

Open public consultation as part of the stress test of the Birds and Habitats Directives

Fields marked with * are mandatory.

1

Introduction

Background to the consultation

Completing this questionnaire will take around 45 minutes (15 minutes for sections 1 and 3 and 30 minutes for the optional section 2).

The strategic objectives of the Birds and Habitats Directives

The [Birds Directive](#)[1] protects all wild birds and their most important habitats across the EU. Its strategic objective is to maintain the population of all species of wild birds in the EU at a level which corresponds to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

The [Habitats Directive](#)[2] protects about 230 habitat types and 1 000 species of wild animals and plants – collectively referred to as ‘species of Community interest’. Its strategic objective is to maintain or restore natural habitats and species of Community interest at favourable conservation status taking into account economic, social and cultural requirements and regional and local characteristics.

The Birds and Habitats Directives are the cornerstone of EU nature conservation policy and the main legal instruments for achieving [biodiversity commitments at EU and global level](#).

[1] Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, pp. 7-25).

[2] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, pp. 7-50).

The approach of the Birds and Habitats Directives

In order to achieve their objectives, the Directives require the EU Member States to:

- establish a general system of protection for all birds that occur in the wild and other species listed in Annex IV to the Habitats Directive, both inside and outside Natura 2000 sites;
- designate and effectively manage core sites for the protection of habitat types listed in Annex I and species listed in Annex II to the Habitats Directive and Annex I to the Birds Directive, as well as for regularly occurring migratory birds; together, these sites form a coherent EU-wide ecological network

known as the Natura 2000 network; this consists of about 27 000 protected areas of high biodiversity value covering approximately 18% of the EU's land and over 10% of its seas; Member States must ensure that damaging activities that could significantly disturb the species or cause deterioration of the habitats for which Natura 2000 sites are designated are avoided; they must also ensure that positive conservation measures are taken, where necessary, to maintain and restore the natural habitats and the species for which the sites are designated.

Member States monitor progress in achieving the Directives' objectives and report to the European Commission every six years on the conservation status of the species and habitats of European importance that are present in their country. The European Commission and the European Environment Agency aggregate the information to determine the conservation status for each species and habitat across the EU and whether they are reaching a favourable conservation status ([EU state of nature report](#)).

Further information (in all EU languages) about the Directives can be found at the following links: [Birds Directive](#) and [Habitats Directive](#).

The stress test of the Birds Directive and the Habitats Directive

As announced in the European Commission's [Communication – Simplifying for sustainable competitiveness](#) of 10 December 2025, the Commission is conducting a stress test of the Birds and Habitats Directives. The stress test is part of the Commission's wider work on simplification to enhance EU competitiveness while safeguarding economic, social and environmental goals.

The stress test will assess whether the Birds and Habitats Directives remain fit to achieve their objectives in a cost-efficient way. This involves collecting evidence and figures in relation to administrative burden, costs and benefits of implementation, identifying potential areas for simplification and for reducing administrative burden and costs, while achieving the Directives' objectives. More details on the timetable and process of the stress test can be found on the [dedicated web page](#).

This public consultation aims to gather the opinions of stakeholders and the general public on the implementation of the Birds and Habitats Directives. The results will be assessed and summarised in a report, which will, in due course, be made publicly available on the [dedicated web page](#).

Structure of this questionnaire

The questionnaire consists of four sections:

- Section 0: 'About you' collects personal information.
- Section 1: 'General questions' contains more general questions on nature conservation.
- Section 2: 'In-depth questions' includes more specific questions on the Directives and their implementation on the ground. It is open to all, but has more detailed questions targeted at individuals and stakeholders with some knowledge or good knowledge of the Birds and Habitats Directives.
- Section 3: 'Final remarks' allows you to make general comments and upload a document.

For methodological reasons, all questions are compulsory. However, you can always answer 'no opinion' or 'I don't know'. We therefore encourage you to complete the second part of the questionnaire, even if only partially, using the 'I don't know' option when needed. There is also a free text box at the end of the questionnaire where you can add further comments and/or upload a document. You're welcome to use this last section to share more about your experience, as well as good practices and concrete solutions.

To help you prepare your contribution, a pdf version of the questionnaire is available.

You may interrupt your session at any time and continue answering at a later stage. Once you've submitted your answers online, you'll have the option of downloading a copy of the completed questionnaire. **Only responses submitted through the online questionnaire can be accepted.**

Disclaimer:

This document does not represent an official position of the European Commission. It is a tool to explore the views of interested parties. The suggestions contained in this document do not prejudge the form or content of any future proposal by the European Commission.

2 About you

* 2.1 Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐

Spanish

☐ Swedish

* 2.2 I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* 2.4 First name

Heidi

* 2.5 Surname

LETTOJARVI

* 2.6 Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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|-------------------------------------|--|-------------------------------------|--|
| ☐ Afghanistan | ☐ Djibouti | ☐ Libya | ☐ Saint Martin |
| ☐ Åland Islands | ☐ Dominica | ☐ Liechtenstein | ☐ Saint Pierre and Miquelon |
| ☐ Albania | ☐ Dominican Republic | ☐ Lithuania | ☐ Saint Vincent and the Grenadines |
| ☐ Algeria | ☐ Ecuador | ☐ Luxembourg | ☐ Samoa |

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| ☐ American Samoa | ☐ Egypt | ☐ Macau | ☐ San Marino |
| ☐ Andorra | ☐ El Salvador | ☐ Madagascar | ☐ São Tomé and Príncipe |
| ☐ Angola | ☐ Equatorial Guinea | ☐ Malawi | ☐ Saudi Arabia |
| ☐ Anguilla | ☐ Eritrea | ☐ Malaysia | ☐ Senegal |
| ☐ Antarctica | ☐ Estonia | ☐ Maldives | ☐ Serbia |
| ☐ Antigua and Barbuda | ☐ Eswatini | ☐ Mali | ☐ Seychelles |
| ☐ Argentina | ☐ Ethiopia | ☐ Malta | ☐ Sierra Leone |
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| ☐ Azerbaijan | ☐ France | ☐ Mayotte | ☐ Solomon Islands |
| ☐ Bahamas | ☐ French Guiana | ☐ Mexico | ☐ Somalia |
| ☐ Bahrain | ☐ French Polynesia | ☐ Micronesia | ☐ South Africa |
| ☐ Bangladesh | ☐ French Southern and Antarctic Lands | ☐ Moldova | ☐ South Georgia and the South Sandwich Islands |
| ☐ Barbados | ☐ Gabon | ☐ Monaco | ☐ South Korea |
| ☐ Belarus | ☐ Georgia | ☐ Mongolia | ☐ South Sudan |
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| ☐ Bermuda | ☐ Greece | ☐ Mozambique | ☐ Suriname |
| ☐ Bhutan | ☐ Greenland | ☐ Myanmar/Burma | ☐ Svalbard and Jan Mayen |
| ☐ Bolivia | ☐ Grenada | ☐ Namibia | ☐ Sweden |
| ☐ Bonaire Saint Eustatius and Saba | ☐ Guadeloupe | ☐ Nauru | ☐ Switzerland |
| ☐ | ☐ Guam | ☐ Nepal | ☐ Syria |

Bosnia and Herzegovina			
☐ Botswana	☐ Guatemala	☐ Netherlands	☐ Taiwan
☐ Bouvet Island	☐ Guernsey	☐ New Caledonia	☐ Tajikistan
☐ Brazil	☐ Guinea	☐ New Zealand	☐ Tanzania
☐ British Indian Ocean Territory	☐ Guinea-Bissau	☐ Nicaragua	☐ Thailand
☐ British Virgin Islands	☐ Guyana	☐ Niger	☐ The Gambia
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☐ Christmas Island	☐ Italy	☐ Paraguay	☐ United Kingdom
☐ Clipperton	☐ Jamaica	☐ Peru	☐ United States
☐ Cocos (Keeling) Islands	☐ Japan	☐ Philippines	☐

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| | | | United States |
| | | | Minor Outlying |
| | | | Islands |
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| ☐ Comoros | ☐ Jordan | ☐ Poland | ☐ US Virgin Islands |
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Futuna |
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| ☐ Cyprus | ☐ Latvia | ☐ Saint Barthélemy | ☐ Yemen |
| ☐ Czechia | ☐ Lebanon | ☐ Saint Helena | ☐ Zambia |
| | | Ascension and
Tristan da Cunha | |
| ☐ Democratic
Republic of the
Congo | ☐ Lesotho | ☐ Saint Kitts and
Nevis | ☐ Zimbabwe |
| ☐ Denmark | ☐ Liberia | ☐ Saint Lucia | |

*2.7 Country of residence

Please add your country of origin, or that of your organisation.

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Congo | ☐ Lesotho | ☐ Saint Kitts and
Nevis | ☐ Zimbabwe |
| ☐ Denmark | ☐ Liberia | ☐ Saint Lucia | |

* 2.8 Email (this won't be published)

heidi.lettojarvi@energia.fi

* 2.12 Level of activity

- ☐ International
- ☐ EU
- ☒ National
- ☐ Regional
- ☐ Local

* 2.14 Organisation name

Finnish Energy

*2.15 Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

*2.17 Please indicate your main field of activity

Maximum 5 selection(s)

- ☐ Agriculture
- ☐ Forestry
- ☐ Fisheries
- ☐ Recreational fishing (angling)
- ☐ Aquaculture
- ☐ Environment
- ☐ Nature protection
- ☐ Education
- ☐ Culture
- ☐ Charity
- ☐ Water
- ☐ Hunting
- ☐ Tourism
- ☐ Sport and Recreation
- ☒ Renewable Energy
- ☒ Non-renewable Energy
- ☒ Energy transmission
- ☐ Transport
- ☐ Extractive Industry
- ☐ Energy Intensive Industry
- ☐ Manufacturing

- ☐ Other Industry
- ☐ Housing
- ☐ Infrastructure Development
- ☐ Defense and Civil Protection
- ☐ Research
- ☐ Financial and Insurance Sector
- ☐ Health
- ☐ Other (please specify below)

2.19 Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

8861821910-84

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* 2.21 Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the

organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

3 Section 1

3.1 Please score the following:

	Not important	Somewhat important	Important	Very important	I don't know
* How important is nature conservation to you?	☐	☐	☐	☒	☐

3.2 How familiar are you with EU nature conservation policy?

	Not familiar at all	Not very familiar	Somewhat familiar	Very familiar	I don't know
* Birds Directive	☐	☐	☐	☒	☐
* Habitats Directive	☐	☐	☐	☒	☐
* Natura 2000 Network of Protected Areas	☐	☐	☐	☒	☐

3.3 In your view, how important:

	Not important	Somewhat important	Important	Very important	I don't know
* are the Birds and Habitats Directives for nature conservation?	☐	☐	☐	☒	☐
* is the Natura 2000 network for protecting threatened species and habitats in the EU?	☐	☐	☐	☒	☐

3.4 In your view, for protecting nature in the EU, how appropriate are:

--	--	--	--	--	--

	Not appropriate	Somewhat appropriate	Appropriate	Very appropriate	I don't know
* the Directives' strategic objectives?	☐	☐	☐	☒	☐
* the Directives' approach?	☐	☐	☒	☐	☐

(see 'Background to the consultation' section for more information)

3.5 Please score the following:

	Not effective	Somewhat effective	Effective	Very effective	I don't know
* Have the Directives been effective in protecting nature?	☐	☐	☒	☐	☐

* 3.9 If you think the Directives are effective or very effective, is this mainly thanks to the following:

Maximum 7 selection(s)

- ☐ Their provisions are clear
- ☒ Their provisions are strict enough
- ☒ Their provisions are ambitious enough
- ☐ Implementation by national, regional and local authorities is mostly effective
- ☐ Stakeholders are sufficiently involved and supported
- ☐ The funding and capacity allocated to the implementation are sufficient
- ☐ Enforcement at EU level is mostly effective
- ☐ Enforcement at Member State/regional/local level is mostly effective
- ☐ The management of the Natura 2000 network is delivering positive results on the ground
- ☐ Other, please specify below
- ☒ I don't know

* 3.11 How do the costs of implementing the Birds and Habitats Directives compare with the associated benefits?

- ☐ The implementation costs are greater than the benefits
- ☒

The implementation costs are more or less equal to the benefits

- ☐ The benefits are greater than the implementation costs
- ☐ I don't know

***3.12 How would you describe the administrative burden of complying with the Birds and Habitats Directives for your activity?**

Administrative burdens are a specific type of costs incurred by enterprises, public authorities, and citizens solely to meet the legal obligations stemming from the directives. This excludes the administrative costs that would be incurred regardless of those obligations. This captures a broad range of administrative activities including labelling, reporting, registration, provision of data, as well as monitoring and assessments needed to generate the information.

- ☐ Very low
- ☐ Low
- ☐ Moderate
- ☒ High
- ☐ Very high
- ☐ I don't know
- ☐ Not applicable

***3.13 Please specify the main causes:**

250 character(s) maximum

Compliance involves extensive assessments, species reviews and permitting procedures.

3.14 To what extent have the following aspects been taken into account in the implementation of the Directives at EU and national level?

	Not taken into account at all	Not taken into account very well	Somewhat taken into account	Taken into account very well	I don't know
* Economic	☐	☒	☐	☐	☐
* Social and cultural	☐	☐	☐	☒	☐
* Defence and civil protection	☐	☐	☐	☐	☒

* Energy independence and security	☐	☒	☐	☐	☐
* Housing and related infrastructure	☐	☐	☐	☐	☒
* Transport and related infrastructure	☐	☐	☐	☐	☒
* Climate change	☐	☒	☐	☐	☐
* Other environmental	☐	☒	☐	☐	☐
* National, regional and local	☐	☒	☐	☐	☐

3.15 To what extent do you consider EU policies in the following areas to be coherent with the objectives of the Birds and Habitats Directives?

	Not coherent at all	Not very coherent	Somewhat coherent	Very coherent	I don't know
* Agriculture and rural development	☐	☐	☐	☐	☒
* Cohesion/regional	☐	☐	☐	☐	☒
* Fisheries and Maritime	☐	☐	☐	☐	☒
* Energy	☐	☒	☐	☐	☐
* Transport	☐	☐	☐	☐	☒
* Industry/enterprise	☐	☒	☐	☐	☐
* Climate action	☐	☒	☐	☐	☐
* Health	☐	☐	☐	☐	☒
* Research and innovation	☐	☐	☐	☐	☒

*** 3.16 Would you like to answer the more specific questions in Section 2 of the questionnaire?**

- ☒ Yes
- ☐ No

4 Section 2

This section contains questions on effectiveness, efficiency and coherence.

Effectiveness

The following questions explore the extent to which the objectives of the Birds Directive and Habitats Directive have been met, and any significant factors which may have contributed to or inhibited progress towards meeting those objectives.

4.1 How effective have the Birds and Habitats Directives been in:

	Not effective at all	Not very effective	Somewhat effective	Very effective	I don' t know
* Protecting Europe's most threatened species	☐	☐	☒	☐	☐
* Protecting Europe's most threatened habitat types	☐	☐	☐	☒	☐
* Protecting all wild bird species	☐	☐	☒	☐	☐
* Ensuring that species are managed sustainably (e.g. hunting, fishing)	☐	☐	☐	☒	☐
* Establishing an EU-wide ecologically coherent network of protected areas (Natura 2000)	☐	☐	☐	☒	☐
* Managing and restoring Natura 2000 sites	☐	☐	☐	☒	☐
* Limiting negative impacts of new plans and projects on Natura 2000 sites	☐	☐	☐	☒	☐
* Ensuring ecological connectivity for migratory species	☐	☐	☒	☐	☐
* Improving knowledge on the conservation status of protected habitats and species	☐	☐	☒	☐	☐

4.2 To what extent do you think the factors listed below have contributed to the ineffectiveness or effectiveness of the Directives?

	Major contribution to ineffectiveness	Minor contribution to ineffectiveness	No contribution	Minor contribution to effectiveness	Major contribution to effectiveness	I don't know
* Clarity of legal text together with case law at national and EU levels	☐	☐	☐	☒	☐	☐
* Ambition of Directives' provisions	☐	☐	☐	☒	☐	☐
* EU level implementation and coordination	☐	☐	☐	☒	☐	☐
* National implementation	☐	☐	☒	☐	☐	☐
* Regional implementation	☐	☐	☒	☐	☐	☐
* Local implementation	☐	☐	☒	☐	☐	☐
* Enforcement at EU level	☐	☐	☒	☐	☐	☐
* Enforcement at national/regional/local level	☐	☐	☐	☒	☐	☐
* Guidance and best practice for implementation	☐	☐	☒	☐	☐	☐
* Scientific knowledge about species and habitats	☐	☐	☐	☒	☐	☐
* EU-level funding under the LIFE programme	☐	☐	☐	☐	☐	☒
* EU-level funding under other instruments (e.g. common agricultural policy, European Regional Development Fund, Horizon Europe)	☐	☐	☐	☐	☐	☒
* National/regional/local funding	☐	☐	☐	☒	☐	☐

* Human resources at EU level	☐	☐	☒	☐	☐	☐
* Human resources at national/regional/local level	☐	☐	☒	☐	☐	☐
* Stakeholders' involvement	☐	☐	☐	☒	☐	☐
* Public awareness and support	☐	☐	☐	☒	☐	☐
* Integration of nature conservation into other policies	☒	☐	☐	☐	☐	☐
* International cooperation to protect species and habitats	☐	☐	☒	☐	☐	☐
Other (please specify in the following question)	☐	☐	☐	☐	☐	☐

* 4.4 Please specify how these factors contribute to the Directives' ineffectiveness:

400 character(s) maximum

Predictable procedures under nature legislation are essential for green transition projects. However, current procedures are not aligned with the objective of accelerating the green transition such as renewable energy generation and energy transmission and distribution infrastructure.

Efficiency

The following questions explore whether the costs of implementing the EU Birds and Habitats Directives are reasonable and proportional to the results achieved. The Directives were designed to deliver benefits in terms of the conservation of species and habitats, but there are other benefits for the environment and society. Costs arise from administrative requirements, compliance enforcement, and forfeited opportunities. These costs include those due to permitting delays or restrictions on activities in Natura 2000 sites.

The efficiency section includes two sub-sections covering 1) Application of Articles 6(3) and 6(4) of the Habitats Directive (appropriate assessment procedure for plans and projects likely to impact Natura 2000 sites) and 2) Species protection and derogations.

4.5 **Based on your experience, how significant are the benefits associated with the Directives?**

	Insignificant benefits	Minor benefits	Moderate benefits	Major benefits	I don't know	Not applicable
* Wild bird conservation	☐	☐	☐	☒	☐	☐
* Species conservation (other than birds)	☐	☐	☐	☒	☐	☐
* Habitats conservation	☐	☐	☐	☒	☐	☐
* Other environmental benefits (e.g. water purification, air purification, soil quality, pollination)	☐	☐	☒	☐	☐	☐
* Climate change resilience and mitigation (e.g. flood, drought and wildfire prevention)	☐	☐	☒	☐	☐	☐
* Society (e.g. health, culture, recreation, education)	☐	☐	☒	☐	☐	☐

* Economy (e.g. jobs, tourism, food production, research and innovation)	☐	☐	☒	☐	☐	☐
Other (please specify in the following question)	☐	☐	☐	☐	☐	☒

4.7 **Based on your experience, how significant are the implementation costs associated with the Directives?**

	Insignificant costs	Minor costs	Moderate costs	Major costs	I don't know	Not applicable
* Costs of habitat protection and restoration	☐	☐	☐	☒	☐	☐
* Costs of species protection and restoration	☐	☐	☐	☒	☐	☐
* Compensation costs linked to species protection	☐	☐	☒	☐	☐	☐
* Adjustment costs (investments/expenses that people, organisations or economic sectors may have to make/incur in order to adjust their activity to the requirements of the Directives)	☐	☐	☒	☐	☐	☐
* Administrative costs (administrative activities performed to comply with administrative obligations included in legal rules)	☐	☐	☒	☐	☐	☐
* 'Hassle' costs (costs that may result from delays, litigation, redundant legal provisions)	☐	☐	☐	☒	☐	☐
* Opportunity costs (the costs of foregone income)	☐	☐	☒	☐	☐	☐

***4.8 Please specify the major costs selected:**

400 character(s) maximum

The main costs arise from project delays, redesign, scheduling constraints and reduced predictability rather than from assessments themselves.

4.9 **Based on your experience, are these costs proportionate, given the benefits associated with the Directives?**

	Not at all proportionate	Not very proportionate	Somewhat proportionate	Very proportionate	I don't know	Not applicable
* Costs of habitat protection and restoration	☐	☐	☒	☐	☐	☐
* Costs of species protection and restoration	☐	☐	☒	☐	☐	☐
* Costs of species protection, additional to habitat protection and restoration (including compensation for damage)	☐	☐	☒	☐	☐	☐
* Adjustment costs (investments/expenses that people, organisations or economic sectors may have to make/incur in order to adjust their activity to the requirements of the Directives)	☐	☒	☐	☐	☐	☐
* Administrative costs (administrative activities performed to comply with administrative obligations included in legal rules)	☐	☒	☐	☐	☐	☐
* 'Hassle' costs (costs that may result from delays, litigation, redundant legal provisions)	☐	☒	☐	☐	☐	☐
* Opportunity costs (the costs of foregone income)	☐	☐	☒	☐	☐	☐

Specific questions on the application of Article 6(3) and 6(4) of the Habitats Directive ('appropriate assessment procedure' for plans and projects likely to impact Natura 2000 sites)

Article 6(3) of the Habitats Directive requires that any plan or project likely to significantly affect a Natura 2000 site, either alone or in combination with other plans or projects, must be subject to an appropriate assessment and be authorised only if this will not adversely affect the site's integrity. Article 6(4) provides that, in the absence of alternatives and for imperative reasons of overriding public interest, a plan or project with significant negative effects may still proceed if compensatory measures are adopted to preserve the overall coherence of the network. By virtue of Article 7 of the Habitats Directive, this also applies to the sites classified under the Birds Directive.

*** 4.10 Based on your experience, how efficient is the appropriate assessment procedure in preventing the degradation of habitats and species protected in Natura 2000 areas (e.g. taking into account effectiveness, duration, costs, administrative burden)?**

- ☐ Not at all efficient
- ☐ Not very efficient
- ☒ Somewhat efficient
- ☐ Very efficient
- ☐ I don't know
- ☐ Not applicable

4.11 Please rank the following elements with regard to how they contribute to the efficiency/inefficiency of the ‘appropriate assessment’ procedures under the Birds and the Habitats Directives

	Major contribution to inefficiency	Minor contribution to inefficiency	No contribution	Minor contribution to efficiency	Major contribution to efficiency	I don' t know
* Legal formulation of the Directives	☐	☒	☐	☐	☐	☐
* Interpretation of legal requirements by the Court of Justice of the European Union	☐	☐	☒	☐	☐	☐
* Administrative procedures as described in the Directives	☐	☐	☐	☒	☐	☐
* Administrative procedures in place at national/regional/local level	☐	☐	☐	☒	☐	☐
* Guidance documents developed at EU level	☐	☐	☒	☐	☐	☐
* National/regional/local guidance and support	☐	☐	☒	☐	☐	☐
* Integration of the appropriate assessment with the environmental impact assessment under the EIA Directive	☐	☐	☐	☐	☒	☐
* Implementation practices by national/regional/local authorities compared with the Directives' requirements	☐	☒	☐	☐	☐	☐
* Coordination between several competent authorities at national level	☐	☐	☒	☐	☐	☐
* Capacity or resources of competent authorities	☐	☒	☐	☐	☐	☐
* Availability and level of quality of data on species and habitats	☒	☐	☐	☐	☐	☐
*						

Existence, level of quality and preciseness of site-specific conservation objectives which inform the assessment of the plans and projects	☐	☐	☒	☐	☐	☐
* Litigation before national/regional/local courts	☐	☐	☒	☐	☐	☐
* The requirement for a formal Commission opinion for certain plans and projects affecting 'priority' habitats/species in Natura 2000 sites (Article 6(4) of the Habitats Directive)	☐	☐	☒	☐	☐	☐
Other (please specify in the following question)	☐	☐	☐	☐	☐	☐

- * 4.13 Please specify how the elements selected contribute to the inefficiency of the appropriate assessment procedures under the Birds and the Habitats Directives.

400 character(s) maximum

The scope and depth of the assessments required from project developers should be clarified. It should be clear that the responsibility of project developers is limited to assessing the impacts of their activities, and that they cannot be expected to carry out basic scientific research on habitats or species.

- * 4.14 **Which of the following measures would most improve the functioning of appropriate assessment procedures for your activity?**

Maximum 11 selection(s)

- ☐ More detailed EU guidance documents
- ☒ Increased capacity/resources/upskilling of competent authorities
- ☒ Better and more easily/publicly available scientific data
- ☐ Increased involvement of and support to stakeholders
- ☒ A clearer and more predictable framework for the timely completion of appropriate assessments at national level
- ☐ A clearer and more predictable framework for the timely completion of appropriate assessments at regional level
- ☐ Better coordination between competent authorities at regional and/or national level
- ☒ Faster and improved permitting and authorisation procedures
- ☐ I don't need appropriate assessments procedures in my activities
- ☐ I don't think appropriate assessments procedures need to be improved
- ☐ Other (please specify in the following question)
- ☐ I don't know

- * 4.16 **Do you have examples of best practices or solutions to reduce costs or administrative burden in appropriate assessment procedures?**

1000 character(s) maximum

A key challenge is that scientific knowledge on habitats and protected species is often incomplete and may change over time. The effects of climate change, noise or other disturbance, and changing conditions such as hydrological changes are often difficult to assess accurately. Assessing impacts on mobile species involves significant challenges. So it is not possible to produce absolute scientific certainty regarding the impacts of a project, particularly at the planning stage. In practice, uncertainty is often interpreted against the project. The application of the precautionary principle should therefore remain proportionate and reasonable.

Specific questions on species protection and derogations.

Article 5 of the Birds Directive and Articles 12 and 13 of the Habitats Directive establish a general system of species protection for all wild birds covered by the Birds Directive and for species listed in Annex IV to the Habitats Directive, respectively, prohibiting their deliberate killing, capture, disturbance, or trade, as well as the deterioration or destruction of their breeding sites or resting places.

Under Article 9 of the Birds Directive and Article 16 of the Habitats Directive, Member States may grant exceptions from these species protection provisions. Derogations are only allowed for certain reasons, if there is no other satisfactory solution and the consequences of these derogations are not incompatible with the overall aims of the Directives.

*** 4.17 In your view, how clear are the current rules on species protection under the Birds Directive (Article 5) and the Habitats Directive (Articles 12 and 13)?**

- ☐ Very clear
- ☒ Rather clear
- ☐ Rather unclear
- ☐ Very unclear
- ☐ I don't know

*** 4.18 To what extent does the current derogation system from the general species protection rules (Article 9 of the Birds Directive and Article 16 of the Habitats Directive) efficiently address the specific challenges associated with your activity?**

- ☐ Not at all efficiently
- ☒ Not very efficiently
- ☐ Somewhat efficiently
- ☐ Very efficiently
- ☐ I don't know
- ☐ Not applicable

*** 4.19 Which of the following measures would most improve the functioning of species protection and derogations for your activity, while ensuring that the Directives' objectives are achieved?**

Maximum 11 selection(s)

- ☒ Clearer/less complex/more consistent provisions in the Directives
- ☒ Easier procedure to adapt the annexes of the Directives listing the species concerned to technical and scientific progress
- ☒ More targeted rules focusing on how activities affect species populations rather than individual specimens
- ☐ Clearer definitions and concepts in EU guidance
- ☒ More and better publicly available scientific data on species, their habitats and other data to support derogations
- ☐ Simplification of procedures to approve derogations at regional/local level
- ☒ Simplification of procedures to approve derogations at national level
- ☐ I don't deal with species protection and derogations procedures in my activity
- ☐ Other (please specify in the following question)
- ☐ I don't think species protection and derogations need to be improved
- ☐ I don't know

*** 4.21 Please provide examples of how that would help you:**

400 character(s) maximum

The maintenance of energy transmission and distribution networks requires vegetation management in line corridors. For electricity networks, this is necessary for safety and security of supply. Vegetation along lines must be managed both as part of planned maintenance and to repair damage after exceptional situations, such as storms or heavy snow loads. Seasonal restrictions also have greater cons

4.22 Please rank the following elements with regard to how they contribute to the efficiency/inefficiency of species protection and derogations under the Birds and Habitats Directives.

	Major contribution to inefficiency	Minor contribution to inefficiency	No contribution	Minor contribution to efficiency	Major contribution to efficiency	I don' t know
* Legal formulation of Article 5 of the Birds Directive	☐	☐	☒	☐	☐	☐
* Legal formulation of Articles 12 and 13 of the Habitats Directive	☐	☐	☒	☐	☐	☐
* Interpretation of legal requirements by the Court of Justice of the European Union	☐	☐	☒	☐	☐	☐
* Administrative procedures at national/regional/local level	☐	☐	☐	☒	☐	☐
* Guidance documents developed at EU level	☐	☐	☒	☐	☐	☐
* National/regional/local guidance and support	☐	☐	☒	☐	☐	☐
* Coordination between several competent authorities at national level	☐	☐	☐	☒	☐	☐
* Capacity or resources of competent authorities	☐	☒	☐	☐	☐	☐
* Availability and level of quality of data on protected species and their habitats	☐	☒	☐	☐	☐	☐
* Litigation before national/regional/local courts	☐	☐	☒	☐	☐	☐
* Derogation reporting under Article 16 of the Habitats Directive and Article 9 of the Birds Directive	☐	☐	☐	☐	☐	☒

* Procedures to change the annexes listing protected species	☐	☒	☐	☐	☐	☐
Other (please specify in the following question)	☐	☐	☐	☐	☐	☐

- * 4.24 Please specify the provisions and/or species concerned for the elements selected contributing to the inefficiency:

400 character(s) maximum

The strict prohibitions concerning the deliberate killing and disturbance of species and the deterioration of breeding sites and resting places may, if interpreted literally, prevent almost any activity in natural areas. In particular, activities related to renewable energy generation, as well as investments in and maintenance of energy transmission and distribution infrastructure, should be regar

- * 4.25 **Do you have concrete examples of best practices or existing solutions to reduce costs or administrative burden in relation to species protection and derogation procedures?**

1000 character(s) maximum

In species protection, the focus should be on the population level rather than on individual specimens.

Coherence

This section explores whether the Birds and Habitats Directives are consistent with each other and with other EU policies and legislation. It also examines whether the Birds and Habitats Directives and these policies and legislation are complementary or if there are significant gaps, overlaps and inconsistencies in EU policy action that stand in the way of their effective implementation.

4.26 To what extent do you agree with the following statements?

	Totally disagree	Mostly disagree	Neither agree nor disagree	Mostly agree	Totally agree	I don't know
* The provisions of the Birds and the Habitats Directives are consistent with each other and mutually supportive	☐	☐	☐	☒	☐	☐
* The provisions of the Birds and the Habitats Directives are consistent with the objectives of the EU biodiversity strategy and contribute to their achievement	☐	☐	☐	☐	☒	☐
* The provisions of the Birds and the Habitats Directives are consistent						

with international biodiversity commitments, and contribute to their achievement (e.g., the Convention on Biological Diversity, the Convention on the Conservation of Migratory Species of Wild Animals, the Bern Convention)						
* The provisions of the Birds and the Habitats Directives are consistent with those of other EU environmental legislation						
* The provisions of the Birds and Habitats Directives are consistent with other EU policies in the field of the Green Deal and long-term competitiveness						

*** 4.27 Please describe the provisions concerned, the gaps, overlaps or inconsistencies, and any solution for addressing them.**

1000 character(s) maximum

Green transition projects, in particular renewable energy generation and energy transmission and distribution infrastructure, are essential from the perspective of EU climate, competitiveness and industrial policy as well as security of supply and resilience. The Birds and Habitats Directives should consistently take into account the need to enable projects of strategic importance or override

Recent EU legislation and legislative proposals have, to some extent, recognised the strict requirements arising from the Birds and Habitats Directives and have sought to facilitate the implementation of certain projects. The Renewable Energy Directive already includes important exemption. The broader exemption is proposed by the Environmental Omnibus initiative. While these developments are welcome, Finnish Energy emphasises that the necessary changes should be set directly into the Birds and Habitats Directives in order to ensure the clarity and coherence of the legislative framework.

5 Section 3: Final remarks

You are encouraged to share more about your experience, and to provide examples of good practices and/or of concrete solutions for making the implementation of the Birds and Habitats Directives more efficient.

*** 5.1 Is there anything you would like to add in relation to this questionnaire?**

1000 character(s) maximum

In some activities or structures, habitats for species covered by the Directives may emerge either intentionally or unintentionally. At present, the Directives protect these new habitats and breeding sites in the same way as natural areas. Protection in such sites often creates delays or even obstacles for necessary actions. The Directives do not currently encourage operators to create new habitats, as they may fear that such habitats would become subject to permanent strict protection. Even temporary habitats in close vicinity to human

activities can be valuable. The Directives should recognise this and facilitate the creation of new habitats without imposing strict protection requirements on them.

5.2 **Would you like to upload a document to supplement your input with concrete evidence or examples?** Please upload one document only.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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/The_Stress_Test_of_the_Birds_and_Habitats_Directives_Finnish_Energy_s_position_paper_final_1008

Thank you for your feedback.

Contact

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