



Department of
**Agriculture,
Fisheries and Food**
An Roinn
**Talmhaíochta,
Iascaigh agus Bia**

Cross Compliance Farm Advisory Service

SMR1 & SMR5

Legal Basis of SMR1 and SMR5

- SMR1 Council Directive 79/409/EEC on the conservation of wild birds

Articles 3, 4, 5, 7 and 8

- SMR5 Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna

Articles 6, 13, 15 and 22(b)

SMR1 Article 3 of 97/409

- Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds.
- The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:
 1. creation of protected areas;
 2. upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
 3. re-establishment of destroyed biotopes;
 4. creation of biotopes.

SMR1 Article 5 of 97/409

- Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:
 1. deliberate killing or capture by any method;
 2. deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
 3. taking their eggs in the wild and keeping these eggs even if empty;
 4. deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
 5. keeping birds of species the hunting and capture of which is prohibited

SMR1 Article 8 of 97/409

1. In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV (a) .
2. Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV (b) .

SMR5 Article 13 OF 92/43

1. Member States shall take the requisite measures to establish a system of strict protection for the plant species listed in Annex IV (b), prohibiting:
 - (a) the deliberate picking, collecting, cutting, uprooting or destruction of such plants in their natural range in the wild;
 - (b) the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species taken in the wild, except for those taken legally before this Directive is implemented.
2. The prohibitions referred to in paragraph 1 (a) and (b) shall apply to all stages of the biological cycle of the plants to which this Article applies.

SMR5 Article 15 OF 92/43

- In respect of the capture or killing of species of wild fauna listed in Annex V (a) and in cases where, in accordance with Article 16, derogations are applied to the taking, capture or killing of species listed in Annex IV (a), Member States shall prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:
 - (a) use of the means of capture and killing listed in Annex VI (a);
 - (b) any form of capture and killing from the modes of transport referred to in Annex VI (b).

SMR5 Article 22 (b) OF 92/43

- In implementing the provisions of this Directive, Member States shall:

ensure that the deliberate introduction into the wild of any species which is not native to their territory is regulated so as not to prejudice natural habitats within their natural range or the wild native fauna and flora and, if they consider it necessary, prohibit such introduction. The results of the assessment undertaken shall be forwarded to the committee for information;

General Designation Process

- NPWS select a site because it contains a good example of the relevant habitat, or good population of the species.
- The selected habitats and species are the Qualifying interests of the site (QI)
- They inform the farmer of designation, Farmer has right of appeal.
- Farmer is served with Notifiable Actions list for all habitats/species in the site.

Notifiable Actions

- These are a list of activities for which the farmer must get written permission from NPWS.
- Different list for each habitat or species.
- Examples; land drainage, fertiliser use; dumping, excessive stock numbers, turf cutting.
- REPS plans are exempted.
- These lists will be used as the basis of the inspection; if the farmer has complied with NAs s/he is considered compliant with the Directives



SMR1 BIRDS Directive

...e and outside SPA's
...are SPECIAL PROTECTI O
...ally protected birds include
...rake, Hen harrier, Kingfish
...al Requirements

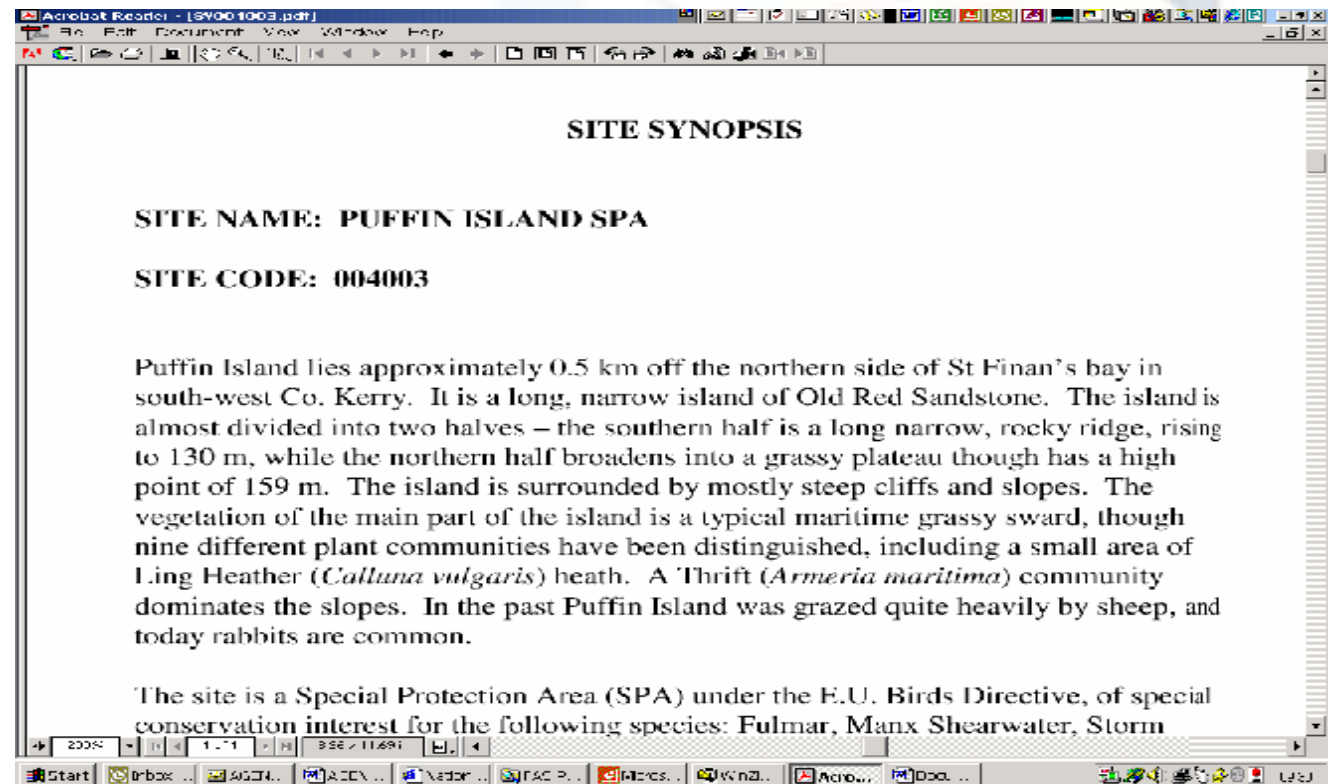


- Notifiable Actions for SPA's

SMR1 BIRDS Directive

Details of the SPA's are listed on the NPWS website

- PDF documents provide a synopsis for each designated site



SMR1 BIRDS Directive

General Requirements for all Lands

- Unauthorised hunting/shooting/
snaring/trapping or poisoning of birds or
animals prohibited at anytime with regards to
protected species or in closed season with
regards to other species
- Deliberately disturbance of birds or birds
nests during the nesting season prohibited

Example of Notifiable Actions

NA's are issued according to habitats/species present. As an example, here are the activities for which consultation is needed on an offshore island SPA:

- Commercial or private recreational activities liable to cause significant disturbance to birds
- Construction or alteration of fences, tracks, paths, roads, embankments, car parks or access routes
- Deliberate scaring of birds
- Dumping, burning, disposal or storing of any materials including wastes
- Introduction (or re-introduction) into the wild of plants or animals of species not currently found in the area
- Planting of trees
- Reclamation, infilling, ploughing or otherwise disturbing the substrate
- Removal of soil, mud, sand, gravel, rock or minerals
- Removing or altering walls or ruined buildings
- Broad-scale application of any pesticide or herbicide

SMR5 Habitats Directive

Applies Inside and Outside SAC's

- SAC's are SPECIAL AREAS OF CONSERVATION (SACs) to protect "HABITATS" and "SPECIES"
 - Raised bog, Alluvial woodland, Sand dunes,
 - Otter, vertigo snails, Kerry slug
- General Requirements
- Specific Notifiable Actions

SMR5 Habitats Directive

General Requirements for all Lands

- Removing/damaging protected plant species prohibited
- Introducing non-native species which may damage protected plant species is prohibited

Notifiable Actions for SAC's

- Owners of Sac lands required to comply with site specific requirements

Example:

- Heath Habitat



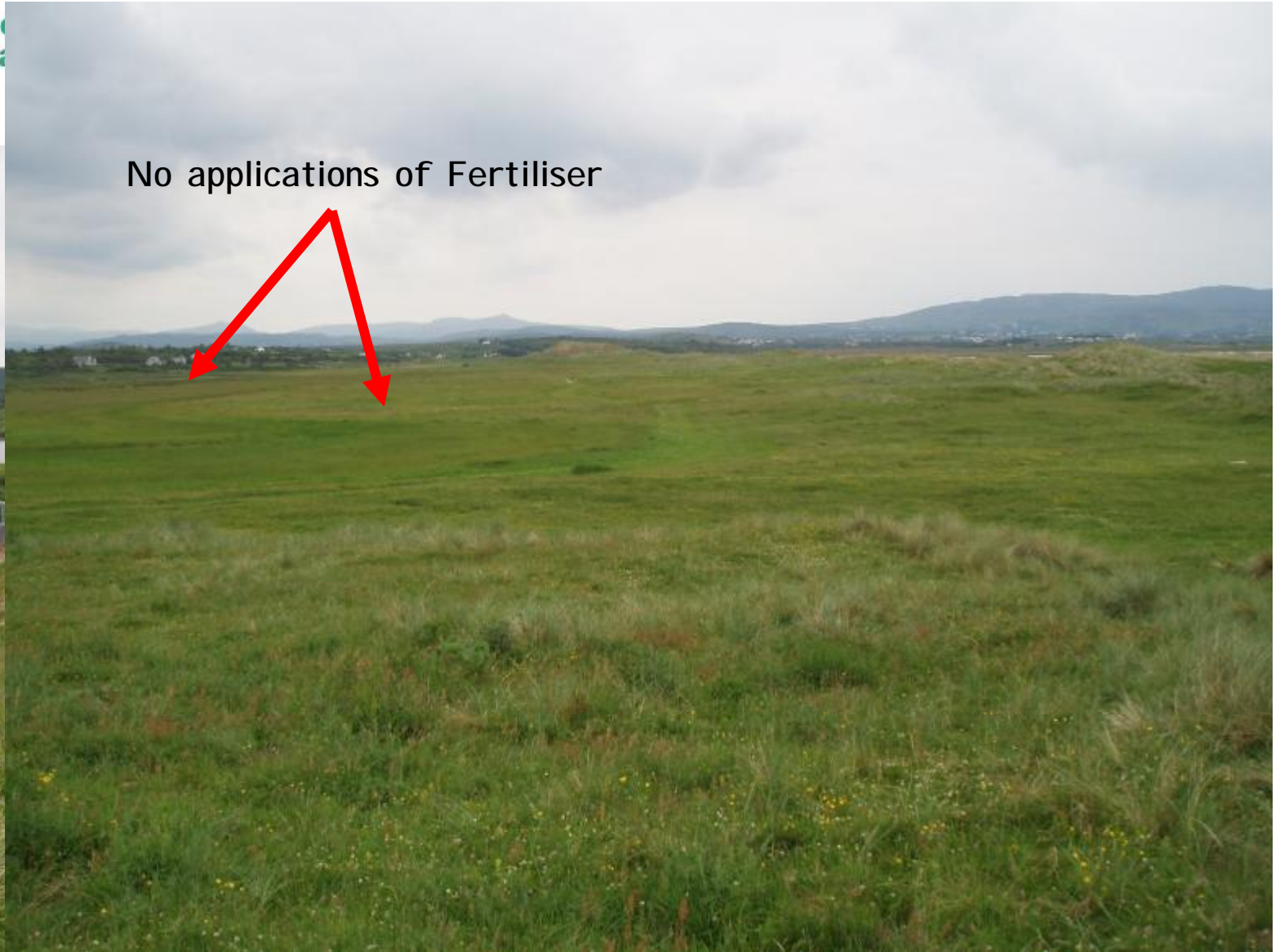
Notifiable Actions for SAC's

THE MINISTER FOR THE ENVIRONMENT AND LOCAL GOVERNMENT IS REQUIRED TO BE NOTIFIED IN RELATION TO THE FOLLOWING ACTIVITIES AND SUCH ACTIVITIES SHOULD NOT PROCEED WITHOUT PRIOR CONSENT :

- supplementary feeding of stock, except as defined in REPS guidelines
- introduction of stock to formerly ungrazed areas
- adding lime
- adding fertiliser of any sort
- Creation of new tracks or paths
- burning areas of vegetation over 5 ha, or burning any area more often than once every 15 years
- reclamation, infilling, ploughing or land drainage
- reseeding, planting of trees or any other species
- rock removal/cutting turf except from existing banks; no cutting from intact (uncut) areas
- commercial peat moss or turf extraction
- use of any pesticide or herbicide, including sheep dip
- dumping, burning or storing any materials
- alteration of the banks, bed or flow of watercourses
- operation of commercial recreation facilities (e.g. pony trekking)
- introduction (or re-introduction) into the wild of plants or animals of species not currently found in the area/any other activity of which notice may be given by the Minister from time to time

Notifiable Actions

No applications of Fertiliser



- Thanks for your attention!

