

NATURA 2000 IN THE NEW EU MEMBER STATES – ONE YEAR AFTER ACCESSION
Status report for new and candidate Member States

QUESTIONNAIRE

Please answer the questions and add as much detail in comments as possible, especially in cases where you have indicated partial or inadequate implementation.

A. Legislation

1) Have the Habitats Directive and Birds Directive been transposed into the national legislation of your country?

	Habitats Directive	Birds Directive
YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>
Partially	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
No Information	<input type="checkbox"/>	<input type="checkbox"/>

Comments: The Birds and Habitats Directives have been transposed into the Act on Nature Conservation (published on April 16, 2004. Article 33.2 of this act has to be amended, because there is still a gap in protection of pSCIs in the period between their approval by the European Commission and their designation by the Polish Minister of Environment. The amendment is expected in May 2005. Article 6 of the Habitats Directive is transposed into Article 33 of the Act on Nature Conservation, but the procedure of preparation of the EIA on Natura 2000 sites should be included in the Law on Environmental Protection (April 27, 2001). The adequate provisions should be implemented into this Act at the end of April 2005. The system of responsibility for Natura 2000 sites is still unclear, but it is not in conflict with the Birds and Habitats Directives. Article 6, Item 3 of the Habitats Directive provides for eliciting the opinion of the general public on projects which have an impact on Natura 2000 sites. The Polish Act on Nature Conservation does not include this possibility.

2) Regarding concrete provisions in the legal acts transposing the Habitats and Birds Directives:

i Is it clear in the legislation of your country how to designate SACs and SPAs (by law, decree, otherwise)?

	SPAs	SACs
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>
Partially	<input type="checkbox"/>	<input type="checkbox"/>
No information	<input type="checkbox"/>	<input type="checkbox"/>

Comments: There are provisions in Articles 27, 28 of the Act on Nature Conservation on this issue.

ii Is there general legal protection for SACs and SPAs according to the legislation of your country?

	SPAs	SACs
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>
Partially	<input type="checkbox"/>	<input type="checkbox"/>
No information	<input type="checkbox"/>	<input type="checkbox"/>

Comments: Act on Nature Conservation

iii Is there a clear process for evaluating significant effects of plans/projects on sites (art. 6.3 & 6.4)?

- YES, following the EIA
- YES, independent from the EIA
- NO
- Yes, but inadequate
- No information

Comments: *The Polish Law on Nature Conservation refers to EIA procedures in the Law on Environmental Protection. Amendments concerning the process of EIAs in Natura 2000 sites were introduced in June 2005.*

iv Are there provisions for ensuring the ecological coherence of the network (art. 10)?

- YES
- NO
- Yes, but inadequate
- No information

Comments: *Provisions for ensuring ecological coherence are included in Article 26 of the Law on Nature Conservation as well as the decree of the Minister of Environment on natural habitat types and plant and animal species for protection in Natura 2000 sites.*

v Is the species protection regime (art. 12 to art.16) adequately transposed?

- YES
- NO
- Partially
- No information

Comments:

3) Are the Habitats and Birds Directives integrated into legislation governing sectoral policies?

Sectors	Yes	No	Inadequately	No info	Comments
Agriculture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>In agri-environmental measures</i>
Spatial planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Act "Law on Environmental Protection"</i>
Water management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Forests	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>In agri-environmental measures</i>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Comments: *Apart from the clear link between Natura 2000 and agri-environmental measures, there is generally little integration of the Habitats and Birds Directives into other sectoral policies.*

4) Any other or issues or general comments regarding legislation?

B. Site designation -- National list of sites

1) Concrete data:

- i Number of SCIs proposed by the national government: *184*
- ii Number of SPAs proposed by the national government: *72*
- iii % of national surface of SCIs proposed + SPAs (avoiding double counting by overlap): *ca. 9% (pSCIs 3.6%; SPAs 7.8%)*

- iv % of coincidence with existing PAs of SCIs proposed + SPAs (avoiding double counting by overlap): *no data*
- v Is digital data (shp, dxf, others) of the proposed SCIs and SPAs available? (if there is, please send it with the questionnaire): *Yes*

2) Please rate the quality of scientific information used to prepare the list of proposed Sites of Community Importance:

- Good (inadequate)
- Fair (some changes needed)
- Poor (clearly inadequate)
- No information

Comments: *Some information regarding the certain species and habitats from the Annexes of the Habitats Directive are 50 years old, so further verification is needed. There are still no adequate field studies regarding certain areas due to lack of funding.*

3) Please evaluate the list of proposed sites:

- Good (sufficient)
- Fair (some changes needed)
- Poor (clearly insufficient)
- No information

Please justify your evaluation referring, for example, to % of area proposed by scientific or NGO list not included in the official list, species and habitats missing, regional imbalances, etc.: *The governmental proposal is clearly insufficient - the Polish NGO proposal for the Natura 2000 network has been presented in the report "Natura 2000 in Poland - Shadow List" (in English and Polish) and submitted in December 2004 to to the Polish Ministry of Environment, the European Commission, and the European Topic Centre on Nature Protection and Biodiversity. However, all additional sites proposed by the NGOs for the Alpine biogeographic region will be included in the government's proposal. The Polish government is also planning to add additional sites for the Continental biogeographic region.*

4) Any other or issues or general comments regarding Site designation? *Field studies should be undertaken for many proposed Natura 2000 sites.*

C. Financing

1) Is there a cost estimate for implementing Natura 2000 in your country?

YES

Author or institution	Date of estimate	Overall amount	Comments

NO

When will there be?

No information

Comments: *The Institute of Nature Conservation is preparing an estimation of costs for monitoring Natura 2000 sites. The estimation of costs and financing plans should be clarified by the end of 2005 in order to feed into the programming for use of EU and related national funds for the 2007-13 financial period.*

2) Is there a national plan for financing Natura 2000?

YES

NO

When will there be? *A plan should be ready at the end of 2005.*

Comments: *The process of identifying cost items for support of the Natura 2000 network and their allocation in adequate financing programmes is now ongoing in the Ministry of Environment. For example, provisions concerning maintaining ecological corridors, renaturalisation, tourism and education in Natura 2000 sites should be included in the Sectoral Operational Programme for Environment. The Ministry is seeking to use well opportunities for financing from EU programmes. Some financial resources are guaranteed by the National Fund for Environmental Protection and Water Management, but the budget is not yet fixed.*

3) Are there provisions in the national budget for financing implementation of the Habitats and Birds Directives?

Yes

No

No information

Comments:

4) Natura 2000 and the EU funds for the period 2004-2006:

i Is Natura 2000 mentioned in the National Development Plan of your country?

YES

Please describe briefly how:

NO

No specific mention of Natura 2000, but there are financing opportunities anyway (please comment below)

No information

Comments:

ii Is Natura 2000 mentioned in the Sectoral Operational Plans of your country?

YES

Please describe briefly how:

NO

No specific mention of Natura 2000, but there are financing opportunities anyway (please comment below)

No information

Comments:

iii Is Natura 2000 mentioned in the Rural Development Plan of your country?

YES

Please describe briefly how: *Farmers in Natura 2000 areas will receive an additional 20% of payments from agri-environmental programmes.*

NO

No specific mention of Natura 2000, but there are financing opportunities anyway (please comment below)

No information

Comments:

iv Have pre-accession funds been used for implementation of Natura 2000, or are they currently being used?

YES

Funding source	Yes	Comments/description
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PHARE	<input checked="" type="checkbox"/>	<i>PHARE twinning project (PL.0105.02)</i>
ISPA	<input type="checkbox"/>	
SAPARD	<input type="checkbox"/>	
Other	<input type="checkbox"/>	

NO

No information

Comments:

- v Have any other funding sources been used for implementation of Natura 2000, or are they currently being used?

Funding source	Yes	No	No info	Comments/description
Govt Aid Agencies				
Ecofund	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Tender on protection of SPAs - Natura 2000 in Poland</i>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Private sources				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Others				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Comments:

- 5) Is it planned to include Natura 2000 in the planning instruments for the next programming period (2007-2013)?

Planning document	Yes	No	No info	Comments
National Dev. Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Clear reference to Natura 2000 implementation and management in the draft National Development Plan (currently consulted with the public).</i>
Sectoral Operational Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Natura 2000 will be included in the Sectoral Operational Programme for the Environment.</i>
Rural Dev. Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Comments:

- 6) Any other or issues or general comments regarding financing for Natura 2000?

D. Management

- 1) Does the Government have staff dedicated specifically to Natura 2000?

YES

Main activity	Approx. no. of civil servants
Sites list elaboration	1
Art. 6.3 and 6.4 assessments	2
Site/species management	1
Scientific studies	-
Communication	1
Others (please specify)	<i>financing issues - 1</i>

NO

No information

Comments: *The Protected Areas Unit in the Nature Conservation Department of the Ministry of Environment (6 persons) is responsible for Natura 2000 sites.*

- 2) Have principles, management guidelines and planned management measures based on Favourable Conservation Status been established for habitat and species?

YES

NO

Will be ready by:

No information

Comments: *Guidelines for species and habitat protection have recently been developed as part of the PHARE twinning project coordinated by the Ministry of Environment.*

- 3) Are there going to be management plans specifically dedicated to Natura 2000 sites and species in your country?

	Sites	Species
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>

NO

Will be ready by:

No information

Comments: *Management sites for Natura 2000 sites are required by law; management plans have been developed for 7 pilot areas within the PHARE twinning project.*

- 4) Are there specific methodologies for developing Natura 2000 management plans?

	Sites	Species
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>

NO

Will be ready by:

No information

Comments: *The Ministry of Environment has published a decree specifying the contents of the management plans for Natura 2000. Guidelines on management for Natura 2000 sites have been prepared within the PHARE twinning project.*

- 5) Is the procedure for assessing projects and plans (art. 6.3, 6.4) adequately implemented?

YES

NO

Inadequately

No information

Comments: *The recent amendment to the Act on Environmental Protection included transposition of Articles 6.3 and 6.4 of the Habitats Directive into the Polish legislation.*

- 6) Is there any methodology for monitoring?

YES

NO

Will be ready by: *The methodology for monitoring is expected to be ready by the end of 2005.*

No information

Comments:

7) Any other or issues or general comments regarding management for Natura 2000?

E. Communication and public participation

1) Has there been a public participation process for

i Designation of SPAs?

YES

NO

Yes, but inadequate

No information

Comments:

ii Proposal SCI list?

YES

NO

Yes, but inadequate

No information

Comments: *The Ministry of Environment presented its final proposal, giving only 7 days for comments; none of them were taken into account.*

2) Is public participation planned for

i Elaboration of management plans?

YES

NO

No information

Comments: *NGOs may participate in commissions preparing management plans. The projects of management plans will be open for public consultations (Article 33.1 of the Law on Nature Conservation, decree on management plans for Natura 2000 sites.)*

ii Evaluation of significant effects of projects and plans over sites?

YES

NO

No information

Comments: *Included in the Law on Environmental Protection*

3) Does the government have a communication/awareness raising strategy on Natura 2000?

YES

YES, but inadequate

NO

Expected by:

No information

Comments: *Communication activities are expected to be financed through the proposed LIFE + programme in the next financial period 2007-13.*

- 4) Any other or issues or general comments regarding communicating Natura 2000? *The information system on all Natura 2000 sites proposed by the government has been installed in offices of all potential future managers. A website on Natura 2000 is open for the public. Support for training and publications on Natura 2000 will be financed from technical assistance (SOP).*

F. Known threats

- 1) Please note if there has been any complaint to the EU regarding implementation of Natura 2000 in your country:

Regarding	Complaint	Status (rejected, in Court, no info...)	Brief description
Site designation	Yes		<i>NGO shadow list of sites submitted to the European Commission in December 2004; the European Commission has considered this as an official complaint.</i>
Transposition of legislation			
Activities negatively affecting sites			
Others			
No information <input type="checkbox"/>			

Comments:

- 2) Please note any activities (or the lack of them) that could negatively impact existing or potential Natura 2000 sites that you are aware of:

Location/site	Activity	Expected impact	EU co-financing?
<i>Biebrza Valley, Knyszynska Forest, Augustowska Forest, Narew Valley</i>	<i>Via Baltica expressway in Podlasie</i>	<i>Impact on species and habitats along the expressway, the road will cut the migratory routes of large carnivores</i>	<i>Not for the investment phase of the project, no information concerning the preparatory phase of the project</i>
<i>26 pSCIs of the Oder river</i>	<i>Oder 2006 Investment Plan (including Raciborz and Kamieniec Zabkowicki)</i>	<i>Impact on riparian forests</i>	<i>Plans for financing from Cohesion Funds (so far without success)</i>

- 3) Any other or issues or general comments regarding threats to existing or future Natura 2000 sites?

G. Main priorities for implementing Natura 2000

Which in your opinion are the main priorities for implementing Natura 2000 in your country (one per line)?

<i>To finish the process of designation of borders for proposed Natura 2000 sites</i>
<i>To secure financing for management plans and field studies in Natura 2000 sites</i>
<i>To prepare management and monitoring systems for Natura 2000 sites</i>
<i>To secure adequate financing for Natura 2000 in EU and national financing programmes for 2007-13 (Natura 2000 management should have dedicated financing)</i>
<i>To promote awareness and understanding of Natura 2000, its implications and benefits, both among the general public and</i>

relevant authorities, especially those responsible for water management.

H. Accession and candidate countries: Romania, Bulgaria, Croatia and Turkey

To the extent that you have not already done so in the questionnaire above, please provide a snapshot of preparations for Natura 2000 in your country, including:

- 1) General progress made by the Government in site list preparation:
- 2) Resources dedicated by the Government (human/financial – national/international) for site list preparation:
- 3) Involvement of NGOs and other actors in preparing for Natura 2000:
- 4) Other issues or general comments:

People involved in answering the questionnaire

<i>Country</i> Poland		
<i>Name (last, first)</i>	<i>Organization/Institution</i>	<i>Email</i>
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