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GENERALDIREKTION
UMWELT
Direktion D – Biodiversität
ENV.D.3 - Naturschutz

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Sozialdemokratische Partei Augustdorf
Rosenstr. 6
32832 Augustdorf
DEUTSCHLAND

Via E-Mail: mats.schubert@spdaugustdorf.de

Building a fence around the military training area “Stapel” and Schapeler Hof

Dear Mr Klöpfer
Dear Mr Schubert,

Commissioner Sinkevičius thanks you for your letter dated 28th April 2022. He asked me to reply on his behalf. You inquired about the compatibility with EU nature legislation of constructing a fence around the military training camp Stapel, in the commune of Augustdorf, in North Rhine Westphalia. You mention that the fence and the military camp is situated inside the Natura 2000 site DE 4118-301 “Senne mit Stapelager Senne”. The Natura 2000 site concerned is protected by German legislation which transposes the legal requirements of the EU Birds and Habitats Directives.

According to Article 6(3) of the Habitats Directive, the competent authority has to conduct an appropriate assessment of impacts on the Natura 2000 sites for any plan or project likely to have a significant effect on a site, either individually or in combination with other plans or projects. This assessment has to be done in relation to the site-specific conservation objectives related to the habitat types, species and their habitats which are protected in the site. The competent authority can only agree to the project if there are no adverse effects on the integrity of the site. However, the project can still be approved under Article 6(4) of the Directive even if it has significant negative impacts on the site, if three conditions are fulfilled: there are no alternative solutions, the project is justified by an overriding public interest and appropriate compensation measures are taken. Besides these obligations to protect Natura 2000 sites, the authorities need to ensure strict protection of species protected under Article 5 of the Birds and Article 12 of the Habitats Directive. Military infrastructure is not exempted from these rules and there are many examples from EU Member States where it co-exists with Natura 2000 sites.

The implementation of the above-mentioned provisions of EU law is primarily the responsibility of the national or regional authorities that deal with the authorisation procedure for this project. They should have the best, up-to-date knowledge about protected habitats and species present in the area and should be able to assess the impact of the proposed project on the site’s conservation objectives and on protected species. The citizens concerned and the commune you represent, can participate in the approval

procedures and express their views on the conclusions of the above-mentioned assessments.

The European Commission has published guidelines¹ which should help both, the citizens and the authorities to practically implement the requirements of the Habitats Directive.

Yours sincerely,



Nicola NOTARO
Head of Unit

¹ https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/DE_art_6_guide_jun_2019.pdf
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