



NATURA 2000 ITALIA

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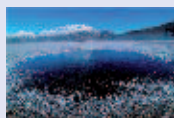
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Natura 2000 Network facing the requirements of the Land: the **Assessment of impact**

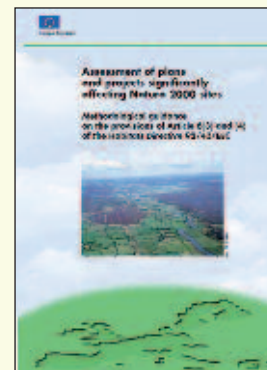
Among the main innovative aspects of the Directive 92/43/EEC "Habitat", in addition to the process of selection, establishment and monitoring of the European ecological network of protected areas known as "Natura 2000, with no doubts there are also the instruments of management and protection of the same network, defined by art. 6 in its 4 paragraphs: the first 2 dedicated to the plans of management/measures of conservation and to the actions to prevent degradation of the sites, while 3rd and 4th to the impact assessment and compensation measures. The close relations existing between these tools allow complying with the goals of biodiversity conservation as expected by the Directive, together with the necessary consideration of economic, social and cultural requirements and regional and local characteristics defined by Article 2.

In practical terms this turns into a close relationship between knowledge of the conservation conditions of habitats and species of community interest present in a Natura 2000 site, which represent the main purpose of protection, and the possible consequences

(significant effects) on them as well as on the overall integrity of the site, that can occur through the implementation of plans, projects and activities that insist on the territory.

The novelty of the procedure for Appropriate Assessment art.6 introduced by the Habitats Directive has not been implemented even today in many states of the Union, at the height of its peculiarities and uniqueness, both in legislation and in practice. It is in fact an assessment specifically directed to the conservation aims of the Natura 2000 network and therefore can not be classified by type of works or derogated.

The conditions that led to the definition of the Appropriate Assessment art.6 lie in the Treaty establishing the European Community. In particular, Article 174 sets forth the objectives to be pursued for the preservation, protection and improvement of the quality of the environment, protection of human health, the prudent and rational utilization of natural resources; the promotion at international level of measures to solve environmental problems on a regional or global level.



The European Commission has produced several documents for proper interpretation of Article 6 of the Habitats Directive, in confirmation of the importance of the process of Impact Assessment.

This procedure therefore, if correctly interpreted by the different actors involved, is the main tool for reconciling the needs of local development with those of conservation of habitats and species of Community interest stated by the Natura 2000 Network.

This issue is focusing on the comparison between the ecological requirements of the Natura 2000 network and the productive activities that exist on the territory, in this regard are presented some examples of Guidelines, produced by different institutions. The aim of these Guidelines is the decrease of the impact in relation to certain types of interventions: from the setup of solar and wind farms to the construction of port and coastal infrastructures, from mining to the installation of power lines, from the hydraulic works along ditches, rivers, channels and wetlands to the realization of aquaculture.

Based on the conviction that Natura 2000, is a network of sites, as well as a network of people and that all parties involved at different levels (administrators, farmers, forestry workers, entrepreneurs, professionals, etc.) have an important role to play, we present useful and significant regional contributions that, always on the Impact Assessment, report practical experiences built in very different territorial and administrative situations. ■

A valuable **preventive** procedure to avoid deterioration in Natura 2000 sites: **the impact assessment**

With the establishment of the Natura 2000 network were identified the Sites of Community Importance (SCIs) and Special Protection Areas (SPAs) characterized by sensitive habitats and species, classified into distinct attachments and recognised as key elements for the preservation of the ecological balance in Europe.

To maintain this balance was necessary to introduce a procedural methodology that respected the principle of sustainable development introduced into the Convention of Rio de Janeiro (CBD) and applicable in the context of the European community, able to ensure the economic and social development of the community in coherence with the requirements of biodiversity protection. Directive 92/43/EEC has thus introduced the procedure provided for Article 6, prepared to fully assess the interference of plans or projects likely to have a significant effect on the habitats and species of Community interest present in a Natura 2000 site through an appropriate assessment of impact.

It is a highly technical procedure, in which



is requested to express opinions about the effects of the project/plan, not so much on biodiversity as a whole (as in environmental impact assessment), but on given and specific habitats and animal and plant species, which is necessary to know, with specialized skills, biological and ecological needs, while maintaining the focus on the need to ensure the maintenance of the ecological balance of the total Natura 2000 Network.

The European Commission has therefore decided not to fix the categories of prohibition comparable to those established for protected areas and parks, but has introduced a procedural balanced criterion, establishing as the only absolute and indispensable limit: do not allow exceptions to the application of the impact assessment.

To better understand the characteristics of this procedure and its links with the contents in terms of habitats and species, the Commission has promoted the publication of interpretative documents and methodological guides about Article 6, paragraphs 3 and 4, of the "Habitats" Directive, address-



Penal Code and the protection of habitats and species of Community interest

The Italian legislation to protect the environment includes the Consolidated Environmental Law (Legislative Decree 152/2006) and special laws that specifically restrain the pollution of air, water, soil, subsoil and landscape. In June 2011, the EU has demanded and imposed on Italy and eleven other states to adopt the two EU directives, introducing criminal law measures directed to pursuing those who violate the same and to provide in addition to financial penalties even prison sentences.

The Directives have been adopted by the Decree of 7 July 2011 n. 121, Italy has amended the Penal Code to include the crime of "killing, destruction, capture, taking, possession of specimens of protected wild fauna or flora species" and "destruction or deterioration of habitat within a site protected". Specifically, the measures recognise the Directive 2008/99/EC on the environment penal protection which requires to the Member States to impose criminal penalties for certain behaviors that represent serious crimes in accordance with the aim of environmental protection provided for in Article 174 of the Treaty establishing the European Community (EC Treaty). The amendments to the Criminal Code have led to the inclusion of two new articles: Art. 727 - bis concerning the species and the Art. 731-bis concerning the habitats.

In particular the Articles read as follows:

Art 727-bis. (*Killing, destruction, capture, taking, possession of specimens of protected wild fauna or flora species*).

Unless the fact constitutes a more serious offense, anyone, except the cases permitted, kills, captures or keeps specimens belonging to a protected **wild animal species** is punished by imprisonment from one to six months or by a monetary penalty of up to 4.000 Euros, except in cases where the conduct concerns a negligible quantity of such specimens and has a negligible impact on the conservation status of the species. Whoever, except in cases permitted, destroys, removes or holds specimens belonging to a protected **wild plant species** is punished by a fine of up to 4000 Euros, except in cases where the conduct concerns a negligible quantity of such specimens and has an impact negligible on the conservation status of the species;

Art 733-bis. (*Destruction or deterioration of habitat within a protected site*)

«1. Whoever, except in cases permitted, destroys a habitat within a protected site or anyway damages it compromising the state of preservation, is punished by imprisonment of up to eighteen months and by a fine of not less than 3.000 euro.

2. For the purposes of implementing Article 727-bis of the Penal Code, the protected wild animals and plant species are those listed in Annex IV of Directive 92/43/EEC (Habitat Directive) and Annex I to Directive 2009/147/CE (Birds Directive).

3. For the purposes of implementing Article 733-bis of the Penal Code, "habitat within a protected site" means any habitat of species for which an area is classified as a special protection area on the application of Article 4, paragraphs 1 or 2, of Directive 2009/147/EC (Birds Directive), or any natural habitat or a habitat of species for which a site is designated as a special area of conservation on the application of art. 4, paragraph 4, of Directive 92/43/EEC (Habitats Directive)».

The decree also introduced sanctions if the crimes are committed by companies or organizations: for the violation of Article 727-bis the fine is multiplied by 250 times, for the violation of Article 733-bis the penalty is multiplied by 150 to 250 times and the amount has to be fixed from time to time by the judge on the basis of economic and financial condition of the offenders.

sed to both the competent authorities and the editors of the Impact Studies.

In December, 2012, moreover, the Environment GD of EC has disclosed, in all Community languages, an additional guidance document for the cases provided by the application of paragraph 4 of Article 6 related to: alternative solutions, imperative reasons of considerable public interest, compensatory measures, global coherence and advice of the Commission.

With the aim of supporting the national implementation of this delicate performance, taking into account the positive experiences but also critics raised in our country until now, the DPNM (General direction for the Nature Protection) of MATTM (Ministry for the Environment, Land and Sea) is about to publish an operational manual which, inspired by the European document, retraces the main concepts and the most significant phases of the operations to develop.

It is necessary to focus on the specific and significant importance of Appropriate Assessment art.6, which is not always taken in its peculiarity. It is necessary, in fact, that in such a procedure are carried out analysis of the specific places covered by the initiative, in order to acquire certain elements about the distribution and

the correlation of ecosystem factors in that specific section of the site.

A proper setting of the Impact Study should include conclusions adapted to the weight of initiative and should consider, based on the level of interference generated on the sites, any alternative solutions.

These phases can not be considered only during the process of assessment assigned to the competent authorities, but should be an essential and constructive part of a comprehensive planning process, which must arise from a proper analysis of all connected elements, by an appropriate comparison with territorial, environmental, landscape, etc.. plannings.

In this representation arise criticalities due to the quality of the Study processing and

The species of Annex IV of the Habitats Directive and Annex I of the Birds Directive are protected by the Italian legislation also from the point of view of criminal law (Legislative Decree no. 121/2011), in implementation of the European Directive 2008/99/EC. In the photo here at right, a sea Nutcracker *Coracias garrulus* (Annex I Birds Directive), on the bottom left the beetle *Rosalia alpina*, up a bat of the genus *Rhinolophus* (Annex IV to the Habitats Directive). Panda photo - H.Ausloos (right), G. Gobbi (left), L. Cianciotto (high).



to its evaluation, steps that must be committed to experts on a professional basis.

The mandate of assessment, implemented by the Regions with regard to provinces and municipalities, must not prevent these higher-level authorities to exercise the necessary coordination and monitoring of interventions that can have a significant impact.

The task of experts working in different areas of territorial planning is to direct their projects according to the principles above mentioned, by comparison and sharing, in order to converge the setting of programs, plans and projects into a unified goal, so as unit are the objectives of the Treaty establishing the European Community, expressed in art. 174, and referred to in the editorial of this issue of the Newsletter:

Equally common to all regulations are, for all directives issued, the principles of the EC Treaty with regards to the precaution and to the prior action, to the priority correction at the source of the damage caused to the environment, as well as to the principle of "polluter pays".

Therefore, at the procedural level, a complete preliminary itinerary, fair and transparent, leads to a comprehensive assessment of the interventions that are proposed, moreover preventing the start of controversies, both at national and European level.

It is therefore necessary to assimilate the criteria of Directive 92/43/EEC in order to take the positive aspects that characterize it and, above all, to develop the opportunity that arises from it to start an itinerary that can guarantee the economic and social development of the European Community in accordance with the principles of the EC Treaty. ■

The Impact Assessment between **EIA and SEA**

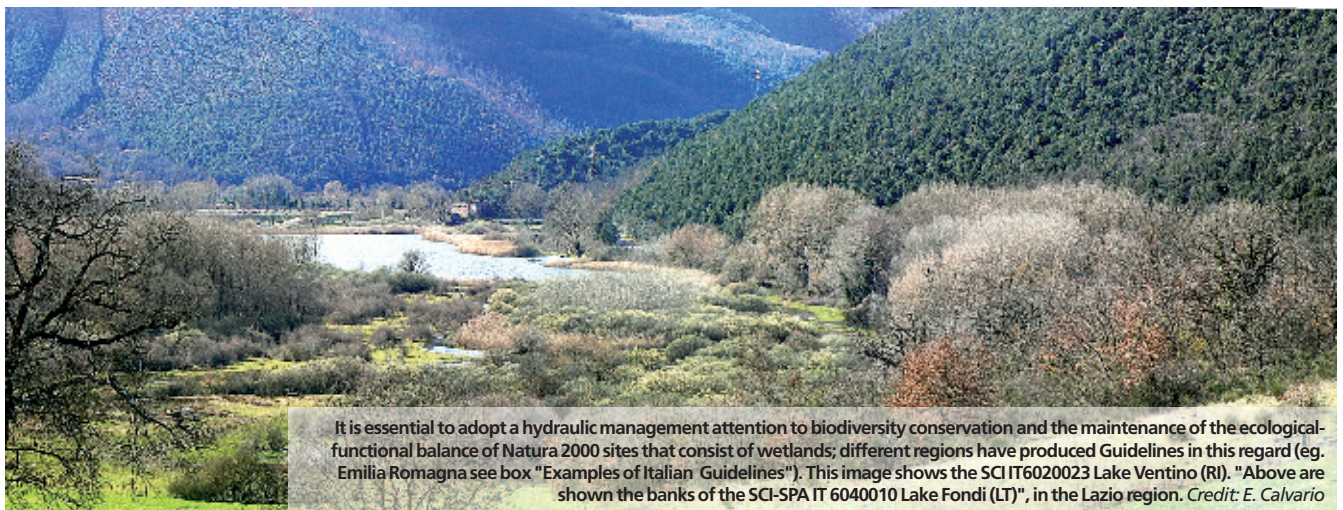
The Impact Assessment is the prior procedural instrument directed to achieve the conservation objectives of the Natura 2000 network and therefore, although falling in the range of "Environmental Assessment", is specifically addressed to contribute to the maintenance of the coherence of the Natura 2000 network and to the "state of

favourable conservation" of habitats and species considered of Community interest as particularly threatened, fragmented or remarkable examples of typical characteristics of the biodiversity in the territory of the Union. With this objective is therefore defined the uniqueness of the Appropriate Assessment art.6 that needs to consider the set of relationships that individuals of populations of plant and animal species protected under the Natura 2000 network establish with the environment in which they



complete their life cycle, as well as particular "habitat" identified and defined as elements of biodiversity at the community level.

Among the peculiarities that characterize Appropriate Assessment art.6, the more complex one is the need of more integration between skills and technical and scientific disciplines such as planning, design, zoological, botanical, agronomic, forestry, etc., together with a good local knowledge of the territory. To meet the required objec-



It is essential to adopt a hydraulic management attention to biodiversity conservation and the maintenance of the ecological-functional balance of Natura 2000 sites that consist of wetlands; different regions have produced Guidelines in this regard (eg. Emilia Romagna see box "Examples of Italian Guidelines"). This image shows the SCI IT6020023 Lake Ventino (RI). "Above are shown the banks of the SCI-SPA IT 6040010 Lake Fondi (LT)", in the Lazio region. Credit: E. Calvario

tives, it is indeed essential to understand the conservation goals and the contribution to the Natura 2000 network of sites involved in the procedure.

With the DPR 357/97 and subsequent amendments, in Italy, the protection and management of sites of the Natura 2000 network is entrusted to the Regions and Autonomous Provinces as well as to the Management bodies of protected areas of national importance. Depending on the regulatory frameworks defined by each regional government can be identified different managing entities, both public and private, responsible for the implementation of conservation measures (general and/or specific) and of any management plans where necessary, of the formulation of evaluation on incidence Studies, of the course of monitoring the state of conservation of biodiversity in the Sites (ex art. 17 "Habitat" Directive and Art. 12 "Birds Directive").

Only in case of plans and projects of national importance DPR provides an assessment of national character made by the Ministry of the Environment, as part of the EIA process.

The preventive characteristics of the incidence assessment make essential the integration of land use planning with the tools of management of Natura 2000 sites such as Conservation Measures and any Management Plans in order to be accepted and to find response in the development of Landscape Plans, Territorial Plans of Coordination, Municipal Structural Plans, Territorial Plans for Regional Parks, Rules of Management of Nature Reserves, Forest



Settlement Plans, Hydrographic District Plans, and in any case all the sector-specific planning (Mining Activities, Waste, Infrastructure, Energy, etc..).

The difficulty of coordination between the different plans can be a critical issue for the effectiveness of government territorial policies. The observance of the criteria arising from Community directives must lead the various authorities to participate in the process of joint planning, transferring into their instruments of territorial and urban planning also indications connected with the hydrogeological structure and governance of water.

types of territorial planning, including conservation measures and/or the instructions contained in the management plans of Natura 2000 sites, as well as the formalities of protection provided for other types of protected areas at a national, regional and local levels.

Not all of the elements of the plan or program are defined in such a way as to allow a proper assessment of the potential interference with the Natura 2000 Network. The Impact Assessment requires, however, a study founded on certain items which, often, even for accuracies due to the scale of



The Griffon Vulture *Gyps fulvis* (below) and the Golden Eagle *Aquila chrysaetos* (above) are species particularly sensitive to wind farms, the Eagle Owl (top) *Bubo bubo* is particularly vulnerable to electrocution. The location of wind farms and power lines of medium and high voltage should be avoided in the vicinity of breeding sites / trophic / displacement of these species.

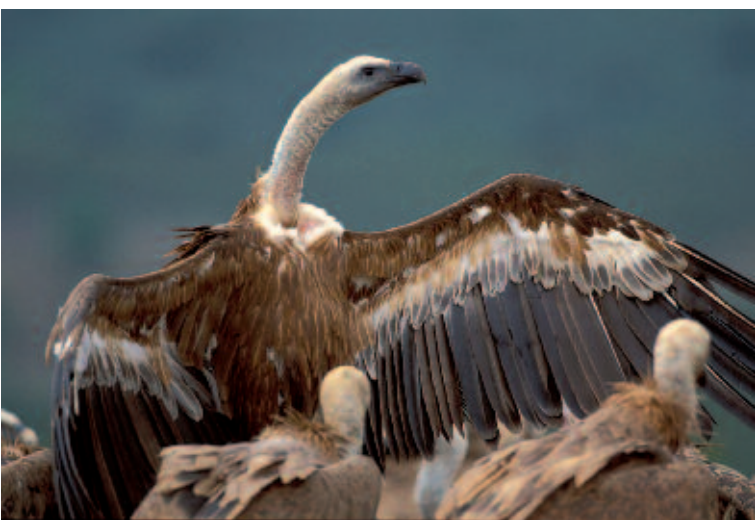
Panda Photo-V. Loi - S. Pisano (below), P. Griva - M. Wise Woman (above), M. Lanini (top)

.A support to the consistency or less of planning decisions has been introduced with the procedure of Strategic Environmental Assessment (SEA), to which are submitted plans and programs.

The Environmental Report (ER) for the SEA should contain all the basic elements relating to different

representation of the RA, can not be acquired. The plan or program usually allows only a preliminary screening-level verification. The Impact Study, from initial screening to a possible appropriate evaluation, which may include the identification of mitigation measures or, in extreme cases, of compensation, can be done on reliable data, only in the later stages of the SEA.

Therefore, the SEA provides a significant contribution to the protection of biodiversity applied to the assessment of plannings, allowing to avoid conflicts between different territorial instruments. In the later stages, where necessary, the further deepening at an appropriate scale of interventions,





The coastal environments are ecosystems of high conservation value and of strong interest also for economic-productive perspectives. The European Commission has produced specific Guidelines for the implementation of the Habitats and Birds Directives in such territorial environments. Above a glimpse of the island of Ventotene, below the island of Salina - Pollara. Credit: E. Calvario

will require the development of mandatory impact assessments, taking into account any indirect interference on the sites, the effects accumulated over time and space caused by plans/multiple projects, the identification of alternative solutions.

With regard to the types of projects in cases covered by the EIA, like the SEA, within the Environmental Impact Study must be produced a special Impact Study devoted to the interference caused by the work with the sites of the Natura 2000 Network. This study is aimed at evaluating the impacts on the conservation objectives of the site, i.e. habitats and species of Community interest for which the site has been detected. The impact must be assessed in order to determine whether or not affect the integrity of



Documento di orientamento sull'articolo 6, paragrafo 4, della direttiva "Habitat" (92/43/CEE)

CHIARIFICAZIONE DEI CONCETTI DI SOLUZIONI ALTERNATIVE, MOTIVI IMPERATIVI DI RILEVANTE INTERESSE PUBBLICO, MISURE COMPENSATIVE, COERENZA GLOBALE, PARERE DELLA COMMISSIONE

2007/2012

Il presente documento di orientamento deve essere letto unitamente all'opuscolo pubblicato dalla Commissione europea nel 2006, dal titolo "La gestione dei siti della rete Natura 2000. Guida all'interpretazione dell'articolo 6 della direttiva "Habitat" 92/43/CEE". L'attuale documento intende approfondire ulteriormente e sostituire la parte riguardante l'articolo 6, paragrafo 4, dell'opuscolo precedente. Come tale, il documento riflette unicamente il punto di vista dei servizi della Commissione e non ha natura vincolante.

Natura 2000 sites caught. In contrast, therefore, of significant effects on "fauna and flora" required by the EIA, the uniqueness of Appropriate Assessment art.6 is characterized by an ecosystem-based approach that has to take in account all the ecological correlations between species, habi-

tats and habitats of species as well as the integrity of the site in terms of its contribution to the entire European network.

As we shall see in the next article, very useful are the thematic guides to the application of the Impact Assessment developed by the European Commission for particular industries such as e.g. wind farms, the non-energy extractive industry, port facilities, aquaculture. ■

Impact Assessment of **productive activities** on **Natura 2000 Network**

As seen above, the need to take account of economic, social and cultural rights, dropped in local contexts, is one of the most innovative aspects of the "Habitats" Directive and a prelude to the need for the involvement of local actors in determining the conservation measures suitable and appropriate.

The procedure of the Impact Assessment, if correctly applied and interpreted by the parties involved in the process (applicants who process the study - authorities / entities issuing the opinion), provides a exceptional opportunity to ensure, both from the point of view of procedural and substantial, the achieving a balance between the favorable conservation of habitats and species of Community interest and land use.

This underlying philosophy that guides the text of the Directive, has since taken shape through the publication of a series of technical documents / guidelines prepared by the European Commission, aimed to provide guidance and suggestions in relation to a series of actions and activities design, such as (1):

- wind farms
- Mining
- Development and harbor dredging
- Aquaculture plants

These documents (downloaded from the website of the European Commission http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm), are aimed to provide guidance on how best to ensure the development of activities in turn treated in accordance with the provisions of the two Community Directives (Habitats and Birds). Specifically, the documents deal with the pro-

cedures to be followed in accordance with the Article 6 paragraphs 3 and 4 and provide clarification on certain key aspects of this innovative assessment process.

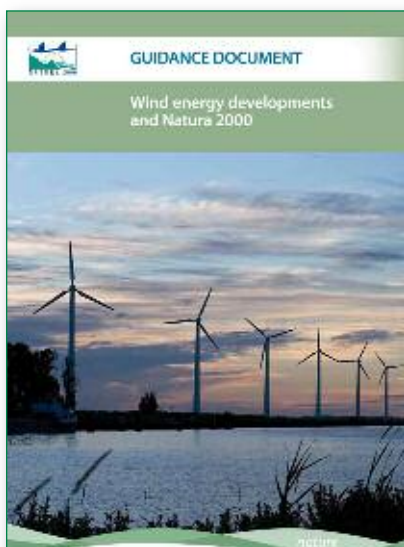
The documents were prepared by specific working groups of the European Commission, in close cooperation with representatives of various

industrial sectors, experts, public authorities and NGOs. They also aim to provide technical advices in order to mitigate the effects as well as suggesting the most appropriate cognitive analysis. They are mainly directed to the competent authorities and contractors, as well as consultants, site managers and other professionals involved in the planning and design. Below is a brief description of the contents of each of them.

Guidance Document. Development of Wind Energy and Natura 2000 (European Commission, 2010)

The European Union, in 2008, drew up an ambitious program to facilitate the study and implementation projects on renewable energy, hand in hand with research on climate change. Based on these early planning guidelines, the 27 EU member states have until 2020 to cut emissions of harmful gases by 20%, and increase up to 20% the share of renewable energies, of the total energy produced in Europe. Obviously, as a clean and renewable energy, wind power is likely to represent a significant portion of that 20%. If in 2008 this share accounted for approximately 4.8% of the total energy in Europe, maintaining this rate of increase, it is assumed that this percentage to triple in 2020. All this, however, involves a proliferation of installations of wind turbines that must necessarily be regulated taking into account the European laws on environmental protection. It is tried, in fact, that, though in general wind energy is a clean energy, so do not harm the environment, are wind farms, if built in inappropriately, to constitute a serious threat to vulnerable species, especially birds and bats. The guidelines aim to prevent the occurrence of conflicts between the presence of wind plants and the conservation of biodiversity within the Natura 2000 sites, they bring into sharp relief the importance of strategic planning across a wide geographical area (at least regional) as effective methodology to minimize the impact on nature and wildlife and avoiding to proceed without an objective underlying energetic, well-defined, and having in mind the territorial values to be protected. In doing so, not only will you get a more integrated development framework, but you have a good chance to reduce, at a later stage, the risk of difficulties and delays at the level of individual projects. Of course it is then in any case important to evaluate the case-by-case basis, keeping in mind the need to protect the habitats and species that have led to the identification of the site.

(1) Guidelines have also been implemented on "Means of transport along inland waters" that, given the low prevalence, are not of great interest for our country



Examples of Italian "Guidelines"

Even in our country have been produced, both at central and regional level, numerous documents "Guidelines", aimed at mitigating the impacts of different types of works on biodiversity, with particular reference to Natura 2000 sites; here below are summarized some examples.

Guidelines for the authorization of plants powered by renewable sources (Italian State, 2010).

On September 18, 2010 was published in the Official Gazette the DM 10/9/2010 with attached "Guidelines for the authorization of plants powered by renewable sources." These guidelines, established by Legislative Decree 387/2003, approved by the Unified State-Regions Conference along with the Energy Bill 2011-2013 and endorsed by all the regions with independent legislative acts, constitute a unique discipline, valid throughout the national territory, which will finally overcome the regulatory fragmentation of the sector of the renewable energy. The decree regulates the procedure for authorization of plants powered by renewable sources, to insure proper insertion into the landscape and paying particular attention to the naturalistic aspects, (especially in reference to wind farms).

Guidelines for the mitigation of the impact of power lines on birds (The National Institute for Wildlife and the Ministry of the Environment and Land and Sea Protection, 2008).



The power lines extend over vast tracts of territory, through different ecosystems and are an important factor of anthropization of the landscape. Consider that the only Italian high-voltage network is spread over an order of several tens of thousands of kilometers of overhead lines. A certain percentage of these crosses areas of prime conservation importance for wildlife and the environment associated with it. The presence of these facilities can pose a threat to birds capable of determining two sets of problems. On the one hand, there is a risk of mortality resulting from the collision in flight against the high voltage lines or structures that, because of their location or of poor visibility, can be the cause of impact. Moreover, it can run in the phenomenon of electrocution or



electric shock, which is also lethal, as a result of accidental contact with live parts of the birds of the lines in low and medium voltage. This second type of impact affects in particular birds of medium-large size which, when they are laid, due to their wingspan, can close the circuit between two conductors rather than between a conductor and a grounding structure.

Beside the descriptive analysis of the phenomenon, the guidelines are intended to identify mitigation measures to reduce the impact on birds and, therefore, the effects on the service. In Italy, the interest in these issues is relatively recent, although in the last decade has increased the attention and were made several mitigation measures to local dimension.



Implementation of colored spirals on a high voltage "Stagni della Piana Fiorentina e Pratese" and in part (Campi Bisenzio-Fi) to mitigate the impact on birds. The operation was made possible thanks to an agreement...

Technical Regulations for routine maintenance of the natural and artificial waterways and coastal defense works at the sites of the Natura 2000 network (SCI and SPA). (Regione Emilia Romagna, 2013).

The regulations contained in the Technical Disciplinary (approved by the Regional Council with the resolution no. 667 of 18 May 2009) identify the types and modes of intervention in the river areas and the coast considered compatible by the environmental point of view, trying to combine biodiversity conservation present in the areas included in the Natura 2000 sites, with the criteria of hydraulic safety and management of water resources that are the basis of the routine maintenance of waterways, natural and artificial, and with the maintenance criteria of the coastline. The main purpose is to identify and regulate the maintenance of the natural and man-made waterways (rivers, streams and channels) and of the coast, which can be considered low environmental impact and that, consequently, if located at the sites of Natura 2000 network, may be exempted from the procedure of impact assessment or pre-evaluation, provided that are followed the procedures, the types and timing of execution specified in the Guidelines. It is routine

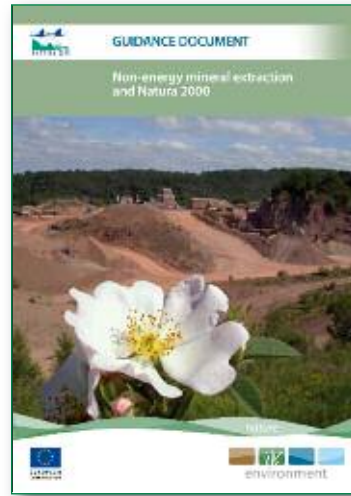


maintenance having repetitive character to maintain efficiency in existing works, to restore functionality following minor damage and for the management of vegetation, which do not involve transformation of places. For the preparation of the Disciplinary was formed a joint working group with the engineers involved in the planning and implementation of interventions for soil conservation and recovery and those involved in safeguarding the natural heritage to find the best balance between hydrogeological security needs and the protection of biodiversity.



Power line in the "SCI-SPA IT 5140011" particular WWF oasis Stagni di Focognano to avoid possible collisions with birds. WWF-Italy-Terna. Credit: C. Scocciati

Guidance document on non-energy extractive activities in accordance with the requirements of the Natura 2000 network (European Commission, 2010).

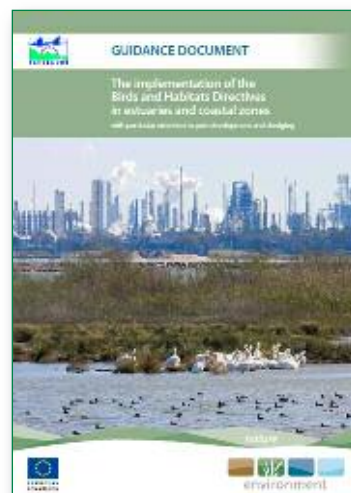


The non-energy extractive industry provides many of the basic raw materials for construction and manufacturing activities in Europe. In November 2008 the European Commission approved an initiative on the "raw materials" which involves targeted measures to ensure and improve access to raw materials, both at EU level and globally. The initiative has identified a number

of factors that can potentially influence the competitiveness of the sector. One of them refers to the difficulties that the industry sometimes has in gaining access to the soil. This has led to situations in which the individual plans and projects have come into conflict with other land uses or the wider interests of society, including the conservation of natural resources. The document is divided into 9 chapters dealing with completeness both the issues of identifying the implications and of mitigation measures and recovery more appropriate to put in place.

Again, the emphasis is on the importance of strategic planning that can help to create an integrated strategy for sustainable development in the mining sector taking into account promptly at the same time the most common concerns of society, such as the conservation of nature as part of the decision-making process.

Guidelines for the implementation of the Birds and Habitats Directives in estuaries and coastal areas, with particular attention to port development and dredging (European Commission, 2011)

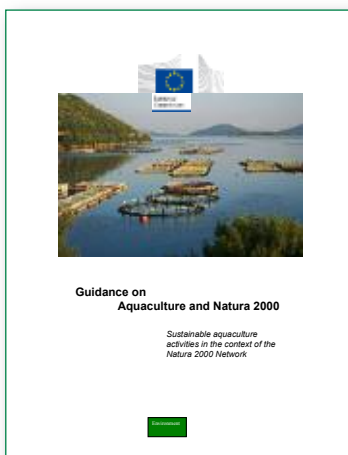


The preparation of this document arises from a request by the port sector and maritime services. The

ports, especially in Western Europe, often rise in estuaries or in their proximity. Over 1200 commercial ports situated along some 100 000 km of European coasts, they are key points of modal transfer of vital interest to 90% of international trade. In support of the general transport policy pursued by the EU guarantee for 40% of trade within the Union, expressed in tonnes / km. Estuaries and coastal areas on the other hand are among the most productive ecosystems in the world, with a high value in terms of both ecological and economic. They are of essential importance for wildlife, especially for migratory birds, and the wealth of natural resources, makes the areas of great value (for example, may constitute habitats for fish species accretion of significant commercial value). In addition, they offer a wide variety of ecosystem services such as the stabilization of the coastal strip, the regulation of nutrients, carbon sequestration, detoxification of polluted water and the supply of food and energy resources. Thus they provide a wide range of economic benefits to many sectors, including fisheries, industrial complexes and recreational areas such as tourism and entertainment. The guidance document sets out a series of recommendations and elements of good practice designed to foster the development and port management within or near Natura 2000 sites.

years. The reform of the Fisheries policy aims among other things to develop the full potential of aquaculture in line with the objectives of the Europe 2020 Strategy; sustainability, food security, growth and employment. The changes in the European aquaculture sector are numerous and among these the most significant are the number of closed space for water and the need to obtain a "license". The Guidelines document describes the policy framework of the development of aquaculture and conservation of biodiversity in Europe. It describes the potential impacts of the main systems of aquaculture on the environment and wildlife, focusing in particular on methods and tools to evaluate them in the light of the objectives of conservation of natural sites. In practice it is examined how the risks should be calculated, on a case-by-case basis, and the best way to restrict or prevent them. Also explores a possible concrete situations, accompanied by examples of good practice, which demonstrate how sustainable development of aquaculture can be compatible with the protection of nature or may even strengthen it, providing habitats suitable to rebuild. ■

Guide to aquaculture and Natura 2000. Sustainable aquaculture activities in the context of the Natura 2000 network (European Commission, 2012)



Most of the fish stocks in the world is close to or has exceeded the limits of use. In parallel, the global consumption of fish as food has doubled in the period

1973-2003 and is expected to continue growing. According to the FAO, global aquaculture in 2008 contributed about 46% to the production of fish for human consumption and has reached 50% in 2012.

Currently about 70% of the fish consumed in Europe comes from outside the EU. In Europe, aquaculture is an important economic activity in many coastal and continental regions but it has remained stable in recent

Seed directive

The Special Areas of Conservation are "source areas" for mixtures of herbage intended to the preservation of the natural environment

With 2010/60/UE Directive, implemented in Italy by Legislative Decree n. 148 of 14 August 2012, the Special Areas of Conservation (SACs) have been identified as "source area" for mixtures of fodder plant seed and not intended to be used for the preservation of the natural environment. The decree, in derogation from Article 12, first paragraph, of Law 25 November 1971, n. 1096 (relating to the regulation of seed) authorize the marketing of fodder plant seed mixtures of various kinds, species and subspecies, intended to be used for the preservation of the natural environment in the context of the conservation of genetic resources. The seeds in the mixture must have been collected directly in their source area, in a site that has not been sown with seed variety genetically selected for forage production or turf at least forty years before the date of the application submitted by the manufacturer. The marketing authorization is granted by the Ente RISI or by self-governing regions and provinces that can claim for if that option at the request of the manufacturer. The request shall be accompanied by the information needed to verify compliance with the provisions of the decree in the case of mixtures for the preservation of collections directly, or in the case of mixtures for the preservation grown.

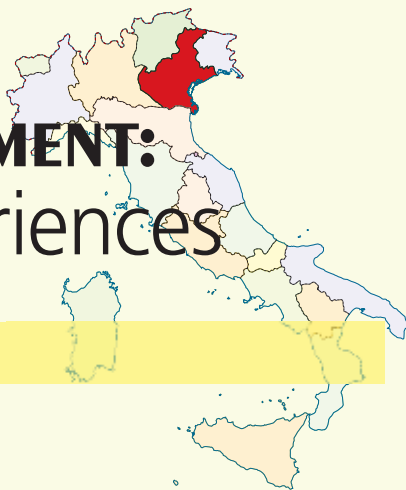
The implementation of the Directive has for the Natura 2000 network a double positive side, on the one hand the ability to create, for farmers or other local entities, a supplementary activity related to the production of seed, on the other hand the possibility to use seed native plants, fodder and not, in actions for mitigation and environmental compensation, as provided for by the impact assessments.

An example of application of the provisions of the decree is present in the LIFE Project "Pianura Parmense" (<http://parchi.parma.it/allegato.asp?ID=845249>)

IMPACT ASSESSMENT: regional experiences



VENETO



Assessment Group of the Veneto Region (from left: Vendrame Mattia, Matteo Turlon, Paola Noemi Furlans, Gianluca Salogni, Annalisa Bogo)

The Veneto Region has governed since 2001, the impact assessment, in accordance with the rules established at national and Community level (1). The measures had the dual purpose of clarifying the legal and technical aspects, entering into detail of the contents of the studies to support the assessment.

In Veneto the assessment is carried out by the competent authority for approval of the plan, project or intervention. Exception to this general rule are the EIA or SEA that follow the respective procedures and the cases of controversy that will be solved by a regional authority expressly identified.

With respect to plans, projects and interventions for which it was necessary to proceed with the assessment of impact, we should also remember that in recent years there have been numerous requests for clarification to the Veneto Region, mainly by the technical services of the European Commission. In some cases started real infraction procedures regarding the correct

application of Community law, to date no ruling has been provided by the European Court of Justice with a censure of actions taken.

Thus a further strength was that, in developing guidelines and guidance for assessment, account has been taken also of the whole experience, suggestions, and opinions of the rulings made necessary to solve the above cases of controversy.

The main areas of concern that the disciplinary intended to resolve are, on one hand, tied closely with the available knowledge regarding the sites of the Natura 2000 network in the Veneto region, the other, to the right conduct of all the stages necessary to the expression of that assessment, especially in cases in which is reached the formulation of mitigations and compensations.

After due consideration, among the most effective steps taken there were those to make freely available on the regional web portal data for monitoring and research on

the consistency and distribution of habitats and species of Community interest, in support of the government and citizens that should prepare or review studies on the assessment of impact. In fact, the discipline of the contents of the assessment would be ineffective without a common base, which is updated over time and homogeneous throughout the region.

This knowledge, together with many seminars and courses to explain the procedure to all stakeholders, have made it possible to solve the main problems with respect to the minimum content required for the assessment.

Regarding the latter, the cornerstone of the evaluation phases is a logical process that, by examining the time schedule, all the possible effects and taking into account the precautionary principle, determines a maximum area of influence beyond which - in space and time - are not possible negative significant impacts. This, which is defined analysis area, allows to identify both the sites in the Natura

2000 and habitats and populations of species of Community interest involved. At this point are clear and explicit all conservation objectives to be evaluated, however with respect to the provisions of the plans, projects and actions, not all habitats and species identified are likely to be affected, so that are discriminated those vulnerable, respect to the others that will never be affected by the incidence.

Finally, the assessment proceeds with the definition of adverse effects, represented at the end of the analysis through a qualitative scale of four categories: non-significant, low, medium and high. The methods used for the assessment of the effects must be clear and documented, even if were used subjective methods of forecasting such as the so-called "expert judgment". For the

(1)The main measures of reference are the resolutions of the Regional Council of Veneto no. 1662/2001, 2803/2002, 740/2006, 3173/2006, 1066/2007, 4241/2008 that can be viewed and downloaded at the web page <http://bur.regione.veneto.it/Bur/Services/publica/HomeConsultazione.aspx>



Lake Sorapis in the "SCI / SPA IT 3230081 Group Antelao, Marmarole, Sorapis", one of the sites for which it has been prepared the management plan. Credit: E. Calvario

choice of these methods each effect is directly correlated with all the habitats and species that may be affected and made explicit the environmental matrices involved and the ways in which the effects can result in a significant negative impact (respectively "carriers" and "paths" in the definitions given by the regional resolutions). At this stage are also taken into account the possible synergistic and cumulative effects.

In addition to defining the contents of the studies in support of assessments, to offer governments and citizens the opportunity to simplify the authorization process of projects and interventions, based on the knowledge acquired and the opinions expressed, have been provided specific directions on what by their very nature can be considered not significantly affecting the Natura 2000 network or because they are directly connected with or necessary to the management of sites within the network according to the purpose of preservation, or for the fact that the related impact assessment may be included in studies for the impact assessment of sector planning tools. In this sense, the approval of some management plans, which cover about 80% of the territory of the Natura 2000 network in the Veneto region, will represent another

important step to define which projects or action plans are directly functional to ensure or improve conservation state of the network and, when expressly identified, will require no more assessments.

In addition, on the basis of the conservation of the sites, are being studied few guidelines that collect the periods, operational indications and how to behave when operating in environments where potentially significant negative impacts may occur.

Overall, the guidelines provided are as follows:

- Guidelines for the management of the flora and vegetation;
- Guidelines for the management of wildlife;
- Guidelines for the control of non-native plant and animal species;
- Guidelines for the protection of species listed in Annexes IV and V of Directive 92/43/EEC;
- Guidelines for the management of the ecological network at the local level, outside of the sites involved management plans;
- Guidelines for the reduction of noise pollution with reference to species of Community interest;

- Guidelines for the reduction of light pollution;
 - Guidelines for management naturalistic forest;
 - Guidelines for the management and maintenance of hydraulic riparian environments;
 - Guidelines for the cleaning of ditches and canals;
 - Guidelines for the management of reed beds, formations of helophytes and hydrophytes, of coenosis halophytic;
 - Guidelines for access and sustainable use.
- The route taken is now aimed to give even greater strength assessments, continuously updating the knowledge available and directing towards a better use of IT and web for sharing all the tools to support studies and assessments. ■

● References:

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IMPACT ASSESSMENT: regional experiences



Emilia Romagna



The Emilia-Romagna Region approved its first regional law which referred to Natura 2000 network in 2004, until then the only reference rule were the EU Directives "Birds" and "Habitats" and the DPR no. 357/97, subsequently amended and integrated by DPR no. 120/03.

Through RL n. 7 of 14 April 2004 the Region has identified both the management bodies of Natura 2000 sites (Parks and Provinces) and subjects involved in the impact assessment of Plans and Projects.

Articles. 5 and 7 of Regional Law stipulate that Plans for "the impact assessment expected by art. 5, paragraph 2, of DPR no. 357/97, is carried out by the subject in charge for the approval of the plan, taking into account the opinion of the managing body of the protected area", if a site falls within it.

With regard, on the other hand, to the Projects and Interventions, the articles 6 and 7 of the same law state that "the impact assessment on projects and actions is carried

out by a subject in charge for the approval of the project or intervention" and, if the site of the Natura 2000 network falls into a protected area, "the impact assessment is carried out by the management of the protected area", also, "where the projects or actions fall within the territory outside the protected area and are related to a site in the Natura 2000 network falling partly within the protected area, the managing body of the same issues an opinion for the purposes of the impact assessment."

With this legislation, in the name of the principle of administrative simplification, an attempt was made especially not to determine authorization processes parallel and, therefore, it was assigned the task of assessing the level of environmental impact of plans and projects to the same entities (Municipalities, Mountain Communities, Provinces and Regions) who have the responsibility for approving the same, except in presence of Parks, where it is recognized a stronger role to these institutions appoin-

ted for the conservation of biodiversity, without, however, complicate the administrative process as projects must still pass by the Park management for its go-ahead.

This regional legislation actually was at full speed only in October 2007, as the same Law made its entry into force with the approval of a specific Directive passed in that year (DGR n. 1197).

In this measure have been detailed modalities, time-limits and procedures for carrying out the impact assessment, again in order to make this procedure simplest and least burdensome for citizens and, in this regard, has also been introduced the possibility of adopting a simplified procedure, called pre-impact assessment, which allows, in the case of small-scale projects, not to draw a real study of incidence, but to fill in a form that can be downloaded from the regional website.

Furthermore, some cases have been identified, very frequent as a number, but of very small extent and impact, such as, for example, the forest cuts in a surface lower than 1 ha, building interventions of ordinary and extraordinary maintenance that do not represent an increase of the surface higher than 20%, which have been exempted from impact assessment, as considered of no incidence.

Finally, has been provided for the possibility to define Sector technician guidelines, which allow to regulate certain activities in a standard way so as to exempt from the

impact assessment procedure all those interventions that meet these protocols.

In this respect it should be noted the "Technical guideline for routine maintenance of the natural and artificial waterways and coastal defense works at the sites of the Natura 2000 network (SCI and SPA)", approved by the DGR. 667 of 18 May 2009, with which has been established a method of intervention for routine maintenance of riparian vegetation present in the rivers and channels through selective cuts, in alternating banks, in periods not particularly sensitive for the reproduction of wildlife, which allows to operate in these areas without



"SCI/SPA IT 4040001 Mount Cimone, Open Book, Lake Patrignano." The site also includes the Lake Scaffaiolo, in the picture, located in a small valley stretched below the ridges. Credit: G. Barbato



The Lilium martagone *Lilium martagon* is one of the rare species of Emilia Romagna Region, present in some sites in the Natura 2000 Network. Credit: F. Liverani

jects outside the areas protected, the managing body of the site (Province) had no control on permits issued and impact assessments approved by other local authorities;

- Increased ability to process complex impact assessments, as the staff of the managing bodies of the parks and biodiversity, due to the specific mission of these institutions, has skills and expertises more pertinent to the topic of nature conservation, compared, for example, with municipal technicians that, except in rare cases, can not devote to these issues a major part of their daily work;
- Greater clarity in identifying the competent body for the impact assessment in case of projects with more public bodies involved in the different authorizations;
- Greater uniformity of impact assessments, as, being only 5 institutions to deal with this matter (in addition to the 2 National Parks and the Region), it is evident that similar cases will be handled presumably in a similar way, while nowadays the different local agencies in theory may adopt for similar cases, measures also very different from each other.

having recourse to the procedure of Impact assessment for frequent interventions and of modest entity such as, for example, the simple cuttings of bankside bodies. If, however, reasons for the hydraulic project requires a more drastic methods of intervention that does not fall among those mentioned in the said Regulations, we proceed with a normal course and specific Impact assessment of the project.

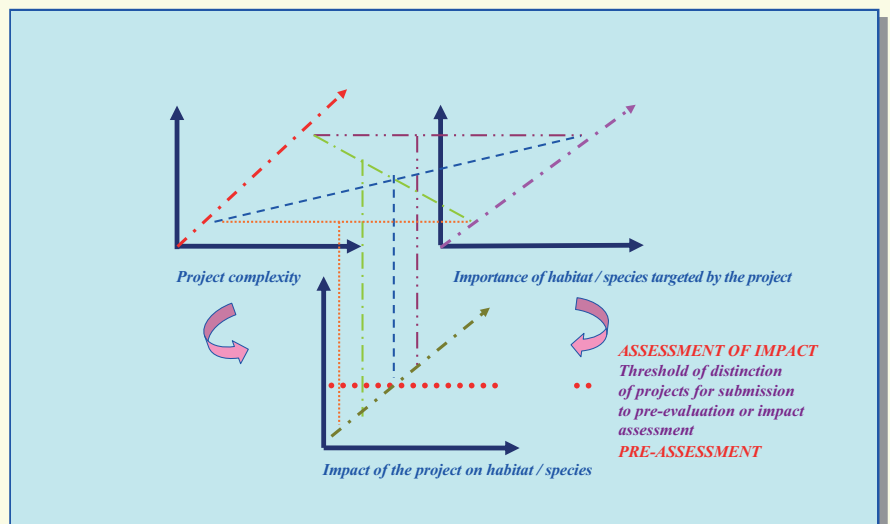
The new legislation has tried to overcome some limitations present in the previous regional law, in order to obtain:

- Greater involvement of management bodies of Natura 2000 sites, as, while for projects that fall within the parks was the same management authority to verify the environmental compatibility and to carry out the impact assessment, in the case of pro-

jects outside the areas protected, the managing body of the site (Province) had no control on permits issued and impact assessments approved by other local authorities;

In light of what it has been verified in the course of these years of implementation of the regional legislation, recently it was considered appropriate to revise the rules in force because, although the principle of simplification is considered to be even now a fundamental principle to manage the relationship between public administration and citizens, often as a proponent of the interventions within the Natura 2000 sites, by the Regional Law n. 24 of 2011 we have made significant changes with regard to the powers of local authorities in relation to the Natura 2000 network. In fact, the new regional legislation provided for the establishment of 5 new bodies for the management of parks and biodiversity, in order to unify the management bodies of all regional parks, and gave their approval of any Impact assessment of plans and projects that fall in regional Natura 2000 sites, except those of regional competence.

Environment Impact



Here above a chart that synthesizes the theme of the impact assessment: in fact, the evaluator should analyze the interference between the project under discussion (WHAT DOES IT DO) and the environment where the work would be carried out (WHERE IT IS): from the synthesis of this analysis comes out the real environmental impact of the intervention, so that there may be cases in which considerable works in areas of low environmental value are, sometimes, less impacting than small operations located in areas of high natural value.

still not coming on as before it is necessary that the provinces put in place instruments of transfer of such knowledge to the local park management and biodiversity, and that has not yet happened .

In conclusion, it is believed that the experience of the Emilia-Romagna demonstrates how difficult it is to find an optimal administrative process to delegate the powers of the impact assessment to local authorities, as whatever solution is adopted presents effects and managerial problems of no small importance (professionalism, cost, timing, simplification, effectiveness and quality), and much remains to be improved, such as, for example, the management of relations with neighboring regions in the case of projects located close to the border region, also by virtue of the fact that the regions have adopted procedures different from each other, or, as in the case of projects external to the sites for which the impact assessment remains voluntary, the high variability of behavior by an entity to another.

In this regard, it is hoped a greater comparison between the regions themselves and the Ministry responsible for finding homogeneous solutions throughout the country. ■

● References:

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Department of Parks and Forestry Resources

News

On November 27, was published the joint decree of the Ministries of Environment and Agriculture laying down detailed rules for reporting on research, protection and management under the Birds Directive. The conservation status of bird species is evaluated and accounted for by Regions and ISPRA in analogy to what is already the case under the Habitats Directive. http://www.minambiente.it/export/sites/default/archivio/normativa/dim_06_11_2012.pdf

An image of Lake Piediluco included in the "SCI IT 5220018 Piediluco Lake and Mount Caperno." Credit: E. Calvario

IMPACT ASSESSMENT: regional experiences



Umbria



The first procedure of impact assessment, carried out in Umbria, dates back to 1998. For intellectual honesty certainly we can say that, despite the good intentions and a healthy pioneering attitude, this procedure was characterized by a strong empirical component that accompanied it until the beginning of 2000. Over the next decade, in Umbria, the launch of projects such as the Regional Ecological Network (RERU) and Management Plans for Natura 2000 sites within the region, in addition to enrich the overall framework of the territorial and nature knowledge, unquestionably contributed to strengthen the role of Appropriate Assessment art.6, with undeniable positive effects in terms of protection and conservation of biodiversity. At the moment, in Umbria, the role of Appropriate Assessment art.6 is therefore strongly bound by the territorial and scientific knowledge of such projects that, likewise, have contributed both to the professional growth of the editors of the impact studies and to the overall quality of the assessment procedures. Were so activated positive synergies between the regional structure, in charge of the implementation of the procedure as well as agent of the enrichment of the cognitive framework of natural emergencies and

of their strategic management and users of such information, assigned to the drafting of impact studies. RERU, the project funded by DPCM Environment 2001, led to the identification, in the region of morpho-functional entities such as: Regional unit of ecological connection, Corridors and stone clearance, Fragments, Matrix, Anthropic barriers, Areas of high sensitivity to sprawl, represented at the scale of 1:10,000.

This project, implemented by Regional Laws (no. 11/2005 and no. 13/2009) allows, since 2005, to the regional and provincial authorities, competent in this matter; a precise control on the choices made by the new municipal master plan, by overlapping of the same with information layers of RERU with highlighting of possible conflicts between the new urban forecasts and the elements of the network project. It is superfluous to affirm the importance of taking these aspects in the process of impact assessment or when the evaluation procedures are carried out in the area of SEA and/or EIA where, notoriously, the Appropriate Assessment art.6 is an endoprocedure. As regards, finally, the implementation of Management Plans for Natura 2000 sites, funded by DO-CUP 2000-2006, has led to a simultaneous up-



grade of the entire sector bound in the regional context. The undeniable impact of procedure during Appropriate Assessment art.6 are mainly related to the fact that the Management Plans contain within itself the cartographic updating the perimeters of the sites and habitats, they include, at a scale of 1:10,000, with the outfit of the informations relating to natural appearances and to their conservation measures. The whole cognitive package edited by botanists and zoologists, from universities, has greatly simplified the procedure of Appropriate Assessment art.6 both in the process of drafting of the studies and in the preliminary stage of the assessment procedure. It is easy to understand, therefore, that after the initial phase of uncertainty in the construction of regional procedure of Appropriate Assessment art.6, however, reinforced by the Regional Law 27/2000 PUT (Territorial urban planning) that, by the article 13, adopted the contents of the Habitats Directive and DPR 357/97, we have come to a true application progress only in 2008 using a rule framework to reorganize the whole subject, implemented with the DGR 1274/2008. With this act of the Regional Council, adopted on the basis of the contents of the project RERU and Management Plans for Natura 2000 sites, then in course of adoption, we



made a strong simplification of administrative procedures related to the approval of plans and projects incorporating in whole the indications of the European Commission on the matter: It has been introduced, for example, the procedure screening that allowed a strong simplification of the procedural framework in terms of time and technical requirements related to it, without giving up the guarantees required under preliminary evaluation based on the knowledge of regional projects mentioned several times. They were also explained some specific aspects in the preparation of reports such as: the definition of the documents to be produced, the informations on species and habitats, the identifications of habitats and species directly affected by the plan/project including the assessment of the significance of any effects on the site Natura 2000 concerned, the eventual identification of mitigation measures to reduce impacts.

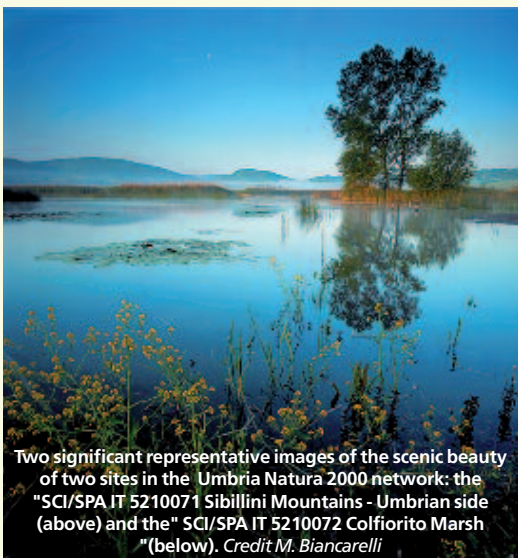
The considerable amount of information that the Region has made available to the editors of impact relations, result of regional projects mentioned above, has necessitated the presence, in the unit of the project, of professional suited to the interpretation of the cognitive data and of the significance of effects produced by the plan or project on biodiversity in the site of intervention by activating positive processes both in terms of quality of the plan or project and of impact and/or environmental input of works. This virtuous circle has led to a cultural maturation both of public and private users and regarding the issues of biodiversity and ecosystem

services associated with it, and of the management and the strategic use of resources. To tell the truth, to be involved, mainly, have been some public officials who, at the launch and at the re-organization in matter of Regional Planning (L.R. 11/2005) have shown a different approach in the setting of local planning instruments with evident positive effect, for example, on the land use. On the other hand if we consider the territorial configuration of Natura 2000 sites in Umbria, set mainly in wet and hilly and/or mountain areas, it captures even more the meaning of the forms of conflict that have characterized, in recent years, the course of assessment procedures and there is no doubt that these have been often related to building processes and projects related to renewable energy which, not surprisingly, find the main actors in the local administrators directly or indirectly. ■

● References:

Paolo Papa, Raul Segatori

Umbria Regional Directorate of Resource. Federalism, financial, human and material resources. Naturalistic and animal husbandry service systems.



Two significant representative images of the scenic beauty of two sites in the Umbria Natura 2000 network: the "SCI/SPA IT 5210071 Sibillini Mountains - Umbrian side (above) and the " SCI/SPA IT 5210072 Colfiorito Marsh "(below). Credit M. Biancarelli

News

On February 7, 2013, was issued the first decree for the designation of Italian Special Areas of Conservation (SACs), with this act have been established 27 SACs of Valle d'Aosta Region

http://www.minambiente.it/home_it/menu.html?mp=/menu/menu_attivita/&m=Rete_Natura_2000.html|rn2000_zsc_designate.html

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[ttivita/&m=Rete_Natura_2000.html|DOCUMENTI_DI_RIFERIMENTO.html](http://www.minambiente.it/home_it/menu.html?mp=/menu/menu_attivita/&m=Rete_Natura_2000.html|DOCUMENTI_DI_RIFERIMENTO.html)

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