Natura 2000 implementation Fact Sheet

The Natura 2000 implementation Fact Sheets are there to provide information on the most recent situation on the implementation of the Birds and Habitats Directives in your country. The Fact Sheets should provide information to other members of the Working Group and other interested people outside your country and is intended to help the policy and lobby work of the Head Office. The information will be published on the CEEWEB homepage, as well. This is not a thorough analysis of the situation but rather a quick snapshots report which can be easily updated in regular terms (every half year) and thus enables others to follow-up the recent developments at the national level. It aims to explore the main problem/impediment in each area and the reasons behind, and then analyse the situation more in details.

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<tr>
<th>Country: Romania</th>
<th>Person filling in: Răzvan Deju</th>
<th>Organisation: Ecosilvex 2000 Foundation</th>
<th>Date: 31.08.2010</th>
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1. **Designation**

   - Has the designation completed yet? If not, then what are the underlying reasons?

   List of the proposed sites is still incomplete as it was shown in the results of the biogeographical seminars from June 2008. Romania still needs to present a complete list of SPA and pSCI sites to the European Commission.

   Regarding the implementation of the “Birds Directive“, European Commission initiated an infringement action against Romania, which was in the last stage of litigation phase. Thus, on the 09/23/2008 Romania receives a letter of advice no. C (2008) 4631 from 18.09.2008 in case no. 2007/2266 on non-compliance with the Birds Directive because the Romanian authorities have appointed insufficient number of SPAs.

   The Romanian Authorities have committed as to end of July 2009 to undertake a scientific study based on which to expand the surface of 15 SPAs and respectively, until September 30, 2009 to complete a scientific study on which to consider the designation of other 8 new SPAs.

   As a result, the budget of the Ministry of Environment was supplemented with approximately 1200 Euro (on the present currency of Euro) which means almost nothing for a comprehensive study.

   The status of nature protection legislation is lower than the organic laws in the legal system of Romania. Other laws interfering (e.g. Forest Code) have a more powerful status as lex specialis in relation to the Emergency Ordinance 57/2007 as compared to the regime of protected areas, conservation of natural habitats, wild flora and animals which transpose the EU Habitat Directive and Bird Directive, which is worrying.

   - How many % of land territory is designated as pSCI (SCI), SPA and together?

     pSCI 13,6% %. SPA 11,2%, together 17,8%

     - 273 SCI - site of community importance
     - 108 SPAs - special protection area
     - SCI & SPAs - 17 % of Romania's surface
• How many % of land territory is not designated as pSCI or SPA but included in a shadow list? pSCI ……..%, SPA …..% together ….. %

• How much of the marine territory [km$^2$] is designated as pSCI 1353.316 km$^2$; SPA 1472.43 km$^2$, together 2825.746 km$^2$
  • 6 pSCI
  • 1 SPA

• Please include a current map(s) of Natura 2000 network!

*Romania started to propose Natura 2000 sites in October 2005. The first list of pSCI was submitted to the European Commission in June 2007 and the list of SPAs was submitted in December 2007. The coverage of Natura 2000 network in Romania is about 17.8% of the terrestrial surface.*
2. Legislation

- Which are the main pieces of legislation in your country to transpose the HD&BD&Liability Directive into national legislation (e.g. governmental, ministerial decrees, others)?

*The Birds Directive and Habitats Directive were transposed into national legislation through Governmental Order no.57/2007 regarding protected areas, conservation of natural habitats, wild flora and fauna.*

*This Order is replacing all the preceding nature conservation laws, orders and regulations. As well, this order adds new articles referring to the necessity of monitoring of conservation status of the natural species and habitats, whose conservation requires the designation of Special Areas of Conservation.*

*The Decision no.1284/ 24 October 2007 (Governmental Order) officially recognizes the SPA's as a part of Natura 2000 Network in Romania.*

*Ministerial Order no. 1964/2007 concerning the establishment of protected area system of sites of Community importance, as part of European ecological network Natura 2000 in Romania.*

*The Governmental Order no.154/ November 2008 consist some modification and adds for OUG 57/2007 and Hunting law no. 407/2006 and it was results of pressure from Brussels / European Commission.*

- Are there any pieces pf legislation still pending or expected to be issued later?

*Not directly but linked with Natura 2000 issues*

*Draft Government Decision on approving payment from the state budget of Romania's contribution to the LIFE + project - ENVIRONMENT*

*Draft Government Decision on approving the National Strategy and Action Plan for biodiversity conservation in the medium term from 2010 to 2020.*

- Are you aware of any gaps in your national legislation? Are there any parts of the HD or BD or LD which are not fully/correctly transposed?

*Transposition of EU directives in the field was poorly integrated into legislation governing sectoral policies (agriculture, land, forestry, etc.).*

- Are you aware of any gaps in “practical implementation” of the HD, BD or LD?

*At the moment, the status of designation Natura 2000 in Romania is between stage 2 and 3. Romania must propose new sites (pSCI and SPAs) in order to complete the lists.*

4. Institutional framework

- What improvements happened in the last 1-2 years regarding institutions implementing N2000? What institutional impediments remained?

*In the current legislation, the key responsibilities and tasks were theoretically assigned to*
The National Agency for Protected Areas. Unfortunately, this agency planned to be dedicated only to the protected areas was never established (only on paper), and in its absence the system faces an institutional void, since it is not clear who has the responsibility of implementation.

- Do you consider the institutional framework (institutions, staff and administrative tools) dedicated to implement Natura 2000 as
  a.) largely sufficient (there is enough capacity to administer tasks and to coordinate the activities)
  b.) capacities are sufficient in some fields but could be improved elsewhere
  c.) lack of institutional capacity is a major drawback for the implementation. The situation could be enhanced through:

- Do you consider the intersectoral cooperation (e.g. between implementing ministries) in the field of Natura 2000 as:
  a.) largely sufficient (the cooperation between different implementing bodies is good)
  d.) there is some cooperation but it is not sufficient to implement Natura 2000
  e.) intersectoral cooperation is not a reality yet, the main responsibility is still within the environmental institutions. The situation could be enhanced through:

5. Financing

- Do you think Natura 2000 is sufficiently financed in your country? If not, what actions, institutions etc. would need better financing?

There is no central strategy or special allocation in the national budget for the implementation of EU directives.

Regional Environmental Protection Agency (REPA) and Environmental Protection Agency (EPA) faces major problems in ensuring co-financing from the state budget for projects deposited in the Structural Operational Programme Environment SOP (as well as other international projects) and because of this important opportunities for financing nature protection activities are lost. There should be a simple and swift procedure providing co-financing for projects under SOP (through the national budget or the Environment Fund for example).

Finding a solution to provide co-financing from public sources for projects run by NGOs would substantially encourage implementation of the projects related to Natura 2000 (see eg. the situation of Swiss Cohesion Fund).

- National programming for 2007-13
  Have funding opportunities for Natura 2000 been integrated into sectoral programmes for the 2007-13 period, as the EC proposed?
  a.) yes, funding possibilities for Natura 2000 have been widely included in other sectoral operational programmes (e.g. economic, social, educational operational programmes) and/or regional operational programmes
  b.) to a limited extent, funding possibilities for Natura 2000 have been included in other sectoral operational programmes (e.g. economic, social, education operational programmes) and/or regional operational programmes
  c.) no. Funding for Natura 2000 is mostly concentrated in the environmental sectoral

1 Except for the Agricultural Rural Development Programme, see later
programme/s. More funding for Natura 2000 would be necessary in the following fields:

- If you can, please give estimation how much funding is included in the national allocation programme for 2007-13 for Natura 2000?
  a.) Funding for Natura 2000 is distributed between different programmes therefore I cannot calculate how much will be spent on it.
  b.) ……….. Euro for 2007-13 = ……….. % of total national budget

Please shortly explain how you calculated:


- Funding for Natura 2000 is included in the ARDP as
  a) uniform compensation for farmers (……. EUR/ha)
  b) farmers can choose between different actions/schemes to implement and are paid for the actions carried out
  c) a combination of both
  d) other: ………………. 

There is a uniform payment scheme per hectare through the Single Area Payment Scheme (SAPS). Single Area Payment Scheme (SAPS) consists of a uniform payment per hectare payable once a year being totally disengaged of production. Under this scheme, farmers are eligible to receive direct payments if agricultural land used have at least 1 hectare, constituted of at least 0.3 hectares agricultural plots, and complies with good agricultural and environment practices. The quantum for 2010 was 81 euro/ha

In the Axis II “Improving environmental quality and the landscape of rural areas” of the National Agricultural Rural Development Programme 2007 – 2013 there are other 2 measures, Measure 213 - Natura 2000 payments on agricultural land and Measure 224 - Natura 2000 payments on forest land that have been expected to be implemented starting with 2010, but the elaboration of the management plans for Natura 2000 sites is still an ongoing process, and due to the fact that there is no exact delineation of farmland and forest sites included in Natura 2000, there is no progress regarding these measures, yet.

The measures offers annual compensatory payments per hectare of land used to compensate farmers for additional costs incurred and the lost of the revenue resulting from implementation of Directives 79/409/EEC, 92/43/EEC and 2000/60/EC in targeted areas. Support will be limited to the maximum amount stipulated in Annex - up to 200 euro / ha / year.

- Funding for Natura 2000 is available for (please underline):
arable land, grassland, wetland, forest, other: ……………………………

Funding is not available but would be necessary within the ARDP for the following:

7. Management

- Is the management of Natura 2000 sites ensured in your country? If not, what would be the first to improve, in your opinion?

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2 Except for the Agricultural Rural Development Programme, see later
In Romania the management of Natura 2000 sites is an ongoing process. In 2010, the Ministry of Environment offered the administration and the custody of the protected areas to those stakeholders, who hold material and logistic capacity for the management of these sites. In the first session, 51 sites SPA and SCI were taken into administration by NGOs and 202 into custody*. The management is assured, where the SCI and SPAs are overlapping with protected areas of national importance (national parks, nature parks) with an administrativ body.

- Please give an estimation how many management plans have been finalised in your country for Natura 2000 sites since 2004?
  a.) 0-25
  b.) 25 – 50
  c.) 50 – 100
  Which means ….% of all Natura 2000 sites.

- Are the existing management plans for Natura 2000 sites being implemented?
  a.) no, largely not
  b.) some management measures are carried out, but this is insufficient
  c.) most management measures are being carried out

- Which other tools (other than management plans) exist in your country to facilitate the management of the sites (laws, regulations on land use, management, contracts with farmers, etc.)?
  Minister Order no. 1533/2008 regarding the approval of methodology for assigning the management of natural protected areas which require the establishment of management structures and of methodology for assigning the custody for natural protected areas, which do not need the establishment of management structures;
  This piece of legislation allows Natura 2000 sites to be taken into administration or custody by various stakeholders: NGOs, state institutions, etc.

- How is the management of Natura 2000 forests in your country?
  a.) Natura 2000 aspects are largely not considered in forestry planning and management
  b.) Natura 2000 aspects are considered to some extent in forestry planning and management
  c.) There are some Natura 2000 management measures carried out in forests
  d.) Natura 2000 forests are managed under full consideration of Natura 2000 aspects
  e.) Other:

**Information and awareness**

- What is the overall public attitude towards Natura 2000 in your country?
  a.) General public is not aware of Natura 2000
  b.) General public is aware of Natura 2000 and is generally in favour of it
  c.) General public is aware of Natura 2000 and is generally not in favour of it
  d.) There is a lot of misconceptions about Natura 2000 as a result of negative communication

- What is the attitude of effected stakeholders (e.g. farmers, local administration) towards Natura 2000 in your country?
Stakeholders are not well informed and are not aware of Natura 2000
Stakeholders are generally in favour of Natura 2000
Stakeholders are generally not in favour of Natura 2000

- How is the distribution of general information on Natura 2000 (general information, name of sites, land register information, species & habitats information, maps, etc.) in your country?

- Most of the important information is publicly available on websites, in publications etc.
- A lot of important and necessary information is not easily available for the public

- Have all land owners been adequately informed about the Natura 2000 designation of their land?

  a.) Yes.
  b.) To a limited extent
  c.) No.

THANK YOU!

*According to Governmental Order no.57/2007 regarding protected areas, conservation of natural habitats, wild flora and fauna, the biosphere reserves, national parks, natural parks and, if necessary, the geoparks, SCIs, SACs and SPAs are managed by administrative structures specially constituted, with legal personality. If they don’t have an administrative body it is necessary to create one by giving them administration (according to the Ministerial Order 1533/2008 on approving the Methodology for the award of administration of natural protected areas that require the creation of management structures and methodology for awarding custody of protected natural areas that do not require the creation of administrative) of the stakeholders, which are able to create and maintain this kind of structure.

According to Governmental Order no.57/2007 regarding protected areas, conservation of natural habitats, wild flora and fauna, the scientific reserves, natural reserves, natural monuments and, where appropriate, geoparks, SCIs, SACs and SPAs, which do not require or have no particular administrative structure set up, is given into custody (according to Ministerial Order 1533/2008 on approving the Methodology for the award of administration of natural protected areas that require the creation of management structures and methodology for awarding custody of protected natural areas that do not require the creation of administrative) to the interested stakeholders.