

New Natura 2000 sites in the CADSES area

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Introduction

With the aim to link the project results with the administration at national and CADSES level, it is a crucial point to address the CADSES issues on territorial integrity and on the development of a European space of environment conservation. The cooperation with the New Member States (NMS) partners is fundamental to join the aim. For this reason, it was sent a list of questions, papers and subjects to be discussed with the NMS partners, to analyse the study sites in their Countries according to the Natura 2000 Directives; to develop some of the deliverables of WP2 dealing with transitional water conservation, namely, the proposal of new Natura 2000 sites and the analysis of the procedures for the protected sites considered in the project in order to guide the Parties in the submission of proposals for candidate areas.

A brief normative excursus was mentioned to explain the major contents of each legal instrument, beside a drawn political frame of each concerned country.

Institutional organization of the protected areas of NMS

According to the present framework, first of all it was supposed to draw up, with the cooperation of NMS partners, an overview of the institutional organization of the protected areas in their Countries.

Therefore it has been prepared a questionnaire that is focused on the following 2 questions.

Question 1: How is organized the protected areas policy in your country?

Question 2: Implementation of this policy: could you fill in the table below?

<i>Designation (original and English name)</i>	<i>Creation and role</i>	<i>Statutory framework / Legal texts</i>	<i>Administrative framework / Managers and staff / Functioning</i>	<i>Areas of expertise</i>
<i>Natura 2000 Marine Protected Areas International conventions</i>				

To help NMS to understand which kind of information was expected and in order to harmonise the answers, it was sent the "questionnaire IT" as an example of Italy. Secondly, it was asked to NMS the more following questions: (a) To check if the transitional ecosystems sites of their country, considered in the project TWReferenceNET, are listed in the Annexes of Natura 2000 Directives. If the answer was positive, it was asked to identify and indicate the proposals habitat, species and sites.

(b) To identify and indicate transitional waters' habitat, species and sites of their country that may be included in a proposal of modification and/or integration of the above legal instruments.

Since Bulgaria, Romania and Albania are in a different international position than these legal instruments, it was important to specify:

For Albania, as a "Potential Candidate Country" of the EU, firstly to compare habitat, species and sites listed in the above legal instruments with the protected transitional ecosystems and studied sites considered in the project TWReferenceNET; secondly to set a list of relevant habitat, species and sites to be proposed both in accordance with the current lists and in a possible revision of the Natura 2000 Directives as a new proposal;

For Bulgaria and Romania, as "Acceding Countries" of EU, firstly to compare habitat and species list in Natura 2000 Directives with habitat and species considered in the project TWReferenceNET; secondly to set a list of relevant habitat and species to be proposed both in accordance with the current lists and in a possible revision of the Natura 2000 Directives as a new proposal.

Environmental cooperation between the EU and its European neighbours

Bulgaria and Romania

We may remind that Bulgaria and Romania have applied to become members of the European Union (so called "Acceding Countries") on 1 January 2007 (the date of accession can be postponed of one year to 1 January 2008). The Treaty of Accession of Bulgaria and Romania was signed by the EU Member States and Bulgaria and Romania in Luxembourg on 25 April 2005. According to article 2, from the date of accession, the provisions of the Treaty establishing a Constitution for Europe (the EU Constitution) and to the Treaty establishing the European Atomic Energy Community (the EAEC Treaty) and the acts adopted by the European Institutions before accession shall be binding on Bulgaria and Romania and shall apply in those States under the conditions laid down in the Constitution, in the EAEC Treaty and in the Accession Protocol of the cited Treaty.

Environmental acquis

For candidate countries the transposition of the environmental acquis into the national legal order and its implementation are major tasks. The list of priority tasks include:

(a) Community framework legislation;

(b) measures relating to international conventions to which the Community is party;

(c) nature protection legislation (aimed at safeguarding bio-diversity).

In accordance with the above, it will be necessary for Romania and Bulgaria to adopt measures for environmental upgrading in line with the 'acquis', i.e. the transposition into the national law of both the Water Framework Directive (WFD) and of the 'Habitats Directive' and its implementation by the creation of 'Natura 2000', as the EU's most important legal tool for biodiversity conservation.

Bulgarian adoption of the community acquis on environmental policy

With regard to nature protection, good progress has been made in the protection of species covered by the CITES convention and the setting up of the Natura 2000 network. Bulgaria has adopted a law on protected areas² and a national strategy for biodiversity³. The law on biological diversity adopted in 2002 has transposed the acquis on birds and habitats. Administrative staff and non-governmental organisations have received training and been made aware of certain aspects of nature protection. With regard to water quality, water basin management authorities are now in place and staffing levels in this area have risen. In July 1999 Bulgaria adopted a Water Act⁴ in order to introduce the requirements of the Water Framework Directive into its national legislation. It entered into force in January 2000. The transposition of the Framework Directive on water is almost complete. Bulgaria ratified the Convention on the Protection of the Danube in March 1999. Legislation has been adopted with regard to drinking water, bathing water, groundwater and river-basin water. The Directives on urban waste water, drinking water, bathing water and the quality of surface water for drinking purposes have been transposed. In addition, vulnerable zones have been identified⁵.

Romania - adoption of the community acquis on environmental policy

With regard to nature protection, the bulk of the acquis has been transposed⁶. Progress continues to be registered with regard to the preparation of the Natura 2000 network, and in the transposition of legal acts in this field⁷. Sites of Community interest and special protection areas are being identified. More efforts are required in relation to awareness raising and encouraging the participation of stakeholders in implementation. Administrative capacity needs to be enhanced.

In the field of water quality, the situation has improved, even if transposition of the water quality acquis remains to be completed, in particular discharges of dangerous substances into surface water. The water law was amended in order to align with the water framework Directive and legislation on drinking water. A methodology was developed for the designation of vulnerable zones that drain into waters affected by nitrate pollution⁸.

Albania

On the other hand, Albania is a so called "Potential Candidate Country" of the Western Balkans, which have the prospect of future membership of the European Union. Several texts and documents have been adopted containing the principles, priorities and conditions of European Partnership with Albania. The European Partnership indicates the main priority areas for Albania's preparations for further integration into the European Union, i.e. a list of short-term priorities, which are expected to be accomplished within one to two years, and medium-term priorities, which are expected to be accomplished within three to four years. The sectoral policy of environment is included both in the short-term and in the medium-term. Where legislative approximation is concerned, incorporation of the acquis into legislation is not in itself sufficient; it will also be necessary to prepare to its full implementation. The European Agenda identifies the following main priority objectives: strengthening environmental management capacities at national and local levels, developing the necessary legal framework (taking into account the acquis requirements), ensuring the integration of environmental considerations into sector policies and programmes, improving the environmental situation in identified "hot" areas, promoting environmental awareness, and integrating the sustainable development principle in the use of natural resources. In the programmes to be implemented these are actions to support implementation of the Government's Biodiversity Strategy and Action Plan (BSAP).

Relevant Legal Instruments

Directive 92/43/EC, Directive 79/409/EC and Natura 2000

Directive 92/43/EC of 21 May 1992 on Conservation of Natural Habitats and of Wild Fauna and Flora (the "Habitats Directive") is a Community legislative instrument in the field of nature conservation that establishes a common framework for the conservation of wild animal and plant species and natural habitats of Community importance; it provides, with Directive 79/409/EC of 2 April 1979 on the Conservation of Wild Birds (the "Birds Directive"), for the creation of a network of special areas of conservation, called Natura 2000, to "maintain and restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest". The Habitats Committee adopted on 14 March 2002 the new version of the Interpretation Manual of European Union Habitats - EUR25 April 2003, a scientific reference document that includes descriptions of new habitats and amendments to some existing habitats resulting from the expected addition of 10 new Member states in May 2004⁹. In the wake of the enlargement of the European Union, most changes have concerned the Annexes of the directives. In the first place new typical and endangered species and habitats in the new member states have been included into the annexes with a limited number of geographic exceptions granted. These changes, which were proposed by the Acceding Countries, were technically evaluated by the European Topic Centre on Nature Protection and Biodiversity and discussed between the Acceding Countries, existing Member States and the European Commission between 1999 and 2003. The final product has formed part of the environment chapter of the Treaty of Accession to the European Union 2003, which was signed in Athens on 16 April 2003.

Water Framework Directive (WFD)

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, establish a framework for the Community action in the field of water policy (the EU Water Framework Directive - WFD). The Directive should provide a framework for action and coordinate, integrate and further develop the overall principles and structures for protection and sustainable use of water in the Community in accordance with the principles of subsidiarity. The Directive aims to improve the protection of Community waters in terms of quantity and quality, to promote sustainable water use, to contribute to the control of transboundary water problems, to protect aquatic ecosystems, and terrestrial ecosystems and wetlands directly depending on them, and to safeguard and develop the potential uses of Community waters. In other words, its purpose is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.

The transitional waters are defined as "bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". Each Member State is to identify the location and boundaries, by the others, of bodies of surface water-transitional waters and to carry out an initial characterisation of all such bodies in accordance with the set methodology. It is important to monitor the performance of the States as regards the legal transposition and the implementation elements of the Water Framework Directive 2000/60/EC (WFD) which have deadlines during 2004 and 2005. Bulgaria and Romania have submitted an Article 5 report on a voluntary basis.

Convention on Biological Diversity (CBD)

It is important to remind that the before mentioned countries are also part of the Convention on Biological Diversity. Treaty commitments include: identifying and monitoring the important components of biological diversity that need to be conserved and used sustainably; establishing protected areas to conserve biological diversity while promoting environmentally sound development around these areas; rehabilitating and restoring degraded

ecosystems and promoting the recovery of threatened species in collaboration with local residents. Therefore, in these EU acceding or potential candidate countries, the CBD has provided for the otherwise general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures.

The Convention on Biological Diversity in Bulgaria¹⁰

Party to:	Convention	Cartagena Protocol
Since:	17 April 1996 (by Ratification)	11 September 2003 (by Ratification)
Signature Date:	12 June 1992	24 May 2000

Bulgaria is one of the European countries richer in biodiversity. Despite the considerable difficulties and challenges in a period of transition to a market economy, the concern for biodiversity conservation is a fact. It has been confirmed both by national legislation and by Bulgaria's accession to the international acts and initiatives in this field. According to the Bulgarian Constitution, adopted in 1991, «The Republic of Bulgaria shall ensure the protection and reproduction of the environment, the maintenance and diversity of living Nature and the sustainable use of the country's natural and other resources» (Article 15)». The most important recent goal of the Republic of Bulgaria is to join the structures of the EU. "Environment" is one of the most important chapters in which the starting of negotiations between the EU and Bulgaria was planned. The normative, activities and other requirements connected to the protection of separate components of the environment – air, water, soil, mineral resources, plants and animals – as well as the protection of the nature as a complex of its components, and especially the Biodiversity protection, were specified within the frames of the "Environment" direction. Bulgaria has signed numerous international conventions that are wholly or partially connected to biodiversity protection. In particular, Bulgaria is a signatory of the following global or pan-European conventions:

- *Biodiversity Convention;*
- *Convention on the Conservation of the Wild European Flora and Fauna and Natural Habitats (Bern);*
- *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);*
- *Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat;*
- *Convention for the Conservation of marine live resources of the Antarctic (ANTCOM);*
- *Convention on the Conservation of the World and Cultural Heritage;*
- *European Convention on Landscape Protection;*
- *UN Convention on Overcome of the Transformation into Deserts of Countries suffering Sever Droughts and/or Transformation into Deserts, and Especially Africa.*

And of the following regional conventions related to biodiversity conservation:

- *Convention of 1958 on Fishing in the Danube;*
- *Convention of 1959 on Fishing in the Black Sea;*
- *Convention on the Protection of the Black Sea against Pollution.*

The establishment of a transboundary protected area with Romania – along Danube lower basin - is at the stage of preliminary negotiations. According to the Constitution of the Republic, the signed and ratified international

contracts are to be kept as strictly as the national laws themselves. Since the statements in these conventions to great extent are general, a national law is required to adapt them to the local conditions. The Biodiversity Act is the means to coordinate the Bulgarian legislation to the European directives and international conventions in the field of biodiversity protection. The main tool to reach the aims of the Biodiversity Act is the establishment of a National Ecological Network of protected areas and protected zones to save the biological diversity in the country. According to the Protected Areas Act, 1998, as protected areas are treated as the national and nature parks, reserves and managed reserves, protected sites and nature monuments. Protected zones are the adopted equivalent in Bulgaria for the well known in Europe Areas of Special Conservation Interests (ASCIs) and the Special Areas for Conservation (SACs). The protected zones may include protected areas – the latter will form the cores (central parts) of the former. The totality of all protected zones in the country is a part of the National Ecological Network and will represent the national part of the European Ecological Network EMERALD (Emerald Network) and the national part of the NATURA 2000 Network when the country will join the EC in 2007. The criteria for selection of protected areas to be included in the ecological networks, the procedure of announcement, the management and support of the zones are presented in the Biodiversity Act.

The Convention on Biological Diversity in Romania

Party to:	Convention	Cartagena Protocol
Since:	17 August 1994 (by Ratification)	28 September 2003 (by Ratification)
Signature Date:	5 June 1992	11 October 2000

In Romania, the environmental protection is pursued mainly by the National Environment Action Plan (NEAP) and the (revised) National Strategy and Action Plan For the Biological Diversity Conservation and Sustainable use of its Components in Romania (NBSAP), with a view to the integration into EU. Biological diversity is considered in the National Strategy for Sustainable Development. The Law no.137/1995 on Environmental Protection provides a section concerning the regime of protected areas and nature monuments where it is stipulated the maintenance and development of the National Network of protected areas and nature monuments. The Law no.5/2000 on Land-Use Planning, nominates 844 Natural Protected Areas (IUCN categories), from which 17 are Biosphere Reserves, National or Natural Parks, covering 5,8% of Romanian territory. Ordinance 236/2000 regarding protected natural areas system, conservation of natural habitats and wild fauna and flora provides guidelines for the selection, establishment and management of protected areas. Romania plans the extension of the national system of protected areas in order to cover more properly the range of Romanian habitats, like in the coastal and marine zones and steppe region.

The Convention on Biological Diversity in Albania

Party to:	Convention	Cartagena Protocol
Since:	5 January 1994 (by Accession)	9 May 2005 (by Accession)
Signature Date:	Not signed	Not signed

In Albania, the high diversity of ecosystems and habitats (marine and coastal ecosystems, wetlands, river deltas, sand dunes, lakes, rivers, Mediterranean shrubs, broadleaf, conifers and mixed forests, alpine and subalpine pastures and meadows, especially high mountain ecosystems) offers a rich species variety of plants and animals. In 1998, the Albanian charged the National Environmental Agency (the former Committee for Environmental Protection) to prepare the Biodiversity Strategy and Action Plan (BSAP) as a step towards

wetlands, river deltas, sand dunes, lakes, implementing the Convention. Albania has been, and continues to be, a participant in European and regional initiatives related with the CBD, especially in the PAN-European Strategy Biological and Landscape Diversity (PESBLD). In the framework of implementing the biodiversity strategy, every year since 2000, the Ministry of Environment (former National Environment Agency) monitors the flora of Adriatic Coast and the fauna of some coastal lagoons. Most of these areas are protected areas. On this field, it is important to mention law No. 8906, date 6.06.2002, on protected areas.

Proposals of new Natura 2000 sites

As previously stated, the present paper is focused in a particular aspect that may be applicable to Albania, Bulgaria and Romania as well: the application of Council Directive 92/43/EC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive') and the Council Directive 79/409/EC on the Conservation of Wild Birds (the 'Birds Directive'), which provide for the institution of sites Nature 2000, and the proposal of new sites dealing with transitional water conservation. These countries hold nature values that currently do not occur at all in the European Union, and this is why the Birds and the Habitats Directives had to be adapted to cover these unique assets of the future new Member States. In accordance with above, the application of such Directives shall be binding:

On Bulgaria and Romania, as they become members of the European Union, on 1 January 2007 (or, eventually, on 1 January 2008);

On Albania, as it becomes member of the European Union, and until then having as a priority objective the development of the necessary legal framework (taking into account the *acquis* requirements), also setting the requirements of Nature 2000.

The future transitional ecosystems and component of the Natura 2000 network has to be part of a coherent European ecological network composed of sites hosting, in relation with the Habitats Directive (i) the natural habitat types listed in Annex I and (ii) the habitats for the species listed in Annex II, plus proposed modifications to the Annexes of the Habitats and Birds Directives. That shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range. The Natura 2000 network shall also include Special Protection Areas classified pursuant to the Birds Directive 79/409/EEC. They will be the most suitable territories in number and size for the conservation of birds listed in annex I of Birds directive and migratory birds, taking into account their protection requirements. It is important to remind that one of the obligatory requirements for the EU accession countries is to submit a list to the European Commission, containing sites of European importance for habitats' and species' conservation on the territory of the country, proposed as areas under the scope of NATURA 2000. The final selection of NATURA 2000 sites follows an established method, where a national consensus is being reached on areas of high importance to be protected under the Directive. The list of proposed areas in compliance with NATURA 2000 should be composed filling the standardised NATURA 2000 forms and setting the maps using GIS, describing the area's biodiversity. Based on the already existing achievements in the area of biodiversity, over 200 potential NATURA 2000 sites were identified in Bulgaria. It is furthermore planned to produce a "Manual of NATURA 2000 habitats occurring in Bulgaria" to provide everyone working in this area with a useful reference book. Romania has enhanced some Life NATURE Projects, especially with the aim to develop integrated management plan for special areas.

Path to propose new Natura 2000 sites in the CADSES area

In this paragraph, we will indicate the steps required by the European normative to propose new Nature 2000 sites. First of all, it is important to remind that European Directives fix the agreed objectives to be pursued by the EU Member States, but leave the freedom of choice for the ways of obtaining them (maintaining an obligation to achieve the result)¹. How each Country puts the Directive into effect depends on their legal structure, and may vary. In other words, Bulgaria, Romania and Albania should transpose the Habitat and Birds Directives into national law, especially in order to indicate the competence to propose the list of sites (i.e. in Italy are the single Regions and Autonomous Provinces that transmit the SACs project to the Ministry of Environment and Territory, which transmit it to the European Commission); in order to indicate the competence to establish the necessary conservation measures and prepare management plans. To find how many sites a State shall designate, the Habitat Directive (Art. 3) states that each State contribute to the creation of Natura 2000 in proportion to the representation within its territory of the natural habitat types and the habitats of species.

On the basis of relevant scientific information and the criteria set out in Annex III of the Habitat Directive and of the "Interpretation Manual of European Union Habitats", each State shall propose a list of sites eligible for designation as special areas of conservation, indicating which natural habitat types in Annex I and/or which species in Annex II that are native to its territory the sites host². The list shall be transmitted together with information on each site. The information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III. The States also shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations. In the case of studied sites considered in the project not comprised in the above Annexes, the State should propose modifications and fill in the enclosed Annex "Summary of modifications to the Annexes of the habitats and birds directives".

The proposed modifications to the Annexes of the Habitats and Birds Directives would form part of the environment chapter of the Treaty of Accession to the European Union.

Currently, we are setting paper to propose new Nature 2000 sites in Romania, on the bases of information already setup. The concerned sites are Tălăbasca, with a surface of 187 ha, and Potcoava, with a surface of 39 ha.

1 The environmental acquis covers a wide range of measures, mostly in the form of directives. In broad terms EU environmental legislation covers environmental quality protection, polluting and other activities, production processes, procedures and procedural rights as well as products.

2 Protected Areas Act, State Gazette No. 133/11.11.1998. Amended, SG No. 98/1999 (effective 12.11.1999); amended and supplemented, SG No. 48/2000; supplemented, SG No. 78/2000; amended, SG No. 23/2002; amended and supplemented, SG No. 77/2002; amended, SG No. 91/2002 (effective 1.01.2003).

3 Law on Biological Diversity, State Gazette No. 77/9.08.2002.

4 Bulgarian Water Law, adopted by the Parliament in 1999; Water Bulgarian Environmental Protection Law, 2002.

5 For more information, consult: <http://europa.eu.int/scadplus/leg/en/lvb/e15101.htm>

6 Compare Lege nr. 310 din 28 iunie 2004 pentru modificarea si completarea Legii apelor nr.107/1996, publicat in M.Of. nr. 584, 6.30.2004. Available at: <http://domino2.kappa.ro/mj/lex2002.nsf/Emitent/C2256B3D0046D5C8C2256EC8001D4EE8?OpenDocument>

7 See National Environmental Action Plan (PNAM), 2000.

8 For more information, consult <http://europa.eu.int/scadplus/leg/en/lvb/e15108.htm>

9 Natura 2000 Software Package is available at: http://biodiversity.eionet.eu.int/activities/Natura_2000/N2000_software

10 Convention on Biological Diversity - ratified on 29.02.1996, in force for the Republic of Bulgaria since 16.07.1996 (State Gazette No 19/1999).

11 Directive 92/43/EC of 21 May 1992 on Conservation of Natural Habitats and of Wild Fauna and Flora; OJ L 206/7, 22.07.1992. Available at: <http://europa.eu.int/comm/environment/nature/habdir.htm>

12 Natura 2000 has two central components: the Habitats Directive and the Birds Directive. Directive 79/409/EC of 2 April 1979 on the Conservation of Wild Birds; OJ L 103, 25.04.1979, is available at: <http://europa.eu.int/comm/environment/nature/legis.htm>

13 Art. 249 ex.189 TEU: "A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods".

14 The NATURA 2000 standard data form is available at: http://europa.eu.int/comm/environment/nature/nature_conservation/natura_2000_network/standard_data_forms/index_en.htm
More information is available at: <http://europa.eu.int/comm/environment/nature/home.htm>