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Natura 2000 vs. management of Baltic's natural areas

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INTRODUCTION

At present, taking actions to protect nature is an unquestionable necessity. In our times, effective nature conservation is an indispensable component of sustainable development. Taking care to preserve biological diversity is a key element of the protection of our quality of life.

The European Union, in its Sustainable Development Strategy, assumes that conservation of natural resources and biodiversity is among EU's overriding strategic goals, required to effectively implement the basic tasks set in the Lisbon Strategy.

Poland fully identifies with that statement, which is reflected in her domestic strategic documents.

One of the operational objectives of the EU Sustainable Development Strategy is to halt biodiversity loss by 2010, and in particular to effectively protect the most important types of habitats as well as animal and plant species, and the basic tool for the implementation of that objective is the Natura 2000 network of sites.

CONCEPT OF THE EUROPEAN NATURA 2000 ECOLOGICAL NETWORK

The concept of a pan-European network of protected areas, and namely Natura 2000, designated to preserve the most valuable - in terms of natural assets - fragments of our continent, originated based on:

1. many animal and plant species being identified as threatened with extinction within the bounds of Europe, for example in 2002 nearly half (43%) of all bird species occurring in Europe were assessed as more or less threatened with rapid extinction within the bounds of our continent;
2. the observation that the main reason for species' extinction is the loss of their habitats, generally as a result of human activity (e.g. destruction of old-growth forests, wetland drainage, turning of rivers into straight channels, etc.), while effective protection of species consists first of all in the protection of their habitats – the places they occur and live in.

Natura 2000 is the basic form of site-based nature conservation in the European Community. The areas protected within the framework of the Natura 2000 network are sites of an especially numerous occurrence of the rarest, the most endangered species of animals and plants and habitats within the European Union. It is thus a system for the protection of nature in sites that are important from the viewpoint of the whole Community, and not just its individual Member States. That particular quality is one of the basic differences between Natura 2000 and other domestic forms of site-based forms of nature conservation.

The Natura 2000 sites should form a coherent network, which will allow to effectively protect endangered habitats of plant and animal species as well as natural habitats within the bounds of the whole European Union.

The animal species and natural habitat types deemed particularly important for the preservation of the European natural heritage are pointed out to as the so-called priority species and habitats. Their occurrence in a given area means a more restrictive approach to the potential for possible implementation of projects with a negative impact on nature.

FOUNDATIONS FOR THE ESTABLISHMENT OF THE NATURA 2000 NETWORK

The European Ecological Network Natura 2000 is a programme for protecting endangered biodiversity components of the European continent, put into practice since 1992, in a way that is coherent in terms of methodology and organisation, on the territories of all EU Member States.

The building of a common legal framework for nature conservation in the EU was commenced in 1979 by adopting the Council Directive 79/409/EEC of 2 April, 1979 on the conservation of wild birds (hereinafter referred to as: the **Birds Directive**), and then the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (hereinafter referred to as: the **Habitats Directive**).

Natura 2000 sites can be divided into:

- Special Protection Areas for birds (**SPAs**),
- Special Areas of Conservation for habitats (**SACs**),
- Areas of Community Importance (**ACI**).

THE PROCESS OF SETTING UP THE NATURA 2000 NETWORK IN POLAND

ACTIONS IMPLEMENTED BEFORE EU ACCESSION

Designation of Natura 2000 sites took place based on scientific archival data and the best knowledge of experts, in accordance with the criteria of the Birds and Habitats Directives, which were transposed to the act of 16 April, 2004 on nature conservation (Journal of Laws No. 92, item 880, with subsequent amendments) and to executive regulations, i.e.:

- regulation of the Minister of Environment of 21 July, 2004 on Natura 2000 special protection areas for birds (Journal of Laws No. 229, item 2313),
- regulation of the Minister of Environment of 16 May, 2005 on the types of natural habitats as well as plant and animal species that require protection in the form of designation of Natura 2000 sites (Journal of Laws No. 94, item 795).

The principle adopted was to design large-area Natura 2000 sites, while limiting their number as much as possible.

Within the framework of a project entitled “Putting into practice of the concept for the Natura 2000 network in Poland”, implemented in 2001-2003 under the scientific supervision of the Institute of Nature Conservation of the Polish Academy of Sciences and the Ornithology Department of the Polish Academy of Sciences, with the participation of representatives of regional units of public administration, local experts and non-governmental organisations, in March, 2000 a preliminary draft was created of a list of Natura 2000 sites – the so-called “**experts’ list**”. On that list, 141 proposed special protection areas for birds were put (15 % of Poland’s area, plus 3 marine refuges), as well as 279 proposed special areas of conservation for habitats (10.4% of Poland’s area), **in total: 420 sites (about 18% of Poland’s area, a portion of the sites overlap)**. The list in question was prepared based on expert knowledge (often archival), without conducting a detailed field reconnaissance.

Based on the experts’ list, a **draft governmental list of proposed Natura 2000 sites** was prepared in the Ministry of the Environment. In March 2004, the draft list underwent the

required opinion-pronouncing, public consultations and negotiations, as a result of which the number and area of the sites were reduced. The effect was a draft governmental list of Natura 2000 sites approved by the Council of Ministers, which was delivered in May 2004 to the European Commission.

Those lists contained:

- **72 special protection areas for birds (SPAs)**, which occupy **7.8%** of Poland's area; those sites were designated by way of a regulation of the Minister of Environment dated 21 July, 2004 on Natura 2000 special bird protection areas (Journal of Laws No. 229, item 2313),
- **184 proposed special areas of conservation for habitats (SACs)**, which occupy **3.7%** of Poland's area; those areas will be designated by way of a regulation following their acceptance by the European Commission.

In total, Polish Government proposed 256 Natura 2000 sites with an area of 2 910 155 ha (**9.3%** of Poland's terrestrial area). Over 62% of the area of Natura 2000 sites overlaps with other forms of nature protection, ones that already exist.

ACTIONS IMPLEMENTED FOLLOWING EU ACCESSION

After the Government of the Republic of Poland officially delivered its proposed areas for the European Ecological Network Natura 2000, in December 2004 a coalition of environmental non-governmental organizations sent to the European Commission a document entitled "Proposal for an optimal network of Natura 2000 areas in Poland - **Shadow List**". That document was recognized as a formal complaint and the European Commission informed the Polish Government about that in January 2005.

The Minister of Environment approached non-governmental organizations and the European Commission with a request to send him background materials which underlied the Shadow List's creation, with account taken of detailed locations of natural habitats and habitats of species protected as part of the Natura 2000 programme. In spite of some efforts made, the materials in question have not been received.

In line with the accepted procedure, any areas which have been officially proposed are discussed at biogeographical seminars (in the case of Poland: Alpine and continental ones). Poland took part in such biogeographical seminars, within the framework of which the European Commission carries out a formal assessment of the scope of protection of individual natural habitats and habitats of species, included in governmental proposals of sites for the network Natura 2000. That assessment suggested that it was necessary to supplement the network of sites in relation to 44 "Nature 2000" habitats and species in the Alpine region, as well as 143 "Nature 2000" habitats and species in the continental region.

As a result, on 4 April, 2006, and then on 28 June, 2006, the European Commission addressed to the Polish Government, pursuant to Art. 226 of the Treaty Establishing the European Community, a intervention in connection with violations related to the implementing of provisions of the Birds Directive and the Habitats Directive, its objections including e.g. insufficient designation of the Natura 2000 network of sites. A serious impediment in the discussion with the European Commission was the fact that the sites proposed so far to the network Natura 2000 were not designated based on nature-related

inventarisation (field surveys of natural assets), but the foundation was archival data and expert knowledge.

Bearing in mind the existing situation, a time schedule of works on the creation of the Natura 2000 sites network was developed, its basic foundation being relevant field surveys. The time schedule in question is being implemented in a consistent way.

TIME SCHEDULE OF FURTHER WORK ON THE CREATION OF THE NATURA 2000 SITES NETWORK IN POLAND:

	Natura 2000 sites	To be implemented by	To be delivered to the EC by
Special [Bird] Protection Areas			
1	Verification, designation and approval of the areas by the Council of Ministers	December 2006	January 2007
Special Areas of [Habitats] Conservation – Alpine region			
2	Supplementing of the areas	November 2006	March 2007
3	Conducting of studies on the species which are not sufficiently identified	September 2007	March 2008
Special Areas of [Habitats] Conservation – Continental region			
4	Supplementing of the areas - tranche I	August 2006	September 2006
5	Supplementing of the areas – tranche II	February 2007	March 2007
6	Biogeographical seminar for the continental region of Poland	May/June 2007	
7	Conducting of studies on the habitats and species which are not sufficiently identified	2007/2008	2008
8	Amendment of the act on nature conservation	December 2006	2007

Taking account of the results of the Alpine region biogeographical seminar, a supplementary inventarisation for the Alpine region was carried out, with an aim of designating additional sites and close the Nature 2000 network in that region. As a result of that inventarisation, in January 2006 the governmental list was extended to include 9 additional sites in the Alpine region.

Moreover, within the framework of an earmarked grant for 2006, a task was implemented under the title of: “Inventarisation of natural habitats and species in the aspect of Natura 2000 sites”. That task was implemented by Państwowe Gospodarstwo Leśne Lasy Państwowe (the state-owned “State Forests” Enterprise). As part of that task, inventarisation was made of natural habitats in 44 potential Natura 2000 Special Areas of Conservation of habitats, a portion of which was subsequently delivered to the European Commission as the Polish proposal for new Special Areas of Conservation of habitats.

On 19 July, 2006, General Director of the State Forests issued an order No. 31 on the establishment of a system for periodical, comprehensive inventarisation of species of plants, animals, other organisms and natural habitats which have indicators’ significance in the

assessment of the forest condition and when forecasting changes in forest ecosystems; based on that order, he then issued - on 25 July, 2006 – his decision No. 61 on the conducting in 2006-2007 of a comprehensive inventarisation of natural habitats and the habitats of wild fauna and flora, referred to in Council Directives: 92/43/EEC of 21 May, 1992 on the conservation of natural habitats and of wild fauna and flora and No. 97/62/EC of 27 October 1997 adapting to technical and scientific progress Directive 92/43/EEC, as well as on the supplementing of inventarisation of black stork, white-tailed eagle, lesser spotted eagle, eagle owl, crane, and black grouse. Decision No. 61 of the General Director of the State Forests started a comprehensive inventarisation of natural resources in the State Forests, the ending of which is planned for 2007.

As scheduled, in September 2006 the Government of the Republic of Poland delivered to the European Commission a list of 41 new proposed Special Areas of Conservation of habitats and an expansion of 7 sites communicated to the EC in 2004. That list, together with maps and standard data forms, was submitted to the European Commission as a supplement to the list.

In January 2007, in strict compliance with the above time-schedule, the Government of the Republic of Poland submitted to the European Commission 35 new Special Protection Areas for birds and an extension of 3 sites communicated in 2004.

The basis for the selection process was a list of 68 areas of importance for birds, formally obtained from the European Commission, as well as a motion to expand 6 Special Protection Areas for birds communicated in 2004. The proposal was verified with the use of results of a nature-related inventarisation, conducted in 2006 by the “State Forests” Enterprise, at the order of the Ministry of Environment; that inventarisation was related to selected bird species, considered indicators from the viewpoint of the Birds Directive.

Continuing implementation of tasks that ensue from the time schedule, in March 2007 the Government of the Republic of Poland sent to the European Commission 52 new proposed Special Areas of Conservation of habitats and an extension of 11 areas previously communicated to the European Commission.

In line with the time-schedule, the “State Forests” Enterprise prepared assumptions and methodology for conducting a horizontal inventarisation of natural habitats and habitats of species of Community importance, and at the order of the Ministry of Environment, nature-related inventarisation will be continued.

To sum up, the Government of the Republic of Poland communicated to the European Commission a total of:

- 107 Special Protection Areas for birds conservation (SPAs), which occupy about 11.8% of the national territory,
- 286 proposed Special Areas of Conservation of habitats (SACs), which occupy about 5.1 % of the national territory.

All in all, the list of areas communicated to the European Commission by the Government of the Republic of Poland is 393 , which accounts for about 13.5 % of the national territory.

List of communicated sites that include marine ecosystems

Ref. no.	Name of the site	Code	Area in ha
1.	Zatoka Pomorska (Pomeranian Bay)	PLB990003	309154.92
2.	Ławica Słupska (Słupska Bank)	PLC990001	80050.25
3.	Przybrzeżne wody Bałtyku (Baltic coastal waters)	PLB990002	194626.73
4.	Zatoka Pucka (Puck Bay)	PLB220005	62430.43
5.	Zalew Wiślany (Vistula Lagoon)	PLB280010	32224.12
5.	Ostoja na Zatoce Pomorskiej (Refuge on the Pomeranian Bay)	PLH990002	242553.15
6.	Ostoja Słowińska (Słowińska Refuge)	PLC220001	32150.54
7.	Zatoka Pucka i Półwysep Helski (Puck Bay and Hel Peninsula)	PLH220032	26750.53
8.	Zalew Wiślany i Mierzeja Wiślana (Vistula Lagoon and Vistula Spit)	PLH280007	40862.60

When presenting the above list of sites that include marine ecosystems it should be stated that when it comes to the implementation of the Birds Directive and the Habitats Directive, there are no legal differences in approach between those environments. The basic duty is to ensure a satisfactory conservation status for natural habitats and habitats of species of Community Importance in the terrestrial and marine environment. Member States are obliged to ensure in the same way that the process of designating Natura 2000 marine sites is based exclusively on scientific criteria.

CONSERVATION AND SUSTAINABLE DEVELOPMENT IN NATURA 2000 SITES

The fundamental conservation goal in Natura 2000 sites is to upkeep the beneficial (right) conservation status of the natural habitats and habitats of species for the protection of which a given site was established. The upkeep of the above-mentioned conservation status is implemented through a sustainable use of the natural resources of a given site.

The achieving of a beneficial conservation status of habitats and species is not possible without preserving the key structures and processes which are preconditions for the functioning of local ecosystems. It is those fundamental structures, processes and relationships that make up the notion of the so-called site integrity. That means that effective conservation of Natura 2000 sites, to achieve the planned goal, requires as a rule a comprehensive conservation of local ecosystems.

The basic tool for the integration of effective conservation of natural resources with the preservation of economic development of local communities is a management plan, drawn up for every Natura 2000 site. That particular plan (described in the Polish legislation as the conservation plan) is devised as a platform for reaching agreement among all local forces with

respect to the methods and forms of implementing the overriding and priority task, which is to upkeep the beneficial conservation status of species and habitats, while taking account of economic and social needs.

The competent organs of administration (with respect to terrestrial ecosystems – that is first of all the Voivode, and with respect to marine ecosystems – the **director of the maritime office**) are obliged to take all kinds of actions – both preventive and active – aimed to preserve, and if needed – also restore the beneficial conservation status of species and habitats. Within the framework of the existing system of managing the Natura 2000 network in Poland, supervision over the functioning of Natura 2000 sites – among other things, with respect to the issuance of recommendations and guidelines, and control of the implementation of what is included in conservation plans – is exercised by the minister competent for environmental issues.

On any land managed by the “State Forests” Enterprise located in Natura 2000 sites, tasks in the area of nature conservation are implemented single-handedly by local forest inspectors, in conformity with provisions of the Natura 2000 conservation plan, taken account of in the forest management plan. The state-owned “State Forests” Enterprise is an organisational unit which for many years now has been undertaking tasks aimed to restore forest habitats by carrying out of restructuring of forest stands whose composition of species does not fit the existing habitat conditions.

The basic tool for the assessment of the conservation status of natural habitats and habitats of species is the monitoring of nature.

One of the most common misunderstandings with respect to Natura 2000 sites is the widespread opinion that this kind of site-related protection blocks the potential for construction or infrastructural projects.

Establishment of a Natura 2000 site should in no way limit its local community’s activity or contribute to any losses by interest groups of a given area. Any Natura 2000 site has to combine the need for economic development of the area with the improvement of living conditions of the residents.

It should be stressed, however, that in Natura sites, projects with a considerable negative effect on the protected species and habitats should not be allowed. That means that projects whose implementation is neutral for the object of conservation can be carried out. Finally, there are specific circumstances (as described below) in which it is possible to grant consent for implementing a project which is obviously detrimental for the precious nature of some “Nature” site.

The key decision-making element is the procedure of environmental impact assessment, contained in Art. 6 of the Habitats Directive, which is properly reflected in domestic legal regulations.

IMPLEMENTATION OF PROJECTS THAT ARE DETRIMENTAL TO NATURA 2000 SITES.

In exceptional circumstances, organs of administration have the right to grant consent for implementing some project which has a considerable negative effect for the object of conservation within the framework of a Natura 2000 site.

That can happen when three conditions are met at the same time.

1. The project must be justified by an overriding public interest. That interest must be permanent in nature and concern e.g. important aspects of public security, local communities’ health conditions etc.

2. The lack of potential for alternative methods of achieving the project’s goals needs to be proven. It needs to be emphasized that higher costs cannot be an argument against

choosing alternative solutions that are safe for nature. It should be proven that the effect planned as a result of the investment project cannot be achieved differently than only through the implementation of that particular project, on that scale and in that particular place.

3. Consent of the European Commission must be obtained for the project's implementation if priority habitats or species can be found in the site.

The above-presented statements are contained in Art. 6 point 4 of the Habitats Directive and have the following wording: "If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected".

The Member State shall inform the Commission of the compensatory measures adopted.

BENEFITS ENSUING FROM THE NATURA 2000 NETWORK

Putting into practice of the new European ecological system Natura 2000 requires that a new perspective for looking at nature conservation issues should be adopted. A need thus arises to change public awareness so as to see Natura 2000 not just a source of restrictions and limitations, but tangible benefits as well.

Change in the way of management, which is sometimes necessary in order not to deteriorate the status of habitats or species for which a Natura 2000 site was established, should be perceived also as a source of financial benefits in the form e.g. of compensations for the restrictions introduced.

The belonging of a given site to the network of sites of priority importance for the preservation of biological diversity of the European Union is a sort of a label which informs, at home and abroad, of unique natural assets, around which development at the local level can be programmed. On the basis of natural assets one can build, as experience has shown, "green" business, mainly connected with tourist services. Additionally, there is a number of financial mechanisms connected with Community funds which can be launched specifically for Natura 2000 network sites – for activities serving active nature protection – or in connection with areas of natural value, e.g. for the development of agrotourism, "green" jobs, environmental education or creation of a local products.

In the new financial perspective for 2007-2013, there will be many financial mechanisms in place to support not only immediate conservation of sites of outstanding natural value, but also sustainable economic development of those sites, based specifically on their natural value. Those funds, depending on the action plan, will be available for local governments, business entities, private persons, as well as non-governmental organizations.

It should be emphasized that most of Natura 2000 sites have such valuable natural assets exactly owing to the sustainable - as a rule extensive - management they have been subjected to for years, and still are. Tourism development in a given region is closely connected with local environmental conditions. For years now the centres which attract tourists in Poland are e.g. national parks. Those who seek recreation, also active one, visit national parks on a mass scale. Some of such objects are long-recognized areas with international status (e.g. Biosphere Reserves etc.) and are on the list of Polish areas which meet the criteria for Natura 2000 sites.

The status of Natura 2000 sites automatically adds to their position – after all, they belong to an exclusive pool of the most valuable (in terms of nature) sites in the whole European Union, and gives them a chance, through various actions at a local level – to build local development based on those natural assets.

Relevant activities which serve the purposes of protecting given sites can count on support from EU funds. The point here is to have management that is nature-friendly, which usually does not depart at all from the one we have dealt with in a given site so far. For example, in 2004-2006 farmers who acceded to agri-environmental schemes in Natura 2000 network sites could count on aid in the amount higher by 20% from standard rates.

CONCLUSION

Natura 2000 is an European ecological network, but it is not a form of nature conservation, as it is wrongly interpreted in the Polish law. Effective conservation of the valuable assets of the Natura 2000 network is an indispensable condition for preserving the natural and cultural heritage of the whole European Union. The heritage is a precondition for maintaining the high quality of life of all citizens. Procedures accompanying investment projects planned in Natura 2000 sites and in the vicinity thereof are to guarantee that the natural assets in those sites will not get destroyed. Those procedures, however, do not eliminate economic development as such, they only restrict development that is far away from the sustainable use of natural resources. The concept of Natura 2000 is fully compliant with environmentally-friendly management (including: agricultural, forest, fishery, tourist, etc.). There is potential for additional financing from Community funds of both direct protection of those sites as well as activities which support the preservation of those assets – or which are based on their sustainable use.

Natura 2000 is becoming a sort of a trademark which informs that some local community owns immense capital which, if used properly, will bring benefits to these and next generations. Natura 2000 should thus motivate local governments and local communities to take actions aimed at local development being built on natural assets. At present, there is a need for innovative approach to the solving of problems on the borderline of nature conservation and sustainable local development.