



Together for birds and people

BirdLife International comments Consultation on the future Trans-European Transport Network Policy

15 September 2010

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)¹.

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, published in 2008.

BirdLife welcomes the European Commission's review of the Trans-European Transport Network (TEN-T) policy, which we see as extremely timely. Our general comments on the second public consultation on the future of TEN-T policy (COM(2010 212 final) are set out in the first section below, followed by our more detailed responses to some of the specific questions in the Commission Working Document. The key results and recommendations from our 2008 study, which we believe are still extremely pertinent to the current consultation, are included in an Annex.

General comments

The 2009 TEN-T Green Paper acknowledged that future TEN-T policy needs to reflect established European objectives – including environmental objectives – more than it has done to date (*page 3 Green Paper*). In furtherance of this aim, we are pleased to see that the introduction to the current consultation states that '*The TEN-T should support the emergence of an integrated European transport system that better addresses environmental and climate change challenges*'. It will now be vital that this key aim is strongly implemented

¹ <http://europe.birdlife.org>

in both the detailed TEN-T policy review and the broader White Paper on the Common Transport Policy. This must include reducing the need to travel, a shift towards use of the most sustainable modes of transport and making better use of existing infrastructure, rather than construction of new infrastructure, and a move towards low carbon vehicles and fuels and improved vehicle efficiency.

Specific comments

The methodology for TEN-T planning

EC Consultation questions

Are the principles and criteria for designing the core network, as set out above, adequate and practicable? What are their strengths and weaknesses, and what else could be taken into account?

To what extent do the supplementary infrastructure measures contribute to the objectives of a future-oriented transport system, and are there ways to strengthen their contribution?

What specific role could TEN-T planning in general play in boosting the transport sector's contribution to the "Europe 2020" strategic objectives?

We are extremely pleased to see that the second consultation explicitly recognises the need for biodiversity concerns to be integrated into TEN-T planning. For example:

- Planning the comprehensive network should address the need for *'a reference on the requirements of the relevant EU environmental legislation and policies, in particular on the protection of biodiversity'* (page 4 of the consultation); and
- That general principles for designing the TEN-T at all levels include:
 - *'Sustainability by reducing greenhouse gas emissions ...as well as respecting relevant EU environmental legislation...in particular the following Directives: SEA, EIA, Habitats and Birds...'*;
 - and *'Attention to biodiversity proofing, in particular Natura 2000 network when it comes to transport infrastructure'* (page 6); and
- That environmental issues will play a part in determining routing of links in the core network, with detours *'to bypass... vulnerable and environmentally sensitive areas'* (page 7).

We are also pleased to see that the network planning will be accompanied by an impact assessment process. We see that it is envisaged that some form of Multi-Criteria Analysis (MCA) is to be applied but that *'Weights still will have to be determined, in order to balance conflicting objectives'* (page 8). It will be essential that the detailed TEN-T planning methodology developed and the associated impact assessment process gives proper regard to biodiversity/environmental concerns i.e. that the impact assessment process includes rigorous assessment of biodiversity impacts and that biodiversity is accorded appropriate weight in the proposed MCA approach.

Consideration of biodiversity issues in the methodology for TEN-T planning must include both compliance with the requirements of the EU Birds and Habitats Directives and with the broader EU post 2010 biodiversity policy.

With the scale of the threat to biodiversity, ecosystems and thus to human wellbeing increasing, we are facing a biodiversity crisis as well as a climate 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 been achieved. The European Environment Agency (EEA) has recently published a 2010 biodiversity baseline report² to support development of 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 planning³.

In March 2010 the European Council committed itself to the following EU post-2010 vision and target for biodiversity and underscored the urgent need to reverse continuing trends of biodiversity loss and ecosystem degradation⁴.

Long-term vision

That by 2050 European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided

Headline target

Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

² EEA 'EU 2010 Biodiversity Baseline' - <http://www.eea.europa.eu/publications/eu-2010-biodiversity-baseline>

³ EU shapes post-2010 biodiversity policy, ENDS Europe, 28 Apr 2009 and [The Economics of Ecosystems and Biodiversity \(TEEB\) outputs](http://www.teebweb.org/) - <http://www.teebweb.org/>

⁴ European Council Conclusions of 26 March 2010 - http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/113591.pdf and Environment Council Conclusions of 15 March 2010 <http://register.consilium.europa.eu/pdf/en/10/st07/st07536.en10.pdf>

This vision and target will underpin the new biodiversity strategy to be developed this year⁵.

Europe has some excellent nature legislation, but implementation needs to be speeded up and improved. More funding needs to be provided and sectoral policies with potentially 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, it is essential that the TEN-T planning methodology now being developed and the resulting new TEN-T network truly integrate biodiversity issues including the obligations in the new Biodiversity Strategy which are likely to include requirements on ecosystem services, connectivity and green infrastructure⁶.**

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 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.

Transparent and inclusive process needed

It is vital that the TEN-T network development and associated impact assessment/MCA process are transparent and inclusive and draws on relevant expertise we would welcome more information from the Commission about how this will be taken forward.

⁵ Building on the feedback from the current consultation *Protecting our natural capital: an EU strategy to conserve biodiversity and ensure the provision of ecosystem services by 2020* - <http://ec.europa.eu/environment/consultations/biodecline.htm>

⁶ 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

We would be delighted to work with the Commission to help develop the biodiversity component of the impact assessment/MCA. We are particularly concerned to see that the revised TEN-T network is truly of added EU value i.e. is planned with a real EU perspective, not just an aggregation of key national transport priorities. As the Commission will be well aware from the experience of the Via Baltica road corridor in Poland, once transport proposals are enshrined in TEN-T maps they are treated as accepted EU priorities. Indeed this is recognized in the statement in the consultation paper that one of the needs of the comprehensive network is as 'a reference for land use planning' (page 4). Therefore it is vital that the sustainability of all proposals including their biodiversity implications are well understood before proposals are included in maps.

For example, the Polish authorities are currently seeking to change the Polish TEN-T map to include a new north-south corridor '**Via Carpatia**' along the eastern border of Poland to form an international transit road between Lithuania, Poland, Slovakia and Hungary. Depending on the route the Polish part of this new road corridor could threaten about 18 Natura 2000 sites.

We therefore urge the European Commission to encourage Member States to put much stronger emphasis upfront during the TEN-T network planning on the development of sustainable transport networks, including consideration of innovative alternatives to make transport more sustainable and biodiversity friendly.

TEN-T implementation instruments

EC Consultation questions

In which way can the different sources of EU expenditure be better coordinated and/or combined in order to accelerate the delivery of TEN-T projects and policy objectives?
How can an EU funding strategy coordinate and/or combine the different sources of EU and national funding and public and private financing?
Would the setting up of a European funding framework adequately address the implementation gap in the completion of TEN-T projects and policy objectives?

The proposal to have a coordinated funding framework sounds sensible to us. The existing system can enable the funding of unsustainable projects e.g. 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. 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.

The proposed legal framework

EC Consultation question

In which way can the TEN-T policy benefit from the new legal instruments and provisions as set out above?

We can understand the potential benefits of combining the existing TEN-T Guidelines and the Financial Regulation into a single piece of law. This must include an explicit requirement for compliance with the environmental Directives including the Birds and Habitats Directives and recognise the EC's post 2010 biodiversity objectives taking on sectoral responsibility for playing a part in conserving/enhancing biodiversity. This should include the legal framework emphasizing the need for Member States to develop sustainable projects, including considering innovative alternatives to make transport more sustainable and biodiversity friendly.

As well as getting the legal framework right, 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.

Contacts

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

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

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

and/or

Ariel Brunner, Head of Policy, BirdLife International European Division, Avenue de la Toison d'Or 67, 1060 Brussels, Belgium

E-mail: ariel.brunner@birdlife.org, and telephone +32 2 238 5092

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

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 5th 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.