



**COUNCIL OF
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No. Cion prop.: 9658/11 - COM(2011) 244 final

Subject: EU Biodiversity Strategy to 2020: towards implementation
- draft Council conclusions

1. On 3 May 2011, the Commission transmitted its Communication "Our life insurance, our natural capital: an EU biodiversity strategy to 2020" ¹ aiming at reversing the biodiversity loss and speeding up the EU's transition towards a resource efficient and green economy. To this effect, the Communication focuses on few priority targets and corresponding measures: protect species and habitats, maintain and restore ecosystems, anchor biodiversity goals in other policies, combat invasive alien species and step up the EU's contribution to averting global biodiversity loss.

¹ 9658/11 COM(2011) 244 final of 3 May 2011.

2. On 21 June 2011, the Council adopted a set of conclusions ² as first political reaction of the Council to the Commission's Communication. At its 475th plenary session of 26 and 27 October 2011 the European Economic and Social Committee adopted its opinion ³ on the Commission's Communication. In its letter of 31 May 2011, the Committee of the Regions (CoR) informed the General Secretariat of the Council that the Commission for the Environment, Climate Change and Energy (ENVE) of the CoR decided, on 5 May 2011, not to issue an opinion on this matter. The European Parliament is in a preparatory phase of its work.
3. Delegations will find in the Annex a draft of the Council conclusions on the EU Biodiversity Strategy prepared by the Presidency, taking into account the discussions held by the Committee of Permanent Representatives (Coreper) at its meeting on 7 December 2011 and the results of the informal silence procedure launched on the same day with a deadline on 8 December.
4. While the text is largely agreeable to delegations, a few delegations have scrutiny reservations, at this stage, on paragraph 7 and 22. Two delegations keep their scrutiny reservation on paragraph 15 and 29 respectively. The main outstanding issue relates to paragraph 22 (*Increase the contribution of Agriculture and Forestry to maintaining and enhancing biodiversity*). One delegation maintains a parliamentary scrutiny reservation.
5. The Council is therefore invited to consider the draft conclusions on the EU Biodiversity Strategy to 2020, as tabled by the Presidency in the Annex to this note, with a view to their adoption at its session on 19 December 2011.

² 11978/11 + COR 1 of 23 June 2011.

³ NAT 491 of 26 October 2011.

**EU Biodiversity Strategy to 2020:
towards implementation**

- draft Council conclusions -

THE COUNCIL OF THE EUROPEAN UNION

1. RECALLING that in its Conclusions ¹ of 26 March 2010, the European Council committed to the EU post-2010 vision ² and headline target ³ for biodiversity and underscored the urgent need to reverse the continuing trends of biodiversity loss and ecosystem degradation;
2. RECALLING its conclusions on the EU Biodiversity Strategy to 2020 ⁴ of 21 June 2011, in which the Council endorsed the Strategy ⁵, and considered it, together with its targets, to be a key instrument to enable the EU to reach its overall 2020 headline target, whilst emphasising the need to further discuss its actions so as to ensure its effective and coherent implementation;

Horizontal issues

3. CALLS on the Commission and Member States to integrate and mainstream targets on biodiversity in the development and implementation of all relevant EU and national sectoral policies; and HIGHLIGHTS the importance of the cooperation and positive contribution that all related sectors, both public and private, and other stakeholders, can make to achieving the 2020 headline target;

¹ EUCO 7/1/10 REV 1.

² 7536/10, p. 4: "by 2050 European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided;"

³ 7536/10, p. 4: "halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss".

⁴ 11978/11 + COR 1.

⁵ 9658/11 Communication from the Commission "Our life insurance, our natural capital: an EU biodiversity strategy to 2020".

4. UNDERSCORES the fact that actions aimed at protecting, valuing and restoring biodiversity and ecosystem services, within as well as beyond Natura 2000 areas, as set out in the Strategy, are essential for meeting Europe's resource efficiency goals and the sustainable growth objective of the Europe 2020 Strategy; WELCOMES the Communication from the Commission on the Roadmap to a Resource-Efficient Europe ⁶; RECOGNISES the proposed milestones of the Roadmap on ecosystem services and biodiversity as a good basis for further discussion among Member States, the Commission and all key stakeholders; WELCOMES the Commission commitment to significantly strengthen its efforts to mainstream biodiversity in other EU policies; and REITERATES the Council commitment to mainstreaming biodiversity at national level;
5. INTENDS with these Conclusions to highlight biodiversity-related objectives linked to the ongoing negotiations on the Multiannual Financial Framework for the period 2014-2020 (hereinafter "MFF 2014-2020"), in particular on the reforms of the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP) and the Cohesion Policy without prejudging the outcomes of these negotiations;
6. STRESSES the need to ensure that the implementation of the MFF 2014-2020 will support the achievement of the targets set out in the Strategy and CONFIRMS the importance of mobilising both EU and national financial resources from all possible sources as appropriate, including innovative financial mechanisms, in order to ensure adequate levels of funding towards meeting biodiversity objectives for example by providing incentives to attract private sector investments;

⁶ 14632/11 of 23 September 2011.

7. CALLS on the Commission and Member States for ensuring predictable, adequate and regular funding for the proper maintenance and functioning of the Natura 2000 network and for the conservation and sustainable use of biodiversity, within as well as beyond Natura 2000 areas. This issue should be specifically referred to by the Commission when setting out its views on financing Natura 2000, in particular in relation with the MFF 2014-2020; and in this context STRESSES the importance of achieving biodiversity objectives i.a. through the establishment of appropriate measures consistent with prioritised action frameworks as well as of the need to increase the effectiveness of LIFE+;
8. UNDERLINES that ensuring the achievement of the Strategy's targets will contribute to achieving the global commitment on biodiversity contained in the Strategic Plan for Biodiversity 2011-2020 ⁷ and the Aichi Biodiversity Targets;
9. AGREES that a coherent framework for monitoring, assessing and reporting on progress in implementing the Strategy is needed to link existing biodiversity data and knowledge systems with the Strategy and to streamline EU and global monitoring, reporting and review obligations under environmental and other relevant legislation as well as to avoid duplication and increase of reporting and administrative burden;
10. AGREES that a co-ordinated and streamlined approach is needed for the implementation of the Strategy; PROVIDES, through these conclusions, its guidance for it and IDENTIFIES key areas of work for the Commission and the Member States; and INVITES the Commission to develop and agree with Member States a common implementation framework to underpin the effectiveness of the Strategy; and CALLS on the Commission to report back on the progress on the development of the common implementation framework to the Council in early 2012;

⁷ Decision UNEP/CBD/COP/DEC/X/2 of 29 October 2010 adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting.

Fully implement the Birds and Habitats Directives – Target 1^{8 9}

11. ENCOURAGES the Member States to complete, in a timely manner, the establishment of the Natura 2000 network, develop and implement management plans or other equivalent instruments which set out conservation objectives, as well as if appropriate, restoration measures for Natura 2000 sites, including in the marine environment, thereby establishing a solid basis for strategic planning with a view to the subsequent implementation of the MFF 2014-2020;
12. CALLS on the Commission and Member States to further integrate protection and management needs of species and habitats, both within as well as beyond Natura 2000 areas, into key policies and financial instruments;
13. CALLS on the Commission and Member States to ensure an adequate, practical and realistic framework for strategic planning taking full account of the Natura 2000 network, including through documents specifying prioritised action frameworks based on national or regional/sub-regional input, with a view to facilitating the integration of biodiversity priorities into other sectors and of promoting awareness of the multiple benefits of investing in Natura 2000 areas;
14. SUPPORTS the Commission initiative regarding implementation of training programmes on Natura 2000 for judges and public prosecutors and CALLS on the Commission to include species and habitats protection in its scope, whilst POINTING OUT the need to provide similar training programmes for decisions makers, law enforcement authorities and other relevant authorities responsible for or involved in the implementation of the Birds and Habitats Directives;

⁸ The targets and actions referred in these conclusions are contained in the Communication from the Commission "Our life insurance, our natural capital: an EU biodiversity strategy to 2020" (COM(2011) 244 final).

⁹ See Aichi Targets 5 and 12 from the CBD Strategic Plan for Biodiversity 2011-2020.

15. INVITES the Commission and Member States to further consider appropriate instruments and guidelines, in line with the aims and in accordance with the provisions of the Birds and Habitats Directives, to mitigate potential negative impacts of wild species on relevant land and sea activities;

Maintain and Restore Ecosystems and their Services - Target 2 ¹⁰

16. TAKES NOTE of the outcomes of the Conference "Planning for Biodiversity" organised by the Presidency (Warsaw, 7-9 November 2011);

17. STRESSES the need of maintaining, restoring as far as feasible and enhancing ecosystems and their services; REITERATES that properly valuing biodiversity and ecosystem services can contribute to their conservation and sustainable use; RECOGNISES the importance of promoting the integration of these values into decision making processes and accounting and reporting systems at EU and national level by 2020; and ACKNOWLEDGES that this work should be supported by the results of ecosystem mapping and assessment of the state of ecosystems and their services. In view of the short timeframe for initiating this work, URGES the Commission and Member States to determine the modalities for and scope of these tasks building upon the work carried out by the Member States;

18. CALLS UPON the Commission to consider, within the scope of the Green Infrastructure (GI) ¹¹ Strategy under preparation, among others, the following issues:

- a) possible scope and key components of GI;
- b) possible framework for GI implementation based on existing experience, particularly in spatial planning, including coastal;

¹⁰ See Aichi Targets 14 and 15 from the CBD Strategic Plan for Biodiversity 2011-2020.

¹¹ 7536/10, p. 6: "Green infrastructure" is an interconnected network of natural areas, including agricultural land, greenways, wetlands, parks, forest reserves, native plant communities and marine areas that naturally regulate storm flows, temperatures, flood risk and water, air and ecosystem quality.

- c) methodological issues related to GI, including with regard to spatial connectivity between protected areas and basic requirements for the delivery of the necessary ecosystem services;
- d) options to integrate GI in existing policy instruments and importance of GI in terms of climate change adaptation;
- e) identifying opportunities for financing GI;
- f) communication and promotion of GI targeting different stakeholders and sectors, and in particular local authorities;

19. STRESSES the importance of ensuring appropriate funding at EU and Member States level for maintenance and restoration of ecosystems and their services;

20. AGREES that a common approach is needed for the implementation in the EU of the "no net loss" ¹² principle and INVITES the Commission to address this as part of the preparation of its planned initiative on 'no net loss' by 2015 taking into account existing experience as well as the specificities of each Member State, on the basis of in-depth discussions with Member States and stakeholders regarding the clear definition, scope, operating principles and management and support instruments in the context of the common implementation framework of the Strategy;

Increase the contribution of Agriculture and Forestry to maintaining and enhancing biodiversity – Target 3 ¹³

21. NOTES the Commission proposals of 12 October 2011 for a reform of the CAP; and RECOGNISES in particular the importance of an enhanced contribution of the agricultural sector to the EU Biodiversity Strategy to 2020;

¹² A preliminary definition of this concept is that conservation/biodiversity losses in one geographically or otherwise defined area are balanced by a gain elsewhere provided that this principle does not entail any impairment of existing biodiversity as protected by EU nature legislation (document 11978/11).

¹³ See Aichi Target 7 from the CBD Strategic Plan for Biodiversity 2011-2020.

22. In respect of strengthening the environmental objectives in the CAP, **UNDERLINES** the importance for biodiversity of the following:
- a) protection and management of permanent grasslands and ecological focus areas;
 - b) compensation to farmers and forest holders for the costs incurred and/or income reduction resulted from measures related to mandatory management requirements on agricultural and forestry land within Natura 2000 network;
 - c) promotion and simplification of the procedures for a system of payments for Natura 2000 sites in conjunction with their management plans or other equivalent instruments;
 - d) promotion of incentives and rewards in the system of payments, with the aim of facilitating a conscious use of good practices in local communities;
 - e) contribution to the protection and restoration of biodiversity and ecosystem services outside Nature 2000 areas, e.g. watercourses and farmland birds and contribution of the coherence of ecological networks and ecosystems to climate change mitigation and adaptation;
23. **ENCOURAGES** conservation and sustainable use of all genetic resources, especially genetic resources for food, agriculture and forestry; **HIGHLIGHTS** the valuable contribution of the Community Programme on Conservation, Characterisation, Collection and Utilisation of Genetic Resource in Agriculture; and **LOOKS FORWARD** to exploring, together with the Commission, the scope for developing a strategy for the conservation of genetic resources in food, agriculture and forestry;
24. **CALLS** on the Member States to encourage the widespread adoption and implementation of Forest Management Plans or equivalent instruments, inter alia, through effective application of rural development measures, and **STRESSES** the importance to include in forest management plans or equivalent instruments appropriate measures for conservation and recovery of protected species and habitats within as well as beyond Natura 2000 areas;

25. WELCOMES the ongoing work on the future EU Forest Strategy, and ENCOURAGES the Member States, Commission and stakeholders to collaborate in order to strengthen the integration of biodiversity into policies affecting forests while addressing all three pillars of sustainability;

Ensure the sustainable use of Fisheries Resources – Target 4 ¹⁴

26. SUPPORTS the ongoing efforts to protect and sustainably use of fish populations and aquatic genetic resources in seas and inland waters, including aquaculture;

27. NOTES the Commission proposals of 13 July 2011 ¹⁵ for a reform of the CFP to address the issue of discarding and to deliver effective implementation of the ecosystem approach and application of best available scientific information serving as the basis for sustainable long-term management plans taking into account the precautionary principle; and AGREES that multi-annual plans coordinated on a regional level, are an important tool for achieving long-term sustainability;

28. CALLS on the Commission and Member States to strengthen efforts for the collection of scientific data on fish populations, where these are deficient, in order to provide stronger scientific advice;

29. CALLS on the Member States to make sure that their activities comply with the requirements for achieving favourable conservation status of species and habitats in the Birds and Habitats Directives as well as for achieving good environmental status of the marine environment in accordance with the Marine Strategy Framework Directive;

¹⁴ See Aichi Target 6 from the CBD Strategic Plan for Biodiversity 2011-2020.

¹⁵ 12519/11, 12514/11, 12516/11, 12517/11, 12518/11.

Combat Invasive Alien Species (IAS) – Target 5 ¹⁶

30. CALLS on the Commission and Member States to ensure synergy of actions taken to solve the problem of IAS, including by incorporating issues related to the effects which IAS have on biodiversity within the EU Plant and Animal Health Regimes;
31. ENCOURAGES the Member States to ratify the Ballast Water Convention ¹⁷ in order to limit the spread of IAS from maritime and inland waters transport and thus facilitate achievement of the target;
32. REITERATES the need for an EU strategy on IAS including a dedicated legislative instrument on IAS by 2012, which should consider all aspects of the challenge posed by IAS, including their identification and prioritisation, control and eradication as well as management of their pathways following a risk-based approach and in a proportionate and cost-effective manner;

Help Avert Global biodiversity loss – Target 6

33. CONSIDERS it necessary for the Commission and Member States to develop specific initiatives to reduce the negative impacts on natural resources of the EU consumption and production patterns, and to ensure that biodiversity concerns are systematically reflected in all relevant trade agreements concluded by the EU, where appropriate, and in the Union's development cooperation actions and programmes;
34. CALLS on the Commission to include, as part of its work to reform, reorient and/or eliminate environmentally harmful subsidies by 2020, criteria for identification of subsidies harmful to biodiversity at EU level, and to prepare a road map for the achievement of this objective, taking into account the specificities of each Member State;

¹⁶ See Aichi Target 9 from the CBD Strategic Plan for Biodiversity 2011-2020.

¹⁷ International Convention for the Control and Management of Ships' Ballast Water and Sediments.

35. In order to significantly increase resources from all possible sources for global biodiversity CALLS on the Commission and Member States to deliver on the commitments made at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP 10) in Nagoya as a part of the Strategy for Resource Mobilisation ¹⁸ in support of the achievement of the CBD objectives;
36. URGES the Commission to present a proposal, based on the results of the impact assessment and as regards matters falling within EU competence, for the timely ratification and implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation on behalf of the EU in preparation for the first Meeting of the Parties;
37. ENCOURAGES the Commission and Member States to continue engaging actively in and supporting the relevant activities of the FAO Commission on Phytosanitary Measures, the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA) as well as of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), all of them are important contributors to the conservation and sustainable use of agricultural biological diversity and food security;
38. ENCOURAGES the Commission and Member States to continue promoting a common approach to nature conservation in the whole EU territory, including Member States' outermost regions and overseas territories which are home to several important global biodiversity hotspots; and WELCOMES, in this regard, the Commission's initiative on Biodiversity and Ecosystems in Overseas Territories (BEST ¹⁹);

¹⁸ Decision UNEP/CBD/COP/DEC/IX/11 of 30 May 2008 adopted by the Conference of the Parties to the Convention on Biological Diversity at its ninth meeting and Decision UNEP/CBD/COP/DEC/X/3 of 29 October 2010 adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting.

¹⁹ Voluntary scheme for Biodiversity and Ecosystem Services in Territories of the EU Outermost Regions and Overseas Countries and Territories.

39. CONSIDERS it appropriate that the Commission, as a part of the mid-term review of the Strategy in early 2014, may recommend further actions, in justified cases, contributing to enhance the effectiveness of the second stage of the Strategy's implementation, in order to ensure that the headline target of the Strategy is achieved by 2020; and INVITES the Commission to report back to the Council on the findings of this review and present its recommendations.

