

Implementation of Bird Directive – Big Step Forward to Better Protection of Birds in Lithuania

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History of the Birds Directive

Often migratory, wild bird species can only be protected by cooperating across borders. Urban sprawl and transport networks have fragmented and reduced their habitats, intensive agriculture, forestry, fisheries and the use of pesticides have diminished their food supplies, and hunting needed to be regulated in order not to damage populations. Concerned with their decline, Member States unanimously adopted the Directive 79/409/EEC in April 1979. It is the oldest piece of EU legislation on the environment and one of its cornerstones. Amended in 2009, it became the Directive 2009/147/EC.

The Birds Directive therefore places great emphasis on the protection of habitats for endangered and migratory species. It establishes a network of **Special Protection Areas (SPAs)** including all the most suitable territories for these species.

Requirements of the Birds Directive

The Birds Directive sets these principles and rules of birds protection:

- designation of **Special Protection Areas (SPAs)**;
- general ban to kill birds, destroy their nests, take eggs, disturb during the period of breeding and rearing, etc.;
- hunting of wild birds (it is forbidden to hunt any bird species other than those specified in Annex IIa and IIb, forbidden to hunt during spring migration and breeding period, forbidden the use of large scale and non-selective hunting methods and tools);
- keeping in captivity, trade (forbidden trade of species not included in Annexes IIIa and IIIb);
- introduction and other use of new species (measures should not lead to deterioration of the current situation).

PRIOR TO LITHUANIA'S ACCESSION TO THE EU ALL THESE REQUIREMENTS HAD TO BE TRANSPOSED INTO NATIONAL LAW

Transposition of the Birds Directive

- Transposition into national law:
 - **11 laws were amended** (e.g. Law on Environment Protection; Law on Protected Areas; Law on Hunting; Law on Wild Fauna; Law on Protected Fauna, Flora, Fungi Species and Communities, etc.);
 - **9 Governmental Resolutions** were amended or adopted (e.g. State Monitoring Programme; Decision on Designation of Managed Reserves; etc.);
 - **25 Orders of the Minister of Environment** were amended or adopted (e.g. SPAs selection criteria; Rules of Hunting; Rules of Trade; Rules of Reintroduction; Designation of Biosphere Polygons; Rules on Forest Cutting; Reporting to the EC, etc.).

Designation of SPAs

MS designate **Special Protection Areas (SPAs)** according to scientific criteria such as “**1% of the population of listed vulnerable species**” or “**wetlands of international importance for migratory waterfowl**”. While MS may choose the most appropriate criteria, they must ensure that all the “**most suitable territories**”, both in number and surface area, are designated. Site specific data are transmitted to the EC using Standard Data Forms.

Based on the information provided by the Member States, the EC determines if the designated sites are sufficient to form a coherent network for the protection of these vulnerable and migratory species. These sites then become an integral part of the **Natura 2000** network (since 1994).

SPAs designation in Lithuania (I)

- Officially approved **SPAs** selection criteria (Order of MoE, 2001, amended in 2008). These criteria are based entirely upon international standards and qualifying requirements developed by *BirdLife International* (Heath & Evans, 2000) that have been adapted to Lithuanian conditions (adaptation made by *Lithuanian Ornithological Society*).
- Inventories of potencial **SPAs** – 1998, 2000, 2004 (A lot of field work. Participated experts from scientific institutions, protected areas administrations, NGOs). Historical data were used only for planning field investigations.
- 84 potential **SPAs** selected (for protection of 58 breeding species and 62 migratory species).

SPAs designation in Lithuania (II)

- Previous procedure (until 01-12-2010): according to the Law on Protected Areas firstly we had to establish a national protected area (e.g. nature reserve, biosphere polygon, etc.) and then SPA status is given to this area (**Governmental decision**).
- 01-12-2010 came into force amended Law on Protected Areas: new national protected areas are not established (or existing ones are not enlarged), if current legislation (e.g. Law on Forests, Law on Water), spatial planning documents or signed protection agreements ensure adequate protection of Community importance values;
- **Minister of Environment has the decision right to declare the particular site as SPA.**

SPAs designation in Lithuania (III)

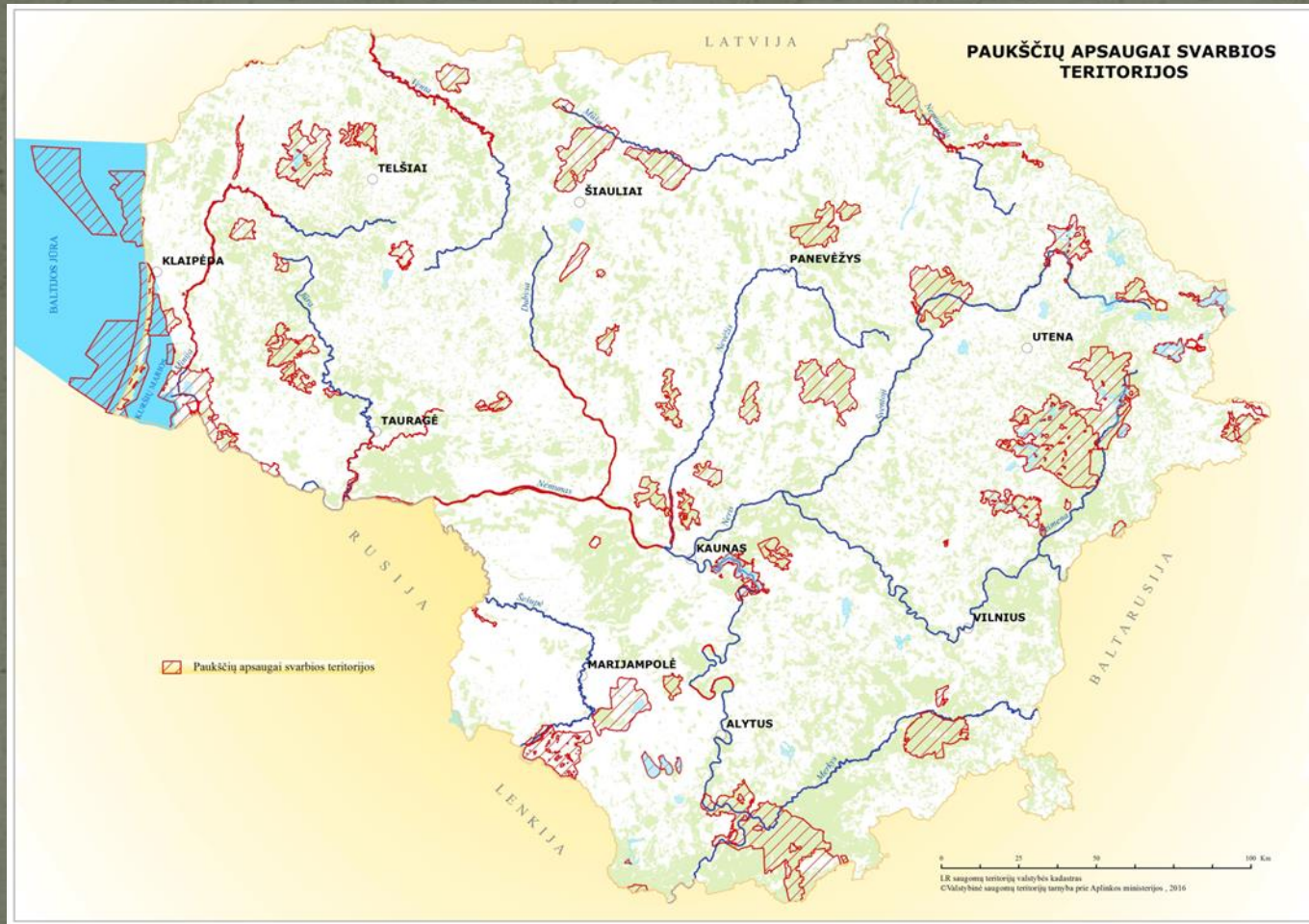
Before joining the EU, we have had a broad national system of protected areas (where a lot species listed in the Annex I of the Birds Directive were already protected). Some of them are protected since Soviet times or even earlier (e.g. Žuvintas Strict Nature Reserve established in 1937 (now this site is Biosphere Reserve)).

Firstly we gave **SPAs** status to already existing national protected areas (national parks, strict nature reserves, nature reserves, etc.).

Later we established new national protected areas (based on scientific criteria) and then nominated them as **SPAs**.

SPAs network in Lithuania

9% of State area (State area 65 300 km²); 84 SPAs (4 marine)



SPAs in Lithuania

- Largest SPA – Dainava forest (55 440 ha). Designated for protection of 7 species: Black Grouse (*Tetrao tetrix*), Capercaillie (*Tetrao urogallus*), Tengmalm's Owl (*Aegolius funereus*), Nightjar (*Caprimulgus europaeus*), Roller (*Coracias garrulus*), Woodlark (*Lullula arborea*), Kingfisher (*Alcedo atthis*).
- Smallest SPA – Kalviai quarry (36,7 ha). Designated for protection of only 1 species – Common Tern (*Sterna hirundo*).
- SPA with the highest number of target species – Nemunas Delta (26 310 ha) – 21 breeding species, 13 migratory species and also this site is a “bottleneck” where at least 3000 migratory raptors (*Accipitriformes* and *Falconiformes*) and 3000 cranes (*Gruidae*) and 500 000 passerines regularly pass on spring or autumn migration. This site is on the North-Western European flyway.

What problems encountered in implementing the Birds Directive ? SPAs network insufficiency

- Up to the date of accession, we have managed to designate only 39 SPAs.
- In June 2007 Lithuania received an official letter from the European Commission about the launched EU infringement procedure due to insufficient SPAs network.
- Criticism that we established not enough SPAs or too small SPAs: the basis of assessment - publication *“Important Bird Areas of the EU Importance in Lithuania”* (2004) - “Shadow list” prepared by Lithuanian Ornithological Society.

SPAs network insufficiency (II)

- Although Lithuanian explanations and arguments about many areas were accepted, but in May 2009 the European Commission sent a reasoned opinion that 5 important areas are not designated as SPAs and 7 already designated SPAs are too small.
- In December 2010 technical consultations on the progress of designation of SPAs between the Ministry of Environment of Lithuania and the European Commission were held.
- We already managed to eliminate the discrepancies (designated new SPAs and enlarged several SPAs) and the case has been closed.

What else we had to change?

Examples related to wildlife use, which Lithuanian legislative provisions were not consistent with the EU requirements:

- some traditional hunting techniques were allowed (e.g. use of hunting spotlights), too long hunting season (e.g. ducks and woodcock hunting during the spring migration) and the trade of all legally hunted animal species was allowed (e.g. all species of hunted ducks);
- Bird species which are protected and not regularly hunted in the EU, were allowed to hunt in Lithuania (e.g. Raven (*Corvus corax*), Cormorant (*Phalacrocorax carbo*);
- Taking juveniles of birds of prey from their nests for falconry purposes.

Reporting under Article 12

- Earlier – **3 year reporting cycle** (reporting primarily reflected the legal transposition and technical implementation on the national level);
- Between 2008 and 2010 the new reporting format was developed. This new reporting format includes two parts:
- A general reporting format, where some general progress reporting is retained but in a simplified manner, including basic facts as well as web-links to other sources for detailed information about e.g. legal transpositions and research or work done for the protection, management and use of bird populations.
- A format for species-wise reporting on status and trends of birds; including sections for threats/pressures and information about the SPA network and bird species.
- Since 2013 – **6 year reporting cycle** (synchronized with the one under Article 17 of the Habitats Directive).

The current status of the species

- In 2013 we sent report to the EC about 208 bird species:
- 48 species population trend is increasing;
- 36 species population trend is decreasing;
- 5 species population trend is fluctuating;
- 119 species population trend is stable.

About 95 % of Aquatic warbler (*Acrocephalus paludicola*) population is protected in the SPAs; about 60 % of Whooper Swan (*Cygnus cygnus*) population is protected in the SPAs. But only 7 % of Corncrace (*Crex crex*) population is protected in the SPAs.

Reporting under Article 9 (Derogations)

A limited number of activities normally prohibited under the Birds Directive (Articles 5-8) are permissible by way of such derogations, where particular problems or situations exist or may arise. Member States may derogate for the following reasons:

- (a) — in the interests of public health and safety,
 - in the interests of air safety,
 - to prevent serious damage to crops, livestock, forests, fisheries and water,
 - for the protection of flora and fauna;
- (b) for the purposes of research and teaching, of re-population, of reintroduction and for the breeding necessary for these purposes;
- (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

Reporting under Article 9 (Derogations)

- Permits issued by the Environmental Protection Agency (EPA) under the Ministry of Environment.
- At the end of each year the EPA sends the report to the Ministry of Environment.
- Each year the Ministry of Environment submits the annual report about derogations to the EC via special reporting system - HABIDES tool.
- EC analyze information from all MS and makes a general report.

Most frequent derogations

- For the purposes of research, e.g. bird ringing, GPS transmitters (White-tailed Eagle (*Haliaeetus albicilla*), Aquatic warbler (*Acrocephalus paludicola*), Black Stork (*Ciconia nigra*), Velvet Scoter (*Melanitta fusca*)).
- Deliberate disturbance for teaching, e.g. moviemaking (Little Tern (*Sterna albifrons*) in 2014).
- To prevent serious damage to fisheries, e.g. killing of Cormorants (1654 individuals in 2014), nesting birds disturbance and freezing eggs (7317 eggs in 2014).

ORNIS Committee

ORNIS Committee - a Committee for the Adaptation to Technical and Scientific Progress (Article 16).

Consisting of representatives of the MS and chaired by a representative of the EC.

Meetings – twice per year (usually in spring and autumn).

Topics: designation of SPAs; illegal killing, trapping and trade of birds; management plans for huntable bird species; species action plans; Article 9 and 12 reporting; update of the lists of birds covered by the Annexes; etc.

Current problems

- Sometimes lack of political will;
- Sometimes lack of public support (afraid of prohibitions);
- Lack of funding;
- Lack of experienced staff;
- Monitoring (especially in marine areas);
- Expensive and difficult habitats management (at least in some territories (e.g. wetlands));
- Pressure from industry sector (e.g. transport, renewable energy).

Thank you!
