



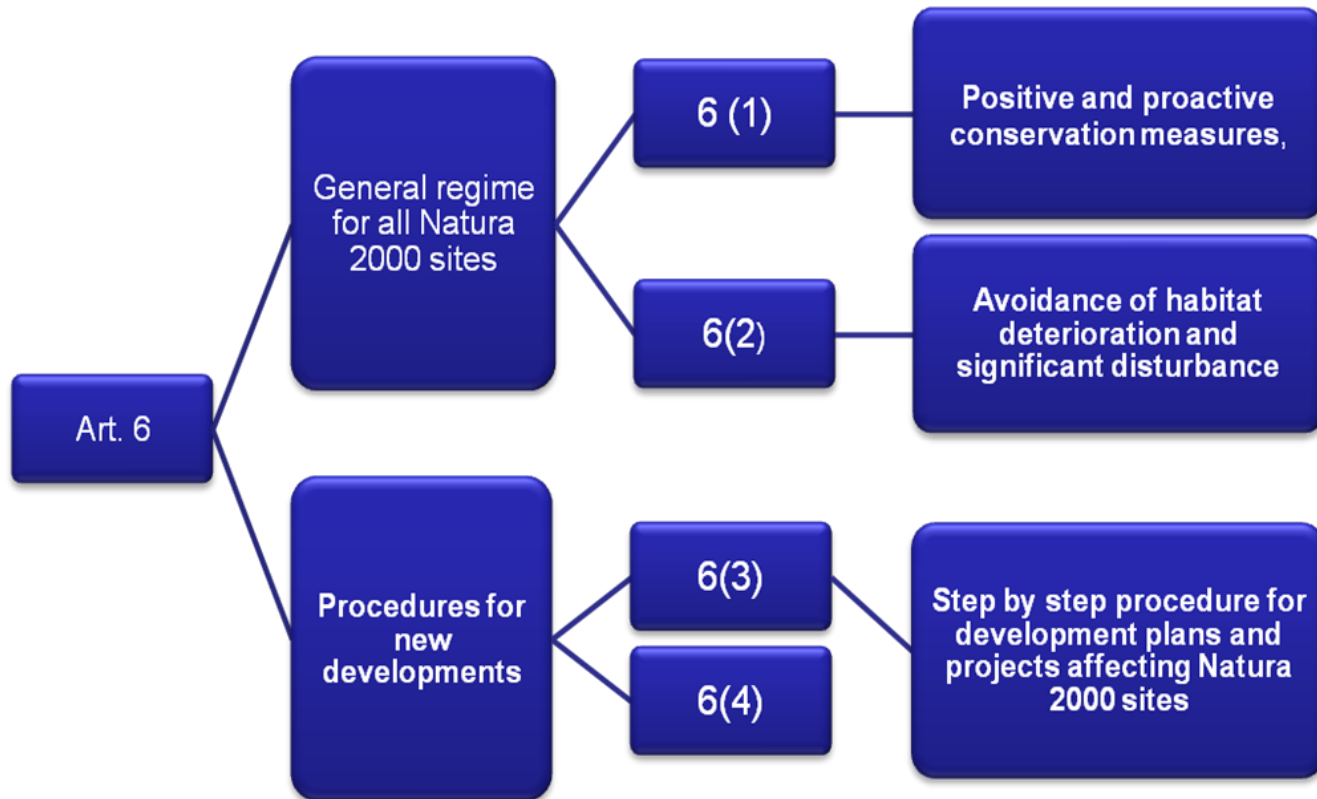
Assessment of plans and projects in relation with Natura 2000 sites:

Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC

**Ημερίδα για έγγραφα κατευθύνσεων
σχετικά με τις περιοχές Natura 2000
15/1/2020, Λευκωσία**

**Φώτης Παπούλιας
Τμήμα προστασίας της φύσης - ΓΔ ΠΕριβάλλοντος**

Article 6: protection and management of the Natura 2000 sites



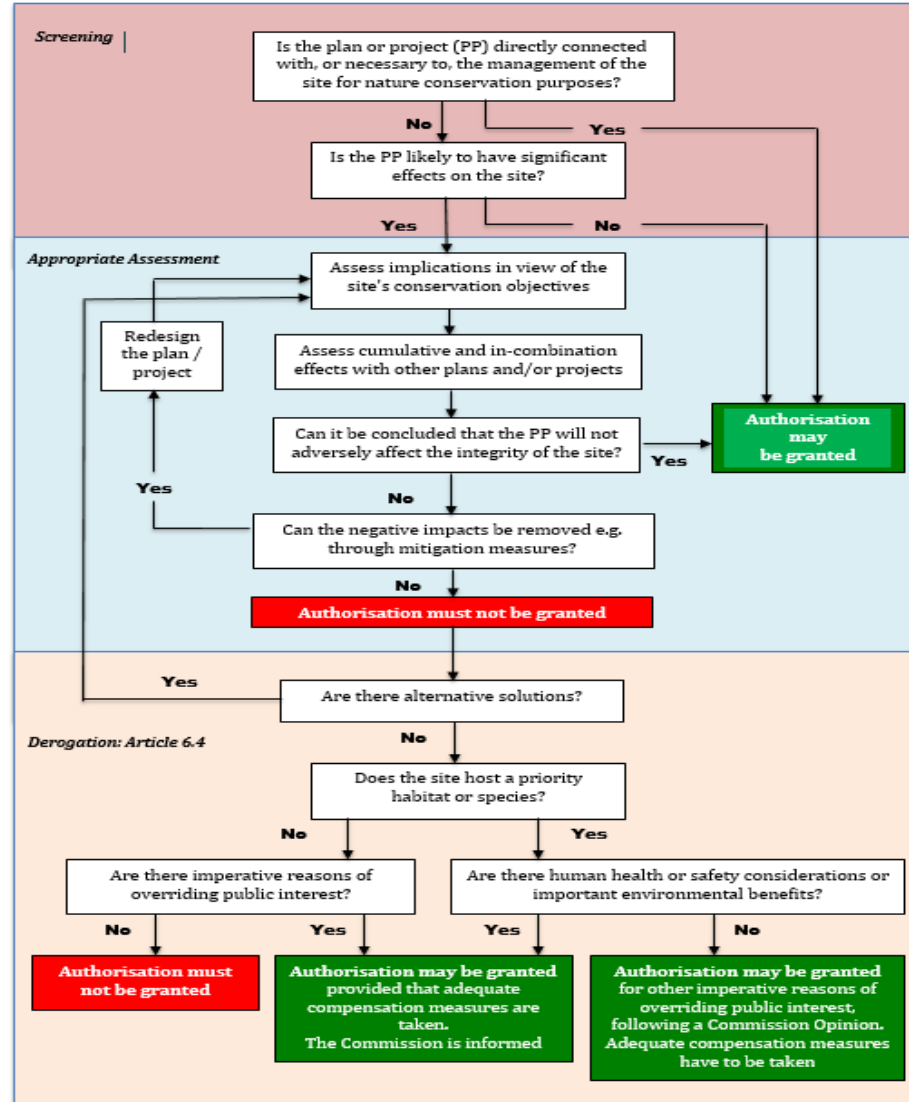


European Commission

Article 6(3)-(4)

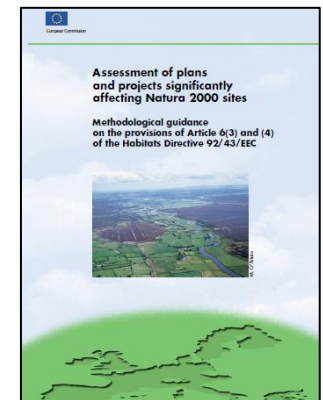
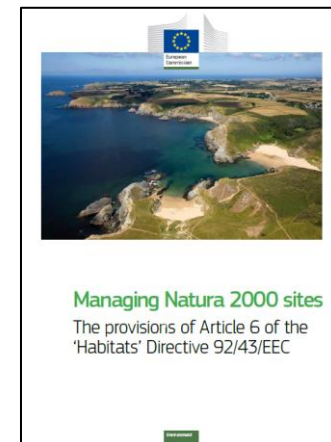
“3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”



Relevant guidance documents

- **“Managing Natura 2000 sites“**
 - Interpretation guidance on Art. 6 - key concepts and terms
 - based on Court jurisprudence
 - 2000 version, revised/updated in 2018
- **“Assessment of plans and projects significantly affecting Natura 2000 sites“**
 - Methodological guidance on the provisions of Art. 6(3) & 6(4)
 - 2001 version, updated with this new guidance document,
 - to be read in conjunction with the interpretation guidance.



Review / update methodological guidance on Art. 6(3) and 6(4) : PROCESS

1. Scoping exercise (Jan-June 2018):
 - ✓ Literature review
 - ✓ Consultation of Member States and stakeholders: questionnaire (28 MS, 17 NGO, 34 sectoral organisations).
 - identification of main issues to cover in the review
 - methods and best practice examples (case studies)
2. 1st draft of guidance document (Sept 2018)
3. Workshop (Brussels, 29 October 2018)
4. 2nd draft of guidance document (March 2019)
5. Consultation with NADEG (March-April 2019)
4. Final draft (November 2019)
- 5. Adoption/publication (expected Feb-Mar 2020)**

Contributors

Questionnaire sent to	Replies received
All Member States authorities	24 - environment/nature, transport authorities
Sectors' organisations (private & public)	22- industry, energy, mining, roads, railways, ports (incl. TEN-T), forest, aquaculture, hunting.
NGOs (environment/nature)	14 - NGOs (EU & national)

Scoping exercise - results

Identified needs for further guidance

Art. 6(3) - Methods, tools, standard criteria for assessment

- Screening: need to ensure a more robust and consistent framework. Criteria to assess significance.
- AA: How to determine adverse effects on site integrity.
- Assessment of cumulative effects: what other plan or projects to consider, where to find information
- AA of plans.

Article 6(4) – Methods, tools, proper understanding

- Methods for the assessment of alternatives.
- IROPI – criteria
- Compensatory measures – design, implementation, monitoring effectiveness.

Other issues:

Effective consultation and public participation

- Early consultation, improved dialogue with stakeholders and public participation.

Strategic approaches

- Strategic planning – to consider Natura 2000 at the stage that is most efficient
- Streamlining AA with other environmental assessment procedures (EIA/SEA, WFD)

Update methodological guide - Approach

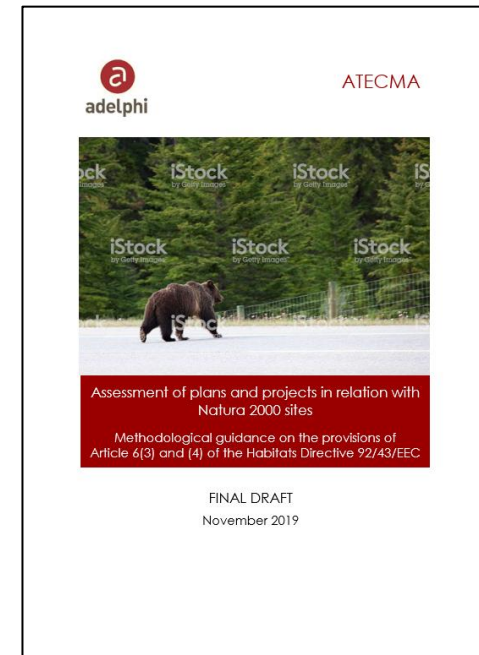
- ✓ In accordance with the revised Article 6 interpretation guidance:

“Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC”

Stage-by-stage approach

Three main stages:

1. Screening
2. Appropriate Assessment
3. Derogation regime under Art. 6(4) (alternatives, IROPI, compensatory measures)



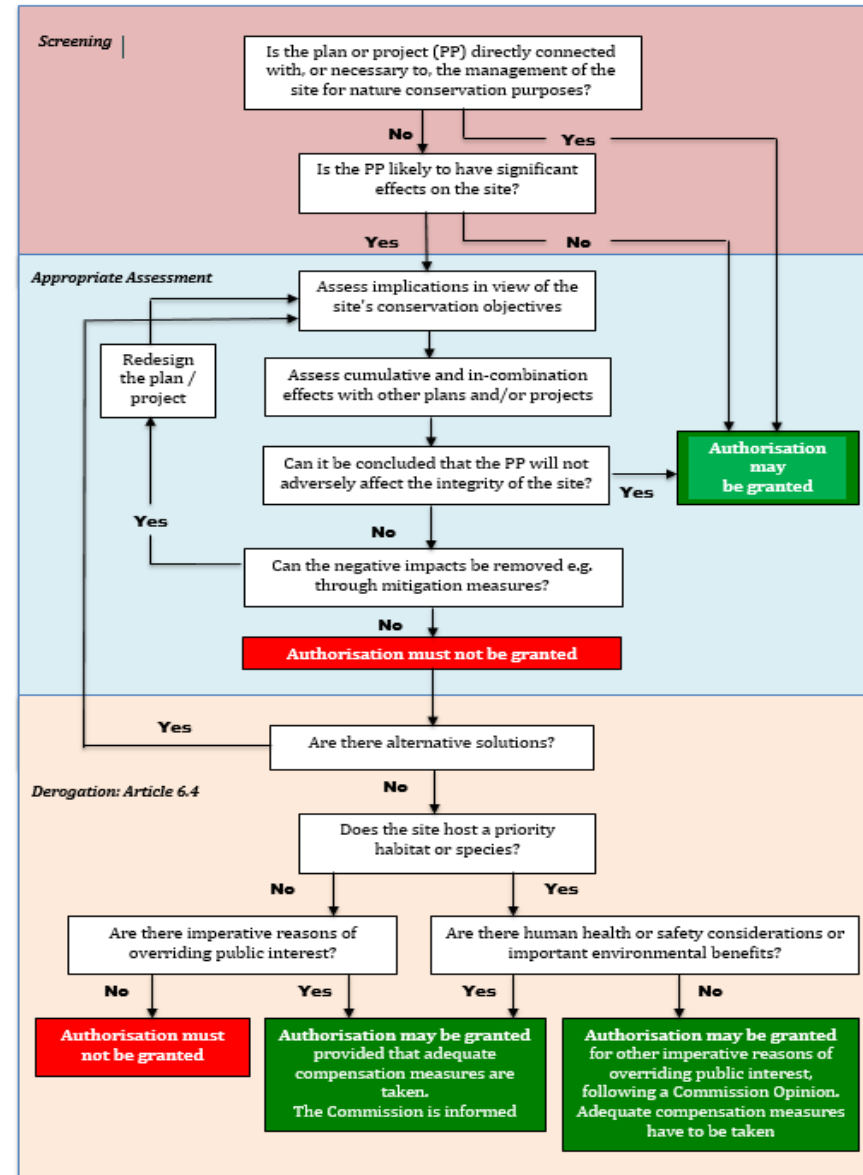
CONSIDERATION OF PLANS & PROJECTS IN RELATION TO NATURA 2000 SITES

Article 6(3) and 6(4) provisions 3 main stages

Screening -6(3): Likely significant effects – is an AA necessary?

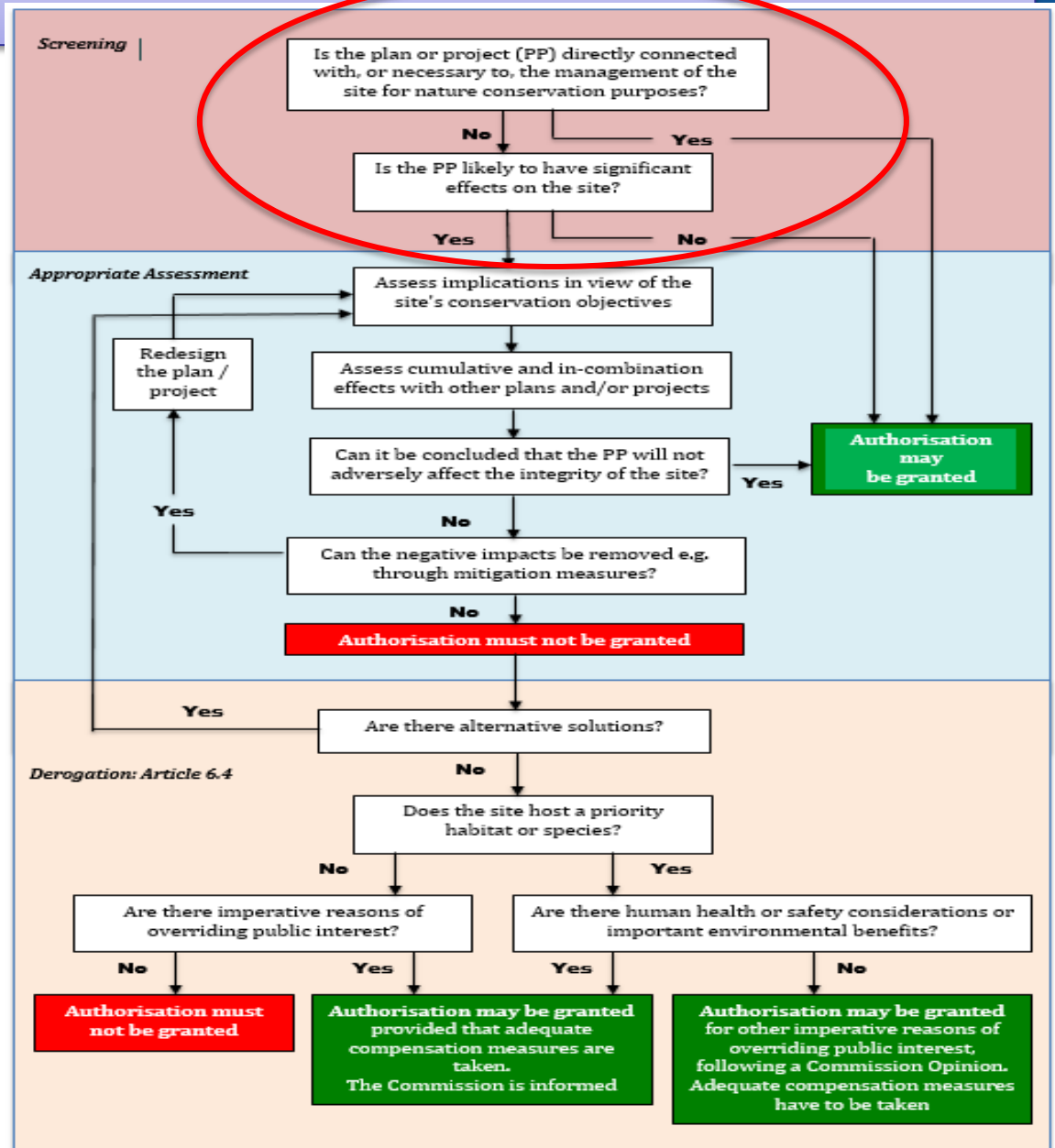
Appropriate assessment -6(3): Adverse effects on the integrity of the site?

Derogation -6(4): alternatives, IROPI and compensatory measures



STAGE 1 - Screening

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site...”



Projects:

Wide interpretation



Environmental
Impact
Assessment

*“construction works, other installations or schemes,
interventions in the natural surroundings and landscape
incl. extraction of mineral resources”*

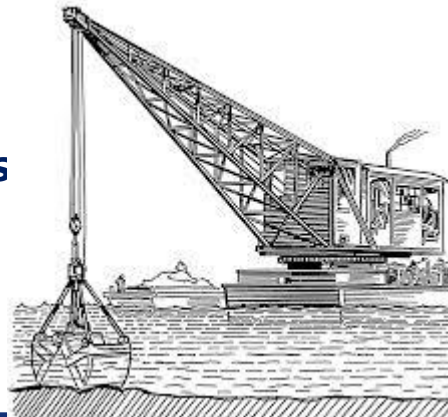
...and more

***Waddensea case (C-
127/02)***



***periodic activities
(license)***

***Pappenburg case (C-
226/08)***



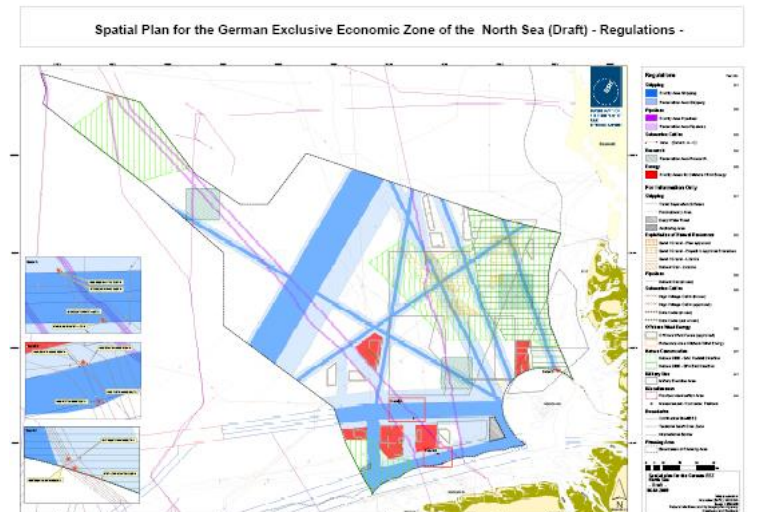
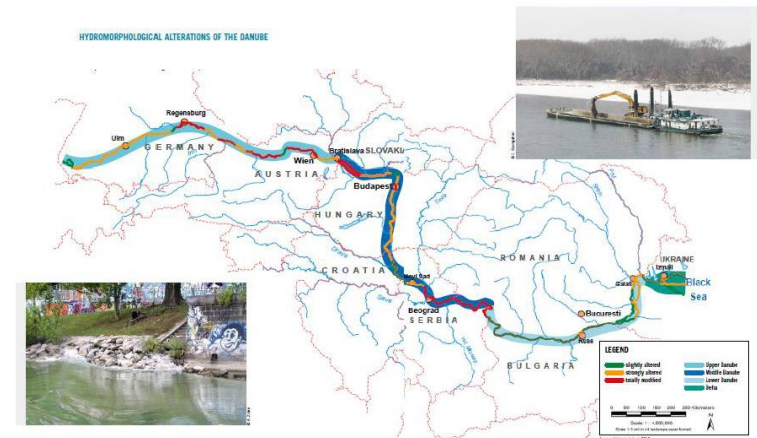
***maintenance
works (in so far
as they
constitute
projects)***



European
Commission

Plans

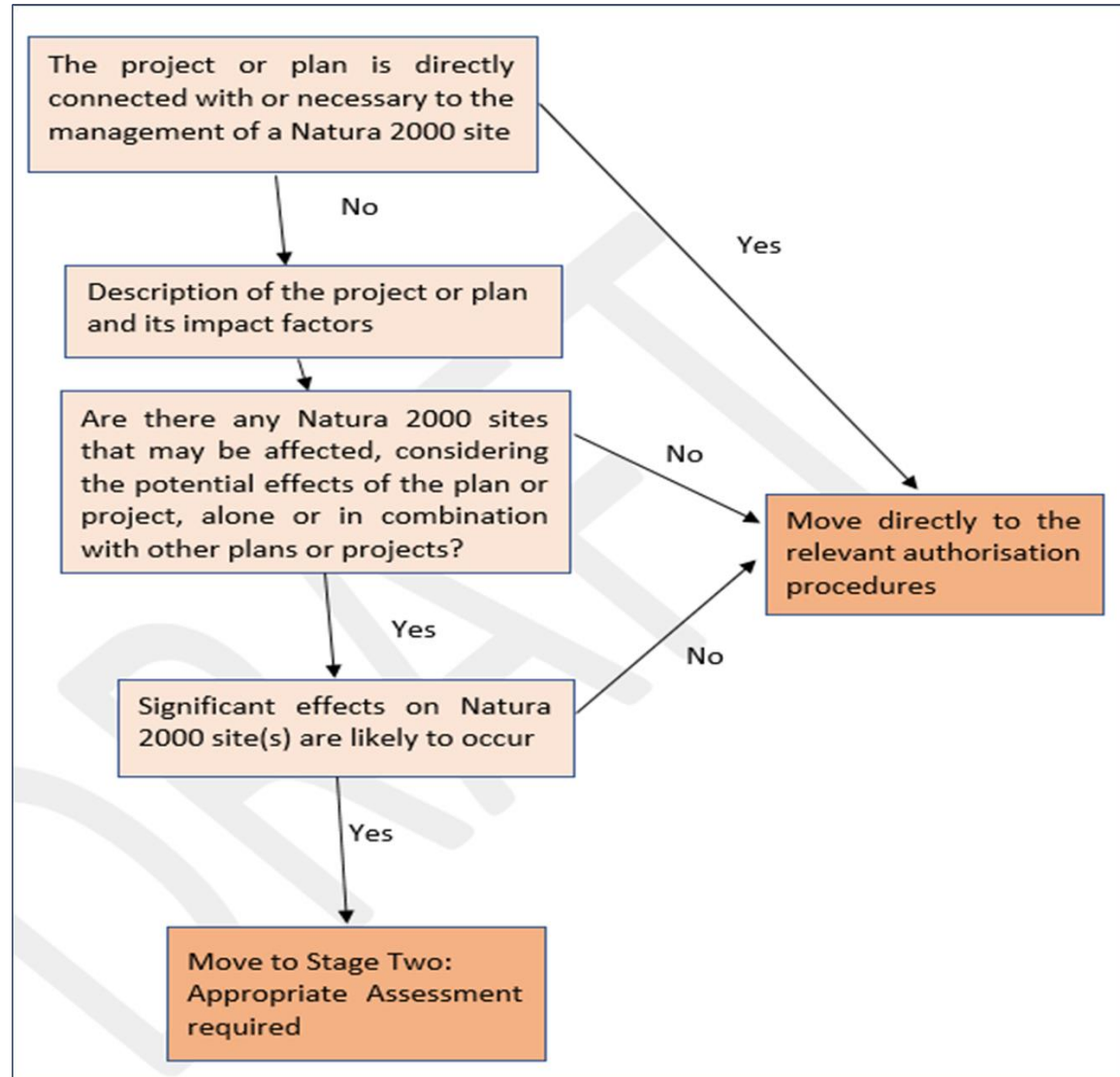
- Wide interpretation (including land use or spatial plans, sectoral plans);
- Policy statements or other policy documents normally outside the scope;
- Plans (and projects) related to nature conservation management excluded.





European
Commission

Screening



Determining likelihood of significant effects

- Certainty v. likelihood;
- Precautionary principle – if in doubt, do the AA;
- Spatial scope (plans and projects inside and outside Natura 2000 sites);
- Significant effect – no arbitrary (quantitative) definition → case by case approach;
- Related to specific features and ecological conditions of the protected site and its conservation objectives;
- Finalised in the form of a decision.



Methods / guidelines

- **Identify Natura 2000 sites** that may be affected by the proposed plan/project.
- Clarify whether the plan/project is directly connected with the **CONSERVATION** management of a site.
- Gather relevant information to assess **potential effects** of the plan/project on the site – *examples of information sources/systems available in different countries.*
- Assessing **likely significant effects** - methods, types of effects which are likely to be significant, aspects to consider in significance assessment, possible thresholds.

Examples: standards of significance for habitat loss used in Germany.

- Consideration of **cumulative effects** – information on other plans and projects, links with SEA and EIA ...

Box 7: Examples of significance indicators

Impact type	Significance indicator
Loss of habitat area	Percentage of loss
Degradation	Percentage reduction of resting areas for a species
Disturbance	Intensity of noise, duration or permanence, distance to breeding areas
Fragmentation	Duration or permanence, level in relation to original extent
Indirect effects:	Relative change in water resources or water quality (key indicative chemicals and other elements)

Outcome

Box 9. EXAMPLE OF A SCREENING REPORT

Summary description of the project or plan and main elements likely to cause impacts

Project/plan objectives and its main elements/activities during different phases (e.g. construction, operation and decommissioning, if appropriate).

Summary description of the Natura 2000 site and its key features

Habitats and species for which the site is designated that are likely to be affected and importance of the site for them.

Description of individual elements of the plan or project likely to give rise to impacts on the Natura 2000 site

- size and scale
- distance from the Natura 2000 site, interaction with key features of the site
- land-take, excavation requirements
- resource requirements (water abstraction, etc.)
- emissions (disposal to land, water or air);
- transportation requirements
- duration and timing of construction, operation, decommissioning,
- impact range of impact factors (e.g. noise, nitrogen deposition, turbidity)

Description of likely effects on the Natura 2000 site and its features, in terms of:

- reduction of habitat area, habitat degradation or fragmentation
- disturbance to species, reduction in species populations and density
- changes in ecological functions and/or elements that are essential for the ecological requirements of habitats and species (e.g. water quality and quantity, etc.)
- increase of pressures and threats
- interference with key relationships that define the structure and function of the site.

Description of likely impacts of the project in combination with other plans or projects

- Impact factors to be considered for cumulative effects
- List and description of projects with possible cumulative effects
- Assessment of the extent and significance of cumulative effects

Criteria for determining significance, indicators of significance, e.g.:

- Degree of habitat loss (absolute, relative), changes in habitats structure
- Risk of species populations' displacement, level of disturbance, reduction of species home range, feeding area, refuge areas, alteration of favourable condition for breeding.
- Importance of the habitats and species affected, e.g. representativity, local variety...
- Importance of the site (e.g. limit of distribution area for certain habitats and species, stepping stone, important for ecological connectivity, etc.)
- Disruption or alteration of ecological functions
- Changes to key ecological elements of the site (e.g. water quality etc.).

Conclusions: Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

Likely significant effects: No Yes or uncertain

Sufficient accessible sources of information were checked: Yes No

STAGE 2 – Appropriate assessment

"...appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

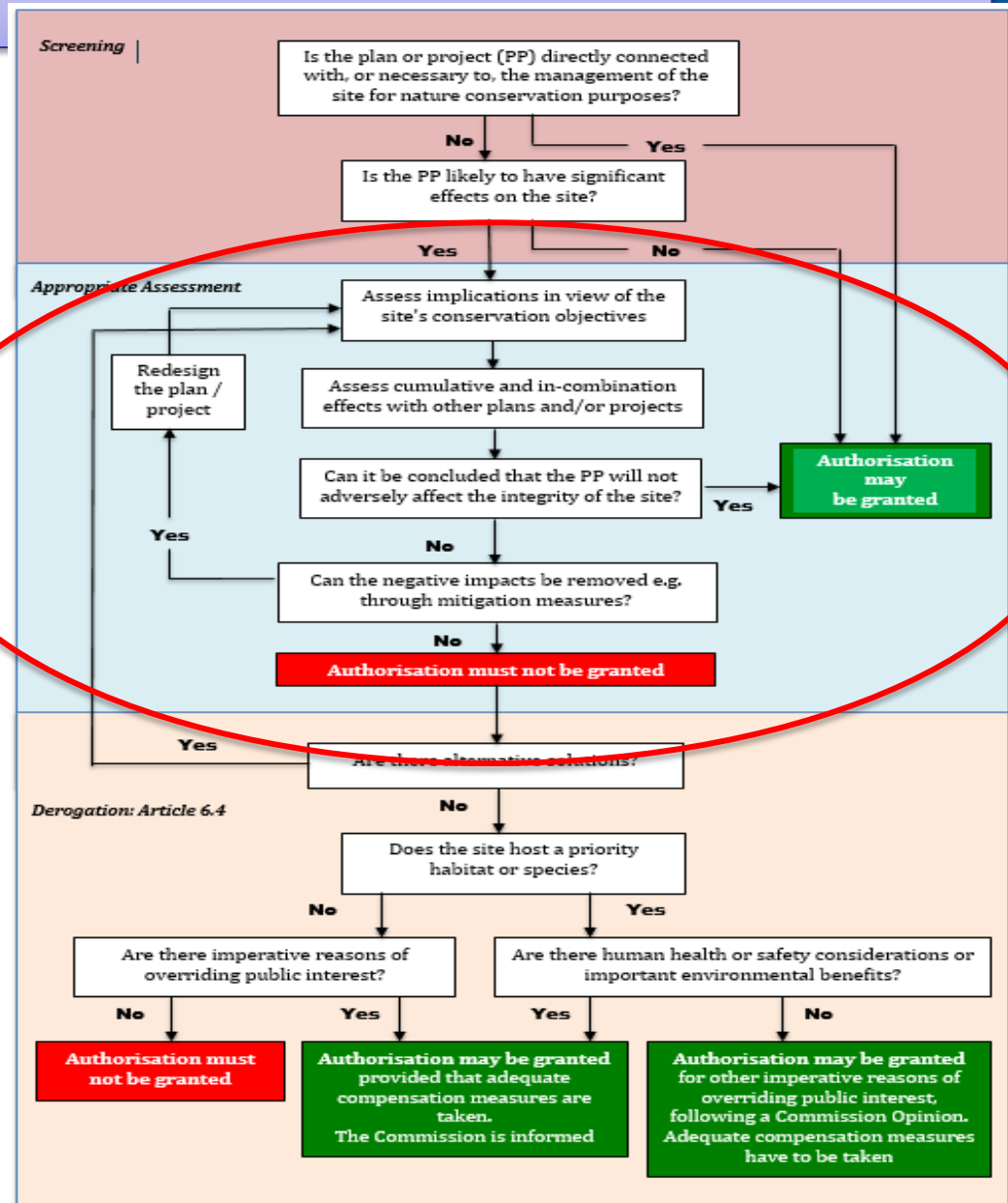


Table 1. Differences between the screening stage and the Appropriate Assessment

Screening	Appropriate Assessment
Evaluates if significant negative effects on a Natura 2000 site are <u>likely</u> as a result of the plan or project implementation.	Assesses the <u>likely</u> effects on the Natura 2000 site in view of its conservation objectives and determines whether adverse effects on the integrity of the site will or might be caused by implementation of the plan or project.
If significant effects cannot be excluded with certainty, an Appropriate Assessment is necessary.	Project can be permitted only if adverse effects on the Natura 2000 site integrity can be excluded.
Can be usually based on existing data, available knowledge and experience and expert opinion.	Requires detailed assessment, often field surveys and expert advice and consideration of the individual case by experts.
Mitigation measures are not considered in the Screening (Case C-323/17)).	Mitigation measures and their effectiveness to eliminate or reduce the adverse effects are considered in the assessment.

Appropriate Assessment – main steps:

- Gathering information on the project and on the Natura 2000 sites concerned.
- Assessing the implications of the plan or project in view of the site's conservation objectives.
- Determining whether the plan or project can have adverse effects on the integrity of the site.
- Considering mitigation measures (including monitoring).

Methods, guidelines

- Baseline information, key issues.
- Scoping recommended (as in EIA Dir)
- Conservation objectives
- Identification and quantification of effects (relevant parameters).
- Analysis of cumulative effects.
- Site integrity (meaning).
- Assessment of effects on the integrity of the site (criteria, standards).
- Elements for identification.
- Monitoring of mitigation measures.

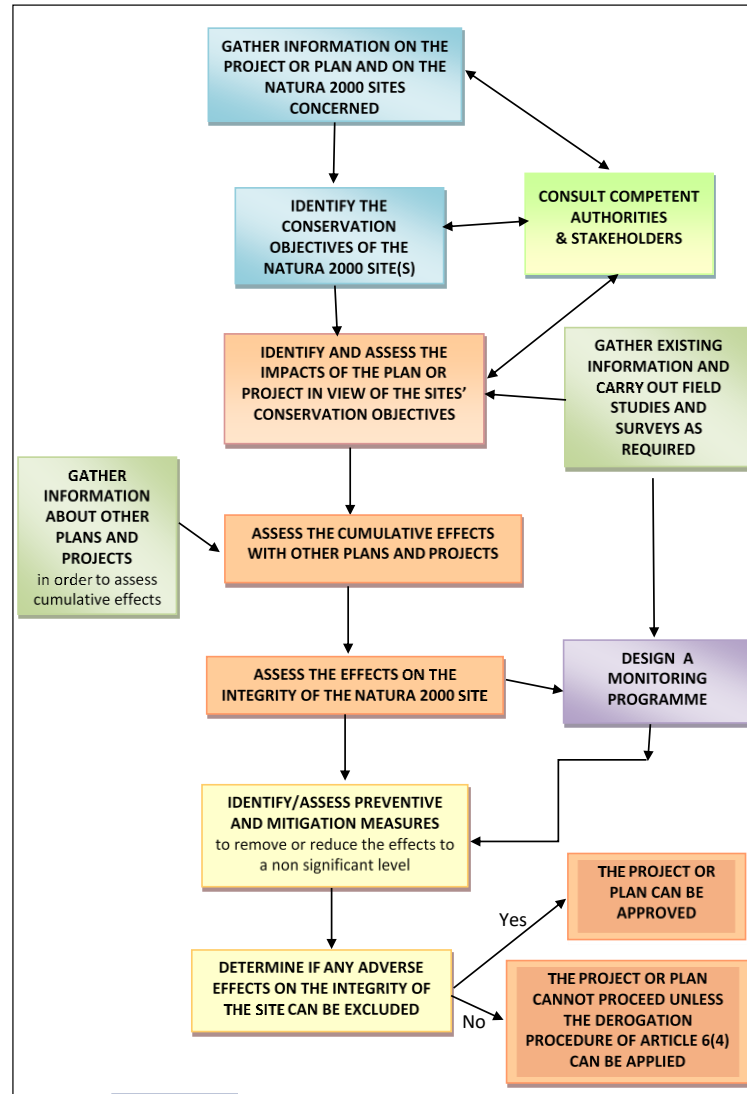
- Consultation. Public information.
- Checklist to ensure quality of AA.



European
Commission

Figure 3: Steps to be undertaken as part of the appropriate assessment

Appropriate assessment



Site's conservation objectives

- Site specific
- In management plans, SAC designation acts...
- As a min: Information on each site in its Standard Data Form (SDF)
- Maintenance or improvement of conservation status
- Commission Guidance notes:

https://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

3.2.C. MAMMALS listed in Annex II of the Council Directive 92/43/EEC									
Code	Name	POPULATION				SITE ASSESSMENT			
		Resident		Migratory		Population Stage	Conservation	Isolation	Global
Breed	Winter	Breed	Winter						
1337	Castor fiber	I	P			B	A	C	A
1355	Lutra lutra	I	P			B	A	C	B
1318	Myotis dasychema	I	P			C	B	C	C
1324	Myotis myotis	I	P			C	B	C	C

3.2.D AMPHIBIANS AND REPTILES listed in Annex II of the Council Directive 92/43/EEC									
Code	Name	POPULATION				SITE ASSESSMENT			
		Resident		Migratory		Population Stage	Conservation	Isolation	Global
Breed	Winter	Breed	Winter						
1188	Bombina bombina	I	P			B	C	C	C
1166	Triturus cristatus	I	11-50			C	B	C	B

3.2.E FISHES listed in Annex II of the Council Directive 92/43/EEC									
Code	Name	POPULATION				SITE ASSESSMENT			
		Resident		Migratory		Population Stage	Conservation	Isolation	Global
Breed	Winter	Breed	Winter						
1130	Aspius aspius	I	C			C	A	C	B
1149	Cobitis taenia	I	R			C	A	C	B
1124	Gobio albipinnatus	I	C			A	A	C	A
1099	Lampetra fluviatilis	I	V			C	B	C	B

Table 6. Assessment criteria, descriptors and indicators

Conservation objective	Assessment criteria	Qualitative description of effects	Quantitative indicator	Timeframe
Habitats	Loss of habitat area	Importance, role and function of the habitat, in the site	Area of habitat loss (ha and %)	Duration of the effects Reversibility: Likelihood and time needed for recovery
	Deterioration of structure and/or functions	Type and degree of deterioration (e.g. loss of typical species, etc.). Consequences in the long term. Habitat fragmentation. Increase in pressures and threats	Area of habitat deterioration (ha and %)	
Species	Loss /reduction of population. Alteration of population dynamics in the site.	Displacement of individuals. Disturbance in critical periods. Consequences for the local population. Alteration in population demography. Increase in pressures and threats.	Population loss (number and %) in the short and long term. Changes in demographic parameters (e.g. breeding success, etc.)	
	Loss of species' habitat	Type of habitat loss, e.g. loss of foraging habitat, resting places, breeding areas.	Area of habitat loss (ha and %)	

Assessing the effects on the integrity of the site

An example: Germany's standard criteria

In general, permanent loss of habitat types and habitats for species is adverse effect on the site integrity, but a certain level of loss could be insignificant for some habitat types and species.

1. No important or special function or variant of the habitat is affected.
2. Orientation values of area loss are not exceeded.
3. Relative area loss is less than 1% of total area in the site.
- 4 + 5. Cumulative effects with other plans/projects or with other impact factor do not lead to exceeding the above values.

Indicative values of tolerable loss

Code	Habitat-Type	Orientation value for habitat loss (in m ²)			
		class	Level I	Level II	Level III
			If loss ≤ 1 %	If loss ≤ 0,5 %	If loss ≤ 0,1 %
9110	Luzulo Fagetum Beech Forest	5	250	1.250	2.500
9130	Asperulo Fagetum Beech Forest	5	250	1.250	2.500
9170	Oak Hornbeam Forest	4	100	500	1.000
91E0*	Alluvial Forest	4	100	500	1.000
6510	Lowland hay meadows	4	100	500	1.000
4030	European dry heaths	3	50	250	500
6430	Hydrophilus tall herb fringe commun.	3	50	250	500
6120*	Xeric sand calcareous grasslands	2	25	125	250
7110*	Active raised bogs	1	0	0	0
7220*	Petrifying springs with tufa formations	1	0	0	0

Cumulative impacts

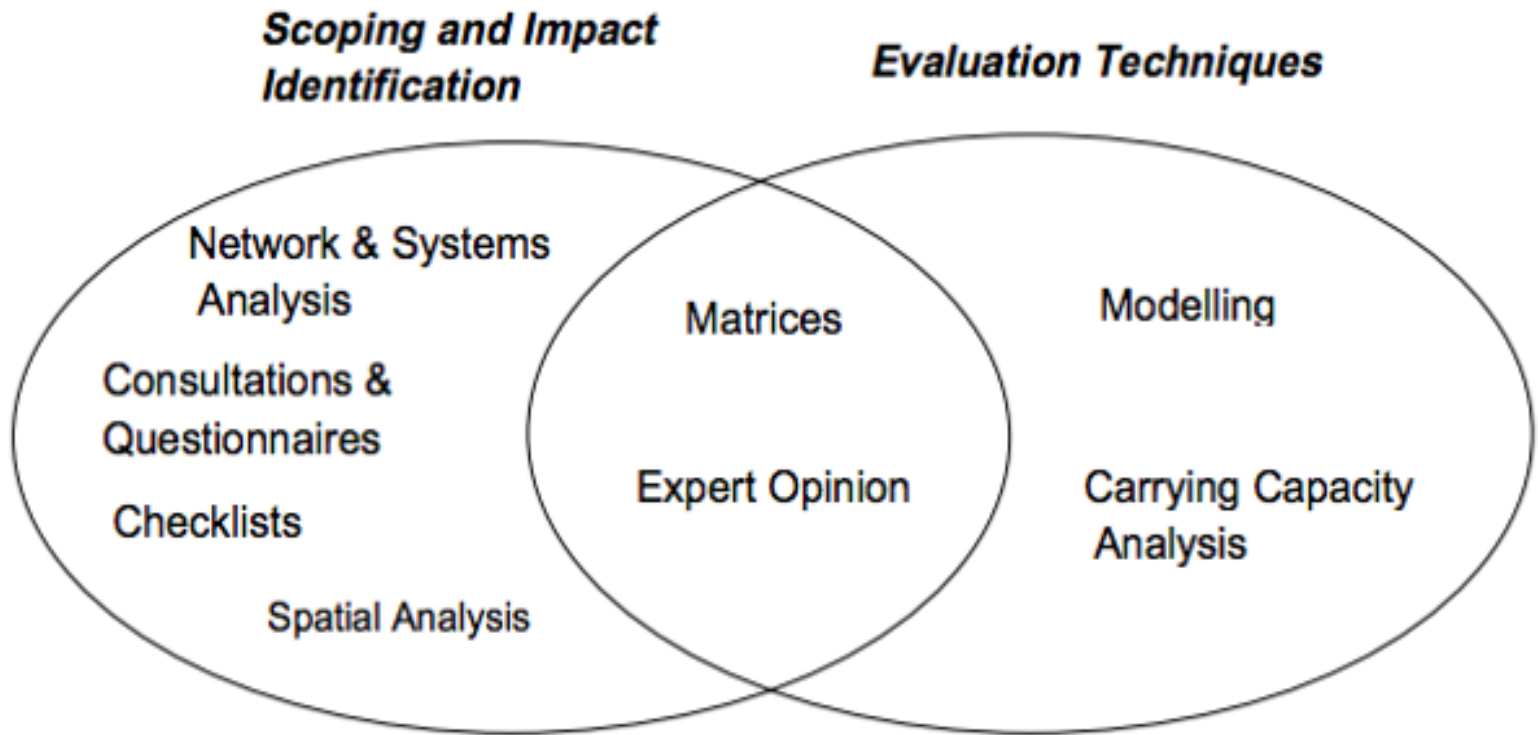
- Result from the successive, incremental, and/or combined effects of a development (plan or project) when added to other existing, planned and/or reasonably anticipated developments.
- Plans and projects to be considered:
 - ❖ Completed, or
 - ❖ approved but uncompleted, or
 - ❖ actually proposed.

Examples:

- several dams along the same river
- extraction sites + access roads + transmission lines



Figure 4. Possible methods and tools for Assessment of Cumulative Impacts as well as Impact Interactions



Source: European Commission, 1999. Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions.

Mitigation measures

Aim to remove, pre-empt or reduce to non-significant level the impacts identified in the AA.

Hierarchy of mitigation measures:

- **avoidance:** prevent significant impacts from happening in the first place
- **reduction:** reduce the magnitude and/or likelihood of an impact.
- ✓ Directly linked to the negative effects
- ✓ Must be described in sufficient detail
- ✓ Not to be confused with compensation

Table 7. Examples of mitigation measures

Types of mitigation measures	
Avoidance	
▪	Technical solutions to prevent negative effects of the plan or project (e.g. noise suppression devices)
▪	Siting of project elements to avoid key areas (entire Natura 2000 sites or core areas within or connecting Natura 2000 sites)
▪	Protective fences to prevent damage to vegetation
▪	Wildlife fences.
▪	Avoidance of key periods for implementation works (e.g. breeding season)
▪	Desisting from impact-generating actions.
▪	Optimisation of coordination of works to avoid cumulative impacts.
Reduction, moderation, minimization	
▪	Emission controls
▪	Noise barriers
▪	Screens
▪	Pollutant interceptors
▪	Controlled access to sensitive areas during construction/operation
▪	Wildlife crossings (e.g. bridges, tunnels and “ecoducts”)
▪	Adapting impact-generating actions to reduce effects to the extent possible

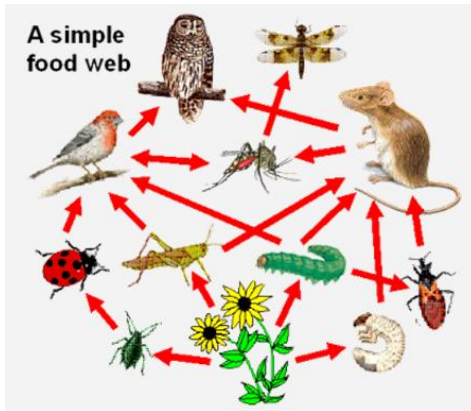
Integrity of the site

Ecological

- structure
- function
- processes

Linked to
conservation
objectives

Site specific



Box 12. Assessment of effects on the Integrity of the site: a checklist

Does the project/plan have the potential to:

- Reduce the area of habitat types, or habitats of species, for which the site has been designated?
- Reduce the population of species for which the site has been designated?
- Result in disturbance that could affect the population size or density or the balance between species?
- Cause the displacement of designated species and thus reduce the distribution area of those species in the site?
- Result in fragmentation of Annex I habitats or habitats of species?
- Result in loss or reduction of key features, natural processes or resources that are essential for the maintenance of relevant habitats and species in the site (e.g. tree cover, tidal exposure, annual flooding, prey, feeding resources, etc.)?
- Hamper or cause delays in progress towards achieving the conservation objectives of the site?
- Disrupt those factors that help to maintain the favourable conditions of the site?
- Interfere with the balance, distribution and density of species that are the indicators of the favourable conditions of the site?

Ensuring quality of the AA

- Relevant expertise/experience
- Formal specifications regarding the type of information and criteria for the AA
- Training and dissemination of good practice and methods
- Certification scheme or qualification system
- The system of quality assurance established in the EIA directive is useful

Box 15. Checklist to ensure quality of appropriate assessment under article 6(3)

The assessment:

- Considers all elements contributing to the Natura 2000 site's integrity as indicated in the site's conservation objectives, management plan (where available) and Standard Data Form and the importance of habitats and species concerned in the context of network, and is based on best available scientific knowledge in the field.
- Considers the role of the site and its function within the biographical region and in the coherence of the Natura 2000 network.
- Includes a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.
- Provides for the incorporation of effective mitigation measures into the plan or project concerned, in order to avoid, reduce or even cancel the negative impacts on the site.
- Applies the best available techniques and methods, to estimate the extent of the effects of the plan or project on the biological integrity of the site(s) likely to be damaged.
- Includes the best possible indicators to monitor the plan or project implementation.

Outcome

Box 16. Example of contents of the Appropriate Assessment report

Relevant characteristics of the plan or project

Aim, scope, location, main activities

Natura 2000 sites(s) likely to be affected and its (their) conservation objectives

Describe the conservation objectives of the site(s) in the context of the appropriate assessment.

Assessment of the effects of the project or plan on the integrity of the site

Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the Natura 2000 site (from screening assessment).

Describe how the project or plan will affect species and habitats which justify the site designation, and the implications for the site's conservation objectives (e.g. loss of habitat, disturbance to species, mortality risk of species, fragmentation, hydrological changes, etc.). Acknowledge uncertainties and any gaps in information.

Justify whether the integrity of the site will be affected by the project or plan or not. Acknowledge uncertainties and any gaps in information.

Describe what mitigation measures are to be introduced to avoid or reduce the adverse effects on the integrity of the site.

Acknowledge uncertainties and any gaps in information.

Outline monitoring foreseen.

Conclusion

Justify whether the integrity of the site might or will be affected by the project or plan or certainly not (regarding the precautionary principle).

Sources for the elaboration of the AA

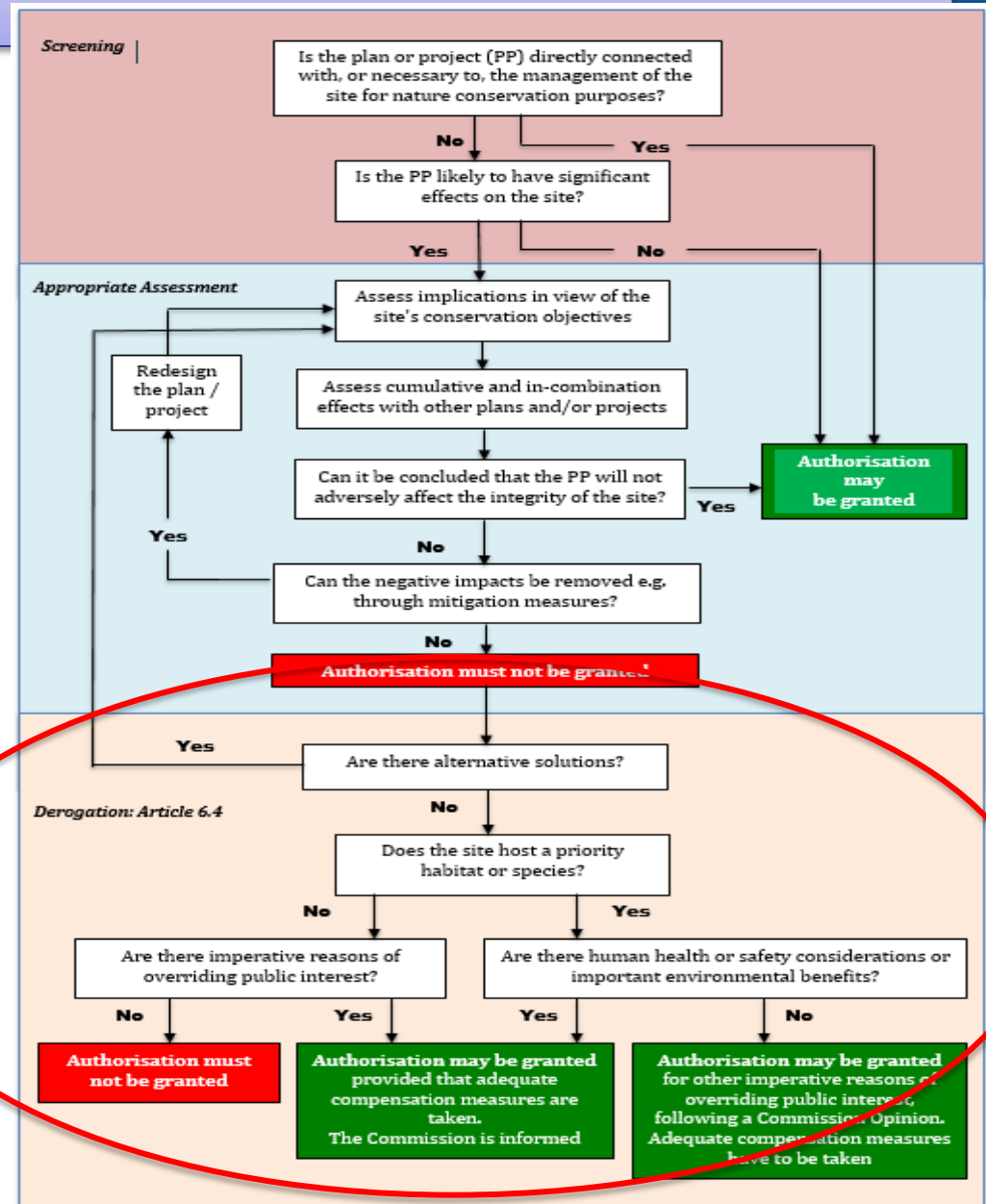
Results of consultation

Name of agency(ies) experts / or body(ies) consulted

Summary of response

STAGE 3 – Derogation under Art. 6(4)

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."



Essential requirements under Art 6(4)

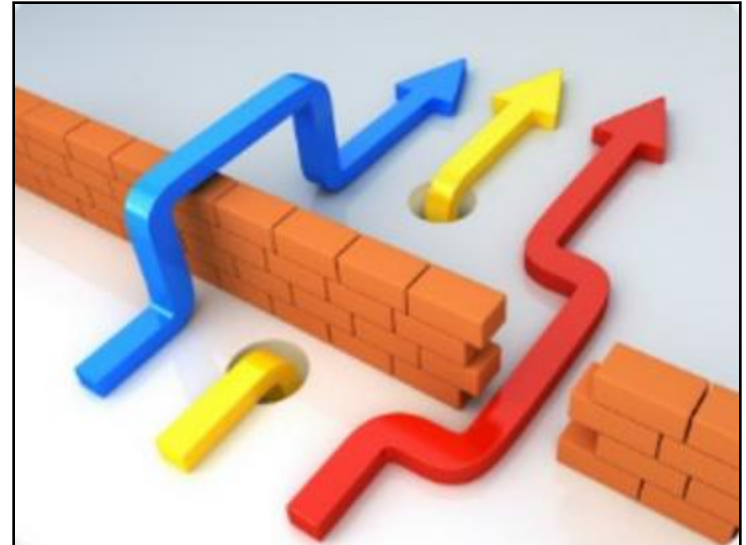
1. Absence of other feasible **alternative** that would not adversely affect the integrity of the site(s);
2. There are **imperative reasons of overriding public interest**, including 'those of a social or economic nature';
3. All **compensatory measures** necessary to ensure that the overall coherence of Natura 2000 is protected are taken.

Methods/guidelines

- **Identification and assessment of alternatives.** Examples of alternatives (from Commission Opinions).
- **Determining IROPI.** Examples (from EC Opinions).
- **Identification, assessment and adoption of compensatory measures.**
 - guiding principles for setting compensatory measures (overall coherence of the network, proportionality, ecological functionality)
 - steps in the design of compensatory measures
 - time scales for compensation
 - differentiation of compensatory (art. 6.4) from conservation measures. (art. 6.1)
 - evaluation of effectiveness and monitoring of compensatory measures.
 - Examples of compensatory measures.

Alternative solutions

- all feasible alternatives
- relative performance to Natura 2000
- proportionality (but cost not the sole determining factor)
- alternative:
 - locations
 - scales
 - designs



Assessment of alternatives

Table 9 Assessment of alternative solutions matrix

Assessment of alternative solutions

The description and objectives of the project or plan

The 'do nothing' alternative

Predicted adverse effects of the project or plan on the Natura 2000 site following the appropriate assessment

Comparison with chosen project or plan

Possible alternative solutions

Evidence of how the alternative solutions were assessed

Describe the relative effects on the conservation objectives of Natura 2000 (greater or less adverse effects).

Alternative locations/routes

Alternative size and scale

Alternative means of meeting objectives (e.g. demand management)

Alternative methods (construction, operational, decommissioning)

Alternative timescales

Alternative One

Alternative Two

Alternative Three

.....

Conclusions on assessment of alternatives

Imperative Reasons of Overriding Public Interest

- **Imperative:** it must be essential that the plan or project proceeds
- **Overriding:** the interest served by the plan or project outweighs the harm (or risk of harm) to the integrity of the site(s) as identified in the appropriate assessment
- **Public Interest:** private projects included but a long-term public benefit must be delivered.

Priority habitats/species affected

Only considerations:

- human health
- public safety
- primary benefits for the environment

- other reasons, subject to



opinion

https://ec.europa.eu/environment/nature/natura2000/management/opinion_en.htm

Compensatory measures

- independent of the project
- additional to normal management practice
- need to address the impacts
- ensure overall coherence of the network
- in place before impact occurs





Table 11. Types of compensatory measures suitable for Article 6(4)

Compensatory Measure	Description
Habitat restoration or enhancement in existing sites	Increasing the habitat area in the site concerned or restoring the habitat in another Natura 2000 site, in proportion to the loss due to the plan or project (except where a habitat should be restored according to the site conservation objectives)
Habitat recreation	Creating a habitat on a new or enlarged site, to be incorporated in the Natura 2000 network
Designation of a new site with implementation of management measures	Designating a new Natura 2000 site and implementing the appropriate accompanying measures (management plan and conservation measures)
Species reintroduction, recovery and reinforcement, including reinforcement of prey species	Reintroduction of species into sites where the species have disappeared (provided the scientific soundness of such a re-introduction). Re-stocking species populations in areas where they are declining.
Accompanying measures	Description
Land purchase	Acquiring an area of land for nature conservation and establishing the necessary conservation measures.
Rights acquisition for nature conservation	Acquiring management rights over an area of land or sea and establishing the conservation measures needed.
Reserve creation	Setting restrictions in the use of an area of land or sea.
Reduction of threats	Reduction in (other) threats, usually to species, either through action on a single source or through co-ordinated action on all threat factors.



Table 14. Key elements to assess effectiveness of compensatory measures

Location	Must allow maintaining the overall coherence of the Natura 2000 network.
	Must have - or must be able to develop - the specific features, structure and functions that require compensation according to the AA.
	Must give proper consideration to qualitative ecological aspects such as the uniqueness of the assets impaired.
	Is determined by a careful analysis of local ecological conditions to ascertain the feasibility of compensation as close as possible to the area affected by the plan or project.
	Must be within the same biogeographical region or within the same range, migration route or wintering area for bird species.
Extent	Must be determined by: <ul style="list-style-type: none">- <u>the</u> extent of negative effects of the plan or project on key features and ecological processes;- <u>scientific</u> evidence of the feasibility of the measures for achieving the expected results for maintaining the overall coherence of the network.
	Is best set case-by-case, according to the information generated in the Appropriate Assessment under Article 6(3).
	Is initially set with the aim to outweigh the worst-case scenarios of likely adverse effects.
	Is ascertained by monitoring and reporting on ecological functionality outcomes.
Timing	Must ensure the continuity of the ecological processes essential for maintaining the structure and functions.
	Considers the coordination required between the implementation of the plan or project and the implementation of the compensatory measures.
	Is determined by the time required for habitats to develop and/or for species populations to recover or establish in a given area.
	Must include legal safeguards required for long-term implementation and the protection, monitoring and maintenance of the sites.



European
Commission

Additional guidelines



European
Commission

Strategic planning and Appropriate Assessment of plans

- Importance of strategic planning - examples
- Approaches to undertaking the AA of Plans

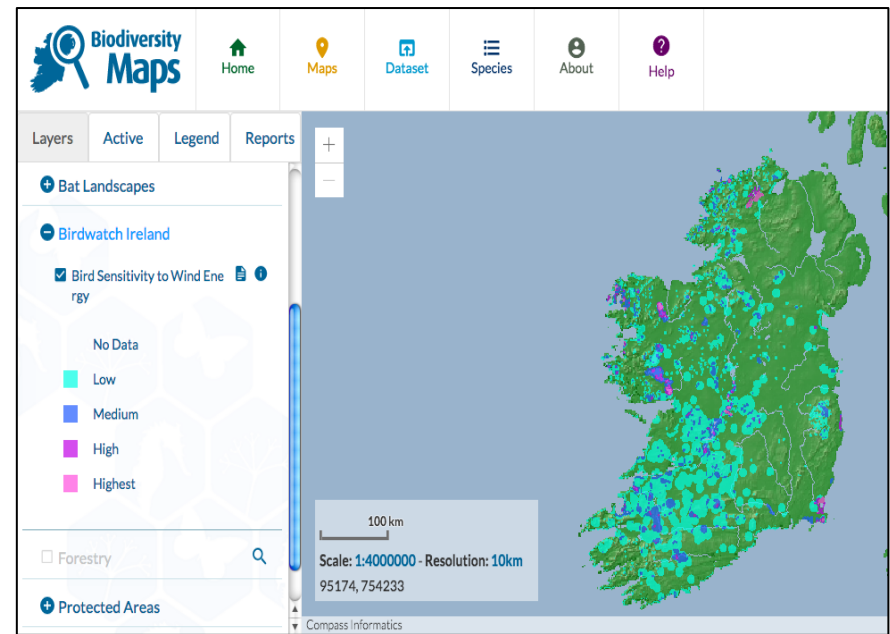
- Identifying suitable locations

- Sensitivity mapping

- Consultation and dialogue

- Nature & other authorities
- NGOs, stakeholder groups and the public (SEA – required)

- Consideration of alternatives, IROPI and compensation in strategic planning





Streamlining environmental assessments (EIA / SEA / HD)

Opportunities and benefits of streamlining EIA/SEA and AA :

- more efficient use of resources needed to carry out the assessments
- better coordination in permitting procedures, time savings, etc.
- understand relationships between different environmental factors.
- cooperation between authorities and experts for the EIA/SEA and the AA (sharing information, etc.)

Specificities and differences in the EIA and AA procedures

- Binding results
- Consideration of “significant adverse effects”, “mitigation and compensation”



Streamlining environmental assessments

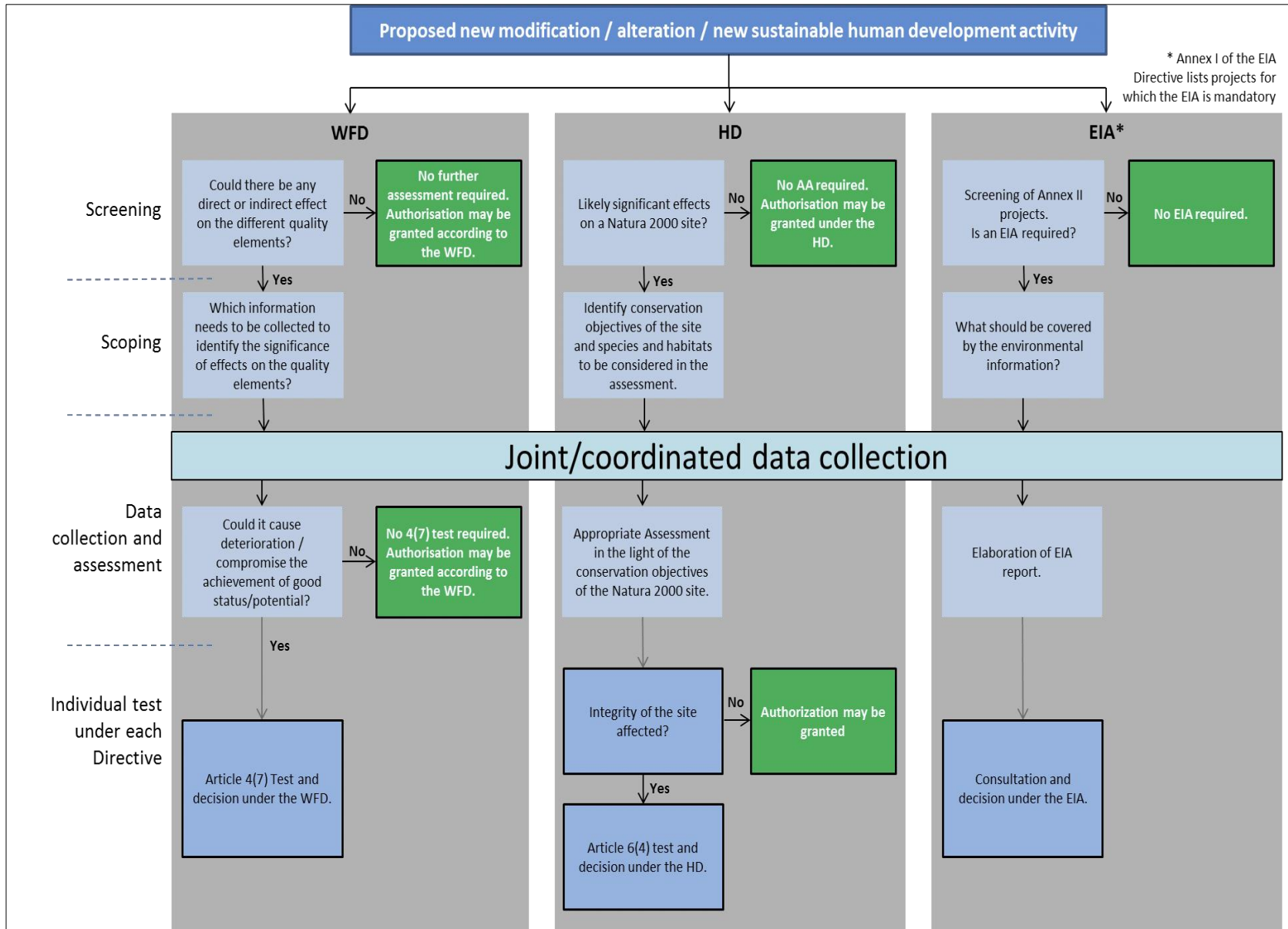
WFD / HD / EIA

Assessments under the WFD (Article 4.7) coordinated or integrated with the Article 6(3) procedure

- WFD requires assessing the effects of new developments on water bodies.
- Art. 4(7) allows exemptions – approval of developments that result in the deterioration of the status of the water body or prevent the achievement of GES
- Art. 4(8) – when applying article 4 (7) of the WFD, MS must ensure consistency with the implementation of other EU environmental legislation.
- Where a project is granted a derogation under Article 4 of the WFD, it must comply with Article 6(3) & (4) of the Habitats Directive where they apply.
- If the development potentially affects both a WFD objective and a Natura 2000 site then both the Article 4(7) procedure under the WFD and the assessment procedure under Article 6.3 of the Habitats Directive must be undertaken (ideally in a coordinated or integrated manner).

Streamlining environmental assessments

WFD / HD / EIA



ANNEX

Examples of national approaches, methods, tools & guidelines

SCREENING AND APPROPRIATE ASSESSMENT

- Information and practical tools to support the screening and the Appropriate Assessment
- Guidance for assessment of different types of projects and impacts in some countries

IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST (IROPI)

- Guidance for determining IROPI

COMPENSATORY MEASURES

- Examples of compensatory measures under Article 6(4)
- Time-related aspects of compensation measures

LINKS BETWEEN ENVIRONMENTAL ASSESSMENT PROCEDURES: AA, EIA, SEA

- Comparison of procedures under Appropriate Assessment, EIA and SEA

STRATEGIC PLANNING - ASSESSMENT OF PLANS

- Planning of highways in Austria
- Strategic planning of new hydropower developments in the Danube
- Spatial plan for offshore wind farms and grid connections in the German North Sea EEZ



European

For more information:

Management of Natura 2000 sites
http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

Guidance documents in all EU official languages

fotios.papoulias@ec.europa.eu

The screenshot shows the top part of the European Commission Environment website. At the top left is the European Commission logo. To its right is the text 'EUROPEAN COMMISSION Environment'. Below this is a navigation menu with links for 'Home', 'About us', 'Policies', 'Funding', 'Legal compliance', and 'News & outreach'. A large banner image of a field of purple and white flowers is displayed. Below the banner, the main heading is 'Management of Natura 2000 sites'. Underneath, there is a sub-heading 'Links between the Nature Directives and Water Framework Directive, Marine Strategy Framework Directive and Floods Directive'. This is followed by a list of frequently asked questions and a 'Commission notes' section with links to various documents. The page also features a section for 'Article 6.3 permit procedure - implementation' and 'Guidance' for 'Article 6 - Managing and protecting Natura 2000 sites'.

EUROPEAN COMMISSION
Environment

Home About us Policies Funding Legal compliance News & outreach

Management of Natura 2000 sites

Links between the Nature Directives and Water Framework Directive, Marine Strategy Framework Directive and Floods Directive

- Frequently Asked Questions on links with the Water Framework Directive
- Frequently Asked Questions on links with the Marine Strategy Framework Directive
- Case studies on synergies between WFD, MSPD and Nature directives
- Starter Guide : Overview of the main provisions of the WFD, MSPD, the Birds and Habitats Directives, and the Floods Directive: similarities and differences

Commission notes

- Designation of Special Areas of Conservation (SACs)
- [Setting conservation objectives for Natura 2000 sites](#)
- [Detailed conservation measures for Natura 2000 sites](#)

Article 6.3 permit procedure - implementation

The Commission has funded a fact-finding study to gather and review information on the perceived nature, extent and significance of the problems and burden associated with the Article 6.3 permitting procedure and to formulate recommendations for improving the efficiency of the procedure. The final report provides a first step assessment of how Article 6.3 operates in different parts of the EU. It also offers a wide range of good practice techniques and examples that have been used up to now to improve the efficiency of the procedure. The final report is accompanied by a more in-depth analysis of a number of case studies on the practical implementation of Article 6.3 under a range of different circumstances.

- Final report (Dec 2013) - summarising the findings of the study
- Case studies completion report (Dec 2013) - in depth analysis of 12 case studies

Guidance

Article 6 - Managing and protecting Natura 2000 sites

Article 6 is one of the most important articles in the Habitats Directive as it defines how Natura 2000 sites are managed and protected.

Paragraphs 6(1) and 6(2) require that, within Natura 2000, Member States:

- Take appropriate conservation measures to maintain and restore the habitats and species for which the site has been designated to a favourable conservation status;
- Avoid damaging activities that could significantly disturb these species or deteriorate the habitats of the protected species or habitat types.

Paragraphs 6(3) and 6(4) lay down the procedure to be followed when planning new developments that might affect a Natura 2000 site. Thus:

- Any plan or project likely to have a significant effect on a Natura 2000, either individually or in combination with other plans or projects, shall undergo an **Appropriate Assessment** to determine its implications for the site. The competent authorities can only agree to the plan or project after having ascertained that it will not adversely affect the integrity of the site concerned (Article 6.3)
- In exceptional circumstances, a plan or project may still be allowed to go ahead, in spite of a negative assessment, provided there are no alternative solutions and the plan or project is