

# **FAVOURABLE CONSERVATION STATUS: UK STATUTORY NATURE CONSERVATION BODIES COMMON STATEMENT**

## **1. Purpose of this paper**

The concept of Favourable Conservation Status (FCS) has a foundation in international wildlife conservation, notably the 1979 Bonn Convention on Migratory species (CMS). Achievement of FCS for a wider range of species and natural habitat types was subsequently incorporated as the explicit aim of the EU Habitats Directive.

The UK Statutory Nature Conservation Bodies (SNCBs) have developed a common view on FCS, which is articulated in this statement. The purpose of this statement is to set the concept of FCS in a UK and UK country context, explain the relevance and application of FCS in the UK and define its contribution to UK nature conservation, whilst also considering the wider legislative, ecological and geographical contexts.

This statement is primarily about interpreting the concept of FCS in the context of the EU Habitats Directive. It is intended to inform the work of practitioners to improve approaches to site protection and general 'on the ground' conservation work.

It has wider applications, for example integrating the concept of FCS into the restructuring of the 1998 Common Standards Monitoring approach, which is currently underway. It also addresses the usefulness of FCS as a generic approach to habitat/species conservation in a system based on functioning ecological networks, provision of ecosystem services and resilience to the impacts of climate change.

## **2. FCS: Key principles**

- 1) FCS is a positively oriented objective for the natural environment, which requires more than avoiding extinctions of species or loss of habitats.** It relates to the long-term distribution and abundance of the populations of species in their natural range, and for habitats to the long-term natural distribution, structure and functions as well as the long-term survival of its typical species in their natural range. It describes a situation in which individual habitats and species are maintaining themselves at all relevant geographical scales and with good prospects to continue to do so in the future. The main aim of the EU Habitats Directive is to promote the maintenance, and where necessary, the improved status of biodiversity. FCS should be interpreted in this light.
- 2) The concept of FCS allows us to articulate what we aim to achieve in the UK to fulfil our international and EU commitments for habitats and species.** We interpret FCS at UK level as 'making a contribution' to achieving FCS throughout the natural range<sup>1</sup> of the habitat or species.

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<sup>1</sup> Natural range in the EU is usually taken to mean the Biogeographic region, i.e. for UK this is the Atlantic and Marine Atlantic regions.

- 3) **In the context of the Habitats Directive, FCS is a legal concept.** It sets out an ecological objective that must be applied by scientists, managers and policy makers<sup>2</sup>. Therefore, it is beneficial to specify what FCS means at the various relevant administrative levels.
- 4) **The concept of FCS can be applied at different geographic scales.** For example, in decision making affecting European Protected Species FCS impacts at local or regional levels are best viewed as contributions to wider FCS of affected species. The conservation status of Habitats and Species listed on the Habitats Directive Annexes is regularly assessed at UK level. The European Commission subsequently assesses the conservation status of habitats and species at Biogeographic Region level (the UK contributes to the Atlantic, Marine Atlantic and Mediterranean Regions). Countries, regions and sites contribute to reaching FCS throughout the habitats and species natural range. Under the Bonn Convention on Migratory species, FCS applies at the level of the entirety of a species range, which may to all intents and purposes be global in scale. Thus, A definition of FCS at one spatial scale can contribute to FCS at a higher level. See Figure 1.
- 5) **Contributions to FCS are required from all significant parts of the natural range and distribution of a habitat or species.** This includes an element of the Natura site condition of the habitat or species of interest. Therefore, it is important to distinguish between *favourable condition* (of a defined area of habitat or population e.g. within a protected site) and the wider concept of FCS.
- 6) **FCS can provide a common purpose for a coherent ecological network.** There is an important role for all protected sites in the UK, not only European ones, in defining, achieving and maintaining FCS for any habitat or species. In addition, the wider environment beyond protected sites makes a significant contribution to achieving FCS of habitats and species. Thus, FCS can provide the framework for an ecological network extending beyond European protected sites and including conservation measures both within protected sites and in the wider environment.
- 7) **Defining the contribution of a place to achieving FCS at an appropriate spatial scale can help express the importance of that place in national and international contexts.** 'Place' in this context might mean, for example, an individual protected area, a river catchment or other area defined by geographic features, an administrative region or an entire country. Likewise, individual Countries of the UK may specify their contribution to FCS (for their part of the natural range of a habitat or species).
- 8) **Some places will make a bigger contribution to FCS than others.** It is not necessary for all locations where a habitat or species occurs to make the same contribution to FCS. Places may vary in their contributions to FCS for a particular habitat or species. Having a variation in contributions to FCS is appropriate provided all contributions together ensure that the contribution to FCS is achieved and maintained at the appropriate geographic scale. When specifying contributions to FCS at different spatial scales, the parameters

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<sup>2</sup> Epstein, Y., López-Bao, J. V. and Chapron, G. (2015), A Legal-Ecological Understanding of Favourable Conservation Status for Species in Europe. Conservation Letters. doi: 10.1111/conl.12200

used in conservation status assessment (see point 10) provide a common language that can help communicate and ‘add up’ contributions from different locations to form a coherent overall national, UK or European picture.

**9) Defining what FCS ‘looks like’ for habitats and species could support the development of a conservation framework incorporating natural change.** It could support the setting of conservation objectives at a local or site level that accommodate natural change in habitats and species and which recognise that the appropriate contribution of an individual site (or a localised occurrence of a habitat or species) to FCS might change over time, for example due to changes in relative importance of sites and the distribution of habitats and species.

**10) The concept of FCS is broader than the favourable reference values used in Article 17 reporting.**

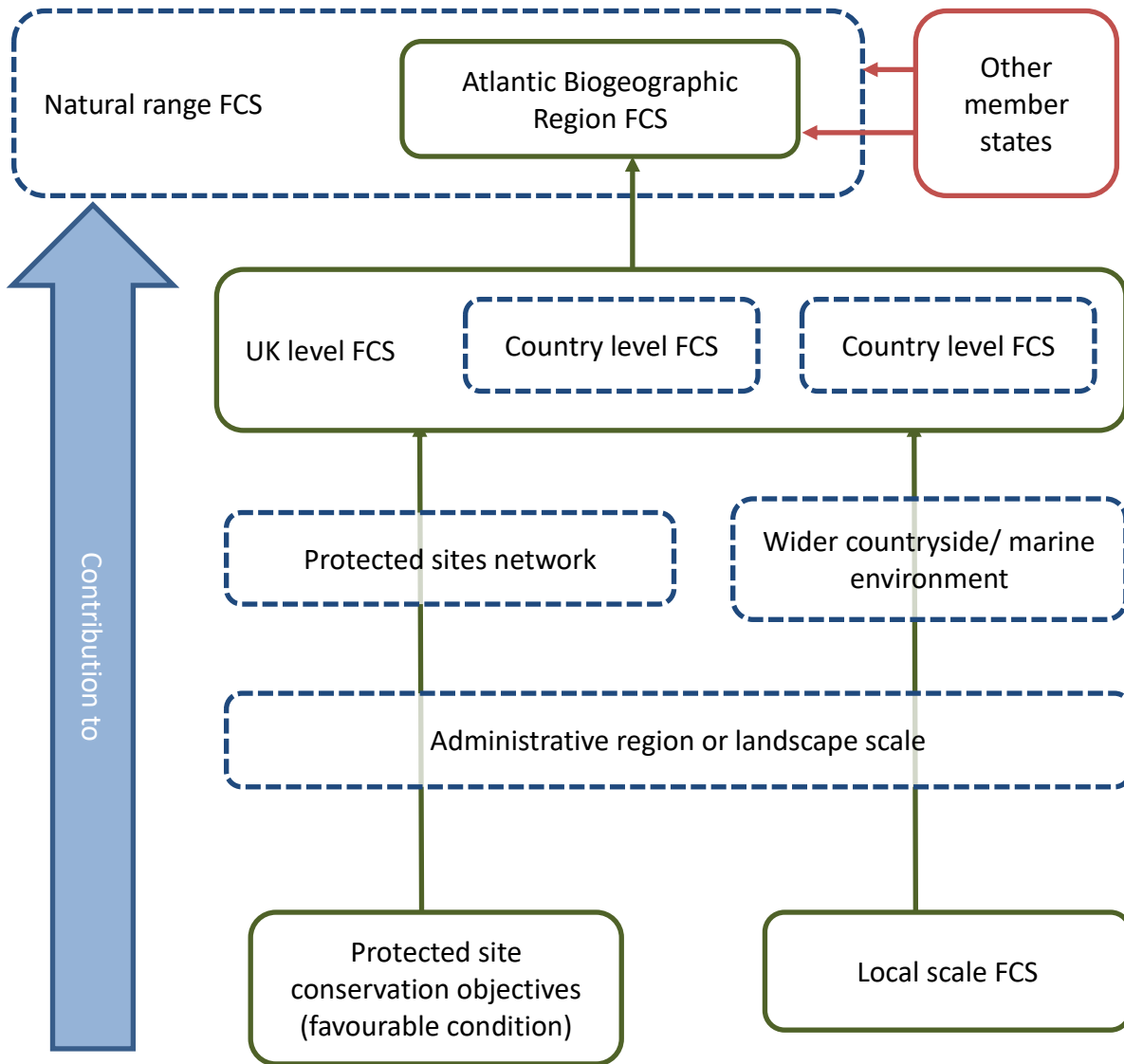
The assessment of Conservation Status in Article 17 reporting is currently based on four parameters for both habitats and species

Habitats	Species
Range	Range
Area	Population
Structure and Function (including typical species)	Habitat for the species
Future prospects	Future prospects

When assessing the current conservation status as Favourable, Unfavourable Inadequate or Unfavourable Bad, the parameters Range, Area and Population are compared with ‘favourable reference values’ (FRV). The conservation status of a species or habitat can only be classed as favourable if the parameter is either stable or increasing and is equal to or above the FRV.<sup>3</sup> Favourable reference values are functional thresholds for assessing and reporting the conservation status.

They are, however, not a full definition of FCS. First, there are other factors to consider before a feature is considered as in FCS (e.g. distribution, structure and function, typical species, habitat for the species, future prospects). Second, the concept of FCS is used in other circumstances than conservation status assessment and reporting, which may benefit from different ways of describing FCS. Favourable Reference Values can therefore be seen as part of, but not a full definition of FCS.

<sup>3</sup> See European evaluation matrix: [http://bd.eionet.europa.eu/activities/Reporting/Article\\_17/reference\\_portal](http://bd.eionet.europa.eu/activities/Reporting/Article_17/reference_portal)



**Figure 1.** Contributions to FCS may be specified at different spatial scales as a contribution to achieving FCS across the natural range of a habitat or species.

### 3. International Legislative Context for FCS

#### *EU Directives*

Habitats Directive<sup>4</sup>: The primary objective of the Habitats Directive is to achieve and maintain FCS for the habitats and species listed in its Annexes. Other provisions in the Directive are designed as means to achieving FCS. The Directive states an important role for Natura 2000 sites in achieving FCS for all listed habitats and those listed species where protected areas are considered an essential provision. The concept also encompasses all occurrences of all Annex listed habitats and species in the wider environment.

Birds Directive<sup>5</sup>: The overall objective of the Birds Directive is expressed in Article 2: Member States shall take the requisite measures to maintain the population of the species

<sup>4</sup> [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>5</sup> [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

referred to in Article 1 at a level *which corresponds in particular 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*. This is increasingly interpreted as being equivalent to FCS, not least because a key measure for achieving FCS is the Natura 2000 network, which includes Special Protection Areas designated under the Birds Directive.

Marine Strategy Framework Directive (MSFD)<sup>6</sup>: the MSFD establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status (GES) in the marine environment by 2020. GES is broad in scope dealing with large marine areas, incorporates sustainable use, and is concerned with biological diversity, water quality, ecosystem structure and function, and impacts on these elements. The MSFD can provide an additional stimulus for the implementation of conservation measures under the Habitats Directive, if measures to achieve FCS for species and habitats protected by the Habitats Directive are incorporated into or cross-referenced under the programme of measures for MSFD. Further work is needed to fully understand the relationships between the assessment of FCS and GES, with a view to seeking greater harmonisation of the two processes and their outcomes.

Environmental Liability Directive (ELD)<sup>7</sup>: FCS is captured within the scope of this Directive. The ELD aims at ensuring that the financial consequences of certain types of harm caused to the environment will be borne by the economic operator who caused this harm. Environmental damage includes any damage that has significant adverse effects on reaching or maintaining the favourable conservation status of habitats or species protected by the Habitats Directive and regularly-occurring migratory and Annex 1 bird species protected by the Birds Directive

Water Framework Directive (WFD)<sup>8</sup>: the WFD establishes a framework for the protection of all surface waters and groundwater with the aim to reach good status in all waters as a rule by 2015. Both the Habitats and Birds Directives and the WFD aim at ensuring healthy aquatic ecosystems while at the same time ensuring a balance between water/nature protection and the sustainable use of nature's natural resources. The WFD provides a joint framework for the implementation of measures needed by both WFD and the Habitats and Birds Directives in water-dependent Natura 2000 sites. The objectives of the directives are closely related and special attention and coordination is needed where these directives are implemented in the same areas. Under the WFD 'ecological status' is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters. Ecological status/potential of the aquatic fauna and flora is assessed in terms of species composition and abundance. In general, good ecological status/potential of a water body will contribute to the favourable conservation status of species and habitats.

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<sup>6</sup> [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index\\_en.htm](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index_en.htm)

<sup>7</sup> <http://ec.europa.eu/environment/legal/liability/index.htm>

<sup>8</sup> [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)

## Other relevant legislation

Bern Convention<sup>9</sup>: The stated aim of this Convention is “*to conserve wild flora and fauna and their natural habitats*”. Article 2 sets out that “The Contracting Parties shall take requisite measures to maintain the population of wild flora and fauna at, or adapt it to, *a level which corresponds in particular to ecological, scientific and cultural requirements*, while taking account of economic and recreational requirements and the needs of sub-species, varieties or forms at risk locally.” The Birds and Habitats Directives are the EU implementation of this Convention.

The Convention on Migratory Species (CMS) <sup>10</sup> This Convention, set up under the auspices of the United Nations, seeks to establish cooperation between joining parties for the conservation of migratory species that may currently be in an “unfavourable Conservation Status”. The definition of FCS for species in the Habitats Directive mirrors the wording of CMS almost completely. A significant number of birds under the Birds Directive and some species of the Habitats Directive are also included in CMS Appendices I and/or II.

OSPAR Convention<sup>11</sup>: The OSPAR Convention has established a list of threatened and/or declining species and habitats in the North-East Atlantic. This list provides an overview of the biodiversity in need of protection (based upon nominations by Contracting Parties) in the North-East Atlantic and is used by the OSPAR Commission to guide the setting of priorities for further work on the conservation and protection of marine biodiversity. The list seeks to complement, but not duplicate, the work under the EC Habitats and Birds directives and measures under the Bern Convention, the Bonn Convention and the Ramsar Convention and other relevant instruments.

## 4. UK current application of FCS

The concept of FCS is currently applied in the UK through transposition into Regulations, which are slightly different across the four countries of the UK. The application of FCS includes:

- Assessments of the Conservation Status of habitats and species: FCS is an objective/target against which the current conservation status is assessed. This assessment is based on the evaluation of a number of parameters and considers both the trend in each, and whether it currently exceeds a defined reference value. Achieving FCS requires that each parameter is either stable or increasing, exceeds the relevant reference value and has good prospects of continuing to do so in the foreseeable future.
- Conservation Objectives for Special Areas of Conservation (SAC): These are aimed at ensuring the site contributes to achieving FCS. Through site level conservation

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<sup>9</sup> <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680078aff>

<sup>10</sup> <http://www.cms.int/>

<sup>11</sup> <https://www.ospar.org/>

objectives FCS links to site management measures (Article 6(1) and 6(2) of the Habitats Directive and the process for assessing plans and projects (Article 6(3) and 6(4)).

- Species protection: Under Article 12 of the Habitats Directive, Annex IV listed species are subject to strict protection from killing, injury, disturbance and other activities including taking of eggs and damage to breeding sites or resting places. Article 16 allows member states to derogate from that strict protection, provided such derogations are not detrimental to the maintenance of the population of the species concerned at FCS. In the UK regulations, these provisions of the directive are implemented through making it a statutory offence to kill, injure, disturb etc. a European protected species (EPS) without a licence. The process of determining such licences requires assessing the impact of the activity on the FCS of the population. There is a general system of protection provisions for birds in the Birds Directive, Articles 5-9, but they do not refer to FCS or equivalent.

### **Annex 1: Definition of FCS in the Habitats Directive:**

Conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2.

The conservation status of a natural habitat will be taken as 'favourable' when:

- its natural range and areas it covers within that range are stable or increasing,
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future,
- the conservation status of its typical species is favourable as defined in (i);

Conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;

The conservation status will be taken as 'favourable' when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats,
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future,
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;