

NATURE SCORE CARD



Austria

Austria has been a member of the European Union since 1995. Its Natura 2000 network consists of 300 sites, covering 12691km², all of which are terrestrial (15,13% of the land area). The below analysis and recommendations suggest that national authorities still need to make further efforts in order to fully implement the Birds and Habitats Directives and effective conservation of threatened species and habitats to be achieved on the ground.

	<ul style="list-style-type: none"> • Management of sites • Avoid deterioration of sites, disturbance of species and implementation of appropriate assessments • Stakeholder engagement/ communication
	<ul style="list-style-type: none"> • Transposition of the Birds and Habitats Directive • Site designation • Species protection • Landscape connectivity • Funding • Habitats and species monitoring • Promotion of research

ACTION PLAN FOR NATURE IN AUSTRIA

<p>Transposition and designation</p> <ul style="list-style-type: none"> • Complete Natura 2000-network by finishing the site designation process, and ensuring sufficient coverage of representative populations of species and habitats • Establishment of a nationwide central coordination unit to ensure the comprehensive implementation of Natura 2000 and other BHD relevant topics 	<p>Prevention of negative impacts</p> <ul style="list-style-type: none"> • Ensure legal anchoring of public participation and legal protection for recognized environmental organisations in appropriate assessment -procedures in the nature protection laws of the federal states • Ensure nationally coordinated development and implementation of species action plans in all relevant areas and make sure that issued permits or derogations are based on sound data
<p>Active management to achieve favourable conservation status</p> <ul style="list-style-type: none"> • Set specific conservation objectives for all Natura 2000-sites with precise measures for habitats and species in accordance with the relevant EC guidance documents. • Develop management plans of a homogenous quality, in line with the EC guidelines and BHD specifications for the whole country and ensure their implementation and regular updates via site managers 	<p>Funding</p> <ul style="list-style-type: none"> • Increase available budget for staff and implementation projects dedicated to Natura 2000 in the authorities reflecting the actual needs. Provide attractive premiums in the rural development program and / or sufficient compensation schemes to increase uptake and participation and acceptance
<p>Monitoring and research</p> <ul style="list-style-type: none"> • Increase data availability and data quality by implementing an exhaustive, regular monitoring of species and habitats • Set up monitoring to ensure adequate implementation of compensation measures and other official requirements of plans and projects to avoid a cumulative negative impact. 	<p>Stakeholder engagement</p> <ul style="list-style-type: none"> • Ensure comprehensive information and participation of all relevant stakeholders on all aspects of the implementation of the Nature Directives

The information in this scorecard is based on expert analysis from Umweltdachverband, WWF Österreich, and BirdLife Österreich. Full details on the following pages.

LEGAL REQUIREMENTS	STATUS IN AUSTRIA
<p>Transposition</p>	<ul style="list-style-type: none"> • The directives have been transposed into our regional legislation. • It is often criticised that the transposition into other relevant legislations, like the (federal) forest law, has not been fully implemented (e.g. consultation for forestry law amendment 2013¹). The official argument is that in Austria, the federal states are responsible for nature conservation, so the federation cannot implement the BHD in its federal laws.
<p>Site designation</p> <p>Designate and establish sites that form the Natura 2000 network of protected areas</p> <p><i>Habitats Directive, art. 3 & 4</i> <i>Birds Directive, art. 3 & 4</i></p>	<ul style="list-style-type: none"> • The terrestrial Natura 2000 network is not considered complete in Austria. According to the EC (oral communication of EC representatives during NGO “package meeting” in November 2017) Austria is the last of the “old” member states (EU-15) not having completed its Natura 2000-network. In 2013 an infringement procedure has been initiated against Austria for insufficient site designation and further designations are mandatory. • Even though Austria has missed the deadlines given in the letter of formal notice (LFN) or rather in further communications regarding the infringement procedure to completely fulfil the obligations the EC still has not sent out the reasoned opinion. The EC is apparently still giving them time to handle the remaining outstanding points. • The NGOs are under the impression that some of the federal states are putting in an effort to fulfil their obligations from the LFN; others appear to be more reluctant to designate further sites and would prefer to halt the infringement procedure and some of their political representatives are voicing their lack of willingness to further designate sites through the national media. • Due to a lack of sufficient data (in quality and quantity) and lack of (methodological) coordination among the different federal states it is difficult to assess the sufficiency of the coverage of species and habitats in the Natura 2000 network at a biogeographical level in Austria. • In Austria the Natura 2000 sites are considered as a protected area category by nature conservation laws.
<p>Management of sites</p> <p>Establish site protection measures in Natura 2000 sites</p> <p><i>Habitats Directive, art. 6(1)</i> <i>Birds Directives, art. 4(1) & 4(2)</i></p>	<ul style="list-style-type: none"> • In 2015 73% of Austrian Natura 2000 sites (159 out of 219 sites) had management plans which in general do include conservation objectives – more or less precise ones. See answer to next question. • A master’s thesis (Schöbinger, 2015)², which evaluated 29 management plans from all over Austria, showed only moderate until unsatisfactory results in the criteria “conservation and development objectives”. <ul style="list-style-type: none"> - Most plans contain more general targets and priorities. - But there is a strong weakness in / lack of <ul style="list-style-type: none"> - Differentiation between long-term and short-term objectives - Formulation of site specific and measurable objectives (target achievement) <ul style="list-style-type: none"> - Setting of objectives at parcel level - Development of guiding principles from a nature conservation point of view (“naturschutzfachliche Leitbilder”) • Regarding the development of management plans: <ul style="list-style-type: none"> - In 2015 management plans for 73% of Austrian Natura 2000 sites (159 out of 219 sites) did exist. - For 6% of all sites (14 out of 219 sites) management plans did exist partially (e.g. species management concepts). - For further ten sites (5%) management plans were in preparation. • Regarding the adequacy of management plans: <ul style="list-style-type: none"> - As nature conservation lies within the responsibility of the Austrian federal states, each “Bundesland” applies different approaches for management planning. Management plans differ highly in quality and

¹ https://www.parlament.gv.at/PAKT/VHG/XXIV/SNME/SNME_12072/imfname_297277.pdf

² Schöbinger, A. (2015). Natura 2000-Management in Österreich – der Planungsprozess und repräsentativ ausgewählte Managementpläne auf dem Prüfstand. Masterarbeit an der Universität Wien

are often not up to date. There are several good examples for management plans in different federal states but overall a guideline for management planning and a certain standardisation at the national level would be necessary in order to ensure high quality for all sites.

- The most prominent weaknesses in management plans can be found in public relations regarding site management measures and insufficient financial planning. Public participation during the planning process should be improved as well.
- From the conservation point of view, shortcomings were identified especially in available data related to species and habitats (monitoring, SDF), planning the implementation of measures and in target planning as well as data concerning plans and projects (potentially) influencing the sites.
- All in all many management plans are formulated very generally and don't correspond to the commission notes^{3, 4}.
- Regarding the **implementation of the Management Plans**:
 - Little by little more site managers on site-level are installed who are responsible for implementing the plans.
 - Depending on how many sites they are responsible for and other available resources, the implementation of plans is done more or less precisely, but again we are speaking of a highly diverse situation with very different situations in the federal states.
 - Regarding the management authorities designated for Natura 2000 sites:
 - Each Bundesland / federal State has its own nature conservation authority – they are responsible for the management. Often they outsource the tasks.
 - Meanwhile most federal states do have site managers on site level but the resource situation is diverse – some are responsible for several (large) sites while others have a lot of duties as technical experts (Sachverständige), e.g. writing assessments (Gutachten).
 - Overall the financial resources seem far too low for implementing measures appropriate to the legal and scientific needs in the entire Natura 2000-network.
- As regards the **consideration of climate change in conservation measures** proposed for Natura 2000:
 - Schöbinger (2015) showed that none of the evaluated management plans in Austria did contain measures addressing climate change.
 - Climate change and future impacts on species and habitats are not addressed sufficiently in the existing MPs although other pressures seem much more current and urgent (such as land use change, fragmentation, intensification and building development).

Species protection

Ensure species protection

Habitats Directive, art. 12-16

Birds Directive, art. 5-9

As regards the existence of **approved species action plans for protected species**:

- For few species there exist species action plans (e.g. wolf⁵, bear⁶) on a national (biogeographical) level
- For some other species there exist species action plans on a regional level and in different qualities (e.g. otter, beaver, etc.)
- For most of the protected species no coordinated action plans have been developed. Therefore there are hardly any coordinated activities for certain species to achieve the favourable conservation status at national biogeographical level.
- These action plans are implemented in very different quality in different regions/Bundesländer, no nationwide Strategy and no national coordination/overview exists in most cases.

³ http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf

⁴ http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/comNote%20conservation%20measures_EN.pdf

⁵ https://www.wwf.at/de/view/files/download/showDownload/?tool=12&feld=download&sprach_connect=2903

⁶ <https://www.dib.boku.ac.at/fileadmin/data/H03000/H83000/H83200/downloads/BMP05.pdf>

	<p>As regards the publication of permits/derogations for activities impacting protected species:</p> <ul style="list-style-type: none"> • depends on which legal instrument is used Legal decisions: no they are only addressed to the applicant Legal ordinances: yes • Concerning the content of legal ordinances, there are currently several complaints ongoing (e.g. otter and beaver in Lower Austria)
<p>Avoid deterioration of sites, disturbance of species and appropriate assessment</p> <p>Ensure no deterioration of habitats and disturbance to species in Natura 2000 sites</p> <p><i>Habitats Directive, art.6(2)</i></p> <p>Ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment</p> <p><i>Habitats Directive 6(3)</i></p> <p>Ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for imperative reasons of overriding public interest and if compensatory measures are taken</p> <p><i>Habitats Directive 6(4)</i></p>	<p>As regards the implementation of Article 6 (3) procedures to assess projects and plans:</p> <ul style="list-style-type: none"> • No public participation of members of the public, if the Art 6 (3) procedure is not carried out in the course of an EIA-procedure • Also, no access to justice for members of the public, if the Art 6 (3) procedure is not carried out in the course of an EIA-procedure • Aarhus Convention hasn't been implemented properly • The Art 6 (3) procedures have been implemented in all 9 of Austria's nature protection laws and expertise has been built up. Applicants more and more use the opportunity to informally discuss their project with authorities, environmental ombudsmen („Landesumweltanwaltschaften“) and experts, thereby generating positive impact on the quality of their project documents, which in general rose. • If the project is not subject to an EIA, public participation & access to justice in environmental matters are still not implemented in Austria at all • Since July 2014, there is still an EU-Aarhus infringement procedure pending against Austria, since environmental organisations as well as individuals do not have any means of legal protection in procedures under the FFH Directive • The judgement of the ECJ in the case C-664/15 (Braunbär II), demanding by member states to ensure public participation & access to justice for NGOs in Art 6 (3) procedures is still not addressed by Austria. Only discussions are ongoing. But Austria's nature protection laws still have not been amended, although the administration and the politicians are aware of the BRAUNBÄR II decision of the ECJ. And courts still appear unwilling to grant access to justice for NGOs without legal implementation of the ECJ's findings. • A recent study (TU Wien et al. 2016)⁷ showed that in 3 federal states as example, for 90% of the submitted projects, which were assessed in advance through screenings, a significant impact and therefore the necessity of a formal appropriate assessment had been ruled out. The implementation of the screenings highly differs in the various federal states but there's hardly any officially available information concerning assessment criteria and for the whole process. <p>Regarding independence and qualification of experts and evaluators:</p> <ul style="list-style-type: none"> • Authorities often have too few official experts themselves. Therefore, procedures can be delayed. • And it seems to be a problem, if the same persons, which have been experts in the procedure of 1st instance, are engaged again, if the decision is challenged, thereby questioning their independence. • For certain topics/issues, there are not enough experts available

⁷ www.umweltdachverband.at/assets/Umweltdachverband/Presse/Pressekonferenzen/2016-10-04-Natura-2000-und-Wirtschaft/TU-Wien-et-al-2016-Natura-2000-und-Wirtschaft.pdf

Regarding the **assessment of adverse effects** on the sites:

- In this context of whether adverse effects on the site correctly assessed, unsuitable restrictions of the scope of investigation by the authority can be an obstacle for a profound & correct overall review/evaluation of the project.
- In most regions/Bundesländer, there's no central overview on projects, which could have a negative impact in combination with others (summation effect); Therefore it won't be part of the appropriate assessment in a usual form
- The precautionary principle is one of Austria's main environmental principles, but it is often foiled by generous application of exemption clauses / generous evaluation of what is a significant impact.
- "Overriding public interest criteria" is generally not justified enough. Transparency on how "overriding public interest" is assessed is lacking and in many cases a "black box". A good best-practice example could be the Austrian Water Catalogue, where specific criteria are defined on how to assess the "overriding public interest criteria" in the context of procedures under Art 4 (7) WFD.
- In terms of compensation measures. Control/monitoring of the implementation & effectiveness of measures is lacking and therefore this poses a problem. Also, a long-term evaluation of nature protection measures would be needed.
- In many regions/Bundesländer there also doesn't exist a central overview of sites with existing or planned compensations measures. Therefore an adequate management of compensation areas seems to be impossible. This might lead to certain compensation measures accounting for multiple projects or being destroyed for a different purpose after a few years.
- Concerning the announcement of decisions: As far as we know there are only very few decisions concerning this topic and we assume that they are formally reported to the EC.

Landscape connectivity

Encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network

Habitats Directive art. 3(3) & 10

- There is no knowledge of any management plan, where landscape connectivity between sites is integrated (mainly focused on management of the sites).
- There is no knowledge of any active measures to increase the ecological coherence of the Natura 2000 network in order to fulfil the obligations of the HD except for some activities in the federal state Salzburg. Salzburg has mentioned Art. 10 in their nature conservation law and has technically designated green corridors but not legally enacted them (except for some that are enacted in the regional programme for Pinzgau).

Is designation of other protected areas used in your country to respond to this requirement? What are other protected areas designations in your country which could cover this requirement? If not, do you think there are other PA designations in your country which could be used?"

- The nature conservation laws of three federal states refer to the necessity of implementing a biotope network (one referring explicitly to Art. 10 of the HD – Salzburg).
- Most federal states have designated corridors to some extent on a technical basis but most are not secured by spatial planning, in fact only in one federal state the corridors are legally enacted (Styria).
- Biotope network protection is being implemented in Austria with measures along the Austrian part of the European Green Belt, measures along the Alpine-Carpathian corridor (incl. an action plan that refers to art. 10 of the HD) and through some projects (measures in the LIFE+ project Ausseerland, Project Netzwerk Naturwald)

	<ul style="list-style-type: none"> In the opinion of the NGOs designations of other protected areas would not be the ideal and only solution to increase ecological coherence. Restoration projects and securing the corridors via spatial planning / legal enactment and implementation of the EU TEN-G strategy would be a better option for Austria.
<p>Funding and resources</p> <p>Identify funding needs</p> <p><i>Habitats Directive, art. 8</i></p>	<ul style="list-style-type: none"> Austria has published its PAF in 2013 (no update since then). <ul style="list-style-type: none"> It also refers to the specific EU funds but was finalized before it was clear, which fund would have how many opportunities for nature conservation. The estimation of how much money is needed for Natura 2000 has been based on existing budgets and does not include the necessary means from a nature conservation point of view, therefore it does not cover the actual needs <ul style="list-style-type: none"> A revision of the document with a higher usability of the format and clearer specifications and reduction to main contents (administrative burden) would be helpful. The estimation was identical to the numbers from the former estimation on “implementation of Natura 2000 in Austria”, therefore it seems not to be target-oriented Dedicated budgets for Natura 2000 differ highly among the federal states. All in all most of the financing is based on EU-funds and regional co-funding. There are few projects that are financed with national / regional budgets. <ul style="list-style-type: none"> The RD funds explicitly dedicated for Natura 2000 (art. 30) are negligible and the uptake is very low due to unattractive premiums. Some federal states have a focus on Natura 2000-sites as regards particular agri-environment measures. RD funds for projects and agri-environment schemes are the most important source for financing Natura 2000. There is insufficient staff dedicated to Natura 2000. It is possible that the infringement procedure and the site designation process take up a lot of the resources of the federal states and therefore the other aspects of the implementation receive less attention. <ul style="list-style-type: none"> Compared to other countries (eg. Germany, Czech Republic), Austria is missing urgently needed structures and institutions, like BfN or LfUs in Germany, which are doing expertises, project management, etc.
<p>Habitats and species monitoring</p> <p>Undertake monitoring of the conservation status of habitats and species of Community importance</p> <p><i>Habitats Directive, art.11</i></p>	<ul style="list-style-type: none"> The HD Article 11 monitoring is selective, consisting mostly of priority habitat types. Many species have not been part of the Article 11 monitoring. On regional site or species level there exist very few monitoring initiatives based on different methods or systems. <p>Regarding the quality of the assessments of conservation status and the underlying data:</p> <ul style="list-style-type: none"> The quality of the data is very diverse, only few of the federal states have comprehensive biotope mappings. For the last Art. 17-report over 30% of the data used was older than 12 years⁸. So some of the data might be out-dated and not that reliable to assess the current situation. Only for 9% of the species and 30% of the habitats complete surveys were done to assess the conservation status. Most of the data is compiled by extrapolation and expert opinions.⁹ <ul style="list-style-type: none"> There is strong reason to assume that the quality of the underlying data is in many cases inadequate.

⁸ Derived from fig. 1 in Ellmayer et al (2015) “Bewertung des Erhaltungszustands von Lebensraumtypen und Arten in Österreich gemäß Artikel 17 FFH-Richtlinie” in Natur und Landschaft, 90 Jahrgang 2015, Heft 5

⁹ https://circabc.europa.eu/sd/a/42724f22-9100-414c-819b-03b8742ad154/AT_20140528.pdf

	<ul style="list-style-type: none"> The monitoring data and the data used to assess the conservation status or the assessment of coverage of habitats and species by Natura 2000 sites are not publicly available, only in a very aggregated or heterogeneous form <ul style="list-style-type: none"> For the preparation of the last bilateral seminar (which was cancelled, but should have taken place in 2016) the federal states had published some studies commissioned for species and habitats as part of the infringement procedure on insufficient site designation, again in a very heterogeneous way.
<p>Promotion of research</p> <p>Encourage research and scientific work</p> <p><i>Habitats Directive, art. 18</i> <i>Birds Directive, art. 10</i></p>	<p>Regarding support for the scientific community for research projects to assess the status of threatened species:</p> <ul style="list-style-type: none"> The Universities are putting their focus on different topics: invasive species and climate change, systematic and alpine ecology, also based on the fact that there are few funding opportunities for doing research on HD and BD relevant topics. Assessing the status of threatened species is mostly happening through updates of the national “red lists” (at irregular intervals, also sometimes financed via national RDP) and the Article 11-monitoring, which is selective and focuses only on a few species and habitats. There are a few conservation bureaus which also conduct studies about threatened species. The situation is very diverse in the different federal states, but in sum there’s absolutely not enough promotion and financing of research and monitoring in relation to the nature directives.
<p>Non-native species</p> <p>Ensure that introductions of non-native species do not prejudice native habitats and species</p> <p><i>Habitats Directive, art. 22</i> <i>Birds Directive, art. 11</i></p>	<p>There is limited information on the integration of IAS in management plans but for some site managers it is an important topic that they take into consideration.</p>
<p>Stakeholder engagement, public participation and communication</p> <p>Stakeholder engagement and public participation are key to ensuring effective implementation</p>	<p>Regarding stakeholder participation in the site designation process:</p> <ul style="list-style-type: none"> In some federal states the site designation process is blocked because of strong opposition of landowners. In one federal state (Salzburg), the approval of all landowners is a prerequisite for a site to be designated. In this case, the power of this stakeholder group is too strong as it overrules the fact that site designation should be based on scientific data only. In other cases the stakeholders are not properly informed on designation processes that are going on. The landowners criticise not knowing about the reasons why sites are designated and not being told what kind of consequences a site designation holds for them. They should get comprehensive information on these issues. <p>Regarding stakeholder participation in the development of management plans:</p> <ul style="list-style-type: none"> In some federal states the management plans are developed together with different stakeholder groups, in others, the plans are made without stakeholder participation. In some management plans (from Salzburg, Oberösterreich and Kärnten) the public consultation processes are described in the management plans. <ul style="list-style-type: none"> There’s no homogenous procedure among the 9 regions/Bundesländer There is inadequate stakeholder participation under article 6. <ul style="list-style-type: none"> There is not full public participation and transparency in decision-making impacting nature. <p>Regarding awareness raising activities:</p>

- The federal ministry together with the EU and the federal states has funded a project called “Komm-Natura” which was led by Umweltdachverband. The goal of the project was to increase stakeholder participation and to raise awareness about Natura 2000 and its benefits.
- A forestry-focussed Natura 2000 project, managed by the NGO “Kuratorium Wald”, was funded.
- Vorarlberg for example has published an information brochure for the general public on their new Natura 2000 sites.
- Steiermark for example has an informative website on Natura 2000 with contact information of all site managers.
- Lower Austria organised a Natura2000 competition in 2008.
- There’s no homogenous strategy on awareness raising, only some projects, which aren’t enough for a significant positive effect.
- There is no knowledge about a Natura 2000 communication strategy for the local or site level.

RECOMMENDATIONS FOR AUSTRIA

(Recommendations are not ranked by priority).

1. Site designation: Complete Natura 2000-network by finishing the site designation process and ensuring sufficient coverage of representative populations of species and habitats according to Annex III provisions of the Habitats Directive involving and providing information for all relevant stakeholders.

2. Monitoring: Increase data availability and data quality by implementing an exhaustive, regular monitoring of species and habitats of the Birds and Habitats Directives for several needs (e.g. art. 6, 11, 12 and 17 HD and art. 12 BD). Also setup monitoring to ensure adequate implementation of compensation measures and other official requirements of plans and projects (art. 6 (3) HD) and to register and assess the overall impact of multiple projects.

3. Communication and participation: Ensure comprehensive information and participation of all relevant stakeholders on all aspects of the implementation of the Birds and Habitats Directives (in particular implementing the EIR-process in Austria → Action 5 of the EU Nature Action Plan), especially on how it may affect them and on the opportunities and possibilities of compensation, premiums, etc..

4. Management: Develop management plans of a homogenous quality, in line with the EC guidelines and BHD specifications for the whole country and ensure their implementation and regular updates via site managers and by providing adequate financing.

5. Conservation objectives and measures: Set specific conservation objectives for all Natura 2000-sites with precise measures for habitats and species in accordance with the relevant EC guidance documents. Ensure effective cooperation with landowners and other stakeholders for the planning and implementation of the measures.

6. Landscape connectivity: Identify priority corridors, ensure protection of important biotope networks and develop an ecologically coherent Natura 2000 network, also through the implementation of the EU TEN-G strategy¹⁰ (restoration projects etc).

7. Financing: Increase available budget for staff and implementation projects dedicated to Natura 2000 in the authorities reflecting the actual needs. Provide attractive premiums in the rural development program and / or sufficient compensation schemes to increase uptake and participation and also to

¹⁰ http://ec.europa.eu/environment/nature/ecosystems/strategy/index_en.htm

increase acceptance of landowners (farmers and foresters) → Payment for Ecosystem Services (PES).
Increase transparency by obligatory earmarking for Natura 2000, especially in EAFRD implementation.

8. Species protection: Ensure nationally coordinated development and implementation of species action plans in all relevant areas and make sure that issued permits or derogations are based on sound data and are recognizing existing international conventions (e.g. Aarhus).

9. Plans or projects (Art. 6 (3) HD): Ensure legal anchoring of public participation and legal protection for recognized environmental organisations in appropriate assessment -procedures in the nature protection laws of the federal states.

10. Coordination: Establishment of a nationwide central coordination unit to ensure the comprehensive implementation of Natura 2000 and other BHD relevant topics (e.g. conflict management concerning protected species).