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Vorlage
der Bundesregierung

Vorschlag der Kommission der Europäischen Gemeinschaften für eine Liste der Gebiete von gemeinschaftlicher Bedeutung für die alpine Region¹⁾

Bundesminister für
Umwelt, Naturschutz
und Reaktorsicherheit

Berlin, den 6. August 2003

An den
Präsidenten des Bundesrates
Herrn Ministerpräsidenten
Prof. Dr. Wolfgang Böhmer

Sehr geehrter Herr Präsident,

gemäß § 5 Abs. 2 EUZBLG bitte ich Sie um die Stellungnahme des Bundesrates zum Entwurf der Europäischen Kommission für den Deutschland betreffenden Teil einer Liste von Gebieten gemeinschaftlicher Bedeutung für die alpine Region. Zur Erläuterung bemerke ich Folgendes:

Mit Schreiben vom 30.10.2002 hat die Europäische Kommission dem Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit den Entwurf des Deutschland betreffenden Teils einer Liste von Gebieten gemeinschaftlicher Bedeutung für die alpine Region zugesandt und darum gebeten, dazu das Einvernehmen gemäß Art. 4 Abs. 2 der Richtlinie des Rates zur Erhaltung der natürlichen Lebensräume sowie der wildlebenden Tiere und Pflanzen

¹⁾ vgl. Richtlinie der Rates zum Schutz der natürlichen und naturnahen Lebensräume sowie der wildlebenden Tier- und Pflanzenarten (FFH-Richtlinie)
(BR-Drucksache 445/98, AE-Nr. 881678; BR-Drucksache 447/97, AE-Nr. 971760 und BR-Drucksache 135/91, AE-Nr. 910526)

(FFH-RL) zu erteilen. Der Entwurf (Anlage zum Kommissions-Schreiben vom 30.10.2002) umfasst sämtliche der von der Bundesregierung gemäß Art. 4 Abs. 1 der FFH-RL auf Vorschlag Bayerns der Europäischen Kommission vorgelegten Gebiete.

Im weiteren Verlauf hat die Europäische Kommission den genannten Entwurf der Liste mit einem Entwurf für eine Entscheidung verknüpft, den sie dann zweimal, zuletzt mit e-mail vom 1. Juli 2003 geändert hat. Aus diesem Grund hat sich die Befassung des Bundesrates verzögert.

Der von der Kommission vorgelegte Entwurf einer Entscheidung (Anlage zum e-mail der Kommission vom 1. Juli 2003) sieht in Art. 2 vor, dass die jetzt m.d.B. um Einvernehmenseinteilung vorgelegte Liste (initial list) von Gebieten gemeinschaftlicher Bedeutung in Übereinstimmung mit den Vorgaben des Art. 4 der FFH-RL für diejenigen Lebensraumtypen und Arten vervollständigt wird, für die im Ergebnis der wissenschaftlichen Seminare der alpinen Region noch Defizite festgestellt wurden. Diese Defizite sind ebenfalls in der Anlage zum Kommissions-Schreiben vom 30.10.2002 dargestellt.

Mit Vertretern des Bayerischen Staatsministeriums für Landesentwicklung und Umweltfragen haben Gespräche gemäß EUZBLV II Nr. 1 stattgefunden.

Mit freundlichen Grüßen _

Jürgen Trittin



EUROPÄISCHE KOMMISSION
GENERALDIREKTION
UMWELT
Direktion B - Umweltqualität und natürliche Ressourcen
ENV.B2 - Natur und biologische Vielfalt

Brüssel, den 30.10.2002

B2/AK D(2002) 321418

Frau Dr. Anita Breyer
Habitat-Ausschuss Mitglied
Bundesministerium für Umwelt,
Naturschutz und Reaktorsicherheit
Postfach 12 06 29
D-53048 BONN

Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit	
Abt.:	Referat:
Eing.:	08. Nov. 2002
Az.:	

Betr.: Entwurf einer Liste von Gebieten gemeinschaftlicher Bedeutung -
Alpine Region

Bezug: Schreiben der Europäischen Kommission vom 31.05.2002
(ENV.B2/AK, D(2002) 320692)

Sehr geehrte Frau Dr. Breyer,

mit o.g. Schreiben kündigten wir die Absicht an, in Kürze die Gemeinschaftsliste für die alpine biogeographische Region zu erstellen. Wir baten um Informationen zu zwei Fragestellungen, die deutsche alpine Region betreffend. Bis heute ist keine Antwort von Ihnen eingegangen. Da sich die Fragestellungen nur auf wenige Lebensraumtypen und Arten beziehen und um die Aufstellung der Gemeinschaftsliste nicht zu verzögern, schlage ich vor, die betreffenden Lebensraumtypen und Arten in die Liste mit Vorbehalten aufzunehmen.

Die Liste mit Vorbehalten wurde im Rahmen des biogeographischen Prozesses erstellt und trägt dem Umstand Rechnung, dass mehrere Mitgliedsstaaten unzureichend Gebiete gemeldet haben, sodass das Netzwerk Natura 2000 für bestimmte Arten und Lebensraumtypen unvollständig bleibt. Es soll daher möglich sein, die zukünftige Liste von Gebieten gemeinschaftlicher Bedeutung hinsichtlich dieser Arten und Lebensraumtypen abzuändern und zu vervollständigen. Die Liste mit Vorbehalten liegt als Anlage bei.

Des weiteren übersende ich Ihnen den Deutschland betreffenden Teil des Entwurfes einer Liste von Gebieten gemeinschaftlicher Bedeutung für die Alpine Region.

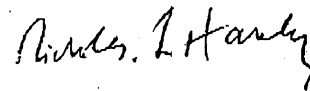
Nach Abschluss des biogeographischen Prozesses für die Alpine Region hat das Europäische Thematische Zentrum für Naturschutz und Biodiversität (ETZ/NB) anhand

der Kriterien in Anhang III (Phase 2) der FFH-Richtlinie¹, die gemeinschaftliche Bedeutung der in den nationalen Listen enthaltenen Gebiete beurteilt. Als Resultat dieser Beurteilung wurde der Entwurf einer Liste von Gebieten gemeinschaftlicher Bedeutung für die Alpine Region erstellt.

Im Rahmen der Beurteilung fand das ETZ/NB immer noch Probleme hinsichtlich der Datenqualität, welche dringend behoben werden müssen. Ein Bericht des ETZ/NB, der alle diese Datenprobleme auflistet, wurde dem Habitat-Ausschuss vorgelegt, mit der Bitte um Korrektur und offizielle Übermittlung der korrigierten Daten. Diese Datenprobleme stellen jedoch den beiliegenden Entwurf einer Liste von Gebieten gemeinschaftlicher Bedeutung nicht in Frage. Ich darf Sie daher bitten, in Übereinstimmung mit den Vorgaben des Artikel 4.2 der FFH-Richtlinie, Ihre Zustimmung zu dem Entwurf einer Liste von Gebieten gemeinschaftlicher Bedeutung zu geben, sofern sie das Territorium Deutschlands betrifft.

Ich hoffe, dass es Ihnen möglich sein wird, Ihre Zustimmung zu dieser Liste in Kürze zu erteilen, um eine rasche Erstellung der Gemeinschaftsliste für die Alpine Region zu ermöglichen.

Mit freundlichen Grüßen



Nicholas HANLEY
Abteilungsleiter

Anlagen: - Liste mit Vorbehalten für alle Mitgliedsstaaten
 - Entwurf der Liste von Gebieten von gemeinschaftlicher Bedeutung
 für die Alpine Region für Deutschland

¹ Richtlinie des Rates 92/43/EWG vom 21. Mai 1992 zur Erhaltung der natürlichen Lebensräume sowie der wildlebenden Tiere und Pflanzen - ABl. L 206 vom 22. Juli 1992, S. 7-50

Community List of SCI for the Alpine Region - Reservations

On the basis of existing information some Member States have not proposed sufficient sites to meet the requirements of the Directive 92/43/EEC for certain habitat types and species so that the network remains incomplete for those that are specified below. The list of sites of community importance shall therefore be open to alteration in order to allow for additional sites to be proposed by Member States for those habitat types and species.

HABITAT TYPES - ANNEX I

Code	P	Description	AT	DE	ES	FR	IT	FI	SE
3150		Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation	X						
3180	*	Turloughs		X					
3230		Alpine rivers and their ligneous vegetation with <i>Myricaria germanica</i>	X						
3260		Water courses of plain to montane levels with <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation	X						
4070	*	Bushes with <i>Pinus mugo</i> and <i>Rhododendron hirsutum</i> (<i>Mugo-Rhododendretum hirsutum</i>)				X	X		
6150		Stiiceous alpine and boreal grasslands				X			
6210	*	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites)	X						
6410		Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)	X						X
6510		Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>)		X	X				
6520		Mountain hay meadows	X		X	X			
7110	*	Active raised bogs			X				
7140		Transition mires and quaking bogs					X		
7150		Depressions on peat substrates of the <i>Rhynchosporion</i>				X			
7220	*	Petrifying springs with tufa formation (<i>Cratoneurion</i>)	X			X			
7230		Alkaline fens			X				
8110		Stiiceous screes of the montane to the snow levels (<i>Androssetalia alpinae</i> and <i>Galeopstafia ladanifera</i>)		X					
8150		Medio-European upland stiiceous screes	X			X			
8340		Permanent glaciers		X					
9110		Luzulo-Fagetum beech forests	X	X					
9180	*	Tilio-Acerion forests of slopes, screes and ravines	X			X			

Code	P	Description	AT	DE	ES	FR	IT	FI	SE
91E0	*	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>)			X				
91H0	*	Pannonian woods with <i>Quercus pubescens</i>	X						
9430		Subalpine and montane <i>Pinus uncinata</i> forests (* if in <i>Gypsum</i> or limestone)				X			
9530	*	(Sub-)Mediterranean pine forests with endemic black pines			X				

SPECIES - ANNEX II

Code	P	Name	AT	DE	ES	FR	IT	FI	SE
1014		<i>Vertigo angustior</i>		X					
1044		<i>Coenagrion mercuriale</i>		X					
1061		<i>Maculinea nausithous</i>		X					
1087	*	<i>Rosalia alpina</i>		X					
1092		<i>Austropotamobius pallipes</i>					X		
1163		<i>Cottus gobio</i>			X				
1303		<i>Rhinolophus hipposideros</i>		X			X		
1304		<i>Rhinolophus ferrumequinum</i>					X		
1324		<i>Myotis myotis</i>				X	X		
1354	*	<i>Ursus arctos</i>			X				
1381		<i>Dicranum viride</i>							
1995		<i>Lacerta bonalli</i>				X			

Draft of the List of Sites of Community Importance for the Alpine region

GERMAN PART

SCI code	Name of SCI	*	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI		Criteria ¹
					Long.	Lat.	
DE8238301	Standortübungsplatz St. Margarethen/Brannenburg	*	64	0	E 12 4	N 32 47	criterion 1
DE8239301	Naturschutzgebiet 'Geigelstein'	*	3139	0	E 12 19	N 59 47	criterion 1
DE8239302	Mausohrwöchenstube in der Kirche Roßholzen		0,01	0	E 10 32	N 49 47	criterion 5
DE8239303	Quellmoor Gritschen	*	3	0	E 12 11	N 41 47	criterion 1
DE8239304	Hochries-Laubensteingebiet und Spitzstein	*	1187	0	E 10 32	N 23 47	criterion 1
DE8240301	Naturschutzgebiete 'Durchbruchtal der Tiroler Achen', 'Mettenhame	*	148	0	E 12 26	N 30 47	criterion 1
DE8241301	Östliche Chiemgauer Alpen	*	12674	0	E 12 39	N 25 47	criterion 1
DE8325301	Lindenberger Moos	*	106	0	E 9 52	N 0 47	criterion 1
DE8330301	Ammergebirge	*	27464	0	E 10 55	N 57 47	criterion 1
DE8332303	Bergsturzgebiet 'Im Gsott'	*	118	0	E 11 5	N 43 47	criterion 1
DE8332304	Ammertaler Wiesmahdhänge	*	438	0	E 11 3	N 22 47	criterion 1
DE8332305	Ettaler Weidmoos, Pulvermoos und Kochelfilz	*	517	0	E 11 2	N 51 47	criterion 1
DE8334302	Probstalm und Probstensteinwand	*	88	0	E 11 29	N 10 47	criterion 1
DE8336301	Mangfallgebirge	*	10809	0	E 11 50	N 50 47	criterion 1
DE8341301	Winkelmoosalm und Hemmersuppenalm	*	151	0	E 12 30	N 45 47	criterion 1
DE8342301	Nationalpark Berchtesgaden	*	21336	0	E 12 55	N 30 47	criterion 1
DE8342302	Naturschutzgebiete 'Aschau' und 'Schwarzbach' sowie Schwimmendes	*	779	0	E 12 46	N 49 47	criterion 1
DE8343301	Böckl- und Dachlmoos	*	24	0	E 12 57	N 49 47	criterion 1
DE8343302	Hanottenmoos und Tümpel bei Berchtesgaden		4	0	E 12 58	N 54 47	criterion 5
DE8343303	Untersberg	*	3514	0	E 12 59	N 6 47	criterion 1
DE8424302	Naturschutzgebiet 'Rohrächschlucht'	*	164	0	E 9 48	N 42 47	criterion 1
DE8426301	Oberes Weißbachtal mit Lanzen-, Katzen- und Mittelbach	*	712	0	E 10 3	N 12 47	criterion 1
DE8426302	Nagelfluhkette Hochgrat-Steineberg	*	1993	0	E 10 6	N 27 47	criterion 1
DE8427301	Grünten	*	146	0	E 10 19	N 3 47	criterion 1
DE8429303	Kienberg mit Magerrasen im Tal der Steinacher Ach	*	686	0	E 10 31	N 20 47	criterion 1
DE8429304	Aggenstein	*	130	0	E 10 33	N 6 47	criterion 1
DE8430303	Falkenstein, Alasee, Faulenbacher- und Lechtal	*	917	0	E 10 42	N 48 47	criterion 1
DE8432301	Loisachtal zwischen Farchant und Eschenlohe	*	662	0	E 11 9	N 30 47	criterion 1
DE8432302	Auerberg, Mühlberg	*	287	0	E 11 9	N 21 47	criterion 1
DE8433301	Karwendel mit Isar	*	19564	0	E 11 20	N 36 47	criterion 1
DE8433302	Angerloch und Kiensteinloch		6	0	E 11 17	N 14 47	criterion 5
DE8434301	Jachenau	*	1342	0	E 11 21	N 43 47	criterion 1
DE8525301	Häderichmoore	*	89	0	E 9 59	N 37 47	criterion 1
DE8526301	Wildflusssystem Bolgenach	*	164	0	E 10 8	N 4 47	criterion 1

¹ Reference to Report Hab. 97/2 rev. 4 "Criteria for assessing national lists of pSCI at biogeographical level" (Dokument ist als Anlage beigefügt).

SCI code	Name of SCI	*	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI		Criteria ¹
					Long.	Lat.	
DE8526302	Piesenkopfmoore	*	779	0	E 10 8	N 20 47	criterion 1
DE8527301	Hörnergruppe	*	1183	0	E 10 10	N 9 47	criterion 1
DE8528301	Allgäuer Hochalpen	*	21227	0	E 10 19	N 21 47	criterion 1
DE8531301	Obere Loisach	*	43	0	E 10 56	N 40 47	criterion 1
DE8532401	Naturschutzgebiet 'Schachen und Reintal'	*	3966	0	E 11 6	N 23 47	criterion 1
DE8533301	Mittenwalder Buckelwiesen	*	1917	0	E 11 14	N 28 47	criterion 1
DE8626301	Hoher Ifen	*	2451	0	E 10 8	N 54 47	criterion 1
DE8627301	Engenkopfmoor	*	94	0	E 10 12	N 34 47	criterion 1
DE8627302	Schlappolt	*	195	0	E 10 13	N 47 47	criterion 1

**CRITERIA FOR ASSESSING NATIONAL LISTS OF pSCI
AT BIOGEOGRAPHICAL LEVEL**

The EU Habitat Directive is proposed as an important contribution by the European Union to the Convention on the Biological Diversity through the conservation in a favourable status of selected habitat types and species of Community interest.

The designation of Special Areas of Conservation (SACs) for those habitat types and species shall contribute significantly to this aim (the Natura 2000 Network, together with the designated SPA) and provided the designation is accompanied by the establishment of the necessary conservation measures for the habitats and species.

Sites of Community Importance (SCIs) to be designated as SACs shall be identified by the Commission (in the framework of the biogeographical regions and in agreement with Member States) on the basis of the National Lists proposed by Member States. Together these agreed sites will constitute the Community List mentioned in article 4.2 of the Habitat Directive.

The first Community exercise on this matter, in which the European Environment Agency (EEA) is engaged through the European Topic Centre on Nature Conservation (ETC/NC), involves the building of a Community List responding to three basic requirements:

1. It shall host a sufficiently large and representative sample of each habitat type and species to enable the maintenance of favourable conservation status at the level of the EU and biogeographical level, provided the supporting conservation measures within and outside the sites are in place.
2. It must only include sites of Community importance at EU or biogeographical level.
3. There should be a proportionate response, so that for those habitats and species of community interest which are rarest a high proportion of the resource will be included within the SAC series, while for those which are more abundant there will be a lower proportion of the resource within the SAC series.

Annex III of the Habitat Directive provides «criteria» for the two following stage :

- i. selecting eligible sites at national level (Annex III, stage 1)
- ii. assessing the Community importance of sites at EU or biogeographical level (Annex III, stage 2), which will be obviously useful for establishing the Community List.

However, Annex III stage 2 does not include criteria strictly speaking, but rather lists site attributes related to the pSCI which must be considered when assessing them at supra-

national level. The ETC/NC has developed some additional specifications to facilitate their application in a practical way based on the content of pSCI datasheets, as well as on the reference data available through the «NatRef» EUNIS' module.

This paper sets out a process to be applied in the preparation of the EU list of SCIs. This is focused primarily at the level of the individual biogeographical regions and it is recognised throughout that some flexibility of approach will be required to take account of the ecological character of the habitats and species (including aspects such as abundance, distribution and ecological requirements for their continued survival), their conservation requirements and the varying level of current scientific knowledge.

Phase 1. Analysis of representation of a habitat type or of a species

The contribution towards favourable conservation status for a given species or habitat type through the designation of a given list of SACs will not only depend on the intrinsic quality of those sites, but also on the intensity of the current or proposed conservation measures for each habitat or species including actions outside designated areas.

The expected assessment must be based on the intrinsic value of the proposed sites for each species and habitat type, taking into account their potential contribution to the defined conservation goal.

It is clear that the factors relevant to assessment of "conservation value" for each species and habitat type will vary very significantly from one case to another, depending on different factors. A scientific-based description of such requirements is highly desirable. It would not be realistic to try to establish one single quantitative criterion equally valid for all habitats and species in all situations.

The expected assessment of site lists for the biogeographical region must be based on a case-by-case discussion, taking into account additional information on different parameters related to each species and habitat type.

Two requirements can be expected to be met by a representative list of sites to be considered as sufficient to enable a favourable conservation status for a given species or habitat type at biogeographical level:

- it should be well-adapted to the specific conservation needs, in particular to those related to the distribution patterns (endemicity, degree of isolation/fragmentation, historical trends) and to the human pressures, threats, vulnerability, etc. of the considered species or habitat type; and
- it should reflect the ecological (and in the case of species genetic) variation of the habitat or species within the biogeographical region.

In order to make the expected assessment easier in the short available period of time available, a preliminary "pre-selection" phase has been envisaged before dealing with the case-by-case analysis for each habitat or species.

Preselection phase

The following procedure is not proposed as a strict numerical mechanism for deciding, on the basis of a predetermined percentage, about the sufficient or insufficient level of representation of each one of the habitat types and species in the whole of pSCI for a biogeographical region. Rather it is proposed as a mechanism for selecting those habitats or species where further scrutiny of the national site lists may be appropriate.

1.- Well represented elements

Species or habitat types for which the whole of the proposed sites for a biogeographical region host more than 60% of the total population (or area) in the same region will be considered as a low priority for case by case scrutiny.

60% is an arbitrary limit. However, this percentage has been chosen on the hypothesis that in many cases, it is likely to cover the two mentioned requirements of distribution and variation in relation to any species or habitat type. In practice, the implementation of the appropriate conservation measures in a sample of designated sites covering 60% of the population of a given species (or 60% of the area of distribution of a given habitat type) should ensure in most of cases the maintenance of *favourable conservation status* as defined in the Habitat Directive.4

However exceptions to this general rule could be identified on a scientific basis, as for example habitats or species found only in one very restricted geographical area or where the habitat or species is rare and recent decline means that an increase of the resource is required to maintain favourable conservation status. In this case, the habitats and species would be submitted to case-by-case analysis.

2.- Elements requiring priority scrutiny

Species or habitat types for which the whole of the proposed sites for a biogeographical region host less than 20% of the total population (or geographic distribution surface) in the same region will be a priority for further scrutiny.

20% is also arbitrary. For certain aquatic species covered by Article 4.1, priority habitats and species affected by Article 4.2 and a number of habitats and species which are widespread, extensive and show a limited range of ecological or genetic variation less than 20% of the resource within the SCI series could be judged as adequate.

3. Case-by-case discussion

Species and habitat types for which the whole of the proposed sites for a biogeographical region hosts between 20% and 60% of the total species population (or habitat area) in the same region will be submitted to an individual analysis.

This analysis of each biogeographical region will involve:

- comparison between the geographical distribution of the sites submitted by the member states for a given habitat type or species and its known distribution patterns;
- comparison between the range of habitat or species variation of the whole of pSCI series relative to the described ecological and genetic variations of the habitats or species;
- an assessment of the trends of distribution and abundance of the habitats and species related to natural and anthropogenic factors;

For some countries most of data needed for this assessment are or will be available from the inventories carried out under the LIFE programme. For the rest, the EUNIS' «NatRef» module (supplied by the EIONET National Reference Centres and other relevant sources¹) is supposed to provide the mentioned reference data. The analysis will also be supported by a check of the scientific literature and advice of experts.

Phase 2. Interpretation of criteria for the selection of SCIs from the national lists of sites

As mentioned above, Annex III-2 specifies the site attributes to be considered for assessing their Community importance at EU or biogeographical level of sites submitted by the Member States. Some of these attributes are related to the national assessment of pSCI for each habitat type and species, and the relative importance of the sites themselves at national level.

The following proposed criteria for identifying the pSCI to be included in the Community List do not involve any modification of Annex III-2, but an interpretation of the criteria in practical terms compatible with the detail of the data fields in the Natura 2000 datasheets.

These criteria are suggested for "undivided" pSCI's. In the case of fragmented pSCI (distinct and separate sub-sites), the application of these criteria may require adjustment on a case by case basis.

1. «Priority» criterion

pSCI qualifying at a national level for at least one priority habitat type or species.

As indicated in the Habitat Directive, these pSCI will be automatically included in the Community List. However, in some cases the priority habitat or species will be of low

¹ International Organisations, CORINE Biotopes Database, scientific literature, experts advise

intrinsic value due to i) a poor representation of typical features, small area of poor development and conservation of structure and function in the priority habitats or ii) a small or transient population or poor development of features required by the species for survival. In these cases automatic selection may not be appropriate. In such cases, the limits of the pSCI could be revised².

2. «Uniqueness» criterion

pSCI containing the only significant example of a non priority habitat type or species on a Member State's list.

3. «High-quality» criterion

pSCI having a high national value for at least one non-priority habitat type or species.

«To have a high national value» for a given habitat type means that the concerned pSCI has been globally assessed as A (excellent value) and:

- the representativity, the relative surface and the conservation status values have been assessed with an «A»; or
- the representativity and the relative surface values have been assessed with an «A», and the conservation status value with a «B»; or
- the representativity value has been assessed with a «B», and the relative surface and the conservation status with an «A».

The application of the "high quality" criterion for habitats is reflected in the following table:

Option	1	2	3
Parameters			
Global assessment	A	A	A
Representativity	A	A	B
Relative surface	A	A	A
Conservation status	A	B	A

For special cases of underground or very steep slopped habitats (ie cliffs, ravines etc) the estimation of the area could prove difficult. A case by case evaluation of the "high quality" criterion should be made then.

«To have a high national value» for a given species means that the concerned pSCI has been globally assessed as A (excellent value) and at least one of both, population and conservation values has been also assessed with an «A». There is likely to be variation between Member States in the scoring allocated to sites of similar quality given the subjective

² In case of merging two or more sites, the resulting new site will be given a new code number. Those of merged sites must be abandoned.

nature of many of the assessment required. Some sites scored below these thresholds by Member States may therefore merit selection.

The application of the "high quality" criterion for species is reflected in the following table:

Parameters	Option 1	Option 2	Option 3
Global assessment	A	A	A
Conservation	A	B	A
Population	B	A	A

4. «High-diversity» criterion

pSCI containing a significant number of non-priority habitat types and/or species, even if their respective national values have not been considered as high under the high quality criterion.

Since there is considerable variation in the variation in the diversity of habitat types in Annex I and species in Annex II present in each biogeographical region, this «significant number» can not be established at EU level and must be established on a case by case basis at the level of the biogeographical region.

5. «Network coherence» criterion

pSCI playing a relevant role to ensure the coherence (as well structural as functional) of the Natura 2000 Network.

«To play a relevant role» means to be included in at least one of the following categories:

- pSCI situated in a migration route of one or more species in Annex II and identified as indispensable for its maintaining in a favourable conservation status;
- pSCI representing a "relic" localisation for habitat type or species
- pSCI acting as «ecological corridors» between other identified SCI hosting priority species which are now endangered due to their fragmentation;
- sets of pSCI covering a continuous ecosystem situated on both sides of one or more internal Community frontiers;
- pSCI bordering a major protected area situated outside of EU borders;
- pSCI where the proposed restoration measures for at least one priority habitat or species have been identified by a Member State as indispensable to maintain a favourable conservation status, at biogeographical level, for at least one priority habitat type or species.

6. «Safeguard clause» criterion

When a site, according to the five first criteria, is not considered as of community interest, it is necessary to check if its elimination do not jeopardize the evaluation as sufficiently represented for the habitat type or/and species existing on that site.

FINAL DRAFT (30.6.2003)

Legend:

XXX = changes still to be made

COMMISSION

**COMMISSION DECISION
of XX XX 200X**

adopting the list of sites of Community importance for the Alpine biogeographical region, pursuant to Council Directive 92/43/EEC

(notified under document number C(XXXX) XXXX)

(200X/XX/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora¹, as last amended by Directive 97/62/EC², and in particular the third subparagraph of Article 4(2) thereof,

Whereas:

(1) Lists of sites proposed as sites of Community importance within the meaning of Article 1 of Directive 92/43/EEC have been transmitted to the Commission for the Alpine biogeographical region, in accordance with Article 4(1) (except for those habitat types and species listed in Annex 2) of that Directive. The Member States concerned, namely Austria, Italy, Germany, France, Spain, Finland and Sweden transmitted the lists on XXX, XXX, XXX, XXX, XXX, XXX and XXX respectively.

(2) The Alpine biogeographical region, as referred to in Article 1(c)(iii) of Directive 92/43/EEC, comprises the EU territory of the bow of the Alps (Austria, Italy, Germany, France), the Pyrenees (France and Spain), the Apennine mountains (Italy) and the northern Fennoscandian mountains (Sweden and Finland) as specified in the biogeographical map approved by the Habitats Committee (set up under art. 20 of the directive) on 23.10.2000.

(3) The lists of proposed sites were accompanied by information on each site, supplied in the Natura 2000 format established by Commission Decision 97/266/EC³.

¹ OJ L 206, 22.7.1992, p. 7.

² OJ L 305, 8.11.1997, p. 42.

(4) This information includes the most recent map of the site transmitted by the Member State in question, the site's name, location and extent, and the data yielded by application of the criteria specified in Annex III (Stage 1) to Directive 92/43/EEC.

(5) On the basis of the draft list drawn up by the Commission in agreement with each of the Member States concerned, which also identifies sites hosting priority natural habitat types or priority species, a list of sites selected as sites of Community importance should be adopted.

(6) Knowledge of the existence and distribution of the natural habitat types and species is constantly evolving, including as a result of the surveillance in accordance with Article 11, and therefore the evaluation and selection of sites at EU-level was done using the best available information at present.

(7) Acknowledging that, according to the settled case-law of the European Court of Justice, "to produce a draft list of sites of Community importance, capable of leading to the creation of a coherent European ecological network of special areas of conservation, the Commission must have available an exhaustive list of the sites which, at national level, have an ecological interest which is relevant from the point of view of the directive's objective of conservation of natural habitats and wild fauna and flora. Only in that way is it possible to realise the objective, in the first subparagraph of Article 3(1) of Directive 92/43/EEC, of maintaining or restoring the natural habitat types and the species' habitats concerned at a favourable conservation status in their natural range, which may lie across one or more frontiers inside the Community."

(8) Considering that on the basis of available information and on the common assessments made within the framework of the biogeographic seminars, prepared by the European Topic Centre for Nature Protection and Biodiversity, and the bilateral meetings held with the Member States, some Member States have not proposed sufficient sites to meet the requirements of the Directive 92/43/EEC for certain habitat types and species. It cannot therefore be concluded for the species and habitats listed in Annex 2 to this decision that the network is complete. However, taking into account the delay that has been taken in receiving the information and reaching agreement with the Member States, the Commission considers that it should adopt a list of sites, to be considered as initial, which requires to be completed in accordance with the provisions of article 4 of the Directive 92/43/EEC for the habitats and species listed in Annex 2 for which Member States have not proposed sufficient sites according to the requirements of the Directive 92/43/EEC.

(9) The measures provided for in this Decision are in accordance with the opinion of the committee set up by Article 20 of Directive 92/43/EEC,

HAS ADOPTED THIS DECISION:

³ OJ L 107, 24.4.1997, p.1.

Article 1

The list contained in Annex 1 to this Decision shall constitute the initial list of sites of Community importance for the Alpine biogeographical region as provided for in the third subparagraph of Article 4(2) of Directive 92/43/EEC.

Article 2

The list referred to in Article 1 shall be completed in the light of further proposals by Member States in conformity with article 4 of Directive 92/43/EEC for certain habitat types and species, specified in Annex 2 to this decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, ~~XX XX 200X~~.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX 1

List of sites of Community importance for the Alpine biogeographical region

Each site of Community importance (SCI) is identified by the information supplied in the Natura 2000 format, including the corresponding map, and transmitted by the competent national authorities in accordance with the second subparagraph of Article 4(1) (except for those habitat types and species listed in Annex 2).

The table below gives the following information:

- A: SCI code comprising nine characters, the first two being the ISO code for the Member State;
- B: name of SCI;
- C: * = presence on the SCI of at least one priority natural habitat type and/or species within the meaning of Article 1 of Directive 92/43/EEC;
- D: surface area of SCI in hectares or length in km;
- E: geographical coordinates of SCI (latitude and longitude).

All the information given in the Community list below is based on the data proposed, transmitted and validated by Austria, Italy, Germany, France, Spain, Finland and Sweden.

A SCI Code	B Name of SCI	C Priority	D		E	
			Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
					W	N

ANNEX 2

List of habitat types and species, for which the Commission cannot conclude that the network is complete

Habitat type/species covered insufficiently by the network	Member States in need of further contribution to the network
XX	AA, BB
YY	AA
ZZ	BB, CC