP 3 – Derogation



## Alternative solutions and SSCOs

- feasible alternatives
- relative performance to Natura 2000 (SSCOs)
- proportionality (costs)
- alternative:
  - locations
  - scales
  - designs





## Imperative reasons of overriding public interest

- not defined in the Directive
- human health, public safety and beneficial consequences of primary importance for the environment
- other economic or social reasons



## Compensatory measures and SSCOs

- independent of the project
- additional to normal practice
- need to address the impacts
- need to ensure overall coherence of the network
- should be in place before impact



inform



## Priority habitats or species

- **justified only if concern**
  - **human health**
  - **public safety**
  - **overriding beneficial consequences for the environment**

- **other reasons subject to**



[https://ec.europa.eu/environment/nature/natura2000/management/opinion\\_en.htm](https://ec.europa.eu/environment/nature/natura2000/management/opinion_en.htm)



## Contact:

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## For more information, please consult:

[http://ec.europa.eu/environment/nature/index\\_en.htm](http://ec.europa.eu/environment/nature/index_en.htm)

<http://ec.europa.eu/environment>



# More Information

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

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**JASPERS Networking Platform:**

**[www.jaspersnetwork.org](http://www.jaspersnetwork.org)**

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**[jaspers.eib.org](http://jaspers.eib.org)**

