



**Supporting Implementation of the Emerald Network in the United Kingdom
Phase 2 Report**

Bernie Fleming and Clare Hamilton

March 2023

For further information please contact:

Joint Nature Conservation Committee
Quay House
2 East Station Road
Peterborough PE2 8YY
<https://jncc.gov.uk/>
Communications@jncc.gov.uk

This report was produced for JNCC under an external contract, by Bernie Fleming and Clare Hamilton of Fleming Ecology, for contract reference F21-0708-1581(37) Supporting implementation of the Emerald Network in the United Kingdom Phase 2.

This document should be cited as:

Fleming, B. and Hamilton, C. 2023. Supporting Implementation of the Emerald Network in the United Kingdom: Phase 2 Report, JNCC Peterborough, F21-0708-1581(37).
<https://hub.jncc.gov.uk/assets/18736cfd-5ff9-4460-9517-a8d307ce11b3#bern-convention-emerald-network-phase-2-report.pdf>

Acknowledgments:

The authors are grateful to the representatives of the devolved administrations, statutory nature conservation bodies, crown dependencies and UK Overseas Territories who participated in the workshops as part of this analysis, this has been fundamental to the findings of the report.

Evidence Quality Assurance:

This document is compliant with JNCC's Evidence Quality Assurance Policy
<https://jncc.gov.uk/about-jncc/corporate-information/evidence-quality-assurance/>

This resource is made available under the [Open Government Licence](#).

Whilst every effort is made to ensure that the information in this resource is complete, accurate and up-to-date, JNCC is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use. Whenever possible, JNCC will act on any inaccuracies that are brought to its attention and endeavour to correct them in subsequent versions of the resource, but [cannot guarantee the continued supply of the Information.

Table of Contents

1. Background to project.....	1
2. Evidence Gathering	2
2.1 Workshop to gather input on issues.....	2
2.1.1 Trends identified from Workshop 1	2
2.1.2 Gaps in information	7
2.2 Workshop to test findings.....	7
3. Analysis: what are the key problems or challenges in implementing the Emerald Network in the UK?.....	10
4. Consideration of the options set out in the legal report.....	12
Annex 1. Screenshots from Workshop on 28th June 2022	16
Annex 2. Issues identified by workshop participants.....	16
Annex 3. Workshop 2 polls	16
Annex 4. Examples of Conservation Measures set out in the Appendix to Recommendation No. 25 (1991).....	18

1. Background to project

This work focuses on identifying what is required to implement the Emerald Network based on existing Bern Convention Resolutions, Recommendations, Guidance and Processes. It seeks to help to answer the question agreed at Standing Committee 41 (see background section of the Phase 1 report) *“Please identify what problems or challenges you face with implementing relevant elements of the Convention and other measures in place for Emerald Network sites”*

This second phase of the work builds on the first phase by identifying issues and making recommendations to answer the following questions:

- what are the problems with implementing the Emerald Network requirements identified in phase 1 of the project?
- what problems can be identified as a consequence of the lack of clarity within the relevant resolutions, recommendations and guidance identified in the first phase of this work? To what extent do the Habitats Regulations address these issues?
- Based on Phase 1, and where resources allow, provide recommendations for changes that might be needed to resolutions / recommendations / guidance / processes that could be developed in order to implement the Emerald Network as effectively as possible.

2. Evidence Gathering

2.1 Workshop to gather input on issues

A workshop was held on 28th June 2022, including representatives of Defra, JNCC, the Devolved Administrations, the Statutory Nature Conservation Bodies, the Isle of Man, Jersey, Gibraltar and the Cyprus Sovereign Base Area.

The aim of the workshop was to provide evidence to enable an analysis of which problems or challenges relate to EU requirements; which relate to the requirements of the Bern Convention; and which relate to choices made in implementation at national levels.

Based on participants experience of implementing the Nature Directives, the workshop sought to gather information on the likely problems or challenges in implementing the Bern Convention's provisions regarding the protection of habitats and species, and more specifically regarding the implementation of the Emerald Network.

Participants contributed views from their own experience and from the wider experience within their organisations in respect of the seven categories set out in the Phase 1 report (see Annex 1), namely:

- Site designation
- Site management
- Site monitoring
- Reporting
- Review
- Consultation, communication and cooperation; and
- Funding.

Participants were asked to identify challenges, benefits and any other issues in each of these seven categories (see Annex 1). There was limited experience with directly implementing the Convention itself or with the process of designation, management and monitoring specifically of Emerald Network sites rather than Natura 2000 (N2K) sites.

2.1.1 Trends identified from Workshop 1

In analysing the issues identified in the workshop, an assessment was applied as to whether the issues were the result of the Bern Convention, the EU Habitats and Birds Directives, choices made in respect of domestic implementation or other issues unrelated to the first three.

Most issues identified arise as a result of choices made in respect of implementation at domestic level, or constraints placed on implementation at domestic level (political, financial, etc.).

The most common / most supported issues identified in each of the seven categories are set out below, with the wording reflecting precisely that proposed by workshop participants (see Annex 2):

(a) Designation

- 1. problems with habitat translation between Emerald Network and Habitats Directive (EU issue)
- 2. poor alignment of designations / too many different types of designation (implementation)
- 3 = lack of political appetite to designation as it is seen as restrictive (implementation)
- 3 = perception that site designation means government taking over management of land (implementation)
- 3 = lack of appetite for another label (implementation)
- 3 = challenge of how to assess / identify sites as criteria are general and created locally (implementation)
- 3 = high amount of evidence needed to designate site (**Bern**)
- 3 = can take a long time to designate (implementation)
- 3 = current system looks at preserving features rather than allowing for adaptation and change (**Bern**)

(b) Management

- 1 = no mechanism for obliging private landowners to engage in or undertake positive management (implementation)
- 1 = some landowners will not be persuaded by money as they have their own aspirations for land or simply don't want to sign an agreement (implementation)
- 1 = constant battle of the short-term nature of the resources available to maintain momentum (implementation)

(c) Monitoring

- 1. difficult to achieve the necessary monitoring / review with the resources available (implementation)
- 2. no statutory monitoring duty (implementation)
- 3. overlap of areas and conflict in legislation (implementation)
- 4 = lack of capacity to undertake monitoring (implementation)
- 4 = limited data to allow analysis (implementation)

(d) Reporting

- 1 = time consuming and resource heavy having to report multiple times for multiple conventions in different formats (**Bern** / implementation)
- 1 = loss of in-house capacity (implementation)

(e) Review

- 1 = difficult to follow up identified actions (implementation)
- 1 = need to understand purpose of review (**Bern**)

(f) Consultation, communication & cooperation

- 1 = very little public understanding of Emerald sites compared to Habs Directive, etc. (Bern)
- 1 = people think designations have gone away post Brexit (implementation)
- 1 = danger of overwhelming the public with different designation names when the same interests are being protected (implementation)

(g) Funding

- 1 = restricted resources (implementation)
- 1 = lack of funding to implement survey and monitoring (implementation)
- 1 = monitoring and designation has never been adequately resourced (implementation)

Other issues attributed specifically to the Bern Convention were:

(a) Designation

- Transposing habitats to Bern convention compliant habitats takes time and resources (challenge)
- Bern secretariat want a full assessment in one go, which means a major piece of work (challenge)
- Should offer a truly international context for protected areas free of EU geopolitics (benefit)
- Emerald sites would help to ensure that seabird colonies are taken into account fully in offshore development assessments (benefit)
- Could / would emerald network site designation help increase recognition of designated / protected areas by other states (benefit)
- Process of consulting with the public on the transfers to emerald network smoother than the actual process of designation (benefit)
- Some emerald network sites contain endemic / near endemic species that are not listed in the Bern Convention Appendices (other)

- Possibility of minor boundary changes might be helpful (e.g. to correct past errors), if any (other)

(b) Management

- Key parameter going forward is to consider the ecological connectivity of sites (benefit)

(c) Monitoring – none identified

(d) Reporting

- Burden of expectation is growing, Bern complicates this further (challenge)
- Lack of clarity on reporting process overall (challenge)
- Reporting format is not user friendly (challenge)

(e) Review

- Clarity on what we need to report and how it considers capacity, particularly for non-EU parties (benefit)
- Looking at setting targets outside of protected sites and will need to review every 5 years (other)

(f) Consultation, communication and cooperation

- Adding sites requires an evaluation through the convention (challenge)
- How to communicate Bern Convention to the wider public, stakeholders and within organisations in a simplified and accessible form – lack of guidance or consistency in interpretation (challenge)
- Information on potential complications associated with developments near or within sites is lacking (challenge)
- Highlighting obligations under the Bern Convention would help to promote the importance of protected areas (benefit)
- Use of Emerald Network as a positive comms tool to engage other policy areas (benefit)
- Consultation on Emerald network is an opportunity to engage other departments and strengthen conservation / ecological network and management of protected areas on landscape scale (benefit)
- Strengthening understanding of responsibility to meet requirements under Bern could be helpful (other)

(g) Funding – none identified

A number of themes can also be identified in respect of the issues raised under each category:

(a) Designation

- a. Benefits of designation
- b. Lack of support for designation
- c. Differences between Emerald Network and N2K
- d. Multiplicity of designation
- e. Practical challenges with the designation process

(b) Management

- a. Management plans / agreements
- b. Development impacts
- c. Implementation / enforcement
- d. Land management

(c) Monitoring

- a. Policy conflicts
- b. Requirement for monitoring
- c. Resource for monitoring
- d. Capacity to be able to monitor effectively
- e. Purpose of monitoring
- f. Currency of monitoring data

(d) Reporting

- a. Alignment of reporting cycles and formats
- b. What is reported on
- c. Reporting format
- d. Capacity

(e) Review

- a. Follow up
- b. Political priority
- c. Purpose of review

(f) Consultation, communication and cooperation

- a. Cooperation with others
- b. Understanding and awareness
- c. Public engagement
- d. How and what to communicate externally

(g) Funding

- a. Resources to fund internal action

- b. Resources to fund external action
- c. Prioritisation of funding
- d. Capacity

2.1.2 Gaps in information

A number of expected issues did not emerge during the workshop discussions. There are a range of reasons that could be explored further, but it is likely that the main reason for this was lack of direct experience from the DAs and SNCBs in dealing with the Bern Convention. Input from Gibraltar, Jersey, the Isle of Man and Cyprus SBA was therefore particularly useful.

Gaps included the development / site protection nexus, where very few issues were raised regarding conflicts in development and nature protection policies and regulations in any of the categories; and issues related to the fragmentation of guidance, resolutions, recommendations and legal obligations under the Bern Convention itself. Similarly, no issues were raised in relation to the case file system, reflecting the fact that there have been few UK site related case files.

2.2 Workshop to test findings

A second workshop was held on 29th July 2022, again including representatives of Defra, JNCC, the Devolved Administrations, the Statutory Nature Conservation Bodies, the Isle of Man, Jersey and the Cyprus Sovereign Base Area. A separate conversation was conducted with the representative of Gibraltar on 22nd August.

The aim of the workshop was to test the findings of the workshop held on 28th June to gather evidence to enable an analysis of which problems or challenges in implementing the Bern Convention's provisions regarding the protection of habitats and species relate to EU requirements; which relate to the requirements of the Convention itself; and which relate to choices made in implementation at national levels.

The workshop also included presentation of the initial findings of the case file review carried out by JNCC and an initial discussion around that review.

For each of the seven categories, the most common / most supported issues were presented to the participants, along with the option to choose either 'something else' and 'no significant issues'. Participants were asked to select the most significant issue within each category through a series of polls (see Annex 3).

(a) Designation:

- Too many different designations
- Lack of political appetite to designate

(b) Management:

- Constant battle of short-term resources available to maintain momentum

(c) Monitoring

- Difficult to achieve necessary monitoring with available resources

(d) Reporting

- Time consuming and resource-heavy to report multiple times in different formats

(e) Review

- Purpose of review unclear (i.e. what will it lead to?)

(f) Consultation, communication and cooperation

- Very little public understanding of Emerald Network sites compared to Natura 2000, SSSIs etc.

(g) Funding

- Restricted resources / designation, monitoring and survey activities have never been adequately resourced.

Whilst the majority of issues are not directly attributable to Bern, two of the most significant are and would appear to stem primarily from a lack of familiarity with the Convention, namely the **purpose of the review required by the Convention** and the **issues identified with reporting formats**, which are not unique to Bern.

The most common theme to emerge across all the categories was the constraints linked to **lack of resources**, both financial and human, with **lack of capacity** being strongly linked to lack of human resources. **Lack of awareness and knowledge** also emerged as a cross-cutting theme; as did **consistency of approach and application**. It was noted that significant resource is necessary to make an assessment of Emerald Sites as local criteria need to be created and a full assessment of sites is requested for consideration, rather than piecemeal, site by site.

It should be noted that the majority of participants in the workshops had no or little direct experience in implementing the Emerald Network directly, as pre-Brexit this was delivered entirely through implementation of the EU Nature Directives. Awareness of the specific requirements of the Convention and of the differences between the Convention and the Nature Directives was therefore limited.

No particular problems or challenges were identified by the workshop participants as being directly linked to the lack of clarity within the relevant Bern Convention resolutions, recommendations and guidance. However, this may be due to the fact that the UK first established the Natura 2000 network and then transferred data to the Emerald Network database after the UK left the EU rather than the Emerald Network being directly established in the UK.

3. Analysis: what are the key problems or challenges in implementing the Emerald Network in the UK?

The analysis is based on the findings set out in the Phase 1 report, the evidence gathered during the two workshops and in conversations with the workshop participants.

As outlined above, most problems or challenges identified in the UK and in the UK Overseas Territories and Crown Dependencies to which the Bern Convention has been extended are not directly attributable to the Convention itself. Most relate instead to choices made at the point of implementation, either directly by the implementing agencies or due to political, financial or other constraints and are not therefore addressed within metropolitan UK by or through the existing Habitats Regulations.

The main picture to emerge regarding the implementation of requirements related to the Emerald Network is that it's complicated. Bern Convention Emerald Network requirements are not easy to interpret. They are spread across a large number of different resolutions, recommendations and guidance documents as well as in the Convention text and in the consideration of case file referrals. This makes it difficult for Contracting Parties to apply the requirements consistently and coherently.

One example of where reliance on these disparate requirements could lead to difficulties for the UK in the future is the safeguard of Emerald Network sites from inappropriate development. Replacement of the existing measures in Article 6 of the Habitats Directive (long supported by domestic and European case law) by the confusing array of measures in the Convention could lead to inconsistency in implementation and, potentially, time-consuming challenges.

The Bern Convention's requirements in relation to the Emerald Network and the supporting resolutions, recommendations and guidance cover all of the elements required for Contracting Parties to put in place robust systems and strategies for protected areas and species protection. Signposting on the Convention website is much improved but still not fully comprehensive.

The lack of a coherent and comprehensive approach at Convention level means that a lot is left to interpretation: an issue that is not unique to the Bern Convention. Legal obligations tend to be much vaguer at international level simply by their nature: they must be negotiated and accepted by a large group of countries with different legal systems and domestic approaches. As a result, treaties are less precise than domestic law and a lot of detail is left

to interpretation. This tends to be done through non-binding instruments under the treaty in question. For Bern this means resolutions, recommendations and guidance.

Whilst this is inevitable, it does create a system that can have gaps and will be open to interpretation by each Contracting Party, and each will interpret its obligations differently in accordance with its own domestic system. The same is true with the Nature Directives, but the Nature Directives are clearer on how the desired outcome is to be achieved, whereas Bern as a Treaty leaves this more open, widening the scope for differences of approach, leading to inconsistencies and potential implementation issues. It is also worth noting that, in addition to differences between Contracting Parties, there can be no one-size-fits-all approach as each site is unique.

The EU Nature Directives offer a more detailed and arguably more comprehensive approach, but this is not without its own concerns and certainly is not universally adhered to. Whilst the greater detail in the Nature Directives could be considered helpful, greater complexity does not always mean better implementation or enhanced compliance.

The key problems or challenges that have emerged from a UK perspective are:

- a. Lack of awareness and knowledge of the Emerald Network and the requirements of the Bern Convention at all levels and by all stakeholders;
- b. Lack of clarity on what is required for the Emerald Network due to the inevitably fragmented outcome of developing a system over several decades without consolidation or clarification;
- c. Lack of resources to implement fully; and
- d. Lack of capacity to make the transition.

4. Consideration of the options set out in the legal report

The Bern Convention Secretariat commissioned a [study](#) to identify the obligations of non-EU Contracting Parties to the Convention with regard to Emerald Network sites; and to compare these obligations with the obligations that EU Member States have regarding Natura 2000. Four possible approaches to consolidate, clarify, adjust and / or complement the Emerald Network framework (the 'legal framework' includes the legally binding provisions of the Convention along with the supporting resolutions, recommendations and guidance, the majority of which are not in and of themselves legally binding, as described in the Phase 1 report) were identified and presented to the Contracting Parties ([Document T-PVAS/PA \(2021\) 01](#)), in conjunction with Document T-PVS/PA(2021) 02 and [Document T-PVS/PA \(2021\) 09](#)) These options are as follows:

- Option 1: Clarify and consolidate current requirements
- Option 2: Clarify currently unclear aspects of requirements
- Option 3: Adjust requirements
- Option 4: Provide non-binding guidance on requirements

There is clearly some overlap in the options, and they are not mutually exclusive: more than one of the options could be adopted in parallel. The options have different levels of legal effect, ranging from no change at Convention level, but the provision of additional guidance (option 4), to amendment of the treaty obligations (option 3). The language used in the reports and in particular in the 'proposal for further work' (Document T-PVS/PA (2021) 02) is not always clear and the following offers an interpretation of what the different options appear to mean in practice.

Option 4 has the lightest legal effect. It implies no change to the obligations set out in the Convention or to the provisions of the Resolutions and Recommendations. Instead, stand-alone guidance would be developed to sit alongside the existing framework and to supplement and signpost only. Guidance has the potential to provide helpful signposting and to provide interpretation of the requirements, would not resolve the existing fragmentation.

Option 3 has the strongest legal effect. It implies amendment to the Convention itself to clarify the precise conservation results to be achieved under Article 4 and the scope of exceptions under Article 9, as well as potentially including additional provisions on monitoring and reporting; site protection status; site management measures; and the assessment and authorisation of projects. An alternative option to amending the Convention

would be for the Convention to adopt an interpretative resolution with legally binding effect, akin to Resolution 1. This is offered in the legal study as a way that alignment with the EU Nature Directives could be ensured.

Options 1 and 2 are very similar and would involve consolidation and clarification of existing resolutions, recommendations and guidance. Option 1 implies consolidation and clarification of existing provisions only without changing the meaning of those provisions; whereas option 2 implies consolidation and clarification with the addition of supplementary provisions that help to ensure consistency or fill any identified gaps.

[Document T-PVS/PA \(2021\) 09](#) includes a list of aspects of the Emerald Network legal framework that could be 'further elaborated' through consolidation, clarification, adjustment or by complementing (see Annex 4). These fall under the following broad headings:

- the results to be achieved under Article 4 of the Bern Convention;
- monitoring and reporting;
- site protection status;
- site management measures;
- assessment and authorisation of projects; and
- the scope for exceptions under Article 9.

If the aim is to ensure a more effective implementation of the Emerald Network, options 1, 2 and 4 would appear to be the most suitable to ensure greater clarity. Options 1 and 2 would have the added advantage of potential repeal and recast of the existing Resolutions and Recommendations, bringing everything together in a single instrument.

Option 4 would provide useful signposting through guidance but is likely to be the least effective in terms of resolving the existing fragmentation. Provision of regularly updated guidance and signposting to topic-related guidance would, however, be a good starting point to improve clarity. Regularly updated and detailed guidance document, as occurs under the Convention on International Trade in Endangered Species (CITES) is a useful and effective model to consider, as all related guidance is integrated into one easily accessible document.

If option 1 or option 2 were to be chosen, the question of how to achieve the necessary clarification and / or consolidation and which, if any, areas need to be further clarified, consolidated or supplemented remains to be explored. One possibility might be to seek greater coherence with the EU Nature Directives, but the merits of this would need to be considered in each instance rather than a simple wholesale adoption.

In considering which option to support, a number of questions therefore arise for consideration that will guide the development of potential changes to resolutions, recommendations, guidance and processes in order to implement the Emerald Network as effectively as possible:

- Is there merit in replacing the current fragmented system of resolutions and recommendations with a single resolution specifically on the Emerald Network supported by one or more recommendations and / or sets of guidelines that are updated rather than added to? The Convention on Migratory Species has recently undertaken a similar exercise and may offer a model for this. Either a single recommendation or a series of recommendations dealing individually with, for example, designation, monitoring, management, potentially harmful activities, etc., would help to enhance clarity and coherence.
- Is the list of possible areas for consolidation, clarification, adjustment or complementing set out in [Document T-PVS/PA \(2021\) 09](#) comprehensive? Can these elements be supported? If so, what changes would the UK like to see?
- Is there merit in harmonising some aspects of the Nature Directives with the Convention? For example the list of protected species, features or habitats? Are there any areas where harmonisation would be helpful in achieving greater clarity, including for developers?
- Is there merit in providing a set of guidelines for case file reviewers that includes a range of standard topics for each case file that test the fundamental implementation of key elements of the Convention, to ensure greater transparency and consistency when the implementation of the Emerald Network is reviewed?
- Is there merit in considering whether Bern can learn from good practices under other Conventions? For example, under the Ramsar Convention, a site can be put forward on its individual merit based on clear criteria. For Bern, national criteria are required and then a full assessment of all potential sites across the territory, to be provided in a single tranche, potentially requiring greater resources at national level at the point of designation.

As it stands, **the most effective solution is likely to be codification** (the process of arranging laws or rules according to a system or plan) **and simplification of the existing Bern Convention requirements along with consistent application across the case file system, with a review of progress in approximately 5 years (i.e. options 1 or 2).**

As the main problem identified in this report is implementation at domestic level, changing the requirements of the Convention to mirror the EU Directives is not going to help. To

properly enforce a system that fully mirrors the EU Directives, a supporting system for monitoring and review of country implementation would need to be created that is far more sophisticated and resource intensive – both for the Secretariat and for Parties – than the current case file system.

Codification and simplification would also allow parallel consideration of how to more coherently implement the biodiversity related MEAs, bringing in consideration of Ramsar Convention, Convention on Migratory Species and Convention on Biological Diversity requirements to ensure that the final system works across all related requirements.

The suggestions above are on the basis of the premise that the aim of the work proposed is to make the Emerald Network and its implementation more effective. Before choosing any option, all Parties should be clear on the rationale for making changes or improvements to the Emerald Network system, as the most effective option will depend on the issues under consideration.

Annex 1. Screenshots from Workshop on 28th June 2022

This annex material is available as a separate downloadable resource.

Annex 2. Issues identified by workshop participants

This annex material is available as a separate downloadable resource.

Annex 3. Workshop 2 polls

A. Designation

Options	Results (%)
Problems with habitat translation between EN and N2K	5% (2)
Poor alignment of designations	8% (3)
Too many different designations	19% (7)
Perception designation means government taking over site	0% (0)
Lack of political appetite to designate: seen as restrictive	19% (7)
How to assess/identify sites: criteria generally locally created	8% (3)
System preserves features: doesn't allow adaptation or change	11% (4)
Lack of appetite for another label	5% (2)
High amount of evidence needed to designate site	8% (3)
Can take a long time to designate	8% (3)
Something else	5% (2)
No significant issues	0% (0)

B. Management

Options	Results (%)
No mechanism for obliging private landowners to undertake positive change	20% (5)
Landowners have own aspirations for land and don't want to sign agreement – money not always the answer	32% (8)
Constant battle of short-term nature of resources available to maintain momentum	44% (11)
Something else	4% (1)
No significant issues	0% (0)

C. Monitoring

Options	Results (%)
Difficult to achieve necessary monitoring with available resources	38% (12)
No statutory monitoring duty	12% (4)
Overlap of areas and conflict in legislation	3% (1)
Lack of capacity to undertake monitoring	29% (9)
Limited data to allow analysis	12% (4)
Something else	3% (1)
No significant issues	0% (0)

D. Reporting

Options	Results (%)
Time consuming and resource heavy to report multiple times in different formats	64% (11)
Loss of in-house capacity	17% (3)
Something else	11% (2)
No significant issues	5% (1)

E. Review

Options	Results (%)
Difficult to follow up identified actions	38% (5)
Purpose of review unclear	61% (8)
Something else	0% (0)
No significant issues	0% (0)

F. Consultation, communication and cooperation

Options	Results (%)
Very little public understanding of EN sites compared to N2K etc	47% (10)
People think designations have gone away post Brexit	0% (0)
Danger of overwhelming the public with different names when the same interest are being protected	42% (9)
Something else	9% (2)
No significant features	0% (0)

G. Funding

Options	Results (%)
Restricted resources	26% (7)
Lack of funding to implement survey and monitoring	34% (9)
Monitoring and designation has never been adequately resources	34% (9)
Something else	3% (1)
No significant issues	0% (0)

Annex 4. Examples of Conservation Measures set out in the Appendix to Recommendation No. 25 (1991)

1. Results to be achieved under Article 4
 - precise required conservation results, for example: “satisfactory / favourable” conservation status, “ecological integrity / ecological character”
2. Monitoring and reporting, including notions of:
 - surveillance of the conservation status
 - criteria for assessing the conservation status
3. Site protection status, including notions of:
 - “appropriate” protection regime
 - national designation
4. Site management measures, including notions of:
 - conservation measures required to achieve the results
 - protection from existing or new threats within or beyond the boundaries of sites
 - maintenance of the ecological character
 - site management plans
5. Assessment and authorisation of projects, including notions of:
 - prior authorisation
 - impact assessment where necessary
 - refusal of incompatible projects (including the required degree of certainty of absence of harmful impacts)
 - except when applying Article 9
6. Scope for exceptions under Article 9, including notions of:
 - overriding public interest (potentially limiting grounds for exceptions to this)
 - no other satisfactory solution
 - exceptional circumstances
 - compensation and mitigation