

DESIGNING THE *NATURA 2000* NETWORK IN POLAND

The Network of *NATURA 2000* established in all EU member states is expected to play a key role in preserving biodiversity. It aims to permanently preserve the existence of certain habitat types and habitats of species important for preservation of biodiversity. The rules for selecting areas to be covered by *NATURA 2000* were defined in two EU Directives, since the network includes:

- special protection areas [SPAs] selected on the basis of Council Directive 79/409/ EEC, also referred to as *the bird Directive*, designed to grant protection to bird species listed in Annex 1 to the Directive;
- Special Areas for Conservation [SACs] selected on the basis of Council Directive 92/43/EEC, also referred to as *the habitat Directive*, designed to grant protection to natural habitats listed in Annex 1, and plant and animal species listed in Annex 2 to the Directive.

The audit carried out in 2003 by the Supreme Chamber of Control [the SCC or, in Polish - NIK] disclosed many irregularities dating back to the time of network design and selection of areas proposed to be included. Some of those irregularities will be discussed here at length.

- 1. The process of developing proposals of areas to be covered by *NATURA 2000* was chaotic and time-consuming, which made it costly. Supervision by the Ministry of Environment of performance of tasks related to the *NATURA 2000* Network implementation was insufficient, actions were taken without due coordination, the concept was lacking along with a clear position from the Ministry regarding the total surface acceptable for Poland in the light of natural resources and conditions of organization and economy.**

The work on *Natura 2000* network was start 5 years ago. Already in 2001, under preparations for *NATURA 2000* Network implementation an initial design was developed. It used Standard Data-Collecting Forms [SDF], defined in the EC decision from 18 December 1996 [nr 97/266/WE], concerning layout of information for the network and proposed areas. The list of areas covered was developed on the basis of the existing databases containing physical data, such as CORINE, BIOTOPES and CORINE Land Cover, and included 180 SPAs selected on the basis of *the bird Directive*, and 180 SACs selected on the basis of **the habitats Directive**. The total surface of areas amounted to 4.182 thousand hectare, which stands for 13.4% of Poland's surface.

Next the Ministry of Environment commissioned development of the paper titled *“Implementing the concept of Natura 2000 Network in 2001- 2003”*, which was aimed at reviewing the first design. The paper was completed at the beginning of 2003, and resulted in increasing the number of areas proposed to 420, and the total surface to 6.564 thousand hectare (including the 5.624 thousand hectare of land), which amounted to 18% of Poland’s surface.

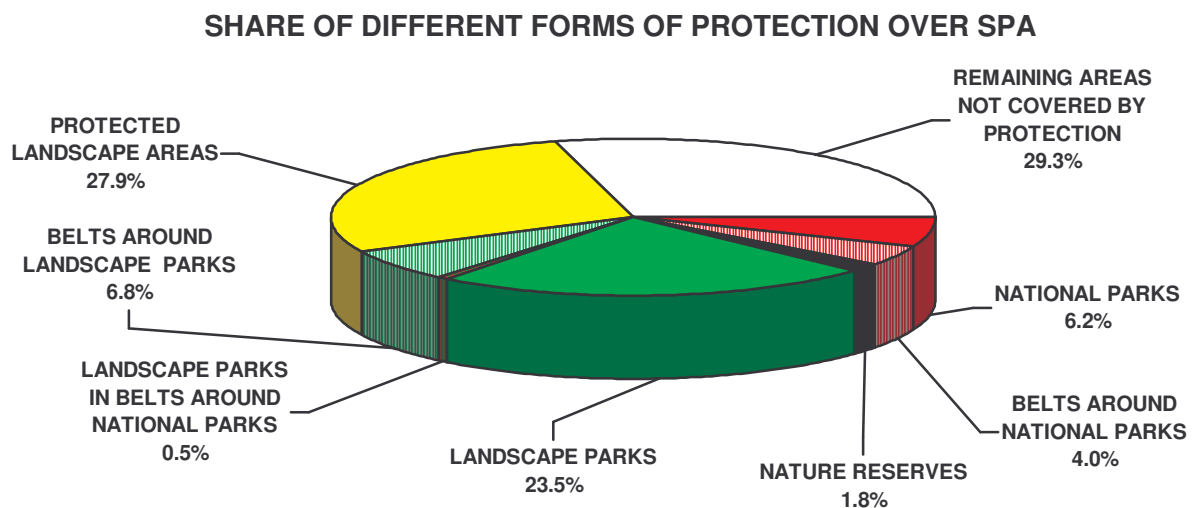
Not quite two months have elapsed of acceptance of the above mentioned paper by the Ministry of Environment, when, on 27 August, 2003, at a meeting held by the Council at the Minister of Environment, it was stated that (quote) “... the recent analysis of *NATURA 2000* Network areas has shown that many areas should be diminished ... and the reviewed *NATURA 2000* Network design should cover between 9% and 12% of Poland’s surface.”

In 2003 implementation of another project, this time in twinning arrangement with France, was initiated. It was titled *“Implementing the Ecological Network of NATURA 2000 in Poland”*, and aimed, among others, at further reviewing network-covered areas. **Taking into consideration the fact that subsequent reviews had tangible financial implications, those steps were assessed as unfair and uneconomical.**

2. There occurred shortage of up-dated information on natural advantages of certain selected areas. Under *NATURA 2000* review works, stock-taking of natural resources in those places, where it had not been done, had to be supplemented. In practice, as the audit disclosed, in majority of cases, the stock-taking was mainly based on materials collected in 1996 - 2002, which remained at the disposal of the voivodship¹ nature protection services, and to a tiny degree was it done in field. The assumption that the necessary stock-taking could be carried out by the voivodship services was unrealistic, since the task far exceeded financial resources at the disposal of the said services. In effect, in the Mazovian Voivodship, for example, in 5 out of 20 areas indicated on the basis of *the habitats Directive*, source data used as a basis for selection dated back to the 1980s, and in one case - to 1979.

¹ Polish for province

3. Full rules for managing the areas to be covered by the *NATURA 2000* Network were not determined; neither were mutual relations or priorities for action between areas under *NATURA 2000* and the National System of Protected Areas. As reported at the time when the audit was initiated, approx. 70% of proposed SPAs came under the NSPA [in Polish – KSOCh]. In this context prioritizing gained extra weight. The share of national forms of protection in the planned SPAs is shown in the diagram.



4. Financial and organizational potential for granting protection to areas covered by *NATURA 2000* was not defined, either. Having certain patches of land outside the existing NSPAs included into *NATURA 2000* led to increasing the total surface of protected areas. In the situational context marked by serious financial shortages, which were referred to in the discussion of audit findings, task performance in practice might come under a serious threat. The Pilot Program, completed by the Polish Ecological Club, shows that the cost of maintaining all natural advantages in the areas covered by *NATURA 2000* could turn out as high as 1500 PLN per hectare, which actually exceeds financial resources of the state.

5. Limits of areas planned to be covered by the network most often were not consulted with local-Government authorities, area users or managers. Limits of the SPA planned to be established in the area and close vicinity of the Warta River Mouth national park, for example, were never formally made known to the national park services. Failure to notify about the design excluded the possibility to present comments, also regarding the geographical range.

6. The problem of possible compensation for limited opportunities to use areas included into *NATURA 2000* remained unsolved.

The SCC audit of biodiversity protection was carried out in 2003, i.e., before the final proposals of areas for inclusion into *NATURA 2000* were developed. Owing to the fact that certain irregularities and gaps were disclosed, some improvement became possible still before the final proposal was presented to the EC.

In April 2004 a new Nature Protection Act came into life, with no less than 14 articles referring to the *NATURA 2000* Network areas. The SCC was actively involved in the legislative process. Among others, the mode of selecting areas for inclusion into the network was regulated, along with the rules for managing and administering the areas. Adopting certain clauses evoked a number of discussions and controversies. For example, the issue of having such areas agreed with local authorities. The Government's position was that communities should pronounce their opinions regarding proposed area limits. The Sejm (i.e., the lower Chamber of the Polish Parliament), amended the text towards making mutual agreement necessary. Only taking into account the position expressed by the Senate (i.e., the higher Chamber) to highlight the fact that agreement – seeking might foster justifications contrary to the interest of nature protection restored the clause which required opinion pronouncements.

Poland presented to the EC the proposals of network areas, selected on the basis of the adopted criteria, within the original deadline of 1 May, 2004. The list includes 72 SPAs with the total surface of 3,312.8 thousand ha (including 2,433.4 ha of land, amounting to 7.8% of Poland's surface) and 184 SACs with the total surface of 1171.6 thousand ha (amounting to 3.6% of Poland's surface). The limits of 33 SPAs and SACs fully overlap. In comparison to the concept developed in 2003, the number and size of areas was in the end diminished almost by one half.

The SCC did not seek confirmation that all the finally selected areas had up-dated information collected in the course of the recent stock-taking. I hope so; if not – the problem would crop up again at the stage when Poland becomes obliged to present detailed habitats and species monitoring reports referring to areas covered by *NATURA 2000*.

According to the adopted procedure, the SPAs become part of the *NATURA 2000* Network as soon as they have been selected and the EC has been notified. At the moment works on drafting the respective Instruction by the Minister for Environment on the selection continue.

For the SACs, having studied the presented proposal in agreement with Poland's Government, in 6 years' time the EC will decide on the final list of areas to be established by the formal Instruction.

For the moment it would be necessary to monitor protection means introduced in the SPAs. International cooperation in this field seems extremely important. The rules for running economic activity and granting protection in the said areas (and connecting ecological channels) should be similar. We believe that our input would consist in making supervising and auditing of administrative actions taken in these areas develop along the same lines, too.

Taking into account the SCC audit findings, scale of irregularities disclosed, and importance of biodiversity protection from the European perspective, we suggest for the functioning of protection in *NATURA 2000 Network* areas (especially those which remain economically active with all the ensuing difficulty and the need to develop special solutions and compromise) to become accepted as an excellent topic for a joint audit to be performed by the EUROSAT WGEA. Such issues as activity coordination, availability and up-dating of information on the state of biodiversity, legality and correctness of the decision-making process in the context of economic activity pursued, present problems in every country and are present across the European Community.