

# Safeguarding biodiversity in National Development Plans

**CEEWEB**  
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*The views expressed in this publication are those of the authors and do not necessarily represent those of the United Nations or UNDP.*

## INTRODUCTION AND ACKNOWLEDGEMENT

The 'Environment for Europe' (EfE) process is an essential political framework for cooperation on environmental issues in the UN/ECE region. Since 1991 it regularly brings together Ministers of Environment at pan-European conferences to formulate environmental policy and to take important decisions in this area as well as to review the results achieved. Since 1998 the EfE focus has been moving to the East (refocusing on the NIS decision in Aarhus, 1998). However, the success of the EfE process will be impossible without addressing problems and seeking integral solutions for the entire region.

The 5<sup>th</sup> EfE Ministerial Conference (to be held in Kiev, Ukraine, 21-23 May 2003) is the next important milestone in this process. It will focus on and seek common solutions for strengthening the environmental pillar of sustainable development in the region, providing environmental security and building new partnerships among all stakeholders. The biggest political-economic challenge of our times is the EU Enlargement, which will reshape the political and economic, as well as the natural landscape of Europe.

There are several national initiatives to prepare for the upcoming political and economic challenges. As mentioned above, one of the biggest of them is the – possibly very near – accession of several candidate countries to the European Union. Among the large amount planning work that must precede this event is the preparation of National Development Plans.

The aim of the National Development Plans is to outline the country's intentions for future development directions with regards to receive and use the Structural Funds after the accession to the European Union. Biodiversity conservation is greatly influenced by the activities of different sectors. Even if there are good measures for nature conservation, if they are not integrated into different policies they cannot be efficient. Thus, it is imperative, that nature conservation considerations are well represented in the National Development Plans, and they are also integrated into the different sectoral policies. Only this way can biodiversity objectives be safeguarded in the long-term development of the countries.

In this present work we want to give an outline how our natural values are safeguarded when countries are preparing for development beyond the EU accession.

I would like to express my thanks and appreciation for the authors of the national reports: Green Balkans (Bulgaria), **Michal Rezek**, **Mojmir Vlasin** and **Pavel Prybil** (Czech Republic), **Zsolt Szilvácsku** (Hungary), Latvian Fund for Nature, **Rūta Vaičiūnaitė** and **Linas Vainius** (Lithuania), **Adriana Bogdanowska** and **Andrzej Kepel** (Poland) **Márton Kelemen**, **Tamás Papp**, **Zoltán Hajdu** (Romania), **Dr. Jaromír Šíbl** (Slovakia), **Anamarija Slabe**, **Albin Keuc**, **Alenka Bratusa** (Slovenia).

Moreover I would like to express my special thanks to my colleagues, **Klára Hajdu** and **Sándor Barati** without their help this report could not been produced in time and in quality. I must also recognise the invaluable help of our accountant **Edit Szász**, to keep track of finances in the eight participating countries.

Last, but not least I also want to say thank you for the generous support of UNDP particularly to **Andrej Steiner** and **Jaroslav Tesliar** for the guidance, comments and cooperation.

Budapest, May 2003



András Krolopp  
General Secretary  
CEEWEB

## EXECUTIVE SUMMARY

The present document is a joined effort of the CEEWEB network to scrutinise the Regional Development Plans of eight Central and East European countries<sup>1</sup> with regards to their consideration of nature conservation objective.

The project was implemented by CEEWEB Policy Office in Hungary, Budapest with the financial assistance of UNDP Bratislava Office.

The aim of the project is to prepare a methodology for the assessment of the National Development Plans and to prepare the assessment in the participating countries. An important milestone of the project was the regional consultation during which the experts preparing the assessment as well as other NGO representatives could discuss the preliminary results, and develop a joint statement.

It can be concluded from the studies that the economic activities of these countries will increase with the EU financial assistance, however this increase will also mean a greater pressure on natural resources and consequently could result in further fragmentation of habitats and decline of biodiversity. Unfortunately the existing legal provisions of EU (Habitats and Birds Directives) have not proved to be sufficient to halt biodiversity decline in member states. Thus, it can be also assumed that they will not be powerful enough either in accession countries.

The national assessments of National Development Plans clearly show that nature conservation played only a marginal role in planning future developments.

Therefore it is imperative that nature conservation will form integral part of sectoral activities and not remain on the present level of protection by various legal acts. Only this way can the effective protection and sustainable utilisation of natural resources be guaranteed.

The results of the project show, that the pattern of development which the accession countries are likely to follow is the same as of present member states of the European Union. This is the development which has led to the deterioration of the natural environment. Thus it can be predicted, that nature will not be sufficiently taken care of in the accession countries either, should they follow this pattern. This is the main message of the study, which will be presented in the "Kyiv Conference" in May, 2003.

During the project the participating NGOs and individuals became very much aware of the latent danger of which is pre-programmed in the National Development Plans. With the help of the developed methodology and using the present study as a basis for future work CEEWEB is planning to further its activities in relation with the NDPs, and also to join other European initiatives of this kind.

The complete document can be also obtained from CEEWEB:

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<sup>1</sup> Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia

# **REGIONAL ASSESSMENT OF CENTRAL AND EASTERN EUROPEAN NATIONAL DEVELOPMENT PLANS FROM NATURE CONSERVATION POINT OF VIEW**

## **Rationale of the assessment**

The preparation process for joining the EU enjoys priority in Central and Eastern European candidate countries, especially in those likely to access the Community in the first round. The preparation is taking place in several fields from legal harmonisation through institutional development to awareness raising. Undoubtedly one main concern during the preparation process and communication towards the public is the possibilities and amount of EU financial support after the accession.

Member states are obliged to draw up a national (regional) development plan if they wish to apply for EU Structural Funds, which includes a precise description of the current situation, a strategy for achieving the stated objectives as well as indication on how the support drawn from the Structural Funds will be used. Besides the member states also have to submit programming documents, which are generally Community Support Frameworks (CSFs) translated into Operational Programs within the framework of regional Objective 1 (for areas with a per capita gross domestic product (GDP) lower than 75% of the Community average). However, they can also draw up Single Programming Documents (SPDs) containing the data included both in the CSFs and in the operational programs. The operational programs (or SPDs) comprise more concrete measures and schedule for implementation.

Thus the national development plans (OPs) / Single Programming Documents (hereinafter the documents evaluated will be referred to as National Development Plans (NDPs) for the sake of simplicity) are crucial for setting out development objectives for the first planning period of 2003-2006, for which substantial foreign contribution can be utilised. These development courses are also adjusted to EU requirements and more or less to the standards of the Community and envisage large-scale developments in several cases. In the light of all this it is beyond any doubt that these plans are particularly important for the future of the country, while taking into account the interconnectedness of sectors and the fields of environment, economy and society, they have major implications for the protection of environment and biodiversity.

Most countries have committed themselves to the integration of environmental considerations into other sectors, as it is required by the Convention of Biological Diversity and the EU Biodiversity Strategy as well as in other agreements and national legislation. Still it seems that this idea has not been put into practice appropriately in any case. The network of NGOs, the Central and East European Working Group for the Enhancement of Biodiversity (CEEWEB) decided to scrutinise this problem with special regard to the implications for nature conservation in the case of such a horizontal document as the NDP. The evaluations have been carried out in nine countries (Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) by nature conservation NGOs. From these countries seven will join the EU in 2004, while Bulgaria and Romania are still in an earlier phase of the negotiations. However close the date of accession is for most of these countries, not every NDPs were finalised and endorsed by the European Commission at the time of the assessment, in these cases the latest draft versions were regarded. In spite of some possible changes to be made after, some general conclusions can be already drawn from these documents before their endorsement.

## **Preparation of the NDPs, public participation**

The Council Regulation (EC) 1260/99 contains provisions for wide consultations during the preparation of the NDPs, nevertheless it was mostly ineffective in terms of watching the incorporation of environmental and more particularly nature conservation concerns into the documents. The preparation of the NDPs for 2004-2006 started rather late, about early 2002 in most countries (though for instance the Czech Republic launched the process in 1999 and sent the first draft to the European Commission in 2001 June). The expedited procedure was also partly the cause of the ineffective public participation in some cases. In Poland for instance the public was only consulted when the NDP was nearly finished, and apart from the involvement of two environmental NGOs the nature conservation organisations were ignored. The preparation of the document started as the drafting of the Polish NDP for 2002-2004, however in the meantime probably also due to the unexpectedly lengthy drafting process the project title changed for 'National Development Plan 2004-2006'.

In Slovakia the consultations were also organised nation-wide, however it proved to be rather formal and insufficient especially in the field of nature conservation. Apart from public participation it can be also pointed out that when the draft Slovakian NDP was sent out to 29 institutions for comments, seven of them (including the umbrella NGO involved in the consultation process) did not react at all, while another seven with the Ministry of Environment among them indicated that they did not have any comments on it.

The example of Poland and Slovakia seems to be rather general in the region: the elaboration of the plan took place under a great time pressure and the public consultations very largely insufficient and ineffective. When we regard the poor results of the nine assessments, it seems particularly necessary that these mistakes are avoided in future planning periods, for which clear timelines and measures have to be set up.

## **Methodology of the assessment and interpretation of the results**

The evaluators involved in the project were provided with a strategic assessment methodology elaborated by Dr Iván Gyulai (Director of the Ecological Institute for Sustainable Development, Miskolc, Hungary) specifically for evaluating NDPs from nature conservation point of view. The methodology builds upon a questionnaire embracing about 100 points within different topics (situation analysis, the effect of NDP on the environmental awareness of people, nature conservation, agriculture, mining, forestry, etc.), for which scores are to be given.

Despite this uniform methodology it could not be avoided that some degree of subjectivity affects the results, consequently they cannot be regarded as precise, indisputable evaluation of the different issues. For more precise picture the questionnaire should not be considered alone but only together with the narrative evaluations. Naturally more objective results could be achieved if either the same experts had carried out the assessments of the different national documents or several national independent experts had completed the questionnaires and the average of them could have been taken. Unfortunately however this international project did not allow these methods due to time and financial constraints.

Nevertheless as the outcomes typically show that the documents do not meet biodiversity expectations, we do think that the general picture is very much revealing and provides information on the expected tendencies, threats or just the opposite, opportunities resulting from the NDPs.

## Evaluation of the NDPs

Even though transition towards sustainability is (also) required by the EU Sustainable Development Strategy, this is not realised in practice in the present member states, let alone secured in NDPs of candidate countries. On the whole it can be stated that the main focus of NDPs is on increasing competitiveness. In the Hungarian NDP the major goal has been identified as increasing the quality of life, however its interpretation has degraded to be the synonym of economic well-being. In Hungary (at least) the aim during the preparation of the NDP was first of all to gain access to EU Funds, and this attitude can be also perceived from the document.

The principle of prevention is not taken as a basis, rather the end-of-pipe solutions are favoured in problem tackling in almost every case. The cross-sectoral cooperation is not ensured sufficiently either (as it can be seen for instance in the case of Hungary).

### Situation analysis, on which the NDP relies

<i><b>Has the situation analysis...</b></i>
examined the level of environmental awareness of the affected people?
explored the availability of environmental information?
explored the possibilities for access to environmental information?
explored the situation of public participation in decision making on environmental issues?
explored the situation and efficiency of the institutional system of environmental education?
explored and assessed the relation of people to their environment?
examined the traditional knowledge and its environmental relations?
examined the state of each environmental element?
completed a natural capital / resources accounts system?
completed an environmental problem map?
examined the environmental effects of present production and consumption patterns?
examined the integration of environmental considerations into other sectoral policies?
examined the environmental effects of the sectors?
explored the agro-ecological potential?
examined the spatial distribution of the existing habitats?
assessed the conflicts of nature conservation with human activities?
explored the ratio of natural / not natural habitats?
explored the factors threatening the coherence of the habitats?
explored the diversity of the starting point (biological, product, cultural diversity)?

*Table 1. Questionnaire – Assessment of the situation analysis*

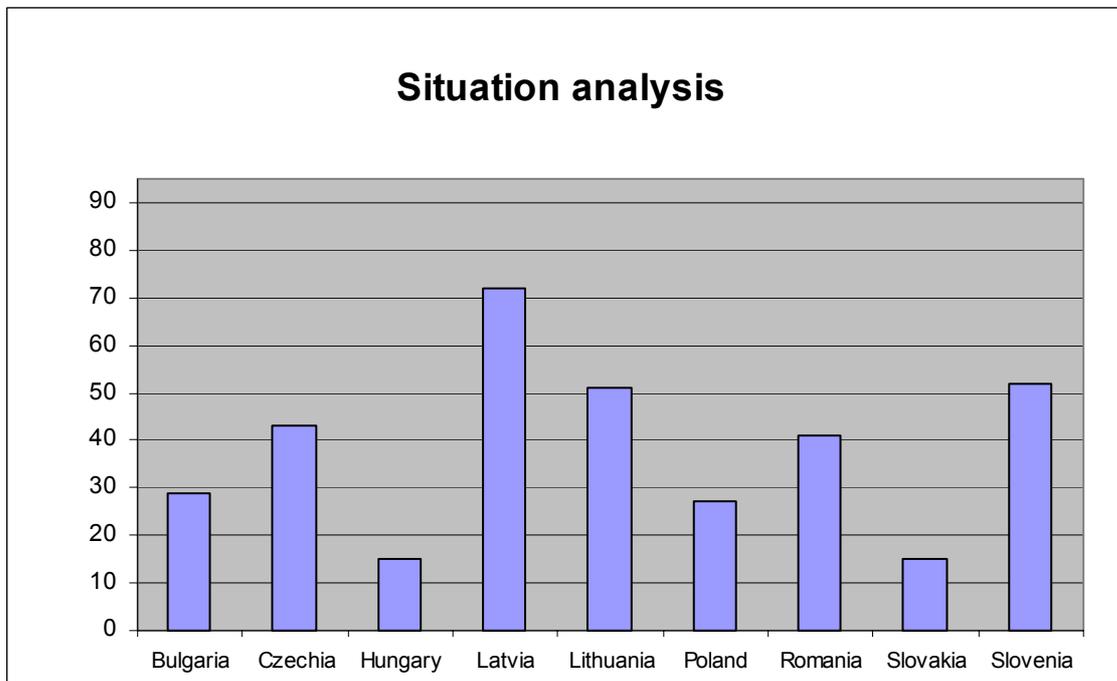


Figure 1. Situation analysis

According to the methodology the NDP is established environmentally if the scores are above the 50% of the maximum (half of 95 scores). Thus it can be stated that only three NDPs (from Latvia, Lithuania and Slovenia) are acceptable from this respect, while they are still far from providing solid environmental basis for such a comprehensive document and may lead to severe environmental and nature conservation consequences through the implementation of the developments. (To give an example, the main threats on biodiversity (intensive agriculture, habitat fragmentation, large-scale drainage schemes, unregulated tourism, etc.) were not considered by the Slovakian document at all.) At the same time the Strategic Environmental Assessments completed for the NDPs proved to be largely insufficient in numerous cases.

### Effect of the NDPs on the environmental awareness of the people

<i>Environmental awareness</i>
Does the plan integrate the environmental aspects into other sectors, is environmental protection emphasised sufficiently?
Is there institutional development connected to expanding the environmental knowledge?
Does the plan contain elements, e.g. training, publicity, etc., that target the raising of environmental awareness of the affected people?
To what extent does the plan rely on local cultures, traditional knowledge?
Does the plan provide public participation on decision-making on environmental issues?
Was strategic environmental assessment completed for the plan?
Is there a system measuring and assessing the environmental affects of the plan, which could provide feedback for the affected people?
Does the plan rely on the immaterial services provided by the environment, the local community?
Does the plan deal with cross-border environmental issues?
Does the plan deal with the preservation of the coherence of habitats?

Does the plan comply with the environmental legislation?
Has an environmental risk assessment connected to the plan been completed?
Has the plan elements targeting the aversion of environmental risks?
Do the beneficiaries of developments have to pay for the use of natural resources, do they participate in the preservation of natural resources, tourist attractions and natural values?

Table 2. Questionnaire – Effect of the NDPs on the environmental awareness of the people

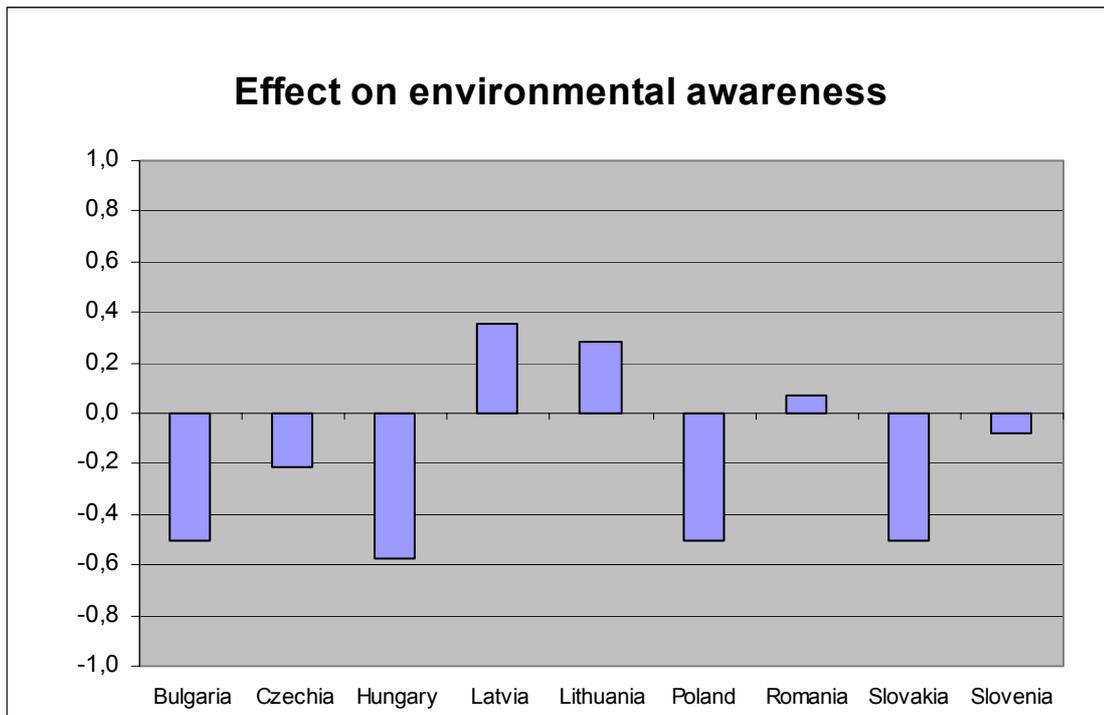


Figure 2. Effect of the NDPs on the environmental awareness of people

In our approach the plan is unacceptable if its implementation has an adverse affect on the environmental awareness of people. Though officials often point out the importance of environmental consciousness, apart from direct-targeted campaigns the implementation of such horizontal documents is outstandingly important due to its large influence in several fields and the great attention paid to it. Consequently its role as an awareness-raising tool through environmental integration, public participation in environmental issues etc. should not be underestimated, but dealt with according to its actual significance.

However as it can be anticipated on the basis of our results, in about two-third of the countries the plan conveys false attitude from the side of decision-makers, which does not help transition towards sustainable development in this respect.

However there are also good examples from some countries, which are worth considering by others as well. For instance the Lithuanian plan includes the strong principle of ensuring active partnership on national, regional and local levels and seeks consensus on key issues in the process of planning and implementation among social, economic and governmental partners and other competent institutions (academic institutions, etc.). As another incentive for sustainable development, the Romanian plan greatly relies on local cultures and traditional knowledge.

## EFFECT OF NDPs ON BIODIVERSITY

When assessing the anticipated level of fulfilling nature conservation expectations in general and in the specific sectors, the scores should be given according to following system:

A measure opposite to the expected is anticipated	-1 score
Entire lack of meeting the expectation	0 score
Meeting the expectation is far too general	1 score
Partial operational realisation of the expectation is anticipated	2 scores
Full operational realisation of the expectation is anticipated	3 scores

In each sector the plan is regarded as acceptable, only if the average of the scores exceeds half of the maximum (i.e. 1,5 points).

Especially if the environmental consciousness of the society is at a lower level, the potential threat on biodiversity is great if there are no specific measures securing its protection, as in this case other interests can more easily overwrite those of biodiversity. Hence our expectation is that there should be concrete objectives or measures in the specific issues enlisted in the questionnaire.

## GENERAL EXPECTATIONS FROM THE PLAN

<b><i>General expectations</i></b>
The plan should deal with the possibilities provided by the carrying capacity and with its rate in the cases of the different resources and ecological systems.
In the plan there should be research and development aims incorporated in favour of the development of the sustainable use of the natural resources.
The plan should take the local ecological fundamentals into account when developing each economic activity.

TABLE 3. QUESTIONNAIRE – GENERAL EXPECTATIONS FROM THE PLAN

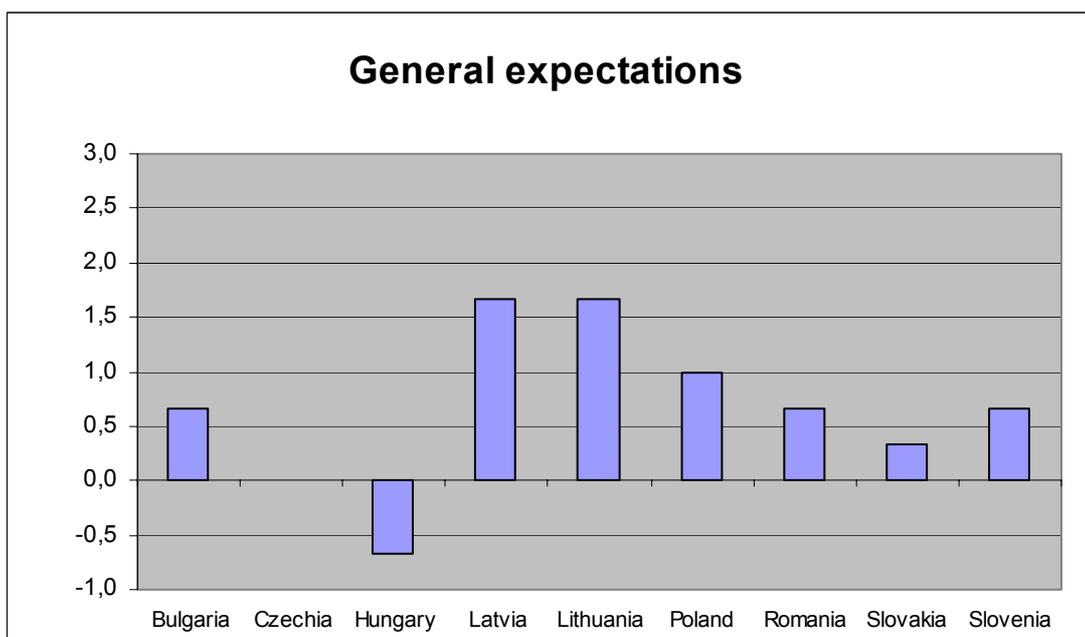


FIGURE 3. General expectations from the plan

The great majority of the countries did not consider local ecological conditions and carrying capacity when planning future developments, even though their ignorance can easily lead to unsustainable use and overexploitation of natural resources having serious, even irreversible impact on biodiversity. Realising these principles of using natural resources within their carrying capacity and adequately for the local ecological conditions is inevitable for sustainable development. Thus they should be regarded according to their utmost significance in every planning document and took as a basis for every future development.

As knowledge on sustainable resource use is however limited, further research and development plays a crucial role in this field and should be targeted at national level (much more than it can be seen from the NDPs).

## NATURE CONSERVATION

<b>Conservation</b>
In the plan the rehabilitation of the damaged ecological systems should be incorporated.
In the plan there should be provisions for establishing the coherence of habitats, for decreasing the impacts of isolation and for the conservation of the ecological network.
The provisions of the plan shouldn't threaten the ecological conditions of the natural habitats.
The provisions of the plan shouldn't endanger: <ul style="list-style-type: none"> <li>–the Ramsar areas–the World Heritage areas</li> <li>–the biosphere reserves</li> <li>–the habitats designated by the Habitats Directive of the EU</li> <li>–the species designated by the Birds Directive of the EU together with their habitats</li> <li>–the nature reserves under national or local protection that have been already established</li> </ul>
In the plan there should be provisions for the prevention of the invading species from further spread.

Table 4. Questionnaire – Nature conservation

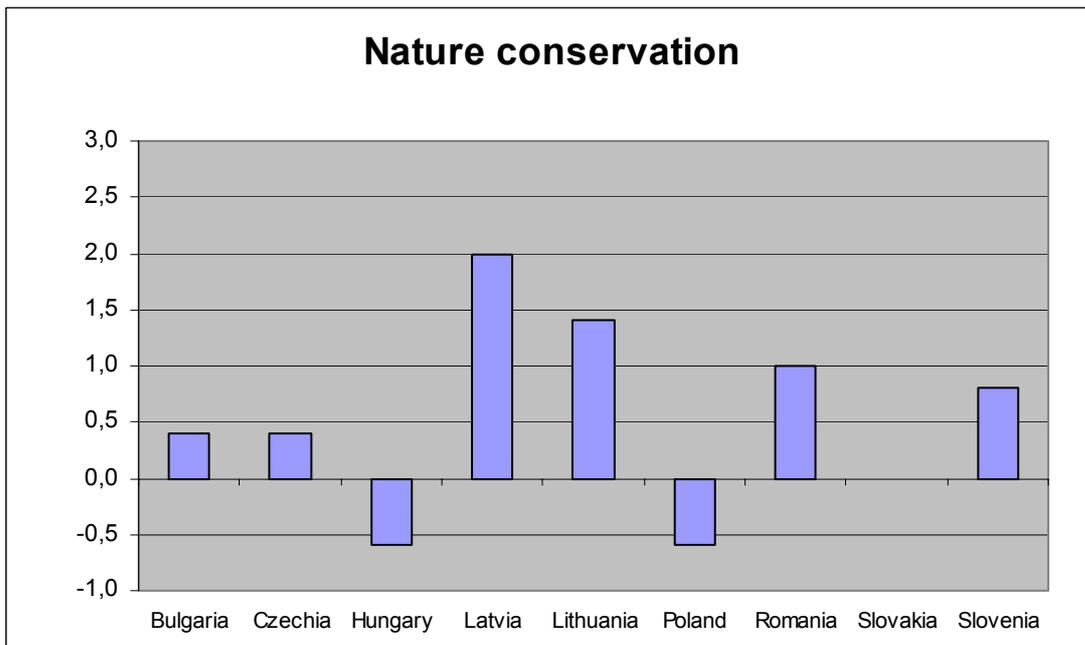


Figure 4. Nature conservation

Nature conservation is largely ignored in NDPs (only one plan out of nine is acceptable from this respect according to the scoring system, which exception is still also very far from the required level). Moreover in countries, such as Hungary and Poland its objectives are almost non-existent, they do not appear in the identification of measures and targets.

In most cases the plans recognise the necessity of the rehabilitation of damaged ecosystems better than they provide provisions to avoid possible threats on them. This shows a regrettably shortsighted attitude, which leads to the consumption of disproportionately more energy and natural resources during the handling of these problems than would the approach to prevent them.

The plans apparently do not consider the fact that nature conservation is only possible practically in network of interconnected habitats. The NDPs do not target to establish the coherence of habitats to any extent, or only satisfy this requirement to an unacceptably low degree. On the basis of the Hungarian and Polish NDPs the further fragmentation of habitats and growing impacts of habitat isolation can be clearly expected from future developments.

Worryingly, in numerous cases there are measures likely to threaten protected habitats and future Natura 2000 sites (only the Latvian document includes sufficient provisions against it). In Slovakia the new waterway development on the Vah river (with new dams, weirs, river bed regulation schemes, etc.) endangers habitats including Ramsar areas and future sites and species designated by the EU Habitats and Birds Directives. The monumental plan of establishing the shipping canal Danube-Odra-Elbe, which is part of the Czech NDP, would ecologically damage these rivers and their floodplains, and endanger many precious habitats under protection at national and international level (for instance Ramsar areas) in the Czech Republic as well as in the neighbouring countries.

The spreading of invasive species is hardly considered (in Latvia alone to some extent) in the documents, though it can be only tackled at higher level, with international cooperation and complex and long-term measures.

However, there are also good initiatives in this field, as is the measure Prevention of Environmental Damage included in the Lithuanian plan, which has a special emphasis on Natura 2000 sites and their preservation, monitoring and management. The supported activities would be among others the preparation and implementation of nature management plans of NATURA 2000 sites and creation of a compensation mechanism for purchasing land plots from private owners to be included into the network.

## AGRICULTURE

Agriculture
The plan should consider the agro-ecological potential when planning the land usage and the branches of cultivation.
The plan should care for the preservation of the traditional extensive farming and the establishment of agri-environmental programmes for the ecologically sensitive areas.
The plan should exclude those provisions which aim at the creation of large agricultural fields or / and monoculture farming.
The plan should make provisions for propagating the biological (poor in or free of chemicals) farming.
The plan should provide the reuse of the organic matters through the balance between the plant-cultivation and stock-raising.
The plan should make provisions in favour of producing healthy, full-value food.
The plan should incorporate measures for providing the optimal circumstances for the bred species.
The plan should prefer to draw the adapted, characteristic species of the certain region in the cultivation and breeding which provide a greater agro-biodiversity.
The plan should make measures in favour of the ex situ conservation of the agro-biodiversity.
The plan should contain inspiring factors which increase the multi-aim, multifunctional use of the natural bases.
The plan should establish a system of institutions to develop the complex ecological land use.
The plan should provide the integrated cooperation and conciliation of the interests of the stakeholders of the certain area.

*Table 5. Questionnaire – Agriculture*

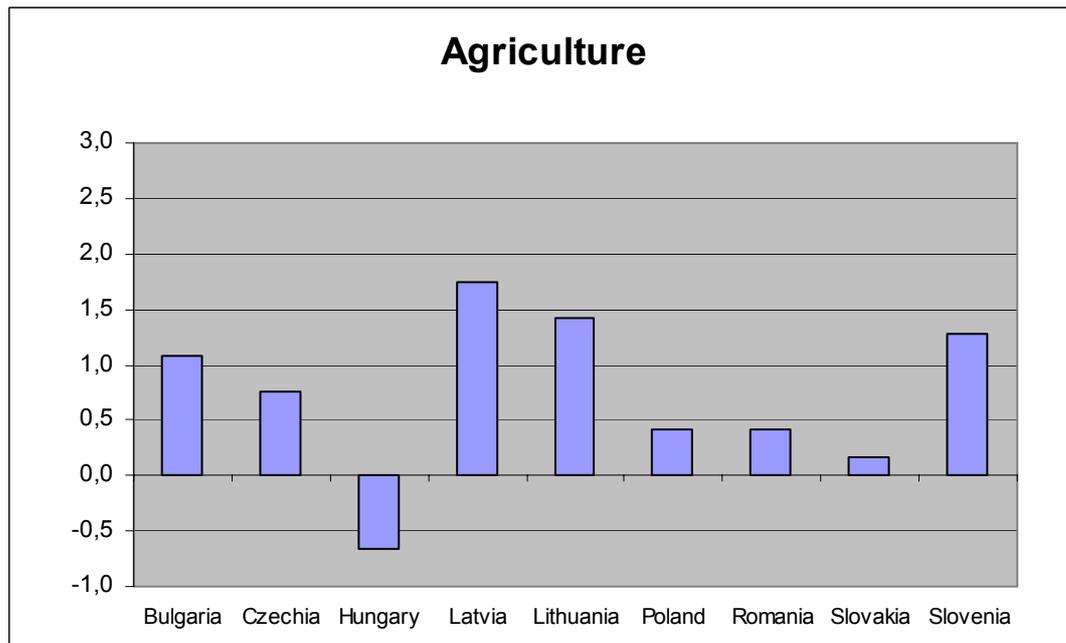


Figure 5. Agriculture

Even though this sector has a considerable impact on biodiversity tendencies and the condition of natural ecosystems, and these connections are widely accepted and studied, biodiversity integration is still not satisfactory even in this field. Even though future changes should target among others biological farming (as it is mentioned in more plans, and most thoroughly dealt with in the Lithuanian one) and multifunctional use of landscapes, preservation of traditional, extensive farming and expanding agro-environmental programs in ecologically sensitive areas (as it is present to some degree in the plans except for the Hungarian, Polish and Slovakian ones) as well the breeding and growing traditional varieties. Producing healthy and full-value food could be regarded as contributing to increasing competitiveness in the market while also a possibility for preserving biodiversity through biological, extensive methods. However its opportunity is generally not sufficiently recognised in the plans. Naturally at every development the agro-ecological potential has to be considered and taken as a starting point, which is not satisfactory almost in any case either.

Counteracting these required desirable tendencies the plans (also) encourage large-scale, mono-cultural farming in some countries (in Hungary, Latvia, Lithuania, Poland, Romania), and sufficient guarantee is not provided to avoid it anywhere. With regards to seeking cooperation and the conciliation of interests among stakeholders in the certain area, only the Lithuanian plan seems to ensure this appropriately, while this requirement does not or not properly appear in other national documents.

## FORESTRY

<b>Forestry</b>
The plan should favour the conservation and the rehabilitation (if needed) of the forests which have a species composition characteristic of the landscape.
The plan should provide the increase in the forest cover (semi-natural forests) where the potential larger cover is reasonable.
The plan should urge the rehabilitation of the forests with damaged species composition and structure.
The plan should promote the development of the network of the forest reserves.
The plan should prohibit the management of natural or semi-natural forests with not appropriate technologies (e.g. clear cutting).
The plan should promote the multifunctional use of forests, with special respect of the immaterial value of the forests.
The plan should provide that the continuous forests remain untouched and also their rehabilitation if needed.

Table 6. Questionnaire – Forestry

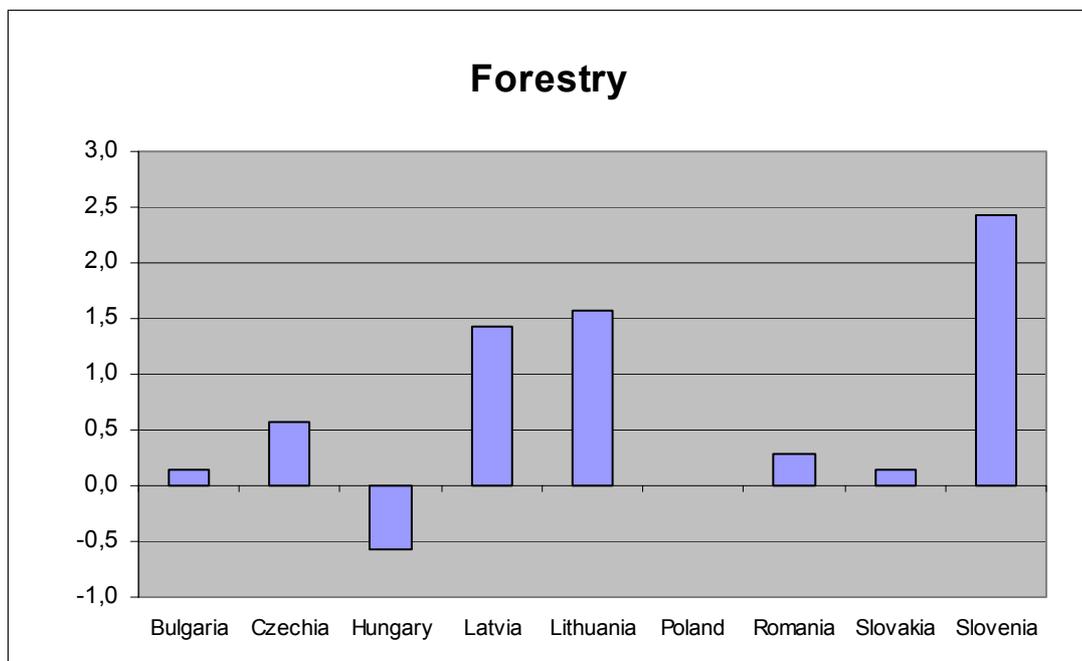


Figure 6. Forestry

The application of unsustainable forestry practices is typical for every country and their replacement is not fully and explicitly targeted in NDPs. In this respect Slovenia is an exception with strikingly positive outlook in the sector for the future compared to other countries and other sectors. Here for instance clear-cutting is not in practice and the plan also proposes developments in line with the existing good technologies, while forests with damaged species composition and structure are not typical for the country either. The only considerable shortcoming also for this country (however a bit better tackled in Lithuania) is the lack of objective to develop a network of forest reserves.

The multifunctional use of the landscape is generally better recognised in the forestry sector than in agriculture, but still not promoted and supported sufficiently. Similarly the nature conservation objective of conserving, rehabilitating or even enlarging the coverage of forests with natural species composition adapted to local conditions and with healthy forest structure is not sufficiently taken into account and aimed in the plans (however better outcomes are expected in Slovenia, Latvia and Lithuania). It can be pointed out, that the Polish NDP does not deal with forestry issues at all.

## Water regulation, water management

<b><i>Water regulation, water management</i></b>
The plan should adopt the catchment-centric approach of the EU Water Framework Directive and provide the preservation of the water quality as well as the sustainable water supply management in the whole area of catchment.
The plan should connect the activities proceeding in the catchment area to the water quality and quantity management and the flood control.
The plan shouldn't lay down such a water supply use which exceeds the ecological optimum.
The plan should provide a flood-plain of an appropriate size together with the rehabilitation of the plant communities along the rivers to avoid floods.
The plan should make arrangements for the rehabilitation of fresh and still waters to preserve the natural self-cleaning capability of waters.
The plan shouldn't envisage activities which could threaten wetlands.
The plan should deal with the prevention of the potential havarias and the elimination of their occurrence.

Table 7. Questionnaire – Water regulation, water management

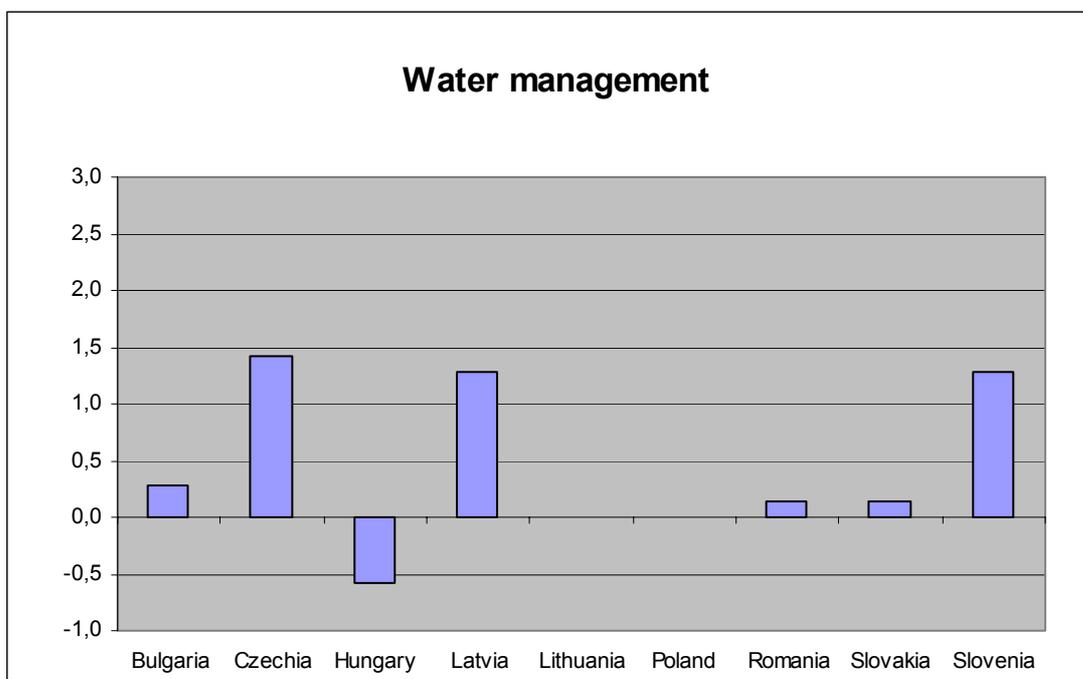


Figure 7. Water regulation, water management

While the Polish and Lithuanian documents ignore this sector, in other countries the adoption of catchment centric approach (also part of the EU Water Framework Directive)

is not shown explicitly in the documents. In general the activities taking place in the catchment area are not connected to water quality and quantity management as well as to flood control either, which however is required by the principle of integration and prevention and necessary for effective and efficient environmental management. Providing appropriately sized floodplains, which would mean an efficient alternative for flood control and at the same time would contribute to preserve biodiversity, is not regarded seriously in the plans, the Czech document deals with this issue still the most sufficiently (but still not provides enough provisions).

In this sector the good example within the Czech plan is worth mentioning, namely the measure “Improvement of the retention capacity of the landscape and revitalisation of small water streams with special emphasise on biodiversity”, which is extremely needed, though unfortunately not only this country. On the other hand the Polish and Lithuanian plans do not deal with this sector at all.

## Fishery

<b><i>Fishery</i></b>
The plan should envisage the fishery activities suitable for the carrying capacity.
The plan should ensure the rehabilitation of the overused waters.
The plan should make provisions for eliminating the non-indigenous species from the natural water.

Table 8. Questionnaire – Fishery

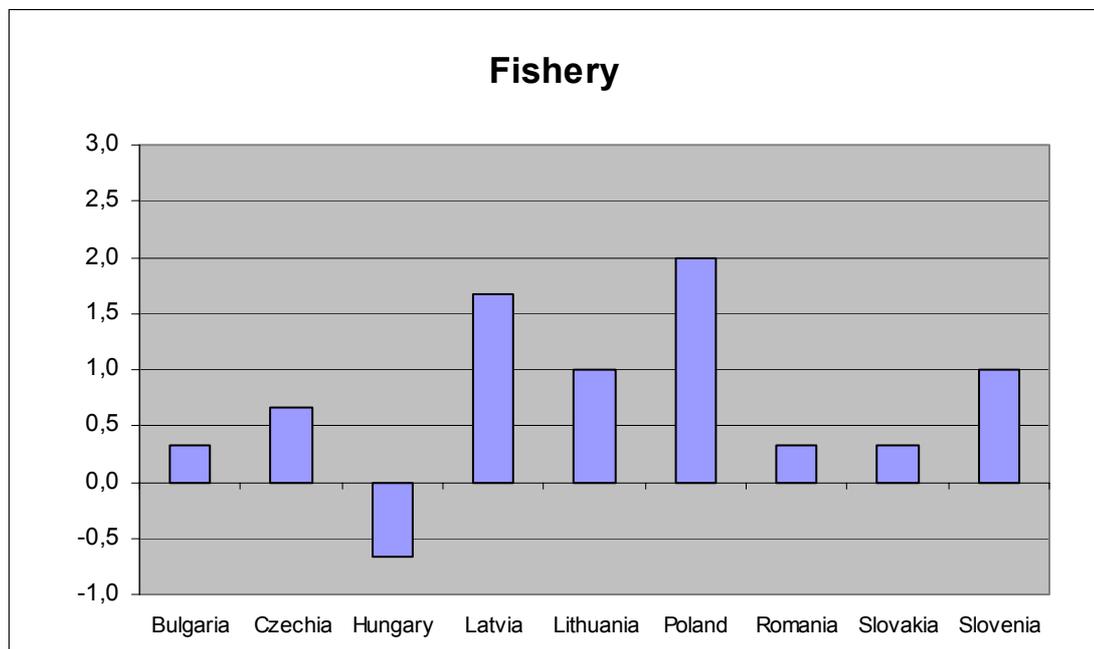


Figure 8. Fishery

The carrying capacity of fishing resources is much more acknowledged in this sector (at least in the countries with marine coast as Poland, Latvia, Lithuania, Slovenia and to a less extent Bulgaria, as well as in the Czech Republic) than in the case of other natural resources, which could be probably connected with the sudden, dramatic and clear drop in the catches experienced in the past century and their awareness raising role.

However in most cases the plan still does not alone provide a solid basis for ensuring use within the carrying capacity.

Presenting a good example, the Lithuanian measure on fisheries strongly builds on nature conservation objectives with respect to the restoration of fishing resources and reduction of pollution of waters. To ensure the implementation of the fishing fleet management plan as well as to balance fishing fleet capacities to fishing resources, owners of fishing vessels and fishermen will be encouraged to terminate their fishing activities by allocating respective compensations to them. Nevertheless, modernisation and renewal of the fleet could have a negative effect on fish, their feeding and spawning grounds. The Latvian objectives similarly stress the importance of the sustainable development of fishery. The plan foresees Structural Funds assistance for the adjustment of fishing activities, which means scrapping of vessels in order to decrease fishing effort.

In addition to the carrying capacity, the rehabilitation of overused waters and the elimination of non-indigenous fish species from natural ecosystems cannot be ignored either, however especially with regards to the latter, there are considerable gaps in the documents.

For instance even though the Slovakian plan properly identifies the key factors threatening the fish populations (water pollution, physical deterioration of habitats), there are not specific measures to tackle these problems. There are no provisions to eliminate non-indigenous species from natural waters either, although in some cases this is hardly feasible or not feasible at all.

**Tourism**

<b><i>Tourism</i></b>
The plan should consider the touristical carrying capacity of the areas and avoid the novel environmental touristical load of those areas which have already reached or exceeded it.
The plan should promote provisions for the elimination of the overuse.
The plan should implement touristical development in the buffer-zones of the protected areas.

*Table 9. Questionnaire – Tourism*

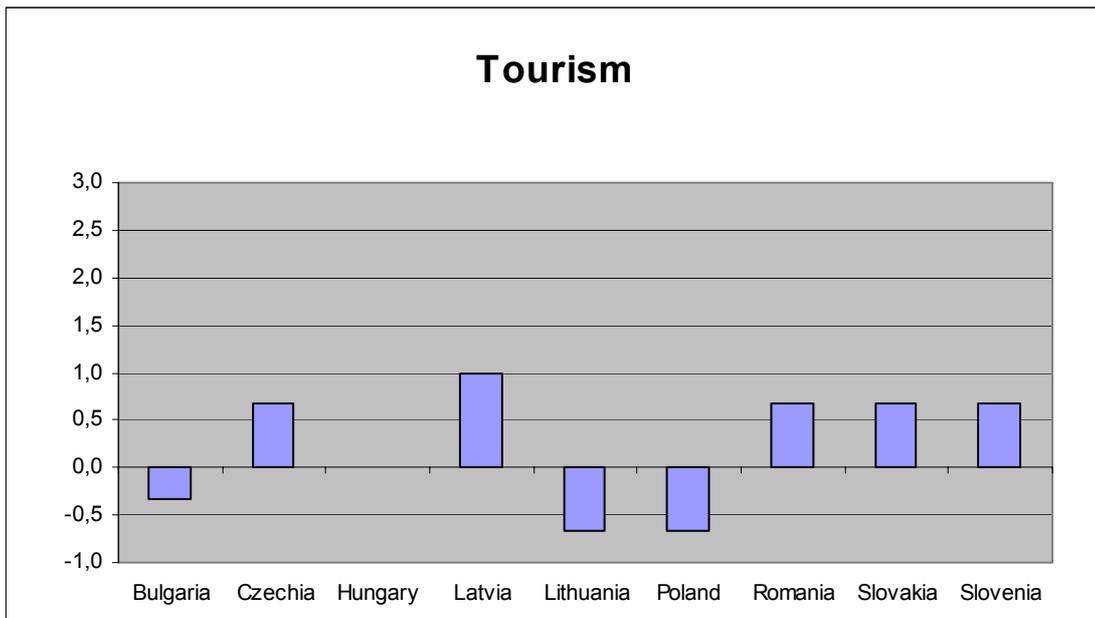


Figure 9. Tourism

While the possibilities lying in sustainable tourism are often not examined at all, the planned tourism infrastructural developments may seriously affect natural landscapes in many countries. The carrying capacity of areas and the concern that the overload of territories where this limit is already exceeded should be prevented are hardly ever considered to any extent. Just on the contrary in more cases the overuse of territories due to the excessive tourism pressure can be anticipated (e.g. Lithuania, Poland). That is also not ensured properly that tourism development should take place in the buffer zones of protected areas.

## Mining

<b>Mining</b>
The plan shouldn't support such development which confronts with the current level of protection.
The plan shouldn't effectuate such development in mining which generates ecological changes at the regional or local level (e.g. changes in the water balance).
The plan shouldn't establish such investments in mining, which directly or indirectly endangers the life conditions of species (e.g. toxic materials).
The plan shouldn't lay down such a mining-area rehabilitaton in which the natural process of the rehabilitation is damaged or which leads to environmental load.

Table 10. Questionnaire – Mining

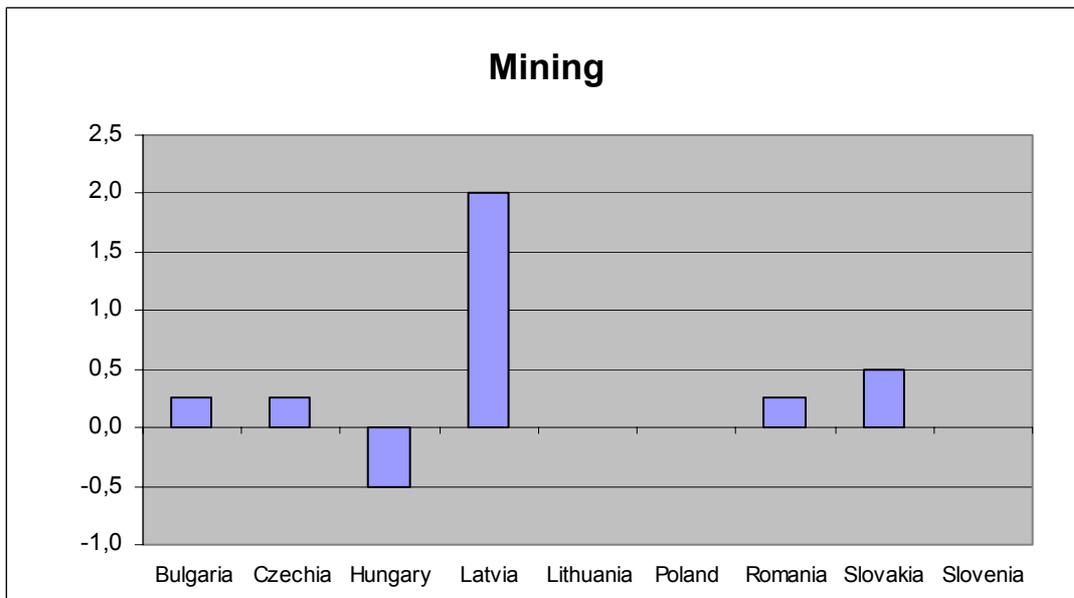


Figure 10. Mining

Though not to the required extent, but the plans generally avoid support that confronts the current level of protection of areas (except for Hungary and Slovakia), while in Bulgaria just the contrary is likely to derive from the implementation of the plan. Similarly the Romanian plan may even cause ecological changes at local or regional level, while in other countries there are no provisions or only some general ones included in order to avoid it.

What is more, the Polish NDP does not deal with the issue of mining (while in Lithuania and Slovenia there are no mining activities planned).

### Industry and energy sector

<b>Industry and energy sector</b>
The plan shouldn't envisage such development of biomass-energy aim which leads to plant monocultures (e.g. energy forest, energy grass, etc)
The plan should avoid and prohibit the green field investments.
The plan should inspire the purification of the brown fields from the pollutants and their reuse after the purification.
The plan shouldn't intend to implement such industrial settlement whose manufacturing process or product significantly endangers nature.

Table 11. Questionnaire – Industry and energy sector

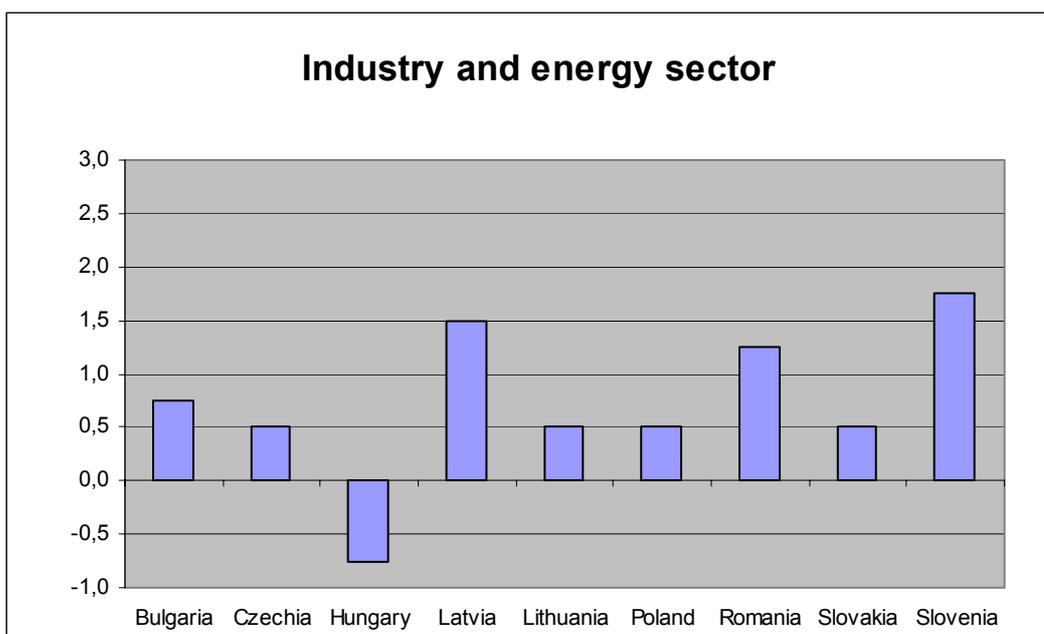


Figure 11. Industry and energy sector

Though the diversification of the energy market with the growing share of renewable energy resources is favourable, if it is achieved through growing plant monocultures and reducing biodiversity, this way is strongly disputable from nature conservation point of view. However this is anticipated from the Hungarian plan, while only the Romanian one provides sufficient provisions for its prevention.

In the majority of the assessed countries the promotion of the revitalisation of brown-fields is more emphasised than the prevention of green-field investments, but even this is still far from the desirable target. The insufficient utilisation of the potential of brown-fields is very much regrettable, as it could ease the pressure on nature and biodiversity while contribute to healthy and friendly urban environment.

Generally more attention should be also devoted to such industrial investments, of which manufacturing process or product does not endanger the environment.

## Waste management

<b>Waste management</b>
The plan implements structural changes in production and consumption that minimize the creation of waste.
The plan makes provisions which decrease the production of non-biodegradable and / or toxic matters and for their elimination.
The plan inspires the use of natural, biodegradable materials in natural processes.
The plan promotes the waste dumping with the minimum environmental load and risk.
The plan favours the reuse of wastes.

Table 12. Questionnaire – Waste management

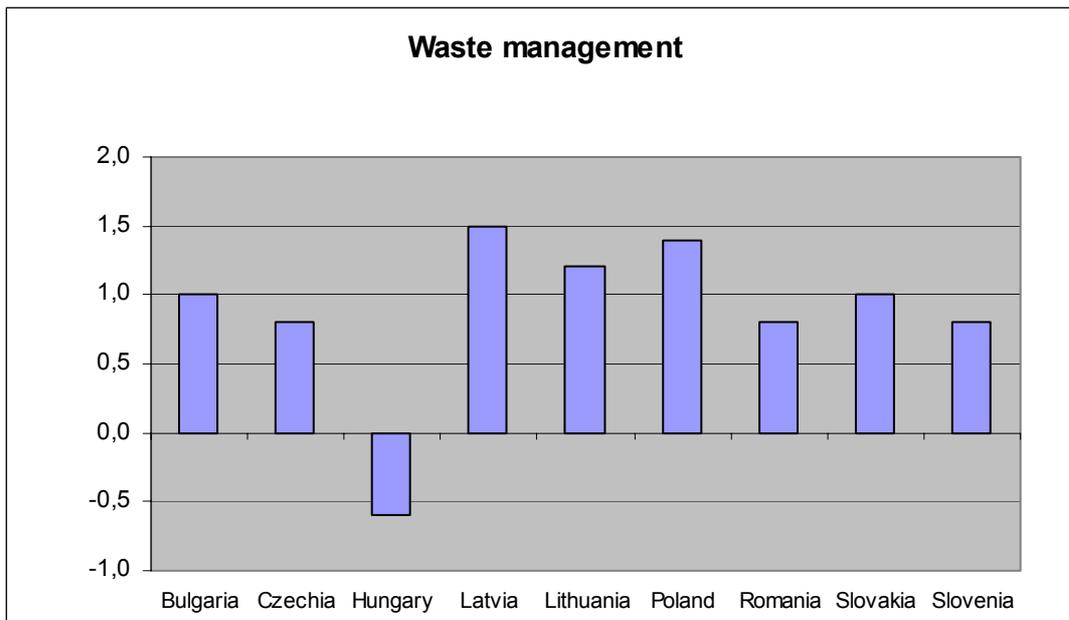


Figure 12. Waste management

Besides that thorough study of the present production and consumption patterns is needed (see above), waste management should more focus on the prevention of waste production instead of applying end-of-pipe solutions. Some plans foresee some advance in this respect (Bulgaria, Latvia, Poland, Slovakia and Slovenia), however they are rather far from the desirable and in some countries even the continuation or the acceleration of the trend can be anticipated (in Hungary or Romania).

The reduction of producing toxic waste and the promotion of using biodegradable materials can be hardly anticipated from the plans, however the reuse of waste is strongly encouraged for instance in Latvia and Slovakia (while smaller progresses can be foreseen on the basis of the other plans except for the Hungarian one).

## Development of linear infrastructure

<b><i>Development of linear infrastructure</i></b>
The plan avoids the establishment of power lines (first of all in the air) needed for regional power supply through developing local power supply potentials.
The plan includes economic structural measures to decrease transport, thus avoids the necessity of increasing transport capacities.
The plan aims to rationalise and upgrade the existing road infrastructure instead of to establish new infrastructure.
During the rationalisation the plan considers the cease of habitats' isolation and the functioning of ecological network.

Table 13. Questionnaire – Development of linear infrastructure

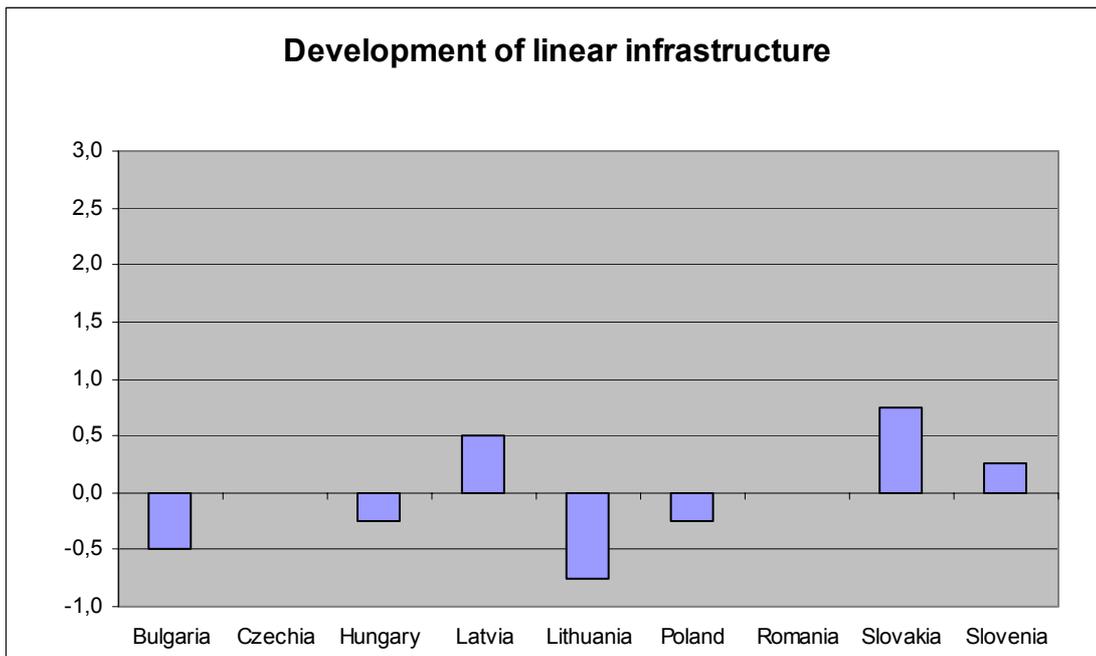


Figure 13. Development of linear infrastructure

The unsustainable transport patterns and the development of linear, especially road infrastructure strongly interferes with nature conservation through the fragmentation of habitats, disturbing of populations or damaging ecosystems. This proves to be a general problem in the various countries and in some cases such plans even endanger protected areas or future Natura 2000 sites (e.g. the Via Baltica international motorway in Poland and the new water transport infrastructure on the Vah River in Slovakia). The emphasis is generally not on rationalising and upgrading existing infrastructure, but establishing new one. During this the fragmentation habitats is considered in a few cases but only to a limited extent (Latvia, Slovakia), while all in the other seven countries not at all.

Tackling the problem at its root causes, i.e. structural changes in economy in order to decrease transport capacity needs is not targeted anywhere at all, or on the contrary just economic incentives for transport intensification can be seen from the plans (as identified in Bulgaria, the Czech Republic, Hungary, Lithuania, Poland, Romania).

## Urbanisation

<b>Urbanisation</b>
The plan does not boost urbanisation, the decrease of population in regions.
The plan prevents the expansion of big agglomerations on the expense of green fields.
The plan takes into account the coherence and functionality of the system of green areas in settlements during the course of urban planning.

Table 14. Questionnaire – Urbanisation

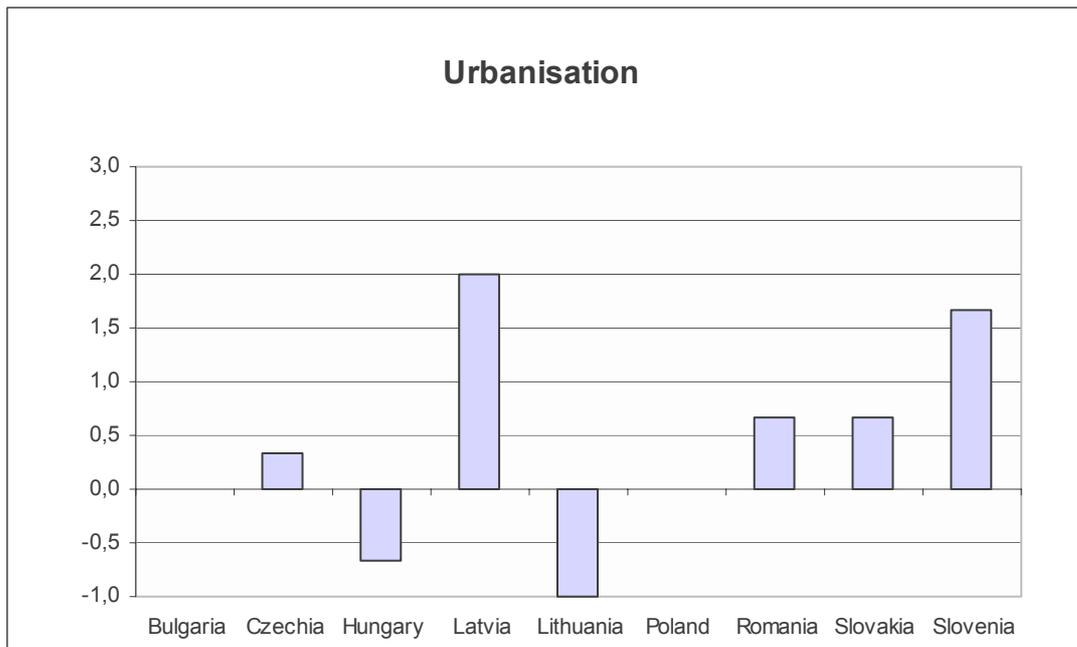


Figure 14. Urbanisation

The unfavourable trend of urbanisation is not tackled properly in most plans (what is more, on the basis of the Lithuanian document the implementation of measures falling in line with this trend can be anticipated), though some partial advance can be predicted in a few cases (especially in Latvia, Romania and Slovenia).

In spite of urban sprawl and unsustainable urban planning, biodiversity is not integrated in the process of planning urban environments. There are no specific measures for the further prevention of green-field investments (Bulgaria, the Czech Republic, Romania) or just partial prevention is targeted, while in Hungary and Lithuania its further spreading is most likely.

The Polish plan does not even deal with the issue of urbanisation.

## **Conclusions and recommendations**

The national assessments of National Development Plans clearly show that nature conservation played only a marginal role in planning future developments. Despite some differences of the results in various countries, we can draw some general conclusions.

The European Union frequently stresses that accession countries will enrich the Union with their natural assets, thus special emphasis has to be placed upon their protection. In order to ensure this the EU guidelines given in its Biodiversity Strategy requires the integration of biodiversity into sectoral policies. Unfortunately it must be pointed out that the NDPs of these future member states do not adopt this kind of approach of nature conservation sufficiently. Developments first of all target economic and social objectives and the planned investments follow the regular EU patterns, which is understandable regarding that all these countries are planning a smooth integration into the EU.

It can be stated however that the development of EU is not in harmony with its Sustainable Development Strategy, let alone the NDPs of the accession countries. In many countries no or only improper Strategic Environmental Assessments were carried out with special regard to carrying capacity analysis, which should be the basis for sustainable development.

We can conclude from the studies that with the EU financial assistance the economic activities of these countries will increase, however this increase will also mean a greater pressure on natural resources and consequently could result in further fragmentation of habitats and decline of biodiversity. Unfortunately the existing legal provisions of EU (Habitats and Birds Directives) have not proved to be sufficient to halt biodiversity decline in member states. Thus it can be also assumed that they will not be powerful enough either in accession countries.

Based on the findings of the study and consultations with CEEWEB member organisations in Plovdiv, Bulgaria on the 12<sup>th</sup> of April the following recommendations have been adopted by the Assembly:

**STATEMENT**  
**of the NGO meeting convened by CEEWEB,**  
**Organized by Green Balkans in preparation for the**  
**Ministerial Meeting “Environment for Europe”**  
**in Kyiv, Ukraine, May, 2003**

*Considering* the vital contribution of NGOs to the protection of biological diversity;

*Acknowledging* the legislation reform completed in most of the CEE countries, but requiring further institutional reforms for enhancing the capacity of governments to fulfil their responsibilities;

*Recognizing* the role of NGOs to engage in critical analysis of governmental activities with regard to complying with their commitments in the field of biodiversity protection and to applying pressure on the Convention Secretariats to evaluate national reports;

*Stating* that the Secretariats should employ more stringent criterion in the evaluation of national reports and provide public access to these evaluations;

*Taking note* of the lack of intersectoral integration at the highest state level mandated by Article 6 of the Convention on Biological Diversity;

*Requesting* governments to give biological diversity and its value a higher priority at all levels of their activities;

Our recommendations concerning the preparation and implementation of National Development Plans:

1. It is imperative to involve representatives of civil society in the formulation and development of National and Regional Development Plans from the inception phase, and to ensure a mechanism, which enables all members of civil society to effectively interact with the agencies developing such plans.
2. National Development Plans should be subjected to Strategic Environmental Assessment prior to approval.
3. NATURA 2000 sites and landscapes considered by PEBLDS should be excluded from any harmful development, especially in those pre-accession countries, where these sites are not yet legally protected.
4. Planning and development of the Pan European Ecological Network has to be recognized as an important integrative tool with respect to different biodiversity issues, and for the incorporation of biodiversity considerations into economics and land use planning.
5. Sustainable use of biodiversity within the carrying capacity of ecosystems should be an integral part of all development strategies, considering the plans of implementation and guidelines of Conventions.
6. National Development Plans should be subjected and fully contribute to the implementation of National Sustainable Development Plans/Strategies.
7. A set of indicators should be developed to form the basis of monitoring the effects of the National Development Plans on biodiversity, and an action plan should be in place together with an emergency fund to mitigate any negative impact of implementation on environment.
8. Compile and analyse existing best practices and lessons learnt from other plans and projects to draw recommendations for the elaboration and realization of National Development Plans.

# ABSTRACTS FROM NATIONAL REPORTS

## Bulgaria

### Introduction

Since 1989, the new way of Bulgaria towards Europe has already been drawn. The question that the nature conservation society asked themselves was how long this way would be – 10 or 20 years, and what “losses” would be suffered; how many species and habitats of European importance will become extinct until Pan-European protection is obtained – contemporary nature-conservation legislation and adequate institutions for its enforcement. Unfortunately, at present, 14 years later, the list of these losses is long and sad. Approximately 15% of the Bulgarian forests have been irretrievably destroyed. The areas of species and habitats of European conservation importance have been considerably reduced, and some of them have been almost entirely destroyed. According to some experts (Nikolov H., Belev T. 2000), in the period 1990-2002 losses of natural resources and biological diversity comparable to the latest 50 years of the 20th century have been caused.

The reasons for the mass deterioration and destruction of habitats and species are numerous and interrelated. The hard economic and institutional crisis in the country in the past 13 years resulted in serious unemployment and impoverishment of the population, great part of which turned to unregulated natural resource use. Besides, there were hard structural reforms, including also a large-scaled land and forest restitution. New land and forest owners were not experienced enough in natural resource management, which caused damages to species and habitats of European conservation significance.

The analysis of the conservation policy evolution in the period 1989-2002 reveals serious omissions and “conservation nihilism” by parliaments and governments. The accession process turned out to be the most significant impetus for policy changes, much greater than the ratification of the international conventions, including also the documents from Rio. Unfortunately, as the conclusions drawn below show, the accession impetus develops mainly the legislative, or the so-called reform “on paper”. The other two important directions are considerably behind – inter-sectoral integration and institutional development. So, although overlapping to a great extent, these three directions are considered separately in the present analysis.

### The National Economic Development Plan of Bulgaria and EU accession

Unlike other East European countries, the Bulgarian development plan is called “National Economic Development Plan”. According to its authors’ opinions the Plan meets the requirements and structure for elaboration of National Development Plans. The assessments we made as part of the work under this project, as well as the opinion of many independent experts, unanimously claim the plan weak.

More detailed analysis of the plan’s shortcomings in the field of environment and nature conservation is made in the report. However, the plan has many other weak points, for example: there are no formulated goals, the analytical and program part is extremely poor on the account of the ascertaining one. Large parts of the plan comprise summarized presentation or direct texts of other documents, which have absolutely different goals, thus creating the impression of a mechanical collection of separate parts.

Unfortunately, at this stage the expectations that the Plan will analyse all problems and identify clear trends for the implementation of the structural and institutional reform are not justified. The Bulgarian Plan cannot contribute to the implementation of the reforms needed for the accession of Bulgaria to the European Union. Our hopes are that it is still in its draft version and the Government will make the relevant efforts for its radical change.

## **Preparation of the National Economic Development Plan**

The Bulgarian analogue of the National Development Plan is called National Economic Development Plan (*The abbreviation NEDP will be used in the text given below*), which is still in project phase, and not officially adopted by the Ministerial Council yet. The basis of the NEDP is the Regional Development Act (1999), defining that the plan is “*a combination of sectoral and regional programs, based on an analysis of the overall development of the country and common development strategy*”. Till mid 2002, the NEDP was being developed in parallel with the National Regional Development Plan and the National Agriculture and Rural Areas Development Plan. All three documents cover the same seven years’ period (2000-2006). The two latter documents are of lower hierarchy level and operative line towards improvement of agriculture effectiveness and establishment of long-term policy for regional development.

The National Economic Development Plan is also based on the National Strategy for Bulgaria’s EU accession and “Bulgaria 2001” governmental program. In its preamble, NEDP claims to be “*the most significant national planning document*”. The preparation phase is divided in three stages (November 1998 – October 1999). The stages are characterized with the establishment of inter-departmental working groups and the so-called Central Coordination Unit. According to the preamble, these bodies conduct intensive consultations with various social and economic partners. The document they produced launched a series of the so-called ‘updating’ during the period 2000-2003.

The first updating of the NEDP was necessitated by the invitation addressed to Bulgaria by the European Commission. The purpose of this updating was to advance the text of the plan, related to the documents on the regions defined in Regulation 12/60 of the European Commission of 1999. The updating calls for redrafting the plan in the sectors related to environment, agriculture, telecommunications and energy. The methodology used in the updating, according to the authors of the plan, satisfies the requirements of EU structural and pre-accession funds (which, according to the assessment we have made, is not true). In mid 2001 the Ministry of Regional Development and Public Works submitted the plan to an assessment made by independent experts, who found serious shortcomings concerning the application of the methodology.

The third updating (September 2002 - February 2003) aimed at approximating the document to Community Support Framework, as required by Regulation 12/60/99. The recommendations given by the assessors and the planners of the updating are detailed and voluminous, but they are not related to nature-conservation policy.

In the period 1998 - August 2002, the elaboration of NEDP was assigned to the Central Coordination UNIT (CCU) at the Minister of Regional Development and Public Works. The members of this unit are representatives of the expert level of ministries, state agencies and the Ministerial Council. The meetings of the CCU are open to discussion for various non-governmental and foreign organizations and institutions<sup>2</sup>, and the proceedings from the meetings are submitted to the relevant departments of the European Commission.

The main task of the CCU is proposing formulations of the national strategic goals and priorities to the Ministerial Council, respectively measures and operative programs.

The second task is reaching better internal administrative and financial organization and establishing the appropriate mechanisms for dialogue and coordination at all public levels. The assessment of the NEDP made by the independent experts in April 2001 shows that these goals have not been achieved to such an extent that would guarantee the turning of the document into main instrument in the negotiations with the European Commission, related to the usage of pre-accession funds.

Since September 2002, the elaboration of the NEDP has been assigned to the Coordination Council (CC) on NEDP, chaired by the Minister of Finances. Its members are deputy ministers from all ministries and the executive directors of the Economic Analyses and Prognoses Agency and the Small- and Middle-sized Companies Agency. The Ministerial Council defines the functions and tasks of the CC on NEDP, the procedure and way of decision-making, as well as the terms for NEDP updating. It is in the Council members’ duty to organize the dialogue with the partners in an

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<sup>2</sup> Economic Development Center, Open Society, World Bank, EC Delegation in Sofia etc.

appropriate way, corresponding to the requirements of EU Directive 1260 (1999), in terms of meeting the objectives of the updating. Inter-departmental expert working groups have been established concerning the priorities of the NEDP. The operative coordination among the working groups and the support of the work of CC on NEDP is implemented by a particularly established unit in the Economic Analyses and Prognoses Agency.

#### **Coordination with regional and other partner organizations.**

The basis for NEDP coordination in regional aspect was set in 2000, when six regions for planning were identified by the Decree of the Ministerial Council 145/27.07.2000<sup>3</sup>, as these regions correspond to NUTS II regions, according to the Eurostat classification. Regulated is also the establishment of state-public consultative commissions for economic and social association in each region. These commissions involve district governors in the particular region, representatives of local governments and regional development agencies, the associations of the municipalities in the region as well as the representatives of central bodies and regional structures of the business and trade unions. The fulfilment of the functions of the consultative commissions is controlled by the Minister of Regional Development and Public Works.

The approval of the NEDP version by the Ministerial Council in October 1999 (Resolution № 670 of 27.10.1999) was preceded by public discussions with the business organizations, academic community and non-governmental sector. The version submitted for approval comprises a table with the comments and recommendations made.

Despite the explicit EU requirements for partnership at national and regional level during the preparation of the Plan, none of the NGOs acting in the field of environment and nature-conservation policy in the country participated in the whole process. This was found through interviews conducted with the NGO leaders. Moreover, no references indicating the participation of regional NGOs or NGOs of smaller capacity dealing with environmental policy were found in the plan. To some extent the responsibility is bilateral, as the draft plan was for a long time available on the Internet, however the active NGOs cannot find the time and capacity to provide regular assessment and comments on it.

#### **Evaluation of the plan on the basis of the completed questionnaire**

Based on the evaluation methodology, the situation analysis on which the plan relies with special regard to the usage of environmental information, the plan gets 23 % of the maximum scores, which makes it absolutely unacceptable from this point of view.

There are lots of shortcomings in this field, some issues have not been considered at all, such as:

- Assessment of the state of inter-sectoral integration
- Evaluation of the public participation in decision-making on environmental issues
- Assessment of the traditional knowledge and the relation of people to their environment
- Natural capital / resources accounts system
- Ratio of natural / non-natural habitats
- Assessment of expected conflicts related to nature conservation

For many issues considered in the assessment, the plan neither proposes strategies and solutions nor comments on them. For example, regarding habitat entity, it does not comment any habitat entity and it does not use the term “habitat” at all.

There are also significant shortcomings in the plan as far as “Evaluation of the effects on environmental awareness” is concerned, where it receives only -7 scores, i.e. it will have an adverse affect by all probability.

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<sup>3</sup> DMC 145/27.07.2000 for defining the conditions and regulation for implementation of strategies and programs, co-funded by the EU programs in the field of the regional development and the economic and social association; promulgated in OJ, issue 64/04.08.2000, effective since 04.08.2000.

Here again, the methodology used found considerable gaps. For example: almost complete lack of integration of the environmental aspects, assessment of the capacities and institutional development related to expanding the environmental knowledge, absolute lack of any elements directed towards raising environmental awareness of the affected people.

No risk assessment has been made for the whole plan and the strategic projects proposed in it, such as energy, mining, infrastructure, etc.

Assessing the anticipated fulfilment of nature conservation expectations (for the 16 key questions in this section the Bulgarian plan receives 34 % of the maximum scores), they are absolutely not tackled in the plan and according to the methodology re-planning of the plan is strongly recommended. The most important issues which are not considered are: rehabilitation of damaged ecosystems, habitats conservation, evaluation of territories with high conservational value as well as nature conservation in the agricultural sector, sustainable forestry and adopting the approach of the EU waters framework directive etc. The plan has not even noticed the existence of completed strategies and plans on managing wetlands like ‘The Strategy for the Protection and Restoration of Floodplain Forests on the Bulgarian Danube Islands’.

Important sectors that could endanger the biodiversity are mining, energy, infrastructure, etc., are presented in the plan with no comment at all on any possible synchronization with the existing nature conservation legislation and the international conventions ratified by the country. It is far too easy to comment on what is in the Bulgarian National Development Plan on nature conservation – it’s a pity that just one page is dedicated to biological diversity, as 95% of it is rewritten from other documents and has informative popular value only. Although there are only few author’s lines, one could find rather interesting “pearls”, or speaking rudely – incorrect statements. For example concerning the following quotation: “The Government of Bulgaria approved the National Biological Diversity Conservation Strategy, which is inspired by the Pan European Biological and Landscape Diversity Strategy.” the truth is that the National Biological Diversity Conservation Strategy was entirely completed and unchanged at the end of 1993, when PEBLDS was not even planned yet.

If we leave the framework of the assessment methodology, we should comment on various problems, however this is impossible, as they are not treated at all. For example, one of the most important questions for such a plan is whether it integrates all main international commitments in the field of biological diversity (conventions and agreements) in its various sectors such as energy, agriculture etc. Providing such comment is very difficult, simply because there is no basis for it. The plan does not integrate the requirements of the conventions on biodiversity ratified in Bulgaria and it does not even mention their existence. Looking for reference to CBD, Habitat Directive 92/43 or even NATURA 2000 in the 400 pages’ text would be in vain.

What does the Bulgarian plan comprise in fact, as far as biodiversity and conservation policy is concerned? Actually, there is not anything essential in it. The existence of two documents – National Biological Diversity Conservation Strategy and National Action Plan, is mentioned in a space a bit larger than a page. Only brief sections of the documents are provided. Besides, the territorial coverage of the protected areas and their division in categories is given with no cause-result connection. There are also old data on the number of protected species etc. Unfortunately, there is no use of these texts, and they do not have any information value, as they are elaborated on a very low level. The main conclusion is: the National Economic Development Plan of Bulgaria must be entirely revised.

# The Czech Republic

## Introduction

The orientation of the Czech Republic towards the European Union has increased attention on continuing differences in environmental legislation compared to the relevant regulations of the European Union as well as differences in the enforcement of legislation and the administrative level at which certain aspects of environmental management are tackled. Measures that are clearly bound up in the concept of sustainable development and that are an essential part of pre-accession strategy include:

- harmonization and implementation of the environmental legislation of the European Union in the Czech Republic;
- implementation of the National Program for the Preparation of CR for Membership in the EU;
- implementation of projects in the framework of the Phare National Program; establishment of the Natura 2000 network;
- adaptation of the administrative and institutional base for environmental protection and adoption of successful methods of enforcement;
- improvement of many environmental quality parameters to at least the level of the average for EU member countries;
- improvement of the information and data base, successful introduction of a unified environmental information system, enabling provision of information on the state of the environment at sub national levels (regions, districts, cities), including the ability to model and evaluate the effectiveness of the measures adopted;
- participation of the private sector and the general public in environmental activities;
- strengthening investments, especially in water management, and also in air protection and waste management (the ISPA Program);
- effective co-operation with the European Environmental Agency - EEA and the European Environmental Information and Observation Network - EIONET - in provision and harmonization of data;
- implementation of the Directive on Integrated Pollution Prevention and Control (IPPC), which constitutes a new approach to issuing permits for production activities in large and medium-sized installations and complexes.

## Preparation of the National Development Plan

The preparation of the NDP started in the Czech Republic in 1999 focusing in a comprehensive manner on the area of economic and social cohesion in the cohesion regions falling under Objective 1.

The first draft of the NDP was approved by the Government of the CR on 27<sup>th</sup> October 1999. Further activities were conducted in the second half of 2000 and in the first half of 2001, the updated version of the draft NDP was discussed by the Government of the CR on 14<sup>th</sup> May 2001. In late June 2001 the English version of the updated draft NDP was submitted to the European Commission for comments.

In mid-February 2002 the Ministry for Regional Development received joint comments of DG Regional Policy and DG Enlargement on the draft NDP of the CR. These comments were the main reason for substantial alterations and improvements done in the course of preparations of the final version of the NDP.

In December 2002 the government approved the National Development Plan by its Resolution No. 1272/2002 of 16<sup>th</sup> December 2002. In early 2003 the government reacted to the most urgent recommendations of the European Commission concerning reduction of the number of the prepared OPs and decided upon incorporating the prepared OP Tourism and Spa Industry into the Joint Regional Operational Programme and the OPs Transport and Environment into the new

OP Infrastructure. In accordance with this resolution and with ex-ante evaluators' recommendations the final version of the National Development Plan was prepared and submitted to the European Commission in February 2003.

The NDP as the initial document to negotiate support from the Structural Funds for the shortened programming period of 2004 - 2006 describes the current situation, defines the strategy, sets forth the orientation of the OPs, proposes the managing and monitoring system and determines the financial framework of the NDP.

The first chapter of the NDP contains a description of the current macroeconomic situation in the Czech Republic. At the beginning of the second chapter the results of the socio-economic analysis are summarised in the SWOT analysis forming a bridge to the subsequent formulation of objectives and strategies. The objectives will be achieved by implementing priority axes by means of the OPs. Following is a section describing how compliance with the EU policies will be ensured. As opposed to the previous versions of the NDP that contained separate sectoral and regional sections describing besides the basic characteristics also the orientation of the regional and sectoral OPs proposed, the final version only outlines the orientation of the separate OPs included in the third chapter. The OPs are described by their objectives and priorities, of which implementation will help to achieve the goals. Further details will be given in the separate OPs and programme complements.

The fourth chapter covers management and monitoring measures. It gives an overview of the system of management authorities and monitoring committees as well as financial management and control. The fifth chapter presents the financial framework and distribution of funds among individual OPs.

Within the process of consultations it is necessary to distinguish several levels. In the first place it is to ensure interdepartmental co-ordination in the course of preparation of the NDP. The Ministry for Regional Development is responsible for the overall co-ordination of the NDP, the financial framework has been prepared by the Ministry of Finance; nevertheless, it is necessary to emphasise that the whole document is being drafted in close co-operation with the central state administration bodies.

Therefore, since 2001 the progress of the NDP has been discussed by the Management and Co-ordination Committee. In spring 2002 within the Management and Co-ordination Committee a working group for programming was established, comprising representatives of the managing authorities of the individual operational programmes as well as of the regions. The group held regular meetings once in two or three weeks and substantially contributed to the establishment of links among the individual programme documents.

The second level is represented by the involvement of relevant social, economic and regional partners in the preparation of the programme documents. Information on progress in the preparation of the programme documents and on the possibilities of use of the Structural Funds were conveyed to the partners and the public in workshops, seminars and public hearings. One event organised by the Ministry for Regional Development and its long-term advisor operating within the Phare/National Development Strategies Preparation project was of extraordinary importance; it was the road show across the regions of the Czech Republic in 2001, with regional players as the target group.

The Ministry for Regional Development estimates that in total the process of consultations involved approximately one thousand legal entities or individuals.

Although the ministry considers the participation of NGOs as sufficient, the NGOs who are working in this field have almost completely opposite experiences. It was extremely difficult for them to join the consultation process from the very beginning. Sometimes they were excluded from consultation groups or committees, the reports from various meetings were not publicly available and meetings sometimes not even open to public. The methodology for public participation differed a lot during the preparation of various preparatory documents for the NDP. The public participation (and the methodology) also differed in the regions. At the end the NGO participation was ensured in the preparation of final versions of the concept.

## **Evaluation of the plan on the basis of the completed questionnaire**

As the newest strategic concepts of the EU (such as the sustainable development strategy) are presently not an organic part of the EU practice, the sustainability principle does not penetrate the Structural Funds. The situation is even worse concerning the Hungarian National Development Plan, as none of the conservational or the environmental considerations are built in the level, which is required as a horizontal principle by the EU.

The plan targets economic development predominantly determined by growth, which is superior to all the other goals and exactly contrary to nature conservation ones. During this, people become human resources, environmental protection becomes infrastructure development and society a factor of the competitive market. The main objective of the plan is to increase the quality of life through improving public welfare, which is however envisaged exclusively through one-sided economic growth, and only gauged by GDP indicators. However the concept of life quality is not quantifiable, therefore it is not easy to interpret it in developments and its monitoring is not possible.

With the exception of ROP (Regional Operational Program) there are no strategic environment assessments planned and implemented to be made for the whole National Development Plan or the individual operational programs, in contrast to many other member states (i.e. Ireland, Spain).

At the time of the preparation of the plan there were no real alternatives set up and examined, and only references to them were made in the documents. None of the strategies looks into the future from environmental point of view, sustainable development is only a phrase they speak about. The ecological sustainability, economic stability, social solidarity as well as the endeavour to reach a dynamic balance in farming between using the natural resources and producing profit are only empty slogans, however their principles are not elaborated and integrated into the plan.

When working out the vision for the future and the strategy of the National Development Plan, both the Council Regulation No 1257/99 on support of rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)) and Council Regulation (EC) No 1260/99 setting the general provisions about the Structural Funds, as well as the following plans published by the EU Commission should be taken into consideration: Biodiversity Action Plans in the areas of Conservation of Natural Resources, Agriculture, Fisheries, Development and Economic Co-operation, the 6th Environmental Action Plan, as well as the sustainable development strategy of the EU. Besides, other effective international agreements should also be mentioned, such as the agreement made in Aarhus, Denmark – the “Aarhus Convention”.

The approach that the success of the developments solely depends on the absorption capacity of the country is mistaken. Not the amount of the money used should be determining, but rather the fact, whether we reached the aims set out in the National Development Plan or not. Effectiveness should be thus put forward, as the same problem may be solved at a lower cost and in a more environmentally friendly way, even if only on the longer term.

### **Situation analysis**

A ”problem-tree” was not prepared for the situation report of the National Development Plan, which would show the real strengths and weaknesses in nuances and highlight their connections. The situation analysis itself is totally economically orientated and contains six economic strengths, a training-research, an educational, an agricultural and a natural and cultural heritage one. The economic side is emphasised disproportionately better.

The situation report does not mention, examine and analyse several environmentally important questions, although a few of them are of outstanding importance in terms of sustainability and the improvement of life quality, as well as for monitoring the effects of the development measures. These are for example:

- the level of environmental awareness of the affected people;
- the situation of public participation in decision making on environmental issues;

- the relation of people to their environment;
- the traditional knowledge and its environmental relations (e.g. traditional agricultural methods);
- the spatial distribution of the existing habitats and the factors threatening the coherence of the habitats;
- the integration of environmental considerations into other sectoral policies;
- the conflicts of nature conservation with human activities.

The following considerations are only partly examined, although they are mentioned but not worked out in the material and their connections with the measures are not revealed: the state of each environmental element and the environmental effects of the sectors; the agro-ecological potential, without examining the potential extension of agro-environmental measures targeted region.

The development of the target hierarchy had been not preceded by setting up a so-called "problem-tree", which would make the target system consistent and satisfy the real requirements. It does not turn out from the Strengths Weaknesses Opportunities and Threats (SWOT) analysis at all, what kind of consequences and why have been drawn. The plan is seemingly not supported by the results of the SWOT analysis, although the harmony of the general aims and the development programs set out in the OPs would be expected. The development of the quality of environment, as well as the sustainable management of the resources is correctly determined as general aims. Three specific targets of those are also correct, although ~~partial~~, their definition needs to be more concrete: the integration of the environmental considerations into the sectors, minimising environmental pollution, the sustainable use of natural resources (especially the preservation of the natural features of landscape should have been mentioned). However these three specific aims cannot be reached by the development of the environmental infrastructure, while this latter raises many problems at the same time. The development of transport infrastructure confronts with the environmental objectives in the Infrastructure and Environment Operational Program, which aims the improvement of the quality of environment.

Everything plays a less important part in the strategy than the competitive market and other economic targets. Both environmental and social considerations are taken into account and their development is reasoned only in cases when it serves the economic interests.

### **The effect on environmental awareness**

The expressions, such as the quality of life or sustainability, which refer to environmental awareness, appear in the development objectives, nevertheless they more and more fall behind in the course of determining more specific targets and more concrete measures. In the operational programs and in the plans of the individual sectors the steps targeting environmental integration do not appear any more. Similarly the plan does not build on the knowledge of local cultures and the traditions related to environment, and it does not aim to strengthen them either.

The measures set out in the plan do not deal with how the environmental impact of future activities will affect the inhabitants and with the ways to show these effects to the civilian population. Likewise it ignores how the inhabitants can take part in decision making in issues related to environment.

Concerning the trainings and sessions mentioned in the plan, there is no reference to their environmental aspects. The plan mentions the measures related to the coherent networks of habitats, however at the same time the preservation of the habitat networks is not mentioned as an important issue to take into consideration when it comes to measures threatening the coherence of the habitats, especially the system of Natura 2000 sites.

### **Conservation measures**

The planned developments imply the fragmentation and the isolation of the existing extensive and coherent habitats in Hungary (see infrastructural development, more intensive agricultural land management). The species, habitats and natural features of landscape still preserved can be threatened by the implementation of these measures, since there are not any measures integrated into the separate operational programs to avoid this. The rehabilitation of different habitats and their network, as well as the compensation and mitigation measure adequate on this strategic level does not appear in the plan as independent, exact measure.

The different protection levels concerning the protected areas are not ensured in the operational programs controlled by the sectors, since considerations and guarantees do not appear for the national (ecological network, which is already designated, however not protected yet by law as a whole) or the EU protection categories (such as Natura 2000 sites).

### **Agriculture**

With respect to EU assistance in the field of agriculture the plan does not present how the conservation considerations can be integrated (i.e. conditions of different expressions, examination of the affects of the implementation on natural resources).

Neither the plan nor its measures establish the required balance of the growth oriented, intensive agriculture and the agri-environmental schemes that are pervaded by social considerations and adjusted to the agro-ecological potential. The multi-functional agricultural strategy is totally missing from the plan. There is reference to the National Rural Development Plan (which however contains agri-environmental measures) in this document, but the connection between these two – the NDP and the NRDP – is not clear. The National Development Plan does not contain any kind of agri-environmental measures.

During the realization of agricultural developments the priority of using nature protective methods is not given, while at the same time there are no measures for the rehabilitation and protection of the species, habitats and natural features of landscapes in the sectoral operational programs.

The monitoring of the quality of habitats is missing from the plan, although these monitoring data and their analysis should be used for the planning and control of the implementation of agricultural and especially agri-environmental rural development plans. Forestry is also discussed in the National Rural Development Plan.

### **Other sectors**

It can be stated in terms of the operational programs of the National Development Plan that the nature conservation considerations do not appear in the determination of the measures.

In the field of infrastructure the plan promotes the development of (air and) road transport, which is contrary to the determined environmental objectives and also may pose a threat on nature through habitat fragmentation, while the planned developments in other sectors also potentially threaten the protection of biodiversity.

There is a possibility however to set up guarantees and criteria (such as criteria for project selection) for the protection of natural values during the preparation of the additional measures. The NGO involvement should be also ensured through preparing additional measures on public participation.

# Hungary

## Introduction

Community law on nature conservation - namely the adoption of the Birds Directive (Council Directive 79/409/EEC on the conservation of wild birds) and the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) - is an integral part of the EU accession process in Hungary.

One of the requirements regarding the above mentioned directives is that by the time of the EU accession, Hungary has to issue the appropriate regulation on nature conservation to comply with these directives. The Hungarian nature conservation law – apart from some negligible shortcomings – *meets the EU requirements*. Our national law also prescribes stricter regulations in several respects, which regarding the nature of these directives and the case law of the European Court of Justice is not only admissible but also required in many cases. The orders targeting the elimination of the shortcomings in national nature conservation legislation and the regulation of the Natura 2000 network are nearing announcement.

One of the tasks that must be completed in connection with the directives is to supplement the Annexes to the directives, which has already happened in relation to the Birds Directive and it is in progress regarding the Habitats Directive. Significant steps are being made for the monitoring and preparing the management actions for the species and habitats included in the Annexes and it is inevitable to continue these for the purpose of monitoring the effects of the National Development Plan as well.

Following the EU accession, of course, the harmony and the enforcement of both the community and the national law (including the sectoral rules) must be provided for. The agricultural sector is outstandingly important among the sectors and in this regard the agri-environmental protection and the rural development are the most essential areas, which play a main role in the implementation of the directives. Hungary has a really good agri-environmental program, which individual elements have already been implemented, but which needs further development and requires considerable practical steps to be taken to reach the suitable efficiency.

Hungary prepared its *National Environmental Plan* including the national and community tasks, and the *National Nature Conservation Plan* is an organic part of this. The *Plan* contains the objectives and necessary measures to take during the following six years.

## Preparation of National Development Plan

As of June 2002, after the general election, the formerly prepared essential and structural elements of the National Development Plan had been amended and new documents had been prepared. Inside the Prime Minister's Office, separate offices – the National Development Plan and EU Assistance Office – were set up and the necessary planning capacity building started within the Ministries and the competent authorities. The planners in the planning process took part in training in order to learn the necessary programming knowledge.

The operative programs were worked out under the direction of the relevant Ministries, which are responsible for the given individual sectors. The sectoral interests were put forward in the planning process, but the regional, horizontal and inter-sectoral interests did not play a role and they do not have efficient representation of interests in the planning process.

Parallel with the preparation of the plan the public discussions also formally started and during this it was possible to give remarks on the document to the planners through the Internet. The regions and the NGOs could not take part in the planning process and capacity building for the NGO participation was not ensured either. They only had the possibility during the planning

process to express their opinion on the complete and semi-finished documents with very short deadlines while they were given insufficient information. About 20 NGOs formulated their opinion on the Regional OP, and altogether 3000 opinions were received to those chapters of the Plan that were the subject of the debate. The activity of the highlighted social and economic partners showed an interest in the topic on the open day in the Parliament. However the NGOs mostly did not receive feedback on how much their opinions were taken into account. However it should be noted, that among the separate ministries there were some differences in the attitude. Besides from some helpful and informed employee of the ministries, the foreign agencies of the NGOs (often their partner in the EU, among others the BirdLife International, the Royal Society for the Protection of Birds, the WWF and the European Environmental Bureau) helped the Hungarian organisations to find their way in the unforeseeable and opaque planning process. The final version of the National Development Plan was prepared by the end of 2002.

A strategic environmental assessment was supported by the Regional Environmental Center, the Ministry of Environment and Water, the Ministry of Agriculture and Rural Development and the VÁTI Hungarian Public Nonprofit Company for Regional Development and Town Planning regarding the Regional Development Operational Program. Concerning the National Development Plan and the other operational programs only the ex ante evaluations were completed.

When the National Development Plan was submitted, negotiations started with the European Commission about the Community Support Framework, which means the real financial engagement of the EU and the Hungarian party. The Leader Authorities set up in the different ministries (Ministry of Agriculture and Rural Development, Ministry of Employment Policy and Labour Affairs, Prime Minister's Office, Ministry of Economy and Transport) are responsible to put the operational programs into effect connected to the Community Support Framework. Their work is co-ordinated by the Community Support Framework Leader Authority set up in the National Development Plan and EU Assistance Office.

The environmental and nature conservation NGOs elected their representatives for the different committees at their general meeting, but the conditions of their assistance is still not clear.

### **Evaluation of the plan on the basis of the completed questionnaire**

As the newest strategic concepts of the EU (such as the sustainable development strategy) are presently not an organic part of the EU practice, the sustainability principle does not penetrate the Structural Funds. The situation is even worse concerning the Hungarian National Development Plan, as none of the conservational or the environmental considerations are built in the level, which is required as a horizontal principle by the EU.

The plan targets economic development predominantly determined by growth, which is superior to all the other goals and exactly contrary to nature conservation ones. During this, people become human resources, environmental protection becomes infrastructure development and society a factor of the competitive market. The main objective of the plan is to increase the quality of life through improving public welfare, which is however envisaged exclusively through one-sided economic growth, and only gauged by GDP indicators. However the concept of life quality is not quantifiable, therefore it is not easy to interpret it in developments and its monitoring is not possible.

With the exception of ROP (Regional Operational Program) there are no strategic environment assessments planned and implemented to be made for the whole National Development Plan or the individual operational programs, in contrast to many other member states (i.e. Ireland, Spain).

At the time of the preparation of the plan there were no real alternatives set up and examined, and only references to them were made in the documents. None of the strategies looks into the future

from environmental point of view, sustainable development is only a phrase they speak about. The ecological sustainability, economic stability, social solidarity as well as the endeavour to reach a dynamic balance in farming between using the natural resources and producing profit are only empty slogans, however their principles are not elaborated and integrated into the plan.

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These are for example:

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concrete: the integration of the environmental considerations into the sectors, minimising environmental pollution, the sustainable use of natural resources (especially the preservation of the natural features of landscape should have been mentioned). However these three specific aims cannot be reached by the development of the environmental infrastructure, while this latter raises many problems at the same time. The development of transport infrastructure confronts with the environmental objectives in the Infrastructure and Environment Operational Program, which aims the improvement of the quality of environment.

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The planned developments imply the fragmentation and the isolation of the existing extensive and coherent habitats in Hungary (see infrastructural development, more intensive agricultural land management). The species, habitats and natural features of landscape still preserved can be threatened by the implementation of these measures, since there are not any measures integrated into the separate operational programs to avoid this. The rehabilitation of different habitats and their network, as well as the compensation and mitigation measure adequate on this strategic level does not appear in the plan as independent, exact measure.

The different protection levels concerning the protected areas are not ensured in the operational programs controlled by the sectors, since considerations and guarantees do not appear for the national (ecological network, which is already designated, however not protected yet by law as a whole) or the EU protection categories (such as Natura 2000 sites).

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the NDP and the NRDP – is not clear. The National Development Plan does not contain any kind of agri-environmental measures.

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The monitoring of the quality of habitats is missing from the plan, although these monitoring data and their analysis should be used for the planning and control of the implementation of agricultural and especially agri-environmental rural development plans. Forestry is also discussed in the National Rural Development Plan.

### **Other sectors**

It can be stated in terms of the operational programs of the National Development Plan that the nature conservation considerations do not appear in the determination of the measures.

In the field of infrastructure the plan promotes the development of (air and) road transport, which is contrary to the determined environmental objectives and also may pose a threat on nature through habitat fragmentation, while the planned developments in other sectors also potentially threaten the protection of biodiversity.

There is a possibility however to set up guarantees and criteria (such as criteria for project selection) for the protection of natural values during the preparation of the additional measures. The NGO involvement should be also ensured through preparing additional measures on public participation.

# Latvia

## Introduction

In 1995, a European agreement between the member states of the European Union and Latvia was concluded. According to this agreement, Latvia has undertaken to improve its legislation and to incorporate the requirements of the EU Birds Directive ("*On Conservation of Wild Birds*", 79/409 EEC) and the Habitats Directive ("*On Conservation of Species and Habitats*," 92/43 EEC). According to these directives, the EU member states create a network of the protected territories called NATURA 2000. Latvia is working to be ready for EU accession, by this time we shall have to submit to the EU Commission the list of NATURA 2000 locations and the database. In order to ensure appropriate protection of the potential NATURA 2000 locations, provisions for creation and protection of such locations have been worked into the laws.

*The Law On Specially Protected Nature Territories, 1993; 1997; 2002*

Section 43. Protected Nature Territories of European Significance

(1) Protected nature territories of European significance form a unified network of protected nature territories of European significance (Natura 2000). The network has been established in order to ensure the protection of specially protected biotopes, specially protected species and specially protected habitats of species or, where necessary, their regeneration in the boundaries of the natural distribution area of such species.

(2) The Cabinet shall determine criteria (hereinafter - criteria) for the establishment of protected nature territories of European significance (Natura 2000) in Latvia. The responsible minister shall approve the list of protected territories of European significance (Natura 2000) in which all the protected territories conforming to the criteria have been included. The Latvian Environment Agency shall prepare the necessary information for the society and for the European Commission regarding the protected territories of European significance (Natura 2000) in Latvia.

(3) The Ministry of Environmental Protection and Regional Development shall develop proposals for the establishment of new protected territories conforming to the criteria, for a change of category of a protected territory or for changing the borders in cases where the protected nature territories of European significance (Natura 2000) are not provided with a sufficient protection regime.

(4) For any intended activity that may substantially affect a protected nature territory of European significance (Natura 2000) an environmental impact assessment shall be carried out taking into account the goals of protection of the territory and also evaluating the total impact of the intended activities. The intended activities shall be permitted only if such activities do not negatively affect the ecological functions of the relevant protected nature territory of European significance (Natura 2000) and do not contradict the goals of establishing such territory.

(5) If the intended activities negatively affect the relevant protected nature territory of European significance (Natura 2000), they shall be permitted only in cases where such activities are the only solution to satisfy significant social or economic interests of the society, and such activities include provision of compensation measures for the network of protected nature territories of European significance (Natura 2000).

[Amendments 28 February 2002]

According to this law the Cabinet of Ministers has adopted regulations:

"Criteria for the Establishment of PNT of European Significance (Natura 2000)" No.199; (28.06.2002)

*The Law on Conservation of Species and Habitats, 2000*

The objectives of the law are to ensure biodiversity, conserving the flora, fauna and habitat characteristics of Latvia. The law determines lists of the specially protected species and habitats, where the endangered, vanishing or rare species and habitats as well as the species inhabiting specific habitats are included, based on the Appendices of the Bern Convention and the EU Birds and Habitats Directives. In order to prevent the reduction of the number and distribution of local species or the vanishing of rare habitats, the law provides for establishing micro-reserves outside

the protected nature areas. The law also determines the rights and responsibilities of the landowners and provides for compensations for the damage caused by specially protected and migrating animal species on the land property. According to this law the Cabinet of Ministers has adopted several regulations. In line with international commitments and EU legislation on sustainable use of resources, nature conservation requirements are incorporated into the laws of many branches of economy - forestry, fishery, territorial planning and others.

### **Preparation of the National Development Plan**

The drafting of the National Development Plan (NDP)/Single Programming Document (SPD) started in January 2002 (the EC provided an appraisal of the submitted NDP in March). The first draft was translated into English in September 2002. After the elections of October 5th a new version started to be drafted and edited. This version was submitted to the EC for comments in January 12th, 2003. The Commission responded with technical comments in February 11th. After reception of the comments a serious redrafting of the SPD led to the current version.

The ex-ante evaluation was assigned relatively late in December 2002 when the drafting of SPD was already well progressed. The ex-ante evaluation team started mobilisation immediately after assignment with the goal in mind of assisting the drafting team in improving the programming document both in content and form. This has been achieved with contributions in the form of:

- Reviews of written outputs, (comments on the strengths and weaknesses of preliminary versions of the draft SPD, concrete proposals for improvement, proposals on tackling specific issues – structure, coherence, horizontal issues etc.).
- Participation in workgroups.
- Direct assistance-guidance in drafting parts of the SPD (SWOT, Strategy, Indicators).
- Co-operation with key officials responsible for the drafting of the SPD.
- Co-ordination of inputs. The ex-ante evaluation team co-ordinated its activities with other EU expertise and contributed to inter-ministerial and inter-departmental communications.

The Ministry of Finance (MoF) received support from two other projects that assisted the drafting procedure, parallel to the inputs provided by the ex-ante evaluation team:

- 1) The PHARE Twinning Project that links the Latvian administration with France, implemented by the French Institution DATAR; which provided the main bulk of external expertise and
- 2) The Strategic Environmental Assessment Latvian-Finnish bilateral project.

As far as partnership with the social partners and the greater public is concerned, the SPD was given for public discussion in the fall of 2002. It was published on the Internet, discussed by the media and officially sent out to more than 70 NGOs, comments on NDP/SPD were received from 15 non-governmental organisations and universities. Activity of public has not increased, compared to the public discussion on National Development Plan that was organised at the end of 2001; however, quality of comments has improved. Furthermore, several seminars were organised in different regions of Latvia, in which NGOs, municipalities, entrepreneurs and other social partners were invited for information assimilation and exchange of ideas. In addition, field research was carried out with questionnaires to NGOs and businesses in order to get feedback.

As far as the publicity provisions during the implementation stage, there are some general principles outlined in the SPD and the intention to develop an information strategy is stated. However, the development of this strategy for publicity is an issue differed for later stages. The Managing Authority will be responsible for promoting publicity and informing potential Final Beneficiaries, local governments, NGOs, and other partners.

### **Evaluation of the plan on the basis of the completed questionnaire**

It has to be stressed that evaluations of the NDPs are rather subjective. The difference in approaches to the evaluation may differ significantly between the countries. Even within the country, different experts provide very different views about the quality of NDP. The evaluation done by experts of Latvian Fund for Nature is rather positive - in cases when particular matters were not tackled directly, we looked into other sectors to see if they are not at least partly tackled there. This resulted in situation that our most positive view is expressed in the questionnaire. Less positive evaluation led to 17 points difference in scoring, which is rather similar to the Lithuanian evaluation.

More comparable results emerging from the same understanding of the valuation could have been produced if the same experts had carried out the evaluations of the different national plans, however as knowledge about the situation in the different countries is also necessary, this approach also has its limits. Another way of ensuring more objectivity would be hiring more experts for the same evaluation and afterwards taking the average of the results. However, the financial and time constraints in the project did not allow such methods in the implementation unfortunately.

For the reasons mentioned above, our questionnaire may result in higher scoring than average, but it does not necessarily mean that situation is significantly better than in other countries. We should consider however that the results show that the Latvian SPD is marginally acceptable regarding to what extent it is established environmentally (71,25 scores is the set limit and the Latvian results are 72 scores), it will probably have a positive effect on the environmental awareness of people (the result (0.357 score) is above 0, however does not exceed the 50% of the maximum) and the SPD is marginally acceptable from nature conservation point of view (1.52 score, while the limit of being acceptable is 50% of maximum, which is 1,5 score). Taking these limits into account we must underline that the Latvian SPD is still vague in meeting our expectations and considerable revision of the document is strongly recommended.

The situation analysis was quite different in the sectors. To get most precise information from public point of view on environmental and nature conservation questions, there was public opinion poll in Latvia carried out in 2002. The results were partly used for preparation of nature conservation aspects in the NDP. Still in many cases the knowledge that is based on the daily work experience of authorities from the ministries were used for the situation analysis. The information from annual reports on Environmental Indicators in Latvia was used as well.

The NDP integrates the environmental aspects into other sectors, which complies with the environmental legislation. The requirements for nature conservation and the use of natural resources are integrated in sectoral policies on the basis of National Programme on Biological Diversity (NPBD) and the NDP reflects that. SPD is a product of extensive inter-ministerial and social partnership negotiations. Issues of biodiversity conservation in forests and Natura 2000 are reflected in priorities. The plan contains only some public awareness raising elements, environmental awareness raising is rather reflected in the National Programme on Biological Diversity. Local experts in co-operation with European experts carried out strategic environmental assessment for the NDP. The assistance was provided from The Strategic Environmental Assessment Latvian-Finnish bilateral project.

In general the NDP has development aims for the sustainable use of natural resources and they are taken into account for the development of economic activities. The NDP complies with the environmental legislation and the NPBD requirements that include the restoration of damaged ecosystems and habitats. The provisions of the Plan are developed keeping in mind the concerns of environmental protection as well as international and national commitments.

For development of **agriculture** the objective of priority is to promote and ensure balanced and sustainable rural development by reducing socio-economic differences between rural areas and cities, maintaining diverse rural environment and promote efficiency and competitiveness of agricultural production. As one of the most favourable development trends for agricultural production the biological farming and tourism are mentioned. Besides the preservation of rural landscape, elimination of degradation of ecosystem, maintenance of functioning capacity of drainage system and the promotion of recreational use of land are also determined as objectives. The Latvian Rural Development Plan, which is closely coordinated with and complementary to the SPD outlines the desirable agricultural measures to support.

**Forest** sector plays an essential role in Latvian economy, as well as in preservation of biological diversity and maintenance of environmental quality. Presently private forestry sector is not developing according to the principles of sustainable development. The major objective is to increase efficiency of private forest care-taking, improvement of forest resource quality, to motivate for renewing and maintaining of forest resources, to preserve and maintain biodiversity in Latvian forests, to support co-operation among private forest owners. The plan does not concern activities for rehabilitation of forests with damaged species composition, because problem is not relevant for Latvia.

The objectives for **water** management, **waste** management, energy sector and **tourism** are to improve the quality of environmental infrastructure and to support economic development by improving the necessary water treatment infrastructure, to increase the efficiency of energy supply and management and to create the conditions for more effective use of natural and culture heritage for economic development, in particular tourism. As indicative activities are highlighted: provision of access to central water supply and sewage management system, upgrading water treatment infrastructure in settlements with populations less than 2000, establishing waste separation/collection points, support for the recycling activities, regeneration and upgrading of non-compliant waste disposal sites, regeneration of contaminated former military or industrial sites and upgrading district heating networks to comply with the energy efficiency and environmental requirements.

The main objective of the national **fisheries** policy is to balance fishing fleet capacity with fish resources available. The SPD priority "Promotion of Sustainable Fisheries Development" is based on the structural policy of the Common Fisheries Policy and is in close relation to other CFP areas. Both the CFP and the national policy objectives and priorities stress the importance of sustainable development of fish resources. The SPD foresees Financial Instrument for Fisheries Guidance support (Structural Fund) for the adjustment of fishing effort, which means scrapping of vessels in order to decrease the fishing effort (fishing capacity and activities).

Rural **tourism** is developing – according to the data of the association "*Lauku Ceļotājs*" (Rural Traveller), there were 172 agricultural holdings engaged in rural tourism activities, having served 9 700 tourists as of 2000, whereas in 2001, their number has been increased up to 210 with the number of tourists 12 400. Service providing enterprises are developing in certain parts; however, their development is being substantially hindered by the low purchasing power of the rural population.

The extraction of partly renewable peat resources and non-renewable constructing raw materials (sand-gravel, dolomite, sand, clay, limestone) play an important role in **economy** of Latvia. Amount of extraction decreased since 1991 dramatically. SPD does not foresee support for overuse of resources.

SPD provide support for development of the separated waste collection system by the installation of separate waste collection points and the assistance to the development of waste recycling technologies.

The projects supported by SPD are mainly paving of gravel roads, increasing of bearing capacity of paved roads and improvement of traffic safety on sections of roads, bridge reconstruction and increasing of bridge bearing capacity, optimisation of transport system and

increasing of traffic safety level in urban territories. The plan does not foresee establishment of new infrastructure.

The expectations from plan in biodiversity field are mostly partly covered, in some sectors, like forestry and agriculture expectations are fulfilled better, but in some other sectors, like waste management, water management are tended for solving of environmental problems.

# Lithuania

## Introduction

In 1995, Lithuania signed an Association Agreement with the European Union (EU) and formally applied for EU membership. The Association agreement obliges Lithuania to approximate its legislation, including the environment sector, with the EU legal requirements.

Lithuania started official negotiations for the membership of EU on 15 of February, 2000. The main and most important task when implementing the EU and other international obligations is to combine them with national legal system. In order to implement the EU directives and international conventions, the changes of much national legislation were prepared and accepted during the last few years. Transposition of the EU legislation into the national legal framework has proceeded successfully. The EU approximation process has affected also the nature conservation issues.

Two main EU directives related to nature protection are the Wild Birds Directive (79/409/EEC) and Natural Habitats of Wild Fauna & Flora Directive (92/43/EEC). They form the legal basis for a network "Natura 2000". Until 2004 Lithuania undertook to establish the network of SPAs (Special Protection Areas) and SAC (Special Areas of Conservation) and guarantee protection of bird species and natural habitats of European importance. The selection criteria of SPAs and SAC were confirmed by the executive orders of the Minister of Environment (No. 22, 09-01-2001; No. 219, 20-04-2001). According to these criteria the list on sites, which could guarantee protection of species and natural habitats, enumerated in Annex 1 of Birds Directive and Annex 1 and 2 of Habitats Directive, was identified. A big part of the sites of the list is not involved in natural areas protected nowadays within the international context (national, regional parks, strict nature reserves or nature reserves). As a result, in order to guarantee the protection of species and habitats indicated in Birds and Habitats Directives, Lithuania will have to establish some new strict nature reserves and nature reserves and (or) correct the lines of the present ones. At the moment Lithuania still stands behind the supposed average of the EU member states according to the common area of the protected sites.

## Preparation of National Development Plan

When Lithuania becomes a member state of the European Union, one of the main prerequisites for getting support from the EU Structural Funds (that annually can reach about 3-4 percent of the Lithuanian Gross Domestic Product, GDP) is preparation of and agreement on the Single Programming Document (SPD) with the European Commission. The SPD should present all necessary information where and how the above mentioned support will be invested in Lithuania.

Since from the point of view of the EU Structural Funds Lithuania is regarded as one single region, in 2004-2006 the support will be available on the basis of one Objective 1 Single Programming Document. (SPD). In order to reach the formal agreement with the Commission on this document as soon as possible, the draft was submitted to the Commission and informal negotiations on its contents were started in the beginning of 2003, while the completed draft SPD was ready at the end of 2002.

The Single Programming Document should comprise situation analysis prepared by the EU member state, development objectives, strategy for achieving these objectives and priorities of the actions planned, as well as preliminary allocation of financial resources.

Structural Funds allocations should be planned in accordance with stakeholder principle; therefore Lithuanian SPD was being drafted by a specially established working group that involves representatives of all stakeholders. Following main stakeholder groups can be distinguished:

- Public authorities (national, regional, local);
- Social and economic partners (employers' and employees' unions);
- Representatives of agricultural sector;
- Other stakeholders (scientific institutions, NGOs).

The most important social partners include the associated organisations that represent the best the widest interests, such as Association of Lithuanian Municipalities, Confederation of Lithuanian Industrialists, Association of Lithuanian Business Employers, Association of Lithuanian Trade Unions, Association of Lithuanian Chambers of Industry and Trade, etc. Furthermore, all the partners without exception, interested in the participation in the process of SPD preparation, were invited to take part in the work of SPD sectoral sub-groups, led by branch Ministries. Branch Ministries were encouraged to apply the “open partnership” principle, to take intensive consultations with the partners in their respective sectors and take their opinion into consideration when planning investment in their respective fields.

Each of the 11 sectoral sub-groups, which took part in the SPD preparation, was asked to provide a description of its consultations with the partners – especially the sectors where the absorption of financial assistance strongly depends on the partners’ interest and activity, such as industry and business, information society, rural development, employment and education.

Furthermore, in order to ensure timely and quality preparation of the document, a SPD Preparation Steering Committee was formed. This Committee included Vice-Ministers of all Ministries, Advisor of the Prime Minister and Deputy General Director of European Committee at the Government of Lithuania.

Publicity of the preparation of SPD is ensured through organising conferences, consultations and seminars at different stages of the preparation of the document and continual information dissemination through mass media. The number of events, where the Ministry of Finance alone took part, was about 70.

In order to encourage and enhance the partnership, a special website was created by the Ministry of Finance (<http://www.esparama.lt>), where information can be found about the SPD preparation, proposals might be made and separate parts of the SPD commented. The site also presents information on EU regional policy, the management and objectives of EU Structural Funds. Also, various kinds of information on SPD preparation were published.

It is planned to further pursue active co-operation with the partners during the SPD implementation phase. Not only will the partners be the main implementers and co-financers of Structural Funds’ projects – they will also take part in the supervision of effectiveness and eligibility as members of the Monitoring Committee. Stable long-term links with various partner groups and their willingness to jointly engage in the solution of the country’s social-economic development questions should form a solid basis for the successful use of EU Structural Funds’ assistance.

In spite of the open policy of the Lithuanian Ministry of Finance on the preparation of the SPD, Lithuanian environmental NGOs did not show much interest in participating in the process. Lithuanian Green Movement as social partner participated in the work of the sectoral working group Environment, Lithuanian Fund for Nature – in the sectoral working group Agriculture.

### **Evaluation of the plan on the basis of the completed questionnaire**

Since the Lithuanian National Development Plan is not completed yet, the evaluation was made of current draft version of February 2003. The draft Lithuanian SPD sets four main investment priorities: development of social and economic infrastructure, development of human resources, development of productive sector and services, and rural and fisheries development. Altogether, 25 measures are proposed under these four priority areas.

As required by the Commission, Environmental Impact Assessment of the Single Programming Document was made. It assesses potential environmental impact of each of the measures. The conclusions of this EIA say that the measures will be instrumental in implementing the following overall policy goals of the 6th EU Environment Action Programme: improvement of the implementation of legislative requirements, integration of environmental concerns into the policy making of other areas, encouraging market and environment protection cohesion,

encouraging awareness of citizens and integration of environmental concerns into physical planning, land use and land management.

As it can be seen from the Environmental Impact Assessment of the draft SPD, **environmental concerns** of this document are quite high. However, environmental issues are not adequately reflected in many parts of the text, and biodiversity issues even less.

The **situation analysis** says nothing about the environmental effects of present production and consumption patterns, the relation of people to their environment while it has considered to some extent issues like the level of environmental awareness of the affected people, the availability of environmental information, the situation of public participation in decision making on environmental issues, integration of environmental considerations into other sectoral policies. There are only two sectors (along with the sector Environment) that contain small chapters on environmental considerations. These are **Energy** sector and **Agriculture** sector. The latter seems to be the only example of successful integration of the environmental issues, although did not consider exploring of agro-ecological potential. Relation to the environment is mentioned also in the situation analysis of tourism sector (potential of the protected areas for tourism) and transport sector (noise and air pollution).

Lithuania seems to continue its traditions to put almost all environmental issues into Environment sector. The situation analysis also shows that protection of **water, air and waste** management (pollution-related issues) dominate over the biodiversity protection, as it used to be for years. Actually, neither description of biodiversity, nor the distribution of existing habitats is provided. Conflicts of nature conservation with human activities, such as recreation and tourism, agriculture and forestry are assessed.

Environmental issues are not completely reflected in the SWOT analysis presented in the draft SPD either. Relatively attractive environment and landscape, rich historic heritage, availability of unique sites are seen as strengths, while the quality of environment: ineffective waste management is regarded as weakness, and the growing focus on sustainable development and clean environment – as opportunity. No mentioning of rich biodiversity of the country, which definitely should be regarded as strength in the wider European context.

Based on the above and especially from the results of the questionnaire, we can say that Lithuanian SPD is established environmentally, but not sufficiently. Development strategy goals and objectives do not contain a single word related to the environment. For example, it emphasises wide social and economic integration, but not the environmental one. The general strategy, however, has included a couple of very strong principles. One of them says that public investments of the plan only support environmentally sustainable development, and another provides for ensuring active partnership on the national, regional and local levels; in the process of planning and implementation seeking involvement of and consensus on key issues among public or governmental partners, social and economic partners and other competent institutions (non-governmental organisations, academic institutions, etc.).

The NDP has a positive effect on environmental awareness of people, especially through possibilities for training and public participation, cross-border issues, and compliance with the national legislation.

Speaking about the Lithuanian draft SPD and its effect on biodiversity, we can say that this issue has been considered to quite great extent, especially if compared with the National Development Plan for 2000-2004. The proposed measures related to environmental protection (Improvement of the quality of environment and Prevention of environmental damage) are expected to have the highest effect in nature conservation. They will aim at cleaning up the contaminated territories and restoring them to their natural state, restoration and preservation of landscape components, introducing measures for their preservation, also re-cultivation and re-naturalisation of damaged natural complexes and their adaptation for further use. The measure Prevention of Environmental Damage has a special emphasis on protected areas in the Natura 2000

and their preservation, monitoring and management. The supported activities would include preparation and implementation of nature management plans of the NATURA 2000 network of protected areas, creation and implementation of compensation mechanism (for buying land plots from private owners); purchasing the most important areas for NATURA 2000; expansion of the network of areas of national significance; development of maintenance plans for state parks, reserves and preserves, implementation of protection and management measures and maintenance works; implementation of the seaside strip management measures (dune and seashore fortification, management of beaches, building of information signs, etc.); management and cleaning of banks and valleys of rivers, brooks and lakes, reservoirs of ground water; reclamation of fossil quarries used in the past and their turning into forests, agricultural areas, water pools, etc.; preparation of spatial plans at various levels, improvement and introduction of the planning system; strengthening and development of the systems of management, control and quality monitoring of environment, strengthening of institutional capacity (including the measures for the management and neutralisation of ecological accidents); evaluation of environment quality and improvement of the information system through the acquisition of additional hardware and software; and education and information of the society, introduction of measures to enhance the accessibility to information sources.

Although nothing is said about prevention of the spread of invasive species, management plans prepared and implemented for protected areas should deal with this problem, too. Since Lithuania has relatively well-developed system of protected areas and is planning to expand it by establishing Natura 2000 network, protection of all the areas of national and international importance (like Ramsar sites, biosphere reserves, World Heritage sites) would be ensured. However, development of transport infrastructure could be a threat, since developing of the TINA network in Lithuania, which is one of the areas in the draft NDP, will affect some Natura 2000 sites.

Also, reference to the General Spatial Plan and the way counties' and municipalities' spatial plans must comply with the General Plan is very important in terms of integrating of conservation issues into development plans. **Agriculture**, rural and **fisheries** development is a separate priority in the Lithuanian draft SPD. The objectives for this priority are to develop competitive and market oriented agriculture, to produce environmentally friendly products for domestic and external markets, and to increase rural employment; as well as to encourage the diversification of economic activities in rural areas while promoting additional income generating activities in preserving biodiversity, landscape and quality of environment for farmers. Unfortunately, these nice objectives related to environment, landscape and biodiversity are not reflected in most of the measures for agriculture and rural development proposed under this priority.

Agro-ecological potential was not considered in planning the land usage, the proposed measure will encourage intensification of agricultural land use and can have negative impacts on agricultural landscape and biodiversity. Agro-environmental measures, since they will be funded from the EAGGF Guarantee Section, are subject of the Rural Development Programme, although reference to these is also made in the SPD. The measures proposed under SPD, however, contain some provisions in favour of biodiversity and landscape preservation. In developing agriculture and alternative activities, the implementation of environmental standards will be of highest priority. Most of the measures will aim at introducing quality and environment management systems, improving hygiene, animal welfare and environmental standards. Supporting investments in agricultural holdings, priority will be given to the projects aiming at converting traditional farming practices into ecological farming. Support to provision of advisory services includes areas of advice and extension related to respect of Good Farming Practice (mandatory when participating in RDP measures related to agri-environment and less favoured areas), and eligible activities for training include environment protection, water management, organic farming.

Under the measure Development of **Forestry**, focus will be placed on the sustainable forestry management principles, improvement of landscape and environment. Forest planting, investments intended to increase economic, ecological and social value of forest, setting up of forest owners associations, application of preventive measures will have an overall positive effect

on forests, wild flora and fauna, mushrooms, ecosystems and hydrology. However, the negative effect on biodiversity may be produced due to increased timber cutting and processing.

The measure on **fishery** is called Sustainable Development of Fisheries, so implementation of the measure is closely interrelated with environment conservation objectives regarding the restoration of fishing resources, and reduction of environmental pollution. To ensure the implementation of the fishing fleet management plan as well as to balance fishing fleet capacities to the resources, owners of fishing vessels and fishermen will be encouraged to terminate their fishing activities by allocating respective compensations to them. Nevertheless, modernisation and renewal of the fleet could have a negative effect on fish, their feeding and spawning grounds.

The measure development of **tourism** infrastructure aims at increased use of the country's tourism potential, especially in the field of natural and cultural tourism. However, the evaluation of the carrying capacities of separate areas was not considered in the Plan, therefore, increased tourist and visitor flows in protected areas may have a negative effect on nature, protected plant and animal species and habitats. Adaptation of areas for tourist needs may destroy the natural landscape. However, since the final beneficiaries of this measure include also the administrations of protected areas, these negative effects in some cases can be decreased.

The Plan does not deal with the issues of **water** management (management with respect to water quality and quantity, the relation of water supply with the carrying capacity, flood control etc.) sufficiently, even though the related activities can have impact on biodiversity.

# Poland

## Introduction

As Poland wants to join the European Union, there are four tasks that pertain to the protection of nature to complete:

### *Adaptation of Polish Law to the EU rules and regulations (especially Habitats Directive, Birds Directive and Water Framework Directive)*

Polish law has been adapted to the EU rules and regulations for the past few years. However, the law is not fully compatible with the European rules in the field of nature protection. There are contradictions how to create NATURA 2000 networks (for example, nowadays the local authorities can veto the protection of a given area) or how the zoos should function. Also other international rules and regulations have not been fully adapted to the Polish law (for example, rules about trading in endangered species listed under the CITES Convention). At the moment the Ministry of Environment is preparing a new Nature Protection Act, which should eliminate the majority of contradictions. The bill is being consulted about with different departments, Ministries, organisations and institutions. All of them pass comments on it. Later, the Houses of Parliament will discuss, change and vote on it, so it is difficult to say whether the final version will be compatible with the EU rules and regulations.

### *Preparation of Polish part of NATURA 2000 network*

The Polish part of NATURA 2000 has been worked on intensively for over a year. By the end of March 2003 the next phase of the preparation will be completed. Non-governmental organisations prepare their own shadow list, as they are not fully satisfied in some aspects with the official one. They criticise the choice of sites as well as the way of consultations with the society. It seems that despite minor difficulties and delays, when joining the EU Poland will have a fairly well prepared NATURA 2000 network, supplemented by the shadow list provided by NGOs. Then, another problem will appear- who will protect its elements, how it will be done and how it will be financed.

### *Securing obedience to nature protection law*

There is much delay in effective obedience to international and state nature protection laws. There are not enough means, effective services, mechanism and wide social acceptance that are needed in order to obey to binding rules of nature protection.

### *Preparations to execute agro-environmental programmes*

Although the Polish Ministry of Agriculture together with the Ministry of Environment have been preparing to introduce agro-environmental programmes (for example, by introducing pilot programmes that are carried out thanks to the "Special Accession Programme for Agriculture and Rural Development" SAPARD - specific pre-accession support mechanism), not much progress can be seen. In 2002 Poland planned to withdraw from the execution of TASK 5 (agro-environmental programmes) within the SAPARD programme framework. However, after protests of ecological organisations the idea was abandoned. Nevertheless, execution of tasks of pilot programmes show that Poland may have serious problems with the execution of agro-environmental programmes after joining the EU. Yet, environmental organisations hope that the programme will make protection of certain types of ecosystems more effective- also those that will be a part of NATURA 2000 network.

## **Preparation of the National Development Plan**

At the beginning of 2002 the National Development Plan 2002-2004 started to be elaborated. In the first half of 2002 this Plan was drafted and seven basic sectoral operational plans were distinguished. They pertained to:

- rise in competitiveness of economy;
- human resources development;
- restructuring and modernisation of food industry and development of rural areas;
- fishery and fish processing industry;
- development of transport infrastructure (in the present wording: transport- marine economy);
- protection of environment and water management (later removed);
- regional development - integrated operational plan (in the present wording: integrated operational plan of regional development).

The final version of the bill of 11 February 2003 includes one more basic sectoral operational plan: technical assistance.

The draft National Development Plan was consulted about with the public in the second half of 2002. Unfortunately, the consultations took place when the act was nearly finished, and not when the guidelines were prepared.

The consultations were held by the Ministry of Economy at state and regional levels. Strategic objectives and priorities of the national development after joining the EU that were set in the document were evaluated. The consultations also covered the allocation of financial resources for the separate development fields. Moreover, the objectives of separate operational plans were discussed. The range of the consulted stakeholders was wide, there were representatives of all levels of the local government, provincial and state administration, bank sector, trade organisations, and nongovernmental organisations, the list of which is enclosed (in Appendix II). The consultations were also joined by members of the Parliament, state advisory committees, such as the Regional Policy Council, the Council of Social and Trade and Industry Strategy, Spatial Planning Committee of the Polish Academy of Science (PAN), schools of higher education and research institutes.

A number of meetings and conferences were held. There were two nation-wide meetings and four thematic meetings that were devoted to the preparation of the National Development Plan. There were over thirty nation-wide meetings that dealt with particular sectoral plans and sixteen regional meetings about the National Development Plan and Integrated Operational Plan of Regional Development. It is estimated that from July to November 2002, over thousand people took part in the meetings organised by ministries and provincial authorities. The first conference that opened the process of consultations and aimed to improve the plans was held on 16 July 2002. Out of over 450 institutions asked for consultation, from which only two were non-governmental ecological organisations (Polish Ecological Club and Polish Office of REC). Organisations that deal with the protection of nature were ignored.

The Ministry of Trade and Industry commissioned the Polish Office of Regional Ecological Centre (REC) to evaluate the influence of the Plan on the environment (the draft version as of June 2002 was taken into consideration).

In the meantime the concept changed the title to: *National Development Plan 2004-2006* (by this the period to which the Plan applies shifted by two years, the concept did not contain targeted dates for implementation.) On 3 December 2002 the conference called *National Development Plan 2002-2004 and Constitutional Principle of Sustainable Development* was held. It was organised on the initiative of the Institute for the Ecodevelopment with the co-operation of Market Economy Research Institute and Public Affairs Institute and was to evaluate the July version of National Development Plan (without operating plans). Over forty people participated in the conference, which was held in the Ministry of Trade and Industry. The participants, who received personal invitations, represented the fields of vital importance for the balanced development of the country, namely: fields of economy, ecology and social affairs. Other participants were representatives of the departments that were responsible for sectoral plans,

together with the Ministry of Trade and Industry, which co-ordinates the whole process of preparation of the Plan.

### **Evaluation of the plan on the basis of the completed questionnaire**

The 'National Development Plan 2004-2006' sees the environment mostly in terms of the pressure put on it or its level of pollution and degradation. There are two sentences in the informative part of the Plan that mention that Poland has unique nature values on the European scale. The protection of the environment was treated purely statistically in the evaluation of the social, economic and spatial aspect of the situation of Poland. The Plan does not contain objectives and directions of the activities concerning protection of nature. The authors of the National Development Plan see the improvement of the state of the environment only in terms of reduction of the pollution. As a result, the actions aim at creating expensive infrastructure for the protection of the environment by building sewage treatment plants and dumping sites, instead of promoting alternative technologies, preventing the production of waste and the increase of transport for instance. So, not the causes are treated, but the effects (the "end of the pipe" philosophy). Yet, the actions that will eliminate the causes should be taken - these that eliminate the pollution before it appears.

As for the protection of the biological diversity, the objectives in the plan are almost nonexistent. Although in particular sectors the importance of protection of environment and sustainable development are considered important, not so much importance is attached to them as to the aspects of social and economic development. The authors barely took nature into consideration, therefore the plan is evaluated negatively. There are no provisions to eliminate the threats imposed by the envisaged developments on the coherence of habitats and the ecological conditions of natural habitats, including the areas under protection (e.g. Ramsar areas, territories under national or local protection, sites proposed for inclusion into the Natura 2000 network). The Plan does not deal with the rehabilitation of damaged ecosystems sufficiently, while the spread of invasive species is not targeted either.

Poland has biological, landscape and cultural diversity, which makes the country touristically attractive and there are also good conditions for the development of eco-agriculture. However, neither tourism nor eco-agriculture is seen as opportunities for development in the Plan. While not promoting the traditional, extensive farming on ecologically sensitive areas, the biological agriculture and the drawing of traditional, adapted varieties into the cultivation and breeding, the concept rather encourages large-scale, monocultural farming.

It is of vital importance that the actions that result from the Plan should take into consideration natural values of rural areas and plans to protect their precious parts. The effect of the actions on the environment were hardly analysed or taken into consideration both in the general part of the concept as well as in separate chapters devoted to particular sectors. Some important issues were not even incorporated in the sectoral plans, for instance forestry, urban development or mining. The problem of results and effects of the actions on the environment is barely present, not only in quantitative but also in qualitative terms. In the general part of some chapters, the question of protecting biological diversity as well as the environment is raised. However, no specific objectives or actions are mentioned.

Some of the investments that are suggested by the Plan are not compatible with the EU and Polish environment protection laws. Moreover, they can be a serious threat to Polish nature. It is alarming that the sectoral Operational Plan Protection of Environment and Water Management, which was included in the earlier draft of the National Development Plan, was removed, inspite of the fact that environmental objectives were formulated chiefly in this sector. We are also concerned about the plans to develop and modernise the transport network, especially "Via Baltica" international motorway. The localisation of the motorway poses a threat to the nature of North-East Poland. The investment threatens four precious bird habitats that were included in the preparation of the NATURE 2000 network.

The plan should positively influence the values of the affected people; it should strengthen their environmental awareness. However, in its present shape the plan cannot be accepted, as it is negatively evaluated. It will not influence significantly the rise in the ecological awareness, as it does not include such elements as broadening the knowledge about environment or nature and creating the eco-innovative activities. If there is any desirable change in the rise of ecological awareness, it will be incidental and of not much importance. The sector of rise of competitiveness of economy is the only one where environment management training and advice are envisaged for the managerial staff. At the same time however, the Plan does not provide opportunities for public participation in decision-making on environmental issues.

Theoretically, the National Development Plan takes into consideration the following acts: *European Union Sustainable Development Strategy, The Sixth Environment Action Programme of the European Community, National Environment Protection Strategy for Years 2000 – 2003, Second Ecological Policy of the State, and Ecological Policy of the State for Years 2003-2006*. The actions suggested in these documents, however, are not integrated into the NDP, although some elements (i.e. supporting new environment-friendly technologies or renewable sources of energy) do appear.

The issues of environment and nature are and will be present in the whole process of using Structural Funds, mostly because the EU attaches a lot of importance to them. The National Development Plan, on the other hand, does not include them almost at all.

# Romania

## Introduction

Romania fully transposed the *acquis communautaire* in the sector of nature protection and committed himself to ensure the full compliance with its provisions and implementation. Romania has not requested transition period for this sector. Until the end of 2001 the legislation framework necessary for compliance with the *acquis* was implemented, the necessary institutional development is promised to be completed until the end of 2005. The legal background is well developed but the implementation lags behind as most of the legislative steps (during the last 13 years), were not followed by concrete administrative changes. The biggest problem is that the capacity/infrastructure for the enforcement of existing legal provisions is either lacking or inoperative.

## Preparation of the National Development Plan

The implementation of the NDP of Romania was coordinated and mainly executed by the Ministry of Development and Prognosis (MDP). This Ministry was set up to give a more effective response to the priorities regarding the recovery of the economy, the guarantee of a lasting economic growth and the strengthening of the institutional capacity, as well as the elaboration and application of programs and projects for regional development. Being composed of the former National Agency for Regional Development and the former General Directorate of Prognosis within the Ministry of Finance, MDP is a combined ministry, which has the role to elaborate analysis and prognosis regarding the development of the Romanian economy, to apply the governmental strategy and programs, to promote policies of economic and social development, as well as foreign investments in Romania. As a combined institution it has the advantages and disadvantages typical for such bodies. It has direct access to a wide variety of resources and information, but lacks the professionalism of a specialized institution.

In order to be used for accessing Structural Funds, the NDP is developed in the same kind of approach employed by Member States in a Community Support Framework (CSF) when they apply for financial support under Objective 1 of the Structural Funds.

The approach adopted in designing the NDP 2002 –2005 is a step forward compared to the previous version of the Plan (ex. the one for the period 2000-2002). While it contains, as in previous versions, detailed regional strategies, it is much more inclusive, in the sense that the new Plan includes sectoral strategies of the ministries in a more expanded and concrete form. The NDP was drafted in partnership with ministries and Regional Development Boards (RDBs) according to a methodology elaborated by the MDP. This methodology was meant to support ministries and RDBs in developing and formulating their own development objectives.

The concept of NDP content and role has evolved, from an economic and social analysis undertaken at the sectoral and regional levels. There were seven National Strategic Development Axes identified, under which all the objectives, measures, programmes and projects will be developed throughout the planning period. One of these axes is the Axis 5. “Protecting and improving the quality of the environment”.

The process of preparing the NDP 2002–2005 included several stages of consultations with both ministries and Regional Development Boards through their executive bodies – the Regional Development Agencies (RDAs). Additionally, it included unprecedented meetings between ministries and the Regional Development Boards, which represents a first step toward harmonising sectoral plans with regional ones.

The NDP 2002 –2005 begins to provide Romania with a document that integrates sectoral, county and regional strategies. The experience of carrying out this planning process identified a

number of issues that should be addressed in order to strengthen the inputs of institutions involved and to raise the quality of the document and the efficiency of the process.

The Ministry of Development and Prognosis recognizes that, in preparing the NDP, broader institutional and social involvement should be ensured compared to previous years and the process of drawing up the NDP is developing in that direction. The relationship with non-governmental partners was focused on analyzing the first draft of the NDP. The MDP is aware of the need to strengthen the cooperation with economic and civil partners all throughout the process of preparing the future NDP and it has been suggested to include provisions in that direction in a potential 'Government Decision' or Planning Law. It is also intended that the civil partners will be involved in the monitoring and evaluation stages of the NDP.

We are very happy that the ministry recognizes the need to strengthen the cooperation with the non-governmental sector, and is willing to make the appropriate steps to achieve this objective. Unfortunately the development of the next NDP (for the period 2003-2006) is in final phase, and there is still no sign of NGO involvement yet.

In drawing up a timetable for the preparation of future NDPs, it is essential that due allowance is made for a thorough preparation of the inputs by the relevant bodies and that sufficient time is allowed for consultation, both within the ministries and between the ministries and the Government, as well as with the regions and the economic and civil partners.

### **Evaluation of the plan on the basis of the completed questionnaire**

As a baseline document the National Development Plan is usually far too general for the prediction of factors affecting the nature and in this case specifically the biodiversity of the country. Consequently it is hard to consider only the document in the evaluation. Along the objective facts deriving from the analysis, the reader will sometimes find our subjective opinion as well. However we will try to minimize the effect of our background information and strictly concentrate on the document itself.

The main sources of information on which the NDP relies from the point of view of the environment and nature are the reports prepared by the Ministry of Water and Environmental Protection (State of Environment 1998 and 2000). There are several other special sources as well, like the data provided by the "Romanian Waters" National Company or the Institute for Pedology and Agro-chemistry Researches. There were used reports compiled by international organizations as well (e.g. "European Forests Scorecards 2000" by WWF, 1999). The situation analysis of the NDP relies on this set of reports and data.

According to the methodology followed during this assessment the NDP of Romania is not established environmentally. The final score was 41 from a maximum of 95, this means 43,15% being far from the minimum of 50% needed for the "acceptable" category. We will discuss the deficiencies found as follows:

1. The analysis does not examine the level of environmental awareness and the availability of and access to environmental information. Analysing the situation of environmental education as well as of the factors threatening the coherence of habitats was also neglected. The relation of the people to the environment and the environmental relations of the traditional knowledge was not assessed at all.
2. The assessment of the effects of production/consumption patterns as well as the effects of the sectors on the biodiversity are not explored sufficiently. The diversity of the starting point is explored from the point of view of biodiversity but the product and cultural diversity is not considered at all. The conflicts of nature conservation with human activities are partially covered by the assessment, but the problem is not emphasized sufficiently.

3. A few topics are properly covered by the assessment and especially by the report of the MWEF. The state of every environmental element is assessed properly, the examination of the spatial distribution of the existing habitats is well done comparatively to the previous examinations (we must state that the assessment is far from complete). The environmental problem map and the identification of “hotspots” is exact and properly implemented. The investigation of the ratio of natural/not natural habitats is satisfactory.

As a whole the situation analysis mainly concentrates on the state of different environmental elements. The factors underlying most of the environmental problems, the conflicts between nature protection – human activities or sectoral interests – conservation interests were not treated in accordance with their importance. The problem of environmental awareness and education was not covered at all, because of the severity of these problems in Romania, lacking the analysis is even a bigger problem.

Concerning the effects of the NDP on environmental awareness, the plan is marginally acceptable. The total score is 1 (from the maximum of 14), which is the lowest value for being acceptable.

In a few cases the plan does not meet the expectations emerging from nature conservation at all. There are no provisions/elements that target the environmental training and publicity with the aim of raising the awareness. Neither a system for measuring the environmental effects of the plan was elaborated.

However a proper strategic environmental assessment as well as an environmental risk assessment has been completed for the plan, and it also complies with the environmental legislation. Recognising their importance, the plan also sufficiently relies on the local cultures and on traditional knowledge.

Unfortunately in most of the topics assessed in relation to the effects of the plan on environmental awareness, the problems are not emphasised sufficiently (e.g. public participation in decision making; institutional development, etc.).

Regarding the possible positive effects of the NDP on biodiversity, the situation is really unacceptable. The result of the assessment shows that in almost every topic entire lack of meeting the expectation is very probable. The only exception is the strictly interpreted area of nature conservation, where in most of the cases partial operational realisation of the expectation is anticipated. The total score received by the plan in this assessment was 30 which represents 16.6% of the possible 180, according to the result the re-planning of the NDP regarding the biodiversity is strongly recommended.

We will shortly present our conclusions related to every topic assessed. In some cases our conclusions are mainly speculative, as some areas are not directly covered by the plan, in these cases we tried to gather information from other chapters.

General expectation: Generally the expectations of nature/biodiversity conservation are incorporated in the plan but in most of the cases the incorporation is far too general, thus their achievement does not seem to be ensured on the basis of this concept.

Expectation in conservation: The provisions of the plan do not endanger already designated protected areas, there are also provisions for the rehabilitation of damaged ecological systems. Despite its necessity the plan does not deal with the conservation of the coherence of the habitats and with the designation and protection of the ecological network. The problem of invasive species is not treated at all either.

### **Agriculture**

Generally hardly any progress towards sustainable use or just the opposite trends can be anticipated in this area. Monocultural farming on large agricultural fields is promoted in the plan, while the biological farming and the breeding of traditional varieties is not emphasised. In most of the cases the plan does not include provisions with relevance to biodiversity conservation (e.g. for

multifunctional ecological use). Even in those few cases where such provisions are included, meeting the expectation is far too general as in the case of extensive farming and the establishment of agro-environmental programmes.

### **Tourism**

The plan deals extensively with the topic of tourism, also including its non-conventional branches (eco-tourism, agro-tourism, etc.). Unfortunately this is not true for the considerations relevant to biodiversity conservation. The plan does not deal with the problem of carrying capacity and overuse at all. Partial operational realisation of tourism development in the buffer-zones of protected areas is anticipated.

### **Mining**

There are very few provisions for biodiversity conservation integrated into this sector. The plan does not support development that confronts with the current level of protection, but promotes developments that generate ecological changes at local level. Otherwise lack of meeting the expectations is anticipated.

### **Industry and energy sector**

The plan does not envisage development that leads to plant monocultures for energy production. The possibility of revitalisation of brown fields is not considered. Otherwise the provisions included are far too general, for instance regarding the prevention of green-field investments.

### **Waste management**

The plan does not target to change production and consumption patterns in order to decrease waste production, but rather adopts the end-of-pipe solution approach. There are some provisions favouring sustainable waste management (for instance through the reuse of waste) but these are far too general, with small chances for operational realization.

### **Development of linear infrastructure**

The plan envisages development of the local power supplies (as desired) avoiding the establishment of new power lines (we must add that the power line system is already extensively developed). Measures opposite to the expectations from nature conservation point of view are anticipated in terms of road infrastructure, as the plan is concentrating on the establishment of new motorway infrastructure instead of upgrading the existing roads. The problem of habitat isolation is not covered at all.

### **Urbanisation**

In Romania similarly to other countries the decrease of rural population is a major threat, in accordance the plan does not boost urbanisation and provisions for changing the tendency are included. There are no provisions for the prevention of expansion of big agglomerations; the problem of urban planning is not tackled in the concept.

The topics of **forestry**, **water management** and **fishery** were not treated directly. During the assessment we tried to gather information from other chapters, mainly the regional development plans for filling in the questionnaire. Thus the results in these sectors are not so relevant as in others. Generally we can state that lack of expectations is very probable in most of the assessed questions related to these topics.

During the assessment we found only a few cases where opposite measures to the expected are anticipated. As these are the most important problems we present them separately:

- There are some provisions in the plan, which aims the creation of large agricultural fields.
- Instead of increase in the semi-natural forest cover, the decrease of the forest coverage is anticipated.
- There are quite a few envisaged activities that may threaten the existing wetlands.

- The trends in the production and consumption patterns are opposite to the desirable, according to the provisions of the plan the increase in waste production is anticipated.
- The plan incorporates provisions for establishing new motorway infrastructure instead of rationalising and upgrading the existing one.

As a final conclusion we can state that the NDP of Romania is not environmentally established, its possible beneficial effects on environmental awareness and on biodiversity are not satisfactory, in some cases even actions affecting adversely the environment and the biodiversity may arise from implementing the plan. We consider that the solution is the implementation of a complementary analysis for the situation analysis and the re-planning of the National Development Plan.

# Slovakia

## Introduction

The preparation of the Slovak Republic to the EU accession in the area of nature conservation has mainly focused on approximation of relevant EU legislation, strengthening of institutional capacities and, in terms of practical actions, on the fulfilling the provisions of Birds Directive and Habitats Directive – taking the practical steps towards the establishment of NATURA 2000 in Slovakia.

In 2002 crucial national law with respect to nature conservation was finalised and adopted - Act of the National Council of the Slovak Republic No. 543/2002 on Nature and Landscape Protection. The new Act on Nature and Landscape Protection (replacing the Act of the National Council of the Slovak Republic No. 287 / 1994 of the Legal Codes) aims to be in line with the relevant EU legislation and at the same time reflects the other international concepts and agreements in the area of nature conservation. All EU regulations related to nature conservation were transposed into the above law, especially the Birds Directive and Habitats Directive. The law has been prepared in the light of previous review of national legislation within the EU approximation process (the Integrated EU Approximation Strategy in the Environmental Sector was approved by the Government of the Slovak Republic on December 6th 2001) and is connected with institutional changes – building up the administration capacities. These institutional changes were partially implemented in 2002 (e.g. 31 new staff persons were accepted in the State Nature Conservancy of the Slovak Republic especially for the EU approximation process).

The further review of the existing legislation and institutional structure is being carried out in line with the actually revised Nature Conservation Policy of the Slovak Republic. This document is based on cross-sectoral co-operation in nature protection.

## Preparation of the National Development Plan

There are existing differences between the level of social and economic development of individual regions in the Slovak Republic, which derives from the previous political period of socialism and have been further deepened by recent structural changes in the main sectors of Slovak economy during the last decade. There is general political consensus, that it is needed to systematically resolve these differences in order to decrease the regional disparities. Therefore the promotion of development of under-developed regions and the regions which most suffer from the current structural changes belongs to the main priorities of the regional policy of the Slovak Government. During the period 1999 – 2001 there have been many strategic program documents dealing with the regional development (e.g. Integrated plan of regional and social development of the Slovak Republic, National plan of regional development of the Slovak Republic, regional sectoral and operational programmes, etc.) elaborated and adopted. First of all, these documents form the basic framework for the utilization of the pre-accession funds PHARE, ISPA and SAPARD, which have different rules for utilisation and implementation than the Structural Funds and Cohesion Funds. For this reason it was necessary to elaborate new set of program documents that are integrated in the National Development Plan.

National Development Plan is considered a basic strategic document for the implementation of the structural and regional policies of the Slovak Republic for the period 2004 – 2006. It provides a complex view on the recent state of the regions of the Slovak Republic and describes the obstacles for their development. It defines development priorities and the strategies how to reach them. It contains goals, strategy and financial and implementation framework. It also includes two sectoral operational programmes and one regional operational programme, as well as the characteristics of other program documents, on which basis the financial assistance of the EU is allocated.

It has been elaborated with the objectives to increase the competitiveness and productivity of the under-developed regions while respecting the principle of sustainability, and to reduce the

existing difference of the GDP per capita in comparison with the average of the EU member states. NDP in the same time ensures functionality of regional policy and its symbiosis with mid-term economic priorities of the Slovak Republic.

The task to elaborate and submit the National Development Plan to the European Commission results from Council Regulation (EC) No 1260/99, which set the general provisions about the Structural Funds. This task is also part of commitments of the Slovak Republic within the already closed Chapter 21 – Regional policy and coordination of the structural tools.

The proposal specifying the content and the organization of the elaboration process of the NDP was approved by the decision of the Slovak Government No. 606/2002. The Ministry of Construction and Regional Development of the Slovak Republic is the responsible managing authority for Community Support Framework and the gestor for the overall elaboration of the NDP. Key deadline determining the time framework of the elaboration of NDP and its operational programmes is the „reference date“ of the supposed accession of the Slovak Republic to the EU, which is 1. May 2004.

The basic objective of the preparatory team was to prepare the NDP as a document that will:

- be fully compatible with the methodology of regional development planning in the EU member countries establish the basis for the utilization of the resources from the Structural Funds of the EU
- form an integral part of the national economic policy focused on the development of individual regions of Slovakia

The NDP analyses the macroeconomic environment, economic and social situation of Slovakia, and also carries out a specific analysis of the individual sectors. On the basis of these analyzes it sets the main strategic goal and the strategies and priorities needed to reach it. The NDP is related to four operational programmes (OPs) - 1 Regional Operational Programme (ROP) „Basic Infrastructure“ and three sectoral operational programmes (SOP): SOP „Industry and services“, SOP „Human resources“, SOP „Agriculture and rural development“. Elaboration of all operational programmes has been co-ordinated within the elaboration process of NDP, with special emphasis given on the interconnectedness and compatibility both between the individual OPs and NDP and among the individual OPs themselves. In these operational programmes individual priorities of NDP have been worked out into the system of specific measures. Special program supplements will be elaborated to provide further more detailed information about the content of each of the specific measures proposed.

During the elaboration process of NDP the principle of partnership (as stated in the Council Regulation (EC) No 1260/99 about the Structural Funds) was widely applied. This principle is considered an integral part of the state regional policy of the Slovak Republic and it is regarded obligatory by the state institutions according to the law – Act No. 503/2001 on the promotion of regional development, which is valid since 1. January 2002.

The Ministry of Construction and Regional Development, as the responsible managing authority for the CSF co-ordinated the overall elaboration of the NDP closely co-operating with many partners. Respective ministries that have been responsible for the elaboration of the operational programmes involved relevant economic and social partners into the preparation of OPs. Individual working groups were established with the participation of the representatives of self-governing regions and relevant economic and social partners.

The consultations on the draft proposal of NDP at national level were organized by the Preparatory Committee for Structural Funds, which was established on the principle of partnership. On this principle, in August 2002 the National Monitoring Committee for CSF was established, as well as monitoring committees for the respective OPs. The National Monitoring Committee for CSF has 33 members, representing different state and private, business and non-profit institutions,

e.g.: Ministry of Land Management, Ministry of Environment, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Economy, Ministry of Labour, Family and Social Affairs, Ministry of Finances, Ministry of Education, Ministry of Culture, Statistical Institute of the SR, Association of Cities and Villages, Union of Cities, Association of Industrial Unions and several others. From the perspective of the NGO participation, the only NGO that participated in this committee was the Gremium of the Third Sector (G3S). However, since G3S is a national umbrella-like free association of many NGOs, it is neither very flexible nor operational structure to provide for the real participation of its members - the NGOs. NGOs dealing with nature conservation, biodiversity or environmental issues were neither approached nor consulted during the preparation process of the NDP.

The results of the official consultation process of the NDP draft were presented at the end of 2002 and at the beginning of 2003, which showed how formal and insufficient this process was and not only from the perspective of NGO participation. Totally 29 institutions were asked to provide their comments on the NDP draft version. From this total number, 7 institutions – including G3S - did not react at all (they did not send anything) and 7 institutions – including the Ministry of Environment - did not have any comments (they did send at least their statement claiming this).

Parallel to the elaboration of the NDP the „ex-ante“ evaluation process started. Respective parts of the whole document were gradually submitted to the independent evaluator for comments, which were continuously incorporated into the draft. However, it is clear from the final document (NDP) that the task of the evaluator was not to comment on the integration of environmental, biodiversity conservation or sustainability considerations into the plan.

## **Evaluation of the plan on the basis of the completed questionnaire**

### **Situation analysis**

The main reasons for the deterioration of the remaining natural areas, loss of biodiversity, and of related environmental problems (for instance unsustainable forest management, intensive agriculture, large-scale drainage and reclamation schemes, regulation and damming of rivers, fragmentation of habitats, unregulated recreation and tourism) neither the environmental effects of the sectors were examined within the assessment part of the NDP. The analysis of the state of the environment given in this part is far too general, dealing only with the state of two environmental elements (water, air), waste management and nature conservation (only very general description of the national legislation, system of protected areas, activities related to NATURA 2000 and environmentally sensitive regions is given). Many other important aspects are not mentioned at all (e.g. habitat fragmentation, biosafety, GMOs, the role of Ministry of Defence in nature conservation in military training areas, abolishment of local railways in February 2003, planned development of waterways, etc.). Even in the case of the mentioned problems (e.g. water and air pollution, waste production, increased flood risk) the factors that cause them are not highlighted, so it looks if no specific sector activities would be responsible for these problems.

NDP examines neither the integration of environmental considerations into other sectoral policies at all, nor the environmental effects of present production and consumption patterns. Such important topics as for instance environmental awareness, access to and availability of environmental information, public participation, system of environmental education, relation of people to their environment and traditional knowledge of local communities have not been examined in NDP. Especially from nature conservation point of view, NDP should have examined in more detail also the agro-ecological potential of the country, ratio of natural/non-natural habitats, and existing diversity in the products, in nature and in the culture.

The conclusion based on the strategic environmental assessment methodology is that the plan is not established environmentally, since it relies on insufficient background information in the area of environmental protection and biodiversity conservation (15 scores from possible maximum of 95).

### **Effects of the plan on environmental awareness**

The environmental protection is not emphasised sufficiently in the plan. In this respect, the most serious deficiency of the plan is that it does not integrate the environmental aspects into other

sectors. The plan does not rely on local cultures, nor on immaterial services of environment. The existing institutional background is not sufficient for disseminating and deepening environmental knowledge. The beneficiaries of suggested developments do not have to pay for the use of natural resources neither do they have obligation to preserve them, other than the obligations resulting from the generally binding legislation (no added value of the plan in this respect).

The level of (inappropriately low) environmental awareness of the affected people is assessed correctly, however the more thorough analysis of the reasons, as well as strategy to deal with this basic problem is missing.

There are neither specific provisions to provide public participation in decision-making on environmental and biodiversity issues, nor a system measuring and assessing the environmental affects of the plan, which could provide feedback for the affected people. The strategic environmental assessment (SEA) was not completed for the plan, although this is obligatory according to the national legislation (Act No. 127 /1994 on environmental impact assessment). Neither the environmental risk assessment connected to the plan has not been completed. The plan does not deal with important cross-border issues at all. <sup>4</sup>

The conclusion based on the evaluation methodology applied is that the plan is not acceptable, since it does not positively influence the values of the affected people, and nor does it not strengthen their environmental awareness (-7 scores from possible maximum of 14).

### **Assessing the plan with special regards to biodiversity**

The principle of sustainability is often explicitly mentioned within the text, but without any specific content. Therefore it sounds rather as general and formal „wish for sustainability“ than the leading (and limiting) principle of the whole plan.

### **Expectations in nature conservation**

The plan does not deal with the carrying capacity and with its rate in the cases of the different resources and ecological systems. The local ecological conditions have not been taken into account sufficiently when developing each economical activity. The research and development aims have not been incorporated in favour of the sustainable use of the natural resources.

There are important provisions in the plan on the establishment of NATURA 2000, completion of the national system (network) of protected areas, development of the ecological networks, and institutional strengthening of State Nature Conservancy institutions.

However, some of the other provisions of the plan are likely to threaten the ecological conditions of the natural habitats, including the Ramsar areas, the habitats and species designated by the Habitats and Birds Directive of the EU and the nature reserves under national protection that have been already established. The examples of such provisions include the plan to develop new waterways – new water traffic infrastructure (including new dams, river bed regulations, weirs, navigation chambers in existing dams, ports, etc.) at the longest Slovakian autochthonous river (Vah River) at the section of total length of 253 km between Komarno and Zilina, with its possible extension to Odra River in Poland (this would require construction of navigation canal connecting two separated river systems). Development of the new „waterways“ is envisaged also at the rivers of east Slovakia. This plan is compatible with the official document – „Conception of the development of water traffic in the Slovak Republic“, that was approved by the Slovak government by its decision No. 469/2000.

In the plan there are no provisions for the prevention of the invading species from further spread.

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<sup>4</sup> For instance the Gabčíkovo Water Project – this environmentally detrimental and politically sensitive scheme, situated at the border section of the Danube River between Slovakia and Hungary, has been causing serious negative impacts on nature and environment and on local population along both sides of the river for more than one decade. However, the Slovak government still continues with its policy of ignoring these negative environmental and social effects. Further examples of such issues may include the need for complex schemes, integrating river restoration with flood control for border rivers – Morava River (bordering with Austria and the Czech Republic), Latorica and Tisa Rivers (bordering with Ukraine and Hungary) and Ipeľ (Ipoly) River (bordering with Hungary).

## **Agriculture**

It is properly stated in the Plan, that the impacts of ongoing transition of economy in agriculture are stronger than in other sectors. However, neither the environmental aspects of agricultural production (e.g. of monocultural farming and large cultivated fields) nor the existing agro-ecological potential are considered to any extent. There are no specific provisions in favour of the preservation of the traditional extensive farming, propagating biological farming, multifunctional land use, or the ex-situ conservation of the agro-biodiversity.

## **Forestry**

Recent largely unsustainable activities of forestry sector are considered among the most threatening factors not only for the forest biological diversity, but they also contribute to the increasing soil erosion and reducing of the natural potential for water storage, substantially increasing the risk of catastrophic flood events. In spite of the crucial position, which the forestry sector has for biodiversity conservation and sustainable use, as well as for the environmental protection and especially for the flood control, there are no provisions in the plan to promote the multifunctional use of forests and to prohibit unsustainable practices (e.g. clear-cutting), nor any special respect of the immaterial values of forests is given. The part of the GDP generated by the forestry sector is constantly decreasing, and currently it is under 1 % (1990 – 0,97%, 2001 – 0,54%). Although it is generally accepted, that the immaterial values of the forests exceeds 2-3 times the value of the material ones (mainly the timber production), these immaterial values are not subject of market and therefore they are not included into GDP. No specific provisions are given for the conservation and rehabilitation of natural and semi-natural forests other than general provisions on the establishment of NATURA 2000 and completion of the national system (network) of protected areas.

## **Water regulation, water management**

The catchment-centric approach of the EU Water Framework Directive has not been adopted in the plan. The plan does not connect the activities proceeding in the catchment area to the water quality and quantity management and the flood control. The plan envisages activities that could threaten wetlands (e.g. development of new waterways, as described above), while on the other hand, the activities urgently needed for the river and wetland restoration and integrated watershed management are missing.

Within the Cohesion Funds, large infrastructure projects are envisaged with a minimum budget of 10 million EUR in the area of transport and environmental infrastructure. The projects considered for financing under these Funds include the projects with potentially negative impacts on the environment and biodiversity. These are especially the projects resulting from the national „Program of flood control till 2010“ (approved by governmental decision no. 31/2000), that identifies complex flood control measures with the total budget about 426 million EUR. Although the priority measures of this program should be focused on the protection of the areas with highest concentration of population and with important economical potential, in most cases it does not involve the measures to solve the real causes of the floods – first of all the unsustainable use of landscape, decreasing its natural water storage capacity, diminishing the areas of flood-plains. Many of the flood control measures envisaged in the program are considered detrimental for wildlife and habitats (e.g. river regulation schemes).

The plan does not prevent such a water supply use, which exceeds the ecological optimum. There are no arrangements in the plan for the preservation or rehabilitation of fresh self-cleaning capability of waters.

## **Fishery**

This section of the Plan envisages the care about the healthy gene-pool of the fish populations, ensuring that only the fish stocks from approved artificial breeding facilities can be released to the natural rivers and other water bodies.

Although the main factors, threatening the fish populations are properly examined (water pollution and physical deterioration of habitats), there are no specific measures suggested to deal with these

factors. There are no provisions for eliminating the non-indigenous fish species from the natural waters. However, in the case of some species (e.g. *Neogobius kessleri*, *Lepomis gibbosus*) there is practically no way how to do it.

### **Tourism**

The part of the GDP generated by the tourism sector is about 7 %. The plan provides the provisions for further promotion of tourism sector and use of natural potential for it. Recent unsustainable tourism development especially of the Slovak highest mountains (the worst situation is in High Tatras) has been damaging for the biodiversity of these sensitive, fragile areas. However, the plan does not consider tourism carrying capacity of such areas which have already exceeded the environmental tourism load, nor provides the provisions for their rehabilitation.

### **Mining**

There are no specific provisions concerning mining in the plan.

### **Industry and energy sector**

The plan does not inspire the purification of the brown-fields from the pollutants and their reuse after the purification, and nor does it explicitly avoid the green-field investments.

The plan promotes reduction of the main air polluting substances (emissions) – SO<sub>2</sub>, NO<sub>x</sub>, CO, CXHY, solid emissions, volatile organic compounds (VOCs), persistent organic matters (POP) and heavy metals, and fulfilling the obligations resulting from the Kyoto protocol in terms of reduction of greenhouse gasses. The reduction of the water pollution from the point sources (mainly the industry and municipal waste waters) is also envisaged.

In 2001 54 % of the electricity generated in Slovak republic was supplied from the nuclear power plants, 29 % from fossil fuels and remaining 17% from hydropower. This unsustainable structure of energy sector, with practically no utilisation of renewable energy resources, is in the plan considered as advantageous, from the perspective of the diversification of the resources. The positive is the orientation of the plan on the energy efficiency and energy savings, as well as the promotion of environmentally friendly fuels and energy resources. The plan also promotes the more intensive utilisation of renewable energy resources and more efficient use of non-renewable resources.

### **Waste management**

The Plan promotes the intensification of waste separation and recycling, as well as waste dumping with the minimum environmental load and risk, the systematic sanitation and the recultivation of existing waste deposits (landfills), which cause environmental risk. However, the plan does not implement any specific structural changes in production and consumption that would minimize the creation of waste.

### **Development of linear infrastructure**

The plan does not include economic structural measures to decrease transport, to avoid the necessity of increasing transport capacities. Basic priority is construction and modernisation (upgrading) of linear road infrastructure in approved multimodal corridors<sup>5</sup>. From the plan it is not clear, in what extent it aims to rationalise and upgrade the existing road infrastructure instead of establish new infrastructure. However, recent developments of road infrastructure have had rather negative impacts on the natural habitats, in terms of habitats destruction and fragmentation. Therefore, similar negative effects of future developments can be anticipated, unless the specific measures to avoid them are incorporated into the plan.

The plan envisages upgrading of railway infrastructure. However, this intention is strongly in contradiction with the recent practice of Slovak government, which has abolished public transport at most of the existing local railways at the beginning of 2003.

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<sup>5</sup> In the territory of Slovakia there are the following corridors: corridor no. IV (Berlin/Norimberg – Prague – Budapest – Constanca / Thessaloniki /Istanbul), corridor no. V, branch A (Bratislava – Zilina – Kosice – Uzhgorod), corridor no. VI (Gdansk – Warsava – Katovice – Zilina) and corridor no. VII (Danube).

In mid-term time horizon the development of the above-mentioned waterway at Vah River is envisaged (the second stage of waterway is planned at 107,2 km long river section between Sered – Puchov), which would, instead of needed restoration, further worsen the fragmentation and deterioration of the river habitats. This project is also supposed to be financed from the Cohesion Funds.

### **Urbanisation**

There are no specific provisions concerning urbanisation in the plan.

The conclusion based on the evaluation methodology applied is that **the plan is not acceptable and the re-planning is recommended**, since it does not meet the expectations with regards to biodiversity conservation and sustainable use of natural resources (24 scores from possible maximum of 180).

# Slovenia

## **Preparation of the National Development Plan**

Proposal of the **National Development Plan 2001-2006** was published on the web site of the Agency for regional development of Republic Slovenia in December 2001 ([www.gov.si/arr](http://www.gov.si/arr)), in Slovenian and in English language. At the same time also the strategic environmental and health impact assessment of the NDP was published on the same site. The government adopted NDP on 13 December 2001.

NDP is the executive document based on the Strategy of the economic development of Slovenia. On the other hand, NDP is the basis for the elaboration of the Single Programming Document that is a prerequisite for the use of different EU funds, after an agreement has been reached on SPD between the country and the European Commission / EU.

A call for comments has been addressed to the partners (institutions, NGOs, etc) on 9 January 2002. According to the preparatory body, the Agency for Regional Development of Slovenia the aim of this call was to enable the broad public to take part in the preparation of development programmes, and by preparing the answers on the comments start the discussion on the preparation of the Single Programming Document.

The Proposal of the NDP was open for public comments until February 18, 2002. The comments could be sent via the web page by anyone interested. Those comments and suggestions that have been taken up have been used in the preparation of the Single Programming Document that has been sent to the European Commission in April 2003.

The response was only partly satisfactory.

According to the authors of the Proposal of NDP, contributors have given a valuable and detailed input in specific areas, but there was a disappointment by the very weak response of the social partners' institutional representatives as well as development organisations on local and regional level.

The opinion of NGOs on the process (NGOs that have been involved) partly explains the reasons for weak response. The process was not transparent. The proposal was prepared with a weak public consultation and the comments and proposals were not taken into account. The document was made available to a broader public discussion (via Internet) after the preparatory phase had been over. It was therefore difficult to have any influence on the structure of the document and on the priorities set.

After submitting the comments the NGOs have not been informed what would happen to their input. The result was that their proposals were not incorporated, nor have they been notified about the reasons for that.

## **Evaluation of the plan on the basis of the completed questionnaire**

NDP refers to the nature conservation and environment protection in a very limited manner. In general, the different chapters of the NDP show a very varied level of reference: from not mentioning environment protection (and especially nature conservation) at all to stating its importance, but not elaborating further on that. A bit better in this respect is the Energy sector.

It is therefore not possible to say that the nature conservation considerations have been in any way strategically incorporated into the plan. Especially in the chapter dealing with agriculture, which otherwise refers to the nature conservation there are obvious missed opportunities. Instead of initiating the overall restructuring of the agricultural sector and creating a strategy for nature conservation and environment protection that can be also strongly supported by different measures of agricultural policy, there are only general references and no specific programs.

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