



Mr Nicola Notaro
Head of Unit
Directorate-General for Environment
European Commission
Avenue de Beaulieu 5
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BELGIUM

17 February 2016

Dear Mr Notaro,

Fitness Check (REFIT) of the EU Nature Legislation

I would like to inform you about some of our initial views on the ongoing Fitness Check on the EU Nature Legislation.

BUSINESSEUROPE welcomes the Commission's initiative to conduct a Fitness Check (REFIT) of the EU Nature Legislation. It must provide an assessment as to whether the regulatory framework as well as its application in practice is 'fit for purpose'. This requires an in-depth analysis of the current situation.

From the perspective of industry, the Fitness Check is necessary as nature protection laws are increasingly challenging for companies leading to great legal uncertainties and procedural delays in planning and authorisation procedures.

In BUSINESSEUROPE's view, there must not be any reduction in nature protection standards. However, based on the existing protection standards, clear improvements need to be made enabling rapid and legally certain authorisation procedures for industrial projects, which can be managed with a proportionate effort. It is crucial that nature protection and other aspects such as industrial activities are handled in a sustainably balanced and holistic manner.

Under the regime put in place by the Natura 2000 directives, business interests are taken into consideration only at the secondary level of derogation validation and then are linked to high requirements. Overall, and disregarding provisions of the Habitats Directive and the Birds Directive, economic requirements are not taken into account in an appropriate way neither in the Natura 2000 protection system nor in species protection. The implementation of the directives often leads to delays of authorisation procedures and excessive costs for each permission certificate.

Against this background, BUSINESSEUROPE believes that there should not be any anticipation of the outcome of the assessment currently conducted in the frame of the Fitness Check. We expect all decision-makers and stakeholders to contribute to the



Fitness Check in a way that allows identifying and analysing the problems and challenges in practice. Conclusions as to whether or not EU nature protection legislations should be revised should only be drawn as a second step, based on the final outcome of the Fitness Check.

I thank you in advance for your consideration and remain at your disposal for any questions you may have.

Yours sincerely,

Alexandre Affre
Director Industrial Affairs

Cc: Mr Andrew Bianco, Cabinet of the Commissioner Karmenu Vella, European Commission