

## LIFE IN QUARRIES EU Working group

BRUSSELS - 12 December 2017

### *Minutes of meeting*

#### PARTICIPANTS

Mrs	S. Donato	European Commission - EASME
	I. Goris	Sibelco
	C. Jewell	Heidelberg Cement
	C. Hauregard	Walloon Region - DNF
	A. Langedijk	IMA-Europe
	Ch. Matherlart	PNPE
	E. Russier-Decoster	IUCN France
	A. Somer	UEPG
	S. Wathour	Carmeuse
	Mr	Ch-H. Born
D. Fincke		UEPG
Ch. Haeser		MIRO
B. Lussis		Fediex
P. Moërynck		Lawyer
F. Papoulias		European Commission – DG environment
H. Shoukens		Lawyer - UGent
M. Séleck		ULiège – LIFE in Quarries
A. Sneessens		Fediex – LIFE in Quarries
O. Viano		UNPG

The meeting took place on the 12 December 2017 from 10:00 to 16:00 at the North-Rhine Westfalian Representation, Rue Montoyer, 47 in Brussels.

#### 1. OPENING AND INTRODUCTION TO THE MEETING

Benoit Lussis, Chair of the meeting, opened the meeting and welcomed participants and invited for a round-table for each member to introduce him/herself.

Dirk Fincke (UEPG) introduced the meeting and highlighted the involvement of the European aggregates industry in nature protection. UEPG and its members consider the Life in Quarries as a milestone for the European Aggregates Industry. The project is seen as a positive initiative aiming at producing new soft law may help to show that aggregates extraction is part of the solution and a partner in Biodiversity management.

## 2. THE LIFE IN QUARRIES PROJECT

The project coordinator, Alexandre Sneessens, presented the main aspects of the LIFE in Quarries project, its status and progresses. He highlighted the fact that the core and originality of the project is to develop to new places for nature within active quarries. This challenge is therefore to ensure that the developed actions are compatible with the extraction plans and legislation. This requires the development of new technical and administrative approaches.

The discussion addressed the following issues:

- Duration of temporary nature can be different according to the type of habitat created (1 to 5 years). This question may be addressed in the quarries' biodiversity action plans;
- Target audience of the biodiversity trainings organized in the framework of the project is, in priority, the quarry workers and employees of the participating companies. However, the scope will be enlarged later at the end of the project;
- The Life in Quarries project involves not only quarries but also sand open pits. Gravel extraction is however not covered. However, the results of the project may be useful for this kind of extraction and for other industries as well;
- The way the project contributes to new ecosystem services: this evaluation is part of the project. It is agreed that the next meeting of the EU Working Group will address this issue more specifically. It is also mentioned that Sibelco has developed interesting approaches in that field that may be discussed as well.

## 3. LIFE IN QUARRIES IN ACTION

The scientific responsible, Maxime Séleck, presented the results of the initial biological inventories of the participating quarries and the main actions implemented after 2 running years.

The following points were raised during the discussion:

- Many species are now considered endangered since natural perturbations (flooding, forest fires...) disappeared in our controlled landscapes. So that many species are now completely depend of the quarry activities as these activities generate "artificial perturbations";
- The protection of individual should be considered differently according to the species: i.e. toads VS wolves;

#### 4. LEGAL ASPECTS OF DYNAMIC MANAGEMENT OF BIODIVERSITY

Charles-Hubert Born and Hendrik Schoukens presented the comprehensive legal analysis of the potential obstacles towards a more flexible approach to species management in the context of dynamic areas, such as quarries, undertaken in the framework of the Life in quarries project.

The study makes the distinction between:

- “Additional nature” VS “Existing nature” and
- “Temporary (pioneer) nature” VS “permanent nature”

The provisions of the birds and habitats directives are rather strict regarding the moving or disturbances of protected species and habitats, even if these habitats are temporary or pioneer habitats.

In consequences, without any modification of the current legislation, derogations should be asked in many cases.

For additional temporary habitats, the study recommends that the operators ask a anticipated single act derogation based on art. 16.1.a of the habitats directive (protection of fauna and flora).

For additional permanent nature, an anticipated derogation may also be asked, and based on a population management plan. The motivation can be based on articles 16.1.a and 16.1.c of the habitats directive.

These approaches are based on the benefits for biodiversity brought by the implemented of conservation actions and it could allow the operator to invoke an alternative motivation that the “imperative reason of public interest”.

Christian Haeser (MIRO) reported some legal issues in Germany and the need to have an interpretation at European level regarding the concept of temporary nature and how it can be implemented in the member States.

#### 5. CLOSING NOTE

Mr. Fotios Papoulias (DG Environment) concluded the meeting by highlighting the interest of the European Commission for the LIFE IN QUARRIES project and the legal approaches in implementing dynamic management of biodiversity within the current legislation.

As the guidelines linked to the birds and habitats directives will be revised in 2018, it may be a suitable opportunity to introduce and present the interest of such approaches.

Mr F. Papoulias also recommended getting inspiration from Natura 2000 case laws on the mitigation hierarchy.

The next meeting of the EU working group will take place in late 2018.