



**8th IUCN Academy of Environmental Law Colloquium**  
Ghent 14-17 september 2010

« **LINKAGES BETWEEN BIODIVERSITY AND CLIMATE CHANGE** »

*“Ecosystem services: creating new synergies between  
European climate strategies and biodiversity?”*

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### ***Ecosystem services: creating new synergies between European climate strategies and biodiversity?***

*Climate change and biodiversity are the two essential issues in the EU’s environmental policy. Ironically, the European Union has been slow to realise the importance and the legal implications of the complex interactions at work between these two major issues. Is the recent introduction of the concept of ecosystem services in Community Legislation likely to encourage new synergies between European climate strategies and biodiversity? What kind of evaluation and integrated management mechanisms might this lead to?*





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### Introduction

- A- Climate change and biodiversity : two fundamental global issues
- B- The European Union : a key policy maker
- C- EU law face of complex interactions between climate change and biodiversity
- D- The concept of ecosystem service : promoting new synergies between European strategies

**I- ES : an emerging concept bringing new synergies**

**II- ES : an immature concept bringing controversial synergies**

### Conclusion



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### Introduction

#### **A- Climate change and biodiversity : two fundamental global issues**

- The multidimensional complexity of those issues
- Scientific uncertainty and the existence of knowledge gaps
- Emerging issues
- The diversity of spatio-temporal levels

#### **B- The European Union : a key policy maker**

- 1- The responsibility of the European Union
- 2- The different internal and external commitments of the European Union





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## **Introduction**

### **C- EU law face of complex interactions between climate change and biodiversity**

- 1- Multiplicity of natural interactions
- 2- An imperfect legal stocktaking
  - a- Sectoral european strategies



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## Introduction

### b- Problems of hierarchy?

*“We are now ready to transform Europe into the most climate friendly region of the world moving towards a low carbon, resource efficient and climate resilient economy”*  
(communication european Commission, International climate policy post-Copenhagen, COM 2010 (86).)

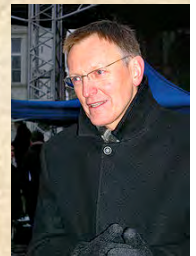
- Priority given to climate change?

**Lisbon Treaty (enter into force december 2009)**

« - *promoting measures at international level to deal with regional or worldwide environmental problems, and particular combating climate change* ».

- Biodiversity in the shadow of climate change

### c- Failures and inadequacies of EU strategies





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## Introduction

### D- The concept of ecosystem services : promoting new synergies between European strategies?

#### 1- A new concept

Definition of the millenium ecosystem assessment (2005):

*« Ecosystem services are the benefits people obtain from ecosystems. These include :*

- provisioning services such as food, water, timber and fiber*
- regulating services that affect climate, floods, disease, waste and water quality*
- cultural services that provides recreational, aesthetic and spiritual benefits*
- supporting services such as soil formation, photothesis and nutrient cycling”*

#### 2- The legal potential of the concept

*« the functions performed by natural resource for the benefit of another natural resource or the public » (directive 2004/ 35/EC on environmental liability).*



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## I .Partie **ES: an emerging concept bringing new synergies**

### Introductory remarks

#### **- The political recognition of the equivalence of priorities**

*« Together with climate change, loss of biodiversity is the most critical global environmental threat and gives rise to substantial economic and welfare losses»*

(Communication european Commission, Options for EU vision and target for biodiversity beyond 2010 COM 2010 (04)).





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## I. ES: an emerging concept bringing new synergies

### Introductory remarks

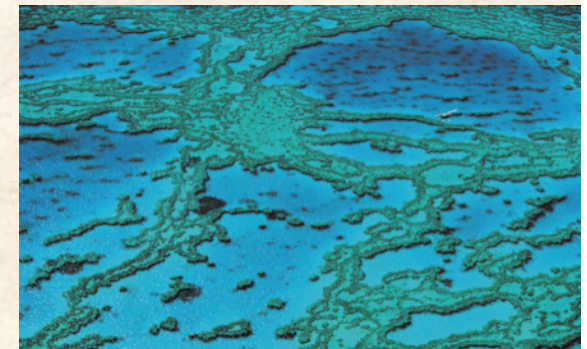
#### - Towards an increasing convergence of protection goals

*“Since nature is both the most effective climate regulator and the largest carbon sink, biodiversity loss jeopardises climate objectives. Strong and resilient ecosystems are our life insurance against climate change, providing a natural fix for mitigating and adapting to its consequences”*

(Communication european Commission, Options for EU vision and target for biodiversity beyond 2010 COM 2010 (04)).



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## I. ES: an emerging concept bringing new synergies

### A- Enhancing new scientific knowledge and expertise

Towards intergovernmental platform on biodiversity and ecosystem  
services

[www.ipbses.net](http://www.ipbses.net)



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## I. ES: an emerging concept bringing new synergies

### B. A predictable evolution in legal measures to tackle biodiversity degradation or loss

- 1- Towards SE use in the measures for impact assessment and environmental impact assessment
- 2 - Increasing economic instruments and voluntary approaches



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## **II Partie ES : an immature concept bringing controversial synergies**

Introductory remarks: An unstable legal concept

- **A legal definition but limited to its purpose: environmental responsibility**
- **No scientific consensus**
- **The impact of an economic vision :**
  - \* Millenium assessment
  - \* Report of P Sukhdev : « [The Economics of \*Ecosystems\* and Biodiversity](#) » (Firt report – 2008).
  - \* European Commission : « *Biodiversity – the variety of ecosystems, species and genes – is the world’s natural capital. It is integral to sustainable development by providing vital goods and services, such as food, carbon sequestration, and seas and water regulation that underpin economic prosperity, social well-being and quality of life* » Communication, Options for EU vision and target for biodiversity beyond 2010 COM 2010 (04)).



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## II ES : an immature concept bringing controversial synergies

### A- The controversial nature of a restrictive approach to ES

- Anthropogenic and not ?

-Which value ? Which interpretation of the position of european Commission ?

*“As well as having intrinsic value, biodiversity delivers value through ecosystem services”* ((Communication european Commission, Options for EU vision and target for biodiversity beyond 2010 COM 2010 (04)).





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## **II ES : an immature concept bringing controversial synergies**

### **B- The character of a questionable use of economic instruments**

Green Paper on environmental markets of the European Commission, COM 2007 (140).

Market and equivalence of the unities ? Comparaison is possible ?

What about environmental payment ?



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### **II- ES : an immature concept bringing controversial synergies**

#### **C- The troubling nature of governance for ecosystem services ?**

- Important role of private economic actors
- What role for other actors involved ?

#### **Conclusion**

Will it involve several definitions?

SE : a new dividing environmental protection ?



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*Thank you for your attention*

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