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Bijlage(n)
3

Datum	24 september 2026
Betreft	Geannoteerde Agenda Milieuraad 12 oktober 2026

Geachte voorzitter,

Hierbij sturen wij u de geannoteerde agenda van de Milieuraad van 12 oktober 2026 in Luxemburg. Het kabinet is voornemens deel te nemen aan deze Milieuraad. De inhoud van deze geannoteerde agenda op hoofdlijnen geeft de meest recente stand van zaken weer.

Daarnaast wordt u via de bijlage van deze geannoteerde agenda geïnformeerd over de beantwoording van de gerichte vragenlijst over de stresstest van de Vogel- en Habitatrichtlijn (VHR), die door het kabinet op 6 juli 2026 is toegezonden aan de Europese Commissie.

Hoogachtend,

DE STAATSSECRETARIS VAN INFRASTRUCTUUR EN WATERSTAAT

Annet Bertram

DE MINISTER VAN KLIMAAT EN GROENE GROEI

Stientje van Veldhoven

DE MINISTER VAN LANDBOUW, VISSERIJ, VOEDSELZEKERHEID EN NATUUR

Jaimi van Essen

I. Geannoteerde Agenda

Het Ierse Voorzitterschap van de Raad van de Europese Unie (hierna: voorzitterschap) heeft op 2 juli 2026 een conceptagenda voor de Milieuraad van 12 oktober 2026 in Luxemburg gedeeld. De achtergrondstukken zijn op het moment van schrijven van de geannoteerde agenda nog niet gedeeld door het Voorzitterschap.

Op de agenda van de Milieuraad staan vooralsnog drie agendapunten. Het voorzitterschap heeft een gedachtewisseling over de herziening van het emissiehandelssysteem (ETS) op de agenda staan. Verder beoogt het voorzitterschap een akkoord te bereiken op de raadsconclusies voor 1) de VN-conferentie inzake biodiversiteit en 2) de voorbereidingen voor de 31e Conferentie van de Partijen (COP 31) bij het Raamverdrag van de Verenigde Naties over klimaatverandering (UNFCCC). Over de inzet van het Kabinet bij de Raadsconclusies ter voorbereiding op COP31 wordt de Kamer via een aparte brief geïnformeerd door de minister van Klimaat en Groene Groei.

Tot slot wordt de Kamer in de bijlage van deze geannoteerde agenda geïnformeerd over de beantwoording van de gerichte vragenlijst over de stresstest van de Vogel- en Habitatrichtlijn (VHR), die door het kabinet op 6 juli is toegezonden aan de Europese Commissie. Dit is conform de vraag van de leden van de Partij voor de Dieren-fractie in het Schriftelijk Overleg over de informele bijeenkomst Milieuministers 23-24 juli, om deze inbreng zo volledig mogelijk met de Kamer te delen.

Gedachtenwisseling Herziening van het emissiehandelssysteem (ETS)
Inleiding
Het voorzitterschap agendeert vooralsnog een beleidsdebat over de gerichte herziening van het EU-emissiehandelssysteem (ETS), die de Europese Commissie op 17 juli 2026 heeft gepresenteerd. Met het voorstel wordt beoogd het ETS in lijn te brengen met het klimaatdoel voor 2040, waarbij tegelijkertijd investeringen, innovatie en het Europese concurrentievermogen worden versterkt. Het voorstel volgt op de evaluatie van het ETS en de Market Stability Reserve (MSR) en op de oproep van de Europese Raad om bij de verdere ontwikkeling van het ETS aandacht te houden voor het concurrentievermogen van de Europese industrie, zonder afbreuk te doen aan de centrale rol van het ETS in de klimaat- en energietransitie.

Inzet Nederland
De kabinetspositie ten aanzien van de herziening van het ETS-voorstel staat weergegeven in het BNC-fiche dat op 18 september 2026 met de Kamer is gedeeld[1]. Het kabinet spant zich samen met een groep gelijkgezinde lidstaten in voor een ambitieus Europees klimaatbeleid, waarmee het 2040-doel van netto 90% reductie van broeikasgasemissies ten opzichte van 1990 wordt gehaald. Het EU ETS vormt de hoeksteen van het Europese klimaatbeleid en draagt als belangrijkste beprijzingsinstrument substantieel bij aan het behalen van de nationale klimaatdoelen. Het EU ETS biedt investeringszekerheid in de transitie naar schone productie. Hierbij is het van belang dat het ETS een voorspelbaar CO_2-prijspad kent, waarop bedrijven hun investeringsbeslissingen kunnen baseren.

Nederland zal tijdens de bespreking aandacht vragen voor een goede combinatie van klimaatambitie, weerbaarheid en concurrentievermogen. Het kabinet is positief over de ruimte die het voorstel biedt aan de opschaling van permanente koolstofverwijdering en de specifieke aandacht voor koolstoflekkagegevoelige sectoren via een aantal concrete voorstellen. Daarbij zal Nederland zich ervoor inzetten dat de herziening het Europese koolstofprijssignaal stevig in stand houdt, omdat investeringszekerheid voor bedrijven van groot belang is. Ten aanzien van de ETS-fondsen vindt Nederland het van belang dat deze gericht zijn op de opschaling van innovatie, schone technologieën en

[1] 2026Z19293

toekomstbestendige industrie van strategische waarde, waarbij projecten worden geselecteerd op basis van impact en excellentie.

Krachtenveld
De lidstaten zijn verdeeld over het voorstel. Een groep van circa tien lidstaten is kritisch op het ETS en ziet graag een lager ambitieniveau en meer veilinginkomsten richting landen met een relatief laag BBP. Een andere groep lidstaten, waaronder Nederland, is uitgesproken voorstander van het ETS en ziet het ETS als het meest kosteneffectieve instrument voor het behalen van het 2040-doel van netto 90% emissiereductie. De onderhandelingen zullen naar verwachting met name gaan over de vormgeving en voorwaarden van kosteloze toewijzing van emmissierechten, de benchmarks[2], de mate waarin aanvullende maatregelen voor industriële concurrentiekracht binnen het ETS worden opgenomen, de inclusie van lucht- en zeevaart, en de verdeling van de opbrengsten van de veilingen van emissierechten.

Raadsconclusies voor de VN-conferenties over biodiversiteit
Inleiding
Tijdens de Milieuraad liggen de Raadsconclusies ter goedkeuring voor voor de inzet van de EU tijdens de 17e Conferentie van Partijen van het VN-Biodiversiteitsverdrag (COP17). COP17 vindt van 19 tot en met 30 oktober a.s. plaats in Jerevan, Armenië. De conferentie staat in het teken van de verdere implementatie van het in 2022 vastgestelde *Global Biodiversity Framework* (GBF). Een belangrijk onderdeel hiervan is de eerste *Global Review* van de voortgang op de doelen uit het GBF voor 2030. Uit de beschikbare rapportages blijkt dat de wereld onvoldoende op koers ligt om deze doelen te behalen. Tijdens de COP 17 vinden ook de COP-MOP 12 over het Cartagena-protocol over bioveiligheid en de COP-MOP 6 over het Nagoya-protocol inzake de eerlijke verdeling van voordelen uit genetische bronnen, plaats.

De Raadsconclusies beschrijven de brede Europese inzet om de implementatie van het GBF te versterken, concrete en werkbare verbeteringen van procedures en informatievoorziening onder het Nagoya-protocol en de Europese inzet voor een doeltreffend en goed functionerend Cartagena protocol.

Inzet Nederland
Nederland ziet COP17 als een belangrijk moment om de internationale en nationale implementatie van het GBF aan te jagen. Nederland zet zich in voor een uitkomst van de *Global Review*, die leidt tot versterkte uitvoering van bestaande biodiversiteitsafspraken, in het bijzonder op terreinen waar de voortang richting de 2030-doelen achterblijft, waaronder het integreren van biodiversiteit in beleid en economische sectoren en het versterken van beleidscoherentie. Daarbij is onder meer het integreren van biodiversiteit in alle economische sectoren van belang. Daarnaast zet Nederland in op voldoende financiering voor biodiversiteit door het mobiliseren van meer financiering voor biodiversiteit in en vanuit zo veel mogelijk landen en bronnen, alsook door het adresseren van investeringen en prikkels die schadelijk zijn voor biodiversiteit. Tijdens COP17 zal ook worden gesproken over verbreding van de donorbasis onder het verdrag. Nederland is voorstander hiervan, op een manier die in lijn is met de veranderde geopolitieke en economische verhoudingen, het financieringsgat voor biodiversiteit verkleint en de EU niet vervreemdt van haar niet-Europese partners.

Nederland zal zich verder onder meer inzetten voor het verder operationaliseren van het *Cali Fund* voor het delen van baten die voortvloeien uit het gebruik van digitale sequentie-informatie (DSI) van genetische bronnen. Ook benadrukt Nederland het belang van een geïntegreerde aanpak op verschillende beleidsterreinen, waarbij biodiversiteit wordt verbonden met klimaat, water, voedselzekerheid en andere maatschappelijke

[2] De Benchmarkwaarde is de hoeveelheid CO_2 die vrijkomt bij het productieproces van een vaste hoeveelheid van een specifiek product in de efficiëntste installatie in de EU. Deze waarde wordt gebruikt om vast te stellen hoeveel gratis rechten worden toegekend.

opgaven. Nederland wil de samenhang tussen de drie Rio-verdragen (het Klimaatverdrag, het Biodiversiteitsverdrag en het Verwoestijningsverdrag) versterken. Tot slot hecht Nederland aan actieve betrokkenheid van bedrijven, financiële instellingen, maatschappelijke organisaties, inheemse volkeren en lokale gemeenschappen, vrouwen en jongeren bij de uitvoering van het GBF.

Het Cartagena Protocol regelt de veilige grensoverschrijdende beweging en toepassing van levende gemodificeerde organismen (LMO's). Nederland zet zich, in lijn met de Raadsconclusies, in voor een doeltreffend en goed functionerend protocol, gebaseerd op onafhankelijke wetenschappelijke risicoanalyses. Nederland pleit voor transparante en efficiënte procedures, kennisuitwisseling en harmonisatie van risicobeoordelingen, met aandacht voor nieuwe ontwikkelingen.
Het Nagoya Protocol regelt de toegang tot genetische bronnen en eerlijke verdeling van voordelen (ABS) uit het gebruik ervan. Uitvoering vindt plaats via nationale regels en bilaterale afspraken tussen aanbieders en gebruikers. De Nederlandse inzet is in lijn met de raadsconclusies sterk gericht op concrete en werkbare verbeteringen van ABS-procedures en informatievoorziening. Nederland is hierin een voortrekker binnen de EU.

Krachtenveld
EU-lidstaten onderschrijven in algemene zin dat versterkte en versnelde implementatie nodig is om de GBF-doelen te realiseren. EU-lidstaten delen in het algemeen de wens om de donorbasis onder het verdrag te verbreden, maar hebben vooralsnog uiteenlopende visies over de snelheid hiervan en wijze waarop. Met betrekking tot het Nagoya Protocol is brede steun voor betere uitvoering, maar is er verschil van inzicht over de mate van internationale sturing en ruimte voor nationale omstandigheden. Met betrekking tot het Cartagena Protocol is er ook brede steun voor betere uitvoering, maar is er verschil van inzicht over de mate van internationale harmonisatie en de balans tussen veilige toepassing en ruimte voor innovatie. In het algemeen is de verwachting dat er in de Milieuraad brede steun voor de onderhandelingsinzet voor COP17 zal zijn, mede omdat deze grotendeels is gestoeld op eerdere posities en Raadsconclusies.

Bijlage 2

Nederlandse beantwoording gerichte vragenlijst Vogel- Habitatrichtlijn (VHR-) stresstest

Het kabinet heeft op 6 juli jl. de beantwoording van de gerichte vragenlijst over de stresstest van de Vogel- en Habitatrichtlijn (VHR) toegezonden aan de Europese Commissie. Via deze weg ontvangt uw Kamer een afschrift van deze beantwoording. Dit is conform de eerdere vraag van de leden van de Partij voor de Dieren-fractie in het Schriftelijk Overleg over de Informele bijeenkomst Milieuministers 23-24 juli, om deze inbreng zo volledig mogelijk met de Kamer te delen. De Nederlandse inbreng is technisch en feitelijk van aard en richt zich op de uitvoering van de VHR, waarbij zowel positieve ervaringen als knelpunten bij de implementatie zijn meegegeven.

De Europese Commissie heeft de lidstaten gevraagd een digitaal meerkeuzeformulier in te vullen voor het verzamelen van feiten over de VHR, primair op de onderwerpen (i) de regels rondom de 'passende beoordeling' voor Natura 2000-gebieden, (ii) beleidscoherentie en samenhang met andere EU-regels en (iii) soortenbescherming en uitzonderingen daaronder. Daarbij heeft de Europese Commissie een handleiding en uitleg meegestuurd hoe de vragen precies begrepen moeten worden. De Commissie heeft aangegeven dat mogelijke verbeteringen in de uitvoering geen afbreuk mogen doen aan de doelstellingen en het beschermingsniveau. In de beantwoording worden daarom geen voorstellen gedaan tot wijziging van de doelen of het beschermingsniveau in de VHR.

De beantwoording van deze vragenlijst betreft een technisch-ambtelijke bijdrage aan het lopend evaluatieproces van de Europese Commissie over de VHR. De antwoorden zijn opgesteld ten behoeve van dit proces en niet als zelfstandig beleidsdocument. De beantwoording geeft de inbreng van de Rijksoverheid weer. Medeoverheden en maatschappelijke partners zijn door de Europese Commissie in de gelegenheid gesteld om via de openbare consultatie een bijdrage aan de VHR-stresstest te leveren.

Het is belangrijk om mee te geven dat de technische inrichting van de digitale vragenlijst zodanig was vormgegeven dat bij een aantal vragen de vervolgvragen en toelichtingsvelden uitsluitend zichtbaar werden nadat een aspect als 'disproportioneel' werd aangemerkt. Deze opzet doet niet altijd recht aan de nuance die in de beantwoording wenselijk is. Om deze reden is bij vraag 2.5 voor de onderdelen over beschermde gebieden[1] en monitoring[2] gekozen voor de kwalificatie 'disproportioneel', omdat dat de enige mogelijkheid was om toelichtende tekst te kunnen invullen bij de beantwoording verderop in de vragenlijst. Deze werkwijze is ook bij de Commissie onder de aandacht gebracht.

Hieronder vindt u de Nederlandse beantwoording van de vragenlijst.

[1] Dit betreft het onderdeel van de vragenlijst over beschermde gebieden, te weten deel 4 van de vragenlijst: *Protection and/or management of Natura 2000 sites (Article 4 of the Birds Directive and Article 6(1) and 6(2) of the Habitats Directive)*.

[2] Dit betreft het onderdeel over monitoring, te weten deel 6 van de vragenlijst: *Monitoring and reporting (primarily Articles 9 and 12 of the Birds Directive and Articles 11, 16 and 17 of the Habitats Directive).*

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Date: 06/07/2026 16:07:27

Targeted Consultation for the Stress Test of the Birds and Habitats Directives - Questionnaire for Member States and stakeholders

Fields marked **with • are mandatory.**

Introduction

Context

The Commission is committed to screening all EU laws under its current term of office to identify areas where EU legislation can be implemented in a smarter way that reduces disproportionate administrative burden whilst still achieving the same objectives.

The stress test of the Birds and Habitats Directives was announced in the Commission's communication Simplifying for sustainable competitiveness on 10 December 2025 and **is being performed during the course of 2029.** The purpose of the stress test is to screen the Birds and Habitats Directives to ensure that they remain fit to achieve their objectives in the most cost-efficient way, in particular by looking at opportunities to reduce the administrative burden of their implementation.
The stress test will focus on the concerns and suggestions made by a number of stakeholders in the call for evidence tor the Commission's initiative on simplification of administrative burdens in environmental legislation, as well as those that have emerged during the implementation dialogues with Commissioner Roswall.

The issues to be explored are grouped around three main topics:

- Application of Article 6 of the Habitats Directive, with a focus on appropriate assessment procedure tor Natura 2000 sites;
- Species protection and derogations, and procedures for adapting the annexes to scientific and technica! progress.
- Policy coherence, stakeholder participation, funding support and governance (including monitoring and reporting);

The stress test will involve several steps which are described in the dedicated webpage.

The targeted consultation of Member States and stakeholders: evidence-gathering questionnaire

One of these steps is to perform a **targeted consultation through the evidence-gathering questionnaire** aimed at organisations actively involved in the implementation of the Birds and Habitats Directives, be they public authorities (at national, regional or local level), stakeholders (e.g. economic sector associations and businesses) as well as NGOs and other representatives of civil society.
The aim is to collect as much **factual information** as possible on the administrative burden of implementing the Birds and Habitats Directives in different Member States, as well as on any good **practice examples** that have been put in place to reduce the administrative burden and improve implementation in a cost-efficient manner.

As with all legislation, the implementation of the Birds and Habitats Directives carries with it a cost and an administrative burden for both authorities and stakeholders which is necessary to achieve their objectives. However, this burden may be increased if the implementation of its provisions is inefficient or overly complex. The challenge is to distinguish the necessary from the **disproportionate** administrative burden and, especially, to identify the possible underlying causes in order to better understand how these might best be overcome.

This evidence gathering questionnaire has therefore been launched to help gather as much up-to-date **factual information** as possible from those who are actively involved in implementation. The aim is to help identify whether there are systematic problems that lead to a disproportionate administrative burden across Member States and/or whether such problems are country or sector specific or relate only to certain provisions of the Directives. This questionnaire therefore focusses on collecting facts and figures, as well as practical examples, on the administrative burdens specifically in relation to the three topic areas identified above.

A separate **public consultation** is also underway on the stress test of the Birds and Habitats Directives which is open to all EU citizens. It aims to gather **views and opinions** on the implementation of the Directives (including amongst others, on the efficiency of implementation). It is however much broader in scope than the present evidence gathering questionnaire which aims to gather more detailed and quantitative information on the administrative burden and good practice experiences.

Structure of the questionnaire

The questionnaire contains a total of 136 questions, although some sections and questions are only displayed depending on your previous answers. Completing the full questionnaire is expected to take approximately 40 minutes. Please note that **you can focus on the most relevant/important questions for your administration/organisation**. While none of the questions are mandatory, it is important for the consistency of the data analysis that you reply to all questions that you are asked even if you do not have any information or don't know the answer, by using the options 'not applicable, 'no data' or 'I don't know'.

The Questionnaire is divided into the following headings:

1. Information on the survey participant
2. General questions on administrative burden related to the implementation of the Birds and Habitats Directives
3. Appropriate assessment procedures for plans/projects affecting Natura 2000 sites and derogation procedures (Article 6(3)-6(4) of the Habitats Directive)
4. Protection and/or management of Natura 2000 sites (Article 4 of the Birds Directive and Article 6(1)-6 (2) of the Habitats Directive)
5. Implementation of species protection provisions and derogations (Articles 5 and 9 of the Birds Directive and Articles 12, 13 and 16 of the Habitats Directive)
6. Monitoring and reporting (primarily Article 12 of the Birds Directive and Articles 11 and 17 of the Habitats Directive)
7. Policy coherence, stakeholder participation, funding support, benefits and governance

We would be grateful to receive any available evidence that you may have on the issues raised in the questionnaire, both demonstrating that the implementation (of different provisions) is already cost-efficient from an administrative point of view or examples of disproportionate administrative burden that you have identified, including any **example of successful initiatives that have helped to reduce the administrative burden and streamline implementation in a cost-efficient manner.**

Please **support your answers with any available documentation possible** even if only partial (for one region or sector) or semi quantitative or qualitative (e.g. practical examples). This material (e.g. studies, reports, data, with full references and if possible weblinks) should help to demonstrate the extent and/or type of disproportionate administrative burden generated. Although the questionnaire is only in English, you may submit the supporting documentation in any EU language).

We look forward to your contributions. All replies and accompanying documentation will be carefully analysed and key findings and examples will be integrated into a study report that will update the main findings and conclusions of the 2016 fitness check of the nature directives with a focus on the three main topics described above.

Please reply within 5 weeks by the deadline of 30 June 2026

If you have any questions please contact DG ENV Nature Conservation Unit contact point [redacted] *and/or N2K contact point* [redacted].

Box 1. What is "administrative burden" and what is "disproportionate administrative burden"?

Chapter 8 of the 'Better regulation' toolbox 2025 of the European Commission defines administrative burdens as those costs borne by enterprises, public authorities, and citizens as a result of administrative activities performed solely to comply with the legal obligations in question (in this case those stemming from the Birds and Habitats 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.

Addressing the operational objectives of the Birds and Habitats Directives requires inputs in terms of financial, human and institutional resources. This inevitably creates an administrative burden which is necessary if the legislation is to be implemented effectively.

Disproportionate administrative burdensare those which can be reduced without affecting the legislative objectives, requirements or procedures. They may be caused by a range of factors. It is important to know the underlying causes of disproportionate administrative burdens in order to be able to determine whether they are due to the complexity or lack of clarity of the EU legislation itself or whether they are due to other reasons such as overcomplex or unclear procedures, lack of coordination between different authorities involved in the implementation, delays due to many different factors, lack of data, lack of expertise, training and capacity, or human and financial resources.

It is important to distinguish between **administrative burden** and **adjustment costs**, which are both types of **direct compliance costs**. Adjustment costs are those investments and expenses that businesses, citizens, or public authorities have to bear in order to adjust their activity to the requirements contained in a legal rule. **Adjustment costs are not relevant for sections 1 to 6 of this questionnaire.**

An example in the context of a windfarm project:

An **administrative burden** may arise where a project developer is required to undertake procedural and information-related activities to demonstrate compliance with environmental protection requirements. For example, prior to the authorisation of a windfarm project likely to affect a Natura 2000 site or protected species such as birds or bats, the developer may need to prepare an environmental impact assessment study and submit documentation to the competent authorities, participate in consultation procedures, and maintain records concerning mitigation and monitoring measures. The competent authority then needs to assess the application and decide whether the project can proceed. These activities primarily concern the production, management, and transmission of information required under the applicable legal framework.

A **disproportionate administrative burden** may arise where those procedural obligations become unnecessarily complex, repetitive, or disproportionate. This may occur, for instance, where similar information must be submitted separately to several administrative bodies in different formats or where information is repeatedly requested despite the availability of recent equivalent data.

An **adjustment cost** concerns the substantive adaptations and measures that the windfarm developer must implement to comply with legal requirements. In practice, this may include relocating turbines away from migratory corridors or breeding areas, reducing the number or height of turbines, introducing turbine shutdown systems during periods of high bird or bat activity, modifying construction schedules to avoid sensitive breeding seasons, or implementation of compensatory measures. The adjustment burden thus involves changes to the design, planning, or operation of the project itself to align the activity with legal obligations.

Privacy statement

PROTECTION OF YOUR PERSONAL DATA

This specific privacy statement provides information about the processing and the protection of your personal data linked to the current Targeted Consultation for the Stress Test of the Birds and Habitats Directives Questionnaire for Member States and stakeholders.

Controller: European Commission, Directorate-General for Environment, Unit ENV.D3 – Nature Conservation (hereinafter "DG ENV Unit D3")

Record reference: DPR-EC-01011

1. Introduction

The European Commission (hereafter 'the Commission') is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The data controller involves an external company for conducting the targeted consultation. In case an external company conducts any processing of personal data for the purpose of the processing operation described in the present privacy statement, the external company is a processor pursuant to Article 3(12) of Regulation 2018/1725. The external company is a consortium composed of Trinomics BV (Rotterdam, the Netherlands), N2K (Brussels, Belgium), and IEEP (Brussels, Belgium), hereafter the "Consortium".

2. Why and how do we process your personal data?

Purpose of the processing operation: The Commission collects and uses your personal information within the framework of a targeted Member States and stakeholder consultation (hereafter, the "targeted consultation") to obtain your views in the context of the Stress Test of the EU Birds and Habitats Directives.

You are being contacted by DG ENV Unit D3 since it has concluded that your views are relevant and necessary to inform the specific initiative concerned by the targeted consultation.

For the purpose of contacting you for this survey and collect your answers, we may have used:

- E-mail addresses provided by DG ENV Unit D3 as available from implementation activities related to the Birds and Habitats Directives,
- E-mail addresses of stakeholders available online from web presentations and activities of their organisations.

Your participation in the targeted stakeholder survey is completely voluntary.

The subject matter of the survey requires you to provide personal data in your response that may identify or make you identifiable. These personal data will only be published subject to your explicit consent.

For reasons of transparency and openness your views will, in principle, be published on a Europa website, in the form of a summary report. The Commission will only publish your identity if you consent to its publication.

If you opt for confidentiality of your personal data, it is your responsibility to avoid any reference in your contribution that would reveal your identity.

To avoid misuse, anonymous contributions to the Commission may not be accepted, regardless of whether you consent to the publication of your identity together with your contribution.

The stakeholder survey uses the Commission's online questionnaire tool EUSurvey that may require you to login via your 'EU Login' account. 'EU Login' requires certain personal data such as the name, surname and e-mail address of the registrant. For further information, please refer to the privacy statements of 'EU Login' and 'EU Survey' as well as the processing operations 'Identity & Access Management Service (IAMS)' (reference number in the public DPO register: DPR-EC-03187) and 'EUSurvey' (reference number: DPR-EC-01488).

The personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, the European Ombudsman or the European Court of Auditor.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data because:

1. processing is necessary for the performance of a task carried out in the public interest (**Article 5(1)(a) of Regulation (EU) 2018/1725**);
2. based on your consent, for one or more specified purposes (**Article 5(1)(d) of Regulation (EU) 2018 /1725**):
    - to be contacted for the present consultation
    - to collect and process survey responses
    - to publish the identity of the respondent

The Union law which is the basis for the processing based on Article 5(1)(a) of Regulation (EU) 2018/1725 is the Treaty of the European Union, and more specifically its Articles 1 and 11, Article 298 of the Treaty on the Functioning of the European Union, read in conjunction with Recital 22 of Regulation (EU) 2018/1725), as well as the Protocol 2 on the application of the principles of subsidiarity and proportionality.

You can give us your explicit consent under Article 5(1)(d) of Regulation (EU) 2018/1725 to process your personal data for those specific purposes via a clear affirmative act by ticking the box on the Stakeholder Survey form.

4. Which personal data do we collect and further process?

In order to carry out this processing operation the following categories of personal data will be processed:

- name and surname,
- country of origin,
- e-mail address of the respondent,
- name and type of organisation
- sectors and level of activity
- personal data included in the response or contribution to the Stakeholder Survey, including (personal) opinions

Furthermore, you may spontaneously provide other, non-requested personal data in the context of your reply to the targeted consultation.
Please note that the Data Controller does not request nor expect that data subjects provide any special categories of data under Article 10(1) of Regulation 2018/1725 (that is “personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”) related to themselves or to third persons in their contributions to the targeted consultation activity. Any spontaneous inclusion of these types of personal data is the responsibility of the data subject and by including any of these types of data the data subject is considered to provide his/her explicit consent to the processing, in accordance with Article 10 (2)(a) of Regulation 2018/1725.

5. How long do we keep your personal data?

The Data Controller only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for a maximum of five years after the closure of the file to which the present targeted consultation belongs. A file is closed at the latest once there has been a final outcome in relation to the initiative to which the targeted consultation contributed.

This administrative retention period of five years is based on the retention policy of European Commission

documents and files (and the personal data contained in them), governed by the common Commission-level retention list for European Commission files SEC(2019)900. It is a regulatory document in the form of a retention schedule that establishes the retention periods for different types of European Commission files. That list has been notified to the European Data Protection Supervisor.

The administrative retention period is the period during which the Commission departments are required to keep a file depending on its usefulness for administrative purposes and the relevant statutory and legal obligations. This period begins to run from the time when the file is closed.

In accordance with the common Commission-level retention list, after the 'administrative retention period', files including (the outcome of) targeted consultations (and the personal data contained in them) can be transferred to the Historical Archives of the European Commission for historical purposes (for the processing operations concerning the Historical Archives, please see record of processing 'Management and long-term preservation of the European Commission's Archives', registered under reference number DPR-EC-00837).

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the Commission or of the Consortium. All processing operations are carried out pursuant to Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

The Commission's processors (contractors) are bound by a specific contractual clause for any processing operations of your personal data on behalf of the Commission. The processors have to put in place appropriate technical and organisational measures to ensure the level of security, required by the Commission.

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to the Commission staff responsible for carrying out this targeted stakeholder survey and to authorised staff according to the "need to know" principle, in particular to follow-up on the targeted stakeholder survey. Such staff abide by statutory, and when required, additional confidentiality agreements.

Certain personal data may be made public on the Europa website, namely:

- any personal data on which you consented to their publication;

- personal data spontaneously provided by you in your contribution (without it being required by the targeted consultation activity).

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725 public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

Access to your personal data is provided to the Commission's contractors responsible for carrying out the analysis of the stakeholder survey responses and to authorised staff according to the "need to know" principle.

The following processor(s) will have access to your personal data:

1. N2K Group EEIG (European Economic Interest Group) - 23 Rue de la liaison, 1200 Brussels, Belgium
2. Trinomics B.V. – Westersingel 34, 3014 GS Rotterdam – the Netherlands
3. IEEP AISBL - Institute for European Environmental Policy - Norrsken House, 72 Rue du Commerce, 1040 Brussels, Belgium

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Under certain conditions, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a), on grounds relating to your particular situation.

Insofar you have consented to the certain processing of your personal data to the Data Controller for the present processing operation, you can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

In accordance with Article 14(3) of Regulation (EU) 2018/1725, your request as a data subject will be handled within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. In such case you will be informed of the extension of the time limit, together with the reasons for the delay.

9. Contact information

The Data Controller: If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller.

European Commission, Directorate-General for Environment, Unit ENV.D3 - Nature Conservation at ENV-D03-ARES@ec.europa.eu.

The Data Protection Officer (DPO) of the Commission: You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

The European Data Protection Supervisor (EDPS): You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

9. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: http://ec.europa.eu/dpo-register.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-01011.

1. Information on the survey participant

* 1 **Your name:**

[redacted]

* 2 **Organisation/institution/authority:**

Ministry of Agriculture, Fisheries, Food Security and Nature (in coordination with other Ministries)

* 3 **E-mail address:**

[redacted]

* 4 **Please select your country:**

- ○ AT - Austria
- ○ BE - Belgium
- ○ BG - Bulgaria
- ○ HR - Croatia
- ○ CY - Cyprus
- ○ CZ - Czechia
- ○ DK - Denmark
- ○ EE - Estonia
- ○ FI - Finland
- ○ FR - France
- ○ DE - Germany
- ○ EL - Greece
- ○ HU - Hungary
- ○ IE - Ireland
- ○ IT - Italy
- ○ LV - Latvia
- ○ LT - Lithuania
- ○ LU - Luxembourg
- ○ MT - Malta
- ◉ NL - Netherlands
- ○ PL - Poland
- ○ PT - Portugal
- ○ RO - Romania
- ○ SK - Slovak Republic
- ○ SI - Slovenia
- ○ ES - Spain
- ○ SE - Sweden

* 5 **Type of organisation:**

- ○ NGO
- ◉ Public authority
- ○ Business
- ○ Research institution
- ○ Other

* 6 **Governance level/level of involvement:**

- ○ Local

- ○ Regional
- ◉ National

* 7 **Level of activity**

- ○ Local
- ○ Regional
- ◉ National
- ○ EU
- ○ International

* 8 **Your sector(s)**

- ☑ Agriculture
- ☑ Forestry
- ☑ Fisheries
- ☐ Recreational fishing (angling)
- ☑ Aquaculture
- ☑ Environment
- ☑ Nature protection
- ☐ Education
- ☐ Culture
- ☐ Charity
- ☑ Water
- ☑ Hunting
- ☐ Tourism
- ☐ Sports and Recreation
- ☑ Renewable Energy
- ☑ Non-renewable energy
- ☑ Energy transmission
- ☑ Transport
- ☐ Extractive industry
- ☑ Energy intensive industry
- ☑ Manufacturing
- ☑ Other industry
- ☑ Housing
- ☑ Infrastructure development
- ☑ Defence and civil protection
- ☐ Research
- ☐ Financial and Insurance sector
- ☐ Health
- ☐ Others (please specify - max 80 characters)

☑ **Please confirm you have read and accepted the Privacy Statement**

2. General questions on administrative burden related to the implementation of the Birds and Habitats Directives

1 **Please estimate the effort (in person-days) in your Member State/organisation related to the administration of the Birds and Habitats Directives over the period of one year.**

This question aims to determine how much working time is related specifically to the administrative burden stemming from the Birds and/or Habitats Directives. For definition of administrative burden, please see Box 1 In the Introduction. 1 person-day = one person working one full day on administrative tasks related to the Directives.

- ○ 0-5 person-days
- ○ 6-20 person-days
- ○ 21-100 person-days
- ○ 101-500 person-days
- ○ 501-2000 person-days
- ◉ More than 2000 person-days
- ○ I don't know

2 **Exact number of person-days:**

The bulk of the working time falls to the provinces and is not included in the above estimate (see below explanatory Reader's Guide). Excluding provincial efforts, it is difficult to estimate the exact number of working days at the central government level. However, it is clear that the figure is likely to be in excess of 2,000 , as several ministries and their assoc. executive agencies are engaged in admin tasks related to the Birds and Habitats Directives (hereinafter: BHD).

Reader's Guide to Netherlands' Questionnaire Responses:

1. Decentralisation of nature policy in the Netherlands

Nature policy in the Netherlands is predominantly decentralised. Responsibility for the implementation and management of nature policy lies primarily with the twelve provinces, with the exception of certain nature and large water areas that are managed by the Ministry of Defence and Rijkswaterstaat. The centr.gov. sets the overarching policy framework and establishes national and international objectives, while the managing authorities are responsible for their practical implementation, including nature management and conservation measures, derogations and permitting. The centr.gov. is responsible for permits concerning water, rail and road infrastructure of national importance.

Given the breadth of this questionnaire and the distribution of responsibilities for nature policy within the Netherlands, the responses should be understood as reflecting the perspective, knowledge and responsibilities of the centr.gov., unless stated otherwise. As responsibilities for the implementation of the BHD are shared across different levels of government, centr. gov. is not in a position to respond on behalf of provincial authorities or other competent public bodies. Consequently, the questionnaire responses do not fully reflect the practical experiences, implementation approaches or operational considerations of all authorities involved in the implementation of the BHD.

Prov. authorities and other public bodies with responsibilities related to the implementation of the BHD have

been informed of the opportunities to contribute directly to the Commission's stress test process, through the public consultation. Add. perspectives may therefore be submitted through those channels and should be taken into consideration when assessing the responses contained in here.

2. Focus responses: disp. admin burdens

The Netherlands views the purpose of the stress test as a screening of the BHD to assess whether they remain fit for purpose and can achieve their objectives cost-efficiently, in particular by identifying opportunities to reduce admin burdens in their implementation. The responses to this questionnaire have therefore been formulated using this scope, using the definitions in relation to burdens as provided by the Commission. This means the responses are focused on identifying disp. admin burdens that directly result from the BHD where their removal would not undermine the BHD objectives.

3. Limitations in identifying disp. admin burdens

The Netherlands has made a concerted effort to identify potential disp. admin burdens in its response to the questionnaire, focusing in particular on the admin aspects of implementation wherever possible. At the same time, it is important to distinguish between purely admin processes and political or governance-related decisions, as the two are often conflated. For instance, the designation of protected areas involves not only admin procedures but also separate admin-law processes that do not derive directly from the Hab. Dir. itself. In addition, such designations have varying levels of political support, which further complicates implementation and introduces additional layers of decision-making. In this context, it is often difficult to draw a clear line between admin requirements and political or governance choices. Another example entails the multifaceted process of energy transition. Because the activities needed for a speedy energy transition may have huge impact on BHD goals, BHD asks for assessments and sometimes far reaching mitigating and compensating measures. These measures may be perceived as disproportionate, with such perceptions varying across stakeholders depending on their respective roles, responsibilities and policy priorities. This creates ambiguity in the distinction between the definition on admin disproportionality set out in the introduction chapter of this and perceptions of admin disproportionality. The structure of the questionnaire, combined with the limited time available for preparation, has made it challenging to provide fully comprehensive input. Nevertheless, the Netherlands has sought to respond as precisely and constructively as possible, with a particular focus on identifying those elements that can genuinely be characterised as admin burden within the meaning of this questionnaire.

3 **Please estimate the amount of working time spent on administrative tasks stemming from the following requirements of the Birds and Habitats Directives:**

The aim of this question is to understand which elements of the Birds and/or Habitats Directives mostly cause administrative burdens and what proportion of working time is spent on each element. For definition of administrative burden, please see Box 1 in the Introduction.

	0 - No time	1	2	3	4 - A lot of time	I don't know	Not applicable
Article 6(3) - appropriate assessment procedure	○	○	○	○	◉	○	○
Article 6(4) - derogation procedure	○	◉	○	○	○	○	○

Natura 2000 protection and/or management procedures (Article 4 of the Birds Directive and Article 6(1) and 6(2) of the Habitats Directive)	○	○	○	◉	○	○	○
Species protection (Article 5 of the Birds Directive and Articles 12 and 13 of the Habitats Directive)	○	○	○	◉	○	○	○
Derogations from species protection (Article 9 of the Birds Directive and Article 16 of the Habitats Directive)	○	○	○	○	◉	○	○
Monitoring and reporting (Article 9 and 12 of the Birds Directive and Articles 11, 16 and 17 of the Habitats Directive)	○	○	◉	○	○	○	○
Other (please specify)	○	○	○	○	○	○	○

5 **Do you consider that the implementation of one or more of the following provisions of the Birds and Habitats Directives causes disproportionate administrative burden for your Member State /organisation?**

Please note that if the answer is 'Yes' to a provision, a specific section in the questionnaire will appear where you will have the opportunity to provide more details, to explain why you consider that the provision is causing disproportionate administrative burden, and to suggest solutions or share good practices.

	Yes	No	I don't know	Not applicable
Appropriate assessment procedures for plans and projects affecting Natura 2000 sites (Article 6(3) and 6(4) of the Habitats Directive)	◉	○	○	○
Protection and/or management of Natura 2000 sites (Article 4 of the Birds Directive and Article 6(1) and 6(2) of the Habitats Directive)	◉	○	○	○
Strict protection of wild birds/other animal and plant species and derogations (Articles 5 and 9 of the Birds Directive and Articles 12, 13 and 16 of the Habitats Directive)	◉	○	○	○
Monitoring and reporting (primarily Articles 9 and 12 of the Birds Directive and Articles 11, 16 and 17 of the Habitats Directive)	◉	○	○	○
Other (please specify)	◉	○	○	○

6 **If other, please specify which other provisions cause disproportionate administrative burdens.**

250 character(s) maximum

Topics 4 and 6 are not considered disproportionate. However, we wish to provide important input and have therefore selected "Yes" to enable us to do so

7 **Have you carried out any studies or collected any data on the administrative burden of implementing the Birds and Habitats Directives in your Member State/organisation?**

This question aims to identify if any studies (e.g. audits, standard cost models, targeted consultations, benchmarking etc…) have been undertaken to estimate the administrative burden of implementing the Birds and Habitats Directives (as distinguished for example from provisions of national legislation not related to the directives). This includes any studies or audits that might have focussed only on certain provisions or on a particular sector/geographical area: e.g. in relation to applying the Article 6(3) procedure, establishing site-specific conservation objectives and conservation measures, or preparing reports to the Commission (e.g. under Article 17 of the Habitats Directive, derogations reporting under Article 16 of the Habitats Directive).

- ○ Yes
- ◉ Partial data available
- ○ No
- ○ I don't know
- ○ Not applicable

8 **If you chose "Yes" or "Partial data available", please explain further the purpose of the work, what type of administrative burdens were examined, what methods were used and in which context (relating to specific projects, for the country as a whole or for a particular region or sector, for a Natura 2000 site, etc.).**

1000 character(s) maximum

E.g. housing development and projects facing costs related to nitrogen deposition: research from 2023 estimated annual costs for Aerius assessments and ecological evaluations at between €15 and €20 million. When combined with staffing, delays, and losses, this figure rose to around €50 million by 2027 (EIB 2023, pp. 35-8 [2.8.1]). In 2025, following new court rulings, these costs were recalculated, the estimated cost for the entire 2025-2030 period was €600 million (EIB 2023, p. 14 [2.8.1]).

Aedes/SEO made an analysis of regulatory burdens affecting social housing. The average annual cost for a housing association in relation to flora and fauna regulations amounts to €682,789, equivalent to €1,109 ,000 per social rental home. A breakdown of these costs illustrates the disparity: on average, external research alone costs €480,389, whereas the measures subsequently required average €177,214 (SEO 2025, p. 28 [2.8.3]).

9 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers to question 7 above**

afcb203e-da13-4ffc-87a4-f111d4b1942a/2.8.1_Eindrapportage-effecten-wegvallen-bouwvrijstelling.pdf
d4b3ad2b-0c62-416c-87b5-cb9b4893d84b/2.8.2_EIB-rapport-Nieuwe-stikstofregel-Gevolgen-voor-de-woningbouw-gecomprimeerd.pdf
ad4d702e-e846-4524-950f-e7935255d4d1/2.8.3-Regeldruk-bij-woningcorporaties-gecomprimeerd.pdf

10 **Please describe any initiatives or any good practices to help reduce the administrative burden in the implementation of the Birds and Habitats Directives.**

Over the years, many authorities and stakeholders have found smart or innovative ways to reduce the administrative burden of implementing different provisions of the directives thanks to practical experience and feedback from those involved. These good practices are however rarely recorded or shared outside the national/regional/sectoral context and so are very hard to find. We would be interested to hear about any such examples, irrespective of whether they have been applied nationwide or at a local level e.g. in one region/sector.

Examples could, for instance, include measures to reduce administrative burdens by improving cooperation between sectors/levels of government, improving access to and sharing data and information, streamlining documentation and reporting formats (e.g. for preparing management plans, providing guidance, training, or building capacity and increasing targeted resources.)

2000 character(s) maximum

The Netherlands has developed a wide range of good practices that support the effective and efficient implementation of the BHD. While not all of these initiatives were established specifically to reduce admin burdens, many contribute to greater clarity, consistency and knowledge-sharing, thereby helping to streamline decision-making processes and improve cooperation between authorities and stakeholders:

- BHD Network ('VHR netwerk'): The BHD network is a network for employees of the Ministry of Agriculture, Fisheries, Food Security and Nature, Provinces, Rijkswaterstaat, and the ministry of Defence to collaborate in realizing the BHD goals. A newsletter is published several times a year, and the network meets several times a year to share knowledge regarding the implementation of the BHD goals.
- Revised National Conservation Objectives for Natura 2000 Species and Habitat Types ('Landelijke Doelen'): Update of the national targets for Natura 2000 species and habitat types.
- Building blocks for habitat types and species of the Habitats Directive ('Bouwstenen voor habitattypen en HR-soorten': The so-called building blocks from Sovon and WEnR (Wageningen Environmental Research) are ecological fact sheets and recommendations, commissioned by the government to update the national targets for Natura 2000. The building blocks form the ecological basis for the conservation status of protected species and habitat types.
- Natura 2000 Site Conservation Assessments ("Natuurdoelanalyses'): A nature conservation assessment analyses the current state of the Natura 2000 area and whether additional measures are required to preserve nature and, where necessary, improve it. The nature conservation assessments are submitted by the provinces and are reviewed by the Ecological Authority. Although these assessments do contribute to streamlining the process, the format and information included may be different depending on the responsible authority, causing some inconsistency

11 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the reduction of administrative burden:**

3071f2f1-1cc6-4504-8cc5-4f416a0b8b84/2.10.1_Natura_2000_Doelendocument_2026__part_1_.pdf
c23406db-775c-4771-ad80-110d09b7c75d/2.10.1_Natura_2000_Doelendocument_2026__part_2_.pdf
3b1b02fc-3461-4aca-b479-bb17cdb5a7f6/2.10.2_Methodiek-Bouwstenen-soorten-van-de-Vogelrichtlijn.pdf
5e5159f8-4451-44ad-b5b8-f3a888e82c80/2.10.3_WENR-rapport_toelichting_bouwstenen_habitattypen_en_HR_soorten__part_1_.pdf
223d55b8-df35-414f-a6b9-e22e686eb007/2.10.3_WENR-rapport_toelichting_bouwstenen_habitattypen_en_HR_soorten__part_2_.pdf
9aaec163-173b-4ece-8155-efaea62d5519/2.10.4_Handreiking-NDA-eerste-Cyclus.pdf

3. Appropriate assessment procedures for plans/projects affecting Natura 2000 sites and derogation procedures (Article 6(3)-6(4) of the Habitats Directive)

1 **Have you collected any data on the number of plans or projects that have been subject to the Article 6(3) and Article 6(4) procedures of the Habitats Directive in your Member State/in relation to your organisation.**

The purpose of this question is to get a better understanding of the amount of plans and projects that have to be dealt with by public administrations and that are submitted by economic operators from different sectors over a given period of time and to help assess the level of administrative burden this creates.

- ○ No
- ○ Yes
- ◉ Partial data
- ○ Don't know
- ○ Not applicable

2 **If you answered "Yes" or "Partial data", please describe briefly what type of information was collected.**

The data should indicate wherever possible:

- *the period over which the data has been gathered,*
- *the sectors for which the plans or projects have been submitted (and if possible, with an indication of frequency and scale of the plan or project – e.g. local level or strategically important national or regional plan or project)*
- *the number of plans/projects that have been requested, assessed, approved /rejected under Article 6 (3)*
- *The number of plans/projects that have used the derogation procedure under Article 6(4) indicating how many of these have been rejected/approved with compensation.*

1000 character(s) maximum

See attachment for answer

3 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers to the question above:**

daeab2f0-6983-4d8d-a461-aa4df5f9d5ee/3.2.1._Datawonen_-_kerncijfers.pdf

9cba366e-3903-41a7-8f87-71d012c94258/Answer_3.2.pdf

4 **Have there been any reviews, studies or assessment of the implementation of the Article 6(3) and Article 6(4) procedures in your Member State/in relation to your organisation?**

This question seeks to learn from the findings of any existing reviews that have been carried out about the procedures and whether these findings led to any improvement in the way the procedures are conducted – i. e. to reduce the administrative burden for authorities and/or economic operators. To note that if you have already provided relevant good practice examples in answer to previous questions there is no need to repeat it here.

- (●) Yes
- ( ) No
- ( ) I don't know

5 **If yes, please briefly describe the background to the study, its key findings and whether this led to any changes in the way the procedures are implemented**

1000 character(s) maximum

Since the Fitn. Check, no review of the implem. of 6(3)/6(4) has been undertaken. The appl. of 6(3) and 6(4) is primarily responsibility of provinces as compt. authorities. The proc. requirements laid down in Dutch legislation (e.g. 'de Omgevingswet') closely reflect wording of the Hab. Dir. and do not involve add. nat. procedural requirements. An exception concerns nitrogen deposition. In 2019, the Netherlands' highest administrative court ruled that the Programmtic Approach to Nitrogen ('PAS') was not compatible with the req. of 6(3) of the Hab. Dir. [3.5.1]. As a result, the assessment and authorisation of plans and projects with potential nitrogen impacts on N2000 sites became significantly more complex [3.5.2]. Since then, various studies have highlighted need for sub. reductions in emissions, alongside restoration measures to support cons. objectives and ficilitate authorisations of plans/projects [3.5.3,3.5.4,.3.5.5]. In response, various measures have been introduced [3.5.6].

6 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers to the question above**

537f2a62-8e5d-4d42-9bf5-f1445ac40b91/3.5.1. _PAS_mag_niet_als_toestemmingsbasis_voor_activiteiten_worden_gebruikt.pdf
98f30e0c-493d-4d9a-afee-b4a6b3f5918f/3.5.2._pbl-2026-sociaaleconomische-effecten-van-stikstofbronmaatregelen-en-natuurmaatregelen-5786__part_1_.pdf
da3b397c-fe24-44e3-94d4-f0ca8584a466/3.5.2._pbl-2026-sociaaleconomische-effecten-van-stikstofbronmaatregelen-en-natuurmaatregelen-5786__part_2_.pdf
3a6d9f10-4a41-4dbe-8250-adba558b7e8e/3.5.3. _Niet_alles_kan__eerste_advies_Adviescollege_Stikstofproblematiek.pdf
068fe659-efd7-4ad2-890c-b83b48167616/3.5.4. _Eindadvies_van_het_Adviescollege_Stikstofproblematiek_getiteld___Niet_alles_kan_overal_.pdf
8352de73-5004-46d3-844d-04265ea1eb01/3.5.5. _Rapport_Remkes__Wat_wel_kan____Uit_de_impasse_en_een_aanzet_voor_perspectief_.pdf
3b3e9093-6d2a-48a8-a2d9-a7a89caac619/3.5.6._Tijdlijn___Levend_Landschap.pdf

7 **Please indicate in which part(s) of the Article 6(3) and Article 6(4) procedure in your Member State /in relation to your organisation you think the disproportionate burden was created:**

	Yes	Somewhat	No	I don't know	Not applicable
Screening of plans or projects to determine if they require an appropriate assessment	●	○	○	○	○
The assessment of impact on the Natura 2000 site(s) in light of site conservation objectives (appropriate assessment)	●	○	○	○	○
Data collection and surveys needed to carry out the appropriate assessment	●	○	○	○	○
Identification of mitigation measures	●	○	○	○	○
Obtaining the opinion of the general public	○	○	●	○	○
Application of Article 6(4) - derogation	○	○	●	○	○
Identification of alternatives (Article 6(4))	○	○	●	○	○
Identification of imperative reasons of overriding public interest (Article 6(4))	○	○	●	○	○
Identification of compensation measures (Article 6(4))	○	●	○	○	○
Informing the Commission about the compensatory measures adopted (Article 6(4))	○	○	●	○	○
Asking for the Commission's opinion (Article 6(4))	○	○	●	○	○
Other (please specify)	○	○	○	○	○

9 **To what extent is the administrative burden resulting from one or more of the following potential underlying causes related to Article 6(3) and Article 6(4)?**

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable
The provisions of Article 6(3) and Article 6(4) of the Habitats Directive are not sufficiently clear	○	●	○	○	○	○
The way Article 6(3) and Article 6(4) has been transposed/implemented in Member State(s) adds an extra layer of complexity/administration ("gold plating")	●	○	○	○	○	○
There are duplications/inconsistencies with other procedures required by EU legislation (e.g. the						

Water Framework Directive, the Environmental Impact Assessment and the Strategic Environmental Assessment Directives))	○	●	○	○	○	○
There is a lack of guidance on Article 6(3)/Article 6(4) procedures	○	○	●	○	○	○
The screening to determine if a plan/project requires an appropriate assessment is applied in inconsistent/too lax/too strict way	○	○	○	●	○	○
There is a lack of knowledge about the impacts of plans or projects on species/habitat types/site integrity	○	○	○	●	○	○
There is a lack of access to or sharing of existing scientific data needed for the appropriate assessment	○	●	○	○	○	○
Site-specific conservation objectives for Natura 2000 sites are missing, or they are of insufficient quality	○	●	○	○	○	○
The appropriate assessment is often not sufficiently detailed or of adequate quality to be used as a basis for making a decision on whether to approve the plan/project	○	●	○	○	○	○
There is a lack of cooperation between nature authorities and other authorities involved in the procedure	●	○	○	○	○	○
There is a lack of coordination between (or a difference of approaches at) different levels of government and/or fragmented responsibilities	●	○	○	○	○	○
There is insufficient expertise or technical capacity or a high turnover of staff within the responsible administration	○	●	○	○	○	○
There is insufficient expertise or technical capacity on the plan or project's proponent's side	●	○	○	○	○	○
The public consultation process is too complex, time-consuming and/or too difficult to contribute to	●	○	○	○	○	○
There is a culture of risk aversion (e.g. among authorities and/or project proponents) due to the fear of litigation/court cases	○	○	●	○	○	○
The lack of alternatives is too difficult to prove	●	○	○	○	○	○

The requirement for compensation is too onerous /strict	○	○	◉	○	○	○
Other (please specify below)	○	◉	○	○	○	○

10 **If you answered "Other", please specify which other reasons**

80 character(s) maximum

Decentralised nature policy, inacc. information re nature, poor nature status

11 **To what extent would the following actions contribute to reducing the disproportionate administrative burden you identified related to Articles 6(3) and 6(4) procedures in your Member State/in relation to your organisation?**

	0 - No reduction	1	2	3 - Major reduction	I don't know	Not applicable
Clarify legal provisions of Article 6(3) and Article 6(4) of the Habitats Directive	○	○	◉	○	○	○
Remove gold plating from national legislation	◉	○	○	○	○	○
Better align various procedures linked to EU legislation at national level	◉	○	○	○	○	○
Provide a standardised screening format (digitalised)	◉	○	○	○	○	○
Improve access to or sharing of existing data on Natura 2000 sites, and on past relevant studies on impacts of plans /projects on species and habitat types	○	○	◉	○	○	○
Improve cooperation between economic sectors and nature authorities	◉	○	○	○	○	○
Improve cooperation between different levels of government	○	◉	○	○	○	○
Provide more capacity building, training, and/or human resources to handle procedures within the administration	○	◉	○	○	○	○
Provide more capacity building, training, and/or human resources for economic operators	○	◉	○	○	○	○

Improve public consultation to help reduce the risk of litigation/court cases after the plan/project is approved	●	○	○	○	○	○
Encourage more strategic planning to direct projects towards areas with least risk of impacts on Natura 2000 sites and /or to facilitate the application of the Imperative Reasons of Overriding Public Interest principle	○	●	○	○	○	○
Other (please specify below)	○	○	○	○	○	○

13 **Please explain further below your answers to questions 7 to 11 above, in particular what could be done to reduce the administrative burden.**

This question aims to find out more information about the context in which the problems arise as this will help to develop a better understanding of why the administrative burden is considered to be disproportionate. This question seeks to offer an opportunity to explain further the problems but if these are already covered in your previous answers above there is no need to repeat it here.

2500 character(s) maximum

See answer 3.13 below as uploaded file

14 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the reduction of administrative burden:**

be19176c-1371-4a50-9432-96ebda764fd4/3.13.1_Wetsvoorstel_natuurcompensatiebank.pdf

c1b18e05-6c96-47fc-a6c1-84a3d3599726/Answer_3.13.pdf

15 **Please describe any good practice examples and initiatives that have helped to reduce the administrative burden relating to Article 6(3) and Article 6(4) procedures in your Member State/in relation to your organisation.**

If you have already given details of any relevant good practice examples in answers to previous questions, there is so no need to give the same reply here. However, if you have anything more that is specifically related to the Article 6(3) and Article 6(4) procedure, please use this occasion to explain what in your experience has helped to reduce the disproportionate administrative burden.

2000 character(s) maximum

- AERIUS: the AERIUS Model and associated Calculator tool provides the best available estimate of nitrogen deposition[3.15.1]. It is an easy to use instrument for project developers to calculate depositions assiciated to their projects. However, it is perceived that the user-friendliness and transparency of the instrument also constitute a pitfall. Complex situations require specialized knowledge and experience to use the AERIUS Calculator correctly. However, the user-friendliness allows it to appear as if this knowledge is not necessary[3.15.2]. Additionally, the high technical quality invites both initiators and competent authorities to potentially make ever more detailed asessments. The balance between the level of detail of the calculation and

the scientific uncertainty makes that the applicability for article 6(3) assessments is being questioned[3.15.3]. However, the useful detail of the habitat maps in the model and the useful link with de critical loads is not being questioned.

- LIFE IP deltanatuur: the LIFE project developed the concept of 'nature benefits' approaches to overcome some legal constraints of article 6 when taking measures for robust ecosystems in combination with for example water safety projects.
- Beleidskader doelwijziging: LVVN in cooperation with Natura 2000-authorities developed a policy framework for changing conservation objectives that clarifies what (juridically approved) flexibility there is within the Birds and Habitats Directive to adjust – when necessery- site specific conservation objectives[3.15.5]. The application can help to overcome some constraints that are perceived when conservation objectives are not sufficiently clear to support appropriate assessments.

16 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the reduction of administrative burden:**

83a0b55d-e686-4255-9727-56d58985ff52/3.15.-_Handreiking_ADC-toets-oktober-2019.pdf
966a527f-9b80-4530-af76-33a12bf77253/3.15.-_Omgevingswet.overheid.pdf
eaf9a1da-2a5c-490e-9c03-bfc84d1a17d8/3.15.-_Stikstofbanken_BIJ12_.pdf
f70f7542-c8b0-45dd-92b8-16dd0d11af8c/3.15.1 _Voorlichting_over_mogelijkheden_introductie_rekenkundige_ondergrens_stikstofdepositie__link_.pdf
276c3ffe-c599-4a6d-863f-54358f4ede03/3.15.2._bijlage-6-doelmatigheidsonderzoek-aerius-calculator-2022-pblq.pdf
3edaa840-83aa-4e0d-b126-3805a86e1476/3.15.3._Eindadvies_Adviescollege_Meten_Berekenen_Stikstof.pdf
4201cd14-5adc-42a4-9382-1b125aa4de86/3.15.5._Beleidskader_Doelwijziging_Natura_2000__part_1_.pdf
f2862c97-f063-4551-bbbd-222d4c65baa9/3.15.5._Beleidskader_Doelwijziging_Natura_2000___part_2_.pdf

17 **Has any of the following EU legislation contributed to a reduction of administrative burden in implementing the Article 6(3) and Article 6(4) procedures in relation to their specific scope:**

In recent years, the EU has adopted several new pieces of legislation (or changes to existing legislation) to help streamline the permitting procedures required under EU environmental legislation. The objective was to reduce the administrative burden and the time needed to obtain approval of certain major plans and projects of strategic importance for the EU. As these laws are still relatively new, we are interested to have your feedback on whether this legislation has contributed to a reduction of administrative burden in implementing Article 6(3) and Article 6(4). in relation to the plans and projects from those sectors.

	Yes	Somewhat	No	I don't know
Renewable Energy Directive (RED III - Directive (EU) 2023/2413)	○	○	●	○
Net-Zero Industry Act (NZIA)	○	○	○	●
Trans-European Energy Networks (TEN-E)	○	○	○	●
Critical Raw Materials Act (CRMA)	○	○	○	●
CHIPs Act	○	○	○	●

19 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the reduction of administrative burden:**

20 **How useful are the following Commission's guidance documents on Article 6(3) and Article 6(4) in reducing the administrative burden?**

Over the years, the Commission has issued a number of EU guidance documents on the Article 6(3) and Article 6(4) procedures, including concerning specific economic activities. These have been developed in close consultation with Member States and stakeholders. See website: https://environment.ec.europa.eu /topics/nature-and-biodiversity/natura-2000/permitting-procedure_en. We would like to have your feedback on how useful these guidance documents have been for reducing the administrative burden.

	0 - Not useful	1- Somewhat useful	2 - Useful	3 - Very useful	I don't know	Not applicable
Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC	○	○	◉	○	○	○
Managing Natura 2000 sites – the provisions of Article 6 of the Habitats Directive 92/43/EEC	○	○	◉	○	○	○
Other sectoral guidance documents (inland waterway transport, hydropower, non-energy mineral extraction, wind energy developments, fisheries, forestry, farming…)	○	◉	○	○	○	○
Other (please specify below)	○	○	○	○	○	○

22 **What further EU guidance would help to reduce any administrative burden of the Article 6(3) and Article 6(4) procedures?**

400 character(s) maximum

-EU-harmonised assessment of small atmospheric nitrogen deposition to ensure level playing field
-Avoid unnecessary burden from assessing 'other bird species present' following ECJ C-66/23
-Clarify terms such as 'significantly adverse', project scope, impairment of site features, and the meaning of a plan or project under Article 6(3)
-Clarify relationship between Article 6(1)-(2) and 6(3)-(4)

23 **What else could the Commission do to help reduce any administrative burden in relation to the implementation of Article 6(3) and Article 6(4)?**

2000 character(s) maximum

Facilitating meetings with or by member states to tackle guidance problems. For example, guidance documents now include examples from Member States without clearly indicating to what extent these constitute good practice for implementation. This is particularly problematic where examples appear to be inconsistent or even contradictory. It would therefore be preferable for guidance to provide clearer definitions and more consistent explanations. Dutch proposals for such clarifications or clarifications given by DG ENV to the Netherlands have not always been used in these guidances in the past.

24 **What are the benefits in the view of your Member State/organisation of the provisions of Article 6(3) and 6(4) of the Habitats Directive?**

- [x] Halting biodiversity loss
- [x] Wild bird conservation
- [x] Species conservation (other than birds)
- [x] Habitats conservation
- [x] Other environmental benefits (e.g. water purification, air purification, soil quality, pollination)
- [x] Climate resilience and mitigation (e.g. flood, drought and wildfire prevention) Society (e.g. health, culture, recreation, education)
- [x] Economy (e.g. jobs, tourism, food production, research and innovation)
- [ ] Other (please specify in the following question)
- [ ] I don't know
- [ ] Not applicable

26 **If you have selected any of the items in question 24 above, please explain further what the benefits are and whether you could provide any concrete or quantified justification, evidence or figures about those benefits**

2500 character(s) maximum

Nature conservation contributes to human well-being and the economy in diverse ways. This concerns inter alia effects on recreation, health, plant pollination and pest suppression, and the water-purifying capacity of nature [See upload file 3.5.2]. The requirements of article 6 (3), and the resulting impediments on authorisation of projects with nirtogen emissions have lead to increased political attention and decision making on conservation measures and emission reduction policies. Policies aimed at nitrogen reduction, coupled with nature restoration measures, can have a positive effect on the socio-economic and emotional benefits of ecosystem services in the Netherlands[See upload file 3.5.2].
In general, scientific evidence suggests that protection of nature conservation areas, inter alia through prior authoriation processes, is effective in reducing biodiversity loss of target species and habitats[3.26.3], and has wider benefits for non-target species[3.26.4]. Preventing harmful projects may contribute to ensuring that the economic and societal benefits of ecosystems are maintained, which are estimated to have an ecosystem capital value of more than 600 billion euro[3.26.5].
Although the costs of the constraints on economic activities resulting from court rulings on nitrogen emissions are estimated to be on average 500 million per year, the environmental costs of nitrogen emission themselves are estimated at 14 billion a year[3.26.6].

27 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the benefits of the provisions of Article 6(3 and 6(4) of the Habitats Directive:**

f0e6c491-5b23-4d8a-97a9-784544b8773c/3.26.3_Sanderson_et_al-2015-Conservation_Letters.pdf
bb78908f-2d9d-4176-b4c7-73b085d2b3f5/3.26.4_The_umbrella_effect_of_the_natura_2000_network.pdf
5bfaf087-aca4-4764-8365-06477334eec6/3.26.5 _Hoeveel_draagt_de_natuur_bij_aan_de_economie_en_ons_welzijn_____CBS.pdf
7b5483e1-8eeb-42e8-9b00-3dbfb7b25782/3.26.6_2025-96-Stikstofuitstoot-en-stikstofbeperking___part_1_.pdf
e949d71c-ba52-4767-b1f0-6730ae30fc24/3.26.6_2025-96-Stikstofuitstoot-en-stikstofbeperking___part_2_.pdf

4. Protection and/or management of Natura 2000 sites (Article 4 of the Birds Directive and Article 6(1)-6(2) of the Habitats Directive)

1 **Have you collected any data on the administrative burden resulting from the implementation of Article 6(1)/ 6(2) of the Habitats Directive and Article 4 of the Birds Directive?**

- (●) No
- ( ) Yes
- ( ) Partial data
- ( ) I don't know
- ( ) Not applicable

3 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers:**

4 **Have there been any reviews, studies or assessment of the administrative burden resulting from the implementation of Article 6(1) and Article 6(2) of the Habitats Directive and Article 4 of the Birds Directive?**

This question seeks to learn from the findings of any existing reviews that have been carried out on the administrative burden of protecting and/or managing Natura 2000 sites in your country/sector. Please note this question is about the administrative burden only and not about how much it costs to implement the necessary conservation /maintenance/restoration measures in and around Natura 2000 sites or income foregone due to the restriction of certain activities.

- ( ) Yes
- ( ) No
- (●) I don't know

6 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers to the question above:**

7 **In your experience, does implementation of any of the following activities linked to the protection and/or management of the Natura 2000 sites cause disproportionate administrative burden in your Member State/in relation to your organisation?**

This question aims to identify where the principal administrative burdens are most often encountered in relation to the protection and management of Natura 2000 sites.

	Yes	Somewhat	No	I don't know	Not applicable
Site designation/de-designation/changes to site's boundaries or list of protected habitats or species (e.g. preparation and publication of designation acts, updating standard data forms)	○	○	●	○	○
Management planning (preparation of management plans or other administrative tasks related to establishment of site-specific conservation objectives and conservation measures)	●	○	○	○	○
Protecting the site from activities that could lead to the deterioration of habitat types or the significant disturbance of species protected in the site (e.g. preparation and adoption of administrative or legal acts)	○	●	○	○	○
Implementation of the conservation measures in the Natura 2000 site, including relations with land/sea users and other stakeholders (administrative tasks related to site management)	○	●	○	○	○
Other (please specify below)	○	○	○	○	○

9 **To what extent is any administrative burden a result of one or more of the following potential underlying causes?**

This question attempts to identify the possible causes that may have led to disproportionate administrative burden for the authorities and/or stakeholders. The causes listed below have been derived in previous studies and from the findings of the fitness check. The list is not exhaustive, please feel free to add other reasons that you have encountered.

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable

The provisions of Article 6.1/6.2 of the Habitats Directive and/or Article 4 of the Birds Directive are not sufficiently clear	○	○	●	○	○	○
The national requirements for site designation/de-designation/change of borders/updating standard data forms are more burdensome than required by the Birds and Habitats Directives	●	○	○	○	○	○
The approach to establishing site-specific conservation objectives and measures is not consistent across sites/too complex/too onerous /time consuming	○	○	●	○	○	○
The national/regional legal frameworks are too complex and not facilitating the adoption of necessary conservation measures or rules concerning activities in the sites	○	●	○	○	○	○
There is a lack of coordination between different levels of authorities and/or fragmented responsibilities	●	○	○	○	○	○
The involvement of local stakeholders in the site management is inefficient/ not transparent/ not supported	○	●	○	○	○	○
There is a lack of resources/capacity within the responsible administration to manage the Natura 2000 sites	○	●	○	○	○	○
There are insufficient funds or too difficult access to available funds to protect/manage the sites	○	○	●	○	○	○
Other (please specify)	○	○	○	○	○	○

11 **What can be done in your Member State/in relation to your organisation or at European level to reduce any administrative burden related to the protection and/or management of Natura 2000 sites?**

	0 - No reduction	1	2	3 - Major reduction	I don't know	Not applicable
Clarify the legal provisions of Article 6.1/6.2 in the Habitats Directive or Article 4 of the Birds Directive	○	○	●	○	○	○

Simplify processes to designate/de-designate sites or change site boundaries /update standard data forms	○	○	○	◉	○	○
Provide a standardised and systematic approach to establishing site-specific conservation objectives and measures for Natura 2000 sites	○	○	◉	○	○	○
Adopt national plans for species /habitat type (groups) to guide Natura 2000 site management priorities	○	○	◉	○	○	○
Improve national/regional legal frameworks to facilitate adoption of conservation measures or rules concerning activities in the sites	○	○	◉	○	○	○
Improve coordination between different authorities and levels of government on the management of Natura 2000 sites	○	○	◉	○	○	○
Increase human resources to administer Natura 2000 sites (e.g. dedicated site managers/rangers)	○	◉	○	○	○	○
Improve involvement of stakeholders for the management /protection of Natura 2000 sites	◉	○	○	○	○	○
Improve funding/ access to funding for the management/ protection of Natura 2000 sites	○	○	◉	○	○	○
Improve the monitoring of Natura 2000 sites to improve/adapt management	○	◉	○	○	○	○
Improve public consultation on site management	◉	○	○	○	○	○
Other (please specify)	○	○	○	○	○	○

13 **Please explain further below your answers to questions 7 - 11 above, in particular what could be done to reduce the administrative burden. (2500 characters)**

It is particularly interesting to know the context in which the problems arise as this will help to develop a better understanding of why the administrative burden is considered to have become disproportionate.

2500 character(s) maximum

In the Netherlands, the preparation of Natura 2000 management plans requires a considerable investment of time and resources. In practice, costs can easily amount to around €400,000 per plan, and competent

authorities and implementing bodies are often engaged in the process for several years. At the same time, it cannot be concluded that these efforts are, in general terms, disproportionate. Management plans play an important role in the implementation of the Birds and Habitats Directives, including the specification of objectives, measures and coordination between the relevant stakeholders. The scale of the effort is also linked to the complex baseline conditions in many sites, where significant ecological pressures and restoration needs are present. In addition, the involvement of a wide range of stakeholders and the extensive consultation processes contribute to the duration and intensity of the process. As a result, the administrative and organisational effort involved is substantial, but it should be assessed in light of the substantive function of management plans and the context in which they are developed.

14 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on reducing the administrative burden:**

15 **Please describe any good practice examples and initiatives that have helped to streamline the management planning/monitoring or reduced the administrative burden of managing and protecting Natura 2000 sites?**

If you have already given details of any relevant good practice examples in answers to previous questions which would be relevant to these provisions as well, there is no need to give the same reply here. However, if you have anything more that is specifically related to the management and protection of Natura 2000 sites, please use this occasion to explain what in your experience has helped to reduce the disproportionate administrative burden.

2000 character(s) maximum

See our previous answer at Question 10, Section 2.

16 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers:**

17 **What are the benefits in the view of your Member State/organisation of the provisions regarding the protection and/or management of Natura 2000 sites under the Birds and Habitats Directives?**

- [x] Halting biodiversity loss
- [x] Wild bird conservation
- [x] Species conservation (other than birds)
- [x] Habitats conservation
- [x] Other environmental benefits (e.g. water purification, air purification, soil quality, pollination)
- [x] Climate resilience and mitigation (e.g. flood, drought and wildfire prevention) Society (e.g. health, culture, recreation, education)
- [x] Economy (e.g. jobs, tourism, food production, research and innovation)
- [x] Other (please specify in the following question)
- [ ] I don't know
- [ ] Not applicable

18 **If you answered "Other", please specify which other benefit**

Public awareness of the necessity of protecting nature.

19 **Please explain further what the benefits are and whether you could provide any concrete or quantified justification, evidence or figures**

2500 character(s) maximum

See our previous answer at Question 26 of Section 3.

20 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the benefits of the protection and/or management of Natura 2000 sites:**

5. Implementation of species protection provisions and derogations (Articles 5 and 9 of the Birds Directive and Articles 12, 13 and 16 of the Habitats Directive)

1 **Do you have any data on the number of plans/projects/activities submitted/assessed/approved /rejected as a result of implementation of species protection and derogations provisions in your Member State/in relation to your organisation?**

- (●) Yes (even partial data)
- ( ) No
- ( ) I don't know
- ( ) Not applicable

2 **If yes, please provide the following information regarding the data**

	Your answer
The period over which the data has been gathered	*400 character(s) maximum* 2022-2023 and 2024
Total n° permits requested	*400 character(s) maximum* Unknown
N° assessed	*400 character(s) maximum* Unknown
N° approved	*400 character(s) maximum* 423
N° refused	*400 character(s) maximum* Unknown
N° derogations requested under Article 9 of the Birds Directive	*400 character(s) maximum* 70
	400 character(s) maximum

N° derogations requested under Article 16 of the Habitats Directive	353
Other	*400 character(s) maximum* N/A

3 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers to the question above:**

4 **For each economic sector listed below, please estimate the number of plans/projects/activities that were assessed as a result of the species protection provisions during the period you mentioned in response to question 2 in this Section:**

	0 - None	1	2	3	4 - Many	I don't know	Not applicable
Transport	○	○	○	○	●	○	○
Housing and commercial buildings	○	○	○	○	○	○	●
Industrial installations	○	○	○	○	○	○	●
Energy production (please specify type / sector)	○	○	○	○	●	○	○
Energy transmission/transport (please specify type / sector)	○	○	○	○	●	○	○
Extraction of mineral and energy resources	○	○	○	○	○	○	●
Water management	○	○	○	○	○	○	●
Forestry	○	○	○	○	○	○	●
Fisheries	○	○	○	○	○	○	●
Aquaculture	○	○	○	○	○	○	●
Agriculture	○	○	○	○	○	○	●
Other (please specify below)	○	○	○	○	●	○	○

5 **If you answered "Other", please specify the other sectors**

80 character(s) maximum

Answer/numbers limited to permits issued by RVO (= limited jurisdiction)

6 **In your experience, do any of the following aspects of the implementation of species protection rules cause disproportionate administrative burden? (even if no data available)**

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable
Determining the risk of killing/disturbance /deterioration or destruction of breeding sites or resting places of species	○	○	○	○	●	○
Determining the risk of incidental capture or killing of specimens	○	○	○	○	●	○
Implementation of a system to monitor the incidental capture and killing of species	○	○	○	○	○	●
Implementation of preventive measures and regulation or prohibition of certain activities, including in relation to projects	○	●	○	○	○	○
Control and enforcement measures	○	●	○	○	○	○
Other (please specify below)	○	○	○	○	○	○

8 **In your experience, do any of the following aspects of the implementation of the derogation system cause disproportionate administrative burden? (even if no data available):**

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable
The procedure for granting derogations	○	○	●	○	○	○
Determining whether there is a satisfactory alternative	○	●	○	○	○	○
Assessing compliance with the reasons that allow the derogation	○	●	○	○	○	○
Assessment of potential impact/risk of impact of derogation on the species (i.e. whether the derogation is/is not detrimental to the maintenance of the populations at a favourable conservation status in their natural range)	○	○	○	○	●	○
Reporting derogations to the European Commission following the required specifications and format (Habides+ tool)	○	○	○	●	○	○
Supervising the implementation of the derogations and ensuring that all the conditions in the decision are respected during its execution	○	●	○	○	○	○

(number of specimens, location, means to be used, etc).						
Monitoring the overall impact of derogations at national level to prevent potential cumulative effects on the populations of the species concerned	○	○	○	○	◉	○
Specific derogations under Article 16(1) of the Habitats Directive (please specify the legal justification under Art 16(1)a-e)	○	◉	○	○	○	○
Specific derogations under Article 9(1) of the Birds Directive (please specify the legal justification under Art 9(1)a-c)	○	○	○	○	◉	○
Other (please specify)	○	◉	○	○	○	○

9 **If you answered "Other", please specify the other aspects**

80 character(s) maximum

Measures outside project-area
Timing of measures
See for examples doc 5.9.1

11 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on species protection rules and administrative burden:**

5813ad05-e6bc-4cd9-a412-784a62d80aa0/5.9.1_Uitleg_measures_and_compensation_paradox.pdf

12 **For specific derogations under Article 16(1)a-e of the Habitats Directive and/or under Article 9(1) a-c of the Birds Directive, please specify the relevant reasons for derogations or other aspects contributing to administrative burden**

80 character(s) maximum

Culling to prevent crop or infra damage requires a derogation/permit [5.12.1]

13 **For aspects scored 2 or above, please explain your answers, in particular what could be done to reduce the administrative burden.**

2500 character(s) maximum

For smaller-scale activities, including certain projects by private individuals, the costs and effort associated with ecological assessments may be significant relative to the scale of the activity. However, these assessments may also be necessary to identify and address impacts on protected species. It is therefore not possible to determine generically whether the burden is disproportionate. Consequently, the response "I don't know" was selected in Tables 6 (first two rows) and 8 (fourth row).

The Netherlands investigates how area-based approaches that are also population based (e.g. species management plans/SMP) can be used to overcome the admin. burdens for priv. individuals [5.13.1, paragraaf

4.7.1]. Some municipalities have already implemented this approach. But due to complexity, challenges still remain in fields of research, funding, and manpower. Further dev. is therefore needed to make this approach effective in practice.

Whenever projects have populations that range cross-border like in the EIA of offshore windfarms, it's unclear which populations should be taken into account. For example, only the population in your own EEZ or the population as a whole. Furthermore, how to rightly inform the neighboring countries is only partly regulated (through Espoo). Guidance here is very much welcomed.

Derogation reporting is perceived as a disp. burden. Though the work on ReportNet3 should improve this. Lowering frequency and limiting the level of detail could lower the time needed to file the report.
We observe that uncertainty regarding compliance with the guidelines hinders innovation and the acceptance of a more model-based approach and more generic solutions. We notice the condition of adopting "appropriate" measures is interpreted strictly, meaning innovations that have not yet proven themselves do not get a chance to prove themselves by trial and error. This leads to a catch-22 situation. Guidance is very much welcomed.

Netherlands uses an open data database [5.13.2] for species distribution (so a first insight on species occurrence can be done without costs) and actively shares knowledge among the authorities [5.13.3] thereby lowering admin burdens.

Netherlands uses 'Codes of Conduct' [5.13.4]. This limits need for permitting activities that occur regularly and have predictable effects on species and for which there are well documented and well substantiated measures for mitigation.

14 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the derogation system and administrative burden:**

e2f83bf0-73af-4c3b-ba4c-c3193942073f/5.12.1_faunabeheer.pdf
02e70d8f-d3c1-4c1f-810c-457af581e1e9/5.13.1_stoer_eindrapport_woningbouw_TG_part_1_.pdf
6192a19f-80e3-4988-b25b-97a57959d95f/5.13.1_stoer_eindrapport_woningbouw_TG_part_2_.pdf
a7e0866c-1ded-40ac-a84a-0beb123195a5/5.13.2_NDFF.pdf
231b11b0-0836-4cc7-99aa-164066b9fb29/5.13.3_kennisproducten.pdf
f609198c-d935-46d5-bdb4-8488fd0ad519/5.13.4_Gedragscode.pdf

15 **To what extent is the administrative burden you have identified the result of one or more of the following potential underlying causes related to species protection and derogations (even if no data available):**

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable
Differences between species protection provisions under the Birds and the Habitats Directives (Articles 5 of the Birds Directive and 12 /13 of the Habitats Directive)	○	○	○	○	◉	○

Differences between derogation provisions under the Birds and the Habitats Directives (Articles 9 of the Birds Directive and 16 of the Habitats Directive)	○	○	○	○	●	○
Unclear guidance on species protection provisions, e.g. regarding deliberate capture or killing, deliberate disturbance, satisfactory alternatives, the scope of serious damage	○	●	○	○	○	○
Stricter national interpretation of species protection provisions than required by the Birds and Habitats Directives	●	○	○	○	○	○
The level of evidence to justify derogations is stricter than required by the Birds and Habitats Directives	●	○	○	○	○	○
Lack of coherence and diverging practices among authorities	○	●	○	○	○	○
Overly application of precautionary approach	○	○	○	○	●	○
Lack of capacities in the authorities (staff, expertise, etc.) and digital systems	○	○	●	○	○	○
Data and knowledge gaps, inadequate knowledge and difficulties in access to data (e.g. on species distribution)	○	○	○	●	○	○
Structural weaknesses in enforcement of species protection rules (e.g. lack of effective enforcement tools)	○	○	○	○	●	○
Complex requirements for reporting to the Commission in relation to the use of derogations under the Directives	○	○	○	●	○	○
Other (please specify)	○	○	○	○	○	○

17 **Please explain your answers, in particular what could be done to reduce the administrative burden.**

2500 character(s) maximum

o Knowledge gaps: Monitoring of effectiveness of measures applied in a project has proven to be difficult. This knowledge gap leads to administrative burdens to prove that measures are (can be) effective (see report: Schillemans et al). Coordinated research/meta analysis [5.17.1] can overcome this. The Netherlands has been facilitating such research [5.17.2] and is actively trying to expand knowledge (RVO Soortenopdracht: [5.17.3]) and together with competent authorities is collecting knowledge to disseminate across stakeholders [5.17.4].

Coordination a EU-level would also help.

- o Data on known species occurrence is freely available [5.17.5].
- o Lack of staff can hamper speedy expedition of derogations.

18 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the underlying causes of administrative burden in relation to species protection and derogations:**

67cd432f-2833-42d3-8a4c-fa2010a75144/5.17.1_Meta_analyses_measures.pdf
015516a9-f6cd-48c4-8ca9-1d7f69db629a/5.17.2
_Examples_of_research_for_specific_bat_related_measures.pdf
6b3af0a7-d55a-4f68-aa7a-12cd1d48541b/5.17.3
_Examples_of_research_collabaration_bewteen_government_and_third_parties_to_facilitate_species_p
370de93d-4567-45f0-8dde-3e7e66c25ca7/5.17.4_Knowledge_documents.pdf
047eb1cb-acf7-44cb-8c31-03c9a0f45e48/5.17.5_Data_portals.pdf

19 **What can be done in your Member State/in relation to your organisation or at European level to reduce any administrative burden related to species protection and derogations?**

	0 - No reduction	1	2	3 - Major reduction	I don't know	Not applicable
Clarify the species protection provisions in the Directives	○	●	○	○	○	○
Simplify the derogation reporting to the Commission	○	○	○	●	○	○
Improve coordination between different authorities and levels of government involved in species protection and derogations	●	○	○	○	○	○
Support Member States in developing and sharing standardised approaches for recurrent derogation cases that do not impact the conservation status of species (e.g. templates, pre-defined conditions), to reduce administrative burden while ensuring compliance with the directives.	○	○	○	●	○	○
Increase resources, technical capacity and skills of national/regional/local administrations	○	○	●	○	○	○
Provide further guidance at EU level	○	○	●	○	○	○
Address data gaps or insufficient data	○	○	●	○	○	○

Improve access to data and digitalisation	○	○	◉	○	○	○
Implement conflict resolution mechanisms to address conflicts between species protection and damage caused by those species	○	◉	○	○	○	○
Other (please specify)	○	○	○	○	○	○

21 **Please explain your answers, in particular what could be done to reduce the administrative burden and any existing good practice that helped to streamline the implementation of species protection provisions and/or reduce its administrative burden**

If you have any relevant good practice examples specifically related to strict species protection and derogations, please use this occasion to explain what in your experience has helped or could help to reduce administrative burden.

2500 character(s) maximum

o For Beaver management (as they may cause damage to rail, water and road infrastructure) parties involved are working together to implement one national approach, while ensuring the FCS of the species [5.21.1].
o Clarifying what may constitute 'incidental', 'non deliberate' victims (in art 5 BD, art 12 HD) helps to relieve administrative burden.
o Codes of conduct can help lighten administrative burden [5.21.2] for recurring derogation cases.
o Availability of data is important. Innovative solutions are being worked on to more easily collect data for assesments (for example: E-DNA, Battracker, … see documentary Question 13 of Section 5). In our view, European coordination regarding knowledge acquisition and sharing is of great importance. Despite the many studies being conducted on species, questions remain concerning effective preventive measures and the adoption of alternative measures. Also innovative techniques for predicting presence or absence of species and technical advances in field research could be stimulated in that way.

22 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on what can be done to reduce administrative burden:**

e7a1c423-3b40-4881-8965-dbef0c09c0eb/5.21.1_Beaver_managment.pdf
b9530be7-3b70-48cd-9073-f7a3226175b7/5.21.2_Gedragscode.pdf

23 **Has the recently adopted EU legislation relevant for implementation of protection regime and derogations led to a reduction in administrative burdens?**

	Yes	Somewhat	No	I don't know
Renewable Energy Directive (RED III - Directive (EU) 2023/2413)	○	○	◉	○
Net-Zero Industry Act (NZIA)	○	○	○	◉
Trans-European Energy Networks (TEN-E)	○	○	○	◉

Critical Raw Materials Act (CRMA)	○	○	○	◉
CHIPs Act	○	○	○	◉

24 **How useful has been the following Commission's guidance on the species protection regime and derogations in reducing the administrative burden?**

The Commission has issued a number of EU guidance documents on species protection and derogations. We would like to have your feedback on how useful these guidance documents have been for you.

	1 - Not useful	2 - Somewhat useful	3 - Useful	4 - Very useful	I don't know	Not applicable
Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (Document C (2021)7301)	○	○	○	◉	○	○
Guidance document on the general system of protection of bird species - Article 5 and Article 9 of the Birds Directive (Document C(2026) 2274)	○	○	○	◉	○	○
Guidance document on hunting under the Birds Directive (2008)	○	○	◉	○	○	○
Other (please specify below)	○	○	○	○	○	○

26 **What further EU guidance would help to reduce the identified administrative burden in relation to the species protection regime and derogation?**

400 character(s) maximum

- Guidance on proportionate derogation requirements for citizens (research, monitoring and mitigation for individual initiatives; see Question 5.12). - Guidance on cross-border populations, FCS assessment for derogations, coordinated conservation, and better access to aggregated MS data. - Guidance on the use of models to assess impacts.

27 **Do you consider that modernising the institutional procedure for updating the annexes of the Birds and Habitats Directives, following scientific and technical progress, currently governed by outdated procedures (Article 15 of the Birds Directive and Article 19 of the Habitats Directive), would improve the efficiency of Directives in achieving their objectives?**

For example, the Commission could be given delegated powers to adapt the annexes according to scientific criteria.

- ○ Yes
- ○ No
- ◉ I don't know

29 **What else could the Commission do to reduce the administrative burden identified in relation to species protection and derogations?**

2500 character(s) maximum

Consideration could be given to a technical amendment of the Directive to ensure that its procedural provisions are fully aligned with the framework established under the Treaty of Lisbon, thereby improving consistency between the Directive and the current EU legal framework.

Furthermore, the BHD both allow for the up and downlisting of species. Any such proposals should be based on robust evidence regarding conservation status following ecological, scientifical and technical progress. Quality of decision-making on up- or downlisting could potentially be improved when stronger guidance is available regarding what should be viewed as robust evidence (and the role of the BHD reporting), and scientifical and technical progress in that matter. Further guidance on the process for amending listings could also be valuable, including the role of the NADEG in valuing proposals.

Next, amendments to listings under the BHD can require listing-amendments under the Bern Convention. As Bern Convention processes precede these BHD listing processes, the process for listing-amendments towards the Bern Convention are very influential for the process under the BHD. Hence requests on further guidance should take into account the strong relation with the process for listing-amendments towards Bern Convention. It is important to take note of the fact that members of the Bern Convention include states that are not EU Member States.

30 **What are the benefits in the view of your Member State/organisation of the species protection provisions and derogations?**

- [x] Halting biodiversity loss
- [x] Wild bird conservation
- [x] Species conservation (other than birds)
- [x] Habitats conservation
- [x] Other environmental benefits (e.g. water purification, air purification, soil quality, pollination)
- [x] Climate resilience and mitigation (e.g. flood, drought and wildfire prevention)
- [x] Society (e.g. health, culture, recreation, education)
- [x] Economy (e.g. jobs, tourism, food production, research and innovation)
- [ ] Other (please specify in the following question)
- [ ] I don't know
- [ ] Not applicable

32 **If you have selected any of the items in question 29 above, please explain further what the benefits are and whether you could provide any concrete or quantified justification, evidence or figures**

2500 character(s) maximum

We see that obligations of BHD can be part of a broader development of area's, especially if they are combined with other benefits such an climate adapatibility and water retention

Some examples of nature restoration and development with some extra benefits are uploaded in the next question:

33 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the benefits of the species protection provisions and derogations**

40ad05c6-c203-4a2d-bea2-29ce3a7209d3/5.32.1_Example_of_nature_and_other_goals_via_BHD.pdf

6. Monitoring and reporting (primarily Article 12 of the Birds Directive and Articles 11 and 17 of the Habitats Directive)

1 **Have you collected any data on the implementation of monitoring and reporting obligations and their administrative burden?**

- (●) No
- ( ) Yes
- ( ) Partial data
- ( ) I don't know
- ( ) Not applicable

3 **Have there been any reviews, studies or assessment of the administrative burden resulting from the reporting and/or monitoring obligations in the Birds and Habitats Directives in your Member State?**

- ( ) No
- (●) Yes
- ( ) I don't know

4 **If yes, please briefly describe the background to the study, its key findings and any resulting measures that were introduced to reduce the administrative burden for authorities and/or stakeholders.**

1000 character(s) maximum

The Netherlands has carried out several assessments aimed at improving the efficiency and effectiveness of BHD monitoring/reporting (not specifically for the admin burden but broader):
-'Rapportages op grond van de Europese Vogelrichtlijn en Habitatrichtlijn - Evaluatie rapportageperiode 20072012 en aanbevelingen voor de periode 2013-2018' (2014)
-'Evaluatie van de rapportages op grond van de Europese Vogelrichtlijn en Habitatrichtlijn voor de periode 2018-2019' (2020)

The evaluations reviewed data availability, monitoring coverage, reporting workflows and coordination between authorities and knowledge institutions. Key findings identified information gaps, overlaps and opportunities for better use of existing monitoring schemes. Resulting measures include improved alignment of monitoring programmes, enhanded data-sharing arrangements, futher integrations with the National Ecological Monitoring Network (NEM), and development of more standardised procedures

5 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the monitoring and reporting obligations and administrative burden**

6 **In your experience, do any of the following monitoring or reporting obligations cause disproportionate administrative burden in your Member State/in relation to your organisation?**

	Yes	Somewhat	No	I don't know
Completion/updating of standard data forms (SDF) for Natura 2000 sites	○	●	○	○
Estimating the financing needs for the conservation of species /habitat types inside Natura 2000 and outside (previous Prioritised Action Frameworks) - Article 8	○	○	●	○
Undertaking the surveillance of the conservation status of habitat types and species – Article 11	○	○	●	○
Monitoring the incidental capture and killing of Annex IV species - Article 12(4)	○	○	○	●
Derogation reporting -Article 16 of the Habitats Directive/ 9 of the Birds Directive	○	●	○	○
Reporting on the implementation of the directives under Article 17 of the Habitats Directive and Article 12 of the Birds Directive	○	●	○	○
Other (please specify)	○	○	○	○

8 **To what extent is the burden identified the result of one or more of the following potential underlying causes related to monitoring and reporting:**

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable
Lack of coherence and diverging practices among authorities	○	○	●	○	○	○
Lack of capacities in the authorities (staff, expertise, etc.) and digital systems	○	○	●	○	○	○
Data and knowledge gaps, inadequate knowledge and difficulties in access to data (e.g. on species distribution)	○	○	○	○	○	●

Complex requirements for reporting to the Commission	○	○	◉	○	○	○
Other (please specify)	○	◉	○	○	○	○

9 **If you answered "Other", please specify the other underlying cause**

250 character(s) maximum

Resolve issues with error messages, and greater transparency on ReportNet3 validation checks would allow them to be built into our collaboration portal, reducing errors and saving time. The same applies to BHD reporting via ReportNet3.

10 **What can be done in your Member State/in relation to your organisation or at European level to reduce the administrative burden related to monitoring/reporting obligations?**

	0 - No reduction	1	2	3 - Major reduction	I don' t know	Not applicable
Simplify reporting requirements	○	◉	○	○	○	○
Improve access / digitalisation of data	○	◉	○	○	○	○
Promote use of new monitoring technologies	○	◉	○	○	○	○
Make better use of spatial data (e.g. through Copernicus)	○	○	○	○	◉	○
Increase support for citizen science	◉	○	○	○	○	○
Increase funding for monitoring	○	◉	○	○	○	○
Other (please specify below)	○	○	○	○	○	○

12 **Please explain further below your answers to questions 6 to 10 above, in particular what could be done to reduce the administrative burden.**

2500 character(s) maximum

13 **Please describe any good practice examples and initiatives that have helped to streamline the management planning/monitoring or to reduce the administrative burden of monitoring and reporting.**

If you have already given details of any relevant good practice examples in answers to previous questions, there is no need to give the same reply here. But if you have anything more that is specifically related to the management and protection of Natura 2000 sites please use this occasion to explain what in your experience has helped to reduce the disproportionate administrative burden.

2500 character(s) maximum

- Netwerk Ecologische Monitoring: The NEM (Network for Ecological Monitoring) conducts a systematic study of nature in the Netherlands, collaborating with many people and organizations (for example data collection via a large group of volunteers). NEM is a partnership between the Ministry of Agriculture, Fisheries, Food Security and Nature, the Ministry of Infrastructure and Water Management, the PBL Netherlands Environmental Assessment Agency, CBS Statistics Netherlands, and the provinces. See: Netwerk Ecologische Monitoring | Het NEM (Netwerk Ecologische Monitoring) onderzoekt de natuur in Nederland structureel.

- Nationale Databank Flora en Fauna: The National Databank Flora and Fauna (NDFF) contains more than 250 million verified observations of plant and animal species. The database is freely accessible to anyone. See: https://ndff.nl/

VVM: The BHD Monitoring Improvement Program (see attachment "VHR Compleet: Samen op Pad (2022)") aims to achieve a more robust national nature monitoring, information provision, and reporting system for the Birds and Habitats Directives. Through the adjusted system, we can fully and timely monitor, assess, and report on progress towards and the realization of our BHD goals at multiple levels: from the local conservation objectives of individual nature areas, including Natura 2000 or sub-areas, to the national conservation status.

14 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers:**

15 **Digitalisation, earth-observation and artificial intelligence can potentially provide administrative burden reduction opportunities for monitoring and reporting. Please explain how concretely you think this could be the case in your Member State/in relation to your organisation or at European level and, if possible, provide concrete examples of tested solutions.**

2500 character(s) maximum

We think there is a big opportunity here, but we are just at the beginning of exploring the possibilities. For example we are exploring Spheer. Spheer uses a machine learning model, a form of AI, for satellite monitoring. The European Sentinel-2 satellites provide satellite data about the Earth's surface and Spheer trains its machine learning model so that it can analyze vegetation (type and cover) in different level of detail. Another example that we are exploring is e-dna.

16 **Please submit any documentary evidence studies, practical examples, analyses, in any EU language) that can support your answer in relation to the potential of digitalisation, earth observation and artificial intelligence.**

17 **What are the benefits in the view of your Member State/organisation of the monitoring and reporting under the Birds and Habitats Directives?**

- [x] Halting biodiversity loss
- [x] Wild bird conservation
- [x] Species conservation (other than birds)
- [x] Habitats conservation
- [x] Other environmental benefits (e.g. water purification, air purification, soil quality, pollination)
- [x]

Climate resilience and mitigation (e.g. flood, drought and wildfire prevention)

- [x] Society (e.g. health, culture, recreation, education)
- [x] Economy (e.g. jobs, tourism, food production, research and innovation)
- [ ] Other (please specify in the following question)
- [ ] I don't know
- [ ] Not applicable

19 **If you have selected any of the items in question 17 above, please explain further what the benefits are and whether you could provide any concrete or quantified justification, evidence or figures**

2500 character(s) maximum

- It creates awareness about the state of nature
- The better we understand the state of nature, the better we know how to preserve and restore it
- Conservation of VHR nature also has other environmental benefits, as part of the measures is directed at improving environmental conditions
- Healthy nature has many benefits for society and for the economy

20 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the benefits of monitoring and reporting under the Birds and Habitats Directives:**

7. Policy coherence, public/stakeholder participation, funding support, efficiency and governance

Policy coherence

1 **In your experience, is any disproportionate administrative burden created by implementing the Birds and Habitats Directives jointly with EU legislation in the following sectors:**

	Yes	Somewhat	No	I don't know
Agriculture (Common Agricultural Policy)	○	◉	○	○
Forestry (e.g. LULUCF)	○	○	○	◉
Water (e.g. Water Framework Directive)	○	◉	○	○
Marine and maritime policy (Marine Strategy Framework Directive, Marine Spatial Planning Directive)	○	○	○	◉
Fisheries (Common Fisheries Policy)	○	◉	○	○

Energy (e.g. Renewable Energy Directive, TEN-E)	○	●	○	○
Industry (e.g. Critical Raw Materials, Net Zero Industry Act)	○	●	○	○
Transport (e.g. TEN-T)	○	○	○	●
Defence (e.g. European Defence Industry Programme)	○	○	○	●
Other (please specify below)	○	●	○	○

2 **If you answered "Other", please specify which other legislation is contributing to administrative burden**

80 character(s) maximum

Energy Performance of Buildings Directive (EPBD)

3 **To what extent is the disproportionate administrative burden you identified a result of one or more of the following potential underlying causes:**

	0 - Not a cause	1	2	3 - Major cause	I don't know	Not applicable
Structural inconsistencies between policy objectives	○	○	●	○	○	○
Structural inconsistency between legal instruments in the above-mentioned policy areas and requirements under the Birds and Habitats Directives	○	○	○	○	●	○
Implementation issues at national/regional/local level	○	●	○	○	○	○
Unclear or overly complex national legislation	○	○	○	○	●	○
Lack of human resources and/or of technical capacity	○	●	○	○	○	○
Insufficient ecological data and baselines	○	○	●	○	○	○
Lack of or insufficient spatial or strategic planning	○	○	○	○	●	○
Lack of or insufficient guidance from the European Commission	○	○	●	○	○	○

4 **Please explain further below your answers to questions 1 and 3 under Policy coherence, in particular what could be done to reduce the administrative burden.**

2500 character(s) maximum

See our answer uploaded at Q 7.5.

5 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers in regard to policy coherence and administrative burden:**

edf61f5a-8bf3-495c-9bdb-6975eea90b3b/7._POLICY_COHERENCE_-_answer_7.4.pdf

6 **Please share any good practice experiences of effective and efficient implementation of the Birds and Habitats Directives with one or more of the above-mentioned policy areas.**

2500 character(s) maximum

- Innovative detection methods, such as environmental DNA (eDNA), offer promising solutions for identifying protected species like bats. A sponge or roller is used to collect DNA samples. If no traces are found, isolation measures can be implemented without the need for a permit. However, these methods are not yet scalable for widespread use in larger estates. More innovation and knowledge sharing may further improve assesment methodes.

- Species management plans: In order to accelerate permit procedures from a perspective of species protection, the Netherlands is in favour of a population-based approach and is investigating working with 'species management plans', that is: granting permits for specific species and developments in a specific area, instead of , instead per individual dwelling or project. This lowers costs and permitting time for projects. But due to the complexity of this area-based approach, challenges still remain in the fields of research, funding, and manpower. Further development is therefore needed to make this approach effective in practice.

- The National Spatial Strategy (Nota Ruimte) is the long-term vision of the Dutch central government for the spatial planning of our country. Because space is scarce in the Netherlands, the spatial strategy helps to efficiently use the land we have. The methodology takes an integrated approach of the claims on the physical living environment, showing that multiple land use is necessary to achieve our goals, particularly in areas where many claims converge in a small area. Conflicting claims may however result in inefficient land use: for example, the shutdown of wind turbines during the breeding season. The turbines are not utilized optimally, while they do occupy space year-round, meaning that more turbines are needed to generate the required energy.

Public/stakeholder participation

1 **Do existing public/stakeholder participation mechanisms entail any disproportionate administrative burdens?**

- ○ Yes
- ○ Somewhat
- ◉ No
- ○ I don't know

3 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on public/stakeholder participation and administrative burden:**

Funding and financial support

1 **To what extent do existing funding instruments adequately support the implementation of the Birds and Habitats Directives?**

	Fully adequate	Rather adequate	Rather inadequate	Fully inadequate	I don't know
EU funding instruments	○	○	○	◉	○
National/regional funding	○	○	○	◉	○
Private funding	○	○	○	◉	○

2 **If you consider funding to be rather or fully inadequate to support the efficient implementation of the Birds and Habitats Directives, what are the main challenges?**

- [x] Insufficient overall funding level
- [x] Fragmentation of funding sources
- [x] Temporal mismatch between funding cycles and long-term management needs
- [ ] Administrative burden linked to access to funding
- [ ] Lack of or insufficient co-financing at national or regional level
- [ ] Lack of private funding and excessive reliance on public funding
- [x] Other (please specify)

3 **If you answered "Other", please specify the other challenges:**

250 character(s) maximum

Environmentally harmful subsidies in the NL and EU should be addressed; research shows many Dutch subsidies negatively affect biodiversity [7.3.1]. Research also shows provinces face a widening funding gap for nature tasks [7.3.2].

4 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers to question 1 under Funding and financial support:**

321c12c4-89e0-40bd-a6f6-922a1985ed7d/Funding_-_7.3.1_beoordeling_van_de_effecten_van_financiele_en_fis-wageningen_university_and_research_708514__part_1_.pdf
a76dee10-3ae0-41bc-b280-3eb78d502013/Funding_-_7.3.1_beoordeling_van_de_effecten_van_financiele_en_fis-wageningen_university_and_research_708514__part_2_.pdf
4cacc602-8800-4772-ae18-7c57e73c3e8c/Funding_-_7.3.1_beoordeling_van_de_effecten_van_financiele_en_fis-wageningen_university_and_research_708514__part_3_.pdf

627b9200-af7c-4d7a-b3e7-ab29ea93d9bf/Funding_-_7.3.1_beoordeling_van_de_effecten_van_financiele_en_fis-wageningen_university_and_research_708514__part_4_.pdf
439337c6-a9f6-4472-992f-a8568ea45265/Funding_-_7.3.2_rapport-onderzoek-naar-natuurtaken-en-middelen-van-provincies-3__part_1_.pdf
ee68a131-a9f3-4c7b-b058-3c712493e93a/Funding_-_7.3.2_rapport-onderzoek-naar-natuurtaken-en-middelen-van-provincies-3__part_2_.pdf
4165a374-fe6a-402e-874f-8b09de86d0fd/Funding_-_7.3.2_rapport-onderzoek-naar-natuurtaken-en-middelen-van-provincies-3__part_3_.pdf

Benefits and efficiency

The Birds and Habitats Directives aim to protect the most valuable and threatened biodiversity in the EU. To assess the effectiveness and efficiency of the directives and their implementation it is essential to compare them with the associated benefits.

1 **How significant are the benefits associated with the implementation of the Birds and Habitats Directive in your Member State/in relation to your organisation?**

	0 - No benefits	1	2	3 - Major benefits	I don't know	Not applicable
Halting biodiversity loss	○	○	○	●	○	○
Wild bird conservation	○	○	○	●	○	○
Species conservation (other than birds)	○	○	○	●	○	○
Habitats conservation	○	○	○	●	○	○
Other environmental benefits (e.g. water purification, air purification, soil quality, pollination)	○	○	●	○	○	○
Climate 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)	○	○	○	○	○	○

3 **Please explain your answers to question 1 under Benefits and efficiency, in particular elaborate on the chosen level of significance for the benefits of the Birds and Habitats Directives you have identified and if you can provide concrete quantified evidence to support it.**

2500 character(s) maximum

The implementation of the BHD has been a major contributor to halting biodiversity loss and conservation of habitats and species in the Netherlands. Besides the ecological benefits that come directly from implementation of the BHD, there are also other environmental, social and economical benefits. Especially in the long term, the BHD also contributes to public health, clean air, clean water, recreation, tourism, climate adaptation and mitigation, water safety, protection against wildfires and food production.

The ANWB has published a study that shows that there is a growing need in the Netherlands to be outside in nature, but there is actually a shortage in green space for recreation[[see upload]

4 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) that can support your answers on the benefits associated with the implementation of the Birds and Habitats Directives:**

d9c95378-0feb-4cb0-9e21-adaae95e2087/7.
BENEFITS_Meer_ruimte_voor_recreatie_I_Verkenning_nationaal_toekomstig_recreatietekort__part_1_.pdf
2ff7b6fc-e5ab-4b18-b512-26412ded9fa2/7.
BENEFITS_Meer_ruimte_voor_recreatie_I_Verkenning_nationaal_toekomstig_recreatietekort__part_2_.pdf

5 **How do the costs of implementing the Birds and Habitats Directives compare with the associated benefits? Please explain and, if possible, provide concrete quantified examples.**

NB: this question considers a wider range of compliance costs, which include adjustment costs as well as administrative costs (see definitions in Box 1). Adjustment costs are the incremental costs (i.e. those in addition to business as usual) of complying with new regulations other than charges and administrative costs.

2500 character(s) maximum

Berenschot and Arcadis have performed an Impact Assesment of the NRR, providing insight into the costs and benefits that come with implementing the Nature Restoration Regulation. This shows that the societal benefits (129 billion) outweigh the societal costs (76 billion) when looking at the period up until 2050[see upload].

6 **Please attach any documentary evidence (studies, practical examples, analyses; in any EU language) evaluating how the costs of implementing the Birds and Habitats Directives compare with the associated benefits**.

f7fb034b-2a75-40f5-a11a-3ea51c655bfd/7.
BENEFITS_Impact_Assessment_Europese_Natuurherstelverordening__part_1_.pdf
836fed9e-6920-4ee3-806f-79b129e5c371/7.
BENEFITS_Impact_Assessment_Europese_Natuurherstelverordening___part_2_.pdf

Governance

1 **Is the governance framework in your Member State (or across Member States for organisations or activities operating in several Member States) causing disproportionate administrative burden for the implementation of the Birds and Habitats Directives (e.g. interaction between different levels national/regional/local, competencies spread across different bodies, role of expert bodies such as agencies)?**

- ○ Yes
- ◉ Somewhat
- ○ No
- ○ I don't know

2 **If you answered "Yes" or "Somewhat", please specify.**

2500 character(s) maximum

The decentralized system in the Netherlands in which the provinces are responsible for nature policy, and the central government has a responsibility for the system as a whole, creates some extra administrative burden in terms of governance. Because of this system, the central government is responsible for achieving the BHD objective, but is not in control of the locations where this objective needs to be realized. The management of the N2000 sites lies with different organizations, namely the provinces, Rijkswaterstaat and the Ministry of Defence. Other areas that can contribute to realise the nature objectives are privately owned. This makes implementation of the BHD complex, as there are many parties involved.
Moreover, the varying approaches to project reviews and the differences in how natural data is made available among competent authorities can create unnecessary administrative burdens. In addition, the local authorities in the decentralized system are also responsible for implementing other European legislation. This makes the system even more complex within the limited physical space available and having to prioritize the different EU legislation all placing an additional claim in the physical living environment.

You have reached the end of the questionnaire - thank you very much for your contribution!

Contact

Contact Form