



# *Event Report*

**EPPA Regional Workshop on EU Nature Conservation Legislation  
and Biodiversity Assessment of Infrastructure Projects**

**14 October 2021**

**Live video conference**



This Project is funded by the European Union

**NIRAS** **umweltbundesamt<sup>U</sup>**

The project implemented by the Consortium of NIRAS (lead)  
and Umweltbundesamt GmbH

## 1 The event

The EPPA regional workshop on EU nature conservation legislation and biodiversity assessment of infrastructure projects took place on October 14, 2021, via live video conference. The workshop was organized in cooperation with TAIEX, and under the EPPA project work programme, namely activity 5.1.7 3.2 “Workshop on strengthening the capacity of the national authorities in nature conservation legislation and compliance with environmental standards and assessment of development projects”. It targeted the following EPPA beneficiaries: Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, Serbia, and Turkey.

The participants came from the relevant authorities of the EPPA beneficiaries involved in nature protection policy and its implementation. They represented the Ministries with the environment portfolio, in addition to state inspectorates, and national environmental management and conservation agencies. Details are available in the list of participants. Civil society was represented by NGOs from the beneficiaries, namely: Institute for Development Policy (Kosovo\*), Green Home (Montenegro), and the Environmental Ambassadors for Sustainable Development (Serbia). The EU Delegations in Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, Serbia, and Turkey were also present.

The speakers represented both the experience of EU Member States and of the European Commission (EC). There were experts from the relevant national authorities of Poland, Austria, and Slovenia. Additionally, the workshop mobilized contributions from the European Investment Bank (Joint Assistance to Support Projects in European Regions - JASPERS), EuroNatur Foundation and EPPA beneficiaries, specifically the Ministry of Environment and Physical Planning of North Macedonia and the Ministry of Environmental Protection of Serbia. Details are available in the agenda; the presentations can be downloaded in both the TAIEX website and in the EPPA project website.

The aim of the workshop was to strengthen the capacity of the beneficiaries’ environmental authorities on the implementation of EU policy in the area of nature and biodiversity, with a focus on law enforcement and in reducing the impacts of infrastructure projects on the biodiversity and protected areas. Information about the new environmental safeguarding mechanism, introduced by the European Commission, was provided to ensure that investments have no harmful impact and are in line with the EU’s Green Deal objectives. In addition, the latest guidance from DG ENV and key considerations when it comes to links between Appropriate Assessment (AA) under Habitat Directive, Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA), streamlining assessments and procedures, consideration of conservation objectives and cross border aspects were presented. Good practices/lessons learned on the implementation of the nature conservation legislation were also provided by EU Member State Experts, including advice and guidance on mechanisms and tools for reducing the impact of infrastructure and other development projects on protected areas and biodiversity.

## 2 Proceedings and conclusions

The event was opened by Ms. Madalina Ivanica (DG ENV). She contextualized the workshop within the goals of the EPPA project and welcomed the participants from the beneficiaries and speakers. She highlighted the importance of the topic, namely the implementation of environmental impact assessments and strategic environmental assessments towards the conciliation of benefits between infrastructure projects and nature preservation. Additionally, assessments are required under other directives, like the appropriate assessments under nature legislation, water legislation, etc. The objective of the workshop is therefore to aid the beneficiaries implementing them by sharing EU Member States’ experience.

The EC presented relevant policy updates in the context of the EU Green Deal (GD), namely the EU Sustainable Finance Taxonomy Regulation (2020)<sup>1</sup> and of the “do no significant harm” principle. The Regulation provides a common definition for sustainable activities, that will enable common action towards the objectives of the GD using science-based criteria. It also provides for a disclosure regime for

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<sup>1</sup> [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities_en)



financial and non-financial institutions to provide investors with the information necessary to make sustainable investment choices; and a toolbox for market participants to develop sustainable investment solutions, while preventing green washing. The Regulation is part of a broader effort to finance sustainable growth (as expressed in the respective 2018 Action Plan), which also includes standards and labels, developing sustainability benchmarks, mandatory disclosures, among others. The Regulation will contribute to six interlinked objectives, namely climate change mitigation and adaptation, transition to a circular economy, pollution prevention and control, sustainable use and protection of water and marine resources, and protection and restoration of biodiversity and ecosystems. The Regulation also enshrines the do no significant harm principle to any of the recognized environmental objectives. Significant harm is understood as activities or products that are significantly detrimental to the good condition and resilience of ecosystems; or detrimental to the conservation status of habitats and species.

The EPPA project team presented a summary of the EU legal provisions for the environmental assessment, with focus on biodiversity and protected areas. At planning level, the SEA Directive is applicable, and at project level the EIA Directive. On the level of sustainable financing and economic activities, there is the aforementioned Taxonomy Regulation, and the biodiversity proofing of the EU budget. Regarding nature, the Habitats and Birds Directives provide for the assessment of investment impacts in Natura 2000 sites and special protected areas (Appropriate Assessment - AA). The AA identifies likely impacts on the integrity of site's structure, function and conservation objectives; and mitigation measures, alternative solutions or compensatory measures. Procedures can be coordinated or run jointly with EIA.

The European Investment Bank (EIB) presented its lessons learnt in transport projects when it comes to meet the requirements of EU environmental legislation. It recommended that the beneficiaries identify projects' environmental constraints at the option analysis stage to choose the alternative with less impact); to start early consultation with the relevant competent authorities to estimate the time required to set up the site-specific conservation objectives (SSCOs), which can take from months to years depending on the availability of ecological information; to perform a quality check of the assessments carried out in light of the SSCOs (with close attention to the cumulative analysis) and of supporting available ecological information; to identify the mitigation measures and the residual impact for all project components; and to ensure that the results of the analysis are integrated within the EIA Decisions/Development Consent.

EuroNatur reflected on the role of civil society in the development, implementation, and assessment of EU Biodiversity policies. It suggested that cooperation between civil society and authorities is essential to drive environmental governance forward in the beneficiaries. For this, states should be transparent and provide support to civil society through specific legislation and regular inclusion in policy processes, as it can also contribute to finding solutions. Furthermore, civil society can enable financing by bringing issue-visibility to private donors and it can bring in local (co-management). States' commitment also needs to be expressed in concrete action (beyond paper), for instance, through national budgets, mobilizing funding (from donors and private banking), and acting within the "do no significant harm" principle to realign investment priorities with conservation objectives. Beneficiaries should also consider supporting data collection and scientific research as a basis of impartial policy making.

The workshop also offered the experience of EU Member States. Austria presented its experience with AA, namely how it implements the process in terms of assessing conservation status, and conservation objectives, of sites. The conservation objectives are defined in terms of maintenance (in case the status is already favourable) or restoration (in case it is not). Poland offered its experience with the AA through the use of some examples of transport infrastructure where the AA was both sufficient and insufficient. In some cases, Poland had to redesign its plans for lack of compliance with the Directive's requirements, a situation that could have been avoided if cooperation with NGOs had been better. It was noted that EU funding for some of the projects was conditional to meeting AA requirements and setting site specific conservation measures or choosing alternative solutions. As a result, several measures have been taken: criteria concerning nature inventory and mitigations measures were established and included in check lists to evaluate the quality of environmental impact assessment, and administrative



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permits. In sum, Poland recommends the Natura 2000 Network is completed, cooperation with NGOs, planning in advance to have time for field surveys, identify least costly and impactful alternatives (to avoid compensation), and to monitor and mitigate impacts.

Slovenia also provided examples of the implementation of Habitats Directive, focusing on the AA. One key lesson from Slovenia is that countries should use the (pre-) accession period to transpose and implement legislation to avoid compliance problems down the road. Implementation should also be result driven, following the goals established in the Directives. Slovenia has a large proportion of its territory under protection, making impact assessments vital to preserve its Natura 2000 network. It assesses management plans for multiple sectors (for instance, hunting, forestry, etc.) and also individual projects. At project level, the most problematic projects have been related with infrastructure and hydropower developments. The procedure is defined in a bylaw, as follows: the investor requests a project screening, based on which the Ministry decides on the need for an AA. When needed, the report is made by independent assessors and based on it the investor can apply for a permit. The AA relies on the availability and accessibility of data, making it an area which countries should pay attention to. When data is lacking, Slovenia requires additional research (funded by the investor). This makes potential investments more risky and less attractive, hence the need to ensure the existence of a complete monitoring system. Other recommendations are to clearly define the competent authority for Natura 2000, review and clarify links to other sectoral legislation to avoid legislative ambiguity and ensure fair public participation to guarantee that a balance of interests can be found between nature conservation and development.

North Macedonia and Serbia reflected on their own experience transposing and implementing the EIA and AA procedures. Serbia highlighted the need to establish a strategic framework for the transposition of the EU acquis, with a view to facilitate Chapter 27 negotiations and ensure a coherent harmonization process. The institutional set up for nature protection reflects the three levels of state, regions, and municipalities, linking all relevant public stakeholders. Serbia sees project work as essential to accomplish its goals, in a step-by-step approach. Projects are assisting the identification and establishment of Natura 2000 sites. AA provisions are already included in the Nature Protection Law, including a preliminary and main assessment, and the definition of mitigation and compensation measures. Further procedural details will be defined in the future through a bylaw.

North Macedonia has a legislative framework for SEA and EIA. The competent authority is the Ministry of Environment. Regarding AA, the new law on nature protection, under preparation, will transpose the habitats and birds directives. North Macedonia is building a nature information and monitoring system based on data collected in different projects. This includes previous work done for the Emerald Network, and it will serve as a basis to identify future Natura 2000 sites together with additional field research done in partnership with institutions in the country. At the moment, there are 12 sites already identified as potential Natura 2000 areas. A new IPA project will assist North Macedonia to further develop its capacities to create and manage the Natura 2000 network. The country's main challenges are limited resources, relatively low political priority of biodiversity conservation, insufficient institutional coordination, an incomplete information and monitoring system for nature and biodiversity.

## Workshop outputs

The workshop's main outputs were:

- Raised awareness on the latest policy developments at EU level, in particular the Taxonomy Regulation to foster sustainable economic activities and the "Do no significant harm" principle
- Strengthened capacity to implement appropriate assessments and environmental impact assessments
- Exchanged experiences in the implementation of appropriate assessments and environmental impact assessments between EU Member States and the EPPA beneficiaries
- Experience from the EIB with large investment projects being in compliance with EU nature legislation



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- Raised awareness on the role of civil society in nature protection

### 3 Evaluation

The participants were asked to evaluate the workshop by TAIEX using an online survey after the event. The evaluation results are presented below in a summary table.

				Nr Responses	Expert Score	Yes / Excellent	No / Good	Partially / Satisfactory	Do not know / Poor	
81146	Workshop - participant - A. Questions	1	Was the workshop carried out according to the agenda?	20	-	20 (100%)	-	-	-	
		2	Was the programme well structured?	20	-	18 (90%)	2 (10%)	-	-	
		3	Were the key issues related to the topics addressed?	20	-	18 (90%)	1 (5%)	1 (5%)	-	
		4	Did the workshop enable you to improve your knowledge?	20	-	18 (90%)	1 (5%)	1 (5%)	-	
		5	Was enough time allowed for questions and discussions?	20	-	18 (90%)	1 (5%)	1 (5%)	-	
		7	Do you expect any follow-up based on the results of the workshop (new legislation, new administrative approach, etc.)?	20	-	18 (90%)	2 (10%)	-	-	
		8	Do you think that further TAIEX - <i>3</i> pr_c_abbreviation assistance is needed (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	20	-	19 (95%)	1 (5%)	-	-	
		Workshop - participant - B. Expert ratings	Mr. Dimovski, Mihail - Other speakers	20	93.75%	16 (80%)	3 (15%)	1 (5%)	-	-
	Mr. Skoberne, Peter - Speaker PP		20	93.75%	16 (80%)	3 (15%)	1 (5%)	-	-	
	Mr. Kawicki, Artur - Speaker MS		20	90%	14 (70%)	5 (25%)	-	1 (5%)		
	Mr. Schindler, Stefan - Speaker MS		20	92.5%	16 (80%)	2 (10%)	2 (10%)	-		
	Mr. Trpeski, Vlatko - Speaker CC		20	86.25%	12 (60%)	6 (30%)	1 (5%)	1 (5%)		
	Mr. Vasilev, Ventsislav - Other speakers		20	93.75%	16 (80%)	3 (15%)	1 (5%)	-		
		Ms. Campos, Bruna - Other speakers	20	90%	14 (70%)	4 (20%)	2 (10%)	-		
Ms. Manes, Marinela - Other speakers		20	87.5%	12 (60%)	7 (35%)	-	1 (5%)			
Ms. Papajova Majeska, Lubica - Other speakers		20	93.75%	16 (80%)	3 (15%)	1 (5%)	-			
Ms. Prohic, Snezana - Speaker CC		20	80%	11 (55%)	4 (20%)	3 (15%)	2 (10%)			
81145		Workshop - participant - B. Expert ratings	1	Conference venue	7	-	3 (43%)	2 (29%)	2 (29%)	-
			2	Interpretation	8	-	5 (63%)	3 (38%)	-	-
	Workshop - participant - C. Logistic Ratings	3	Hotel	3	-	-	2 (67%)	1 (33%)	-	
		4	Flight	3	-	-	3 (100%)	-	-	
		5	Catering	3	-	-	3 (100%)	-	-	
		6	Was the communication leading up to the event satisfactory?	8	-	5 (63%)	3 (38%)	-	-	
		7	Was the pre-event test useful?	8	-	5 (63%)	3 (38%)	-	-	
		8	Did you find the virtual event platform easily accessible?	13	-	12 (92%)	1 (8%)	-	-	
		9	Was the platform user-friendly?	14	-	12 (86%)	1 (7%)	1 (7%)	-	
		10	Did the host provide adequate instructions during the event, on the use of the platform and in problem solving?	13	-	12 (92%)	-	1 (8%)	-	
		11	Was the IT support provided adequate?	12	-	11 (92%)	-	1 (8%)	-	
Workshop - participant - D. Comments		I think that the principles must be for the all countries. I hope you will be more carefully for the next time, regarding that what the participants present - real situation or.....?????			-	-	-	-	-	
81145	Workshop - participant - D. Comments	Just suggestion - It is not possible to find an option in the evaluation form for speaker evaluation in case of late speaker substitution. Regards online events are not beneficial to audience			-	-	-	-	-	
					-	-	-	-	-	
	Workshop - speaker - A. Questions	1	Did you receive all the information necessary for the preparation of your contribution?	8	-	7 (88%)	-	1 (13%)	-	
		2	Has the overall aim of the workshop been achieved?	8	-	7 (88%)	-	1 (13%)	-	
		3	Was the agenda well structured?	8	-	7 (88%)	1 (13%)	-	-	
		4	Were the participants present throughout the scheduled workshop?	8	-	6 (75%)	-	2 (25%)	-	
		5	Was the beneficiary represented by the appropriate participants?	8	-	6 (75%)	-	2 (25%)	-	
		6	Did the participants actively take part in the discussions?	8	-	4 (50%)	1 (13%)	3 (38%)	-	
		7	Do you expect that the beneficiary will undertake follow-up based on the results of the workshop (new legislation, new administrative approach etc.)	8	-	3 (38%)	1 (13%)	-	4 (50%)	
		8	Do you think that the beneficiary needs further TAIEX - <i>3</i> pr_c_abbreviation assistance (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	8	-	8 (100%)	-	-	-	
		9	Would you be ready to participate in future TAIEX - <i>3</i> pr_c_abbreviation workshops?	8	-	8 (100%)	-	-	-	
					-	-	-	-	-	
	Workshop - speaker - C. Logistic Ratings	1	Conference venue	4	-	4 (100%)	-	-	-	
		2	Interpretation	2	-	2 (100%)	-	-	-	
3		Hotel	1	-	-	1 (100%)	-	-		
4		Flight	1	-	-	1 (100%)	-	-		
5		Catering	1	-	-	1 (100%)	-	-		
6		Was the communication leading up to the event satisfactory?	6	-	5 (83%)	1 (17%)	-	-		
7		Was the pre-event test useful?	6	-	5 (83%)	1 (17%)	-	-		
8		Did you find the virtual event platform easily accessible?	7	-	7 (100%)	-	-	-		
9		Was the platform user-friendly?	7	-	6 (86%)	-	1 (14%)	-		
10		Did the host provide adequate instructions during the event, on the use of the platform and in problem solving?	7	-	7 (100%)	-	-	-		
11		Was the IT support provided adequate?	6	-	6 (100%)	-	-	-		
Workshop - speaker - D. Comments	none Event was well structured and organised. As man countries participated, it was not the best opportunity to raise country specific questions. This could be addressed at some other opportunity.			-	-	-	-	-		



## Endnotes

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\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

## Annexes

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Annex 1: Agenda (provided as a separate document)

Annex 2: List of Participants (provided as a separate document)

Annex 3: Presentations (provided as a separate document)



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