The Habitats Directive in its EU Environmental Law Context
European Nature's Best Hope?

Edited by Charles-Hubert Born, An Cliquet, Hendrik Schoukens, Delphine Misonne, and Geert Van Hoorick
Contents

List of abbreviations xi
Notes on contributors xiii
Acknowledgements xv
Foreword by Janez Potočnik xvii

Introduction 1

PART I
Back to the roots: the ecological origins of the Habitats Directive 7

1 Global objectives and scope of the Habitats Directive: what does the obligation of result mean in practice?
The European hamster in Alsace
MARC CLÉMENT 9

2 The added value of the Habitats Directive: is biodiversity better protected since the Directive entered into force?
CARLOS ROMÃO 21

PART II
Natura 2000: protecting and enhancing the world’s biggest ecological network 29

3 Site selection and designation under the Habitats and Birds Directives: a Sisyphean task?
HENDRIK SCHOUKENS AND HANS ERIK WOLDENDORP 31

4 The concept of ‘conservation objectives’ in the Habitats Directive: a need for a better definition?
LUCILE STAHL 56
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Authors</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Instruments for active site management under Natura 2000: balancing between stakeholders and nature conservation?</td>
<td>AGUSTÍN GARCÍA-UBERA AND IÑIGO LAZKANO</td>
<td>71</td>
</tr>
<tr>
<td>6</td>
<td>Appropriate impact assessment: the key to effective integration of nature conservation issues into land-use planning</td>
<td>FRANCIS HAUMONT</td>
<td>93</td>
</tr>
<tr>
<td>7</td>
<td>Compensatory measures under Article 6(4) of the Habitats Directive: no net loss for Natura 2000?</td>
<td>DONALD MCGILLIVRAY</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td><strong>PART III</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Species protection: the 'forgotten part' of the Habitats Directive</td>
<td></td>
<td>119</td>
</tr>
<tr>
<td>8</td>
<td>Species protection in the European Union: how strict is strict?</td>
<td>HENDRIK SCHOUKENS AND KEES BASTMEIJER</td>
<td>121</td>
</tr>
<tr>
<td>9</td>
<td>The impact of species protection on land-use planning via the environmental assessment: towards a more proactive approach?</td>
<td>CHRISTOPH SOBOTTA</td>
<td>147</td>
</tr>
<tr>
<td>10</td>
<td>Trading in wildlife under the Habitats and Birds Directives: restricted movement of species v free movement of goods</td>
<td>NICOLAS DE SADELEER</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td><strong>PART IV</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transversal issues: the Habitats Directive and its neighbours</td>
<td></td>
<td>179</td>
</tr>
<tr>
<td>11</td>
<td>The threshold for liability for ecological damage in the EU: mixing environmental and conservation law</td>
<td>VALERIE FOGLEMAN</td>
<td>181</td>
</tr>
<tr>
<td>12</td>
<td>Property rights and nature conservation</td>
<td>Gerd WINTER</td>
<td>215</td>
</tr>
</tbody>
</table>
13 Implementation and enforcement of the Habitats Directive
LUDWIG KRÄMER
229

14 Transboundary nature conservation: are there no boundaries within the Natura 2000 network?
ALEXANDRA ARAGÃO
245

PART V
Science policy and nature conservation: best friends for ever?
263

15 Restoring nature in the EU: the only way is up?
AN CLIQUET, KRIS DECLER AND HENDRIK SCHOUKENS
265

16 Connectivity: is Natura 2000 only an ecological network on paper?
JONATHAN VERSCHUUREN
285

17 The Habitats Directive and climate change: is the law climate-proof?
ARIE TROUWBOEST
303

18 IAS beyond the Habitats Directive: a momentum for further EU harmonization?
DELPHINE MISONNE
325

19 How to cope with the unknown: a few things about scientific uncertainty, precaution and adaptive management
EVE TRULHÉ-MARENGO
336

20 Under fire from all directions: Swedish wolf management hunting scrutinized by Brussels and at home
JAN DARPO AND YAFFA EPSTEIN
348

PART VI
Nature conservation at sea: a brave new world?
373

21 Natura 2000 and fisheries: a question of competence or willingness?
HENDRIK SCHOUKENS AND HARM DOTINGA
375
Contents

22 Marine species protection and management in the European Union: who will save our dolphins? SANDY LUK AND SARAH GREGERSON 399

23 Nature conservation and water management: one battle? PETER DE SMEDT AND MARLEEN VAN RIJSWICK 417

PART VII
The integration of nature conservation in other policy areas: twenty years of solitude? 435

24 Biodiversity and agriculture: greening the CAP beyond the status quo? ISABELLE DOUSSAN AND HENDRIK SCHOUKENS 437

25 Biodiversity outside protected areas: an outlaw waiting to be saved? GEERT VAN HOORICK 452

PART VIII
New approaches to nature conservation: a quick glance at the future 469

26 Ecosystem services: the real value of nature KATHLEEN MERTENS 471

27 Habitat offset and banking – will it save our nature? Perspectives for a more comprehensive and flexible approach to nature protection MORITZ REESE 483

Outlook 499

Index 505