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MedIsWet Project-Initiative PIM An Advocacy Strategy for Island Wetland Conservation or How NGOs Can Enhance Implementation of Resolution XII.14 of Ramsar Convention. Part 1: International and EU law

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MedIsWet Project - Initiative PIM

An Advocacy Strategy for Island Wetland Conservation or How NGOs Can Enhance Implementation of Resolution XII.14 of Ramsar Convention.

Part 1: International and EU law

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Introduction

1. Context of the study

Mediterranean Small Islands Initiative (PIM) is an international NGO for the assistance and promotion of mediterranean insular areas. It aims to ensure the preservation of these micro-areas by the implementation of concrete on-site measures, promoting the exchange of knowledge and expertise between protectors and specialists throughout the Mediterranean. Its approach is prioritising simple and pragmatic solutions.

Initiated in 2005 by the Conservatoire du littoral (France), PIM INITIATIVE is, since 2017, an independent NGOs. For more than 10 years, it relies on a pool of multidisciplinary experts, sites managers, guards, institutions and NGO from the Mediterranean, confronting and sharing ideas and experiences for better-managed and protected insular areas.

Even though PIM usually focus on very small islands (< 1000 ha), due to its very good knowledge of Mediterranean island ecosystems as well as local stakeholders in France and Italy, PIM emerged as the ideal candidate for the implementation of MedIsWet in France, while its strong relationships with Italian stakeholders appeared as a solid asset in the coordination of the implementation of the project in Italy.

Hence, MedIsWet represent a great opportunity to reinforce pre-existent relationships while creating new ones with different organizations of the Mediterranean Basin. The massive amount of natural areas characterized through the project will represent a network of high value natural sites that could be used to assess the future global changing affecting this part of the Mediterranean. Thus it will be possible to use the island wetlands as a network of natural sentinels to assess the impact of global changes.

1.1. The MedIsWet project

The Mediterranean Island Wetlands (MedIsWet) project resulted as the framework that will allow to replicate to all Mediterranean islands the example and methodology conducted to inventory and protect island wetlands in Greece by WWF-Greece during the years 2004-2009. The long-lasting efforts of WWF-Greece to identify all wetlands, by taking into account even the smallest ones, were successful as they resulted in a legally binding document at the national level: the Presidential

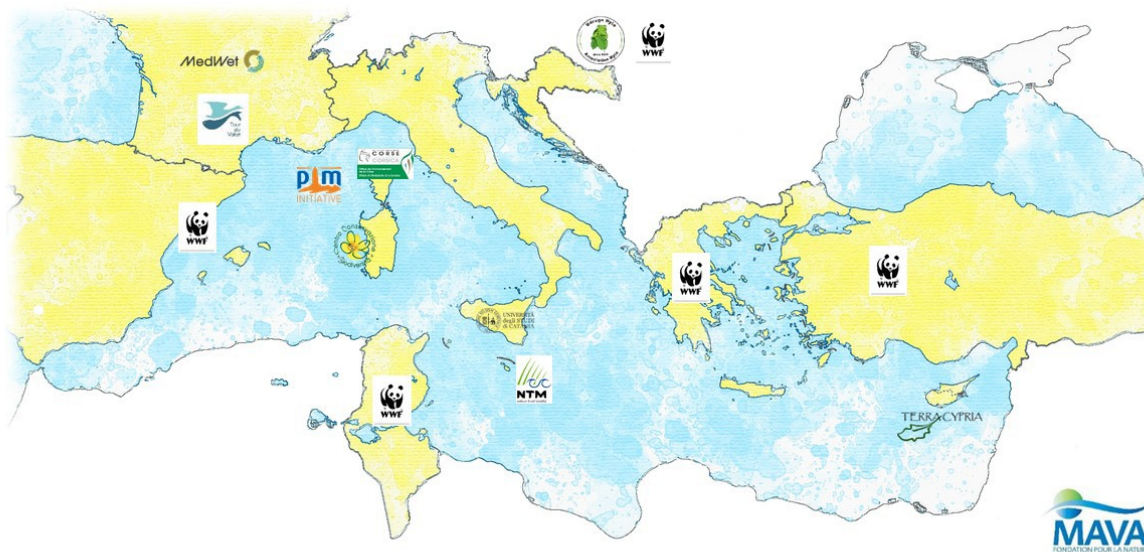
decree of 12/06/2012. This law enumerates the activities allowed and prohibited in 380 island wetlands. For what is more, Greece endorsed a Resolution at the Conference of the Parties (COP) of the Ramsar Convention on the protection of wetlands. Eventually, **Resolution XII.14 on the conservation of Mediterranean Basin Island Wetlands** was adopted at COP 12 of 2015. In the aftermath of Uruguay, where the COP 15 took place, NGOs from all nine Mediterranean countries with inhabited islands (Croatia, Cyprus, France, Greece, Italy, Malta, Spain, Tunisia, Turkey) gathered their forces and started the MedIsWet project. The MAVA foundation funded the project. The main goal of the project is to **inventory all island wetlands from 0,1 hectare** and implement XII.14 Resolution. An important part of the project is to take **advocacy and policy actions**, in order to ensure effective legal protection of wetlands in national level.

Local NGOs are inventorying wetlands in all countries: WWF-Adria and Hyla for Croatia, WWF-Spain for the Balearic Islands, WWF-Mediterranean for Tunisian islands, Terra Cypria for Cyprus, WWF-Turkey for Turkish islands and Nature Trust for Malta.

PIM Initiative is responsible for coordinating the project in the French (Corsica and Provence) and Italian (Sardinia and Sicily) islands. The inventory is being elaborated locally by the CCB/University of Cagliari (CCT) in Sardinia and the University of Catania in Sicily.

The map below shows the geographical scope and the partners of the project.

Map 1. MedIsWet Participating countries and NGOs



1.2. Goal of the Present Study

The present study is a guide for completing the advocacy and policy part of the MedIsWet project for France and Italy. It has two main objectives:

- A theoretical part: Provide a complete list of the existing legal tools for wetland protection.
- A practical part: Explain how an NGO can use them to promote the implementation of Resolution XII.14.

More precisely, the study reviews the International, European Union's (EU) and national legal instruments relevant to wetlands and proposes a Strategy and two Action Guides (one for France and one for Italy) that can be implemented by NGOs. The Strategy and Action Guides link legal tools with stakeholders and actions, based on the following scheme:

Identification of legal tool – Link of legal tool with stakeholder(s) – Possible actions

The project is structured in France and Italy by PIM Initiative as follows:

- **Documentation** of island wetlands through national inventories
- **Dissemination** of knowledge to the general public and authorities
- **Promotion of their protection** at national and Mediterranean level
- **Restoration** of at least one wetland per country

PIM is responsible for setting up these actions in Corsica, mainly through an agreement with the Corsican Environment Office (OEC). The implementation of the project in Italy is done through partnerships with Italian universities (CCB / University of Cagliari and University of Catania). PIM is also in charge of coordinating the project in Italy.

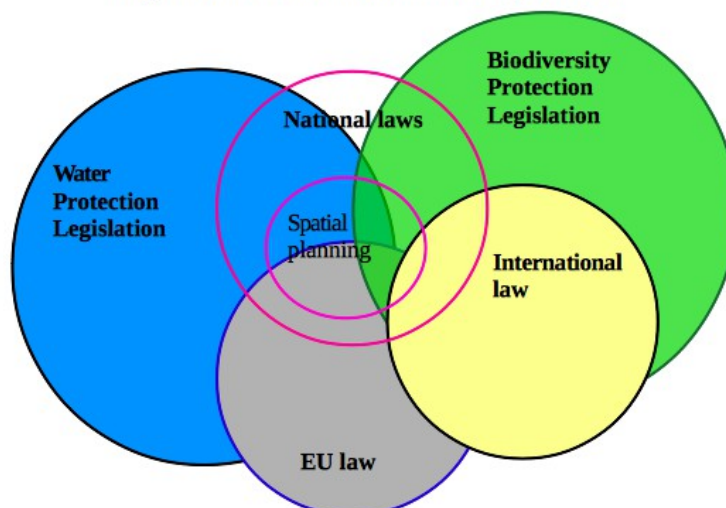
2. Primary Crucial Considerations on Theoretical Issues Regarding Wetlands Protection: Which Law and Which Definition for Wetlands?

Prior to all administrative and practical implementation issues, every effort to protect wetlands by legal means face two theoretical, but substantial, difficulties. The first one is to choose the appropriate law (2.1.) The second is to choose the right definition of what a wetland is in the context of the law (2.2).

2.1. Laws for Wetlands or Laws for the Components of Wetlands

The main laws dealing with wetlands are pieces of legislation for **nature conservation** or general environmental legislation (by default, if these laws do not specifically mention wetlands) or, more rarely, special primary legislation. Most countries also have **water resource legislation**, providing for the conservation of wetland habitats. In addition, many other laws contain provisions relevant to wetlands. The figure below (**figure 1**) shows that the legal framework for wetland conservation is a mix of nature conservation legislation, water protection legislation, that occur from the International law, but mainly from EU law (for EU countries). All these legal norms are implemented in a national level, and a big part of them concern spatial planning laws.

Figure 1: Sources of Law for Wetland protection



The latest trend, when it comes to nature conservation or/and for the adoption of specific public policies that concern wetlands, is to adopt **specific legislation for islands**. International law

pioneers **island biodiversity** issues, while the EU suggests the adoption of **island public policies**. However, specific legislation for islands is more significant at the national level, for example the Croatian islands have an Islands Act and the Balearic Islands have a Law for Insularity. These horizontal laws (concerning a variety of issues), offer an appropriate context to adopt provisions for wetlands.

Thus, the **first Strategic Axis** for MedIsWet project countries is to:

- **Include island wetlands in all relevant legislation**, whether it concerns water resources, nature conservation or islands.

In fact, although a considerable number of legal texts and tools addresses management and protection of wetlands, island wetlands rarely appear in legal texts as ecosystems of particular ecological interest. **Wetlands in islands are being neglected by local administrations, because they are too small**. Their existence and/or their ecological functions were widely ignored and a lot of them have been eliminated as a consequence of public policies that consider them as unsanitary.

The MedIsWet project intervenes in this regard, by elaborating a complete inventory of very small island wetlands and by communicating island wetlands functions to stakeholders and civil society. The specific actions proposed with this study shall be based on this inventory.

2.2. Defining Wetlands: A Crucial Difficulty

The term “wetland” covers a great variety of ecosystems that have in common a relation with water. However, there is **no worldwide commonly accepted definition of wetlands**, and even less a definition accepted by the legal and scientific community. The legal definition of wetlands does not necessarily comply with naturalist definitions. For what is more, every jurisdiction can have more than one legal definition for the same object/concept (e.g. for wetlands). The reason for this disparity is that legal definitions are meant to **aid the aims of a particular piece of legislation**. Legal definitions are intended to determine the rules applied to the defined object, with regards to the aim of the law defining the object. Thus, a legal norm applies only to the extent that its existence is verified by its subsequent compliance, in a real case¹.

¹ Iulia Borghirnea, *The creation of the general legal norm*, Reviste Drept-Annales Universitatis Apulensis, n°11/2008 p. 30

This means that:

- Defining a wetland in law means describing the area to implement specific measures. Wetlands that do not fall into law's definition are not covered by wetlands legislation.

The **transposition of scientific knowledge to law** is delicate because of the different principles at play in these two communities. Legal provisions need to be certain, objective and unambiguous, thus, they have a **limited capacity of encoding the uncertainty inherent in scientific reasoning** (absolutes are necessarily outside science). However, legal definitions are not looking to establishing objective, scientifically established facts. A legal norm can, but is not supposed to, transpose scientifically corroborated knowledge, because it is made in a subjective way by each of those who commanded it.

Thus, we caution that we should not get caught up on debating what is the best definition for “wetland”, in the sense of the most accurate definition. **The best definition is perhaps one that is deliberately wide, so that it is more inclusive of the humid habitats that have similar ecological functions.** The Ramsar Convention on the conservation of wetlands indeed adopts a **very wide definition**. According to article 1, “wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”. Furthermore, article 2 notes that wetlands may incorporate, “riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands”. The Convention classifies wetlands in three large categories, coastal and maritime, internal and artificial.

However, the definition of wetlands at the national level is often **less wide** than the Ramsar's Convention one. A typical problem of restricted national definitions is that **small wetlands are not included in spatial plans**. As a consequence, the administration may authorize constructions that destroy valuable small wetlands.

Strategic Axis: Use the national definition of wetlands to identify the gap in the protection

Action: Based on the inventories, show to the administration the wetlands that are excluded from legal protection because of the national definition.

Chapter 1: Using International law's tools for the protection of island wetlands

Specific protection for wetlands is determined by the Ramsar Convention for the conservation of wetlands. The convention was signed at Ramsar, Iran in 1971, and entered into force in 1982.

In addition to this specific framework, the importance of protecting wetlands is typically stressed in the Multilateral Environmental Agreements (MEA's) on the protection of biodiversity. The provisions established in these legally binding documents are complementary to those in the Ramsar convention and can be used to enforce advocacy.

Frame 1: Small Glossary on International Environmental Treaties Law

Small Glossary on International Environmental Treaties Law

Multilateral Environmental Agreements (MEAs): a text on an environmental issue negotiated between more than two countries (Convention, Treaty, Agreement, etc.).

Conference of the Parties (COP) or Meeting of the Parties (MOP): the governing body of a MEA. The COP/MOP meets in a fixed periodical time and decides on the future activities of the MEA.

Contracting Parties (CP): the countries or international organizations that have ratified and are thus part of a MEA.

(National) **Focal points (FP):** the person appointed by every CP to coordinate national implementation and act as the daily contact point.

Section 1. The general framework: MEA's on the protection of biodiversity

A short overview of relevant Conventions for the protection of biodiversity and how they can be useful for the protection of wetlands.

Strategic Axis 1: Create Synergies Between Ramsar Convention and other International Conventions

1.1. The Universal Conventions

Frame 2. The Universal Conventions

1. The Convention on Biological Diversity (CBD)

Adopted in 1992, the CBD is the most general convention on biodiversity conservation, including the protection of all endangered species and ecosystems. It does not create protected areas, but promotes and develops guidelines for their establishment. Its action is based on the adoption of Decisions and Recommendations during the COP that take place every two years. The implementation of the CBD relies on the **National Biodiversity Strategies and Action Plans** (NBSAP). The Contracting parties (CP) prepare National Reports (NR) on the status of the implementation of the Convention.

- The CBD has adopted during the COP 8 (2006) a Decision VIII/1: “**Program of work on island biodiversity**”, which seeks to reduce the rate of loss of island biodiversity. CP should thus include the actions suggested at the Decision at their national strategies.

For more information on how the CBD works, look at: <https://www.greenfacts.org/en/global-biodiversity-outlook/1-3/9-convention-biological-diversity.htm>.

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Policy Actions linked with CBD:

- Inform the CBD FP about MedIsWet project and inventory, it can be added to NR
- Promote the adoption of a Decision on Island Wetlands

2. The African-Eurasian Migratory Waterbirds Agreement (AEWA)

Adopted in 1995 under the Bonn Convention on the Conservation of Migratory Species of Wild Animals (CMS), the AEWA agreement calls upon parties to **engage in a wide range of actions to preserve wetlands, as habitats of protected bird species.** The protected birds are enlisted in the 2 CMS Annexes. Conservation actions are described in a comprehensive Action Plan, annexed in the Agreement.

- The AEWA Action Plan suggests specific measures for protecting waterbirds on islands.

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Policy Actions linked with AEWA:

-During inventorying, report identified habitats of birds protected by the CMS Annexes.
-Inform the FP and administration about wetlands that are habitats for birds protected by the CMS Annexes.
-Inform the FP for MedIsWet project and inventory, it can be included in their NR, due every 2 years before the MOP.

3. The UNESCO Convention on Natural and Cultural Heritage

Adopted in 1972, the purpose of this Convention is to preserve the world's most outstanding sites of cultural or natural interest. Wetlands can be protected as “natural sites” under UNESCO, provided that they present exceptional aesthetic or geological characteristics.

- Ramsar and The World Heritage Center are working closely to promote nomination of sites under the 2 Conventions, coordinate reporting and collaborate on advisory missions.

Policy Actions linked with UNESCO:

-During inventorying, report on sites that could be designed as natural heritage under the Convention.

1.2. The Regional Conventions

Frame 3. The Regional Conventions

1. The Barcelona Convention

Adopted in 1976, the Barcelona Convention is a regional framework convention for the protection of the Mediterranean Sea and Coast. The work of the Convention is organized by seven additional Protocols. Only coastal wetlands are concerned by this Convention. The protection islands wetlands can be addressed by two Protocols:

- **Specially Protected Areas Protocol (SPA)**

It creates protected areas based on the species (endangered/endemic) or/and the interest of the area (aesthetic, cultural, scientific, etc.)

- **Integrated Coastal Zone Management Protocol (ICZM)**

Art. 10 refers to **wetlands**, CP have to take measures to prevent degradation and restore wetlands.

Art. 12 refers to **islands**, CP have to take into consideration the specific characteristics of island environment when elaborating national coastal strategies.

Policy Actions linked with the Barcelona Convention:

-While inventorying, choose wetlands that satisfy the SPA criteria and inform the FPs.

-Participate in the ICZM strategy elaboration of your country and stress the importance of including protection of wetlands.

-Communicate the inventory results to the ICZM FPs, showing the coastal wetlands that are being excluded by spatial plans.

Barcelona Convention Contact list

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2. Bern Convention on the Conservation of European Wildlife and Natural Habitats

Adopted in 1979, the Bern Convention contains annexes with protected fauna and flora species. Island wetlands protection is addressed through a document adopted in 2011:

- Charter on the Conservation and Sustainable Use of Biological Diversity on European Islands

Policy Actions linked with the Bern Convention:

-During inventorying, note protected species under the Convention.

-Report if notice any illegal activity that jeopardizes the protected species.

Section 2. The specific framework, the Ramsar Convention

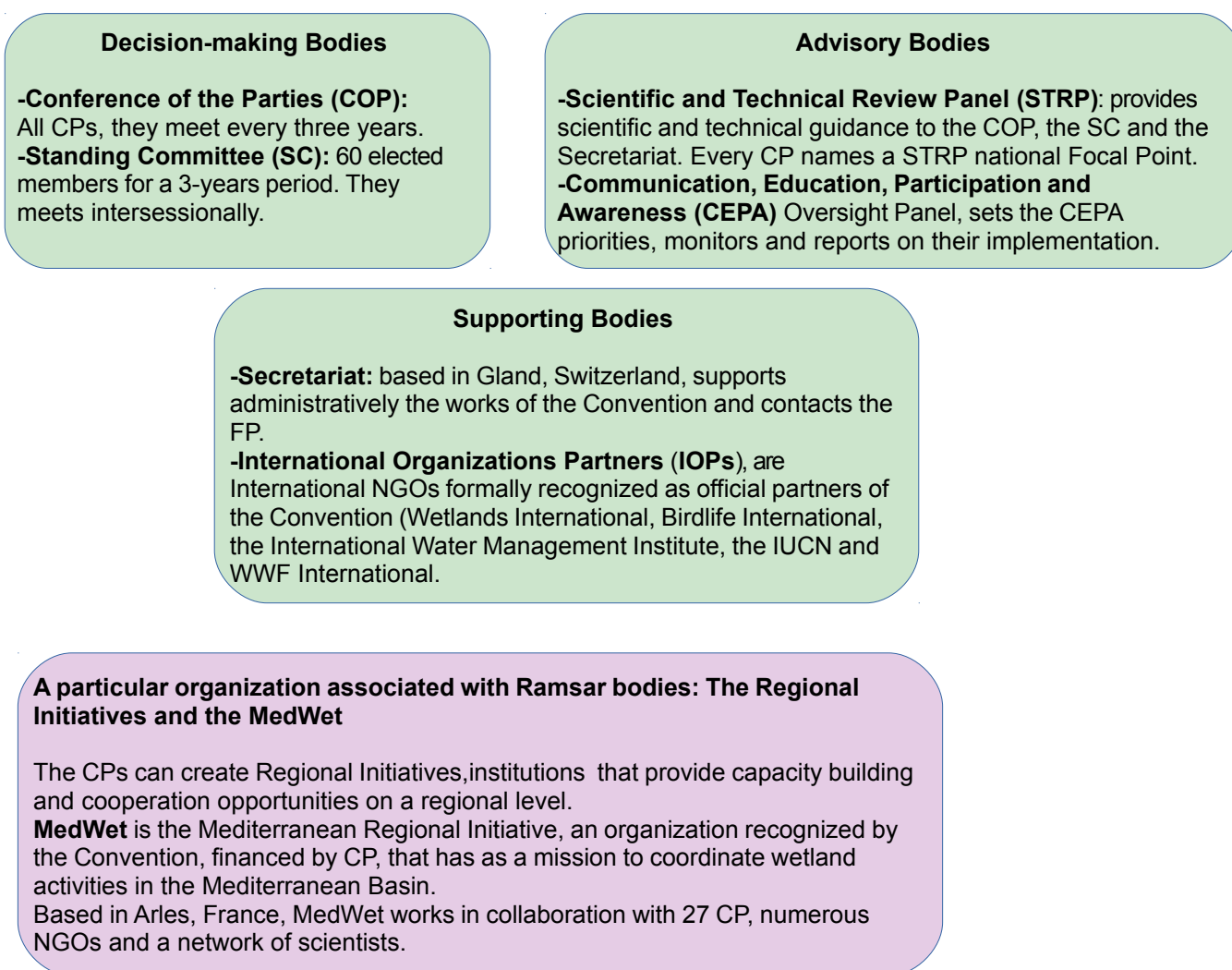
Strategic Axis: Get involved in the Ramsar Convention

Adopted in 1972, the Ramsar Convention is the specific framework for the protection of wetlands. The Convention is ratified by 172 countries.

2.1. Which are the bodies of Ramsar Convention?

The Ramsar Convention has two decision-making bodies, two advisory bodies and two supporting bodies.

Figure 2: The bodies of Ramsar Convention



2.2. How does it work?

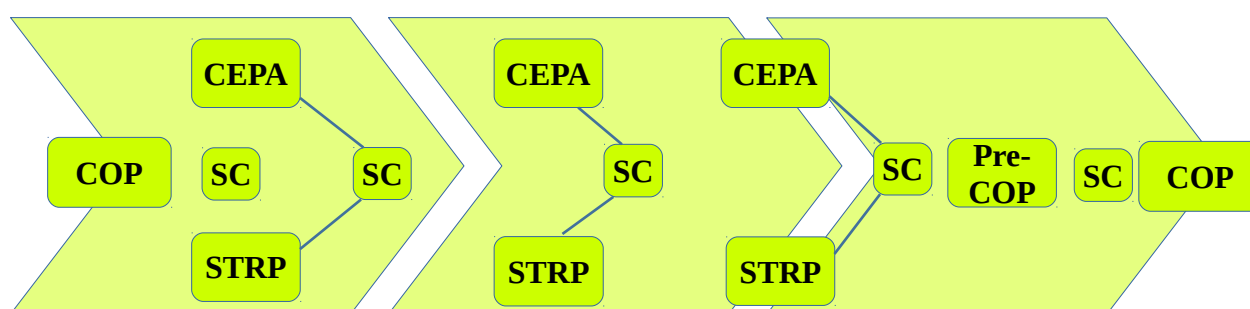
The implementation of the Ramsar Convention is a continuing partnership between the CPs, the SC, and the Secretariat, with the advice of the subsidiary expert body, the Scientific and Technical Review Panel (STRP), and the support of the International Organization Partners (IOPs). Every three years, representatives of the Contracting Parties meet as the Conference of the Contracting Parties, the policy-making organ of the Convention which adopts decisions (Resolutions and Recommendations) to administer the work of the Convention and improve the way in which the Parties are able to implement its objectives.

The text of the Ramsar Convention is very brief, announcing as the main obligation of the CP to **guarantee the “wise use of wetlands”**². The COP adopts numerous decisions that provide more detailed guidelines on Rules of Procedure and on how to implement the Convention. According to the most recent Rules of Procedure (adopted in 2015, at COP 12), proposals for new decisions (draft Resolutions and Recommendations), can be proposed by CP, the Standing Committee or the Conference Bureau (elected at the beginning of every COP).

- Before every COP, all the CP send to the Secretariat their **National Reports**, reporting on the implementation of the Convention in their country.

The preparation of every COP is a triennial process that starts at the end of the last COP. The Secretariat organizes regional pre-COP meetings to prepare the COP. The figure below shows the ordinary meetings during the three years.

Figure 3: The triennial process of the Ramsar Convention



² For a detailed analysis of the obligations arising from the Convention, look at the Ramsar Handbook, 5th edition, https://www.ramsar.org/sites/default/files/documents/library/handbook1_5ed_introductiontoconvention_final_e.pdf, 2016, pp. 14-15.

2.3. The role of NGOs within the Ramsar Convention

The role of NGOs within the Ramsar Convention is explained at the “Ramsar Rules and Procedures”, adopted at COP 12 in 2015. According to art. 7, NGOs, and other bodies, governmental or not, qualified in fields relating to conservation and sustainable use of wetlands may participate in the meetings of the COP (COP and pre-COP) as non-voting observers. The NGOs desiring to participate, have to inform the Secretariat accordingly. **NGOs can suggest proposals (draft resolutions), if they are sponsored by a Contracting Party.**

Participating in the COP and pre-COP meetings is an opportunity to meet the FP, network with other agencies and NGOs, present the work done on the field (through stands, posters, side-events) and be informed on what is happening in wetland conservation all around the world. It is also the moment to ask directly to governmental employees questions that we may have about wetlands conservation in your country. NGOs can also participate in the Ramsar process on a national level, through participation at **National Ramsar (or Wetland) Committees**, platforms that involve governmental agencies and NGOs.

Frame 4: Actions an NGO can do to get involved in the Ramsar Convention system

Effective participation of an NGO during Ramsar Meetings

- Get in touch with the national FP: explain your work and ask for theirs
- Read the documents to be adopted (draft Resolutions and Recommendations), choose the ones relative to your work (geographical area or context) and think if your NGOs can contribute to its implementation.
- Suggest changes to draft Resolutions, either directly to a FP or at the pre-COP plenary sessions.
- Research on other participants, observers or CPs, find people that work on similar issues, discuss with them to get ideas and create network.
- Organize side-events to get visibility and explain your work.
- Meet with possible funders, talk with funders to understand how your projects could be eligible.

Between COPs Preparation for NGOs

- Inform your FP about news and evolution on your work.
- Get involved with National Ramsar/Wetland Committees.
- Inform the MedWet Initiative for your work.
- Participate in the World Wetlands Day/ Communicate on your work.
- Propose your help to the FP to write part of the Triennial National Report.
- Check your eligibility to integrate the CEPA and STRP.

2.4. The Resolutions Concerning Island Wetlands

Although island States were not among the first to adhere to Ramsar³, a significant number of islands States or States with islands were contracting Parties by 1999⁴. This fact led to the adoption of Resolutions and Recommendations addressing island wetland conservation issues. Up to 2015, the COPs of Ramsar have adopted **six decisions concerning island wetlands**. The most recent one refers to the Mediterranean island wetlands, while the previous five are relevant to Oceanic-Pacific islands or/and SIDS⁵.

The decisions concerning island wetlands are briefly presented in the following table.

Table 1: Resolutions and Recommendations Concerning Island Wetlands

Year	Decision	Title	Content
1996 - COP 6	Recommendation 6.18	Conservation and wise use of wetlands in the Pacific Islands region	Provide technical and financial assistance to Pacific Island countries.
1999 - COP 7	Recommendation 7.2	Small Island Developing States (SIDS), island wetland ecosystems, and the Ramsar convention	Capacity building, create partnerships and ensure technical support to Oceania.
2002 - COP 8	Resolution VIII.42	Small Island Developing States in the Oceania Region	Notes the key challenges and priority issues of the Oceania regions.
2005 - COP 9	Resolution IX.20	Integrated, cross-biome planning and management of wetlands, especially in SIDS.	Suggests to develop network sites of protected areas, mainly in the SIDS
2008 - COP 10	Resolution X.30	Small Island States and the Ramsar Convention	Addresses funding issues of the SIDS.
2015 - COP 12	Resolution XII.14	Conservation of Mediterranean Basin Island Wetlands	Suggests a methodology for protecting island wetlands.

³ See the list of contracting Parties of the Ramsar Convention by chronological order <http://www.unesco.org/eri/la/convention.asp?KO=15398&language=E&order=alpha>

⁴ Actually, among the first countries to adhere to the Ramsar convention there is Australia (~ 8,000 islands), Finland (~ 800 islands), Sweden (~ 220,000 islands, 984 inhabited), and Greece (~ 6,000 islands, 200 inhabited).

⁵ The Small Islands Developing States is a group formally recognized by the UN. However, there is not an official list of SIDS members. An unofficial one can be found here: <https://sustainabledevelopment.un.org/topics/sids/list>

2.3. The Resolution XII.14, content and innovation

The content of Resolution XII.14 is very different from the previous five decisions on island wetlands. The most significant difference is that previous decisions urge the countries to financially support island countries, while the **Resolution XII.14 suggest a specific methodology for protecting island wetlands**. In addition, the Mediterranean Resolution on Island Wetlands conservation is groundbreaking because it is the **first international decision on an environmental issue that treats Mediterranean islands as a coherent group**.

Resolution XII.14, adopted at COP 12 in 2015, is the first to stress within Ramsar the need to protect Mediterranean island wetlands. The resolution mentions the **interest to protect small wetlands**. This is a change in the Ramsar Convention logic, as efforts in Europe and North America tend to be on sites of international importance. This focus on a small number of large sites has been beneficial for raising public awareness regarding the environmental role and function of wetlands, but, has not actually resulted in the protection of smaller wetlands.

Frame 5. Why Protect Small Wetlands?

Why Protect Small Wetlands ?

Patrick Dugan, former coordinator of the IUCN wetlands program, stressed already in 1987 that

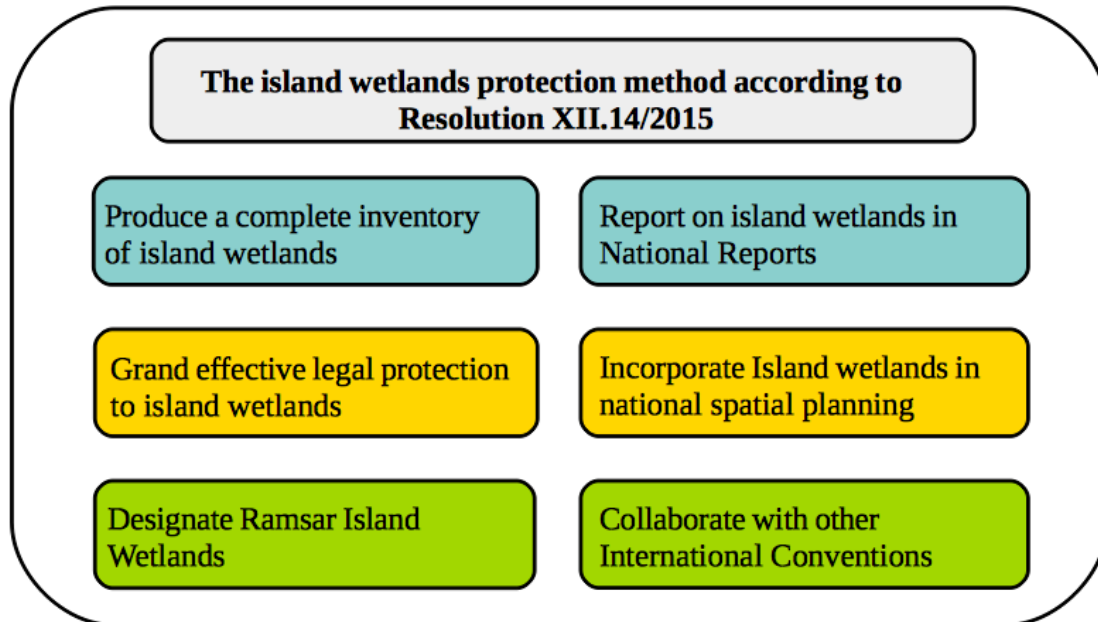
- The wise management of smaller wetlands is of equal importance that of larger wetlands, while it also poses a more difficult problem than large, internationally recognized, wetlands. Small wetlands can be of insignificant importance individually. **Taken together, they “constitute a wetland resource of major local, national and often international importance”.**

These small sites provide major benefits to human society, such as **flood control**. Island wetlands of small size are often habitats for **endemic species**, mainly amphibians:

- The Tyrrhenian painted frog (*discoglossus sardus*), an amphibian with aquatic habitat, is found in Sardinia, Corsica, the Tuscan Archipelago and Porquerolles island. Although the IUCN lists the species as being of “least concern”, the loss of small wetlands in Porquerolles will result to the extinction of the species from France.

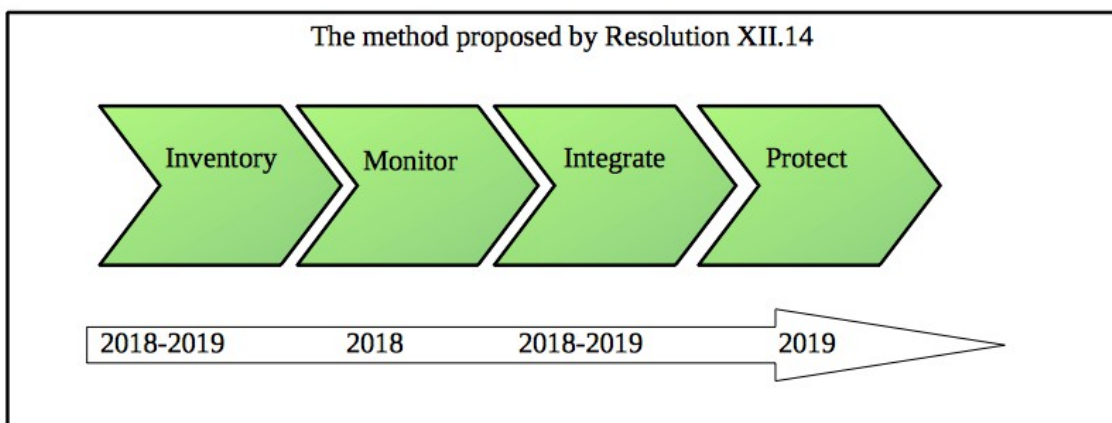
Resolution XII.14 suggest a methodology that consists of the following actions:

Figure 4. The main actions of the methodology suggested in Resolution XII.14



These actions can be divided in four parts, as shows the figure below.

Figure 5. The method and timing of the Resolution XII.14



Chapter 2: Protecting Island Wetlands at the EU level

Six out of eight MedIsWet countries are EU member States, a fact that has to be considered during policy because environmental legislation in EU member States derives mostly from EU law. Another important fact is that the EU is not a contracting party of the Ramsar Convention. In fact, wetlands do not benefit of a specific legal framework in the European level, but are protected through various legislations. This chapter explains how the protection of wetlands are impacted by EU law and decisions and describes the strategic actions that an NGO can take in order to enhance island wetlands protection.

Sources of EU law

EU law structure comprises of primary and secondary law. The treaties of the EU constitute **Primary law** (Treaty of Functioning of the EU- TFUE and Treaty of the EU- TEU). Every action taken by EU institutions is based on the treaties. They set out the objectives of EU, the rules of EU institutions, the way in which decisions are made and the relationship between the institutions and member States. **Secondary law** is made of “hard law” or “soft law”, depending on its legal force (binding or not binding). The task of interpreting EU law and ensuring the equal application across all EU members States falls upon the European Court of Justice. The figures below show EU law sources (**figure 6**) and the specific legislation that applies to island wetlands (**figure 7**).

Figure 6. EU Law sources

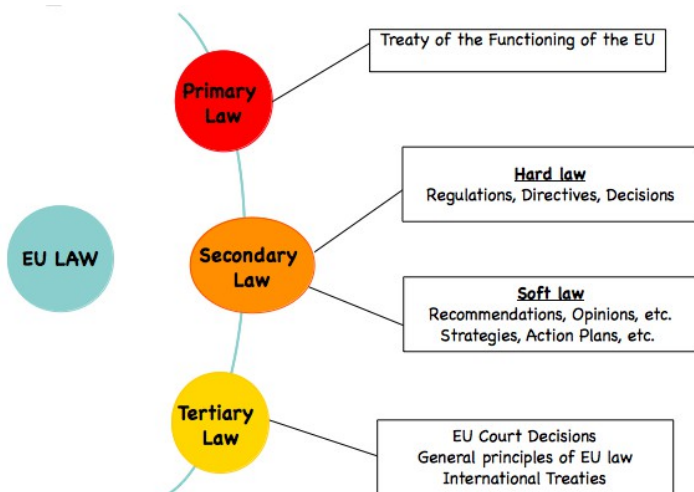
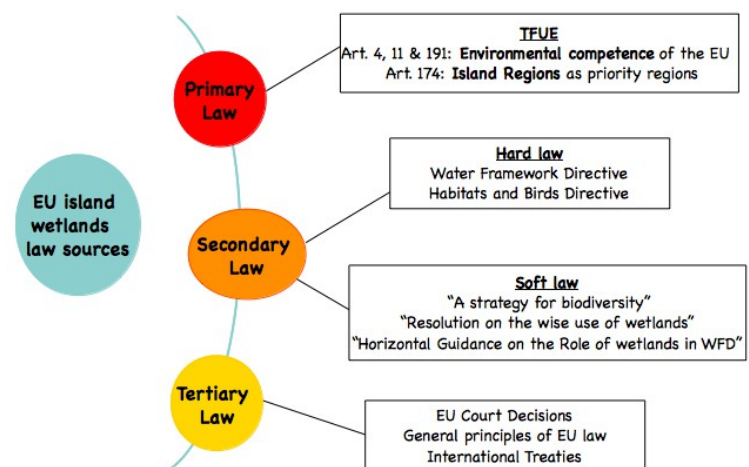


Figure 7. EU island wetlands sources



Section 1. Strategic Actions deriving from the EU Treaty

Strategic Axis: Use EU objectives to access funding

The MedIsWet project concerns two different competences of the EU: the **general environmental competence** (based on articles 4, 11 and 191 of the Treaty on the Functioning of the EU – TFEU⁶) and the newest **Island Policy** (based on article 174§4 TFEU⁷). EU institutions take and fund actions that accomplish the Treaty's objectives, thus NGOs should connect their activities to these objectives.

The connection of EU with environmental competence is obvious and creates funding opportunities under environmental funds (mainly LIFE and ENI). However, the connection between nature conservation and with Island Policy is not yet done. It should be further explored, because it opens up greater funding opportunities, such as Structural funds.

Frame 6. Article 174§3 TFEU: an under-utilized legal basis that allows to adopt Island Policies

According to this article, islands “suffer from severe and permanent natural or demographic handicaps” and member States should pay particular attention to them in order to reduce disparities. This provision has been barely used to adopt laws or policy measures to tackle problems specific to island regions. However:

- Based on this provision, **islands have to be prioritized** by the EU Regional Policy, meaning that they should be **favoured when distributing Structural and Investment Funds**.

Frame 7. EU Funding for Projects in Islands

- LIFE, INE
- INTERREG Med 2014-2020: projects in islands under two strategic axes: biodiversity and energy, because islands are “specific territories in focus” that “represent a major economic, environmental and cultural dimension of the MED area”.
- Structural Funds 2014-2020: They are managed by each member State, based on an Agreement between EU and the State. Fund projects for enhancing environmental quality, efficient management of natural resources.

⁶ Article 4 establishes the environment as one of the areas of shared competence between EU and member States. That is, either can adopt laws on this subject. The basis of sustainable development as part of EU policies is Article 11, in which it is stated that “environmental protection requirements must be integrated into the implementation of the Union's policies and activities, in particular with a view to promote sustainable development”. Article 191(1) sets as one of the aims of the Union “the high level of [environmental] protection based on the precautionary principle and the principles of preventive action”.

⁷ Article 174 reads: “In order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion. In particular, the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions. Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.”

Strategic Actions:

- Connect Wetland Conservation to Island Policy when asking EU funding.
- Get in touch with the State agency responsible for management of Structural and Investment funds to explore eligibility for projects on island wetlands.
- Mention article 174§3 when asking EU funding for island wetlands.

Frame 8. Documents produced by EU institutions that can be mentioned when asking for funding

1) Resolution on the Commission communication to the Council and Parliament on the wise use and conservation of wetlands

- It recognizes that the EU has an obligation to preserve wetlands concerned by international agreements to which the EU is a party.

2) White Paper and Strategy on climate change

- It offers arguments for conservation of both islands and wetlands as strategy to tackle climate change in the Mediterranean.
- It considers islands as belonging to “the most vulnerable regions in Europe”, and as deserve special consideration because of their vulnerability vis à vis climate change.
- It stresses the importance of wetlands for climate regulation, due to their carbon absorbing function.

Section 2. Strategic Actions deriving from EU Directives

Strategic Axis 1: Notify EU law gaps for wetlands protection in your country

EU Directives are the most common type of legislative text used to regulate environmental subjects and the main corpus of legal texts pertinent to the protection of wetlands. They are binding for every member State but are adaptable to the particularities of the legal system of the member States. In practice, Directives need to be transposed in national law by a governmental text (Act, Law, etc.).

The most important directives for wetlands conservation are the **Water Framework Directive (WFD)**, that concern water quality, the **Habitats Directive (HD)**, that concern habitats conservation and the **Bird Directive (BD)**, that concerns protection of bird and their habitat. Other Directives contributing in monitoring water quality and pollution of wetlands are the Nitrates Directive and the Urban Waste Treatment Directive.

A. Protecting wetlands through nature conservation: the Habitats and Birds Directives

The Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) and the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, (Habitats Directives), are the most important pieces of EU legislation for the conservation of birds and habitats in the European Union. All **Member States of the EU have to transpose the Directives into their national legislation and implement them in full**. However, their implementation has been very slow and yet to be fully transposed in national law. This is reflected in the number of **complaints** sent to the Commission under these Directives, higher than those under other EU legislation. Several of these complaints turned into infringement procedures and ended up at the European Court of Justice (ECJ). The Court decisions have helped to more clearly set out the obligations deriving from the Directives and have become an essential tool in the interpretation of various articles⁸.

1. How the two Directives work

The two above Directives offer an ambitious and comprehensive legislative and policy framework that provides answers to the challenges that the Ramsar Convention wishes to address. The key conservation tool at the EU level is the establishment of the **ecological network Natura 2000**, whose creation is based on the implementation of the Natural Habitats and the Birds Directives. This network promotes the conservation of biodiversity, maintaining or restoring natural habitats and species to a favorable conservation status by means of precise protection policies. The Birds Directive requires the establishment of Special Protection Areas (SPAs) for birds, designated by Member States. The Habitats Directive requires the designation of Sites of Community Importance (SCIs). With the agreement of the European Commission, these become Special Areas of Conservation (SACs). SACs are designated for species, birds not withstanding, and for habitat types, such as wetlands.

A significant number of Natura 2000 sites are wetlands. The Natura 2000 network of protected sites and the integration of wetlands into future river basin management planning (under the WFD) are helping to guarantee their future conservation and sustainable use. Many of the sites listed as Sites of Community Importance (SCIs) include wetland habitats and species that are also listed as Ramsar wetlands of international importance. The Birds Directive explicitly recognizes the need for

⁸ Birdlife International, Report on Birds Directive European Court of Justice cases with summaries, 2004, p. 3

the protection of wetlands as a vital habitat for waterbirds⁹.

An **obligation** arising from the two directives is that all EU member States have to draw up lists of national conservation sites to be included in the Natura 2000 network. Furthermore, they have to establish management plans and conservation measures to ensure the protection of all plant and animal species listed in the annexes of the HD, with particular attention given to endemic species (article 6 of the Habitats Directive). Monitoring the conservation status and reporting to the European Commission every six years is also part of the obligations deriving from the HD and the BD. The Directives does not stipulate which activities are authorized in the protected areas, the appropriate measures have to be decided by the member State. In **France**, the management of Natura 2000 sites is decided by the adoption of management plans for every site of the network (called DOCOB- Document d'objectifs). In Italy, an ad-hoc management plan must be created if the site cannot be included in broader territorial plans, at the discretion of the Regions. In fact, every Region has to decide its one management policy, thus there is not a common practice in all the territory.

2. NGOs role in improving the Natura 2000 network

The Birds Directive has positively contributed to the protection of most threatened birds from further decline¹⁰ and the Habitats Directive has contributed to raising awareness in an European level of biodiversity reserves. However, the effectiveness of the Natura 2000 network in general is compromised by inconsistencies in the annexed IUCN Red list and protected species list. Numerous stakeholders highlight that most of the endemic and/or threatened species are not currently listed in the most important directives for nature conservation in Europe. Thus, there is room for improvement of the Directives, and NGOs can play a role in this direction. The MedIsWet inventory can be used to highlight the gaps in species and habitats conservation. The actions described at the frame below can be taken to improve Natura 2000 through the inventory data.

⁹ Art. 4§2 states that “Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance”.

¹⁰ Life and Europe's Wetlands, Restoring a vital ecosystem, European Commission, 2007, p. 8

Frame 9. Strategic Actions based on the Habitats and Birds Directives

- Check whether the vulnerable habitats and birds present in wetlands are included in the Annexes of the two Directives.
- Inform the ministry's contact for the two Directives about gaps in protected species as observed in the field.
- Participate in the Brussels-based thematic working group (“Co-ordination Group for Biodiversity and Nature”, E02210) to inform about these gaps or contact the NGOs and/or national authorities participating in the group.
- Suggest to the competent ministry the adoption of national or local measures for the protection of the identified species.
- Complain to the Commission when you notice cases of infringement of the Directives.

B. Protecting wetlands through water resource protection

EU Directives for water quality provide legal basis to protect wetlands as water reservoirs. Hereafter, we are explaining how three Directives work (the Water Framework Directive, the Nitrates Directive and the Urban Waste Treatment Directive) and which actions can be taken by an NGO to enhance wetlands protection.

1. The Water Framework Directive (2000/60/EC)

The **Water Framework Directive** offers a platform to address wetland-related issues. Although the WFD refers to wetlands, it does not set obligations or recommendations for wetlands per se. The purpose of the directive is to establish a single regulatory framework for the management and the protection of “water bodies” (inland surface waters, groundwater as well as transitional and coastal waters) that prevent further deterioration and protect the aquatic ecosystem, part of which are wetlands. The relationship between water bodies and wetlands is not clarified by the Directive, thus relying on the understanding of the States.

The Directive adopts an obligation of result, which is the **good environmental status of water bodies** that is to be achieved by the adoption of a “program of measures” for each river basin district, and the elaboration of Management Plans at river basin district level. The program of measures shall include “basic” measures, and where necessary “supplementary measures”. Among

the “basic” measures are those taken for the implementation of other EU Directives, e.g. the Habitats and Birds Directives, the Bathing waters Directive, the Environmental Impact Assessment Directive and the Nitrates Directive. The need to **recreate and restore wetlands** is listed among the possible (non-exhaustive) “supplementary measures” that member States can adopt as part of their program of measures. However, the Directive does not provide details on how wetlands should be used to achieve WFD objectives, nor a definition or the range of size of wetlands.

The European Commission and the member States adopted the Common Implementation Strategy (CIS) for the WFD, a Guidance Document in order to clarify underlying technical questions concerning the Directive. One of the publications of the CIS concerns wetland conservation under the WFD. This not-binding document remains the most detailed and up to date in EU level for common wetlands policy. It includes, for example, a description of wetlands that should be included in the WFD context¹¹.

Some of the most important obligations for wetlands under WFD are the:

- Obligation to achieve ecological status objectives for surface waters of wetlands that are identified by the member States as water bodies (Article 4.1(a) i, ii).
- Obligations to achieve good groundwater status (Article 4.1(b) i, ii).
- Obligations, as requested specifically under the Habitats (92/43/EEC) and Wild Birds (79/409/EEC) Directives, to take protective or restorative action in the management of wetlands that are included in the register of protected areas following Annex IV(v).

-Efficiency and Implementation of the WFD in national laws

EU countries implement the WFD, with contemporary measures being applied to water management at river basin level. For **France**, implementation of the WFD has been relatively easy because the national Water Law of 1992 adopted the same principles for water management as the European Directive did in 2000. Twelve river basin districts have been appointed in France, and Corsica is one of them. Each river basin adopts a Master Schemes for Water Management (SDAGE), a river basin management plan that include wetlands and whose content has evolved by the years to adapt to WFD regulations.

¹¹ European Commission and Directorate-General for the Environment, *Horizontal Guidance on the Role of Wetlands in the Water Framework Directive No 12*, 2012, pp. 3 and next.

Italy has eight river basin districts, Sicily and Sardinia each comprising one district. All eight River Basin Management Plans (RBMP) have been adopted in 2010, after two infringement procedures started by the European Commission before the ECJ¹². Although the existing Italian legislative framework is in line with the WFD requirements, a complete transposition is yet to take place¹³. Water management is achieved in collaboration between the central government (Ministry of environment) and local governments (Regions). The Ministry of the Environment is responsible for securing investments for water-related programs. Regional governments bear the responsibility to implement regional water management legislation, monitor water resources and draw up resource inventories.

Further results on water quality depend on appropriate funding. The EU provides a number of funds for wetland conservation projects, located both within and outside the Union. The Commission's financial instrument for the environment, LIFE, has been contributing to a large number of projects supporting the conservation of wetland ecosystems within the Natura 2000 network.

Frame 10. Strategic Actions based on the WFD

- Participate in the Brussels' based working groups of each Directive to lobby for better protection of wetlands. Strategic Coordination Group for the Water Framework and Floods Directive (E00371).
- Check if all wetlands inventoried are included in the River basin management plan.
- Check if wetlands not included in the RBMP should have been, based on the WFD CIS Guidance Document.
- Inform the administration about identified gaps.

2. Nitrates Directive

The Nitrates Directive (91/676/EC) is an integral part of the WFD and aims to control pollution and improve water quality. The Directive helps protect wetlands by ensuring **prevention of grounds and surface waters from pollution** caused by nitrates from agricultural sources. The obligations of the member States consist of designating as **vulnerable zones** all those draining into waters which

¹² ECJ Case C-85/05, *Commission v. Italy* and C-85/07, *Commission v. Italy*.

¹³ Mariachiara Alberton and Francesco Palermo, *Environmental Protection in Multi-Layered Systems: Comparative Lessons from the Water Sector* (Martinus Nijhoff Publishers, 2012), p. 395.

are or could be affected by high nitrate levels and eutrophication. The designation is reviewed every four years. Furthermore, member States must establish mandatory action programs for these areas, which will be monitored and reported to the EC. Training and information to farmers are also part of States obligations.

According to an EC investigation, the number of vulnerable areas designated by **France** is not in compliance with the requirements of the Directive, nor were the measures thus far taken. This led the EC to start in 2012 an infringement procedure against France for breaching EU law¹⁴. As a response, France included an extra 3,888 municipalities (“communes”) in vulnerable zones during the 2015 zones review. The Hyeres Archipelago has been included in the vulnerable areas with the latest assessment of vulnerable areas to nitrate pollution¹⁵. Corsica does not have any assigned vulnerable zones. Assessment of vulnerable zones in Corsica could be a strategic objective for the next review.

Frame 11. Strategic Actions based on Nitrates Directive

- Directive applicable to wetlands impacted by agriculture.
- Based on the inventory results, identify zones that can be assigned as vulnerable zone under the Directive.
- Suggest to the administration the creation of new vulnerable zones before the review process every four years.

3. The Urban Waste Treatment Directive

The Directive 91/271/EEC concerns the collection, treatment and discharge of urban wastewater. It requires the designation of “sensitive areas” and “less sensitive areas” in order to propose proportionally appropriate treatment measures. Sensitive areas are designed in urban settlements with populations over 10,000 and receive more sophisticated treatment in comparison with less sensitive areas (urban settlements with no more than 2,000 inhabitants).

Some kinds of wetlands are included among the criteria set up by the Directive for designation of sensitive areas. These are: “natural freshwater lakes, other freshwater bodies, estuaries and

¹⁴ For more info, s. the explanatory press release: http://europa.eu/rapid/press-release_IP-12-170_en.htm?locale=en

¹⁵ The map of PACA's region vulnerable areas <http://www.rhone-mediterranee.eaufrance.fr/docs/ZVulnerables/revision5/contentieux/20160113-FIG-zv2007et2015-v01.pdf> and the map of France's vulnerable areas https://www.actu-environnement.com/images/illustrations/news/22355_encart_zoom.jpg

coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken”. **Sensitive areas are reviewed every four years.**

The protection of “lakes, lagoons and wetlands” has been identified by **Italy** as an objective for the implementation of the Directive 91/271/EEC.

Frame 12. Strategic Actions based on Urban Waste Treatment Directive

- Directive applicable to wetlands in cities.
- Based on the inventory results, identify zones that can be assigned as sensitive areas (wetlands in cities of more than 10.000 people) and less sensitive areas (wetlands in cities of no more than 2000 people).
- Suggest to the administration the creation of new sensitive areas before the review process every four years.

Section 3. Strategic actions based on strategic non-binding documents and the Court of Justice of the EU

In the first part of this section, we are explaining how can an NGO participate to the elaboration of strategic EU documents and why it is interesting to do so (**A**). In the second part, we are talking about litigation options of an NGO (**B**).

A. Protecting wetlands through actions based on strategic EU documents

Strategic Axis: Participate to the elaboration and evolution of EU policies for wetlands

Other than regulations, EU influences wetlands conservation through its policies. The relevant policy for wetlands derives from the EU Strategy for Biodiversity that supports the Habitats and Birds Directives. NGOs, and specially those with an antenna in Brussels, can consider participating in the evolution and even elaboration of this strategy though participation at official an un-official fora. Even if EU policies are not binding for member States, they offer fora for discussion between various stakeholders and can even lead to the adoption of laws.

Frame 13. Why participate in the elaboration of non-binding EU documents?

- The forums of discussion of these documents offer opportunities for lobbying and NGOs are usually welcome to participate.
- EU strategies are more open than hard laws, meaning that they suggest more protective measures than Directives. They are usually declined in national strategies and influence the public policies, thus law interpretation and practice of protection.
- EU strategies are used for directing funding: if your actions are in the EU strategies, you have more changes to access funding.

The EU Strategy for Biodiversity 2012-2010

The EU strategy for Biodiversity sets goals to achieve protection and improvement of the state of biodiversity in Europe for a period of ten years. The last strategy, adopted in 2011, is called “Our life insurance, our natural capital: an EU biodiversity strategy to 2020” and it identifies six targets covering the main factors for biodiversity loss¹⁶. The Strategy follows up from the Communications on a “Biodiversity Action Plan for the Conservation of Natural Resources”, adopted by the Council and the European Parliament in 2001¹⁷ and a Communication from the Commission for “Halting the loss of biodiversity by 2010 - and beyond”¹⁸. These documents set-up the objectives for EU policy on biodiversity and accompany the Habitats and Birds Directive. The 2006 Communication was explicitly referring to **wetlands and islands** as being part of ecosystems that are suffering biodiversity loss.

Frame 14. Strategic Actions linked with the EU Strategy for biodiversity

- Participation is possible during reviewing process or during the discussions for the adoption of new documents.
- Read the Biodiversity Strategy and identify how can the EU serve best island wetlands conservation, formulate specific proposal based on your field experience.
- Lobby to get island wetlands conservation objectives to the next strategy for Biodiversity that is being discussed now.
- Contact NGOs and Parliament members that are active in the relevant european fora and talk about the importance of adopting objectives for island ecosystems and wetlands for the next strategy.
- Follow IUCN's work on EU Biodiversity Strategy and participate to the European Habitats forum (<https://www.iucn.org/regions/europe/our-work/eu-biodiversity-policy/european-habitats-forum>).

¹⁶ COM/2011/0244 final: Our life insurance, our natural capital: an EU biodiversity strategy to 2020.

¹⁷ COM/2001/0162 final: Biodiversity Action Plan for the Conservation of Natural Resources.

¹⁸ COM/2006/0216 final: Halting the loss of Biodiversity by 2010 – and beyond – sustaining ecosystem services for human well-being.

B. Protecting wetlands through EU litigation

Strategic Axis: Start litigation process in case of EU law breaching

Litigation is the way to protect wetlands when the administration is not collaborating and breaches EU law. The basic requirements in order to start litigation before the Court of Justice of the EU (CJUE) are the following:

- Identify breaching of EU law from national authorities (for example Habitats Directive)
- Exhaust domestic remedies (judicial or extra-judicial) (For more info on this point, see national strategies)
- Submit a complain to the European Commission (online, at https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/)

What to expect?

The European Commission assesses the complaints and decides whether to initiate the formal infringement procedure against the EU country in question. Before bringing the case before the Court, the Commission conducts a preliminary procedure in which the Member State concerned is given the opportunity to reply to the complaints addressed to it. If that procedure does not result in the member State terminating the failure, an action for infringement of EU law may be brought before the Court of Justice. The CJUE determines whether a member State has fulfilled its obligations under EU law with a procedure called “actions for failure to fulfill obligations”, and can impose financial penalties.

Summary of Actions: Introduction and Chapter 1

General Strategic Axes

Axis 1. Include Island Wetlands in all relevant legislation, whether it concerns water resources, habitat conservation or islands

Actions: Participate in the national law updating processes to lobby for the inclusion of island wetlands conservation.

Axis 2. Identify gaps in the legal protection of wetlands based on the definition of wetlands you country uses.

Action: Identify if the national definition of wetlands limits their protection.

Strategic Axes at the International level

Axis 1. Create Synergies Between Ramsar Convention and other International Conventions

CBD Actions:

- Inform the CBD FP about MedIsWet project and methodology, it can be added to national report.
- Promote the adoption of a Decision on Island Wetlands in the next CBD COP.

AEWA Actions:

- During inventorying, report identified habitats of birds protected by the CMS Annexes.
- Inform the FP and administration about wetlands that are habitats for birds protected by the CMS Annexes.
- Inform the FP for MedIsWet project and inventory, it can be included in their NR, due every 2 years before the MOP.

UNESCO World Heritage Actions:

- During inventorying, report on sites that could be designed as natural heritage under the Convention.

Barcelona Convention Actions:

- While inventorying, choose wetlands that satisfy the SPA criteria and inform the FPs.
- Participate in the ICZM strategy elaboration of your country and stress the importance of including protection of wetlands.
- Communicate the inventory results to the ICZM FPs, showing the coastal wetlands that are being excluded by spatial plans.

Bern Convention Actions:

- During inventorying, note protected species under the Convention.
- Report if notice any illegal activity that jeopardizes the protected species.

Axis 2. Get involved in the Ramsar Convention**Participation during COP Actions:**

- Get in touch with the national FP: explain your work
- Read the documents to be adopted, choose the ones relevant to your work and think how can you contribute to the implementation
- Suggest changes to draft Resolutions
- Built network, create links with people that you can work with
- Organize side-events to get visibility and explain your work
- Meet with funders, ask for eligibility criteria for new projects

Between COPs Action:

- Inform FP about news and evolution of your work
- Get involved with National Ramsar Wetlands Committees
- Inform MedWet Initiative on your work
- Participate in the World Wetlands Day/ Communicate
- Propose to the FP write part of the Triennial National Report
- Check your eligibility to integrate the CEPA/STRP

Summary of Actions: Chapter 2

Axis 1. Use EU objectives to access funding

- Connect Wetland Conservation to Island Policy when asking EU funding.
- Get in touch with the State agency responsible for management of Structural and Investment funds to explore eligibility for projects on island wetlands.
- Mention article 174§3 when asking EU funding for island wetlands.

Axis 2. Notify EU law gaps for wetlands protection in your country

Habitats and Birds Directive Actions:

- Check whether the vulnerable habitats and birds present in wetlands are included in the Annexes of the two Directives.
- Inform the ministry's contact for the two Directives about gaps in protected species as observed in the field.
- Participate in the Brussels-based thematic working group (“Co-ordination Group for Biodiversity and Nature”, E02210) to inform about these gaps or contact the NGOs and/or national authorities participating in the group.
- Suggest to the competent ministry the adoption of national or local measures for the protection of the identified species.
- Complain to the Commission when you notice cases of infringement of the Directives.

WFD Actions:

- Participate in the Brussels' based working groups of each Directive to lobby for better protection of wetlands. Strategic Coordination Group for the Water Framework and Floods Directive (E00371).
- Check if all wetlands inventoried are included in the River basin management plan.
- Check if wetlands not included in the RBMP should have been, based on the WFD CIS Guidance Document.
- Inform the administration about identified gaps.

Nitrates Directive Actions:

- Based on the inventory results, identify zones that can be assigned as vulnerable zone under the Directive.
- Suggest to the administration the creation of new vulnerable zones before the review process every four years.

Urban Waste Treatment Directive Actions

- Based on the inventory results, identify zones that can be assigned as sensitive areas (wetlands in cities of more than 10.000 people) and less sensitive areas (wetlands in cities of no more than 2000 people).
- Suggest to the administration the creation of new sensitive areas before the review process every four years.

Axis 3. Participate to the elaboration and evolution of EU policies for wetlands

EU Strategy for biodiversity Actions:

- Participation is possible during reviewing process or during the discussions for the adoption of new documents.
- Read the Biodiversity Strategy and identify how can the EU serve best island wetlands conservation, formulate specific proposal based on your field experience.
- Lobby to get island wetlands conservation objectives to the next strategy for Biodiversity that is being discussed now.
- Contact NGOs and Parliament members that are active in the relevant european fora and talk about the importance of adopting objectives for island ecosystems and wetlands for the next strategy.
- Follow IUCN's work on EU Biodiversity Strategy and participate to the European Habitats forum (<https://www.iucn.org/regions/europe/our-work/eu-biodiversity-policy/european-habitats-forum>).

Actions for the adoption of a Green Paper or White Paper on island wetlands conservation:

- Contact all relevant EU institutions and Brussels-based environmental NGOs to initiate the idea of a **Green Paper on Island Wetlands conservation** or a **White Paper on Islands Conservation**.
- Organize workshop with relevant EU institutions: Parliaments Intergroup on Coastal Zone and Islands, CRPM Islands Commission, Working Group on Habitats and Birds Directive, Working Group on WFD, etc.

Axis 4. Start litigation process in case of EU law breaching

Start litigation Actions:

- Identify breaching of EU law from national authorities
- Exhaust domestic remedies
- Submit a complain to the European Commission