



## **BirdLife International and EEB comments Green Paper – TEN-T: A Policy review**

**30 April 2009**

BirdLife International is a global Partnership of NGOs that strives to conserve birds, their habitats and global biodiversity, working with people towards sustainability in the use of natural resources. BirdLife Partners operate in over 100 countries, including all the 27 European Union countries, with a combined membership of 10 million supporters worldwide. BirdLife International is the leading authority on the status of birds, their habitats and the issues and problems affecting them. We are a recognized authority for reference data on sites (Important Bird Area inventories) and species (Red Lists)<sup>1</sup>.

BirdLife has been following and seeking to influence TEN-T policy since the development adoption of the initial TEN-T guidelines in 1996. Our key focus is trying to ensure that biodiversity, and other environmental considerations, are properly integrated into the development of the policy and into the transport plans and projects that flow from this. Most recently, we lead a multi-NGO study on the potential conflicts between the TEN-T Priority Projects and the EU's Natura 2000 network of protected areas.

The European Environmental Bureau (EEB) is a federation of over 150 environmental citizens' organisations based in most EU Member States, most candidate and potential candidate countries as well as in a few neighbouring countries. These organisations range from local to national, to European and international. EEB's aim is to protect and improve the environment by influencing EU policy, promoting sustainable development objectives and ensuring that Europe's citizens can play a part in achieving these goals<sup>2</sup>. EEB was one of the key contributors to the multi NGO study on TEN-T and Natura 2000 referred to above.

BirdLife and EEB welcome the European Commission's current fundamental review of the Trans-European Transport Network (TEN-T) policy, which we see as extremely timing. Our general comments are set out in the first section below, followed by our more detailed responses to some of the specific questions in the Green Paper. The key results and recommendations from our 2008 study, which we believe are extremely pertinent to the current consultation, are included in an Annex.

---

<sup>1</sup> <http://europe.birdlife.org>

<sup>2</sup> <http://www.eeb.org/>

## General comments

One of the aims of the TEN-T policy is to integrate environmental protection requirements with a view to promoting sustainable development. However, as the introduction to the Green Paper itself acknowledges, future TEN-T policy needs to reflect established European objectives – including environmental objectives – more than it has done to date (*page 3 Green Paper*). We would entirely agree. If Europe is to lead the way to truly sustainable development, it is essential that EU transport and environmental policies are joined up, and we believe that this is possible.

The introduction to the Green Paper highlights the threat of climate change as the most pressing environmental issue and states that climate change objectives should be placed at the centre of future TEN-T policy. We are delighted to see this shift in emphasis. Climate change is widely recognised as posing the most serious threat to people and global biodiversity and the transport sector has an important role to play. The need to travel should be reduced, there should be a shift towards use of the most sustainable modes of transport and a move towards low carbon vehicles and fuels and improved vehicle efficiency.

However, unfortunately, climate change is not the only environmental crisis. With the scale of the threat to biodiversity, ecosystems and thus to human wellbeing increasing, we are also facing a biodiversity crisis. Biodiversity is of intrinsic value and should be maintained for its own sake as well as for its life supporting functions. It is a precondition for global economic prosperity and long-term human wellbeing. The current economic crisis is closely linked to our unsustainable production and consumption patterns, and we depend on healthy ecosystems and biodiversity especially in times of climate change.

The European Union target of halting the loss of biodiversity by 2010 has not yet been achieved and the Commission itself has predicted that meeting it is 'highly unlikely'. The European Environment Agency (EEA) is currently working on a set of biodiversity indicators to underpin the Commission's post-2010 policy framework. Initial results show that if the current decline of European ecosystems is not halted, food and water supplies will be adversely affected, resulting in higher operating costs that will need to be factored in by governments and businesses in their economic planning<sup>3</sup>.

At the recent high-level biodiversity conference in Athens, delegates devised an eight-point plan to be developed by EU policy makers when setting a post-2010 target. One priority is to further develop the Natura 2000 network<sup>4</sup>.

Europe has some excellent nature legislation, but implementation needs to be speeded up and improved. More funding needs to be provided and sectoral policies (such as

---

<sup>3</sup> EU shapes post-2010 biodiversity policy, ENDS Europe, 28 Apr 2009

<sup>4</sup> See [http://ec.europa.eu/environment/nature/biodiversity/conference/index\\_en.htm](http://ec.europa.eu/environment/nature/biodiversity/conference/index_en.htm) and <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/197&format=HTML&aged=0&language=EN&guiLanguage=en>

transport) with conflicting objectives reformed. Only if all policies are sustainable and integrate the objective of biodiversity protection and ecosystem services, can we ensure long-term economic prosperity and human well-being. Hence, in addition to strong biodiversity targets the EU needs targets to limit its consumption of natural resources, energy and space (e.g. a target to limit the sealing of land)<sup>5</sup>. Strategic environmental assessments must be strengthened and spatial planning coordinated across the EU and better integrated with sectoral plans and programmes supported by EU funding<sup>6</sup>.

Transport can give rise to a wide range of impacts on Natura 2000 and wider biodiversity. The main impacts are habitat loss from transport infrastructure location, fragmentation of habitats and communities, disturbance, acting as a barrier to movement and mortality from collision. In addition, the impacts on biodiversity from climate change, to which the transport sector is a key contributor.

In 2008, BirdLife lead and EEB contributed to a multi-NGO study on the potential conflicts between the TEN-T Priority Projects and the EU's Natura 2000 network of protected areas. This study found that 379 sites protected by the EU Birds Directive – 8% of the total – and 935 protected under the EU Habitats Directive – 4.4% of the total – are likely to be affected by the twenty-one TEN-T Priority Projects analysed. And these Priority Projects are the tip of the iceberg. Implementation of the whole TEN-T network could have much more severe impacts. However, the study did not just concentrate on the negative. It aimed to promote a positive approach to joined up transport and biodiversity governance and made a series of recommendations (related to better understanding of the impacts on biodiversity, establishment of strong mechanisms for resolving conflicts, only funding sustainable projects, strong enforcement of EU environmental law and better accessibility of relevant data/information) about how this could be achieved. These recommendations are summarised in the attached Annex and we would urge you to help us put these into action.

We now plan to build on this work and hope to carry out a further pilot study which looks at how good spatial planning which incorporates biodiversity considerations could be undertaken for one of the priority transport corridors. This would look not only at Natura 2000 sites, but wider biodiversity considerations, such as ecosystem services, connectivity<sup>7</sup> and 'green infrastructure'<sup>8</sup>. We would be delighted if the Commission was interested to participate in this planned pilot in some capacity.

---

<sup>5</sup> *Biodiversity Protection – Beyond 2010*, Briefing paper by the European Habitats Forum, April 2009 available from [http://www.birdlife.org/eu/pdfs/ehf\\_briefing\\_for\\_athens\\_final\\_22apr09.pdf](http://www.birdlife.org/eu/pdfs/ehf_briefing_for_athens_final_22apr09.pdf)

<sup>6</sup> See the NGO coalition *Contribution to the Public Consultation on the Green Paper on Territorial Cohesion*, February 2009 available from [http://ec.europa.eu/regional\\_policy/consultation/terco/pdf/4\\_organisation/122\\_ecsuf\\_en.pdf](http://ec.europa.eu/regional_policy/consultation/terco/pdf/4_organisation/122_ecsuf_en.pdf)

<sup>7</sup> An issue stressed as important in light of the threat of climate change in José Manuel Durão Barroso's speech at the Athens conference – see <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/197&format=HTML&aged=0&language=EN&guiLanguage=en>

## Specific comments to the Commission's consultation questions

### **Q1 Should the Commission's assessment of TEN-T development to date cover any other factors?**

Biodiversity. Because of the importance of biodiversity considerations (see the general comments above) we believe that the Commission should undertake an impact assessment of the entire TEN-T network to audit the biodiversity (and other) impacts predicted in the 2003 assessment and as the new TEN-T policy is developed also assess any TEN-T policy revision proposals. DGs TREN and ENV should lead this work jointly.

### **Q2 What further arguments are there for or against maintaining the comprehensive network, and how could the respective disadvantages of each approach be overcome?**

If the comprehensive network approach is maintained, then the methodology for accepting which projects are included in this must be significantly strengthened and include a proper assessment of potential biodiversity impacts. Under the current system, the comprehensive network contains many routes/projects which were included without any prior (or only very weak) environmental assessment at the strategic level when the TEN-T maps were agreed. The current weaknesses in the environmental assessments carried out for plans and programmes for EU funds, eg operational programmes, exacerbates this problem and entrenches TEN-T network projects which have never been subject to rigorous environmental assessment as 'accepted EU policy priorities'. This can lead to problems at the individual project level. For example when the Commission scrutinize the environmental assessments for particular projects, it may be difficult to argue for wholesale changes to an environmentally damaging project, or as a minimum, cause delays when they require further assessment work. And certainly it stretches the limited capacity of DG ENV officials if they have to spend extensive amounts of time analyzing environmental impact assessments (EIAs) for projects which would have been excluded or modified had strategic level assessment been carried out properly. Requirements for stronger strategic assessments of these funding plans (indeed as is already required under EU law) plus a strengthening of the initial impact assessment of the TEN-T network would improve this situation and facilitate better integration/coordination with other EU funding streams thus promoting more integrated spatial planning.

### **Q3 Would this kind of priority network approach be better than the current priority projects approach? If not, why not and what are the particular strengths of the latter? If so, what (further) benefits could it bring, and how should it be developed?**

Yes, we would support the geographically defined priority network approach. This should be developed with the aid of strategic environmental assessment/impact analysis as discussed above.

---

<sup>8</sup> See the information from the Commission's March 2009 workshop *Towards a green infrastructure for Europe: Integrating Natura 2000 sites into the wider countryside* available from <http://www.green-infrastructure-europe.org/> and the EEB 2008 report *Building Green Infrastructure for Europe* available from [http://www.eeb.org/publication/documents/EEB\\_GreenInfra\\_FINAL.pdf](http://www.eeb.org/publication/documents/EEB_GreenInfra_FINAL.pdf)

**Q4 Would this kind of flexible approach to identifying projects of common interest be appropriate for a policy that, traditionally, largely rests on Member States' individual infrastructure investment decisions? What further advantages and disadvantages could it have, and how could it best be reflected in planning at Community level?**

We have concerns that such a flexible approach will lead to greatly reduced planning security and that whatever criteria are set will inevitably be applied differently by different Member States, leading to inconsistencies.

**Q8 Would this kind of core network be "feasible" at Community level, and what would be its advantages and disadvantages? What methods should be applied for its conception?**

We support the concept of a core network as an approach for enabling integration of environmental objectives into TEN-T policy up front and enabling a focus on the highest transport priorities. However, for the reasons given in our reply to Q4, we have concerns about the inclusion of a conceptual pillar within the network.

**Q11 What are the strengths and weaknesses of existing Community financial instruments, and are new ones needed (including "innovative" instruments)? How could the combined use of funds from various Community resources be streamlined to support TEN-T implementation?**

The existing system can enable the funding of unsustainable projects eg funding of individual sections of a road corridor with EC/EIB money, which while not directly damaging to Natura 2000 sites themselves, can facilitate construction of more damaging projects on the same corridors with national funds, for example the Via Baltica road corridor on Poland. We believe that the new TEN-T policy should provide that European Community and EIB funding cannot be provided for unsustainable projects, such as those damaging Natura 2000 either directly or indirectly and should establish a fully operational system to scrutinise transport spending. The new policy should also ensure greater transparency of funding information.

**Q12 How could existing non-financial instruments be improved and what new ones might be introduced?**

The Commission should ensure stronger enforcement of EU nature legislation and quality control of assessments (SEAs, EIAs and appropriate assessments of potential impacts on Natura 2000 under Article 6 of the Habitats Directive) for transport projects, supported by additional resources. Also, provide further guidance on integration of environmental concerns into transport planning, particularly on how strategic appropriate assessments should be carried out for international corridors and national plans. The Commission should also ensure better accessibility of up to date TEN-T and Natura 2000 GIS data and greater transparency of information on traffic data forecasts, to enable such assessments.

We would support the expansion of the role of European Coordinators. This should include an obligation that they ensure that high quality SEAs and strategic appropriate assessments are carried out for all international corridors and give them then power to coordinate assessments and resolve conflicts between transport and other European priorities (including Natura 2000) on international corridors.

We suggest that the European Commission also takes steps to encourage Member States to put much stronger emphasis on the development of sustainable projects, including consideration of innovative alternatives to make transport more sustainable and biodiversity friendly.

**Q13 Which of these options is the most suitable, and for what reason?**

We do not fully support any of the three proposed options. However, we believe that option 3 could be workable if the 'conceptual pillar' element was abandoned. The core network element of this would set out the top priorities and the comprehensive network (provided properly assessed before projects/routes were 'accepted') a framework for broader EU funding eg through Cohesion funds. However, an alternative would be instead to adopt of version of the option 2 approach ie for the TEN-T policy to concentrate only on the highest priority transport projects (the 'core network'). Then other transport projects (equivalent to the current comprehensive network) could be developed within a broader spatial planning approach supported by SEA. Ie rather than having a large transport network which is separate from other sectoral plans and programmes which affect land use for these to be planned together in an integrated manner. We would at least urge the Commission to further explore the options for developing such integrated spatial planning at the European level.

Contacts

We would be very happy to discuss our comments with you. For further info please contact:

Dr. Helen Byron, International Site Casework Officer, Royal Society for the Protection of Birds

E-mail: [helen.byron@rspb.org.uk](mailto:helen.byron@rspb.org.uk), and telephone +44 (1767) 693491

and/or

Rastislav Rybanic, EU Nature Policy Officer, BirdLife International European Division, Avenue de la Toison d'Or 67, 1060 Brussels, Belgium

E-mail: [rastislav.rybanic@birdlife.org](mailto:rastislav.rybanic@birdlife.org), and telephone +32 2 541 0780

BirdLife International, European Division is registered in the Register of interest representatives of the European Commission under the number 1083162721-43

and/or

Pieter de Pous, EEB Biodiversity Policy Officer, EEB, Boulevard de Waterloo 34, B-1000 Brussels, Belgium

E-mail: [pieter.depous@eeb.org](mailto:pieter.depous@eeb.org), and telephone +32 2 289 1090

## Annex

### Summary of study on EU transport networks and their impact on Natura 2000: The way forward

This ground breaking multi-NGO study examined the potential conflicts between the Trans-European Transport Network (TEN-T) Priority Projects and the EU's Natura 2000 network of protected areas. The study points to how transport planning can be unified with biodiversity protection.

Our study found that 379 sites protected by the EU Birds Directive – 8% of the total– and 935 protected under the EU Habitats Directive – 4.4% of the total– are likely to be affected by the twenty-one TEN-T Priority Projects analysed. And yet these Priority Projects are the tip of the iceberg. Implementation of the whole TEN-T network could have much more severe impacts.

If biodiversity and ecosystems are to survive in the face of climate change they will need to be protected and other EU policies must be harmonised with that protection. The Natura 2000 network forms the heart of the EU's efforts to protect our biodiversity. This study aims to promote a positive approach to such joined up governance, and we urge you to help us put the recommendations (set out in full on pages 6-10 of the report and summarised on the 5<sup>th</sup> page of the leaflet) into action. In particular:

#### Action needed by the European Commission and EIB:

- *Understanding the impacts* – the EC should ensure that the studies underway to inform the planned TEN-T policy review include an impact assessment of the entire TEN-T network to audit the impacts predicted in the 2003 assessment and assess any TEN-T revision proposals. DGs TREN and ENV should lead this work jointly.
- *Resolving the conflicts* – the EC should establish a strong mechanism to resolve TEN-T and Natura 2000 conflicts and more broadly appoint a high level Natura 2000 coordinator to ensure integration of Natura 2000 with other policy areas including TEN-T.
- *Only funding sustainable projects* – the EC and EIB should make a strong statement that they will not provide funding to unsustainable projects, such as those damaging Natura 2000 and establish a fully operational system to scrutinise transport spending; also ensure greater transparency of funding information.
- *Complying with EU law* – the EC should ensure stronger enforcement of EU nature legislation and quality control of assessments (SEAs, EIAs and appropriate assessments) for transport projects, supported by additional resources; and provide further guidance on integration of environmental concerns into transport planning, particularly on how strategic appropriate assessments should be carried out for international corridors and national plans.
- *Data and information* – the EC should ensure better accessibility of up to date TEN-T and Natura 2000 GIS data and greater transparency of information on traffic data forecasts.

**Action needed by European Project Coordinators:**

- *Understanding the impacts* – Project Coordinators should ensure that high quality SEAs and strategic appropriate assessments should be carried out for all international corridors
- *Resolving conflicts* – Project Coordinators should coordinate assessments and resolve conflicts on international corridors.

**Action needed by national Governments:**

- *Development of sustainable projects* – the EC should encourage Member States to put much stronger emphasis on the development of sustainable projects, including consideration of innovative alternatives to make transport more sustainable and biodiversity friendly.
- *Understanding the impacts* – the EC should stress to Member States the need for high quality assessments – robust SEAs and strategic appropriate assessments for national sections of international corridors and national transport plans and robust EIAs and project level appropriate assessments for individual projects.
- *Data and information* – the EC should ensure that Member States make up to date TEN-T and Natura 2000 GIS data more accessible and implement better programmes to monitor and collect data on the impacts on transport on Natura 2000.

Electronic copies of the report and the summary leaflet can be found at [http://www.birdlife.org/eu/EU\\_policy/Ten\\_T/index.html](http://www.birdlife.org/eu/EU_policy/Ten_T/index.html).