



**DRAFT TECHNICAL NOTE ON CRITERIA AND GUIDANCE FOR PROTECTED AREAS
DESIGNATIONS
VERSION 2, FEBRUARY 2021**

Subject: Protected Areas

1. THE BIODIVERSITY STRATEGY'S MANDATE FOR WORK ON PROTECTED AREAS

The European Commission adopted, on 20 May 2020, a Communication on an “EU Biodiversity Strategy for 2030 – Bringing nature back into our lives” (subsequently referred to as the Strategy).

Section 2.1 of the Strategy concerns a coherent network of protected areas. It recognises that protected areas are important for the conservation of biodiversity and that the existing network of protected areas is not sufficiently large to safeguard biodiversity. There is evidence that the Aichi biodiversity targets, of 17% of land and inland waters and 10% of sea covered by protected areas, are insufficient¹.

The Strategy therefore sets an ambitious objective of establishing a truly coherent Trans-European Nature Network, to include **legal protection for at least 30% of the land, including inland waters, and 30% of the sea in the EU, of which 1/3 (10% of land**

¹ See, for instance:

Dinerstein et al (2019), “A Global Deal For Nature: Guiding principles, milestones, and targets” in Science Advances, vol.5 no.4, <https://advances.sciencemag.org/content/5/4/eaaw2869>

Maxwell et al (2020), “Area-based conservation in the twenty-first century”, in Nature 586, <https://www.nature.com/articles/s41586-020-2773-z>

Visconti et al (2019), "Protected area targets post-2020" In Science vol 364, <https://science.sciencemag.org/content/364/6437/239>

and 10% of sea) to be under strict protection. These targets have been welcomed by the EU Council of Ministers.²

These EU targets are in line with the global targets being proposed to the next Conference of the Parties (COP15) of the UN Convention on Biological Diversity. To compare them with the current situation, as described in the Strategy, 18% of land and 8% of sea in the EU are currently integrated in Natura 2000, with an additional 8% of land and 3% of sea covered by national protection schemes. Only 3% of land and 1% of sea are strictly protected³. It is important to note that there is a large variation among Member States for the terrestrial coverage of Natura 2000 which varies between 8% for Denmark and 38% for Slovenia. The situation is similar for the marine coverage, while the variation of coverage across different ecosystems is also significant.

The Strategy identifies the need to concentrate, for the identification of areas to be protected, on areas of very high biodiversity value or potential. Specifically, it identifies all primary and old-growth forests as ecosystems that need strict protection, as well as significant areas of other carbon-rich ecosystems, such as peatlands, grasslands, wetlands, mangroves and seagrass meadows.

The designation of additional protected and strictly protected areas, either to complete the Natura 2000 network or under national protection schemes, including the spatial protection measures to comply with the Water and Marine Strategy framework directives, will be a responsibility of the Member States. All protected areas will be expected to have clearly defined conservation objectives and measures. The Strategy highlights the need for effectively managed protected areas, which applies to the new areas that will be designated but also to all existing areas, including Natura 2000 sites and those under a national protection regime.

According to the Strategy, the Commission, together with the Member States and the European Environment Agency, will put forward criteria and guidance for identifying and designating additional protected areas, including a definition of strict protection, as well as for appropriate management planning. The Commission will aim to agree these criteria and guidance with the Member States by the end of 2021.

The guidance to be put forward by the Commission will, among other things, indicate how other effective area-based conservation measures (OECMs)⁴ and greening of cities could contribute to the above-mentioned targets. It will also make the necessary links with the restoration targets in the Strategy.

The protected areas targets relate to the whole EU and could be broken down according to biogeographical regions and marine regions, or at a more local level. Particular focus

² <https://www.consilium.europa.eu/en/press/press-releases/2020/10/23/council-adopts-conclusions-on-the-eu-biodiversity-strategy-for-2030/>

³ Estimates calculated on the basis of the IUCN Protected Area Management Categories 1 and 2 – [EEA \(2019\) Nationally designated protected areas](#)

⁴ According to the definition of the Convention on Biological Diversity (CBD/COP/DEC/14/8 of 13 November 2018), “Other effective area-based conservation measure” means “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values.

will be placed on tropical and sub-tropical marine and terrestrial ecosystems in the EU's outermost regions.

The Strategy highlights the importance of setting up ecological corridors in order to have a truly coherent and resilient Trans-European Nature Network, and of promoting and supporting investments in green and blue infrastructure.

Finally, for Overseas Countries and Territories, the Strategy encourages relevant Member States to consider promoting rules which are equal or equivalent to the EU environmental rules.

The first version of the current note was presented to the meeting of the Nature Directives Expert Group (NADEG) on 22 October 2020. Member States and stakeholders were asked to provide their first reactions by 15 December so that the criteria and guidance could be discussed more thoroughly in an ad-hoc meeting of NADEG on 18 February 2021. Additional meetings will be organised as needed with a view to reaching a consensus by the end of 2021.

In addition to the general discussions in the NADEG, other existing expert groups, such as the Marine Expert Group and the Working Group on Forests and Nature, are working on definitions (e.g. 'old growth forest') or specific criteria (e.g. for the marine environment) that will need to be taken on board by the criteria and guidance developed here. As in the case of the NADEG, those expert groups include representatives of Member States and stakeholders.

The criteria and guidance included in this document do not – and cannot - affect in any way Member States obligations under the relevant EU environmental legislation. They are non-binding and aim to help Member States fulfilling the political commitment expressed in the above mentioned Council Conclusions when they welcomed the protected areas targets of the EU Biodiversity Strategy.

2. NATURA 2000 AND THE PROTECTED AREAS TARGETS IN THE STRATEGY

According to the Strategy, the target of 30% of the land and 30% of the sea in the EU under legal protection by 2030 should be reached by completing the Natura 2000 network and by new designations under national protection schemes⁵.

It is therefore clear that Natura 2000 will remain an essential part of a Trans-European Nature Network, and that the existing gaps in the Natura 2000 network need to be filled by Member States as soon as possible, in line with the Nature Directives' requirements and as part of their contribution to reaching the targets set by the Strategy. This is particularly the case for marine areas, where important gaps still exist in Natura 2000 and there are legal requirements to address them on the basis of Article 4 and the criteria in Annex III of the Habitats Directive, as well as Articles 3 and 4 of the Birds Directive.

As highlighted by the EEA⁶ and, more recently, by the European Court of Auditors⁷, the Nature Directives do not cover all marine species and habitats. In the marine

⁵ National protection schemes are not limited to schemes that apply to the whole Member State, but also to regional and local protection schemes.

⁶ EEA report 3/2015: "Marine protected areas in Europe's seas".

⁷ ECA's Special Report 26 (2020). Marine environment: EU protection is wide but not deep.

environment, therefore, the requirements of the Nature Directives are complemented by those of the Marine Strategy Framework Directive (MSFD)⁸, which sets the obligation to contribute to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, as part of the measures that Member States need to take to achieve good environmental status.

These requirements are unchanged and the Commission will continue to work cooperatively with the Member States to ensure their implementation as well as their enforcement as appropriate.

The need for clear site-specific conservation objectives and conservation measures for all Natura 2000 sites is a legal requirement that continues to apply. The Commission's guidance notes related to the designation of special areas of conservation and to the establishment of conservation objectives and conservation measures will therefore continue to be the relevant guidance for all Natura 2000 sites, irrespective of more general criteria and guidance to be developed for other protected areas to be included in a Trans-European Nature Network. Similarly, the guidance on the establishment of conservation measures for marine Natura 2000 sites and MSFD-relevant measures under Article 11 of the common fisheries policy⁹ continues to be relevant.

3. CRITERIA FOR THE IDENTIFICATION OF AREAS UNDER LEGAL PROTECTION (30% TARGET)

3.1. Ecological criteria

3.1.1. Introduction

The baseline figures on national protected areas that are mentioned in the Strategy are derived from the Member States' reporting to the European Environment Agency for the Common Database on Designated Areas (CDDA).

It is likely, however, that some protected areas reported under CDDA are protected for reasons that are not linked to the conservation of biodiversity and do not have conservation objectives and measures in place, therefore not fulfilling the IUCN definition of protected areas¹⁰. In addition, the CDDA does not include any OECM at the moment.

Therefore, while Natura 2000 sites, having been designated for the protection of nature and biodiversity and having a legal requirement for conservation objectives and measures, count towards the 30% target for protected areas, other nationally protected areas and OECMs should be counted towards the 30% target only if they comply with a minimum set of criteria.

Thus, the criteria identified in this note to guide Member States in the designation of additional protected areas should also be used to screen which of the existing protected

⁸ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy, OJ L 164, 25.6.2008

⁹ https://ec.europa.eu/fisheries/sites/fisheries/files/swd_2018_288_en.pdf

¹⁰ The current reporting under CDDA does not collect information on whether sites have clear site-specific conservation objectives and measures for the protection of biodiversity. Additional information on nationally protected areas will therefore need to be collected with this reporting process.

areas, other than Natura 2000 sites, can actually be counted towards the targets in the Strategy. A similar screening needs to be done with respect to other spatial protection measures that could be considered as OECMs. In this regard, a process for the development of additional designations and for the screening of current nationally protected areas will be established, as described below.

No specific criteria for the identification of additional protected areas are mentioned in the Strategy. However, significant work has been done in the past to identify areas based on their importance for conservation of biodiversity, setting up criteria that can now be used to go beyond the existing protected areas.

In particular, such criteria are the basis for the identification of special areas of conservation, as detailed in **Annex III of the Habitats Directive**¹¹. Those criteria include the significance of the presence of specific species and habitat types on a site and their degree of conservation, but also the degree of isolation of the population of species and a global assessment of the value of a site for the conservation of those species and habitat types. Although the Habitats Directive concerns the designation of sites for the protection of habitat types and species included in its Annexes I and II, similar criteria can be applied to other species and ecosystems which are not covered by the Directive but fall within the general scope of the Strategy.

The Birds Directive¹² sets requirements for the designation of the most suitable territories for the conservation of wild birds, in number and size, as special protection areas. It is not specific in terms of criteria for identifying those most suitable territories, but the Court of Justice of the EU has specified that they need to be based on objectively verifiable ornithological criteria.

More detailed criteria have been developed by BirdLife International for **Important Bird and Biodiversity Areas (IBAs)**¹³ and by IUCN for **Key Biodiversity Areas (KBAs)**¹⁴. Although these criteria are not directly linked to a requirement for legal protection of the identified areas, they provide a good scientific basis to guide the selection of areas to be protected. In particular, the criteria for the identification of IBAs and resulting lists of sites have been used in the past by the Commission and by the Court of Justice of the EU to assess the sufficiency of designations of special protection areas under the Birds Directive.

Criteria for the identification of marine protected areas have been developed under different international processes such as the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)¹⁵ and the Convention on the Protection of the Marine Environment of the Baltic Sea Area (HELCOM)¹⁶. Furthermore, scientific identifications of areas important for certain habitats or species could also be used as they have already been selected according to specific criteria (for example, **important marine**

¹¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.07.92.

¹² Directive 2009/147/EC of the European Council and of the Parliament of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.01.2010.

¹³ <http://datazone.birdlife.org/site/ibacriteria>

¹⁴ <https://portals.iucn.org/library/node/46259>, <https://portals.iucn.org/library/node/4798>

¹⁵ <https://www.ospar.org/documents?d=32398>

¹⁶ <https://helcom.fi/action-areas/marine-protected-areas/background-of-helcom-mpas/selection-criteria/>

mammal areas¹⁷, threatened or declining habitats identified by OSPAR¹⁸ and HELCOM¹⁹ and vulnerable marine ecosystems identified by ICES²⁰). In the Mediterranean Sea, the SPA/BD protocol of the Barcelona Convention provides criteria for the choice of protected marine and coastal areas²¹, as well as the procedure and the steps to be followed in view of designating an area. Under the CBD, criteria were also developed for the identification of **Ecologically or Biologically Significant Marine Areas**²².

It should be noted that all the different existing criteria largely overlap but have different levels of detail and target different habitats and species. **For the identification of new protected areas, it is possible to use the more general criteria.** However, **where they exist, Member States should use more specific criteria for the habitats and species that those areas will aim to protect.**

While all wild birds naturally occurring in the EU are protected under the Birds Directive, extensive work has been done to identify the most endangered species and habitats in the EU, through the elaboration of **European red lists of species²³ and habitats²⁴**. Member States and some regional sea conventions have, in many cases, used similar criteria to elaborate **national or regional red lists**, and the IUCN developed **red lists of endangered species²⁵ and of ecosystems²⁶**. All these red lists provide useful information on species and habitats that are not listed in Annexes I and II of the Habitats Directive nor covered by the requirements of Article 4 of the Birds Directive but require specific conservation efforts.

It is worth noting that there is a broad agreement among conservation scientists that the Natura 2000 network's effectiveness, in its present form, is limited by the fact that it often includes areas that are too small, too disconnected from one another and not effectively managed to be effective in terms of nature conservation²⁷. Providing protection for more areas which are small and disconnected will therefore not be enough to reach the ambition of the Strategy.

¹⁷ <https://www.marinemammalhabitat.org/immas/>

¹⁸ https://odims.ospar.org/layers/geonode:ospar2018_points

¹⁹ http://maps.helcom.fi/website/mapservice/?datasetID=d27df8c0-de86-4d13-a06d-35a8f50b16fa&features=MPA_ID:113

²⁰ <https://www.ices.dk/data/data-portals/Pages/vulnerable-marine-ecosystems.aspx>

²¹ <https://www.rac-spa.org/node/1036>

²² <https://www.cbd.int/doc/meetings/mar/ebsaws-2014-01/other/ebsaws-2014-01-azores-brochure-en.pdf>

²³ https://ec.europa.eu/environment/nature/conservation/species/redlist_en.htm

²⁴ https://ec.europa.eu/environment/nature/knowledge/redlist_en.htm

²⁵ <https://www.iucnredlist.org/>

²⁶ <https://www.iucn.org/theme/ecosystem-management/our-work/red-list-ecosystems>

²⁷ See, for example, Gaston, K.J., Jackson, S.F., Nagy, A., Cantu-Salazar, L. and Johnson, M., 2008, 'Protected Areas in Europe. Principle and Practice', *Annals of the New York Academy of Sciences*, 1134: 97–119.

3.1.2. Completion of the Natura 2000 network

According to the Strategy, the designation of additional protected areas should either help to complete the Natura 2000 network or be under national protection schemes.

The completion of the **Natura 2000 network**, based on the criteria in Annex III of the Habitats Directive for special areas of conservation and, as mentioned above, on the IBA criteria or similarly robust ornithological criteria for special protection areas under the Birds Directive, should be done first and foremost by **addressing the current gaps in designations**. These are particularly relevant in the marine environment, especially offshore, but also include terrestrial habitats and species. Since this concerns the fulfilment of a legal obligation, the designation of Natura 2000 sites aiming to complete the network needs to be the **first step towards reaching the protected areas targets in the Strategy**.

In addition to addressing the gaps in designation, this process could also be used to examine the existing network and identify sites that would need to be enlarged in order to better fulfil their conservation objectives.

3.1.3. Designations under national protection schemes

The existing and future **designations under national protection schemes**, based on the different sets of ecological criteria described above, **may focus on the protection of species and habitat types covered by the EU nature legislation**, even if they concern areas that would not need, according to that legislation, to be included in Natura 2000 (e.g. areas outside Natura 2000 hosting an Annex I habitat type for which the current Natura 2000 coverage is already considered sufficient). Such designations may include, in particular, areas contiguous to existing Natura 2000 sites, if the existing sites are already considered sufficient in terms of compliance with the legislation.

It is expected, however, that **additional designations will also focus on the protection of habitats and species** that are not covered by the EU nature legislation and especially those **identified in European or national red lists** mentioned above. **Criteria such as those used for the identification of KBAs, including IBAs or, by extension, those in Annex III of the Habitats Directive, should guide the identification of the areas to be protected.**

Considering that many **marine habitats and species, including red-listed ones** and prohibited species under Annex I of the Technical Measures regulation under the common fisheries policy²⁸, are not protected under the Habitats Directive, these **could be prioritised for protection under national protection schemes**, which will significantly contribute to achieving legal requirements of the Marine Strategy Framework Directive, of the regional seas conventions and other international agreements to which Member States are parties, such as the Convention on Migratory Species²⁹ or the Convention on Wetlands of International Importance³⁰.

Therefore, in terms of priorities for the designation of national protected areas, **Member States should start by identifying and designating areas which**, while they are not and

²⁸ Regulation 2019/1241, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>

²⁹ <https://www.cms.int/>

³⁰ <https://www.ramsar.org/>

will not need to be included in Natura 2000, **are important to increase the coherence of the Natura 2000 network and improve the connectivity** among Natura 2000 sites.

Secondly, Member States should identify species and habitats that require the establishment of additional protected areas. These should include, as described above, species and habitats covered by the EU nature legislation (habitats listed in Annex I of the Habitats Directive, species listed in Annexes II, IV and V, and all wild birds) **as well as those included in European red lists.** The identification of areas to be put under legal protection should be done using the most relevant criteria, among those described above, for the species and habitats that require protection.

Finally, Member States should identify additional species and habitats which are included in national or regional red lists and use a similar process to the one described above for the identification of the most relevant areas for those species and habitats which are not yet under legal protection.

3.1.4. Links with restoration

An important part of the Strategy is the EU Nature Restoration Plan. The Strategy specifies that the Commission, subject to an impact assessment, will put forward a proposal for legally binding EU nature restoration targets.

Without pre-empting the legal requirements for the protection of areas that are subject to restoration under that future instrument, it is clear that such **restoration has to serve the general objectives of the Strategy and that, therefore, ensuring the long-term protection of the restored areas will be necessary**, either through Natura 2000 or through national protection schemes.

If the restored areas comply (or are expected to comply once restoration produces its full effect) with the criteria for protected areas, these restored areas should also contribute towards the EU targets on protected areas.

On the other hand, **protected areas can also provide an important contribution to the restoration targets in the Strategy**, by creating the conditions for restoration efforts to be successful.

3.1.5. Links with climate change

When identifying additional areas to be protected, Member States need to take particular account of the links between biodiversity protection and climate change, in terms of ecosystems contributing to mitigate climate change (e.g. peatlands), but also of those which contribute to adaptation to climate change (e.g. through flood protection) and those which are particularly vulnerable to the impacts of climate change and need to be made more resilient.

In particular, **priority needs to be given to the protection of carbon-rich ecosystems, but also of ecosystems which have a lower carbon content but more extensive coverage** and therefore can provide a significant contribution to mitigate climate change. Such ecosystems are particularly relevant for their capacity to store carbon, but may also need to be protected to avoid the release to the atmosphere of the carbon that they currently store.

For example, in the marine environment the extensive shelf sediments provide significant potential for carbon sequestration if they are healthy and left undisturbed and coastal wetlands and seagrass meadows store blue carbon and offer natural solutions for coastal defence.

Particular attention should also be given to creating the adequate conditions for the movement of species or habitats and more generally for increasing nature's capacity to adapt to climate change.

3.2. Management effectiveness

The designation of protected areas can only contribute to the overall goal of the Strategy, to put biodiversity on the path to recovery by 2030, if these areas are adequately and effectively managed and are not allowed to deteriorate.

The Strategy specifies that **all protected areas need to have clearly identified conservation objectives and measures**. The existence and adequate implementation of good management plans for protected areas, which include the necessary **monitoring and review mechanisms**, also contributes significantly to the effectiveness of protection.

The Commission has already produced guidance on setting conservation objectives for Natura 2000 sites³¹ and on establishing conservation measures for Natura 2000 sites³². The Commission has also adopted a series of guidance documents concerning management of Natura 2000 sites, including in relation to specific economic activities³³. Although these documents were developed specifically for Natura 2000 sites, to address the legal obligations under Article 6 of the Habitats Directive, the guidance provided applies more generally to the establishment of conservation objectives and conservation measures in protected areas.

The setting up of conservation objectives and measures to deliver them is the first fundamental step to ensure the effectiveness of protected areas. Should Member States rely on OECMs, **tailored conservation objectives and measures would be necessary also for OECMs**. When conservation objectives and measures are in place, it is important to **assess the management effectiveness of protected areas** to keep track of the progress towards the commitments of the Strategy and make any necessary adjustments.

Today, most systems that assess management effectiveness are based on the International Union for Conservation of Nature's World Commission for Protected Areas (IUCN-WCPA) framework. The most widely used methods include the Rapid Assessment and Prioritisation of Protected Area Management Tool (RAPPAM)³⁴ and the Management

³¹

https://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf

³²

https://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/comNote%20conservation%20measures_EN.pdf

³³

Available in https://ec.europa.eu/environment/nature/info/pubs/directives_en.htm

³⁴

Ervin J. (2003) Rapid Assessment and Prioritization of Protected Area Management (RAPPAM) Methodology, <http://assets.panda.org/downloads/rappam.pdf>

Effectiveness Tracking Tool (METT)³⁵, both of which have been used occasionally by some EU Member States to assess the management effectiveness of Natura 2000 sites or their nationally protected areas. Furthermore, tools such as the IUCN Green List of Protected Areas may help Member States in assessing the effectiveness of the management and governance of Protected Areas³⁶.

Considering the legal obligations under the Nature Directives and the commitments of the Strategy regarding management effectiveness, the Commission has started a contract with the aim to develop and test a methodology to assess the management effectiveness of marine Natura 2000 sites (and other EU MPAs). The potential system will be discussed with Member States and finalised in 2022. It could then be extended to terrestrial Natura 2000 sites and other protected areas, enabling an EU-wide assessment of progress towards the relevant targets of the Strategy.

Without prejudice to existing obligations set in the Birds and the Habitats Directive, Member States are expected to put in place the necessary governance systems and allocate sufficient resources to ensure that all protected areas, in Natura 2000 or under national protection schemes, as well as all OECMs are adequately managed and monitored.

3.3. Formal designation criteria for reaching the EU 30% target

3.3.1. General

As mentioned above, Natura 2000 still has gaps, in particular for what concerns marine areas. The first action for expanding the coverage of protected areas in the EU is therefore necessarily the designation of additional Natura 2000 sites or the enlargement of existing sites, in order to complete the network according to the legal requirements.

For additional protected areas, other than Natura 2000 sites, although “**legal protection**” is not precisely defined in the Strategy, it is clear that temporary formal or informal mechanisms for protection do not effectively contribute to reaching the ambition of the Strategy. A contribution to that ambition requires a **long-term commitment to protect specific areas of land and sea**. This long-term commitment may include, when adequate, seasonal restriction (e.g. on fisheries) that are repeated every year for a sufficiently long time to ensure that they produce a tangible long-term impact.

Whether that long-term commitment is reached through a **formal legal designation, an administrative act or contractual means** depends on existing national practices and on a case-specific analysis of the most effective tool and opportunities in each case. In any case, administrative or contractual arrangements should have a **minimum duration that is set on the basis of the ecological requirements of the species or habitats to be protected**.

³⁵UNEP-WCMC and IUCN Protected Planet webpage on METT, <https://www.protectedplanet.net/c/protected-areasmanagement-effectiveness-pame/management-effectiveness-tracking-tool>

³⁶ <https://www.iucn.org/regions/europe/our-work/biodiversity-conservation/natura-2000-europes-protected-areas-network/iucn-green-list/life-green-list-natura-2000>

The designation instrument of each protected area, independently of its legal character, will need to **identify clearly the natural values** for which the area is protected. It will also need to identify **the necessary conservation objectives** for those natural values and **measures to reach those objectives**, or to establish a mechanism for their timely identification. The conservation measures should be **regularly reviewed** on the basis of science, taking into account the progress achieved. The mechanism for this review should also be described in the designation instrument.

3.3.2. *Other effective area-based conservation measures*

The Strategy specifically mentions that the Commission guidance will indicate how other effective area-based conservation measures (OECMs) and greening of cities could contribute to the targets.

According to the definition of the Convention on Biological Diversity, “Other effective area-based conservation measure” means “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values”³⁷.

OECMs may therefore include areas which have some form of legal protection that is not related to the protection of habitats and species (e.g. areas designated for water protection, flood prevention areas, military areas with restricted access, fisheries restriction measures, offshore wind farms, underwater cables sites) but indirectly promote the conservation of biodiversity³⁸. **If effective management of the biodiversity in the area is in place, conservation objectives and measures are in place as described above, and the area is covered by a national or international legal or administrative act or a long-term contractual arrangement, such areas may be counted towards the protected areas targets in the Strategy.**

3.3.3. *Greening of cities*

Greening of urban and peri-urban areas is covered in the Strategy mostly in the chapter about an EU Nature Restoration Plan. The Strategy mentions the need to systematically integrate the promotion of healthy ecosystems, green infrastructure and nature-based solutions into urban planning.

In fact, nature and biodiversity play a crucial role in supporting mental and physical human health, as demonstrated during the COVID-19 confinement period. Urban and peri-urban protected areas have a great potential for providing an escape from increasing stressful, noisy, polluted surroundings and delivering to citizens the health benefits of nature. Furthermore, the public recognition of such areas as having a high ecological value can help creating a sense of place and ownership to the citizens and increase awareness about the need to protect nature and biodiversity.

In addition to the relevance of nature and biodiversity for human health, it is worth noting that cities host more natural values than generally recognized. In fact, about

³⁷ CBD/COP/DEC/14/8 of 13 November 2018

³⁸ IUCN criteria for recognising and reporting OECMs are available in <https://www.iucn.org/news/protectedareas/201911/iucn-publishes-new-guidance-recognising-reporting-and-supporting-other-effective-area-based-conservation-measures>

11,000 Natura 2000 sites are at least partially within city boundaries, as are also many areas protected under national schemes. Other urban and peri-urban areas, without being legally protected, are important components of green or blue infrastructure, providing connectivity among protected areas and therefore contributing to the coherence of the protected areas network.

The specific measures mentioned in the Strategy concern mostly connectivity among protected areas, as mentioned further down in this note when we discuss the general coherence of a Trans-European Nature Network. Some measures, however, such as the creation of urban forests and parks, may be done in a way that is consistent with the criteria described above for designation of new protected areas.

Those areas, where legal protection is ensured, clear conservation objectives and measures are identified and adequate and effective management is in place, should therefore be counted towards the Strategy's protected areas targets.

3.4. The mechanism for designation

The responsibility for the identification, designation and adequate and effective management of protected areas lies with the Member States.

All Member States will have to contribute towards reaching the Strategy targets, to an extent that is **proportional to the natural values they host and to the potential they have for nature restoration.**

Each Member State is expected to submit to the Commission an initial pledge for new areas to be designated, explaining, for each area, which criteria were used for their identification, the scientific evidence that led to their selection for designation and the mechanism that will be put in place to ensure their adequate management and monitoring. Member States should also explain how their pledges contribute to reaching the EU-level targets set in the Strategy. In this context, Member States will have to carefully consider whether or not existing protected areas other than Natura 2000 meet the criteria set out above, in particular whether or not they are effectively managed.

The current Natura 2000 biogeographical process is being expanded to cover work done under the Strategy, in particular concerning a pledge and review process for targets for improving conservation trends for protected species and habitats, as well as the targets on protected areas. In parallel, a similar biogeographical process will be launched to deal with the marine environment.

These initial pledges will therefore be discussed in the framework of biogeographical meetings, and may need to be revised on the basis of the conclusions of those meetings so that all Member States contribute in a proportionate way to reaching the targets. The regional sea conventions may contribute to the discussions at marine biogeographical region level and other existing groups, namely the Co-ordination Group for Biodiversity and Nature (CGBN) and the Water and Marine Framework Directive Common Implementation Strategies will be involved where relevant.

It is essential that these **discussions focus not only on the natural value and management mechanisms of individual sites to be designated but also on the global coherence of the network.**

The Commission's tentative planning for undertaking this work under the biogeographical process is divided into three steps for each biogeographical region. In step 1, there will be a virtual introductory meeting, expected to take place in the beginning of 2022, to launch the process and clarify what Member States are expected to submit in terms of pledges, and to discuss how the contribution of each Member State should be ensured. In step 2, a face-to-face biogeographical seminar, expected to take place in the first semester of 2023, will be held to discuss the pledges made by Member States and review them at biogeographical level, with a view to agreeing steps to ensure completeness and coherence of the implementation of the targets. In step 3, in late 2023, one virtual meeting will take place to assess progress in view of an interim evaluation of the implementation of the Strategy.

The Commission will also work with the Member States and stakeholders to promote dissemination of good practices for the identification of new protected areas and for the management of all protected areas, both within Natura 2000 and under national protection schemes.

3.5. Stakeholder involvement

In the process for identification and designation of new protected areas Member States **should involve all relevant stakeholders, including land owners and users, in accordance with national procedures**. In particular, designation of protected areas in private land, when envisaged, should be done with the full involvement of the landowners to ensure their commitment to the fulfilment of the objectives of the Strategy.

Stakeholders will also participate in the biogeographical process, so they will take part in the peer review of national pledges.

3.6. Monitoring and reporting

The functioning of a pledging system as described above requires that a certain amount of information is provided by Member States, concerning the baseline and their pledges. The discussion on the Member States' pledges in the frame of the biogeographical process will need to be based on **Member States' reporting on:**

- a) **existing protected areas** that should be counted towards the Strategy's targets, including areas reported under the CDDA which fulfil the ecological and formal criteria described above and possibly other areas not previously reported that fulfil the same conditions;
- b) when this is not already available in the CDDA reporting, information on the **natural values or ecosystems functions** that led to the decision to protect the areas concerned;
- c) **national pledges for new designations**, including geographical information on the areas to be designated, information on the natural values or ecosystem functions that led to the selection of each area linked to the specific criteria used for the identification of areas to be protected;

- d) information on how **conservation objectives and conservation measures** will be established, which form they will take (inclusion in designation instrument, management plan or other), and what governance will be put in place to ensure adequate management and monitoring of the newly designated or existing areas.

Furthermore, according to the Strategy, the Commission will assess by 2024 whether the EU is on track to meet its 2030 targets or whether stronger actions, including EU legislation, are needed. This assessment will be based on reporting by Member States on Natura 2000 and on reporting on other protected areas in CDDA. The Natura 2000 Standard Data Forms and the CDDA reporting will need to be adapted so that they can serve this purpose, namely to include information on management effectiveness.

Remote sensing data from Copernicus will be used to provide geospatial information on the designated sites and allow for further analyses of their role in enhancing conservation objectives, as well as climate change mitigation and adaptation targets.

4. CRITERIA FOR THE IDENTIFICATION OF AREAS UNDER STRICT PROTECTION (10% TARGET)

4.1. Ecological criteria

4.1.1. Strict protection

The Strategy sets a target of at least 1/3 of all protected areas in the EU, representing 10% of EU land and 10% of EU sea, to be under strict protection by 2030. It is therefore clear that the strictly protected areas have, first of all, to be legally protected, and the criteria described above for legally protected areas also apply to strictly protected areas.

A draft definition of strictly protected areas could read as follows: “*Strictly protected areas are fully and legally protected areas designated to conserve (and/or restore) the integrity of biodiversity-rich natural areas with their underlying ecological structure and supporting natural environmental processes. Natural processes are therefore left essentially undisturbed from human activity*”.

This means that strictly protected areas should be occupied by naturally-occurring habitats and species and have a sufficient size, in themselves or together with buffer zones with a lower level of protection, to ensure the non-disturbance of natural processes upon which they depend. Extractive activities, such as mining, fishing³⁹, hunting or forestry, are not compatible with this level of protection, while activities such as scientific research, natural disaster prevention (e.g. wildfires), invasive alien species control, non-intrusive installations (e.g. energy transmission cables), or non-intrusive and strictly controlled tourism could exceptionally be allowed when they are compatible with the ecological requirements of the areas on the basis of a case by case assessment.

It is clear that this kind of strict protection should not be applied in areas where the existing natural features require active management, such as most grasslands. It is relevant, on the other hand, for those natural features which can thrive through natural processes, such as primary and old-growth forests, raised bogs or seagrass beds.

³⁹ See for instance the definition on no-take zones from UNEP-WCMC: “No take means that the taking of living or dead natural resources, inclusive of all methods of fishing, extraction, dumping, dredging and construction, is strictly prohibited in all or part of a marine protected area”.

Strictly protected areas already exist in most Member States, sometimes with different designations and with varying degrees of “strictness” (included in the zoning of protected areas, or through designations such as nature reserves, scientific reserves, marine “no-take zones”, etc.).

The concept of strict protection is also present in the IUCN “**Guidelines for Applying Protected Area Management Categories**”⁴⁰, and it is often associated with the definitions of categories Ia, strict nature reserve, Ib, wilderness area, and II, national park. It should be noted, however, that while the definitions of categories Ia and Ib are largely in line with the objective specified in the Strategy, of leaving natural processes essentially undisturbed to respect the areas’ ecological requirements, the definition of category II allows for a process of zoning, in which strict protection does not necessarily apply to the whole protected area.

In the context of wilderness areas the **Commission has already developed guidelines on wilderness in Natura 2000**⁴¹, which lists species and habitats protected under the Nature Directives that benefit from wilderness management. This is not only relevant to areas with existing wilderness values but also applicable to areas with potential for rewilding.

The areas under strict protection have to be functionally meaningful, so that their strict protection regime can produce the expected results in terms of conservation. Although this will depend on the specific ecosystems being protected, strictly protected areas should be large enough for natural processes to take place essentially undisturbed. The identification of buffer zones, within protected areas but not subject to strict protection, may be used as a tool to ensure the functioning of this undisturbed natural processes, where a sufficient expansion of the strictly protected area itself may not be feasible.

As mentioned before, protected areas can provide an important contribution to the restoration targets in the Strategy. This is particularly the case for areas which can be restored naturally by stopping or limiting some of existing pressures from human activities. Placing such areas under strict protection, namely in the marine environment, will in some cases be sufficient to lead to the restoration of the natural values they host.

The above definition of strict protection could be further broadened to include management activities with a view to maintain the natural values that are the subject of protection. Management activities would be considered compatible with strict protection only if they are limited to those activities necessary for the restoration and/or conservation of the habitats and species for whose protection the area has been designated.

For example, mowing/grazing of grasslands would be considered compatible with strict protection if it is limited to the intensity needed for optimising the conservation value of the grasslands in question. Similarly, population control of wild ungulates to ensure a good status for the habitats and species targeted by the protected areas would be considered compatible with strict protection.

⁴⁰ <https://portals.iucn.org/library/sites/library/files/documents/PAG-021.pdf> and special edition for MPAs: <https://www.iucn.org/content/guidelines-applying-iucn-protected-area-management-categories-marine-protected-areas-0>

⁴¹ <https://ec.europa.eu/environment/nature/natura2000/wilderness/pdf/WildernessGuidelines.pdf>

4.1.2. *Primary and old-growth forests*

According to the Strategy, it will be crucial to define, map, monitor and strictly protect all the EU's remaining primary and old-growth forests. Work towards a common definition of primary and old-growth forests is currently ongoing in the Working Group on Forests and Nature.

When that group will have achieved its goal, **all areas identified as primary and old-growth forests according to the commonly-agreed definition should be granted legal protection and, more specifically, strict protection.** Their high biodiversity value and the role of such ecosystems in fighting climate change, through their capacity to remove carbon from the atmosphere and especially to store significant carbon stocks, provide a strong environmental and economic justification for stricter protection.

4.1.3. *Other carbon-rich ecosystems*

The Strategy also states that, **significant areas of other carbon-rich ecosystems⁴², such as peatlands, grasslands, wetlands, mangroves and seagrass meadows, should also be strictly protected.**

It is important to note the reference here to “significant areas”, in contrast with “all” for primary and old-growth forests. It is clear from the Strategy that strict protection is not an end in itself and should be applied where, and to the extent to which it is the most adequate management model for the species and habitat types that are targeted by the protection of each specific area.

Member States should therefore identify, when setting conservation objectives for each protected area, the cases in which the presence of carbon-rich ecosystems requires a level of protection that goes beyond the legal protection afforded to all protected areas, and place them under strict protection. Although the decision on which areas to place under strict protection will have to be based on the ecological requirements of each area, particular attention needs to be given to the Strategy's objective of placing “significant areas” of carbon-rich ecosystems under strict protection.

This should be seen in conjunction with the climate neutrality goal of the EU by 2050 and the objective to reduce green-house gases by 55% at least in 2030. The protection and restoration of carbon rich ecosystems has a significant contribution to make to the achievement of those goals whose implementation tools will be further developed through the revision of climate/energy legislation planned for 2021. Therefore, Member States should fully harness the potential of climate mitigation and adaptation that is offered by the protection and restoration of nature in the EU.

4.1.4. *Other ecosystems*

Although the Strategy only refers explicitly, for what concerns strict protection, to primary and old-growth forests and to other carbon-rich ecosystems, due to their importance for the fight against climate change, it does not exclude other ecosystems from being subject to strict protection. Also in this case, it is for Member States, on the basis of the ecological requirements of each of the natural values present in a protected

⁴² Carbon-rich ecosystems, by definition, sequester (both store and pump) the most carbon from the atmosphere, helping with stabilisation and climate change mitigation.

area or in parts of a protected area, to place them under strict protection. This exercise will be part of the setting of site-specific conservation objectives.

In particular, **ecosystems that provide important ecosystem services or those that need increased resilience to adapt to climate change should be prioritised.** For example, aquatic ecosystems of high value because of their pristine state or because of their importance as ecological corridors for migratory fish may qualify for strict protection. Similarly, endangered ecosystems essential for replenishing fish stocks should be prioritised. The Strategy underlines that achieving good environmental status of marine ecosystems, including through strictly protected areas, must involve the restoration of carbon-rich ecosystems as well as important fish spawning and nursery areas.

4.2. Management effectiveness

As is the case for protected areas in general, strictly protected areas need to have clear site-specific conservation objectives. Being strictly protected means, according to the Strategy, that natural processes should be left essentially undisturbed. Management measures are therefore expected to be restricted to the absolute minimum, including essential activities, such as prevention and combat of fires, management of invasive species, or disease control, if proportionate to the threats they are expected to face and in line with the area's conservation objectives.

Site-specific management plans will need to identify, depending on the ecological requirements of the area, which activities are compatible with strict management of the site and under which conditions. All such activities need to be strictly regulated, controlled and enforced. The compatibility of the authorised activities with the strict protection regime and the ecological needs of the natural values that require strict protection should be regularly reassessed.

4.3. Formal designation criteria

First of all, strictly protected areas need to be legally protected. The requirements set above for protected areas in general therefore also apply to all strictly protected areas.

A protected area may be strictly protected in its entirety, but it is also possible that the area under strict protection is only a part of a wider protected area. Furthermore, depending on the natural features being protected, a strictly protected area may be part of Natura 2000 or it may be under a national protection scheme.

Strictly protected areas can be designated through specific legal instruments, such as some existing nature reserves, or through zoning in the management planning of wider areas. In these cases, the strictly protected areas have to be clearly identified in the management plans and those plans have to have a legal standing.

4.4. The mechanism for designation

The process described above for protected areas in general, including initial pledges by Member States and their review within bio-geographic and regional sea basin meetings, will also be followed for strictly protected areas.

As for protected areas in general, the contributions of individual Member States towards the Strategy targets have to be proportional to the natural values they host that are compatible with the definition of strict protection in the Strategy, and to the potential they have for restoration of those same natural values.

4.5. Monitoring and reporting

The principle laid out above for protected areas in general also apply to strictly protected areas.

It should be noted that the CDDA reporting includes information about the IUCN Protected Area Management Category, which can be helpful for the monitoring of progress towards the strict protection targets.

5. A COHERENT TRANS-EUROPEAN NATURE NETWORK

5.1. Coherence of the network

The targets set in the Strategy, for protecting at least 30% of the land and 30% of the sea in the EU, are part of a more general objective of building a truly coherent Trans-European Nature Network.

The aim of setting up a coherent European ecological network - the Natura 2000 network - was first introduced into EU legislation by the Habitats Directive. The Habitats Directive sets, in its Annex III, a set of criteria aiming to achieve such a network of special areas of conservation. In addition, where necessary, Member States were encouraged to improve ecological coherence of the Natura 2000 network by managing the features of the landscape which are of the major importance for wild fauna and flora, in particular their migration, dispersal and genetic exchange.

In the marine environment, the Marine Strategy Framework Directive requires programmes of measures to include spatial protection measures “contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas as agreed by the Community or Member States concerned in the framework of international or regional agreements to which they are parties.”

Significant work has been done to develop methodologies and criteria for the assessment of ecological coherence of networks of marine protected areas, notably by the regional sea conventions^{43,44}. The EEA and the European Commission also reviewed the potential

⁴³ <https://helcom.fi/media/publications/BSEP148.pdf>

methodologies with a view to propose an EU level approach^{45,46}. The Commission, together with the EEA, in its peer review of the pledges for designations of protected areas that Member States will put forward in the above mentioned Biogeographical process, will rely on this work to assess the overall coherence of the Trans-European Nature Network proposing corrective action as necessary.

The issue of coherence of the network is also addressed through the Strategy's specific target aiming at providing space for nature in agricultural areas by bringing back at least 10% of agricultural area under high-diversity landscape features. A well planned network of such features in agricultural areas could support functional biodiversity and act in a complementary and synergistic way with the network of protected areas.

5.2. Ecological corridors

In a coherent network, protected areas should not be seen in isolation, but need to be considered together with ecological corridors that will help preventing genetic isolation, allowing for species migration and, more generally, maintaining and enhancing healthy ecosystems.

Parts of these ecological corridors will fulfil the criteria described above for protected areas and should therefore be counted towards the corresponding targets in the Strategy. Many of them, however, are too small to be manageable as protected areas. Member States, when preparing their pledges for designations of protected areas, should assess carefully how to ensure sufficient connectivity in the network, taking into account the specificities of habitats and species, and decide on the best ways to do it, through the designation of protected areas, buffer zones or otherwise. In particular, some of the restoration targets set out in the Strategy aim at improving connectivity among protected areas and should be seen as significant contributions to a coherent network. Hence, **the coverage of ecological corridors will be part of the assessment of coherence of the Trans European Nature Network mentioned in the previous section.**

5.3. Greening of cities

As mentioned above when discussing the criteria for identification of protected areas, the specific measures mentioned in the Strategy concerning urban and peri-urban areas are mostly about connectivity among protected areas and provision of ecosystem services.

Such areas should be given due consideration, when legal protection is not feasible, as part of ecological corridors that aim to increase the coherence of a Trans-European Nature Network.

⁴⁴ https://oap-cloudfront.ospar.org/media/filer_public/50/bb/50bba6bf-4d16-4066-ad51-169d1784979d/p00730_ospar_mpa_status-report_2018.pdf

⁴⁵ <https://www.eionet.europa.eu/etcs/etc-icm/products/etc-icm-reports/assessing-europes-marine-protected-area-networks-proposed-methodologies-and-scenarios>

⁴⁶ https://ec.europa.eu/environment/marine/publications/index_en.htm

6. FUNDING

Reaching the objectives of the Strategy will require significant investment, and Member States will need to combine all available sources for this purpose. This includes national public funds but also private funds and EU financial instruments. **The needs related to the protected areas targets therefore need to be included in the prioritised action frameworks (PAFs)⁴⁷ developed at national or regional level.**

Member States will need to ensure that they include their needs related to the protected areas and strictly protected areas targets in their planning documents, making the best possible use of the funding possibilities for the post-COVID recovery under the Resilience and Recovery Facility and Invest-EU.

According to the Biodiversity Strategy to 2030, at least €20 billion a year should be unlocked for spending on nature to restore ecosystems, invest in Natura 2000 and green and blue infrastructure.

30% of the EU budget, under both the long-term budget and NextGenerationEU, will be spent to fight climate change. This includes a specific attention to biodiversity protection.

In addition, in the framework of the negotiations for the upcoming EU Multi-annual Financial Framework, the Interinstitutional Agreement provides for:

“expenditure contributing to halting and reversing the decline of biodiversity, on the basis of an effective, transparent and comprehensive methodology set out by the Commission, in cooperation with the European Parliament and with the Council, and, where relevant, in accordance with sectoral legislation, with a view to working towards the ambition of providing 7,5 % in 2024 and 10 % in 2026 and in 2027 of annual spending under the MFF to biodiversity objectives, while considering the existing overlaps between climate and biodiversity goals”.

Therefore, Member States will also need to make sure that their funding needs are adequately considered in the preparation of the CAP Strategic Plans and Operational Programmes for EU funds, as well as in applications for funding under Horizon Europe.

The LIFE Programme can also provide some of the necessary support. In particular, future Strategic Nature Projects (SNAPs) proposals should explain how the proposed project will contribute to reaching the objectives of the Strategy and, in particular, the protected areas targets. LIFE standard projects can also help in the identification, mapping, designation, setting and implementation of conservation measures.

Finally, in relation with the EU Outermost Regions and Overseas Countries and Territories, the Biodiversity and Ecosystem Services in Territories of European Overseas (BEST), programme also needs to be considered.

⁴⁷ PAFs are strategic multiannual planning tools, aimed at providing a comprehensive overview of the measures that are needed to implement the EU-wide Natura 2000 network and its associated green infrastructure, specifying the financing needs for these measures and linking them to the corresponding EU funding programmes.