

Basic information	
2009/0043(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Conservation of wild birds. Codification	
Amended by 2018/0205(COD)	
Subject 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	GERINGER DE OEDENBERG Lidia Joanna (S&D)	02/09/2009
	Former committee responsible	Former rapporteur	Appointed
Council of the European Union	JURI Legal Affairs		
	Council configuration	Meetings	Date
	Education, Youth, Culture and Sport	2978	2009-11-27
European Commission	Commission DG	Commissioner	
	Legal Service	BARROSO José Manuel	

Key events			
Date	Event	Reference	Summary
20/03/2009	Legislative proposal published	COM(2009)0129 	Summary
24/03/2009	Committee referral announced in Parliament, 1st reading		
06/10/2009	Vote in committee, 1st reading		Summary
08/10/2009	Committee report tabled for plenary, 1st reading	A7-0024/2009	
19/10/2009	Committee referral announced in Parliament, 1st reading		

20/10/2009	Decision by Parliament, 1st reading	T7-0034/2009	Summary
20/10/2009	Results of vote in Parliament		
27/11/2009	Act adopted by Council after Parliament's 1st reading		
30/11/2009	Final act signed		
30/11/2009	End of procedure in Parliament		
26/01/2010	Final act published in Official Journal		

Technical information	
Procedure reference	2009/0043(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Directive
Amendments and repeals	Amended by 2018/0205(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/00276

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A7-0024/2009	08/10/2009	
Text adopted by Parliament, 1st reading/single reading		T7-0034/2009	20/10/2009	Summary

Council of the EU				
European Commission				
Document type	Reference	Date	Summary	
Draft final act	03681/2009/LEX	30/11/2009		

Document type	Reference	Date	Summary
Legislative proposal	COM(2009)0129 	20/03/2009	Summary
Follow-up document	COM(2015)0219 	20/05/2015	Summary
Commission working document (SWD)	SWD(2016)0472	16/12/2016	
Commission working document (SWD)	SWD(2016)0473	16/12/2016	Summary

**Other institutions and bodies**

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1035/2009	10/06/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2009/0147
OJ L 020 26.01.2010, p. 0007

[Summary](#)

Conservation of wild birds. Codification

2009/0043(COD) - 20/10/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 592 votes to 4, with 23 abstentions, a legislative resolution approving unamended, under the first reading of codecision procedure, the proposal for a Directive of the European Parliament and of the Council on the conservation of wild birds (codified version).

The text was approved as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission. According to the Consultative Working Party, the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

Conservation of wild birds. Codification

2009/0043(COD) - 20/03/2009 - Legislative proposal

PURPOSE: to undertake a codification of Council Directive 79/409/EEC on the conservation of wild birds.

PROPOSED ACT: Directive of the European Parliament and of the Council on the conservation of wild birds (codified version).

CONTENT: the purpose of this proposal is to undertake a codification of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. The new Directive will supersede the various acts incorporated in it. This proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

Conservation of wild birds. Codification

2009/0043(COD) - 30/11/2009 - Final act

PURPOSE: to codify Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (codification).

LEGISLATIVE ACT: Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.

CONTENT: the purpose of this Directive is to undertake a codification of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. The new Directive supersedes the various acts incorporated in it. It fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

ENTRY INTO FORCE: 15/02/2010.

Conservation of wild birds. Codification

2009/0043(COD) - 16/12/2016 - Follow-up document

The Commission has presented its report on the results of the REFIT Fitness Check on the Birds and Habitats Directives. This provides a comprehensive policy evaluation of the two Directives and examines their performance against the five criteria of (i) effectiveness, (ii) efficiency, (iii) relevance, (iv) coherence and (v) EU added value. The check, supported by a study, involved intensive evidence gathering and consultation with stakeholders at both EU and national level.

The resulting analysis brings together a substantial body of evidence and seeks to identify changes that can be logically attributed to the intervention of the Directives. However, despite **evidence of large scale declines in European nature** during the 20th century, the work has been limited by the fact that there was **no clear baseline** against which to estimate how the status of flora and fauna might develop **in the absence of EU action**.

Effectiveness: the evaluation showed that the general objectives of the Directives have not yet been met and that it is not possible to predict when they will be fully achieved. It is clear, nevertheless, that the status and trends of bird species as well as other species and habitats protected by the Directives would be **significantly worse in their absence** and improvements in the status of species and habitats are taking place where there are targeted actions at a sufficient scale.

Efficiency: the evaluation on efficiency sought to find out if the costs involved in implementation are reasonable and in proportion to the benefits achieved. However, as Member States do not have a duty to report to the Commission on the costs and benefits of the Directives, there is **limited quantitative information** available at the EU scale to underpin assessments on efficiency. Compliance costs of designating, protecting and managing Natura 2000 sites have been estimated to be at least EUR 5.8 billion annually across the EU. Only a **qualitative assessment of opportunity costs** was possible, showing that the Directives do not create barriers to investments that are sustainable and not damaging to the conservation values of the sites.

The **multiple benefits** of the Directives, estimated at EUR 200-300 billion per year, **significantly exceed identified costs**. Their implementation contributes to local economies through job creation and tourism, especially in rural areas. However, internalisation of costs has not yet been achieved as the socio-economic benefits of the many ecosystem services provided by Natura 2000 have not yet gained widespread recognition, acknowledgement and acceptance in public policy.

The report notes that overall EU co-funding for Natura 2000 during the 2007-2013 period represented only 9-19% of the estimated financing needs and national co-funding was unable to cover the remaining gap. Moreover EU funding has not always been able to achieve demonstrable progress.

Relevance: the extent to which the objectives and measures contained within the Nature Directives are consistent with the current needs of EU natural habitats and species of wild fauna and flora, including wild birds was examined. Evidence shows that the Directives continue to be **relevant for tackling the key pressures on habitats and species**. Their general and specific objectives remain valid, setting out what is to be achieved and leaving the responsibility for identifying and responding to specific threats to the Member States.

Coherence: the report looked for **evidence of synergies or inconsistencies** between the Directives and other EU policies which are expected to work together, such as other EU environmental directives and other EU sectoral policies affecting land and water use and adaptation to climate change.

It concludes that:

- the Nature Directives are coherent with each other but there is **continued need to promote implementation solutions that optimise the attainment of their conservation objectives**; this needs to be done with full regard to the socioeconomic context in which they operate and working with different stakeholder communities;
- other environmental directives are **consistent and complementary** with the Nature Directives, although experience highlights the **need and value for improved coordination**, in particular as regards **monitoring and reporting** with a view to collecting data once for multiple purposes and reducing burden;
- the Nature Directives and the EU 2020 Biodiversity Strategy constitute an **integrated and fully coherent policy approach**. In particular, the Directives are key instruments for achieving the headline target of the EU Biodiversity Strategy to 'halt the loss of biodiversity and ecosystem services in the EU and help stop global biodiversity loss by 2020';
- **other sectoral EU policies** may have **competing objectives**. For example, given the continuing decline of species and habitats associated with agriculture, greater efforts are needed to conserve and enhance biodiversity, through more effective integration with the CAP in order to reach biodiversity objectives.

EU added value: as to whether action continues to be justified at the EU level and changes can reasonably be attributed to EU intervention, there appears to be a broad recognition that the Directives have established a **stronger and more consistent basis** for protecting nature than existed in Europe before their adoption. The needs and rationale for EU level action through the Nature Directives **remain valid** also with a view to achieving the **multiple ecosystem service benefits** that they deliver to society.

Overall, the evaluation concludes that:

- the goals of the Directives continue to reflect the needs of nature conservation and sustainable use for nature, people and the economy although **more efforts** are needed to achieve them.
- within the context of broader biodiversity policy, the Directives are **fit for purpose**; however, fully achieving their objectives and realising their full potential will depend on **substantial improvement in their implementation** in relation to both **effectiveness** and **efficiency**, working in **partnership with different stakeholder communities** in the Member States and across the EU, to deliver practical results on the ground.

Conservation of wild birds. Codification

2009/0043(COD) - 20/05/2015 - Follow-up document

In accordance with the requirements of the [Habitats Directive](#) and the [Birds Directive](#), the Commission presents a report on the status of and trends for habitat types and species covered by these Directives for the 2007-2012 period. To recall, The Birds and the Habitats Directives are the main legislative instruments for ensuring conservation and the sustainable use of nature in the EU, particularly through the Natura 2000 network of areas of high biodiversity value. The directives are key elements of the [EU Biodiversity Strategy](#), Target 1 of which has the following goals:

- 100% more habitat assessments (34%) and 50% more species assessments (25,5%) under the Habitats Directive in a favourable or improved conservation status; and
- 50% more species assessments (78%) under the Birds Directive with a secure or improved status.

The report describes the key results for the 2007-12 reporting period, and represents an unprecedented level of collaboration between the Member States and European institutions. It contains information on the status of about **450 wild bird species, 231 habitat types and more than 1200 other species of Community interest**. It notes that, while this is only one component of the extent of biodiversity in the EU, it is a very important sample, reflecting the threats and pressures facing biodiversity across the Member States.

The report also notes that this is the second conservation status assessment under the Habitats Directive, enabling the first comparative EU level assessment to be made. There has been a similar reporting exercise under the Birds Directive, enabling a comprehensive status and trends assessment of all species covered by EU nature legislation to be made for the first time.

Findings

All birds species: the report states that the status 52% of all the wild bird species assessed is secure (as in 2004). About 15% are near threatened, declining or depleted and another 17% of the species are threatened. The short-term population trends of the bird species indicate that only 4% are non-secure but increasing, while 6% are non-secure and stable, and further 20% are non-secure and decreasing. The report gives instances of where some bird species appear to be benefiting from targeted conservation measures aimed at adapting land-use practices, especially in Natura 2000 sites.

Species of Community interest under the Habitats Directive: about 23% of EU-level species assessments indicate a favourable status, while 60% are unfavourable, of which 18% are unfavourable-bad. In relation to status trends the 60% of assessments recorded as unfavourable are composed of 4% that are improving, 20% that are stable, 22% that are deteriorating and 14% without a known trend.

Many of the bad status/deteriorating trends are found in species associated with **aquatic environments such as rivers, lakes and wetlands**. This corresponds with the finding that freshwater habitats mostly have an unfavourable-inadequate conservation status. They are being threatened by **human-induced changes to hydrologic functioning**, loss of connectivity, canalisation, removal of sediment, and eutrophication and pollution.

Habitats: the conservation status of and trends for habitats are **worse than for species**. This is probably due to a more established tradition of conservation action for species, and the less complex nature and shorter response time for species to recover. Across the EU, 16% of habitat assessments are favourable, while **more than three quarters are unfavourable**, of which 30% are unfavourable-bad. No additional habitats achieved favourable conservation status.

In relation to status trends, the 77% assessed as unfavourable are composed of 4% that show improvement, 33% that are stable, 30% that indicate further deteriorations and 10% with an unknown trend. **Grasslands and wetlands** have the highest proportion of habitats with an unfavourable-bad and deteriorating status. This is also supported by the findings on pressures and threats, which have highlighted that these systems are particularly affected by agriculture and hydrological changes.

Overall trend: the overall trend for habitats appears to be broadly similar to the one for species. Those that are already favourable/secure remain stable or are improving further. A small proportion of unfavourable/non-secure assessments is improving, but a **larger proportion of those previously determined as unfavourable continues to deteriorate**. Unless there is a significant improvement in trends it will not be possible to achieve target 1 in the Biodiversity Strategy by 2020.

Conclusions: much stronger conservation efforts are needed to achieve the EU 2020 Biodiversity Target 1. Significant pressures and **threats from changes in agricultural practices** and continuing changes in hydrological conditions, as well as **over-exploitation and pollution of the marine environment**, need to be tackled to reverse these trends.

The effective management and restoration of the **Natura 2000** areas is central to achieving the objectives of the directives. Despite progress in establishing the network, insufficient progress has been made in introducing conservation objectives and measures that fully respond to the needs of the protected habitats and species. **Only 50% of sites were reported as having comprehensive management plans by end 2012**. EU funding instruments, which provide opportunities to support the management and restoration of Natura 2000, were not sufficiently used.

The conservation status of species and habitats can be improved through targeted action, as has been demonstrated, for example, by the LIFE Nature programme and by tailored agri-environmental actions co-funded by the European Agricultural Fund for Rural Development.

The Commission is working with Member States and stakeholders at EU biogeographic level to promote the exchange of experience and good practice on management and restoration.

Such improvements will continue to reap significant economic benefits from the extensive ecosystem services provided by the Natura 2000 Network. Benefits, estimated at between

EUR 200-300 billion for terrestrial sites alone, include carbon storage, mitigation of natural hazards, water purification, health and tourism. These should continue to encourage further investment in the network.