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**ENV.B2 - Nature and Bio-diversity**

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### **NOTE TO THE HABITATS COMMITTEE**

**Subject: Assessment, monitoring and reporting of conservation status – Preparing the 2001-2007 report under Article 17 of the Habitats Directive (DocHab-04-03/03 rev.3)**

This paper summarises the discussion on the above mentioned topic in the Scientific Working Group (Habitats), the Habitats Committee and Workshops with Member States representatives. The paper proposes a reporting format, evaluation matrices, definitions of key terms and a process between Member States and the Commission to accompany that challenging process.

#### **General context**

Monitoring, indicators and reporting on state, trends and pressures on the components of biological diversity and related issues are required under EU policy and legislation, pan-European agreements and the UN Convention on biological diversity. A wide range of initiatives are being undertaken in this context.

The Habitats directive is one of the EU's most significant contributions to the aim of halting the loss of biodiversity by 2010 as set out by the EU Heads of State at the Gothenburg Summit in 2001. In the frame of the 2010 target and beyond the European Environmental Agency (EEA) is currently developing and implementing a set of biodiversity indicators in order to form a picture of overall biodiversity trends at EU level. Information gathered under the reporting requirements of the Habitats and Birds Directive will be important data sources for that work. It is therefore to be kept in mind that the work on monitoring, assessment and reporting of conservation status under the Habitats Directive is not only of importance in relation to the implementation of the directive itself but is a crucial building block for an overall biodiversity trends assessment in Europe and will consequently influence the strategic considerations which follow. Close coordination and mutual support of the various processes is therefore of importance and shall be guaranteed via the EEA and its Topic Centre on Biological Diversity (ETC-BD).

**The legal framework under the Habitats Directive:**

Monitoring of conservation status is an obligation arising from Article 11 of the Habitats Directive for all habitats (as listed in Annex I) and species (as listed in Annex II, IV and V) of Community interest. Consequently this provision is not restricted to Natura 2000 sites and data need to be collected both in and outside the Natura 2000 network to achieve a full appreciation of conservation status.

*Article 11*

*Member States shall undertake surveillance of the conservation status of the natural habitats and species referred to in Article 2 with particular regard to priority natural habitat types and priority species.*

The main results of this monitoring have to be reported to the Commission every six years according to Article 17 of the directive.

*Article 17*

*1. Every six years from the date of expiry of the period laid down in Article 23, Member States shall draw up a report on the implementation of the measures taken under this Directive. This report shall include in particular information concerning the conservation measures referred to in Article 6 (1) as well as evaluation of the impact of those measures on the conservation status of the natural habitat types of Annex I and the species in Annex II and the main results of the surveillance referred to in Article 11. The report, in accordance with the format established by the committee, shall be forwarded to the Commission and made accessible to the public.*

*2. The Commission shall prepare a composite report based on the reports referred to in paragraph 1. This report shall include an appropriate evaluation of the progress achieved and, in particular, of the contribution of Natura 2000 to the achievement of the objectives set out in Article 3. A draft of the part of the report covering the information supplied by a Member State shall be forwarded to the Member State in question for verification. After submission to the committee, the final version of the report shall be published by the Commission, not later than two years after receipt of the reports referred to in paragraph 1, and shall be forwarded to the Member States, the European Parliament, the Council and the Economic and Social Committee.*

*3. Member States may mark areas designated under this Directive by means of Community notices designed for that purpose by the committee.*

**The purpose of monitoring conservation status and reporting:**

The overall objective of the directive is to achieve and maintain favourable conservation status (FCS) for all habitats and species of Community interest and to contribute towards maintaining biodiversity of natural habitats and of wild fauna and flora in the European territory of the Member States. Monitoring must therefore lead to a clear picture of the actual conservation status and its trends on various levels and indicate the effectiveness of the directive in terms of approaching and reaching this objective. By doing so, monitoring, assessment and the reporting of results should:

- help assessing the effectiveness of management measures in Natura 2000 sites as well as other provisions of the directive
- assess the contribution of the directive to the broader biodiversity conservation policy (2010 target, biodiversity indicator work, etc.)
- provide background/guidance for setting priorities in conservation policy (on national and EU level)
- help setting priorities for further monitoring (on national and EU level)

- support the assessments made on the impact of plans and projects, which could have negative impacts on species, habitats and the Natura 2000 network.
- support the assessment of correct use of derogation schemes
- give indication in how far the annexes of the directive need adaptation (*e.g.* upgrading of species to priority status, deletion of species/downgrading, inclusion of a listed species in an additional annex)

### **Timing & character of the different reports**

The Habitats directive defines a six-year cycle for reporting, with the second report covering the period between 2001 and 2006. This second report will have to include, on the best available information, a first assessment of conservation status for all species and habitats of Community interest.

To allow preparation of an EU wide report DG Environment has proposed that the 10 new Member States follow the same reporting timetable as the older Member States with a first report submitted in 2007. As for old Member States, new Member States should use all the available information on status and trends of species without regard to the 2004 accession date. The Commission recognises that the reports of new Member States may be less comprehensive although we would recommend that they participate as fully as possible in the conservation status assessments.

	<b>Reporting period</b>	<b>National report (EU synthesis report)</b>	<b>Main focus</b>
1.	1994 – 2000	2001 (2003/4)	Progress in legal transposition and implementation of the directive; progress in establishing the Natura 2000 network, administrative aspects.
2.	<b>2001 – 2006</b>	<b>2007 (2008/9)</b>	<b>First assessment of conservation status based on best available data</b> (based among others on trends and ideally in comparison with favourable reference values)
3.	2007 – 2012	2013 (2014/15)	<i>Renewed assessment of conservation status, based on established monitoring system. Assessment of effectiveness of measures taken under the directive.</i>

### ***A process between Member States and the Commission***

To accompany the work until national reports are due, it is proposed that the Scientific Working Group (SWG) under the Habitats Committee should play the role of a support mechanism in relation to all questions regarding conservation status assessment, monitoring and reporting. Obviously there will be need for further clarification and a further development of common understanding of certain concepts and definitions. Please find at the end of this paper a provisional list of tasks for the SWG and the ETC-BD. It is intended that this issue be a fixed item on the agenda of the group permitting discussions of progress, issues and questions on a regular basis. In view of the next (third) report the group should also start considering how the effectiveness of measures taken under the directive could be assessed.

Once MS have reported in 2007 to the Commission (for details see below), the Commission will compile the information and assess the situation from an EU perspective, which will include assessments at a biogeographical level. In order to provide a synthesis report, which will be as informative, scientifically sound and as clear as possible, it should be considered whether the consultation of MS about the draft report should take the form of a new “biogeographic process”, *i.e.* a round of seminars which would bring MS experts, independent experts, ETC-BD and Commission together to debate the draft conclusions of the EU-analysis, to correct/fine-tune results where necessary and discuss priorities for future actions. Such a process would also help to re-check quality of data, discuss transboundary issues where monitoring results from neighbouring regions seem not to match, favourable reference values, *etc.* In order to avoid a fairly resource and time demanding process, a streamlined approach by a single evaluation committee which could be special meetings of an extended scientific working group might be considered as an option. It will certainly be important that there is a broad debate of the results and their policy implications involving all Member States and all interested stakeholders.

### **Conservation status**

The concept of ‘favourable conservation status’ (FCS) constitutes the overall objective to be reached for all habitat types and species of community interest. In simple words it can be described as a situation where a habitat type or species is prospering (in both quality and extent/population) and with good prospects to do so in future as well. The fact that a habitat or species is not threatened (*i.e.* not faced by any direct extinction risk) does not mean that it is in favourable conservation status. The target of the directive is defined in positive terms, oriented towards a favourable situation, which needs to be defined, reached and maintained. It is therefore more than avoiding extinctions. Member States are expected to take all requisite measures to reach and maintain the objective of FCS.

Favourable Conservation Status is defined in general terms in Article 1e) (habitats) and 1.i) (species) of the Habitats Directive.

*Article 1*

(e) *conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2.*

*The conservation status of a natural habitat will be taken as 'favourable' when:*

- *its natural range and areas it covers within that range are stable or increasing, and*
- *the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and*
- *the conservation status of its typical species is favourable as defined in (i);*

(i) *conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;*

*The conservation status will be taken as 'favourable' when:*

- *population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and*
- *the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;*

These definitions give a general orientation about which parameters are to be used (range, area occupied, *etc.*) when defining and assessing the status, and set the frame for more specific definitions on a species and habitat type level. It is important to note that the assessment of conservation status not only includes an element of 'diagnosis' based on current condition, but that there is also an important element of 'prognosis' (foreseeable future) based on known threats. Such foreseeable future influences could be specific or general threats, positive or negative middle to long-term impacts (*e.g.* by trends in certain policies), *etc.* The prognosis element forms an integral part of the assessment result.

The concept of FCS is not limited to the Natura 2000 network. The definition of FCS for habitats and species in Article 1 indicates clearly that the *overall situation* of species and habitats needs to be assessed and monitored (see Article 11) in order to judge if it is favourable or not. To assess and evaluate the conservation status of habitats and species *within* the Natura 2000 network is not sufficient, especially when considering that the occurrences of most habitats and Annex II species are only partly covered by the network, and Annex IV and V species might not be covered at all.

There has been debate on whether the Natura 2000 network contributes to FCS for Annex I and II interests or is sufficient on its own. From the viewpoint of DG Environment, and confirmed by legal advice, the Habitats directive *as a whole* with all the instruments it provides for has the objective to reach favourable status (FCS) for all habitats and species listed in the annexes of the directive. This is spelled out in its Article 2.2. However for Annex I habitats and for species only listed on Annex II the Natura 2000 network is the only mechanism required by the directive. Results from monitoring & surveillance and from the "*periodical review of the contribution of Natura 2000 to the*

*objectives set out in Article 2 and 3*” as foreseen in Article 9 of the Directive may show a need to adapt the network. Also such results may suggest the need to amend the annexes of the directive.

**Defining favourable conservation status – working with favourable reference values & targets**

It would be misleading to limit the criteria for determining favourable conservation status to recent (*e.g.* 6 year) trends & developments only. This would in some cases not give the correct picture. For example, if a species has steadily but slowly declined over a long time period and seems to have stabilised on a low level, this could not be considered as a species in favourable status. To look only at the “time-window” of a 6-year reporting period would in such (and other) cases not reflect correctly the situation of that species. Trends within the reporting period, in order to be interpreted correctly, should therefore be assessed in the context of clear, measurable reference values for favourable conservation status.

In addition to the information on trends, the assessment of conservation status will need to be done in relationship to favourable reference values which should be defined for each species and habitat type depending on its specific situation. **Favourable reference values** (*e.g.* for range, area covered, population size) should be established on technical basis based on the best available conservation knowledge in a transparent way. 'Best expert judgement' may be used to define it in absence of other data.

Establishing favourable reference values must be distinguished from establishing concrete **targets**: setting targets would mean the translation of such reference values into operational, practical and feasible short-, middle- & long-term targets/milestones. This obviously would not only involve technical questions but be related to resources and other factors.

***Member States are therefore encouraged to include favourable reference values in the 2007 report. The establishment of such values will support the discussions on status evaluation and priority setting on biogeographical level.***

A common approach on **targets** was recommended by the **Thayatal/Austria workshop in October 2003** at both EU and member state level. The debate revealed that several member states have already embarked on the exercise on setting national targets and first lessons might be learned from that. From the presentations and discussions at this workshop following recommendations on how to set targets for favourable conservation status (on whatever level) could be distilled:

Targets shall...

- be based on the definitions given in the Habitats Directive
- be biologically meaningful (address the needs of species and habitats) and contribute to the required conservation of species and habitats in the EU
- be widely/easily understood
- be practical, quantifiable, measurable
- be realistic and accompanied by a plan (setting time lines for measures, milestones, *etc.*).
- be adjustable and take account of different conditions in different regions of the EU and of natural dynamic processes

Following the discussion above, it is clear that the situation at the moment when the directive came into force (1994) does not necessarily equal FCS. It is even unlikely that this is the case considering that the directive was established in order to react adequately to the decline and threat status of habitats and species in the EU (for example because of

adverse influences, or because of too small population sizes for long-term survival). The time of 1994 might however be a practical reference point in time when evaluating trends in case data from around 1994 are available.

### **Monitoring**

Monitoring (long-term systematic observation) is needed to track conservation status and its trends. Monitoring and assessments can be based on representative sampling or other data collection methods, the results of which can then be aggregated and evaluated at various spatial scales. It will probably be necessary for MS to design systems, which are based on existing practices and monitoring schemes accepting that different species groups and different habitat types will require fundamentally different approaches. Intensity of monitoring may depend on various factors: for example on management intensity (*e.g.* untouched forest => low frequency monitoring, regularly managed habitats => high frequency monitoring, *e.g.* integrated in management system), the extent/abundance of habitats/species in different regions, differences in 'typical species' of habitat types across the EU, *etc.* Monitoring at different intensities might be a way of keeping costs and resource-use reasonably low: a rather crude baseline monitoring if species and habitats are in a good, stable situation, but once signs of problems show up (early warning approach), more intense monitoring should be applied in order to understand the extent of the problem and to react adequately.

The establishment of monitoring systems should take account of the favourable reference values to be reached for each species and habitat *i.e.* to monitor against the objectives a MS has set him. This might need the adaptation of ongoing monitoring schemes or the setting up of new structures.

While MS are free to choose their means and methods of gathering data and to adapt monitoring methods to regional differences, it must be stressed that a) monitoring of habitats and species as such is an obligation under the directive and b) that the data finally reported to the Commission need to be comparable and compatible in order to allow for analysis at an EU scale.

Initiatives on harmonisation of monitoring methods (incl. research projects like EU-Mon) and exchange of practices might however be discussed with the Habitats Committee and the Scientific Working Group.

### **Information to be reported to the Commission**

#### ***General information***

Annex A outlines the reporting format regarding general information.

#### ***Information on conservation status***

Annex B and D outline the reporting format for conservation status of habitats (Annex I) and species (Annex II, IV, V).

Data reported to the Commission on conservation status of habitats and species have to include general context information such as range, area occupied, population size (or best available equivalent data) as well as information related to the results of the assessment of conservation status at a biogeographic level for each habitat and species of

Community interest within the Member States concerned. They shall be reported to the Commission as a database (format to be agreed). This will allow the Commission to analyse the data in a meaningful way and produce a database and report that will be a valuable data-source for a wide range of nature conservation and biodiversity issues.

Being aware of the limitation of having all the requested information available the reporting format allows the option of “unknown”, however MS are asked to report as far as possible complete data sets, even if the data are not very reliable. The assumed quality of data can be indicated in the report.

The spatial scale of assessment should be the biogeographic region. However Member States are free to use more detailed assessment units if they wish. More detailed assessments could also be reported to the Commission under the condition that the joint reporting format is respected and an aggregation of data to the biogeographic level is possible (*i.e.* more detailed units should be sub-units of biogeographic regions).

As the objective of the upcoming 2007 report is a first assessment of conservation status, MS should focus their attention to give the best possible assessment of the situation as it is in 2006 *i.e.* at the time of producing the report.

### ***The assessment matrix (per biogeographic region)***

Annex C and E outline the assessment matrix for species and habitats.

To support and harmonise the MS assessment of conservation status per biogeographic region an evaluation matrix has been developed. The matrix lists the main criteria to be evaluated (as foreseen by the directive) and is based on a three grades system (favourable, inadequate and bad conservation status) or unknown (expressing a very severe lack of data).

The first assessment of conservation status should be based on the best information available at the moment of assessment and give a picture on the overall situation for the species or habitat. As for the trends, data close to the time of when the directive came into force (1994) might be used as reference situation if available but where this is not the case and trends over longer or shorter periods are available or make more sense to describe the status of a species or habitat, these should be reported on in this first assessment. For the sake of comparability, new Member States should also use as far as possible data from 1994 when estimating trends.

Populations should be seen as biological populations irrespective of political borders, so that *e.g.* marginal populations in one country/region should not be assessed as small/isolated if they mix genes with populations in neighbouring political areas. In such cases it is suggested that the two (or more) countries concerned undertake the assessment together although the results should be presented, in the context of the transboundary situation, by both.

### ***Updated Standard Data Forms / Natura 2000 data-base***

More or less regular updates of the SDF (Natura 2000 database) will be needed in future. in order to ascertain that they hold relevant up to date information for various purposes.

Concrete procedures on when and how such updates should be made are to be agreed in the Habitats Committee.

### **Clarification of terms used**

**Natural range:** see Annex F

#### **Favourable reference range:**

Range within which all significant ecological variations of the habitat/species are included for a given biogeographical region and which is sufficiently large to allow the long term survival of the habitat/species; favourable reference value must be at least the range (in size and configuration) when the Directive came into force; if the range was insufficient to support a favourable status the reference for favourable range should take account of that and should be larger (in such a case information on historic distribution may be found useful when defining the favourable reference range); 'best expert judgement' may be used to define it in absence of other data.

#### **Favourable reference population (species):**

Population in a given biogeographical region considered the minimum necessary to ensure the long-term viability of the *species*; favourable reference value must be at least the size of the population when the Directive came into force; information on historic distribution/population may be found useful when defining the favourable reference population; 'best expert judgement' may be used to define it in absence of other data.

#### **Favourable reference area (habitat):**

Total surface area in a given biogeographical region considered the minimum necessary to ensure the long-term viability of the habitat type; this should include necessary areas for restoration or development for those habitat types for which the present coverage is not sufficient to ensure long-term viability; favourable reference value must be at least the surface area when the Directive came into force; information on historic distribution may be found useful when defining the favourable reference area; 'best expert judgement' may be used to define it in absence of other data.

### **List of tasks to follow up in 2005/2006 with SWG and ETC-BD**

- Develop a common understanding on how “favourable reference values” should be established and testing of this common understanding with practical examples (include principles in an ETC-BD guidance document to be elaborated together with SWG).
- Further clarification and guidance on how to work with the matrices and the reporting formats (Annex B, C, D, E), further elaboration of definitions (*e.g.* reference lists for threats and pressures, “typical species” for habitats) and examples (include in ETC-BD guidance document).
- Establishment of an electronic reporting format for conservation status (ETC & DG ENV)

- Accompany the progress made with the work in MS, testing of the method
- Investigate further synergies with other reporting obligations (eg. Birds Directive, Water Framework Directive)

## **Annexes**

**Annex A:** General reporting format for the 2001-2006 report

**Annex B:** Reporting format for the conservation status of a species

**Annex C:** Evaluation matrix for the conservation status of a species

**Annex D:** Reporting format for the conservation status of a habitat type

**Annex E:** Evaluation matrix for the conservation status of a habitat type

**Annex F:** Definition of key terms: “Natural range”