

A Race to Protect Europe's Natural Heritage

WWF European Snapshot Report on the Status of Implementation of the Habitats Directive

SPAIN
Score: 13/30

I. Legal Aspects of Implementation			Score: 5/9
<i>Transposition: To what extent has the Habitats Directive been transposed into national or regional law?</i>			
Good/complete transposition 3	Some gaps remaining 2	Key/major gaps remaining 1	Failure to transpose 0
A formal complaint from the Commission to Spain (reference no. 1999/4302) requiring that incomplete transposition of Article 6 is corrected, has yet to be addressed by the government. This relates to the fact that national transposing legislation (Transposition Act R.D. 1995/97; of September the 7 th) refers to 'destruction of sites' instead of 'deterioration of sites' as required by Article 6.			
<i>Complaints in Progress at the European level: How significant are current Commission complaints in progress against your Member State?</i>			
No outstanding complaints 3	Some complaints not yet dealt with 2	Significant complaints not yet dealt with 1	Decisions of the ECJ not yet dealt with 0
WWF/Spain has sent 8 complaints in the last year, but we don't know how many have been sent by other NGO's. Most of WWF's complaints deal with failures to implement Article 6 and failures to protect priority habitats and species. Private firms and purely economical interests are behind the majority of projects putting habitats and species at risk. Some complaints relate to the National Hydrological Plan (in the context of the enlargement of dams) and municipal plans to enlarge marinas along the Mediterranean coast. There is a complete lack of implementation of preventive measures inside and outside of sites proposed for Natura 2000.			
<i>Member State Response to Complaints: How adequate do you consider your Member State's response to Commission complaints to be?</i>			
Good response at stage of Letter of formal notice 3	Response before case was referral to the ECJ 2	Response only after ECJ case decided 1	No response 0
The Spanish government has responded (within a reasonable time period) to all of these complaints, and always before the case is referred to the ECJ. Obviously, previous experience in the Santoña case has influenced this reaction. Nonetheless, the quality of these responses is quite poor, without well-based arguments. So, these answers seem instead to be a procedure for delaying the legal process.			

II. Protecting Habitats and Species			Score: 4/12
<i>Natura 2000: How adequate is the list of proposed Natura 2000 sites for the protection of habitats and species?</i>			
coherent national network 3	more than 50 % sufficient 2	less than 50 % sufficient 1	no list submitted 0
<p>Very few corridors, stepping stones or buffer areas have been agreed in the official proposals (only by some local governments and for certain species such as the Iberian Lynx). None of these has been taken into account for marine species, such as the Bottle-nose dolphin and sea turtle (<i>Caretta caretta</i>).</p> <p>Another point concerns the protection or conservation measures applied in sites. Unless these areas belong to a previous category of protected natural area, such as a Natural park or a reserve specified in regional laws with their own management plans, then the Nature 2000 sites typically lack management plans.</p>			
<i>Natura 2000: How does your Member State score on the putting in place of management measures?</i> (Article 6)			
All of the above measures have been adequately addressed 3	Some of the measures have been adequately addressed 2	Very few measures are being addressed or are in place 1	Measures are non-existent 0
<p>No specific measures are yet implemented. There is a serious deficit of specific research focused to the management of these areas.</p> <p>There exist some drafts of Plans to recover species of the Habitats Directive and also of the Birds Directive, such as the <i>Aquila adalberti</i>.</p>			
<i>Protection of species beyond Natura 2000: How adequate are non-site based measures for the protection of species?</i> (Article 12, 13, 14 and 16)			
All of the requirements have been adequately addressed 3	Some of the of the requirements have been adequately addressed 2	Very few of the requirements are being addressed or are in place 1	Efforts to address the requirements are non-existent 0
Beyond the Natura 2000 network, only the national and regional laws of species protection (hunting / fishing regulations mainly) are applied.			
<i>Complementary measures: Is your Member State giving adequate attention to complementary measures, such as for research, planning and species reintroduction?</i> (Articles 10, 11, 18 and 22)			
Good effort to implement complementary measures 3	Mixed effort to implement complementary measures 2	Poor effort to implement complementary measures 1	No effort to implement complementary measures 0
Until now, there have only been plans for the future. There are no provisions for research on Natura 2000 sites in the national Research and Development plans. Neither are there funds for demonstration projects or co-ordination of management plans between local governments.			

III. Putting Plans into Practice			Score: 4/9
<i>Finance: Is your government devoting adequate human and financial resources to implementation of the Directive?</i>			
Significant additional resources dedicated to implementation of the Directive 3	Some additional resources dedicated 2	Very few additional resources dedicated 1	No additional resources dedicated 0
Until recently there have been very limited resources. Now, we are waiting for a resolution of the Environment Ministry that will allocate 1100 million pesetas to nature protection (from the EU Structural Funds), and will, in part, be designated for Natura 2000 implementation.			
<i>Information and Awareness Raising: Is your government doing enough to provide information and raise awareness about Natura 2000 and biodiversity conservation?</i>			
Good information and awareness raising activities 3	Some good activities 2	Few information and awareness raising activities 1	No information and awareness raising activities 0
Almost all of these activities have been carried-out by NGOs, although (partially) funded by the Ministry and Regional Governments.			
<i>Stakeholder Participation: Is your government doing enough to involve stakeholders and the general public in the Natura 2000 process?</i>			
Significant amount of effort to consult stakeholders + public 3	Good efforts to consult stakeholders + public 2	Limited efforts of consult stakeholders + public 1	No consultations with stakeholders + public 0
Most of the Regions have delayed the consultative process until the site designation is finished. But, on the other hand, the department of the Ministry responsible for this first phase has consulted and considered the observations and results of the Spanish WWF studies.			
IV. Political Will			
<i>In your opinion, has there been a change in political will or momentum in your Member State around implementation of the Directive? Describe the current political climate surrounding the Directive if you can.</i>			
Spain is now involved in a transition phase between the technical and scientific application of the Directive and implementation on the ground. There still appears to be no cross-sectoral or cross-compliance measures for implementation of the Directive. We detect a greater involvement of NGOs and recognition of their role by governments (both on a national and regional level). Sometimes there seems to be a lack of willingness in applying measures for the active protection of sites or strategic environmental assesment as in the National Hydrological Plan.			

V. Conclusions and Recommendations

There is a clear difference in speed between the Biogeographical regions and the even between the local governments within these regions. Some governments have closed their lists in a very satisfactory way whilst others still remain at the same stage as two years ago or have made very minor improvements (eg. Catalonia or Castilla – La Mancha). We have to consider that the central government role is limited to co-ordinating and unifying the regional proposals for sites. It is therefore desirable for the local work to be up to the same speed. ***The Macaronesian Region was the first Spanish region with a completed network of sites and should be a model for applying management measures and researching plans related to management and restoration of sites.***

The central government should play a more active role, for instance in facilitating the communication and sharing of experiences between the Regional Governments, or promoting practical seminars and meetings with political representatives, researchers and managers. It should also provide recommendations about the possibilities for applying EU Structural Funds to all of these.

Another priority should be the improvement of the communication and participation of local people and stakeholders in order to make the process as democratic and participative as possible and thereby avoid future conflicts between social, economic and environmental spheres.

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