

BIRDS AND HABITATS DIRECTIVE. FRANCE LAGS BEHIND...

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France is one of the worst EU Member States for implementing EU Directives on nature conservation.

Last week the French Parliament voted through a law concerning the opening/closing season for shooting migratory birds. It clearly contradicts the EU Birds Directive, 79/409.

The most reliable scientific facts and biological principles, which form the basis of decision-making by EU institutions as far as the implementation of the Birds and Habitats Directive are concerned, have been sacrificed in France in favour of the narrow vision of influential lobbies (in this case certain groups of hunters).

Another point worth noting is the current tendency of French elected bodies to link economic development ideas to major construction works and development projects, disregarding any proposals of sustainable development.

This well illustrates the lack of political will in France to ensure implementation of EU nature conservation legislation. In these circumstances there is the fear that the French Government is giving priority to political considerations in the process of selecting Natura 2000 areas. France has not sent the list of pSCIs to the Commission yet. It sent a preliminary list of site names, but no further information announcing it would send the complementary list soon. The latest information is that France might send the final list and all the information by September. If France meets this deadline, the Mediterranean biogeographical region meeting will take place in December this year.

Taking into account the above mentioned developments in France, there is a fear that the only sites proposed for the Natura 2000 Network will be those that are not in dispute with the objectives of lobbies such as hunters, foresters, fishermen, public works managers and intensive farmers. The French proposal might finish merely being composed of a list of already protected areas, excluding the creation of a coherent network of sites and the achievement of the Directive's conservation objectives.

French environmental NGOs and other parties involved need to coordinate their efforts to move France out of this impasse. There is an urgent need for :

- communicating and raising awareness about the meaning and purpose of the Directive to the public and local people affected by the Natura 2000 network.
- convincing political leaders to defend the nature conservation objectives they committed themselves to implementing eight years ago when they signed an agreement to adopt the Habitats Directive.
- putting forward the fact that Natura 2000 is a European initiative that would help preserve French natural habitats and the country's biodiversity.

Here are two concrete examples to illustrate the above mentioned situation :

The Marais Poitevin is the French Atlantic coast 's largest wetland, covering approximately 100,000 hectares. Over the past 30 years, this territory has been affected by numerous works of water control and the regrouping of land, leading to large-scale cultivation of more than 30,000 hectares of natural wet meadows.

Following a complaint by the *Coordination for the Defence of the Marais Poitevin* (a local NGO), the European Commission noted the very significant degradation of the wetland area, which is of exceptional importance to European avifauna. An infringement procedure started in 1992, based on the Birds Directive. A reasoned opinion followed in 1995 and the Court of Justice was finally seized in April 1998 (it normally

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takes two years for the court to issue a ruling). According to the Commission, the French authorities should have classified sufficient areas as Special Protection Areas (SPAs), including the relevant sites in the Marais Poitevin. They should also have taken suitable protection measures to prevent the deterioration of the concerned habitats. Instead, less than 30,000 hectares were classified as SPAs between 1986 and 1996 ; some of these SPAs were not given suitable protection measures and even suffered degradation after they had been classified.

Contradicting Community legislation, the SPA called « the interior of Marais Poitevin » was divided up to open the necessary space for a road and motorway projects. The implementation of the Habitats Directive appears to be an opportunity to rectify this situation.

The Marais Poitevin contains two sites which meet the criteria to be included in the Natura 2000 network. One is located in the Pays-de-la-Loire region and spreads across approximately 38,200 hectares. Scientific inventories report five priority natural habitats and 15 fauna and flora species of Community interest (one being a priority species). The other one is located in the Poitou-Charentes region and occupies approximately 20,700 hectares. Scientific inventories of this site report 16 natural habitats (two being priority) and 34 fauna and flora species of Community interest (two being priority).

The inclusion of the Marais Poitevin in the proposed national list for Natura 2000 is based on the scientific criteria of the Directive. The above-mentioned sites not only fulfill the criteria from a European point of view but their conservation could also be part of the national objective for the implementation of the French Action Plan for wetlands and the Marais Poitevin could be identified as a test site for implementing a new policy for the wise use of wetlands.

During the consultation process carried out at a local level, the voices of those opposing the Natura 2000 process were strongly raised. Farmer 's unions, forest owners' and landowners' representatives, hunters and fishermen's associations spread their prejudiced standpoint widely. Most of the elected officials of the local communities based their decisions on these arguments exclusively. Faced with this biased opposition, the authorities first proposed three small areas in the Marais, already protected as natural reserves, to be included as part of the national list. These three areas only cover approximately 3,500 hectares and are located in the Pays-de-la-Loire region. However, within the framework of the new consultations organised by the French Government, the totality of the two sites have been included in the official proposal for discussion. The same strong opposition has been found but the final decision has not been taken yet.

In the region of Sarthe, there are ongoing discussions regarding a project to build the A-28 motorway between Alençon - Le Mans - Tours. During the laying out of the motorway in 1996, several organisations pointed out the presence in a site crossed by the motorway of a species of beetle (*Osmoderma eremita*) listed as a priority species under the Habitats Directive.

The protection of this site is crucial both for the species and for the conservation of its habitats which is a remarkable chestnut forest more than 200 years old (some of them reaching 350 years !). This type of habitat is very rare in France and very difficult to reproduce excluding any possibility to « compensate » the damages in one site by protecting another.

The assessment study carried out during the project did not consider the presence of this species, however. After different actions (including legal) undertaken by these organisations, the French Government decided in August ' 97 to entrust the Natural History Museum of Paris to study this « new fact » and make an inventory of the species' presence in the area. However, according to the information obtained by the organisations, the objective of the study, as requested by the Government, is to analyse and propose « compensatory measures » which allow the construction of the motorway.

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The experts and the local associations plead that there are no possible « compensations » in this case since this species is very highly dependent on these ancient trees (the *Osmoderma eremita* larvae live for three years in their holes ...) and, in addition, these insects are also very sedentary, which means that a fairly dense network of the habitat is necessary in order to avoid extinction of the species.

The Natural History Museum intermediate report confirms the high scientific value of the site and its status of priority natural habitat. Nevertheless, the works on the motorway are still going on.

Ironically, they are taking advantage of one of the conclusions of the NHM stating that the building of the road will only *directly* affect 1% of the species population, through the cutting of 200 trees. They don't (want to) take into account another conclusion of the NHM which states that the works will *indirectly* affect the whole population since the totality of the remarkable old chestnut habitats are located in the « perimeter of influence », (area affected by the construction of a road : dumping of materials, vibrations, noise ...). This indirect effect would mean the end of the species population.

The interest of the EU in the conservation of this species is recognised since it is funding through the LIFE instrument a ECU 3,712,804 project in Sweden aiming to implement a conservation plan for this species. According to the entomologist expert on this beetle, on a European scale the French site is as essential to the survival of the species as the Swedish one.

The motorway project should be modified since it is affecting the conservation of a priority species under the Habitats Directive. According to the French organisations, this site should be included in the Natura 2000 network if the scientific criteria of the Directive is to be complied with. If, despite all this scientific evidence, the site were not included in the Natura 2000 network, the French authorities will still be required to ensure the adoption of strict systems of protection of species listed in Annex IV of the Directive, outside Natura 2000 areas. So, the decision concerning the route of this motorway should be made taking into account the French government strategy to ensure the protection of this species included in Annex IV of the Directive.

Come NGO's will be meeting with the French Minister of Environment, Dominique Voynet, by mid-July. This could well be a test for the readiness of the French Government to comply with its European obligations and get rid of a reputation of « *politique du fait accompli* » governing the French infrastructure policy and works over the environmental policy.

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