

Leonardo Massai

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Studied international politics at the University of Florence (Italy) and the Queen's University of Belfast (United Kingdom). Master of Science in Renewable Energy and Energy Efficiency (RIDEF) at the University of Milan (Italy). Ph.D. candidate at the Johann Wolfgang Goethe University, Frankfurt am Main (Germany). Thesis in International and European Environmental Law: The consequence of the EU Enlargement on the International Climate Change Regime and the European Climate Policy (Supervisors: Prof. M. Bothe, Prof. E. Rehbinder - J.W.G. University, Frankfurt am Main).

Currently Researcher on EU Environmental Law at the T.M.C. Asser Institute, experience in research and consultancy on international and European environmental law (University of Siena, Ministry of Environment, Territory and Sea of Italy, University of Frankfurt, UNDP, ...)



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Current EC Biodiversity Policy

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Biological Diversity

- Variety of life on Earth
- Combination of life and interactions providing ecological goods and services to sustain the species life
- Threats to biodiversity
 - Loss of individual species
 - Degradation of forests, wetlands, coral reefs, etc
- Causes: urban development, road building, GHG emissions, depletion of ozone layer, etc..
- 4th IPCC Report

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UNCBD

- Signed at Rio, now more than 75 countries
- Objectives (art.1)
- Principle of precaution
- Parties required to
 - develop national biodiversity strategies and principle of integration (art.6)
 - Identification and monitoring (art.7)
 - In-situ/ex-situ conservation
 - Reporting
- Structure: COP, Secretariat and other bodies

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Cartagena Protocol on Biosafety

- In force since 11 September 2003
- Protect biodiversity from potential risk of genetically modified organisms (GMOs)
- Address potential risks of cross border trade and accidental releases of GMOs
- Advance informed agreement (AIA)
- Precautionary approach
- Exchange of information on acceptance of commodities containing GMOs (Biosafety Clearing House)
- Labeling of these commodities

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EC biodiversity policy: background

- ‘Nature Directives’
- Ratification of the UNCBD (1992)
- EC and MS: “concurrent competence”
- UNCBD contributes to:
 - Sustainable development (Treaty of Amsterdam)
 - Economic considerations
- 5th Environmental Action Programme (1996-2001)
 - Land-use management
 - Biodiversity conservation
 - Principle of Integration

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Directive 79/409/EEC (Birds)

- Legal basis
- Aim: conservation of all species of wild birds in Europe
- MS required to protect, manage and control species of wild birds to maintain population levels through habitat protection
- Derogations (Art.9)
- Annex I: species under special conservation measures
- Annex II: species “may be hunted”
- Support from the EP
- Proved difficult to be implemented

Directive 92/43/EEC (Habitats)

- MS required to manage landscapes for species preservation
- Special areas of conservation (SAC)
- Natura 2000 (art.3): network of European habitats
- Problems of implementation
- Reluctance by MS

Financing EC Biodiversity policy

- LIFE (Lending Instrument for the Environment)
- Regulation 1973/92/EC
- LIFE Nature
- Structural and Cohesion Funds (in principle)

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Other legislation

- Use of genetic resources
 - Directives 90/219/EEC and 90/220/EEC on the use and release of GMOs
- EIA and SEA
- CITES regulation
- Environmental Liability Directive
- Water Framework Directive

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EC biodiversity policy: current phase

- EC biodiversity strategy COM(1998)42
- Action Plans COM(2001)162
- Principle of integration
- Halting the Loss of Biodiversity by 2010 – and Beyond COM(2006)216

EC Biodiversity strategy (1998)

- Basis for compliance with UNCBD
- Aim: anticipate, prevent and attack the causes of significant reduction or loss of biodiversity at the source
- Based on:
 - Conservation and sustainable use of biological diversity
 - Sharing of benefits from utilisation of genetic resources
 - Research, monitoring, exchange of information
 - Education, training, awareness\
- 46 specific objectives

Action Plans COM(2001)162

- Natural Resources
- Agriculture
- Fisheries
- Economic and Development Cooperation

Principle of integration

- 6th Environment Action Programme (2002-2012): biodiversity key objective
- World Summit on Sustainable Development (WSSD)
- EU Lisbon strategy
- Common Agricultural Policy (CAP)

COM(2006)216 I

- Meeting the 2010 targets in the EU
- Link between biodiversity and ecosystem services
- Shift towards a new balance between conservation and development
- Consider other policy developments (CAP, Cohesion, etc.)
- Two annexes – SEC(2006)621:
 - EU Action Plan to 2010 and Beyond
 - Indicators
- Expert and public consultation

COM(2006)216 II

- EU Action plan
- Monitoring of progress
- Timetable for evaluation
- Advisory mechanism for decision-makers
- 4 key supporting measures

Policy Area 1: Biodiversity in the EU

1. To safeguard the EU's most important habitats and species
2. To conserve and restore biodiversity and ecosystem services in the wider EU countryside
3. To conserve and restore biodiversity and ecosystem services in the wider EU marine environment
4. To reinforce compatibility of regional and territorial development with biodiversity in the EU
5. To substantially reduce the impact on EU biodiversity of invasive alien species and alien genotypes

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Policy Area 2: EU and Global Biodiversity

6. To substantially strengthen effectiveness of international governance for biodiversity and ecosystem services
7. To strengthen support for biodiversity and ecosystem services in external assistance
8. To substantially reduce the impact of international trade on global biodiversity and ecosystem services

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Policy Area 3: Biodiversity and Climate Change (I)

9. To support biodiversity adaptation to climate change

Policy Area 3: Biodiversity and Climate Change (II)

- Kyoto Protocol and Biodiversity
- IPCC 4th Report
- Adaptation

Policy Area 4: Knowledge Base

10. To substantially strengthen the knowledge base for conservation and sustainable use of biodiversity, in the EU and globally

EU Action Plan (Annex I)

- Specific targets and actions
- Action plan launches a wide public debate that will contribute to a long-term vision on halting biodiversity loss

Monitoring, evaluation and review (Annex II)

- Indicators and monitoring and reporting framework
- Timetable for evaluation
- Each year: Commission to report to Council and EP on progress in implementing the Action Plan
- 2008: mid-term evaluation of progress towards the 2010 targets
- 2010 & 2013: evaluations 2010 targets and post-2010
- Evaluations needed for Financial Perspectives post-2013

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Supporting measures

- Ensuring adequate financing
- Strengthening EU decision-making
- Building partnerships
- Building public education, awareness and engagement

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Information on EEL

European Environmental Law (EEL) Homepage
www.eel.nl

EEL News Service

- Free Electronic bi-weekly newsletter
- Regular updates of EEL Homepage
- 20 national editors in Europe

Journals

- European Environmental Law Review
- Journal for European Environmental & Planning Law
- Review of Community and Int Envl Law (RECIEL)
- Environmental Data Service (ENDS)

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