To European Commission
Directorate-General for Environment – Natural Capital - Nature Protection (ENV.D.3)

Brussels, 5/2/2021

RE: Draft technical note on criteria and guidance for protected areas designations (NADEG doc 22 October 2020)

Dear [Name],

The Natura 2000 Users Forum is deeply concerned about the initial proposal of the European Commission (EC) to NADEG for defining criteria and guidance for the designation of strictly protected areas. We do not support the EC’s intention to automatically exclude certain activities and a prescriptive approach towards the type of ecosystems which should be under this level of protection.

The EC’s initial proposal deviates from what was outlined in the Biodiversity Strategy for 2030 and Council Conclusions1. We strongly encourage the EC to move away from this approach, which we believe will have negative consequences for activities of socio-economic, cultural, and ecological significance across the EU. This simplistic approach to nature conservation will prove unfeasible and raises a range of legal concerns in terms of land and forest ownership rights.

The proposed EC approach constitutes a fundamental and unjustified change related to protected areas at EU level. Under the current EU regime on protected areas, there is no presumption against activities such as hunting, fishing, and forestry in Natura 2000 areas. On the contrary, these activities are often considered beneficial in terms of both socio-economic and cultural values and the sites’ ecological requirements. In view of this, the EC has previously highlighted that it believes that rural land-use activities in Natura 2000 sites should be determined predominantly at local level.

We must also underline that the updated zero draft of the post-2020 global biodiversity framework, which takes into account the outcomes of the second meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity, does not include reference to strict protection. It is important that EU and global biodiversity strategy remain consistent.

We call on the EC to reconsider its criteria for strict protection and ensure that any land protection targets are flexible enough to allow implementation to take into account the precise conditions and opportunities of ecologically important sites within Member States. This is in line with the principle of subsidiarity and proportionality ensuring that Member States continue to have the power and competence to decide on the most appropriate conservation and management objectives and

measures within their national frameworks of protected areas to be ultimately accounted towards the targets of the Strategy.

A blanket ban of activities such as hunting, fishing, and forestry as a top-down measure for 10% of the EU surface area will have serious socio-economic implications for all EU Member States, including the replacement of domestically produced sustainable forest products by imports. The lack of appropriate management can also make forest stands more prone to negative impact of pest and diseases and will lead in consequence to forest dieback even greater than today. It will alienate important rural stakeholders that are committed to nature conservation. It will negatively affect both private and public landownership, property rights as well as the economic viability of important land-uses. Many landowners would see a significant reduction in their incomes, while at the same time having only a limited or negative contribution to biodiversity conservation.

Forestry, hunting, and fishing contribute to the sustainable use of natural resources, which is a key pillar of the CBD, and the convention text does not consider sustainable use as something counter to protected areas, as is evident in their Article 8 (c): "[Each Contracting Party shall, as far as possible and as appropriate:] (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use."

The top-down approach proposed by the EC jeopardises the current policy approach to protected areas within the EU and should be subject to a thorough impact assessment to fully evaluate its impacts on property rights, rural economies, community-based conservation, rural development, and the social fabric of countryside within and outside of EU.

Please do not hesitate to contact us, should you require further clarification.

Yours sincerely,

On behalf of the following organisations:

Confederation of European Forest Owners

Copa-Cogeca

European Landowners’ Organization

European Federation for Hunting and Conservation

European State Forest Association (EUSTAFOR)