

natura

EUROPEAN COMMISSION DG XI'S NATURE NEWSLETTER

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EDITORIAL



SINCE the Habitats Directive was adopted in May 1992, the two objectives of socio-

economic cohesion and nature conservation have been brought closer together.

The Commission's
Communication "Europe 2000+:
Cooperation for European
territorial development" (1994)
highlights how spatial planning
can contribute to conservation
and sustainable management of
open spaces. While
constraining instruments are
needed to protect threatened
species and natural habitats,
spatial planning (as a non
binding tool) can play a
complementary role:

- By pointing out the benefits to be expected from sustainable land-use – notably in socio-economic terms – it can facilitate partnership between the local/regional authorities, economic actors and conservationists;
- 2. At the strategic level, spatial planning highlights the inter-linkage between different policies competing for the same natural resources. Spatial planning means setting out a common set of longer term objectives to be carried out through mutually compatible measures tailored to the socio-economic and environmental characteristics of the space to which they apply.

Sustainable development is – next to cohesion – one of the pillars of the future "European Spatial Development Perspective". This will promote sustainable land use while ensuring a more balanced geographical distribution

of economic activities. It will help avoid excessive pressure on certain parts of the territory and heed ecological requirements everywhere. In the context of regional aid, a comprehensive approach is the only way to protect and develop biodiversity and our natural heritage in the long run.

Several strands are being pursued under the cohesion policy in the present programming period:

- The Communication on Cohesion policy and the Environment adopted a year ago identifies the environment as an important source of employment;
- All operational programmes must respect Community legislation on sensitive areas (the "Habitats" and "Birds" Directives). The operational programme for the sustainable development of Doñana is a good example;
- In the Objective 6 (Arctic regions), a strong emphasis is put on environmental protection;
- The TERRA programme under article 10 of the ERDF-Regulation will promote spatial planning in sensitive areas (coastal and mountainous zones and areas with threatened natural assets);
- The Cohesion Fund is supporting the monitoring of vulnerable biotopes in Greece.

Sustainable development of natural assets can generate lasting income and employment. Natural processes can furthermore deliver services to restore a healthy environment in a more efficient and cost-effective way than technological solutions. The Commission is therefore looking into ways to improve appreciation of environmental aspects in the Cohesion Policy.



The NATURA 2000 Newsletter is produced by the Nature Conservation Unit of the Environment Directorate General (DG XI.D.2) of the European Commission. It provides regular updates on the implementation of the Habitats and Birds Directives and the establishment of the NATURA 2000 Network.

Monika WULF-MATHIES

Regional policies

Relations with the Committee of the Regions Cohesion Fund (in agreement with Mr Kinnock and Mrs Bjerregaard)

IN FOCUS Protecting NATURA 2000 sites

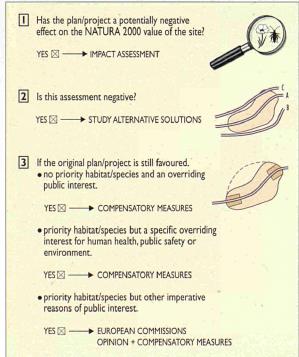
IN THE FIRST ISSUE we looked at steps leading up to the establishment of the NATURA 2000 Network. The question is then what must be done to protect the nature conservation interests of the sites once they have been designated and incorporated into this network. The Habitats Directive sets out a legal framework for protecting these sites in the network. This framework is found in Article 6 of the Directive, and has three elements.

Article 6 (1): a proactive approach

Article 6 (1) requires Member States to establish conservation measures for Special Areas of Conservation (SACs) to meet the ecological requirements of natural habitats (Annex I) and species (Annex II) present on the sites, thus ensuring their favourable conservation status. Although not necessary in all cases management plans designed for the sites or integrated into other development plans are identified as a major way to achieve this objective. The Member States also have a choice in the mechanisms they use to implement the conservation measures; they can be statutory (e.g. declaring a nature reserve), administrative (e.g. making the finances available to carry out the conservation actions) or contractual (e.g. signing a management agreement with the landowner).

Pilot management plans, financially supported by the Community's LIFE Nature fund, are already being prepared in many Member States for a range

Article 6 (3) and 6 (4) procedure simplified.



of important sites. These should facilitate the eventual application of Article 6 (1) when these sites are designated as SACs.

Although Article 6 (1) is not a strict formal requirement for Special Protection Areas (SPAs) under the Birds Directive its proactive approach, in particular in relation to management plans, is to be encouraged, particularly where there is a complex and potentially conflicting pattern of land use affecting the SPA.

Article 6 (2): general protection duty

The second element of the protection framework, set out in Article 6 (2), consists in a general duty for Member States to *avoid habitat deterioration* and significant species disturbance within a site. This is relevant for existing activities which may negatively affect a site, and could include activities such as overgrazing by sheep or recreational damage from 4WD vehicles. A management plan which addresses these problems should help to ensure respect for Article 6 (2).

Since June 1994 Article 6 (2) already applies to all SPAs (c.f. Article 7). It will also apply to future SACs as soon as they are chosen from the national lists as Sites of Community Interest (SCIs) by the Commission and the Member States (c.f. Article 4 (5)).

Article 6 (3) and 6 (4): How to deal with a new project

The third element of the protection framework is set out in Article 6 (3) and (4). It consists of a series of procedural and substantive safeguards that have to be applied whenever there is a proposal for a new plan or project potentially threatening to a Natura 2000 site. Essentially, the aim is to ensure that a site is not damaged by a new plan or project before there has been a careful consideration and a balancing of nature conservation and opposing interests. The trigger for applying these safeguards is a likelihood that a plan or project will have a significant effect on the site concerned.

The first safeguard is the carrying out of an appropriate assessment of the implications of the plan or project for the site's conservation objectives. This requirement is complementary to any covered under Directive 85/337/EEC ("the Impact Assessment Directive"). In practice, this means that the assessment should fully take into account those specific effects on the natural value of the site which are the reason for its inclusion in NATURA 2000. Given the Community's general endorsement of transparency and public consultation ("Community close to the citizen") it is desirable that the opinion of the general

public is obtained as part of this procedure. If, following the assessment, it is found that the plan or project will not adversely affect the integrity of the site, the competent national authorities may approve it.

However, if it is found that the plan or project will adversely affect the integrity of the site, the authorities may approve it only under certain conditions:

- It must be clear that there are *no alternative* solutions. This points up the importance for plan or project proponents to look at alternative solutions, such as other possible routes in the case of transport projects, and to convincingly demonstrate that these are not feasible;
- The plan or project must represent *an overriding public interest*. Such an overriding interest can be of a socio-economic character. This safeguard makes it necessary to weigh the importance of the project against the importance of the site's nature conservation interest;
- The Member State must adopt compensatory measures and inform the European Commission about them. Compensation could include measures such as restoration or recreation of the same habitat type on the site or elsewhere.

There is an additional dimension where the site hosts a priority natural habitat type and/or a priority species. In this case, the overriding interest justifying a project must relate only to human health or safety, or benefits of primary importance for the environment, or, further to an *opinion of the European Commission*, to some other imperative reason. It is important to note that the Commission's opinion is not legally binding and comes towards the end of a process, not at its beginning: in particular, there must already have

been an assessment and an examination of alternative solutions.

Article 6 (3) and (4) already applies to SPAs, and will apply to future SACs as soon as these are chosen for the Community list.

Sustainability and NATURA 2000

Article 6 is not intended as a block on economic activities in and around NATURA 2000. Rather the emphasis is to ensure that such activities are sustainable and not damaging to the conservation objectives for which the sites are designated. This is to be achieved by following a clear procedure, each sequential step of which needs to be respected. The specific requirements of Article 6 should ensure that NATURA 2000 sites reach and are maintained at a favourable conservation status. Where part or all of a NATURA 2000 sites must be sacrificed for an overriding interest there are safeguards to ensure that the overall coherence of the network is not lost as a consequence.



Lappel Bank: development projects can be accommodated after designation of site. Photo: C.H. Gomershall/RSPB

Commission opinion on the construction of the A20 motorway in Germany:

Following Germany's reunification in 1990, unemployment soared in the new Länder. In Mecklenburg-Western Pomerania, it now stands at 15%. In order to help boost the economy in these eastern regions, the German government decided that it was essential to complete the missing transport links between the old and new Länder. It therefore developed a series of traffic projects called 'Deutsche Einheit' ('German Unity'), the largest of which was the construction of a 300km long motorway — the A20.

The A20 will intersect two large Special Protection Areas, the Trebel-Recknitz and the Peene Valley, hosting the richest alluvial alkaline fens in north eastern Germany. Other priority habitat types include raised bogs, bog woodland and calcareous fens. A considerable number of rare and endangered birds are also present. The government initially considered bypassing the SPAs altogether but this would have meant a detour of 50kms which made it untenable. It therefore sought the opinion of the Commission in accordance with Article 6 (4) of the Habitats Directive on the ground of 'imperative reasons for overriding public interest.'

The impact assessment determined that, in both cases, the projects will have a considerable effect on the SPAs through land loss and indirect damage. The initial proposal for the crossing over the Peene river, in particular, would have even meant a direct loss of priority habitats. The Commission therefore asked the German authorities to submit a series of less damaging alternatives for this site. On the basis of available scientific information and a site visit conducted with the German authorities three alternatives were carefully analysed by the Commission to determine the possible impacts on the habitats and species of European importance and the necessary compensation and mitigation measures. The alternative close to the existing crossing of the SPA by a country road bridge at the town of Jarmen was considered a less damaging solution.

The compensation measures included the recreation or restoration in the SPAs of seven different habitat types over an area of nearly 100 hectares. The authorities also undertook to reduce as far as possible the impact of the A20 during and after its construction.

In view of the particularly poor socio-economic state of Mecklenburg-Western Pomerania and the importance attached to the construction of the A20 as a means of alleviating this situation and considering the foreseen compensation measures proposed by the Government to compensate for loss of nature within the SPAs, the Commission concluded that, under the given circumstances, the adverse effects were justified by imperative reasons of overriding public interest. Ref: Official Journal C19 of 23/1/96

ON SITE

LIFE in the Cantabrians: the bear facts



Cordillera Cantabrica. Asturias: PN Somiedo. Photo: J.C. Blanco

STRONG, INTELLIGENT and even majestic when it stands erect, the bear has been given a place of honour in all European cultures, as testified by myths, folk tales and expressions. Yet it was also an adversary: the most prized trophy a hunter could win, a predator to be purged from civilised abodes. Right into the 20th century rewards were given to anyone who killed one of these animals.

In spite of its reputation, the brown bear (*Ursus arctos*) is a naturally shy animal unable to cope with human encroachment. Over the centuries it was forced back into refuges in the areas least touched by man: the Cantabrian Mountains, the Pyrenees, the Alps, Carpathians, Abruzzo and the Balkans. Only in the far north and east of the continent did it really hold its own. The populations in the mountains of southern Europe and the Iberian Peninsula are now fragmented and isolated from each other; without communication and genetic exchange each seems doomed to decline even further.

Spain's remaining bear populations are to be found in the Cantabrian Mountains and the Pyrenees.



Yet the area within the Cantabrian Mountains, along Spain's Atlantic coast, should be a bear paradise. The remote temperate forests of beech, oak and birch and the high-altitude meadows covering these rugged ranges over 5000 km² provide fresh grass in spring and summer and berries, acorns and nuts in the autumn, to help build up fat reserves for the long winter ahead. Caves for hibernation also abound.

But here, as elsewhere, the bear's survival continues to be threatened by habitat loss as the area is opened up by roads, forestry tracks, winter sports infrastructure, hydro dams and mines and because of poaching and accidental killing by traps and poisons destined for other creatures. One of the most devastating activities has been the construction of the Leon-Oviedo motorway which split the Cantabrian bear population in two. Now it is estimated that there are only about 50 to 65 individuals to the west and 20 to 25 to the east, with no means of communication between the two.

Passive measures – a ban on hunting and legal protection status – were taken around 1970, but in the absence of effective enforcement, these did not really help. The bears' habitat declined further and poaching/accidental killing continued (22 bears killed between 1981 and 1990). Research indicated that for a bear population to survive in the long run without inbreeding, it must number at least 70–90 individuals. If so, the eastern Cantabrian population was in dire straits. The western one might be viable, but any further decline could tip it over the edge too.

So, active measures were brought to bear. The four Autonomous Regions sharing the mountains (Asturias, Cantabria, Castilla y Leon and Galicia) adopted a "bear charter", a species recovery plan, by decree in 1990/91. This appears to be unique in the EU: an official, politically and legally binding recovery plan for bears. On the basis of this plan, a LIFE project was launched in 1992 as a collaborative effort between the four regional authorities and Fundacion Oso Pardo, an NGO set up especially to promote its implementation. Four years later the project is still going strong and EC co-financing has so far amounted to 6.5 Million ECU.

The plan and the LIFE project have the following objectives:

- maintain and increase the populations
- unite the eastern and western subpopulations again
- protect and expand available habitat (limiting human activities in the core areas)
- introduce regular surveillance (one ranger per 2500 ha)

- generate positive attitudes among the bear country's human inhabitants
- carry out scientific research and monitoring

To maintain the populations, the most urgent threat to tackle is poaching. Twenty four rangers have been employed to patrol the bear country in fair weather and foul, equipped with vehicles and radios.

As far as threats from accidental killing and the disturbance caused by certain kinds of bona fide hunting is concerned, the authorities recognised that this activity is deeply entrenched in local culture. The measures introduced to combat these threats have therefore been particularly sensitive to this issue. For instance, they decided to issue hunting permits to local hunters within a 10,750 ha 'coto' in Leon, one of the worst poaching areas, in exchange for a commitment to hunt responsibly. A ranger is always present during hunts and strict rules have been agreed. It has turned out that the hunters are pleased with the arrangement, as the rangers' expertise helps them bag high numbers of game.

The best means of linking the eastern and western populations is still under consideration, but there are plans to afforest some of the tunnels across the motorway, so that bears will be more likely to cross them.

The project is also acquiring sites suitable for breeding or as sanctuaries for autumn feeding (7,300 ha so far). In the forestry sector, targets are to preserve and increase the area of deciduous wood, end forestry in critical areas, make it more ecological elsewhere and restrict traffic on forestry tracks or even close and re-afforest some.

Although the general public mainly has a positive view of the bear, the locals who actually have to live with the animals are often less sanguine. Also, they resent prohibitions and restrictions imposed from above. The project is aware of this. To prevent ill-feeling and reprisals, compensation is paid for bear damage to livestock or beehives (important traditional livelihoods in the Cantabrians); an annual average of 40,000 ecu has thus been paid out over the past 5 years. Information is disseminated and bear studies are being promoted with local schools.

To make the bear an economic asset for this depressed region, initiatives in eco-tourism are also being developed: a visitor centre with bears on display which can no longer be released in the wild, holiday packages encompassing wildlife and cultural heritage, support for ancient festivals featuring the bear ... Already the LIFE project employs 30 persons, admittedly not all locals.

Scientific work involves a network of Spanish universities, but particularly interesting is the international collaboration with experts abroad. LIFE is currently funding six different projects (see box) affecting the bear within the EU and in October 1994 Asturias hosted the first-ever gettogether between these LIFE projects. This was so successful that these networking meetings are now being continued on an annual basis.

The final statement goes to the bear. Although the LIFE project is still in its early stages, it is just possible that Ursus arctos is reviving: after two seasons of low breeding, in 1995 eight females with cubs were counted.

For further Information on the project:

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Fax: +34-8-510-55-38

The Cantabrian Mountains: After two seasons of low breeding, eight females with cubs were counted in 1995. Photo: J.C. Blanco



	BEAF	BEAR POPULATIONS IN THE EU					
Country	Estimated population	Location	LIFE projects				
Greece	110-130	Pindus mountains; Rhodopes and Vrondous mountains	'Protection and management of brown bear and its habitats (Northern Greece)'				
Italy	65—108	Abruzzi (sub species); Trentino; Tarvisio	'Conservation of mammals in the Alps and the Apennines'* and 'Habitat gole rupestri'*				
France	6-8	Pyrenees	'Conservation programme for three Threatened Vertebrates in Pyrenees'*				
Spain	70–90	Pyrenees and Cantabrian mountains	'Conservation programme for three Threatened Vertebrates in Pyrenees'* 'Conservation of brown bear habitat in the Cantabrian mountains'				
Austria	20—25	Central and southern mountain ranges	'Bear Protection Programme'				
Sweden	685-700**	Northern and central regions					
Finland	400**	North Western regions					

Total EU population: 1356-1531 Total LIFE co-financing: 12.5 MECU

^{*} Projects that also concern other species ** Finnish/Swedish populations not a priority under the FFH Directive

NATURA BAROMETER

(Situation as of 6/11/96 on the basis of information transmitted officially by the Member States)

Member State	Birds Directive SPA Classification		Habitats Directive SAC designation (stage 1)					
	Number of SPAs	Total area (km²)	Progress	Number of sites	Total area (km²)	National list	Site maps	Natura 2000 forms
België/Belgique	36	4,313		102	903	*1	*	*
Danmark	- <u>,</u> III	9,601		175	± 9,000	Y	*	- 5
Deutschland	494	8,537 ·	*	3	0.2	0	* **	*
Ellas	29	1,930	0	164	18,969	*1	*	*
España	149	25,187	-	118 (Canaries only)	2,269	1	*	*
France	103	7,182	0	-	_	0	-	- 1
Ireland	106	2,054	> 1	-	_	0		
Italia	101	4,530	@ 1	± 2,800	± 33,250	* 1	*	*
Luxembourg	6	14	0	-	_	. 0	-	-
Nederland	23	3,276	3	-	_	0	<u>-</u>	-
Österreich	43	2,471	→ ↑	97	± 3,620	A	*	*
Portugal	36	3,323	3	30 (Madeira+ Azores only)	414		*	*
Suomi	15	967		370	24,726	A	*	
Sverige	75	1,449	0	640	40,711	* 1	*	*
United Kingdom	135	4,585	→ ↑	255	13,322	*1	*	. *

Some Member States, especially Denmark and the Netherlands, have designated significant parts of their coastal waters (= non land area). Certain SPAs in Germany have been classified for nature conservation values other than their importance for birds.

Keys:



classification complete



classification still incomplete



classification notably insufficient



significant progress being made since last Natura barometer



complete national list, information transmitted is coherent



substantial national list but information still incomplete partial but insufficient



0

national list list insignificant or not transmitted



maps and forms coherent and computerised



maps and forms transmitted

For further information contact: Micheal O'Briain, DG XI.D.2 for SPA classification and Olivier Diana, DG XI.D.2 for SAC designation.

NEWS ROUND UP

Lappel Bank Judgement

In an important judgement of 11 July 1996 the European Court of Justice decided that Member States are not authorised to take account of economic requirements when classifying Special Protection Areas and defining their boundaries. This ruling applies even where economic requirements constitute a general interest which is superior to that represented by the ecological objective of the Birds Directive or represent imperative reasons of overriding public interest of the kind referred to in Article 6 (4) of the Habitats Directive.

This case arose from the exclusion, for economic reasons, of a small section of ornithologically important mudflats called Lappel Bank from the area of the Medway Estuary (Kent) that was classified by the United Kingdom as a SPA in 1993. The Royal Society for the Protection of Birds (RSPB) had challenged this decision in the UK courts. When the matter was referred to the Court of Justice the European Commission supported RSPB's view.

This judgement clarifies that only ornithological criteria should be used by Member States in the choice and delimitation of SPAs. Economic activities, potentially damaging to the ornithological value of the site, may be accommodated later on by using the procedure laid down in Article 6 of the Habitats Directive which applies to all SPAs.

Non transposition of the Habitats Directive

In June the Commission decided to lodge an application before the European Court of Justice against Germany, France, Italy and Portugal for their failure to adopt and communicate to the Commission the necessary national legislation to give effect to the Habitats Directive. The deadline for this was 5 June 1994.

The new LIFE regulation

The new Regulation n°1404/96 for the second phase of LIFE was adopted on the 15 July. It will run from 1996 to 1999 with a total indicative budget for nature of 207 million ECU to support actions aimed at (a) sites proposed under the Habitats Directive or sites classified under the Birds Directive (b) species listed in annexes II and IV of the Habitats Directive and Annex I of the Birds Directive. The deadline for submission of applications via the Member States is 31st January every year. The Commission, with the advice of the Habitats Committee, must decide by 31st July on actions to be co-financed. *Contact:* Bertrand Delpeuch/ Angelo Salsi DG XI.D.2.

1997 LIFE NATURE Application Round

For the '97 exercise, proposals have to be with the national competent authority on the 31st December 1996. A brochure is now available containing an application form and an explanation of the conditions for financing projects. The form is also available on internet (http://europa.eu.int/en/comm/dg11/opportun.htm) *Contact: Angelo Salsi*, *DG XI.D.2*.

Mediterranean Wetlands Conference in Venice

Organised under the aegis of the Italian Ministry of the Environment during its Presidency of the EU, this Conference was held in June as a final act under the LIFE contract "MEDWET: coordinated action for Mediterranean Wetlands". Around 250 participants, principally from the Mediterranean states, but also representatives of the European Commission, intergovernmental organisations, NGOs and individual wetland experts endorsed a 'Mediterranean Wetlands Strategy'. This commits signatories to stop the loss and reverse the degradation of Mediterranean wetlands. They must adopt national conservation plans to that effect within two years. *Contact: Ramsar Bureau, Gland – Switzerland fax:* +41 22 999 0169.

Seminar on EU Nature policy in Slovakia.



Seminar on EU nature conservation policy for PHARE countries in Slovakia

In June, the European Commission presented the EU's nature conservation policy and funding to the Central and Eastern countries who form part of the PHARE assistance programme, emphasising in particular NATURA 2000. Despite having a strong tradition in nature conservation with many protected areas, these countries face increased pressures because of land privatisation and a lack of resources. Nature legislation is extensive in some countries but still incomplete and its enforcement is weak in many cases. These problems need to be borne in mind when considering the approximation of their environmental legislation for EU membership.

NEWS ROUND UP continued



The great bustard, Otis tarda, needs international cooperation for its survival. Photo: Dr H. Litzbarski, Landesumweltamt Brandenburg

Action plans for Europe's globally threatened bird species

Conservation action for 23 of Europe's most endangered bird species, all globally threatened, will now be supported by action plans that identify the priority measures needed to halt their decline and restore their populations. These plans have been compiled by BirdLife International, in partnership with Wetlands International, with financial support from the European Commission under a three year LIFE-Nature project. They were published by the Council of Europe in October.

Financial support for 23 Globally Threatened Bird Species in Europe under LIFE and predecessors

species in Europe under En E and predecessors						
Species	N° projects	Approx. EC contribution in ECU	Country involved			
Acrocephalus paludicola	-					
Aegypius monachus	1	135,000	Spain			
Anser erythropus	1	400,000	Greece			
Aquila adalberti	1	9,157,700	Spain			
Aquila heliaca			-			
Branta ruficollis			- 570			
Chlamydotis undulata	1	170,000	Spain			
Columba bollii	1	240,000	Portugal,			
Columba junoniae	2	1,340,000	Spain			
Fringilla teydea						
Columba trocaz	2	955,000	Portugal			
Crex crex	2	1,182,000	France, Ireland, UK, Belgium			
Falco naumanni						
Larus audouinii	1	494,000	Greece			
Marmaronetta angustirostris		300,000	Spain			
Numenius tenuirostris	3	494,000	Belgium, Greece, Italy			
Otis tarda	5	3,649,000	Greece, Portugal, Spain			
Oxyura leucocephala	1	20,800	Italy			
Pelecanus crispus	ŀ	120,000	Greece			
Phalocrocorax pygmaeus						
Pterodroma feae	1	800,000	Portugal			
Pterodroma madeira						
Pyrrhula murina	1	350,000	Portugal			
Footnote: Some species will have also benefited from LIFE funds through projects which had other						

Footnote: Some species will have also benefited from LIFE funds through projects which had other species or habitats as their principal objective.

The species concerned vary from island endemics such as the Long-toed Pigeon *Columba trocaz* of Madeira to widely dispersed birds such as the Great Bustard *Otis tarda*. The action plans provide information about their status, ecology, threats and current conservation measures. This enables the clear definition of conservation objectives and a programme of prioritised actions for each species.

The plans are the result of an extensive process of consultation and, as far as possible, consensus between the government agencies, NGOs and individual experts throughout Europe. As such, they provide a vital framework from which more detailed national and regional programmes can be developed and implemented.

As all 23 species are listed in Annex I of the Birds Directive the plans should greatly assist Member States in fulfilling their EU obligations. The species are also amongst the 46 considered priority under the LIFE-Nature Fund. The plans thus help potential applicants focus their project towards the actions which are considered the most urgent for that species. Already 25 such projects have received financial support under LIFE and its predecessors (see Table). *Contact: Micheal O'Briain DG XI.D.2*.

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