

## The implementation of area protection provisions from European environmental directives in the Member States

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### Abstract

Several European environmental directives contain the obligation to designate areas. In this article four directives on area protection are discussed. The exact procedure for the designation of areas differs, but case law shows that this instrument is very likely to cause problems. The European Commission, the Member States and the European Court of Justice each have their own interpretation of the obligation. The Member States resort to a margin of discretion in designating areas or try to limit the scope of the directive to allow a balance of ecological versus other interests. The Commission and the ECJ focus on the goal of the directives, which is environmental protection. They usually come to a stricter interpretation of the directives with less freedom for the Member States.

### Keywords

European environmental law; directives; implementation; area protection

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