



## **EU BIODIVERSITY and PRIVATE LAND CONSERVATION – ELO Position**

***Reflexions on the proposed EU Biodiversity Strategy for 2030 “Bringing nature back into our lives”***

***COM (2020) 380 final***

To put biodiversity on the path to recovery by 2030, the EU Commission proposed to step up the protection and restoration of nature by improving and widening the network of protected areas and by developing an ambitious EU Nature Restoration Plan.

As privileged observers and custodians of Europe’s nature, landowners are particularly impacted by the progressive disappearance of numerous species and habitats in the area where they are living and working. Like every citizen, and even before reaching its climax in the public opinion, many land managers were conscious of the necessity of a transformative change towards a more nature-based land management. The imperative of making a living in low-margin land-based activities (farming and forestry) in an era of rapid technical change meant that it has taken time to realise the negative side effects of some activities. At this point of our economic development landowners are of course ready to reshape how they manage land to embrace nature-based approaches to a higher degree and to try and restore lost natural capital.

**ELO welcomes with great interest the new strategy of the European Commission. We recognise the intention of inclusiveness with all stakeholders and, when working alongside the institutions to halt the loss of biodiversity, we believe that no sustainable solution leading to reintroduce biodiversity could be achieved without landowners and efficient land management.**

- 1. Considering that almost 95% of Europe's land is in private hands, landowners should, therefore, be considered prime partners in ensuring the success of any biodiversity targets.**

Indeed, this transformative change can only occur if, as a starting point, it is understood that biodiversity and nature encompass a wide variety of land types, users, and management strategies under different socio-economic circumstances in the European Union.

Geographical differences and climate constraints, but also legal, economic, and social differences between Member States are realities which must be recognised before adopting any new EU biodiversity targets. Those elements have been underestimated in the past. This created a European political agenda which was and still is disconnected from the difficulties that private managers face in the field.

***Even if land managers contributions have been progressively recognised at EU level, the repeated failure to achieve EU Biodiversity 2020 goals indicates that there is room for improvement. In particular, land managers should be more clearly empowered and encouraged as well as having access to suitable tools and financing to contribute efficiently to this collective goal.***

***ELO can only regret that during the last decade, despite an increase of global budget and an increase of land surface for nature conservation, biodiversity continues to decline. This is why we call at focussing at European level on the real problems that remain the most pressing ones.***

## **2. Protecting and restoring nature in the European union**

### *2.1. More protected areas*

As the EU Commission believes that biodiversity fares better in protected areas and the current network of legally protected areas is too small, the network should be widened. At least 30% of the EU land and 30% of the EU sea area should be protected and connected with one another by the set-up of ecological corridors, to become a true Trans-European Nature Network.

***The proposed commitments are feasible in their own right, but ELO's view is that as long as quantitative targets remain the main objective, there won't be any significant qualitative improvement in term of biodiversity. ELO believes that the EU Commission's ambition to restore and increase biodiversity can not be achieved in a protected area's only.***

## *2.2. Natura 2000 needs better management*

Significant progress has been made, notably in the implementation and on the communication towards land managers in Natura 2000 areas. The exercise of the “Nature Fitness Check” has been proven to be very useful in that sense. Recently through the “EU Action Plan for nature, people, and the economy”, the European Commission recommends that landowners and users should be consulted at every stage of the decision-making process. What was true then, should remain valid when implementing the new EU Biodiversity Strategy 2030.

It is clear that EU nature conservation measures and especially the EU Birds and Habitats Directives’ obligations are still a challenge to implement for many private managers.

***The three pillars of sustainability: economic viability, environmental protection and social equity, remain essential elements for a successful implementation of EU nature legislation.***

***But pursuing environmental protection without taking into account economic viability and social equity, proved to lead to disappointing results.***

We share the Commission's diagnosis, which seems to recognize that the lack of implementation of EU nature legislation remains the biggest challenge. However, we do not have the same vision on the way and means to progress. The Commission is offering us more areas under protection: we fail to understand how this could lead to real improvement and how the Natura 2000 network would be effectively managed on the ground. It is important to remind that Management Plans in Natura 2000 sites are far from being implemented. In 2012, only 58% of Natura sites had a management plan, not to mention the lack of adequate monitoring. Defining new Natura areas will not solve most of the challenges we are facing.

***Qualitative and effective management plans to restore biodiversity should be therefore at the centre of the EU strategy.***

30% of protected areas can only be realised with the support of private landowners. As observed, conservation management has been proven to be far more effective under voluntary initiatives and activities from private land managers than by increasing regulation. Even the European Commission itself recognises that protecting and restoring nature cannot solely be imposed by regulation.

***Landowners should be the natural and preferred partners at EU level to implement the right management tools in order to enhance biodiversity. Voluntary measures and contractual agreements have proven to be very effective. For this reason, ELO recommends choosing a wide range of voluntary tools for the conservation of private land at EU level. Many Life+ projects have such tools.***

Lessons learned from the Natura 2000 network elaboration should prevail in any new imposition of nature conservation targets.

In the past, land managers and rural users were no part of the designation process and were not duly consulted in the context of a fair and transparent participatory approach in defining conservation objectives. Can anyone then be assured that Member States would be better placed than before to organize such new designations and to define appropriate restoration measures?

### *2.3. Strict protection is not the most effective solution*

“Within the 30% protected areas, 10% should be strictly protected”. With regards to this objective, ELO does not understand why and how this measure would achieve the desired result.

***If this target involves the total abandonment of economic intervention, ELO believes that strict protection will lead to a result that is strictly opposite to what is intended. This 10% strict protection should be preferably applicable to state-owned land and stay voluntary for private land areas.***

While restricting necessary change and evolution in habitats and species as they adapt to climate change and other environmental processes, the decline in biodiversity could be triggered rather than halted. In the past, however, the designation of strictly protected areas has not always been supported by sound scientific evidence, leading to lengthy and costly legal procedures in the different EU Member States. Furthermore, the imposition of such a target in private agricultural and forestry areas could have significant negative economic and social impacts. The European Commission must, therefore, explain further how these effects can be avoided. **ELO is particularly concerned that strict protection may prevent the adoption of any form of economic activities. For many sites, the species and habitats present may depend entirely on the pursuit of certain types of activities for their long-term survival.** The Montado Cork Forests are a perfect example. Furthermore, without active and sustainable management, lands and forests are more likely to be exposed to climate change, pests and disease control and prevention, as well as the onset of natural disasters (fires, floods). In addition, it is worrying that this competence could be left to the Member States, potentially endangering fair conditions of competition while widening the gaps in the management of nature across European territories.

***This is why ELO considers it essential to reach agreement on detailed EU-wide criteria. This is the pre-requisite to succeed in defining strict protection that the MS must implement in a fair and impartial manner.***

### 3. An EU Nature restoration plan for ecosystems

#### 3.1. Properly assess the implementation of a new binding nature restoration target

Our previous remarks also apply to the binding objective of restoring the nature of the EU by 2021. Instead of having a new binding target, we would favour a robust and efficient action plan to reverse the current trend of degradation of ecosystem services. Evaluating ecosystem services is a delicate exercise. ELO has itself launched a survey and research on the evaluation of cultural ecosystem services. In our opinion, the Commission is missing a crucial aspect on this point, in particular the question of payments for ecosystem services.

***We, therefore, warmly welcome this new binding target to be assessed against an impact assessment. This requires the full involvement of the land managers and the necessary financial resources to support their actions as a sign of the EU commitment.***

#### 3.2. Improve the statutes of species and habitats with scientific evidence

Member States are also called upon to ensure that at least 30% of species and habitats which do not benefit from a favourable status reach this status by 2030. **ELO welcomes this clear target. However**, a clearer distinction should be made between the policies required for species (which may highly mobile) and those for habitats (largely static), and if they are already protected, the assumption is then that policies will have to be better adapted to management. Moreover, **the notion of “Favourable Conservation Status” has not been scientifically assessed for all species with a strictly defined set of scientific sound criteria. The European framework should, therefore, provide guidance on the selection and prioritization of such species and habitats and take into consideration their socio-economic environment.** If 30 % species are not in favourable conservation status, this is generally because better policies **outside** of protected areas must be considered. **For specific habitats, we support payment based on results going beyond the simple action/non-action payment system.** Nevertheless, the process needs to be scientifically based, agreed with the stakeholders with a clear assessment of the costs of implementation.

***ELO requests and insists on the importance of having a continuous and serious dialogue in the scientific field. We do not yet know everything about the evolution of species and habitats and the impact of climate change. Let us remain modest and remember that nature and animals are constantly evolving and participate in complex dynamics that must be regularly studied. ELO, therefore, considers it is essential to create a “partnership in the countryside” so that we are able to combine this scientific knowledge with the practices of managers and real experience in the field.***

Wildlife management is essential to balance animal populations, the availability of resources and human activities in an environment. The ELO is co-chair of the Large Carnivore Platform and believes in this regard that if endangered species are fully entitled to the protection

granted to them, it is also necessary to ensure that the concerns of the inhabitants of rural areas living as close as possible to these animals (predators), as well as the damage caused to their means of production, are heard, understood and respected. Occasionally, this also means admitting and taking steps to ensure that life, work and livelihoods in rural areas are protected.

### *3.3. Work with farmers with adequate incentives to improve biodiversity*

Overall, much will be asked to the Member States. Yet we all know too well that they will have new important responsibilities with the implementation of the new CAP reform, starting with the adoption of the CAP Strategic Plans themselves. We fear that we will end up with a very diverse set of rules and funding systems that would create even more uncertainties for farmers and foresters.

***As for many years, the ELO is still advocating payments for ecosystems services.***

***Unfortunately, the EU fails to adopt what would constitute a decisive set of measures for land managers or at least explain which existing instruments would allow this approach. ELO regrets that this measure is not even mentioned as an essential instrument.***

***Farmers and foresters are ready to engage for biodiversity but they need to understand how the suggested target of 10% agricultural area under high-diversity landscapes will be designated and articulated with the new CAP. Will it be included in the eco-scheme architecture and how will it be paid for?***

In parallel, pollinator decline must be reversed and land managers through multifunctional field margins can play an important role.

***The EU pollinators initiative was particularly timely and we would favour more ambitious programmes with a clear link with the new CAP and the Farm to Fork Strategy.***

In the same spirit,

***the proposed reduction of chemical pesticides should go hand-in-hand with the development of more environmentally friendly alternatives enabling farmers to ensure Europe's and the world's food security.***

This requires actions to enable faster deployment of biological control methods and products by revising the regulatory approval process for such products and to review the regulatory provisions affecting efforts to internalising plant protection in crop genotypes by utilising the best modern biotechnology can offer.

**The ELO supports the proposals to review these two sets of regulations for biocontrol and for biotechnology.**

### *3.4. Ensure objectives are accompanied by the necessary financial incentives*

The other main missing elements are adequate incentives to support better land manager actions in Natura 2000 areas and beyond.

Insufficient and misdirected funding has always been a major factor in the failure to achieve the 2010 biodiversity target, or even more one of the reasons for the lack of implementation of the 2020 targets. The lack of funding is driving the EU Commission to promote biodiversity on the one hand but, by extension, the idea of potential profitability as a business case to attract private funds.

***Private landowners are ready to envisage the use of the EU Commission proposal of leverage instruments to respond to this new business model.***

***Therefore ELO welcomes the proposed investment priorities in Natura 2000 and green infrastructure and the European Commission's exercise suggesting 20 billion euro/year be spent on nature.***

***However, this is only a fraction of what would be needed to properly fund biodiversity.***

**Synergies with other EU funding flows are particularly important** and we know that they are not in themselves completely effective today. This is particularly the case with the use of Natura 2000 and Agri-environment-climate payments which are usually allocated with a significant delay by the Member States. There is also a lack of use by public authorities of several funding opportunities which could also help to achieve better biodiversity objectives (eg. Agri-environmental measures to finance prevention methods against large carnivores)

***ELO also calls for improving the use and adoption of the existing financing mechanisms to boost actions linked to biodiversity.***

Besides, it has become clear there is a need to come up with new sources of biodiversity funding to complement whatever can be made available through public funds. For example, market-based solutions such as biodiversity offsets to development, tax credits, incentives as well as mechanisms for compensation to organize the engagement of partners.

***ELO, with the support of the Life program under the project "Land Is For Ever", reviewed existing and innovative mechanisms, to present to the European Commission a list of tools that can be supported from the individual landowners' perspective. These tools including payments for ecosystem services, tax benefits, and labels for nature conservation management or durable natural products are being explored.***

#### 4. Conclusion

The new proposal of the European Commission is undoubtedly ambitious. We welcome the efforts made to establish a timetable. However, there is a danger linked to the maintenance of coherent developments across the various policies involved and therefore to the complexity of implementing this strategy combining new objectives and targets related to the food chain and new CAP. This complexity carries a great risk to be mitigated of seeing the distress of our land managers worsen.

**It is very important to remember that all of the measures being proposed under the Biodiversity and Farm to Fork strategies and the CAP, will ultimately impinge on individual, usually small, single-family farmers or foresters who are already managing the effects of climate change on their activities. ELO, therefore, awaits close consultation as this process develops and looks forward to in-depth, thorough and convincing impact assessments to show that the strategies and policy measures put in place are likely to be effective for the environment as well as facilitating viable rural businesses and communities.**

ELO supports the idea of a new solid framework for Governance, Dialogue and Partnership at EU level for biodiversity to provide a coherent overview and coordination allowing the objectives and targets set by an empowering biodiversity strategy. However, for this to be achieved, the European Commission needs to further elaborate and better define such new governance.

***ELO is ready to actively contribute to this dialogue. It calls on the Commission to offer the Member States a simple, precise and efficient toolbox and to recognize that more controls and reinforced application in one hand, without at the same time providing incentives to landowners and land users, on the other hand, are not expected to generate the expected results of the EU 2030 Biodiversity Strategy.***

Farmers, foresters, rural entrepreneurs need to know what is expected from them if we want to protect and promote biodiversity coherently and efficiently and what should be an appropriate environment to achieve this objective through collective and individual responsible ownerships.