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Answer given by Ms Roswall
on behalf of the European Commission
(8.7.2026)

The Birds¹ and Habitats² Directives are focused on protection of the habitats and species of EU importance within the Natura 2000 sites. Specifically, Article 6(2) of the Habitats Directive requires that the Member States avoid the deterioration of habitats and the habitats of species as well as significant disturbance of the species for which the sites have been designated. The plots referred in the question have not been designated as Natura 2000 therefore these provisions do not apply to them.

Article 5 of the Birds Directive requires that the Member States prohibit deliberate capture or killing of birds as well as deliberate destruction of, or damage to, their nests or eggs, and deliberate significant disturbance. This applies also outside Natura 2000. Member States may derogate from these provisions under certain conditions if there is no other satisfactory solution.

The Commission considers that, if properly implemented, the combined legal approach of site and strict species protection should be sufficiently effective in protecting habitats and species of EU importance.

The Commission focuses its enforcement action where there is evidence of a systemic breach of EU law³. For example, the Commission has taken action against Poland to address the lack of appropriate conservation objectives and measures for the Natura 2000 sites⁴.

Regarding species protection, national administrative and/or judicial bodies are primarily responsible to verify compliance of individual projects with the EU environmental legislation and provide the appropriate means to address the matter.

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7.

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7.

³ Commission Communication C (2016) 8600 - EU Law: Better Results through Better Application and more recently in the Commission Communication C (2022)518 - Enforcing EU law for a Europe that delivers, 13.10.2022, COM(2022) 518 final.

⁴ INFR(2021)2025, [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR\(2021\)2025&page=1&size=10&order=desc&sortColumns=decisionDate](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR(2021)2025&page=1&size=10&order=desc&sortColumns=decisionDate).