MAIN REQUIREMENTS IN LITHUANIAN LEGISLATION FOR ESTABLISHMENT AND MANAGEMENT OF SITES PROTECTED UNDER THE HABITAT AND BIRD DIRECTIVES

In relation to Georgian Accession to European Union

Džiugas Anuškevičius*, Algirdas Klimavičius*, Danas Augutis, Dalia Bastytė**, Edmundas Greimas****

* Ministry of Environment of the Republic of Lithuania, ** Lithuanian Fund for Nature

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Lithuanian experience in transition from system of protected areas, which was in Soviet Union, to current – EU system of protected areas: challenges and opportunities

In 1945, in accordance to the general trend in the Soviet Union, the first 8 natural Reserves were established in Lithuania. Later on, these Reserves were transformed into Hunting Sanctuaries, and later still into protected Hunting Areas. In 1960, following the adoption of the first Law on Nature Conservation in 1959, the first real nature and complex Reserves, aimed at nature conservation, came into life. Nearly 100 such Reserves, covering approximately 2% of Lithuania's territory, were established. During the late Soviet period, the network of protected areas was expanded to include the first integrated protected territories, national and regional parks of their prototypes.

During the Soviet period, biological diversity was most adversely affected by land drainage, which resulted in the drying out of natural meadows and wetlands, small rivers were canalised, river valleys were damaged, small nature elements of agrarian landscape and single farmsteads were removed. Changes of agricultural intensity in any direction cause a certain fluctuation of biodiversity structure and species numbers. For this reason, any farming activities had direct impact on the environment. Most often intensive farming had a negative impact on biodiversity, however in some cases abandonment of traditional farming is none the less damaging for semi-natural habitats, formed by farming for centuries and dependent on continuity of economic activity.

After Lithuania regained its independence, the formation of the national park network was completed (in 1991), the system of regional parks was legitimated, and the network of State reserves was expanded (in 1992). Thus, before joining the European Union, Lithuania have had a broad national system of protected areas (where a lot species listed in the Annexes of the EEC Habitats and EEC Birds Directive were already protected).

After restoration of independence, the agricultural activity has, however, been decreasing as the agricultural crisis speeded-up the degradation of meadows and other "open" semi-natural habitats. After regaining independence, with decreased agriculture and increased fuel prices, use of meadows and pastures has significantly decreased. First of all, the less favoured areas, most often wet areas that were at further from farms, were abandoned, and these areas are the most valuable ones from the biodiversity point of view. In such wet areas that were mowed and grazed earlier, the concentration of protected flora and fauna species' habitats is apparent. Currently, succession processes are taking place in those abandoned areas, and the open areas are becoming overgrown with bushes, pioneer species of trees or tall grasses leading to loss of variable semi-natural habitats and threatening many connected species of plants and animals.

Most of the designated Natura 2000 areas are located in rural areas, and many are dependent on high nature value farming methods that maintain habitats such as hay meadows, low intensity grazing of semi-natural vegetation, extensive cereal systems, floodplain grasslands, etc. A lot of Natura 2000 territories are threatened by overgrowth changing the

natural characteristics of the habitats. Some Natura 2000 territories are, however, in the areas favourable for farming where farmers are eager to intensify production. Here actions are needed to ensure that the farming is on the level compatible with environmental requirements to secure the existing natural values.

Main requirements in Lithuanian legislation for establishment and management of sites protected under the Habitats and Bird Directives

Habitats Directive (92/43/EEC) forms the cornerstone of Europe's nature conservation policy with the **Birds Directive** (79/409/EEC, amended in 2009, it became the Directive 2009/147/EC) and establishes the EU wide **Natura 2000** ecological network of protected areas, safeguarded against potentially damaging developments. The Habitats Directive ensures the conservation of a wide range of rare, threatened or endemic animal and plant species. All in all, over 1000 animal and plant species, as well as 200 habitat types, listed in the Habitats Directive's annexes are protected in various ways. According to the Birds Directive the 500 wild bird species naturally occurring in the EU are protected in various ways. Birds and Habitats Directives led to the creation of the Natura 2000 network. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats, listed under both the Birds Directive and the Habitats Directive.

The directives are binding as to the result to be achieved, but leave a Member State some choice as to the form and methods of achieving that result (text of the directives is not applied directly and Member States has the discretion how to implement the requirements). Every Member State must prepare their own legal acts how to achieve the objectives set in the Directives. Thus, Lithuania also was obliged to transpose the requirements of the Habitats and Birds Directives into national legislation prior to accession to the EU.

During the transposition of the Birds Directive into Lithuanian legislation 11 laws were amended (*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 (*State Monitoring Programme; Decision on Designation of Managed Reserves*; etc.) and 25 Orders of the Minister of Environment were amended or adopted (*Special Protection Areas selection criteria; Rules of Hunting; Rules of Trade; Rules of Reintroduction; Designation of Biosphere Polygons; Rules on Forest Cutting; Reporting to the EC*, etc.). During the transposition of the Habitats Directive into Lithuanian legislation 7 laws were amended (*Law on Environment Protection; Law on Protected Areas; Law on Hunting; Law on Wild Fauna; Law on Fishery,* etc.), 6 Governmental Resolutions were amended or adopted (*State Monitoring Programme; Procedure of protected areas strategic planning documents preparation and approval;* etc.) and 20 Orders of the Minister of Environment were amended or adopted (*pSCI selection criteria; Rules of Hunting; Rules of Trade; Rules of Reintroduction,* etc.).

In addition, it should be noted, that we had to transpose the requirements of some other EU legal acts, e.g.:

Council Regulation (EEC) Nr.3254/91, prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards (Trap Regulation);

Council regulation (EC) No 338/97, on the protection of species of wild fauna and flora by regulating trade therein (Trade regulation).

In addition, should be noted, that there are several other important legal acts in Lithuania – such as *Law on Fishery, Rules of Hunting*, *Rules of Trade,* etc. – which also transposed requirements of the Habitats and Birds Directives. But these requirements are not directly linked with establishment or management of Natura 2000 sites (more focused on practical protection), thus these acts are not discussed in this paper. Very briefly could be said that for example *Rules of Hunting* had to be changed because 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.

Also it should be mentioned, that during negotiations for accession to the European Union, Lithuania has negotiated some exemptions - for example, permission not to establish protected areas for wolves and beavers and for populations abundance regulatory purposes in Lithuania is allowed to hunt wolves and beavers (this means that populations of these species in our country are assigned to the Annex V, but not to the Annexes II and IV of the Habitats Directive).

1. Sites identification and selection

1.1. Preparation of national habitat interpretation manuals

Natura 2000 sites identification and selection. At first in Lithuania national fauna species and habitats lists were prepared (according to the Annexes of the Habitats and Birds Directives). In the year 2001 first national habitat interpretation manual *„Habitats of EU Importance in Lithuania*" was published. This manual was compiled within the project *„Approximation of Lithuanian capacity, policies and procedures on nature protection to EU requirements, with particular focus on implementation of the Habitats Directive and Birds Directive*". Identification of the habitats of EU importance in Lithuania (in other words, compilation of the list) lasted for almost 2 years and it was a difficult task. Many problems arose determining temperate Europe and northern habitat types which are present in Lithuania. During the identification of habitats types official *Interpretation Manual of European Union Habitats* was used, as well as the European habitat classification schemes (CORINE, Palearctic, EUNIS) and databases (PHYSIS). Various prepared lists were discussed in the joint Baltic specialist seminars, harmonized with Latvia and Estonia similar habitat type lists, and specific cases were discussed with the European Topic Center and Danish, Finnish and Swedish habitats experts. In 2012 a new book "*Inventory Manual of the Natural Habitats of European Community Importance*" was published. This manual was published within the project "*Inventory of the Natural Habitats of European Community Importance in the Country*" (2011-2015).

1.2. Habitats and species inventories

The main challenge was to collect scientific data about abundance and distribution of habitats and species (listed in the Directives) outside earlier established protected areas, because selection of Natura 2000 sites is based on officially approved and scientifically sound data. A lot of field work had to be done (participated a lot of specialists from protected areas administrations, scientific institutions, NGOs). Historical data were used for planning field investigations.

More than 3 decades ago first attempts to identify Important Bird Areas (IBA) in Europe were carried out. During inventories, IBAs were selected according to standardised criteria, which were developed with the intention of identifying Special Protected Areas (SPAs), set forth in the EU Birds Directive. The process of IBA selection took several years in Lithuania. In 1996-2000, *Lithuanian Ornithological Society* implemented 2 Important Bird Area inventory projects. As a result of these projects, 57 sites were selected, which included natural, semi-natural and, in some cases, even urbanised areas. In the following years, data were updated based on additional field studies, carried out within the scope of projects coordinated by Danish consultancy firms Ornis Consult and NEPCon, aimed at assisting the Ministry of Environment in implementing the requirements of the Birds and Habitats Directives. The aim of the IBA

program was to identify the most valuable areas for birds conservation, and to ensure their protection. Thus, the aims of this program almost exactly coincided with the requirements faced by Lithuania during the process of integration into the EU. Thus, the IBA program greatly contributed to the proper implementation of these obligations. Additional inventory was done in 2004. Long-term efforts of many Lithuanian ornithologists and methodological long-term studies resulted in the selection of 84 sites, which are most important for breeding birds and for bird concentrations identified in the Birds Directive. In 2004 manual *„Important Bird Areas of the European Union Importance in Lithuania*" (Lithuanian Ornithological Society & Institute of Ecology of Vilnius University. Lututė. Vilnius. 2004) was published.

1.3. Development of criteria for selection of sites of Community importance (SCIs) and for Special Protection Areas (SPAs)

After the inventories of species and habitat types, criteria for selection of **Sites of Community importance** (SCIs (under the Habitats Directive)) and of **Special Protection Areas** (SPAs (according to the requirements of the Birds Directive)) were developed. Such criteria in Lithuania are approved by the orders of the Minister of Environment. Criteria for designation of SPAs approved by the Order of the Minister of Environment in January 2001 (later were several amendments) and criteria for designation of SCIs also approved by the Order of the Minister of Environment in April 2001 (later several times amended).

Member states designate SPAs according to scientific criteria such as "**1% of the population of listed vulnerable species**" or "**wetlands of international importance for migratory waterfowl**". While Member States may choose the most appropriate criteria, they must ensure that all the "**most suitable territories**", both in number and surface area, are designated. National selection criteria for SPAs were prepared on the basis of *BirdLife International* (Heath & Evans, 2000) criteria that have been adapted to Lithuanian conditions (adaptation made by *Lithuanian Ornithological Society*).

It is important to stress that sites selection criteria must be developed and based purely on ecological principles. This was not always easy task especially with those related to forest habitats and species. During consultation process stakeholders had been actively participating and giving their proposals which were not always in conformity with the principles of nature directives. Worth to know that there is series of decisions by the European Court of Justice on that issue. The review of these decisions grouped by different topics can be found on the website of the European Commission (publication http://ec.europa.eu/environment/nature/info/pubs/docs/others/ecj_rulings_en.pdf). There is already established practise that European Commission attentively screens site selection criteria developed by new Member States and give its opinion on their compliance to the principles of both directives. It happened in respect to Lithuanian site selection criteria too.

Other aspects related to the site selection criteria are geographical representation and ecological connectivity. Good geographical representation of the resource (habitat or species)

in the Natura 2000 ecological network must be reached. Good data on the actual distribution of the resource is inevitable. While setting measurable values for the species and habitats to be present on the sites it is worth to consider means for implementation of the principle on ecological connectivity of the network and of Art. 10 of the Habitats Directive. In case of the necessity to ensure ecological connectivity a combination of classical but less strict measurable criteria with the criteria on quality of migration conditions might be needed.

1.4. Identification and delineation of potential SCIs and SPAs

Lithuania started with identification of sites where concentration of the recourse was the highest. In few cases the work was interrupted due to the need to update site selection criteria, e. g. with additional criterion on "saturation" of the resource per area unit. Since time for site selection exercise was very limited, decisions were often taken on best available data despite the fact that data on actual distribution was incomplete for many species and habitats. The role of sectoral NGOs and regional administrations of protected areas was very strong in that process.

In the second stage of the sites selection and delineation the principles of good geographical distribution and ecological connectivity of the network made the effect on final list of the sites.

It is strongly advisable to keep to the developed national site selection criteria. Lithuanian experience shows that both situations might be risky from the legal point of view: non-designation of sites which clearly meets the developed criteria and designation of sites which poorly scientifically investigated or hold less of the resource to be protected or their other ecological role in the network is unclear. Different stakeholders might have different interests in that process therefore transparency in the process is of utmost importance.

Lithuanian experience suggests that all possible records, comments, proposals with maps on the potential sites shall be stored in good manner. All this information will be needed in later stages of Natura 2000 implementation.

1.5. Establishment of SPAs: approval of national legal acts on establishment, preparation of standard data forms and submission of data base to European Commission (EC)

When Lithuania started establishment of Natura 2000 network – at first Natura 2000 status was given to already existing national protected areas (national parks, strict nature reserves, nature reserves, etc.) which comply with the sites selection criteria. Later new national protected areas were established (based on scientific criteria) and then nominated as Natura 2000 sites. These areas have to be selected after habitats and species inventories. Boundaries of new Natura 2000 areas were delineated in such way that they coincide with the

boundaries of natural elements (e.g. forest, lake). This reduces potential conflicts at later stages of implementation.

Main requirements for establishment and management of sites protected under the Habitat and Birds Directives are transposed into the **Law on Protected Areas of the Republic of Lithuania**. This is the main legal act which sets forth public terms related to the protected areas (including Natura 2000), a system of the protected areas, a legal basis for establishment, protection, management and control of the protected areas, as well as regulates activities in these areas. Supplementary legal acts to the Law on protected Areas (Governmental Orders and Orders of the Minister of Environment) prescribe more detailed procedures.

In Lithuania until 01-12-2010, according to the Law on Protected Areas, firstly was necessary to establish a national protected area (e.g. nature reserve, biosphere polygon, etc.) and then Natura 2000 status is given to this area (Governmental decision).

In 01-12-2010 came into force amended Law on Protected Areas: new national protected areas may not be 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 for species and habitats of Community interest.

No formal prior submission of the list of potential sites of SPAs to the European Commission is required. Soon after identification of sites the practical establishment of SPAs shall be implemented. It means that effective protection shall be given to the sites immediately. Lithuania have had obligations to establish SPAs before the accession to the European Union. Up to the date of accession to the EU, Lithuania designated only 39 SPAs. The list of 39 SPAs was approved by the Governmental Resolution in April 2004. This list was updated later several times - added new SPAs and currently there are 84 SPAs in Lithuania. The current list is approved by the Order of The Minister of Environment because since 2010 (after the amendment of the Law on Protected Areas) he is empowered to adopt such list.

Evidence on the fulfilment of the described obligation to the EU is given by the transmission of Natura 2000 database to the European Commission services. Natura 2000 database consist of both standard data forms and GIS information on each established site. Each time any addition or correction is made to the Natura 2000 network new version of complete database has to be transmitted to the European Commission along with explanatory note on the amendments.

Lithuanian experience suggests that there would be good possibilities to reduce administrative work if Natura 2000 standard data forms became part of national legislation with possibility to provide a reference to its publication on respective European portal http://www.eea.europa.eu/data-and-maps/data/natura-1

1.6. Preparation of standard data forms for potential SCIs

Before the accession to the European Union, Lithuania had to submit the list of proposed Sites of Community Importance (pSCIs) to the European Commission.

Implementation of Habitats directive requires Member States to proceed slightly different procedure on site selection and designation if compared to Birds directive. Firstly, list of proposed SCIs under the Habitats directive has to be presented to the European Commission. This has to be done by transmitting the complete Natura 2000 database with standard data forms and GIS information. As soon as the process of selection of potential sites is completed standard data forms (SDFs) for each site have to be prepared. The respective piece of European legislation on SDFs can be viewed here http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011D0484

Description of site consist not only of information on species and habitats hosted by the site but on threats and pressures, on legal acts on designation and documents on management as well.

Lithuanian experience suggests that preparation of sites description for the SDFs requires quite a lot of time, human recourses and additional data. Again it would be good if Natura 2000 standard data forms became part of national legislation. This gives possibilities to reduce administrative work and avoid possible mismatch of information between national legal documents and information submitted to European authorities.

1.7. National approval and submission of proposal to EC on proposed SCIs: submission of Natura 2000 database

To ensure legal certainty national legal act on approval of list of proposed SCIs was adopted before submission of the list and Natura 2000 database to the European Commision.

National legal act on list of pSCIs specifies area of the site, species and habitats hosted by the site, and the location of the site in respect to national protected areas.

National legislation also requires the publication of information on proposed SCIs (boundaries, features, etc.) on public information system on protected areas (State Cadaster of Protected Areas).

Specific data are transmitted to the European Commission using standard data forms (http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0484&from=EN). The Ministry of Environment is responsible for updating of standard data forms. The frequency of updating of these forms is not set. Standard data forms can be updated any time when Ministry of Environment receives new information (data) about the species or habitats, new areas are designated or their boundaries amended. Most commonly standard data forms are completed on the basis of data submitted by scientific experts or specialists from protected areas.

Submission of Natura 2000 database takes place electronically using web-services.

1.8. Biogeographical Seminar – evaluation of sufficiency of proposed network of proposed SCIs

Based on information (Natura 2000 data base) submitted by the Member States, European Commission determines if the designated sites are sufficient to form a coherent network for the protection of species and habitats. Scientific valuation principle is “habitat after habitat”, “species after species”, e.g. there is no predetermined sufficient percentage of any territory, but it is calculated how much percent of species national population or habitat in the country are included in a list of proposed sites. A rule "20-60" applies: less than 20% = probably “insufficient”; more than 60% = likely “sufficient” and “20-60%” = object for discussions.

These sites then become an integral part of the Natura 2000 network.

To evaluate sufficiency of proposed network of pSCIs, the European Commission involves experts from various institutions and organizes so called Biogeographical seminar. There are 7 biogeographical regions in the European Union. In Lithuania 54 habitat types of Annex I of the Habitats Directive are found in the country and its marine waters. 16 types are priority habitats. 2 habitat types are found in marine environment (Marine Baltic region). There also 49 species of Annex II of the Habitats Directive. Only 1 species is priority species according to the Habitats Directive.

Biogeographical seminar for new Member States in Boreal biogeographical region (Lithuania, Latvia and Estonia) took place in 2005 in Latvia. Scientists, NGOs, state institutions from Member States, the European Commission and European Environmental Agency had been working for several days analyzing proposed national lists of SCIs. Second round of Biogeographical seminar was conducted in 2011 only for Lithuania (bilateral seminar). In this seminar it was decided that 65 % of the natural habitats types and 55 % of the species of Community interest are sufficiently represented in the network, ie. no further sites have to be proposed for these features. However, baseline data are missing for 11 % of natural habitats types and for 6 % of species, thus scientific reservation was made in respect to sufficiency of protection of these features in the network and further scientific efforts were requested. Moreover, it was concluded that 24 % of the natural habitats types and 29 % of species are insufficiently represented in national proposal on the list of SCIs. All insufficiencies were sorted out according their severity, ie. from minor to large insufficiencies. For example, minor insufficiency was concluded in cases where there was evidence that particular habitat type or species was present on the site, but not mentioned in the List and not included the Standard Data Form.

As for the sites designated under Birds directive, there is no specific procedure for evaluation of sufficiency of foreseen in the directive itself. Although European Commission compared Lithuanian list of SPAs with inventory of Important Bird Areas (IBAs) which was prepared and published by Lithuanian Ornithological Society during the years of Lithuanian preparation for the accession to the EU (2001-2004). Later this inventory was transformed into web-based information system on IBAs. It is of high importance for the state institutions to closely collaborate with the developers of the inventory of IBAs and assure the inventory is regularly updated according latest scientific knowledge. Lithuanian experience shows that

neglecting to regularly update the inventory of IBAs may lead to necessity to prepare time consuming explanations to European Commission on why actually designated sites under Birds directive differ from those in the published inventory.

1.9. EC's decision on approval of initial List of SCIs

Habitats Directive requires European Commission to approve Member States' proposed lists of SCIs. The legal practice is that European Commission prepares draft decision on approval of the lists on biogeographical level and invites Habitats Committee to express its agreement to the proposed lists. National representatives to the Habitats Committees have the opportunity to undertake final check of their lists and/or discuss any transboundary issues related to the sites proposed near state borders. Soon after the Habitats Committee meeting European Commission issues its decision on the approval of Lists of SCIs.

Member States shall assure in their national legislation that as soon as a site is approved as SCI it shall be protected by protective regime equivalent to one described in Article 6 (2), (3) and (4) of the Habitats directive.

Special attention shall be paid to the importance of the time point of this decision by the European Commission. No later than in six years after this decision Member States shall take appropriate steps in order to designate those sites as special areas of conservation, establishing priorities in the light of the importance of the sites for the maintenance or restoration of species and habitats at a favourable conservation status. There is specific guidance on what has to be done to get SCI designated as SAC published by European Commission: http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note_EN.pdf

1.10. Eventual Addition of new sites to the proposed list

Depending on the outcomes of the scientific evaluation of the sufficiency of the proposed network of sites of Community interest (as described in section 1.8) Member States will most probably be requested to complement their proposed list of SCIs and the Natura 2000 database accordingly. As for Lithuania the most time consuming task was to gather new scientific information on several habitat types and species (baseline data). Since last biogeographical seminar in 2011 Lithuania has still some remaining gaps in the network and is currently working on new proposals for few several species and habitat types.

1.11. EC's decision on approval of updated List of sites of Community importance

European Commission evaluates the submitted list of pSCIs and makes the decision on approval of initial list. In the future, the new sites which meet the scientific criteria could be added to the proposed list (milestones are eventualities: their probability depends from results of Biogeographical seminar). European Commission makes the decision on approval of updated list of pSCI.

It should be mentioned that Lithuania is still facing some difficulties in the identification and selection of Natura 2000 sites. Main gaps related with the Habitats directive - lack of data about ecological requirements for specific, very rare insects, mollusks, fish and plant species. Main gaps related with the Birds Directive - lack of data about distribution of approximately 10 % Annex I species.

2. Designation of SACs: setting conservation objectives at national level and for individual sites and adopting national legal acts on designation of SACs

After the European Commission's approval of pSCI list, the Member States have 6 year period to nominate these areas as Special Areas of Conservation (SACs) (Article 4 paragraph 4 of the Habitats Directive). During this 6 year period Member States should set conservation objectives (conservation priorities) for each site and ensure adequate legal protection. Setting conservation priorities is a big challenge and Ministry of Environment of Lithuania decided firstly to set conservation objectives at national level and later to set such objectives for individual sites.

European guidance:

on designation of Special Areas of Conservation

http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note_EN.pdf

and on setting conservation objectives (conservation priorities)

http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf

As designation of SACs is closely related not only to setting conservation objectives but to setting necessary conservation measures as well, it is advisable to read above guidance in conjunction with that one on conservation measures:

http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/comNote%20conservation%20measures_EN.pdf

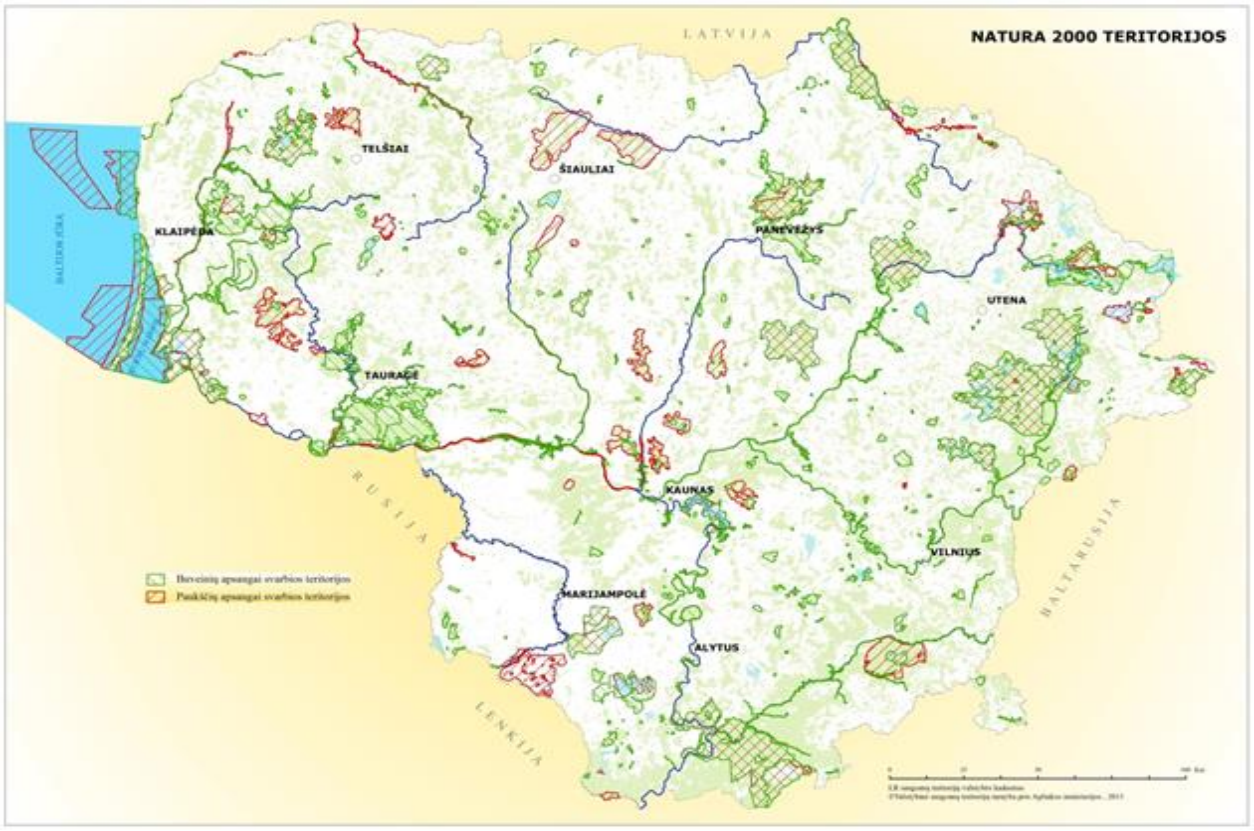
According Lithuanian Law on Protected Areas and Governmental Resolution on its implementation Ministry of Environment is empowered to adopt lists of Natura 2000 sites: list of sites to be proposed as Sites of Community Importance (SCIs), list of Special Areas of Conservation (SACs) and list of Special Protection Areas (SPAs).

Number and area of Natura 2000 sites in Lithuania

Sites of Community Importance (SCIs)	406 sites with total area of 683 051 ha
Reference to Commission Decisions on SCIs	the most recent decision from 2015 on Boreal region list: *http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2015_018_R_0005*
Special Areas of Conservation (SACs)	92 sites
Special Protection Areas (SPAs)	84 sites with total area of 592 698 ha
Total Natura 2000 terrestrial area	831 497 ha
Total Natura 2000 marine area	93 290 ha

The planned total number of Natura 2000 sites in Lithuania is – 657 sites. The planned completion date of the Natura 2000 network implementation in Lithuania is 1 December 2018.

Map of designated Natura 2000 sites in Lithuania. Red ones are SPAs and green ones – SCIs



3. Setting necessary conservation measures for the sites

3.1. Identification of ecological requirements of the habitats types and species

Both EU nature Directives request Member States to establish for the sites necessary conservation measures which shall correspond to ecological requirements of habitats and species concerned. What ecological requirements of the habitats and species include might be quite obvious for nature conservationists and, on contrary, might not be always the case for other stakeholders. From the legal certainty point of view it is necessary to plan the task for identification and description of these requirements and adopt them as a legal act.

In Lithuania the work on identification of ecological requirements had been taking place in multisectoral task force for almost a year. The work resulted in draft Governmental resolution which lists prohibited or promoted activities. Listed activities are grouped according individual habitat types and species or their groups of similar ecology or according function of sites, e.g. sites of high importance for migrating waterfowl. In 2004 these list were approved by

the Governmental resolution No 276 on Approval of Common Statutes of Sites Important for Birds or Habitats protection. This Governmental resolution builds a fundamental source of legal information on how and what restrictions are practically applicable for Natura 2000 sites.

3.2. Identification and legal approval of passive conservation measures for the sites

Setting necessary conservation measures for the Natura 2000 sites. At first, identification of ecological features and requirements of the habitats types and species should be done (this is applicable for both sites: SCIs and SPAs). Conservation measures for the sites can be passive or active. Passive conservation measures e.g. statutory measures on prohibition of human-induced deterioration and disturbance, and on obligatory appropriate assessment of plans, programs and projects. It is the Member State's responsibility to choose necessary conservation measures between passive or active ones, though they have to be in place: for SCIs – starting at least from the moment when European Commission approves the list of SCIs, and for SPAs – starting from the moment of their establishment. Active management measures for the sites could be contractual or administrative measures and management plans.

In 2011, national project on country-wide inventory of natural habitats of European interest was launched. Final results were presented in 2015. Inventory involved precise country-wide mapping of natural habitats as well as collection of data on habitat structure, functions and typical species. Among project results were the evaluation of actual conservation status of natural habitats and definition of favourable reference values for each natural habitat type. These results allowed for approval of habitats conservation objectives on national level. In 2016, Landscape and Biodiversity Conservation Action Plan for 2015-2020 was supplemented with information on natural habitats conservation objectives.

Necessary conservation measures for Natura 2000 sites can be implemented in various forms, involving but not limited to establishment of protected areas, conclusion of conservation agreements with private landowners or state land managers or preparation and implementation of management plans or other equivalent documents on site management. Dedicated Governmental resolutions lay the mechanisms for preparation of management plans for protected areas and Natura 2000 sites as well as for conclusion of conservation agreements with landowners and managers.

Conservation objectives for individual sites are indicated in decisions on adoption of lists of SPAs, SCIs or SACs. More precise and qualitatively advanced conservation objectives for individual sites are formulated in documents on management of the sites.

3.2.1. Forest conservation and management

The Law on Forests states that according to the management purpose Lithuanian forests are divided into 4 categories (forest reserves, special-purpose forests, protective forests, exploitative forests). Forest cuttings are allowed depending on the management and protection regime assigned based on the forest category.

The management of established protected areas is regulated by the Law on Protected Areas. It states that the main legal documents, which regulate the protection and management regime of protected areas, are: Law on Protected Areas, Regulations of individual protected area, the planning documents of individual protected area, the individual regulation of protected objects or selective areas, and contracts on protection.

The management of Lithuanian forests according to the Law on Forests is based on forest management plan, which includes the special section on nature protection measures where the protected species, habitats and other environmental protection values or objects are listed, marked on the maps with prescribed and detailed protection measures.

The statistical information on Lithuanian protected areas, rare and endangered species found in Lithuanian forests and other relevant data can be found in the website of the State Forest Service.

The State Forest Service periodically controls how the application of legal acts targeted to protection of natural values, objects and protected areas are implemented. The State Forest Service has the annual control plan where the aspect and places to be checked are listed (2013 annual control plan).

In addition, the regional offices of environmental protection agency periodically controls how the management and application of legal requirements for environmental protection are implemented in the management unit. The report about places checked and issues found are published in the website of the Ministry of Environment.

The Regulations on preparation of forest management schemes and forest management plans states that forest management plan for state forests shall include sections related to forest protection against fires, sanitary protection, and biodiversity protection, recreational and social functions of forests. Forest management plan for private forest shall have the special part related to forest protection and implementation of requirements for environmental protection.

The forest operations shall be planned and implemented following requirements set up in the Regulations on forest cuttings. There are provisions in the mentioned regulations for seasonal harvesting operations according to the forest categories (for instance, in some forests of II and III categories the final cuttings are not allowed from 1st March till 1st April). There are requirements for protection of nesting places of rare and endangered bird species as well as requirement to leave trees and dead wood for biodiversity protection.

The maintenance of buffer zones along water courses or open areas as well as some limitation in relation to protection of soil against erosion is foreseen in the Regulations on forest cuttings. For instance, the final forest cuttings are not allowed in the slopes along water courses with degree more than 10° and in any slopes with degree more than 45°.

The requirements for forestry machinery are defined in the Regulations on evaluation of compliances of tractors, its trailers and other machines in agriculture and forestry.

State forest enterprises constantly check how the forest operations are being performed in state forests, whether they follow environmental requirements stated in the planning documents and logging permissions.

Based on the reports produced by the mentioned authorities it is evident that there is no identified systematic and/or large scale non-compliance with legally required environmental protection measures to an extend that threatens the forest resources or other environmental values.

Main legal acts:

- The Law on Protected Areas (1993-11-09, No. I-301)
- Law on Environmental Protection (1992-01-21, No. I-2223)
- Law on Land (1994-04-26, No I-446)
- Law on Forests (1994-11-22, No.I-671)
- National Program on Development of Forest Sector 2012-2020 (Decision of the Government, 2012-05-23, No. 569)
- Law on Protected Animals, Plants, Mushrooms Species and Habitats (2009-12-17, No. XI-578)
- Law on Wild Plants (1999-06-15, No. VIII-1226)
- Law on Wild Animals (1997-11-06, No. VIII-498)
- Regulations on common habitats or areas important for birds protection (Decision of the Government, 2011-05-25, No. 614)
- The list of Red Book of plant habitats (Order of Minister of Environment, 1998-11-30, No. 237)
- Regulations on forest cuttings (Order of Minister of Environment, 2010-01-27, No. D1-79)
- Regulations on preparation of forest management schemes and forest management plans (Order of Minister of Environment 2010-06-30, No. D1-577)
- Regulations on evaluation of compliances of tractors, its trailers and other machines in agriculture and forestry (Order of Minister of Agriculture, 2004-12-29, No. 3D-685)
- Special land and forests use conditions (Decision of the Government, 1992-05-12, No. 343
- Regulations on defining the protection zones of water bodies and protection belts of coastal areas (Order of Minister of Environment, 2007-02-14, No. D1-98)
- Regulations on preparation of management plans for state parks, biosphere reserves and strict reserves (Order of Minister of Environment, 2002-12-21, No. 656)

- Law on Protected Animals, Plants, Mushrooms Species and Habitats (2009-12-17, No. XI-578)
- Typical protection regulations for protected areas (Decision of the Government, 2004-08-19, No. 996)
- Regulations on common habitats or areas important for birds protection (Decision of the Government, 2011-05-25, No. 614)
- Schedule of procedures for calculation and payment mechanism related to compensation to private forest owners in whose estates the new protected areas is established or the status of the existing protected area is changed or restriction of activities are defined which decrease the profit or prohibits the former activities (Decision of the Government, 2012-03-07, No. 260)

3.2.2. Other Conservation measures in Forests

Forest habitat types are conserved by other conservation measures associated with identification of High Conservation Value (HCV) forests stands so called Wooden Key Habitats (WKH) and voluntary protection of it by forests manages. This system partly overlaps Natura 2000 areas, however it is designed for conservation of old growth forests stands and biodiversity dependant on it.

Woodland Key Habitat (WKH) is defined as an intact forest area with a high probability of the presence and non-accidental occurrence of an endangered, vulnerable, rare or care-demanding habitat specialist species.

The inventory method of Woodland Key Habitat is based on field study. Visit areas are selected in advance and assessed, by means of a field inventory methodology, whether they fulfil the above-mentioned definitions, to describe the areas on a field inventory sheet and to mark their borders on a map. The field inventory methodology is based mainly on recording the occurrence and number of forest structures (Key Elements) that are valuable for biodiversity, as well as the occurrence and number of species that indicate Woodland Key Habitats. The inventory was carried out by trained foresters in all forests and ecologists in protected areas. The inventory was carried out in all forests, regardless of ownership. Also protected forests of all types except strictly protected forests, protection class I, were surveyed.

Woodland Key Habitats have no legal status therefore are not protected by law. However, most Woodland Key Habitats are voluntary protected by state forest enterprises, which are certified under FSC certification scheme. One of national requirements of FSC certification standard is to set aside 5 percent of managed forest as voluntary reserve. In most cases Woodland Key Habitats are listed as voluntary reserves.

In private forests WKHs can be protected as well. Contracts with private owners of WKHs are signed for 5 year period and compensations for restrictions are paid under the Rural Development Program.

3.3. Identification, development and implementation of active management measures for the sites Management schemes of Natura 2000 sites

Due to various factors (population growth, pressure from industry, climate change, etc.) nature is changing and in order to preserve nature values it is necessary to apply management measures. Thus, a very important thing is a shift from passive protection to active, which means that it is necessary not only to establish a protected area, but also to properly manage it.

Lithuania uses integrated management planning approach which means that appropriate management measures might be integrated in various types of documents which are necessary for site management.

In Lithuania, according to national practice, three documents for site management planning are mainly applied: nature management plan, management (target) program and management plan (planning scheme). Normally, requirements from several management documents have to be kept in mind while planning management or making any other decision.

According to the *Law on Protected Areas*, management plans (planning schemes) are obligatory for several types of national protected areas (national and regional parks and strict nature reserves) and are prepared according requirements on territorial planning (spatial land use planning). In case the Natura 2000 area overlaps with national or regional park, or strict nature reserve, management of the site is being planned in management plan (planning scheme) of the national protected area. Management plans (planning schemes) determines different zones with different protection regime inside the protected area and may set new restrictions on land use, which are also obligatory for land users and managers.

Major part of Lithuanian protected areas has approved (by the Minister of Environment) management plans (planning schemes). In 2004 Government of Lithuania approved the resolution on the **Protected areas standard conservation regulations**. These Regulations sets the requirements for protection, use and management of landscape management zones (which are determined during development of protected areas management plans (planning schemes)).

In 2004, Government of Lithuania adopted the resolution on **Procedure of protected areas strategic planning documents preparation and approval**. This document sets the objectives, objects, preparation, coordination and approval procedures of the protected areas strategic planning documents. According to this Governmental resolution protected areas strategic planning documents are – nature management plans, management (target) programs, action plans, biosphere reserves and biosphere polygons monitoring programs. Such documents are developed to determine priority objectives and conservation actions in the protected areas, measures implementation order, funding needs and responsible institutions. Nature management plans are more comprehensive compared to the management (target) programs. Alongside thorough examination and description of the site conservation status, preparation of a nature management plan requires also a review of socio-economic conditions and involvement of relevant stakeholders. On the other hand, management (target) program is more operational and is applied in situations where rapid solutions or small scale management with limited or no involvement of other stakeholders is required.

Both nature management plan and management (target) program are mandatory only for the implementing agencies acting under the supervision of Ministry of Environment: protected area directorate, state forest enterprise, etc.

In Lithuania usually nature management plans are prepared for protected areas management and such plans are the main instruments managing Natura 2000 sites. At present in Lithuania there are 89 nature management plans for Natura 2000 sites adopted and 149 in preparation at different stages of development. In December 2004, order of the Minister of Environment on the **Requirements of nature management plan content** was adopted. In this legal act precisely described what should be stated in the nature management plan. The nature management plan shall include:

1. description and evaluation of the area conditions;
2. goals and objectives of the nature management plan;
3. plan for implementation of the nature management plan measures;
4. physical and/or legal entities who are implementing the measures of the nature management plan and their functions;
5. resource analysis, funding needs to implement the measures and funding sources;
6. nature management plan adjusting and monitoring procedures.

Nature management plans are approved by the Minister of Environment.

According to national legislation, forest management plan is mandatory for most of the forestry operations. Forest management plan takes into account protected area requirements and may integrate other nature protection conditions.

Other management instruments (e.g. conservation contracts with landowners or managers) are less frequent applied, play rather supplementary role in Natura 2000 network management planning. Practise of application of these contractual management instruments have to be further strengthened.

Progress and perspectives for management planning for the sites

Progress in establishing conservation objectives	Conservation objectives for Natura 2000 sites are set in various documents: legal acts on adoption of lists of SPAs, SCIs and SACs, nature management plans, management plans (planning schemes) and management programs for individual sites.
% of sites with plans completed	14 % (percentage includes all sites with prepared nature management plan, management plan (planning scheme) or management program).
% of sites with plans in preparation	30,4 % (percentage includes all sites for which nature management plans are in preparation stage).
% of sites with no plans	55,6 %

Sometimes there are conflicts between both Directives in case of different management activities for different protected values, for example we have SCI and SPA in the same territory, but nature restoration or management activities for protected bird species sometimes are in contrary to protection or management of protected habitats.

In 2015, **Landscape and Biodiversity Conservation Action Plan for 2015-2020** was adopted. The document sets mid-term nature conservation strategy and measures to be prepared and implemented in the period up to 2020. The Plan covers national level protection measures for landscape conservation as well as for national protected areas, for Natura 2000 network and for endangered species conservation. Under the Plan, series of country wide planning documents for conservation of endangered species will be prepared and implemented. In 2016, Landscape and Biodiversity Conservation Action Plan for 2015-2020 was supplemented with information on natural habitats conservation objectives.

Publicly available habitat inventory database and other habitat inventory results are serving for improvements in design of Natura 2000 network and its better management, including monitoring, appropriate Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) decision making and many other environmental processes.

In April 2015, **National Environmental Protection Strategy** was approved by the Lithuanian Parliament. The strategy identifies the long-term target for the area to be taken under nature conservation (national protected areas + sites of Natura 2000 network) in the country – 17 % on terrestrial part and 10 % on the marine part of the country.

Many NGOs initiatives on implementation of management measures in series of Natura 2000 sites have been conducted or newly launched. In this process support from LIFE+ programme (http://ec.europa.eu/environment/life) and other European Union programmes, as well as from European Economic Area Financial Mechanism (http://eeagrants.org) is essential. The most relevant initiatives are:

Peatland sustainable use strategy is currently under preparation; process is led by group of NGOs and scientific institutions;

National study on identification of potential conflicts between wind energy development and biodiversity conservation and recommendations for their management is under preparation; process is driven by various NGOs, scientific institutions in close collaboration with wind energy stakeholders;

Development of an integrated management planning tool for grassland habitats; process is led by an NGO with international partners.

The Information System about Protected Species for appropriate EIA and SEA decision making and many other environmental processes. The system is driven by the Ministry of Environment with active participation of the staff of the Administrations of the Protected Areas, certain NGOs and scientific institutions. The main aim of the System is to collect data about protected species distribution (their finding places) and submission of such information to the parties concerned, and to ensure the publicity of data and information on protected species. Data collected in the System are used for practical environmental activities: the development of protected species action plans, management plans, establishing protected areas and preparing planning documents, preparation of environmental impact assessment documents, preparation

of forest management documents, making decisions for the afforestation of non-forest land, the development of rural development planning projects, and many other areas. System data can also be used in the field of science: the preparation of analyzes, strategies, forecasts relating to protected species distribution, abundance, status and so on.

Elaboration and endorsement of a number of the **Species Actions Plans**; process is led by the Ministry of Environment with active participation of the certain scientific institutions and NGOs. Species Actions Plans are prepared according to the requirements adopted by the order of the Minister of Environment: **Procedure for the Preparation and Approval of Protected Species Action Plans**. 23 Species Actions Plans were prepared during the period 2012 – 2015 and 24 new Species Actions Plans will be prepared during 2016-2017. Preparation of Species Action Plans is financed by the European Union Structural Funds Programme of Investment Actions measure "Environmental protection, sustainable use of natural resources and adaptation to climate change".

Public participation in the establishment and management of Natura 2000 sites. The public has a right to participate in the establishment and management protected areas (including Natura 2000 sites). In 2009, Minister of Environment approved the order how *NGOs and other private or legal entities may submit the proposals for the establishment of new protected areas or to change the boundaries or protection regime of already existing protected areas*. NGOs and other private or legal entities shall submit their proposals to the State Service for Protected Areas under the Ministry of Environment. Submitted proposal evaluates the special Commission adopted by the Minister of Environment. This Commission consists of 13 members and one of them is a chairman (Vice-minister of Environment). Members of the Commission are specialists from the Ministry of Environment, State Service for Protected Areas and, to ensure transparency, specialists from scientific institutions (Nature research Centre Institute of Ecology, Institute of Botany, Institute of Geology) and one representative from NGOs coalition. The Commission may examine the proposal and make a decision when the meeting is attended by at least 2/3 of the members of the Commission. Meetings are led by Chairman of the Commission. Decisions are made by voting, by a simple majority. If the votes are equal, the final decision is taken by the Chairman.

It should be noted, that so far there were no serious offers from private individuals, because according to the order a sufficient amount of data and reasoned (justified) information (why the new protected area should be established) should be provided. In view of the fact that Natura 2000 sites are established on the basis of purely scientific criteria - for ordinary people is difficult to collect such data. More often they seek to change the boundaries of existing protected areas (mainly related to the fact that people want that their private land would be removed from the protected area and it would not be a subject to operating restrictions).

In Lithuania, usually NGOs (e.g. Lithuanian Fund for Nature, Lithuanian Ornithological Society, Baltic Environment Forum, etc.) or scientific institutions actively use such opportunity to submit the proposals for establishment of new protected areas.

Public participation in the process of protected areas designation is also ensured through the procedures laid down in the **Law on Territorial Planning** and its supplementary legal acts (e.g. Governmental Resolution on Public information, consultation and participation in decisions making on territorial (spatial) planning). According to the Law on Territorial

Planning, for establishment of protected area a special plan must be prepared (State Service for Protected Areas has the right to organize the preparation of such plan). According to the Law on Territorial Planning, interested members of the public and other private and legal entities may participate actively in territorial (spatial) planning publicity procedures. Article 32 of Law stipulates spatial planning publicity procedures. Spatial planning publicity procedures are:

1) The provision of information to the public on territorial (spatial) planning procedure beginning and objectives;

2) presentation of the prepared territorial (spatial) planning documents;

3) consultations;

4) submission of proposals and their analysis;

5) the public hearing.

In addition, in the *Law on Protected Areas* there is stipulated that for the coordination of protection and management of the state park (national or regional) and biosphere reserve, the Joint Council should be established. And in this Council should be representatives from **local communities**. Joint Council shall consider and submit proposals to the administration of protected areas on the prepared project of the state park or biosphere reserve planning schemes (boundaries and management plans) and other key matters of the organization of state park protection and management.

In terms of **private sector participation in the Natura 2000 sites management**, it should be said that it is mainly dependent on what benefits private landowners may receive. In Lithuania private land owners usually are involved in the Natura 2000 sites management only when they are offered payments for implementation of certain management measures. As it was stated in the first page of this paper - most of the designated Natura 2000 areas are located in rural areas, and many are dependant on high nature value farming methods that maintain habitats such as hay meadows, low intensity grazing of semi-natural vegetation, extensive cereal systems, floodplain grasslands, etc. A lot of Natura 2000 territories are threatened by overgrowth changing the natural characteristics of the habitats. Here actions are needed to ensure that the farming is on the level compatible with environmental requirements to secure the existing natural values, but the State Institutions doesn't have capacity (or even the legal rights in the private property) to carry out nature management activities. Therefore, in Lithuania often such works are carried out under the **Rural Development Program** (operated by the Ministry of Agriculture). Various environment-friendly measures are integrated in this program: *Natura 2000 payments*, *Agri-environment, Forest Natura 2000 payments* (supported from European Agricultural Fund for Rural Development (EAFRD); more information on page 40). Private land or forest owners may participate in these measures and receive payments for agreed nature management works – late mowing, extensive grazing, etc. Some of support schemes under the measure "*Agri-environment*" were of great help for some of Natura 2000 sites management. Main problem - low level of payments discouraged from participation many relevant stakeholders.

Lithuanian Rural Development Programme for the period 2014-2020 measure "*Agri-environment and climate*", provides 11 activities, the implementation of which will contribute to biodiversity restoration, conservation and enhancement, reduction of water pollution from agricultural sources, soil protection, management of specific areas to ensure environmentally

friendly farming. Here should be mentioned some activities (related to the protection and management of Natura 2000 sites) which are supported under this measure: "*Extensive livestock grazing for meadows management*" (payment – 101 €/ha); "*Management of specific meadows*" – (payment - 69 €/ha); "*Extensive management of wetlands*" (payment - 208 €/ha); "*Protection of habitats of endangered Aquatic warbler (Acrocephalus paludicola) populations in natural and semi-natural grasslands*" (payment - 291 €/ha); "*Protection of habitats of endangered Aquatic warbler (Acrocephalus paludicola) populations in wetlands*" (payment - 160 €/ha), etc. And private landowners can participate in such measures and receive such payments.

According to the Lithuanian Rural Development Programme for the period 2014-2020 measures "*Natura 2000 and the Water Framework Directive payments*" activity "*Natura 2000 payments on agricultural land*", provided compensation to landowners and managers of agricultural land which are located in Natura 2000 areas and which must comply with additional restrictions on farming. Thus, landowners and managers who agree to comply with the minimum prohibitions (not to plow meadows, not to dry meadows, do not use fertilizers and liming materials, apply late mowing and so on), annually for each declared agricultural land hectare would be paid additional compensation from 54 €/ha to 70 €/ha (in addition to the EU direct payments received in the usual manner).

A similar system is applied for activity "*Forest Natura 2000 payments"* – forest owners in Natura 2000 areas may get compensations. Private forest owners or their associations may receive payments for application of specific forestry restrictions in Natura 2000 sites. For example, when the forest clear fellings are prohibited or allowed only low intensity selective felling (allowed to cut down no more than 10 % of the growing stock volume over 10 years). In this case, it would be paid 272 €/ha compensation (during initial period not exceeding 5 years), and after the end of the 5 years initial period - 200 €/ha. Private forest owners can get 62 €/ha compensation if in their forest cutting down all dying or dried-up trees is prohibited, and etc.

And, for example, *Rules on Forest Cutting* determine forest cutting restrictions around the nests of rare birds. Around the nests of rare bird species clear cuttings are prohibited in specified radius and for such restrictions forest owners also can get compensations: **200 meters** - around the nests of Osprey (*Pandion haliaetus*), Black Stork (*Ciconia nigra*), Eagle Owl (*Bubo bubo*); **150 meters** - around the nests of White-tailed Eagle (*Haliaeetus albicilla*), Golden eagle (*Aquila chrysaetos*), Short-toed Eagle (*Circaetus gallicus*), Spotted Eagle (*Aquila clanga*), Peregrine (*Falco peregrinus*); **100 meters** – around the nests of Red Kite (*Milvus milvus*), Black Kite (*Milvus migrans*), Common crane (*Grus grus*), Lesser Spotted Eagle (*Aquila pomarina*), Honey Buzzard (*Pernis apivorus*); **50 meters** – around the nests of Merlin (*Falco columbarius*), Hobby (*Falco subbuteo*), Kestrel (*Falco tinnunculus*).

Compensations are not paid for cutting restrictions around the nests of Hobby (*Falco subbuteo*) and Goshawk (*Accipiter gentilis*), because these species are not listed in the Birds Directive Annex I.

But, so far, the reality is that the nature of management tasks usually are carried out by specialists of protected areas directorates (when they receive funding from the State budget or various funds) or various environmental NGOs. There are some examples when nature management activities free of charge were carried out by private individuals, but such cases are rare.

Talking about the protection and management of Natura 2000 sites very important is **Environmental Impact Assessment (EIA)**, as well as **Strategic Environmental Assessment (SEA)** procedures.

The Environmental Impact Assessment plays a crucial role in the protection and management of Natura 2000 sites, because it helps to avoid (or mitigate) negative impact of economic activities to protected nature values. Appropriate assessment of the proposed economic activities is obligatory according to the requirements of the EIA and Habitats Directives.

The **Environmental Impact Assessment Directive** (Directive 2011/92/EU as amended by Directive 2014/52/EU) aims to improve environmental protection by integrating environmental considerations in the decision-making process for the approval of public and private projects that require assessment of possible effects on the environment.

The **Habitats Directive** ensures the conservation of a wide range of rare, threatened or endemic animal and plant species. It forms the cornerstone of Europe's nature conservation policy with the **Birds Directive** and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments.

Article 6 is one of the most important articles in the Habitats Directive as it defines how Natura 2000 sites are managed and protected. It sets out the framework for site conservation and protection, and includes proactive, preventive and procedural requirements. It is relevant to special protection areas under Birds Directive as well as to sites based on Habitats Directive. The framework is a key means of achieving the principle of Environmental integration and ultimately sustainable development.

It is important to note that the provisions of Article 6 require transposition into national law (i.e. they need to be the subject of provisions of national law giving effect to their requirements). In this respect, they come within the scope of Article 23 of the directive which states that:

„*Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive within two years of its notification*“.

This reflects the type of Community instrument that has been used, namely a directive. A directive is binding as to the result to be achieved, but leaves a Member State some choice as to the form and methods of achieving that result.

Habitats Directive Article 6 paragraphs 1 and 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 3 and 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 considered to be justified for imperative reasons of overriding public interest. In such cases the Member State must take appropriate compensatory measures to ensure that the overall coherence of the N2000 Network is protected. (Article 6.4)

The provisions of Article 6(3) and (4) constitute a form of development regime, setting out the circumstances within which plans and projects with negative effects may or may not be allowed. The provisions thus ensure that negative economic and other non-ecological requirements can be balanced against conservation objectives.

Obligations arising under Article 6(2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of the Birds Directive in respect of areas classified pursuant to Article 4 (1) or similarly recognized under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under the Birds Directive, where the latter date is later. This means that obligations arising under Article 6(2), (3) and (4) of Habitats Directive are applicable also for SPAs.

The requirements of the Habitats Directive Article 6(3) and 6(4) regarding appropriate assessment are transposed into the Lithuanian legal acts:

- Law on the Environmental Impact Assessment of Proposed Economic Activity (EIA);
- Law on Environment Protection;
- Law on Protected Areas;
- Order on the Assessment of the Effects of Certain Plans and Programs on the Environment adopted by Governmental Resolution (SEA);
- Order of the Minister of Environment on Determination of Significance of the Effects of Implementation of Plans, Programs and Proposed Economic Activities on "Natura 2000" sites.

Law on Environmental Impact Assessment of the Proposed Economic Activity (EIA):

Article 3(3) stipulates:

"*Environmental impact assessment shall be conducted when implementation of the proposed economic activity may affect the areas of the "Natura 2000" network, and the institution responsible for organisation of protection and management of protected areas determines, in accordance with the procedure laid down by the Ministry of Environment, that this effect may be significant.*"

Article 10(7) stipulates:

"*Where it is determined that implementation of the proposed economic activity will have significant adverse effects on the sites of the "Natura 2000" network and in the absence of alternative solutions regarding the proposed economic activity, the proposed economic activity may be permitted solely in the cases when its solutions are related to public health, preservation of certain components of the environment or other relevant reasons in light of an opinion of the European Commission. In such cases, all possible compensation measures as are necessary to*

protect the overall coherence of the "Natura 2000" network must be provided for and implemented. An institution responsible for organisation of the protection and management of protected areas shall inform the European Commission about these compensatory measures in accordance with the procedure laid down by the Ministry of Environment."

Order of the Minister of Environment on Determination of Significance of the Effects of Implementation of Plans, Programs and Proposed Economic Activities on "Natura 2000" sites. This order contain a questionnaire for determination of significance and criteria, by employing which, institution responsible for organization of protection and management of protected areas can determine if implementation of a plan, program or proposed economic activity (separately or in combination with other plans and programs) might have significant effects on Natura 2000 sites and if therefore strategic environmental assessment of such a plan or program or environmental impact assessment of proposed economic activity shall be carried out.

New developments are not prohibited a priori within or in vicinity of Natura 2000 sites. New projects, plans and programs possibly affecting Natura 2000 sites are judged case by case.

What is the Institution responsible for organisation of protection and management of protected areas?

In the SEA process: – The State Service for Protected Areas under the Ministry of Environment.

In the EIA process:

1. If proposed economic activity falls under the scope of Law on EIA – The State Service for Protected Areas under the Ministry of Environment.
2. Small scale activities which are not under the scope of Law on EIA – Administration of particular protected area.

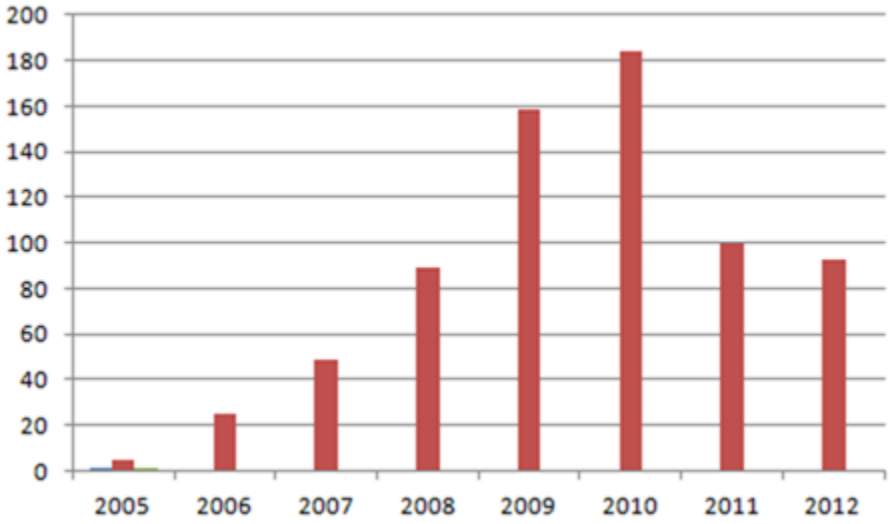
The decisions of State Service for Protected Areas and administrations of protected areas are legally binding!

To avoid duplication (double assessment) – all projects which fall under the scope of Annex I of the Law on EIA are not assessed according to this Ministerial order. Such objects are assessed during ordinary EIA procedure paying particular attention to Natura 2000 conservation objectives.

All small scale objects are subject for assessment according to this Ministerial order.

The following chart shows the number of documents assessed in State Service for Protected Areas. 15 % of them were EIA documents (according to the Law on EIA), while the remaining 85 % were documents for determination of significance of the effects on Natura 2000 sites of small scale objects (only 5% of them were evaluated as likely to have a significant negative impact to Natura 2000 site and the comprehensive EIA procedure was mandatory).

Number of documents assessed in State Service for Protected Areas



To assist in the understanding and correct application of Article 6 procedure, the European Commission has produced a number of general interpretative and methodological guidance documents on specific provisions of the Article:

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

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

Methodological guidance on the provisions of **Article 6 (3) and (4)** of the Habitats Directive:

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Guidance document on Article 6(4). Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the European Commission:

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/new_guidance_art6_4_en.pdf

Article 6 - Sector Specific Guidance. The European Commission is also in the process of developing sector-specific guidance in the following policy areas: non-energy extractive industries, wind farm development, ports and estuaries, inland waterway transport, aquaculture. The overall objective of these guidance documents is to establish a better understanding of how to apply the Article 6 procedure to developments plans and projects in each of these sectors and to provide further advice on how to carry out an Appropriate Assessment in particular.

Guidance on Natura 2000 and forests:

http://ec.europa.eu/environment/nature/natura2000/management/docs/Final%20Guide%20N2000%20%20Forests%20Part%20I-II-Annexes.pdf

Guidance on Aquaculture and Natura 2000. Sustainable aquaculture activities in the context of the Natura 2000 Network:

http://ec.europa.eu/environment/nature/natura2000/management/docs/Aqua-N2000%20guide.pdf

Inland waterway transport and Natura 2000. Sustainable inland waterway development and management in the context of the EU Birds and Habitats Directives:

http://ec.europa.eu/environment/nature/natura2000/management/docs/iwt_en.pdf

The implementation of the Birds and Habitats Directives in estuaries and coastal zones:

http://ec.europa.eu/environment/nature/natura2000/management/docs/Estuaries-EN.pdf

Wind energy developments and Natura 2000:

http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf

Non-energy mineral extraction and Natura 2000:

http://ec.europa.eu/environment/nature/natura2000/management/docs/neei_n2000_guidance.pdf

Guidance document "Farming for Natura 2000":

http://ec.europa.eu/environment/nature/natura2000/management/docs/FARMING%20FOR%20NATURA%202000-final%20guidance.pdf

Annexes A - D with A) Key habitat types of Community interest that are dependent on agricultural management, B) Key species of Community interest associated with farmland, C) Main habitats of Community interest dependent on agriculture in each Member State and D) Management recommendations for each Annex I habitat type dependent on agricultural management:

http://ec.europa.eu/environment/nature/natura2000/management/docs/FARMING%20FOR%20NATURA%202000-ANNEXES%20A-D-final.pdf

Annex E with case studies:

http://ec.europa.eu/environment/nature/natura2000/management/docs/Farming%20for%20Natura%202000-Annex%20E-Case%20studies.pdf

Guidance document on Climate change and Natura 2000:

http://ec.europa.eu/environment/nature/climatechange/pdf/Guidance%20document.pdf

Critical issues/challenges of management. Main challenges of designation and management in the protected areas are - expensive and difficult habitats management in some areas (for example – wetlands); lack of financial resources; sometimes lack of public support; lack of experienced staff; pressure from industry sector (e.g. transport, renewable energy); sometimes lack of political will (in the countries with not strong economy, priority usually is given to economic interests, but not to nature conservation). **Opportunities** – use EU funds for nature conservation and protected areas management; to participate in various EU programs (e.g. LIFE, etc.); to receive various methodological guidelines (about conservation and management) from the European Commission.

3.3.1. Examples of nature management in Natura 2000 sites

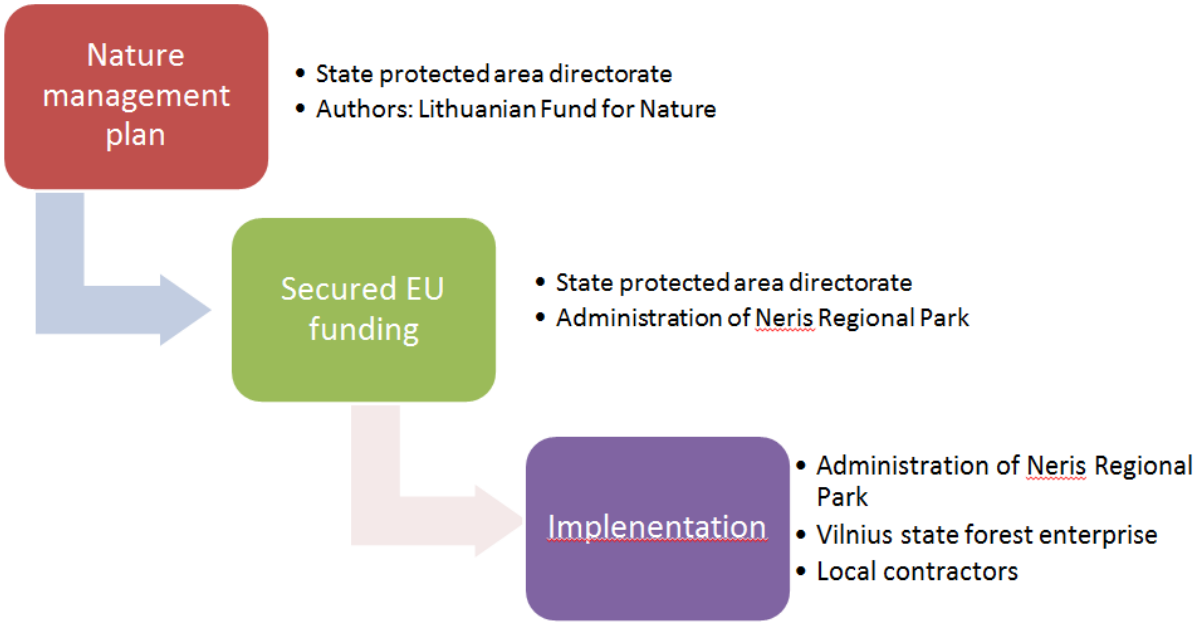
Dūkšta oak forest and River Valley

Dūkšta oak forest and River Valley is a part of Neris Regional park. Site is designated as pSCI in 2004. Natura 2000 area - 362,65 ha. EU habitats in the site:

- 6450 Northern boreal alluvial meadows,
- 6510 Lowland hay meadows,
- 9020 *Fennoscandian* hemiboreal natural old broad-leaved deciduous forests,
- 9180 *Tilio-Acerion* forests of slopes, screes and ravines

Annex II species: *Osmoderma eremita, Barbastella barbastellus, Unio crassus, Ophiogomphus cecilia, Cucujus cinnaberinus;*

85 percent of oaks in site already reached natural maturity; regeneration of natural areas is slow - only 5 percent of oaks are in the undergrowth. Current open habitats are overgrown by scrubs, spruce plantations in some parts of the forests.



Implementation of nature management plan

In 2012 nature management plan was prepared and approved. Main Activities described in plan were implemented in the part of area 58 ha (53 ha of the forest, 4,5 ha) in 2012-2013.

In open areas:

- Removing of shrubs and mowing of meadow habitats;

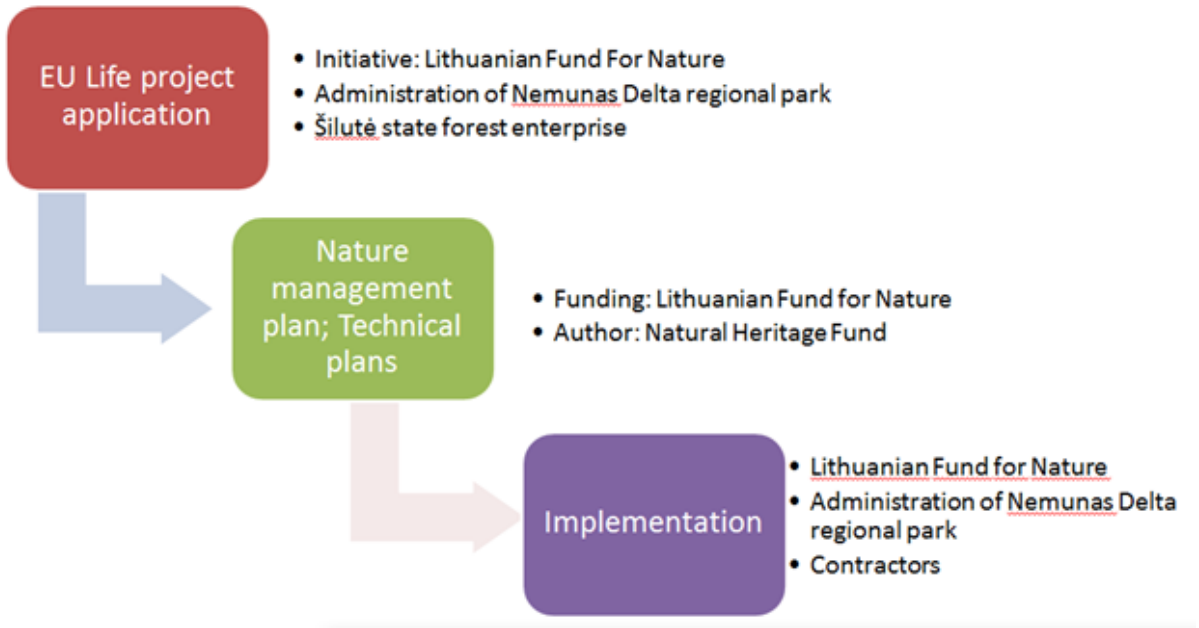
In the forests:

- Restoration of former forest edges with old big oaks;
- Removal of spruce and hazel in mature oak stands;
- Reconstruction of spruce plantations to deciduous forest;
- Planting of new oaks;
- Installation of nesting boxes for bats.

Aukštumala raised bog

Aukštumala raised bog is oldest scientifically researched wetland, dating back to 1900. Nowadays the Telmological Reserve covers 1017 ha area. It is a part of Nemunas delta Regional Park which is designated as Natura 2000 area in 2004.

Main problem addressed in nature management plan – impact of dense network of drainage ditches. Changed hydrological regime causes degradation of peat layer. The main objective: restoration of natural hydrological regime, which will help to reach and maintain favorable conservation status of the "7110* Active Raised bog" habitat within the Aukštumala Telmological Reserve. The foreseen conservation actions will also support other Annex II habitat types: "3160 natural dystrophic lakes" and bird species, found in the highmoor, e.g. Black Grouse, Wood Sandpiper.



Implementation of nature management plan

Main activities implemented:

- Preparation of management plan
- Technical project for damming the ditches.
- Establishment of international raised bogs restoration expert group.
- Installment of dams: 20 in main ditches, about 500 in small ditches. Dams will vary in size from 1 m up to 6 m wide. Plastic planks and local wood will be used.
- Clearance of bushes and trees in 100 ha area performed.
- Monitoring hydrology and hydrological impact effects on biodiversity.
- Training of local nature guides
- Restoration of education path
- Creation of movie, preparation of other publications and organisation of events.

Expected results:

- Management plan and technical dam construction projects prepared
- 70 km of small ditches and 10 km of main ditches blocked, about 500 dams installed, 100 ha of unwanted vegetation cleared.

- Experts gathered, 6 events organised, 20 nature guides trained, 2 km long education path installed, oldest wetland scientific monography printed in Lithuanian, folder, book, poster printed, one exhibition for the Regional Park visitor center installed.

More information at www.aukstumala.lt

European dry heaths of Gaižiūnai (LTJOA0006)

Prehistorical river delta territory used for century as a military polygon. As pSCI area was designated in 2009. The total area of the site is 530 ha. Habitat types present on the site are 2330 (Inland dunes with open *Corynephorus* and *Agrostis* grasslands, 314 ha), 4030 (European dry heaths, 79 ha), 6120 (Xeric sand calcareous grasslands,79 ha). EU Habitat directive species Eastern Pasque Flower (Pulsatilla patens) is present in the site. In last decades territory was not used and started overgrow with woodland.

Implementation of species management plan

<u>Main activities implemented:</u>

- Removal of tree vegetation (188 ha)
- Restoration of heather habitats (5 ha)

Žemaitija National Park

Žemaitija National Park is a protected territory, founded on the basis of Resolution No. I-1244 dated 23rd April 1991 of the Supreme Council – Restoration Seimas of the Republic of Lithuania "On the Foundation of the Dzūkija, Curonian Spit and Žemaitija National Parks, the Trakai Historical National Park and the Viešvilė State Reserve" (O.J., No.13-332, 1991) to preserve landscape complexes of national importance and cultural heritage that represent peculiarities of Žemaitija's nature and culture in the ethnocultural context, ensure balanced use and recovery of natural resources, provide conditions for educational tourism, scientific research and environmental monitoring.

The Park's goals are: to conserve the main system of lakes and forests in Žemaitija, the existing cultural heritage and restore the damaged parts; to carry out scientific research, data collection and regular monitoring of the Park's environment and ethnic and cultural heritage; to cherish the cultural traditions of Žemaitija; to disseminate ideas and knowledge of environmental protection; to encourage traditional forms of farming; to promote appropriate recreation activities, and primarily cognitive tourism.It is designated as Natura 2000 area for birds as well as for habitats.

Habitat types:

– Forests: 9010, 9020, 9050, 9080, 91D0, 91E0;

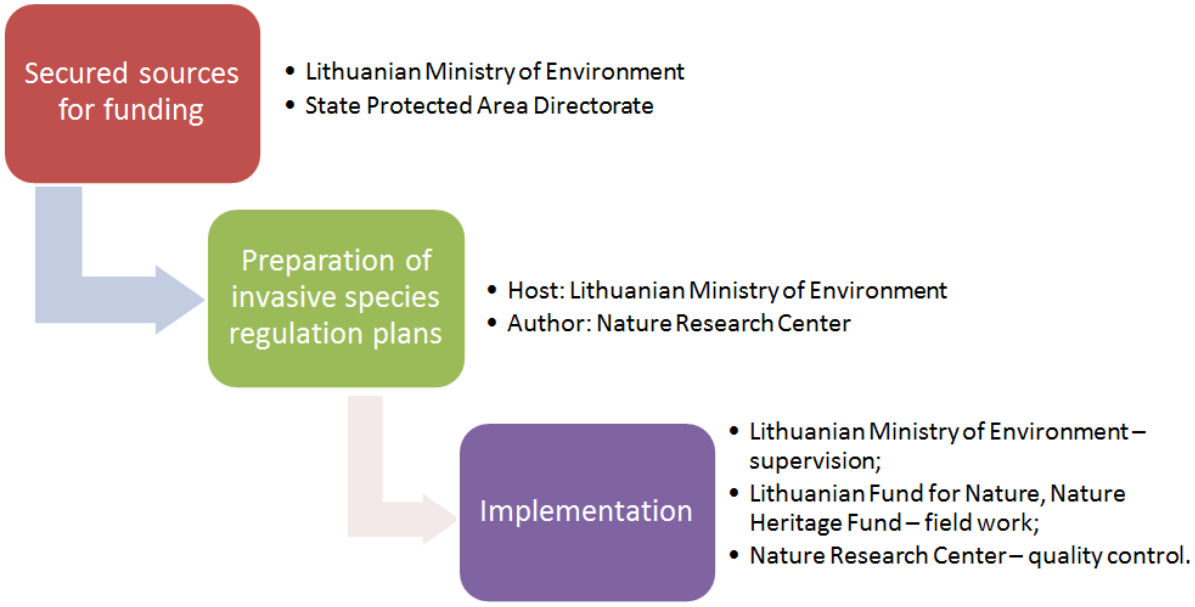
– Mires: 7110, 7140, 7210, 7230;

– Grasslands: 6230, 6410, 6450;

– Freshwater habitats: 3140, 3150, 3160.

Native to western North America invasive species lupine (*Lupinus polyphyllus)* is abundant in the area. In its native area *L. polyphyllus* grows on shores, in meadows and roadsides and other disturbed habitats; the species is weedy even in its native area. The native habitats are also characterized as 'shady, moderately dry, well-drained, sandy-loam soil. The journal Baltic flora reports *L. polyphyllus* from pine forests on sandy podzols, acidic dry meadows, cultivated fields of different kinds (fallows, crop fields), and a diversity of ruderal habitats: field and road verges, railway slopes, quarries, banks of canals, ditches etc., and disturbed woodlands. In Latvia, *L. polyphyllus* is often cultivated, and it has escaped to forests and fallows, road verges and waste places. Impact of *L. polyphyllus* on local ecosystems:

- Causes habitat destruction in meadows,
- Can cause livestock poisoning.



Implementation of species management plan

<u>Main activities implemented:</u>

- In total 18 sites were managed (187 ha) in Lithuania
- 6 sites (44 ha) cleaned from lupine in Žemaitija National Park.
- Management done in 3 stages:
  - Mowing of the vegetation;
  - Extraction of the invasive plants;
  - Mowing of the vegetation.

3.4. Update of estimations of costs for establishment of necessary conservation measures and preparation of Priority Action Framework (PAF)

Cost/financial needs evaluation. Another important step in the implementation of Natura 2000 network is cost evaluation. In 2009, Lithuania along with other Member States made such evaluation (the work was coordinated by the European Commission). Summarized results of Lithuania evaluation: annual cost related to the Natura 2000 network development and maintenance were 26 426 000 Euro (23 957 000 Euro are periodical annual costs (including staff costs) and 2 469 000 Euro are estimated the annual costs of investment).

During the assessment of funding needs taken into account species and habitat inventory, assessment of the status of species and habitats (according to the monitoring and research data), amount of monitoring work, the existing administrative capabilities, the costs (rates) of spatial planning and practical nature management works, number of landowners who may apply for compensations for restrictions, number of landowners involved in the rural development program, etc.

Currently Lithuania prepared **Prioritized Action Framework (PAF) for Natura 2000**, which re-evaluated the financing needs of the priority measures. Obligation to estimate costs for establishment of necessary conservation measures and to prepare **PAF for Natura 2000** arise from the requirements stipulated in Article 8 paragraphs 1 and 4 of the Habitats Directive:

Article 8

*1. In parallel with their proposals for sites eligible for designation as special areas of conservation, hosting priority natural habitat types and/or priority species, the Member States shall send, as appropriate, to the Commission their **estimates** relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6 (1).*

*4. According to the assessment referred to in paragraphs 2 and 3, the Commission shall adopt, having regard to the available sources of funding under the relevant Community instruments and according to the procedure set out in Article 21, a **prioritized action framework** of measures involving co-financing to be taken when the site has been designated under Article 4 (4).*

In November 2016, Ministry of Environment of Lithuania (with the help of State Service of Protected Areas, Environmental Projects Management Agency under the Ministry of Environment) finished preparation of the **Prioritized Action Framework for Natura 2000** for the EU Multiannual Financing Period 2014-2020 and in nearest weeks it will be sent to the European Commission. Draft **Prioritized Action Framework** also was sent to various stakeholders (Scientific Institutions, Universities, NGOs) for comments.

In the Prioritized Action Framework Lithuania estimated such financial needs for management of Natura 2000:

Purpose	Type of activity	Financial need, MEUR	Type of cost. Comments
Baseline survey of species, evaluation and finalization of Natura 2000 network	Gathering of the scientific data for closing the knowledge gaps on species and habitats of Community interest, establishment of new Natura 2000 sites	~9.0	One-off
	Other thematic surveys in Natura 2000 network	~2.0	One-off
Institutional capacity building	Methodology development, trainings for staff of institutions responsible of the Natura 2000 management, equipment	~2.0	One-off
Management planning. Monitoring conservation status and administration running costs	Development of methodological guidance on management planning. Preparation of nature management plans and their review.	~1.8	Recurrent. Annual costs.
	Monitoring and administration running costs	~1,2	Recurrent. Annual costs.
	Preparation of management guidelines for 50 pilot areas on maintenance of favourable conservation status	~0,2	One-off. Actually spent.
Public awareness	Development of complex measures for ecological education	~1.8	One-off

	Installation of infrastructure for visitors	~1,2	One-off
Natura 2000 network management	Restoration of natural habitats and species habitats	~7.2	One-off
	Maintenance of species and habitats conservation status	~21,0	Recurrent. Annual costs.
	Maintenance of infrastructure for visitors	~1,0	Recurrent. Annual costs.
	Equipment for site management	~2,3	One-off
Total:	Investments	~25,7	National protected areas are to large extent (approx. 70 % of the area) designated as sites of Natura 2000 network. This makes it difficult to separate expenditures for national protected areas from those for Natura 2000 management.
	Annual recurrent	~25,0	

Talking about European Union financial contributions to the development and management of Natura 2000 network, several funds can be mentioned: **European Agricultural Fund for Rural Development (EAFRD); European Fisheries Fund (EFF); Structural Funds and the Cohesion Fund; LIFE+**, etc.

Current experience with use of EU financial instruments

European Agricultural Fund for Rural Development (EAFRD)

Fund	Provision	Level of Use
EAFRD	213 Natura 2000 payments	2,663 MEUR (2007-2015.12.31)
	224 Forest Natura 2000 payments	4,155 MEUR (2007-2015.12.31)
	214 Agri-environment	330,562 MEUR (2007—2015.12.31)
	225 Forest-environment measures	2,189 MEUR (2007-2015.12.31)

Summary of key Natura 2000 related measures being undertaken under fund:
Support of EARDF for management measures is fundamental for agricultural Natura 2000 sites hosting species and habitats which localities require regular non-intensive management as well as in forested Natura 2000 sites.

Key lessons learnt and obstacles encountered:
Measure "213 Natura 2000 payments". Objective of the measure is to compensate additional costs and income foregone due to the restrictions imposed by implementation of Birds and Habitats directives. The measure was not popular in 2007-2013 period due to low level of compensation payments (40 EUR/ha) and obvious competition with "214 Agri-environment" measure. The rule was that the two measures were incompatible on the same field. In 2014, 0.445 MEUR were payed to 2099 applicants under this measure.
Some of support schemes under the measure "214 Agri-environment" were of great help for some of Natura 2000 sites management, although its poor composition of available schemes in 2007-2013 period and low level of payments discouraged from participation many relevant stakeholders.
Payments under measure "224 Forest Natura 2000 payments" have helped to develop positive attitude of private forest owners. It was an effective tool to convince private forest owners to agree to necessary conservation measures in forest Natura 2000 sites. The objective of the measure is to compensate private forest owners' additional costs or income foregone due to implementation of Birds and Habitats directives. Level of participation in this measure was rather modest mainly because of high requirements for documents to be presented by the applicants also due to lack of awareness of Natura 2000 sites in private forests. The situation could be improved, if requirements for documentation were substantially simplified, new available schemes introduced and level of payments raised.
In 2014, 734 applicants were payed 0,924 MEUR according the scheme.

European Fisheries Fund (EFF)

Fund	Provision	Level of Use
EFF	Axis 1	5 045 255 EUR
	Axis 2	18 680 198 EUR
	Axis 3	3 089 343 EUR
	Axis 4	620 169 EUR

Summary of key Natura 2000 related measures being undertaken under fund:
On the basis of the Lithuanian Fisheries Sector Action Programme for 2007-2013 measure "*Aquaculture*" activity "*Water-environmental measures*" implementation rules (approved by the Minister of Agriculture in 2009) was planned to provide support to 19 aquaculture enterprises for the implementation of environmental protection measures on their farms, which are important for the for bird species of European Community importance, and to give the support for the implementation of two programs: "*Nature management of aquaculture farms*" and "*Water conservation measures in aquaculture farms*". The support was provided for the management of habitats which are important for birds (nature restoration works) and to compensate injury done by birds to fish stock.
3 of 19 supported fish-ponds areas has Special Protection Area (under Birds Directive) status. Thus, implemented habitat management measures also contributed to the maintenance of protected bird species favourable conservation status in the country.

Key lessons learnt and obstacles encountered:
The most of the implemented measures showed high effectiveness in terms of the restoration and maintenance of the important habitats for breeding and migratory waterbirds. However, some of the implemented measures such as creation of the islands by using the fertile soil from the fish-ponds, showed rather short positive impact because of natural succession. Extermination of the dense reed stand also were not effective enough because of lack of the proper surveillance during implementation of this measure. Thus, those measures will be not supported during the next programming period. However, maintenance of the open habitats on the dams of the fish ponds as well as installation of the artificial raft for breeding terns were extremely effective.

Structural Funds and the Cohesion Fund

Fund	Provision	Level of Use
ERDF		Restoration of Natura 2000 sites, technical projects, ~ 4,9 MEUR
		Development of management plans for Natura 2000 sites, ~1 MEUR
		Development of planning documents for establishment of Natura 2000 sites, 0,5 MEUR
		Other measures*, ~37 MEUR (69 % of national protected areas in Lithuania are given status of Natura 2000 network. It leads to the assumption that most of the activities in national protected areas related to site management, public awareness rising and establishment or maintenance of the visiting infrastructure, are in favour of the Natura 2000 network).
	INTERREG	Minor use
	Cross-border Cooperation Operational Programme between Latvia and Lithuania for the period 2007-2013	Minor use
	South Baltic Cross-border Co-operation Programme 2007 – 2013	MI (Minor use)
European Social Fund (ESF)		Staff capacity building, ~0,016 MEUR

Summary of key Natura 2000 related measures being undertaken under fund:
ERDF:
Preparation of management plans,
Preparation of documents for establishment of Natura 2000 sites,
Improvement/restoration of habitats or species,
Other measures*
INTERREG:
Infrastructure for public access,
Public communication.
Cross-border Cooperation Operational Programme between Latvia and Lithuania for the period 2007-2013:
Infrastructure for public access,
Equipment acquisition for monitoring,

Improvement of ICT use,
Public communication,
Ecological education,
Scientific studies.
South Baltic Cross-border Co-operation Programme 2007 – 2013
Public communication,
Ecological education
Infrastructure for public access.
More detailed explanation on INTERREG projects is provided in Annex IV of this document.
ESF:
Staff capacity building.

Key lessons learnt and obstacles encountered:
Support from EU structural funds (ERDF) was used for preparation of documents for establishment of Natura 2000 sites, restoration of natural habitats and habitats of species of EU interest and preparation of nature management plans for Natura 2000 sites, as well as for other measures.
Support from European Social Fund was mainly used for training of experts directly responsible for management and protection of Natura 2000 sites.
Some of the protected areas directorates participated in the INTERREG, South Baltic Cross-border Cooperation Programme 2007-2013 and in Cross-border Cooperation Operational Programme between Latvia and Lithuania for the period 2007-2013. The amount of money spent for maintenance of Natura 2000 sites was insignificant if compared to total expenditures for Lithuanian Natura 2000 network.

LIFE+

Fund	Provision	Level of Use*
LIFE+	Nature and Biodiversity	Total budget: 3.936.315 €

Summary of key Natura 2000 related measures being undertaken under fund:
Restoration, management and maintenance of EU importance habitats;
Restoration of protected species habitats;
Conservation of protected bird species;
Inventory of marine species and habitats.

Key lessons learnt and obstacles encountered:
Lithuanian LIFE projects significantly improved conditions of the sites targeted. They are especially valuable tool for restoration of hydrological conditions in Lithuanian wetlands.
The major obstacles for Lithuanian environmental NGOs are finding of co-financing sources in

order to be able to submit a LIFE project as well as the capacities of coordinating beneficiaries to manage projects. The lack of experienced project managers in some small NGOs prevents them from submitting projects which otherwise would be important for improving conditions for Natura 2000 species and habitats. Accumulation of circulating means to finish project's activities in the period before submitting a LIFE project final report is also an important problem.

Other key funding sources

Fund	Level of Use
7th Framework Programme for Research (FP7)	0,188 MEUR
Public/Private Partnership financing schemes	No use
Use of innovative financing	No use
Other (specify) 1. The EEA Grants and Norway Grants 2. Framework programmes for research (other than FP7): 2.1. Horizon 2020 (2014-2020); 2.2. FP6-Mobility (human resources and mobility) (2002-2006); 2.3. FP6-Policies (coherent development of research and innovation policies) (2002-2006); 2.4. FP6-SUSTDEV (sustainable development, global change and ecosystems) (2002-2006); 2.5. FP5-EESD (energy, environment and sustainable development) (1998-2002).	1. 6,8 MEUR 2. 1,32 MEUR

Summary of key Natura 2000 related measures undertaken under fund:

There were 3 projects implemented under 7th Framework Programme for Research (FP7) in which Lithuanian institutions have acted as participants. The projects were aimed at:

- promoting a strategy for biodiversity research, in partnership with other players in the field;
- providing the scientific and policy research needed to guide scale-dependent management actions securing the conservation of biodiversity;
- development of innovative tools for understanding marine biodiversity.

Currently there are 13 ongoing projects financed under the EEA Grants and Norway Grants, which are designed for implementation of the measures related to Natura 2000:

- preparation and restoration plans for wetland complexes, practical restoration of wetland and other open habitats;
- development of mechanisms to maintain a good status of wetlands by involving local

communities;

- consolidation of historical data on localities of protected species into national information system;
- identification territories with sensitive biodiversity and potential conflicts with development of wind energy, elaboration of models and recommendations for conflict management;
- mapping and evaluation of the state of the main ecosystem services on national level;
- capacity building in species monitoring, including conservation status assessment;
- elaboration of management recommendations for Natura 2000 sites;
- development of educational programs for nature schools in protected areas.

There were 13 projects financed under Framework programmes for research, other than FP7, in which Lithuanian institutions acted as participants:

2.1. Horizon 2020 - 2 projects are ongoing (will end in June, 2019, and in February, 2020), aimed at:

- strengthening the European research area on biodiversity and ecosystem services;
- creating a unified framework for ecosystem studies and management of protected areas.

2.2.FP6-Mobility - 1 project, aimed at:

- enhancement of health and sustainability of coastal forests and dune vegetation of Lithuania.

2.3. FP6-Policies – 1 project, aimed at:

- providing of EU-wide monitoring methods and systems of surveillance for species and habitats of Community interests.

2.4. FP6-SUSTDEV – 2 projects, aimed at:

- creation of the network of marine biodiversity and ecosystem functioning by forming a dedicated group of marine scientists and institutes and creating a virtual European institute with a long-term research programme and dedicated links with industry and the public at large;
- supporting the European platform for biodiversity research strategy to develop and continually revise the EU Biodiversity Research Strategy.

2.5. FP5-EESD – 6 projects, aimed at:

- implementation and networking of large-scale long-term marine biodiversity research in Europe;
- construction a research programme designed to provide detailed information and critical analysis as a basis for informed decision-making by managers of wetland environments;
- creating the European platform for biodiversity research;
- implementing the “ecosystem approach” to resolving conflicts between economic development and biodiversity values in forestry, grasslands, uplands, in-land waters and agricultural landscapes;
- creating the European network for biodiversity information as an open network of biodiversity information centres, promoting access to a European-wide pool of primary biodiversity data and expertise at a European scale;
- creation of a biodiversity collection access service for Europe to offer a concerted access to the immense science knowledge base embodied by European biological collections;

• assessment of biological effects of environmental pollution in marine ecosystems.
Key lessons learnt and obstacles encountered: Use of funds like the EEA Grants and Norway Grants or Framework Programmes for Research in the area of management of Natura 2000 is crucial - Lithuania is a small country and is not able to allocate sufficient funds for the implementation of the requirements of Birds and Habitats Directives. However up until now use of external funds was fragmentary and sometimes with minor result. This shows that a stronger programmatic and strategic approach at the national level is needed for better and more purposeful use of funding possibilities.

In the **Prioritized Action Framework** Lithuania also provided Strategic priorities in relation to investments in Natura 2000 linked to green tourism and jobs, to support climate change mitigation and adaptation or other ecosystem benefits, for research, education, training, awareness and promotion of cooperation (including cross-border) linked to Natura 2000 management:

Green infrastructure:

- further methodological development of Nature Frame concept at municipal level; revision of general plans of municipalities with a view to deploy Nature Frame elements; prioritisation of measures for strengthening Nature Frame functioning at local level; pilot implementation of Nature Frame measures at local level.
- measures to ensure connectivity in Natura 2000 network with appropriate land management and conservation measures;
- strengthening of conservation of high nature values elements in agricultural landscapes.

Climate change mitigation and adaptions:

- restoration of damaged open wetlands;
- restoration of water regime in damaged swamp forest habitats;
- policy measures for adaptation and mitigation, e.g. inversion of use of low productivity agricultural lands, limitation on the new peat extraction sites.

Green tourism and jobs

- development of public information materials about Natura 2000 network and visiting opportunities;
- development of system of infrastructure for public access in Natura 2000 sites designated in state parks and reserves (visitor centres, indoor and open-air expositions, observation towers, nature trails and paths, signs, etc.);
- collaboration with local businesses in regions with potential for development to nature tourism destination;
- measures to support economic activities related to extensive use of semi-natural habitats in risk of abandonment among forest and land owners;

- development of alternative methods of biomass use from open habitats;
- recultivation of the abandoned quarries and peatlands to the semi-natural habitats.

Ecosystems benefits

- mapping and assessment of ecosystem services;
- elaboration of the strategy on the maintenance of the Natura 2000 network in terms of increasing of the ecosystem services;
- development of methodology of balance calculation of ecosystem services in case of public support for re-installation of drainage systems in agriculture and forestry.

Awareness and nature education

- development of system of nature education measures (e.g. nature schools in protected areas system);
- development of citizen science in Natura 2000 monitoring and surveillance;
- Web services for stakeholders and visitors of Natura 2000.

Research, training

- closure of knowledge gaps on natural habitats and species of Community interest, determination of the threats for all natural habitats and species of the Community interest, their favourable reference values and conservation objectives;
- capacity building of Natura 2000 management institutions (e. g. on surveillance and conservation status assessment methods, management planning, impact assessment, communication with stakeholders, etc.).

Promotion of co-operation

- strengthening cooperation, networking and knowledge exchange between national Natura 2000 management institutions and stakeholders as well as stakeholders in Boreal biogeographical region and the EU;
- strengthening of the cross-border cooperation networking and knowledge exchange on the more effective conservation of the transboundary areas important for all natural habitats and species of the Community interest including of the restoration of those sites;
- further coordination of stock use of fish species of Community interest in Curonian Lagoon between Lithuania and Russian Federation Kaliningrad Region.

4. Assurance of ecological connectivity

4.1. Identification of methodology and legal options for improvement of ecological coherence of Natura 2000 network

Implementation of the requirements of the Birds and Habitats directives do not end with the establishment of the Natura 2000 network. When Natura 2000 sites are established, their ecological connectivity should be ensured – network should be overall coherent.

Habitats Directive. The expression "*overall coherence*" appears in Art. 6(4) of the Habitats Directive in the context where a plan or project is allowed to be carried out for imperative reasons of overriding public interest and the Member State has to take measures to compensate for the loss. It also appears in Art. 3(1) which states that Natura 2000 is "*a coherent European ecological network of special areas of conservation that shall enable the natural habitats types and species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range*". Hence, two different criteria are considered, on the one hand the targeted species and habitats in terms of quantity and quality, and on the other hand the role of the site in ensuring the adequate geographical distribution in relation to the range.

Art. 3(3) stipulates that "*where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.*"

Art. 10, which deals more generally with land use planning and development policy, stipulates that

"*Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the features of the landscape which are of major importance for wild fauna and flora.*

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species."

The word "ecological" is used both in Art. 3 and Art. 10 to explain the character of the coherence. It is obvious that the expression "overall coherence" in Art. 6(4) is used in the same meaning.

Having said this, it is clear that the importance of a site to the coherence of the network is a function of the conservation objectives of the site, the number and status of the habitats and species found within the site, as well as the role the site plays in ensuring an adequate geographical distribution in relation to the range of species and habitats of species concerned.

Art. 6(4) requires to “protect” the overall coherence of Natura 2000. Thus, the Directive presumes that the “original” network has been coherent. If the exception regime is used, the situation must be corrected so that the coherence is fully restored.

With regard to a plan or project, the compensatory measures defined to protect the overall coherence of Natura 2000 network will have to address the criteria mentioned above. This would mean that compensation should refer to the site's conservation objectives and to the habitats and species negatively affected in comparable proportions in terms of number and status. At the same time the role played by the site concerned in relation to the bio-geographical distribution has to be replaced adequately.

At this stage it would be useful to recall that under the Habitats Directive the selection of a site for the Natura 2000 network rests on:

• taking into account of the habitat(s) and species in proportions (surface areas, populations) described in the Standard Data Form;

• inclusion of the site in a biogeographical region within which it is located;

• the selection criteria established by the „Habitats Committee“ and used by the European Topic Centre on Biological Diversity to advise the European Commission to retain a site on the Community list.

Competent authorities should be looking at these criteria when designing the compensatory measures for a project, and should ensure that they provide the properties and functions comparable to those which had justified the selection of the original site.

Birds Directive. The Birds Directive does not provide for bio-geographical regions, or selection at Community level. However by analogy, it could be considered that the overall coherence of the network is ensured if:

• compensation fulfils the same purposes that motivated the site's designation in accordance with Article 4(1) and 4(2) of the Birds Directive;

• compensation fulfils the same function along the same migration path;

• the compensation site(s) are accessible with certainty by the birds usually occurring on the site affected by the project.

For instance, if a SPA which has a specific function to provide resting areas for migratory bird species in their way towards the north is negatively affected by a project, the compensatory measures proposed should focus on the specific function played by the site. Therefore, compensating with measures that could recreate the necessary conditions for resting of the same species in an area out of the migratory path or within the migratory path but far away would not be sufficient to ensure the overall coherence of the network. In this case, compensation should provide for suitable resting areas for the targeted species correctly located in the migratory path so that they will be realistically accessible to the birds which would have used the original site affected by the project.

In order to ensure the overall coherence of Natura 2000, the compensatory measures proposed for a project should therefore: a) address, in comparable proportions, the habitats and species negatively affected; b) provide functions comparable to those which had justified the selection criteria of the original site, particularly regarding the adequate geographical distribution. Thus, it would not be enough that the compensatory measures concern the same biogeographical region in the same Member State.

The distance between the original site and the place of the compensatory measures is not necessarily an obstacle as long as it does not affect the functionality of the site, its role in the geographical distribution and the reasons for its initial selection.

4.2. Restoration and management of elements of ecological network

There were no such cases in Lithuania that would have required the application of the above mentioned compensatory measures. Lithuania only implements restoration and management of elements of Natura 2000 ecological network (e.g. restoration of hydrological regime of wetlands).

In the previously mentioned **Prioritized Action Framework for Natura 2000**, Lithuania, for example, plans such measures:

- for the habitat type 9190 Old acidophilous oak woods with *Q. robur* on sandy plain - improvement of ecological connectivity - selection and proposal of new Sites of Community Interest (SCIs);
- new sites for *Thesium ebracteatum* are established ensuring ecological connectivity of Natura 2000 network and long term conservation of *Thesium ebracteatum;*
- ecological connectivity of Natura 2000 network for *Agrimonia pilosa* conservation is ensured;
- for the *Lynx lynx* and *Lutra lutra* - improvement ecological connectivity between seasonal habitats on local scale and between SCIs for that species on national scale (establishment of green corridors between forest massifs and other ecological connectivity measures);
- measures to ensure connectivity in Natura 2000 network with appropriate land management and conservation measures.

4.2.1. Example of establishment an ecological network to increase connectivity between Natura 2000

Lithuania, the same as neighbouring countries, during the last 60 years has experienced loss of nature conserving agricultural activities. These processes left Southern Lithuania's landscape with a low water body density and a rapidly ongoing natural succession on abandoned agricultural areas. Such loss of open, extensively used habitats threatens amphibian and reptile species listed in Annex II and Annex IV of the Habitats Directive (European pond turtle (*Emys orbicularis*), red-bellied toad (*Bombina bombina*), crested newt (*Triturus cristatus*), natterjack toad *(Epidalea calamita),* green toad *(Bufotes viridis),* spadefoot toad *(Pelobates fuscus),* European tree-frog *(Hyla arborea),* moor frog *(Rana arvalis),* pool frog *(Pelophylax lessonae)* sand lizard *(Lacerta agilis)* and also a number of bird and invertebrate species, which need small stagnant water bodies, meadows and sandy slopes).

Measures for these species conservation in the Southern Lithuania were not efficient enough. Existing network of Natura 2000 sites inside of the project area was not sufficient to come up to its tasks of both safeguarding the threatened target species and enabling biological communication between the core areas of the Nature Frame. The Nature Frame (integral network of natural ecological compensation areas) set in the general territorial plan of Lithuania practically does not guarantee optimal protection of the target species. Therefore a LIFE Nature project "Development of a Pilot Ecological Network through Nature Frame areas in South Lithuania" (ECONAT) aimed to create an ecological network in Southern Lithuania by ensuring favourable conservation status for and the saving of threatened populations of selected Annex II and Annex IV species and simultaneously enhancing the ecological value of the target area.

Main objectives and results:

1. To secure the long-term viability of Annex II and Annex IV species populations within the ecological network by implementing direct conservation measures and habitat management actions, such as digging of suitable ponds (164 new ponds) to strengthen the core zones of the ecological network and create stepping stones between Natura 2000 sites, improving existing terrestrial (40 nesting sites for *E. orbicularis* created) and aquatic (56 ponds renovated) habitats and implementing favourable land-use techniques (farm provided with life-stock to maintain grazing in a core area of the ecological network). 20 wetland areas from 0,5 up to 2 ha size and 2 small illegal sand pits restored**.**

2. To save the small and isolated populations of *Emys orbicularis* and *Hyla arborea* in Southern Lithuania from extinction and to rebuild extinct populations within the ecological network. *E. orbicularis* populations were improved by population management actions, 86 egg clutches were protected from predators, 128 juveniles were released into nature. Local *H. arborea* populations were strengthened breeding and releasing of 2799 animals. Action plans for E. orbicularis and H. arborea prepared, 5 new Natura2000 sites of 5-10 ha size established.

3. To develop a pilot ecological network in Southern Lithuania, which can be used as a model for other areas in Lithuania and adjacent countries with a comparable situation. A model of an ecological network developed, management regulation of the network prepared.

4. To raise awareness in the local population and generate acceptance towards nature conservation's goals. Educational material developed and printed, high-publicity events carried out of, articles in local, regional and national newspapers published, website created, of a nature trail established and seminars for stakeholders organised.

5. To generate, share and exchange expert knowledge on the issues of ecological networks, conservational aspects of the target species and best practice strategies in implementing ecologically adequate land-use techniques in Lithuania. This was realized by intensive exchanges of the project team with international experts on workshops, meetings and seminars. Dissemination of the created knowledge was achieved by various publications (best practice guidelines, species action plans).

More information about the project can be found: http://www.glis.lt/ekotinklas/index.php/en/news

5. Surveillance of the conservation status

The status of protected natural habitat types and animal and plant species in the Natura 2000 sites are monitored regularly. Monitoring is carried out in accordance to the Law on Environmental Monitoring and State Environmental Monitoring Programme for the 2011-2017 (approved by the Government). State Environmental Monitoring Programme was renewed by the Government in 2011 (previous programme was for the period 2005-2010). It is regularly reviewed in 5 year cycle and stipulates for systematic surveillance of the species conservation status. Surveillance has to be conducted inside Natura 2000 network as well as outside of the network for the reasons of data comparison and conservation status evaluation on country level. This State Environmental Monitoring Programme sets the frequency of monitoring. Data collected during monitoring are the used for the assessment and forecasting of status changes of Community interest species and their habitats, as well as impact of natural and anthropogenic factors to them; making the decisions how to protect species and their natural habitats; and during implementation of the necessary conservation measures. Monitoring data also are used for the preparation of obligatory reports to European Commission about implementation of Birds and Habitats Directives.

Big challenge was to develop monitoring methodology for such big amount of different habitat types and species. Up to the year 2016, we monitored only species of EC importance (methodology for monitoring of habitats was not prepared) and monitoring has been carried out in accordance with monitoring methodologies prepared in 2006. In order to improve the quality of collected data, during 2009-2014 new monitoring methodologies for habitats and species of EC importance were prepared (the preparation financed by European Economic Area Financial Mechanism). Monitoring methodologies for species developed a working group consisting of experts from scientific institutions. Some species (depending on their status and biological features) are monitored every year, others - every 2-3 years.

During the period 2010-2015, Lithuania has made the inventory of the habitats of EC importance throughout the country, detailed data about the distribution of these habitats and the actual conservation situation in the country were collected. Based on inventory data, the selective and periodical monitoring method for natural habitats of EC importance was prepared. Periodic monitoring cycle has not started yet (planned to start in 2017). In 2016 two manuals were published: "*Monitoring methods of the species of EC importance. Mammals, fishes, amphibians, reptiles, molluscs, insects and plants*" and "*Monitoring methods of the bird species of EC importance*".

In Lithuania each Natura 2000 site has its individual monitoring plan. Director of State Service for Protected Areas approves such individual monitoring plans. Monitoring works are carried out by the staff of protected areas administrations.

In the previously mentioned Prioritized Action Framework for Natura 2000, Lithuania, for example, plans such measures:

· to monitor the hydrological conditions of these habitat types 1150 Coastal Lagoons; 7110 Active raised bogs; 7120 Degraded raised bogs capable of natural regeneration; 7150 Depressions on peat substrates of the Rhynchosporion; 7230 Alkaline fens.

· Monitoring and assessment of conservation status of freshwater habitats and species.

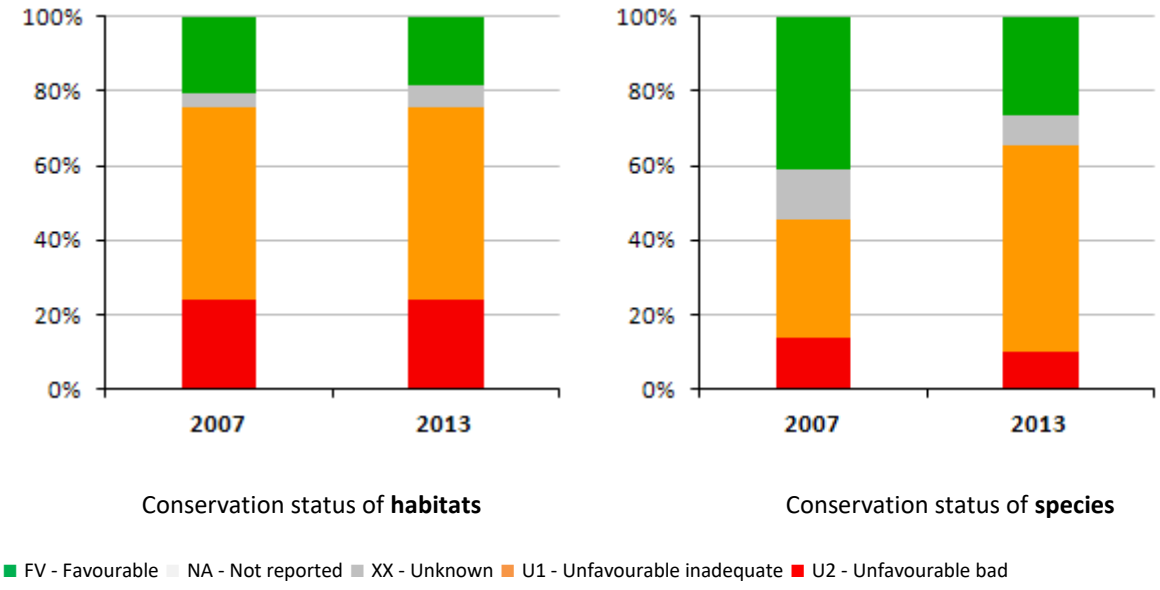
· Introduction of innovative monitoring technologies for conservation status assessment, nature conservation planning and modelling tools (for all habitat types and species and for all sites).

· Monitoring of species and habitats conservation status.

· Monitoring equipment acquisition.

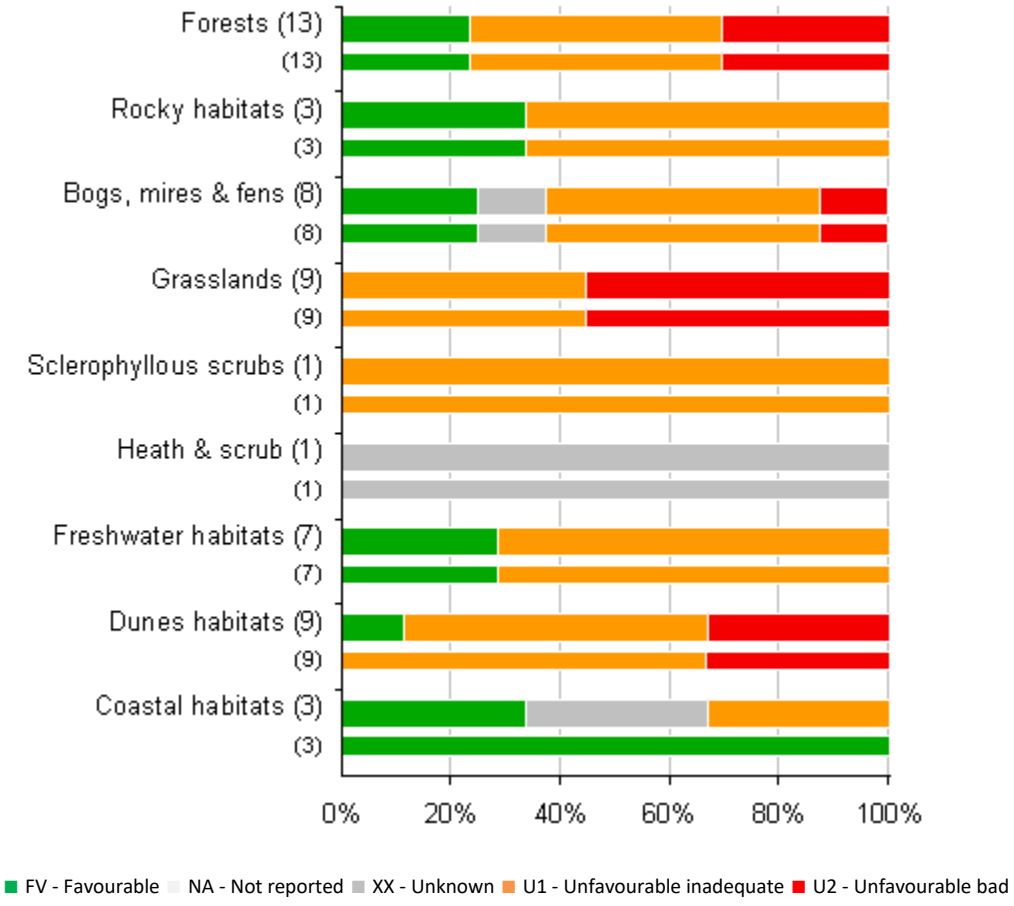
As it was mentioned above, monitoring (and inventories as well) gives the scientific background to evaluate conservation status of habitats and species.

Most recent assessment of conservation status of species and habitat types for territory



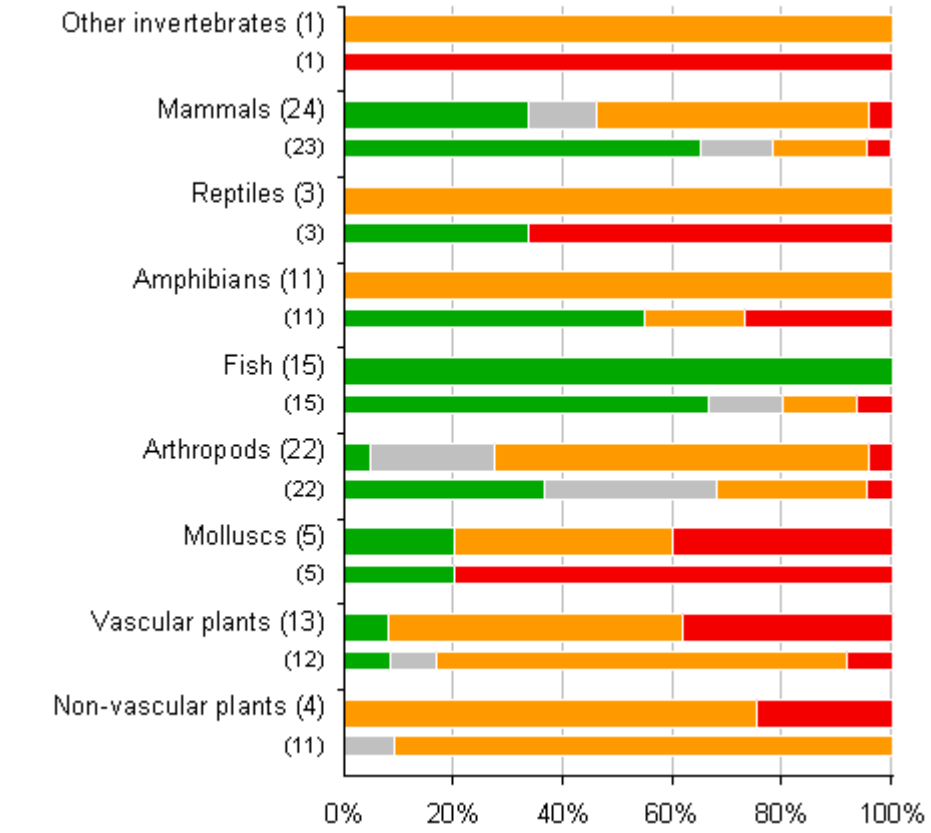
Year of assessment	HABITATS					SPECIES				
	FV	NA	XX	U1	U2	FV	NA	XX	U1	U2
2007	11		2	28	13	42		14	33	14
2013	**10**		**3**	**28**	**13**	**26**		**8**	**54**	**10**

Conservation status of habitats (including marine environment)



Group	Year of assessment	HABITATS				
		FV	NA	XX	U1	U2
Forests	2007	3			6	4
	2013	**3**			**6**	**4**
Rocky habitats	2007	1			2	
	2013	**1**			**2**	
Bogs, mires & fens	2007	2		1	4	1
	2013	**2**		**1**	**4**	**1**
Grasslands	2007				4	5
	2013				**4**	**5**
Sclerophyllous scrubs	2007				1	
	2013				**1**	
Heath & scrub	2007			1		
	2013			**1**		
Freshwater habitats	2007	2			5	
	2013	**2**			**5**	
Dunes habitats	2007				6	3
	2013	**1**			**5**	**3**
Coastal habitats	2007	3				
	2013	**1**		**1**	**1**	

Conservation status of species



FV - Favourable NA - Not reported XX - Unknown U1 - Unfavourable inadequate U2 - Unfavourable bad

Group	Year of assessment	SPECIES				
		FV	NA	XX	U1	U2
Other invertebrates	2007					1
	2013				**1**	
Mammals	2007	15		3	4	1
	2013	**8**		**3**	**12**	**1**
Reptiles	2007	1				2
	2013				**3**	
Amphibians	2007	6			2	3
	2013				**11**	
Fish	2007	10		2	2	1
	2013	**15**				
Arthropods	2007	8		7	6	1
	2013	**1**		**5**	**15**	**1**
Molluscs	2007	1				4
	2013	**1**			**2**	**2**
Vascular plants	2007	1		1	9	1
	2013	**1**			**7**	**5**
Non-vascular plants	2007			1	10	
	2013				**3**	**1**

Data source:
http://cdr.eionet.europa.eu/lt/eu/bap/envtcd8ja/CPLT_Final.pdf

Main problems related to monitoring: administrative costs can not be financed from EU funds; administrations of protected areas are small (5-6 persons) and it is very difficult to properly carry out monitoring (it is not allowed to pay salaries from EU funds to staff who are doing monitoring). Whereas the EU support for these works is not available, disproportionate amount of national funding (in comparison with other functions of protected areas administrations) should be allocated. Monitoring of some species or habitats is very expensive and time consuming, e.g. in marine protected areas (especially those in the exclusive economic zone) - we need ships or specific small airplanes for monitoring of wintering marine duck species, diving equipment or special waterproof cameras with remote control for monitoring of benthic habitats).

5.1. Report on HD implementation prepared: conservation status of habitats and species assessed along with evaluation of effects of conservation measures

Reporting to the European Commission. Every Member State has the Obligation to sent the report on the implementation of measures taken under the Birds and Habitats Directives. Obligation of such reporting are laid down in the Article 17 of the Habitats Directive and Article 12 of the Birds Directive. Directives also sets the periodicity of such reporting - every six years. Earlier periodicity of reporting according to the Birds Directive was every three years, but since 2013 – six year reporting cycle (synchronized with the one under the Article 17 of the Habitats Directive). Reporting format is approved by the European Commission and covers legal transposition and technical implementation on the national level, research or work done for the protection, management and use of habitats and species; species-wise reporting status and trends, including sections for threats and pressures, etc.

In addition, Member States must report about the application of derogations. According to the Article 9 of the Birds Directive, Member State 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.

Each year Member States shall send a report to the European Commission on the implementation of this Article.

According to the Article 16 of the Habitats Directive, Member State may derogate for the following reasons:

(a) in the interest of protecting wild fauna and flora and conserving natural habitats;

(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;

(c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

(d) for the purpose of research and education, of repopulating and reintroducing these species and for the breedings operations necessary for these purposes, including the artificial propagation of plants;

(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities.

Every two years Member States shall send a report to the European Commission on the implementation of this Article.

The European Commission analize information about derogations from all Member States and prepares a general report. In Lithuania institutions which has the right to issue permits for derogations is Environmental Protection Agency under the Ministry of Environment.

Most frequently applied derogations in Lithuania:

— For the purposes of research, e.g. bird ringing, GPS tracking devices to investigate the migration (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).

Annex I

Specific questions raised by Georgian partners:

1. Main requirements in LT legislation for establishment and management of sites protected under the Habitat and Bird directives - what should be reflected in GE nature conservation legislation, what should be included in new forestry and nature conservation to harmonise with EU legislation.
2. Lithuanian experience in transition from system of protected areas, which was in Soviet Union, to current - European Union system of protected areas: challenges and opportunities;
3. Management schemes of NATURA 2000 sites; the role of the private sector in Management of NATURA 2000 sites. Opportunities / benefits for private sector. Examples of management of NATURA 2000 under private sector, and/or when state and private sectors managing a site together, examples in Lithuania, good and/or bad experience.
4. Regulations related to NATURA 2000 sites: what are critical issues/challenges of management?
5. How EU contributes in financing of Nature protection in Lithuania.
6. The role of the EIA in establishment and management of NATURA 2000 sites.
7. Challenges/experience related to management of Nature monuments.
8. Public participation in management/establishment of NATURA 2000.
9. Regulations related to justification of public/state interests during the approval of development projects in risk/vulnerable areas (such as forests, protected areas, NATURA 2000 sites).
10. Importance of spatial planning; main requirements of Nature protection legislation related to spatial planning
11. System of categorization (or strategic zoning) of forests in Lithuania

Annex II

Natura 2000 implementation in Lithuania

Implementation stages	Main milestones	Comments on implementation tactics	No of specific questions raised by Georgian partners
1. Sites identification and selection	1.1 Preparation of national habitat interpretation manuals		2
	1.2 Habitats and species inventories		
	1.3 Development of criteria for selection of sites of Community importance (SCIs) and for Special Protection Areas (SPAs)		1, 2, 8
	1.4 Identification and delineation of potential SCIs and SPAs		8
	1.5 Establishment of SPAs: approval of national legal acts on establishment, preparation of standard data forms and submission of data base to European Commission (EC)	No formal prior submission of list of potential sites of SPAs to EC is required. Soon after identification of sites the practical establishment of SPAs shall be implemented.	1, 2, 8
	1.6 Preparation of standard data forms for potential SCIs		
	1.7 National approval and submission of proposal to EC on potential SCIs: submission of Natura 2000 data base	Along with cost estimations according Art. 8.1 of HD	1, 5, 8
	1.8 Biogeographical Seminar – evaluation of sufficiency of proposed network of proposed SCIs		8
	1.9 EC's decision on approval of initial List of SCIs		
	1.10 Eventual Addition of new sites to the proposed list	Milestones are eventualities. Their probability depends from results of Biogeographical Seminar (milestone 1.8)	
	1.11 EC's decision on approval of updated List of sites of Community importance		
2. Designation of Special Areas	2.1. Setting conservation objectives at national level	Optional, but suggested in relation to milestone	1, 8

of Conservation (SACs)		5.2	
	2.2. Setting conservation objectives (conservation priorities) for individual sites	It is also advisable to do so for SPAs, e.g. revision of legal acts establishing SPAs under milestone 1.5	1, 8
	2.3. Adopting national legal act on designation of SACs	Site shall be designated as SAC not later than within 6 years after its inclusion into the List of SCIs approved by EC	1, 2
3. Setting necessary conservation measures for the sites	3.1. Identification of ecological requirements of the habitats types and species	Applicable for both SCIs and SPAs	1, 8
	3.2. Identification and legal approval of passive conservation measures for the sites	Applicable for both SCIs and SPAs: E. g. statutory measures on prohibition of human-induced deterioration and disturbance and on obligatory appropriate assessment of plans and projects. It is the Member State's responsibility to choose necessary conservation measures between active ore passive ones, though they have to be in place: for SCIs – starting at least from the moment when EC approves the List of SCIs, and for SPAs – starting from the moment of their establishment	1, 2, 4, 6, 7, 8, 9, 10, 11
	3.3. Identification, development and implementation of active management measures for the sites	Applicable for both SCIs and SPAs: E. g. contractual or administrative measures and management plans	1, 2, 3, 7, 8, 10, 11
	3.4. Update of estimations of costs for establishment of necessary conservation	Applicable for both SCIs and SPAs.	5

	measures and preparation of Priority Action Framework (PAF)		
4. Assurance of ecological connectivity	4.1. Identification of methodology and legal options for improvement of ecological coherence of Natura 2000 network		1, 10, 11
	4.2. Restoration and management of elements of ecological network		
5. Surveillance of the conservation status	5.1. Development of monitoring methodology for habitats and species	Applicable for features of both directives. Species of Annexes IV and V shall not be omitted.	1, 10
	5.2. Setting favourable reference values for habitats and species	Setting of measurable and concrete values is desirable. It enables for well-founded decisions on actual conservation status	
	5.3. Monitoring data inside and outside of Natura 2000 network collected and conservation status analysed		1
	5.4. Report on HD implementation prepared: conservation status of habitats and species assessed along with evaluation of effects of conservation measures	Regular report in 6-year cycle	1