

## **Report** on the changes in the creation of the Natura 2000 network in Poland in 2009-2011



### Bożenna Wójcik



The report is part of the project "The open waters of Natura 2000", carried out in 2010-2012 by the Institute for Sustainable Development wit the financial support of the National Fund for Environmental Protection and Water Management

Warsaw, March 2011

### Table of contents:

Introduction
I. The state of the Natura 2000 network in Poland and Europe in
the first quarter of 2009 – after finishing the works on the previous
report and the last update of the web portal
II. Principal events and decisions concerning the creation of the
Natura 2000 network in Poland and in the EU in 2009-2011 and
the state of the Natura 2000 network at the beginning of 20115
III. Expected future events related to the creation of the Natura
2000 network in Poland and in the European Union10
IV. The functioning of Natura 2000 in Poland – various initiatives
and problems10
V. Institutions responsible for Natura 2000 areas in Poland
VI. Materials used for the preparation of this report14
VII. A list of useful sources of information about Natura 200014

### Introduction

This report has been prepared as part of the project "The open waters of Natura 2000" carried out by the Institute for Sustainable Development (ISD) with the financial support of the National Fund for Environmental Protection and Water Management in 2010-2012. Its main goal is to collect and present the changes which have occurred in the area of the implementation of the European Ecological Network Natura 2000 in Poland since the publication of the previous report<sup>1</sup> and the web portal "Natura 2000 and tourism" (www.natura2000.org.pl) update, in other words, since spring 2009, and it is supposed to give the basis for the next update of the materials available on the portal. The contents of the portal need to be updated so that it can still fulfil its educational and informational role. Bearing in mind that the changes in the area of creation of the Natura 2000 network may be significant, the necessary updates concern in the first place educational materials on the portal (above all the so called "e-courses"), as well as the information databases (mainly the Catalogue of Natura 2000 areas in Poland and the information section "Citizen's manual"). In addition to that, the report aims to provide the interested readers with up-to-date, cumulative information about the progress in the implementation of the Natura 2000 network.

### I. The state of the Natura 2000 network in Poland and Europe in the first quarter of 2009 – after finishing the works on the previous report and the last web portal update.

The European Ecological Network Natura 2000 has been under implementation in the European Union since the habitat directive<sup>2</sup> was accepted in 1992 and as it was assumed in the beginning it was supposed to have been created (in the countries of the "old" EU) by 2000 – which is where its name comes from. An important document for the creation of the network is the bird directive<sup>3</sup> from 1979, as the bird sites designated by this directive have been included in the Natura 2000 network as a separate kind of Natura 2000 sites. All new EU members were obliged to prepare their proposals regarding the network on their territory until the day of accession, i.e. 1 May 2004 in case of the 10 countries including Poland and 1 January 2007 in case of Bulgaria and Romania. None of

<sup>&</sup>lt;sup>1</sup> "Changes in the creation of the Natura 2000 network in Poland in the years 2007-2008 and the first half of 2009"

<sup>-</sup> a report by Bozenna Wójcik, available on the web portal "Natura 2000 and tourism".

<sup>&</sup>lt;sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, often referred to as "habitat directive".

<sup>&</sup>lt;sup>3</sup> Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, often referred to as a "bird directive" (consolidated version of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009).

those countries managed to present complete lists of sites in time, so the process of creating the network became much longer. The proposals of many countries (both old and new EU members) were critically assessed by the European Commission and had to be corrected (completed) various times. In some cases, resolution of disputes in this area between the Commission and the governments of EU member states involved the intervention of the European Court of Justice.

At the beginning of 2009 in Poland there were officially 141 bird sites (including four sea sites), designated by force of the dispositions of the Minister of Environment<sup>4</sup> and 364 habitat sites (331 sites from the Continental biogeographical region, including six marine or partially marine sites, and 33 sites from the Alpine region) approved with the EC decisions<sup>5</sup>.

Moreover, at that time, there were numerous areas of natural value in Poland from the category of habitat sites, which had no official status yet – they were proposed by naturalists as part of the so called *Shadow Lists* and discussed by groups of governmental experts (teams of experts collaborating with regional nature conservation agents and a team of leading experts from the Nature Protection Institute of the Polish Academy of Sciences) with the idea of including them on the official lists. In the period between April 2008 and May 2009 the proposals presented by NGOs were assessed together with the completeness of Natura 2000 network in Poland. As a result, in early May 2009 the Ministry of Environment presented a list of 478 new Nature 2000 sites (3% of the country's surface) for interdepartmental and public consultations. They also suggested improvements in 88 areas presented earlier and already accepted by the European Commission. The proposal included most of the areas presented by the NGOs, but not all of them.

In all European Union in December 2008 there were 5 174 bird sites (including 533 marine sites) and 21 633 habitat sites (including 1 312 marine or partially marine sites). When assessing the progress in the creation of the Natura 2000 network in the EU on 2008/2009 the European Commission observed significant improvement in this area during the previous year, but the expression "network largely complete" was used in relation to few countries (eight countries when it comes to bird sites, five countries when it comes to habitat sites). With regard to Poland, this assessment did not include the update of the list of bird sites which was made in October 2008. Only during the next network assessment in November 2009 this fact was observed and the Polish list of bird sites was recognised as largely complete.

<sup>&</sup>lt;sup>4</sup> The first ordinance of the Minister of the Environment on Special Protection Areas for birds Natura 2000 was issued on 21 July 2004 and then amended twice (the last amendment in October 2008).

<sup>&</sup>lt;sup>5</sup> The most recent decisions of the European Commission concerning the updated lists of Special Areas of Conservation for habitats Natura 2000 for particular biogeographical regions were issued in December 2008.

# II. Principal events and decisions concerning the creation of the Natura 2000 network in Poland and in the EU in 2009-2011 and the state of the Natura 2000 network at the beginning of 2011.

#### Habitat sites in Poland:

After the abovementioned consultations carried out in May and June 2009, the list of new habitat sites was verified by government experts and the General Directorate of Environmental Protection and presented to the government for acceptance before presenting it to the European Commission. During the Cabinet meeting on 28 October 2009 the government approved a list of 453 new habitat sites and 78 extensions of areas already accepted by the European Commission as part of the European network Natura  $2000^{6}$ .

The Polish authorities agreed with the European Commission that although the EC decision concerning the approval of those sites would not be known earlier than one year after, the sites accepted by the Cabinet should be treated in Poland as accepted sites. It is mainly about treating them as such in the proceedings of Environmental Impact Assessments (EIA) conducted as part of environmental decisions concerning investments, in order to protect the natural resources of those sites from damage. The agreements also concerned the identical treatment of the sites that would be proposed by the Polish authorities in the future.

In the press releases concerning the list of sites sent to the EC, the authorities stressed the fact that by doing that Poland fulfils the obligation to designate the Natura 2000 network and that this network is already complete. Moreover it was pointed out that we managed to work out such a network which would minimally affect the socio-economical development of the communes and the activity of local communities.

NGOs working on so called *Shadow List* concerning habitat areas, and especially the Naturalists' Club, as a leading organisation in this area, were critical towards the list consulted in May 2009 as well as the list sent to the European Commission. At the same time they did not agree that sending that list to the Commission meant the finalisation of the creation of the Natura 2000 network in Poland. The organisations did not agree with the General Directorate for Environmental Protection (GDOŚ), which claimed that some sites proposed within the *Shadow List* were not included on the list for consultation because they lacked features and values that would qualify them to be included in the Nature 2000 network. This claim was not confirmed by the opinions by specialised teams from each voivodeship, nor by a scientific opinion of the Institute for Nature Conservation of the Polish Academy of Sciences (IOP PAN). The NGOs also

<sup>&</sup>lt;sup>6</sup> Information concerning the number of areas on the list was different in the communications of GDOŚ and the Chancellery of the Prime Minister – GDOŚ claimed there were 453 new habitat sites and 78 enlargements while the Chancellery announced 464 new sites and 79 enlargements.

criticised the fact that before the consultations some sites, accepted by IOP PAN, were removed, while the extension of some others was reduced. This meant that some criteria which were taken into account were different than scientific criteria for designation of Natura 2000 sites – which is against the legal basis of creating the Natura 2000 network. When the Polish authorities sent the EC a list they prepared in GDOŚ after the consultations, NGOs also criticised its content – some areas were removed from the list after the consultations and others even in the last moment before the Cabinet's decision, the area of some sites had been reduced, which was clearly a result of succumbing to the pressure of local governments and various other institutions.

On 23-25 November in Sopot, a biogeographical seminar Natura 2000 for the area of the Baltic sea was held. The seminar was organised by the European Commission in collaboration with the Polish GDOŚ. Still it did not only concern Poland, as its aim was to assess the completeness of the Natura 2000 network in the whole basin of the Baltic Sea. The participants analysed whether the particular kinds of habitats and the species living in the marine environment were sufficiently protected and whether the proposed sites would ensure their protection. Because of the special character of marine areas, in 2009 separate seminars for marine sites started to be organised. The Baltic seminar was already the second seminar of this kind – after the Atlantic one, organised earlier in Ireland. In the conclusions to the seminar the representatives of the EC argued that in the Polish part of the Baltic sea it was necessary to enlarge two areas (Pucka Bay with the Hel peninsula and Ostoja Słowińska) and to create one new site which would include the reef structures in the area of Kępa Redłowska. It was also decided that the documentation of some sites should be completed, and some research conducted in order to identify the presence of porpoise and sea and river lamprey in chosen parts of the Polish Baltic sea.

In November 2008 and then again in November 2009 the Ombudsman had his say in the discussion around the Natura 2000 network. In his opinion the 30-day period to evaluate the proposed list of Natura 2000 sites by the commune council was too short and consequently it is necessary to introduce changes in the Nature Protection Act. According to the Ombudsman, such a short period of time together with the extent of detail required from the materials presented for consultation makes it impossible for many communes to give their opinion on the materials in a right way. Moreover, the Ombudsman claimed that the local government agencies were given insufficient power in the area of participation in the process of creating Natura 2000 sites, and that many regulations concerning Natura 2000 sites management are not precise enough which may cause problems when it comes to their interpretation.

On 24-26 March 2010 in Warsaw the European Commission organised a Bilateral Biogeographical Seminar for Poland, which was a meeting during which the completeness of the Polish network of Natura 2000 habitat sites was assessed (the habitat part of the network). The assessment concerned the proposed list of sites presented by Poland on 29 October 2009. The Seminar was organised on special terms, outside normal

procedure<sup>7</sup>, because earlier proposals discussed during previous seminars were considered notably insufficient. However, since that time many new proposals had been presented and it was decided that they should be assessed on special terms. During the seminar, it was proved that there are still gaps in network designation in Poland with regard to a few dozen species and habitats, which meant that Poland would have to add a number of Natura 2000 habitat sites to the network. The European Commission pointed out the need to complete the existing lists with sites which would provide protection for a dozen o so species and natural habitats, whose conservation had so far been insufficient or even inexistent. It was also decided that Poland would have to design 21 more sites and extend the surface of 13 sites of community importance (SCI) already presented to the EC. Moreover, with regard to 18 animal species, 6 plant species and 10 natural habitats the EC obliged our country to carry out a research in order to check and confirm their presence. The final deadline for Poland to complete the designation of the network is 1 October 2011.

In connection with the conclusions of the Bilateral Biogeographical Seminar which was held in Warsaw in March, non-governmental organisations (Naturalists' Club, Polish Society for Nature Conservation "Salamandra") prepared and presented in May 2010 both to the EC and GDOŚ a proposal of a list (*Shadow List 2010*) of additional 33 new sites and changes in the borders of 22 sites, which in their opinion should be included in the Natura 2000 network in Poland. The list includes the areas that are requires and indispensable with regard to the conclusions of the Seminar, as well as those which were prepared as a result of detailed analysis and agreements carried out by those organisations as part of projects financed by the European Union. According to those organisations, the list should be treated as a list on "potential Natura 2000 sites" and they should be protected accordingly until they are officially approved.

As a consequence of the March biogeographical seminar, June 2010 saw the initiation of public consultations of another list of planned habitat sites (SCI) – the consultations concerned a list of 27 areas, partially overlapping with the Shadow List 2010. The result of those consultations has not been made public yet.

At the same time a legal act important for the creation of the Natura 2000 network was issued - the Ordinance of the Minister of Environment of 13 April 2010. on natural habitats and species of Community interest, as well as the criteria for choosing areas that can be recognised or designated as Natura 2000 sites. This Ordinance replaced the one from 16 May 2005.

The latest extension of the Natura 2000 network in the whole EU with new habitat sites was announced by the EC on 10 January 2011. The Commission decided to accept new habitat sites and proposed changes in the extension of many sites that were already accepted (enlargements, reductions and including smaller sites within the bigger ones) which were presented by the Polish government in autumn 2009.

<sup>&</sup>lt;sup>7</sup> Usually such seminars are organised not for individual countries but for group of countries located in a certain biogeographical region, whose proposals are assessed by the European Commission all at the same time.

As a result of that last decision of the EC there are currently 823 officially approved habitat sites in Poland, 778 of which belong to the Continental biogeographical region and 45 to the Alpine biogeographical region. Seven of those sites also have the status of bird sites<sup>8</sup>.

### Bird sites in Poland:

During the Cabinet meeting of 28 October 2009, when a list of new habitat sites was accepted, it was also decided to add one proposed site to the list of special areas for birds: "Bagno Pulwy" ("Pulwy Bog"). The designation of this area was an element of natural compensation which was supposed to allow the construction of an express motorway S8 between Radzymin and Wyszków together with Wyszków bypass, all financed by the European Union. Later, but still in October, the abovementioned list and the decision about a new bird site was sent to the European Commission.

In December 2009 GDOŚ announced public consultations with regard to the planned further extension of special protection areas for birds Natura 2000, which lasted until May 2010. The consultations regarded three proposed special protection areas for birds Natura 2000: Góry Izerskie, Sudety Wałbrzysko-Kamiennogórskie and Bagno Pulwy

(already accepted by the Cabinet) and a proposal to enlarge the Ostoja Warmińska bird site. Those areas were proposed due to the fact that investments were carried out in the area of already designated special protection areas for birds Natura 2000, where the habitats of bird species under protection were about to be damaged. The need to designate new Natura 2000 areas was due to the fact that it was impossible to recover or improve the condition of the biotopes of the species which were expected to suffer the consequences of the actions mentioned above.

In the beginning of December 2010 the Polish Society for the Protection of Birds (OTOP), the organisation which designates sites important for the protection of birds in Poland, sent an official letter to GDOŚ stressing the need to extend the list of Special Protection Areas for birds Natura 2000 in Poland. This stand was based on the material concerning Important Bird Areas (IBA) in Poland<sup>9</sup>, published in May 2010, in which OTOP points out 174 areas that fulfil all the international criteria for the designation of IBA. The areas pointed out by OTOP included 34 areas which were mentioned for the first time on a list of Polish IBAs – therefore they need to be officially approved by means of an ordinance and included in the Natura 2000 network. Among those 34 new

<sup>&</sup>lt;sup>8</sup> Therefore it is impossible to combine the numbers of habitat and birs sites to get an overall figure for Natura 2000 in Poland – those 7 sites would be then counted twice.

<sup>&</sup>lt;sup>9</sup> "Ostoje ptaków o znaczeniu międzynarodowym w Polsce", ed. Wilk et al. 2010.

areas, 4 have already been recognised by Polish authorities<sup>10</sup>, while in case of the remaining 30 no steps were taken to include them in the Natura 2000 network.

The next consultations were started by GDOŚ in late December 2010, and they regarded a proposal of a new Special Protection Area for birds in the region of Równina Kutnowska (Doliny Przysowy i Słudwi).

On the 4 February 2011 the Ordinance of the Minister of Environment of 12 January 2011 on Special Protection Areas for birds was officially announced. It designated three new SPA: Góry Izerskie, Sudety Wałbrzysko-Kamiennogórskie and Bagno Pulwy and enlarged the already existing SPA Ostoja Warmińska. In addition to that, the ordinance also introduced changes in the extension of some other sites.

As a result of the implementation of the abovementioned ordinance, at the moment there are 144 officially approved bird sites in Poland. Seven of them also has the status of habitat sites.

#### Changes in the Natura 2000 network in the whole EU:

During the period under analysis, the Natura 2000 network was undergoing changes not only in Poland. Other member states were also completing their lists and passing the information to the European Commission. Successive Natura 2000 Barometers were presenting the changes in this area.

In December 2009 the European Commission extended the Natura 2000 network in sic (out of nine) biogeographical regions, approving new lists of habitat sites in countries like France, Spain, Germany Sweden, Great Britain and Italy, adding mainly so called marine sites.

The latest extension of the Natura 2000 network in the UE with new habitat sites was announced by the EC on the 10 January 2011 and it also concerned six (out of nine) biogeographical regions – Alpine, Atlantic, Boreal, Continental, Pannonian and Mediterranean. It involved the designation of many new sites in 15 member states – the number of sites of community importance was increased by as much as 739 sites. The greatest number of sites was designated in Poland (60% of the whole amount), but also many new sites appeared in the Czech Republic and in Denmark, France and Spain – the latter three have designated numerous marine sites, which is currently a priority in the EU.

As a consequence of all those decisions, there are currently (according to the latest information available<sup>11</sup>) 5 315 bird sites (including 700 marine sites) and 23 268 habitat sites (including 1 429 marine sites).

<sup>&</sup>lt;sup>10</sup> One of those Special Protection Areas was officially designated in 2007 and three more were at the same time planned to be designated by an Ordinance of the minister of Environment which was under preparation after the consultations mentioned above.

<sup>&</sup>lt;sup>11</sup> As regards bird sites, the latest data come from May 2010 but were published as part of the Natura 2000 Barometer in December 2010, while the data concerning habitat sites from the same Barometer could have

Similarly to Poland, the number of all Nature 2000 sites in the EU is smaller than the combination of bird and habitat sites, because many of those areas may overlap, either in their entirety or partially.

### **III.** Expected future events related to the creation of the Natura 2000 network in Poland and in the European Union

Apparently, the process of the creation of the Natura 2000 network in Poland has nod been finished yet, but it is advanced.

As regards habitat sites it can be expected that the sites agreed upon during the Baltic biogeographical seminar and the special seminar for Poland, including the areas consulted in 2010, will be sent to the European Commission after verification (the deadline is 1 October 2011). The EC will probably present their decision after about a year (usually they take decisions in December, this year it was January), therefore at the turn of 2012 and 2013. Still, it seems that the list of proposed new habitat sites presented for consultations last June does not meet all the requirements that the EC presented during the biogeographical seminars.

Therefore it can be expected that its completion will be announced even in the first half of 2011, so that the areas verified through consultations could be sent to the European Commission before the deadline.

As regards bird sites it can be expected that the new Special Protection Areas for birds (SPAs) presented by OTOP will be verified by government experts and all or at least most of them will be officially accepted this or next year. Otherwise, Poland will risk reprimands from European Commission, which being aware of a new inventory of SPAs prepares by a partner organisation of a big, global federation of bird lovers (BirdLife International), will be asking about those areas.

### IV. The functioning of Natura 2000 in Poland – various initiatives and problems

The proper functioning of the Natura 2000 network depends largely on plans which are the basis of conservation and management activities in those areas. In Poland we have two kinds of such plans: plans for conservation tasks (which have to be prepared

been updated on the basis of the information about the Decision of the European Commission of 10 January 2011, but the Commission has not published any compiled data of this character.

for all Natura 2000 sites within six years from their designation) and conservation plans (which will be prepared for chosen Natura 2000 sites or particular parts of those sites).

The firs experiences in the area of preparing the plans were collected during a few pilot projects which included designing of conservation and management plans for chosen Natura 2000 sites as well as chosen habitats and species under protection in those areas. The preparation of many of them involved the participative method, assuring significant participation of local communities. However, none of those plans have obtained the status of officially approved.

In the beginning of December 2009 the implementation of a project began: "Preparation of plans for conservation tasks for Natura 2000 sites in Poland" organizes by the General Directorate for Environmental Protection (GDOS) whose main aim is to prepare documentation of plans for conservation tasks for 406 Natura 2000 sites all around Poland. The project is carried out in collaboration with all 16 regional directorates for environmental protection (RDOS) and seven national parks. The project in financed in 80% by the European Fund for Regional Development by the Operational Scheme Infrastructure and Environment. On the national level the project is managed by GDOS while in every region the work on the preparation of plans id coordinated by local planners employed in 16 RDOS offices. Soon it is planned to create an Information and Communication Platform (PIK) as a cooperation and communication tool for all the people interested in the plans for conservation tasks and the Natura 2000 network. The tool is supposed to facilitate the access to information concerning the plans in preparation. The works on the plans for conservation tasks are in progress in most of RDOS offices. The first plan for conservation tasks has been approved – it concerns a habitat site Murawy w Haćkach<sup>12</sup> in Podlaskie voivodeship. The project which involves preparation of those plans is finishing in the III quarter of 2013, therefore more ready plans can be expected only in 2012 and 2013.

The works on the plans for conservation tasks and issues concerning the environmental impact assessment of certain investments which could affect the species and habitats protected by Natura 2000 were less difficult thanks to the web portal concerning maps and borders of Natura 2000 sites, national parks, nature reserves, and soon also landscape parks, provided by GDOŚ since June 2010 on Geoportal (www.geoportal.gov.pl) in "Maps" section, using the so called WMS (Web Map Service). Geoportal is an official internet portal, in accordance with the INSPIRE directive<sup>13</sup>, providing the users with geospatial data and services. One of the main advantages of the portal is its great accuracy and the possibility to confront the borders of Narura 2000 sites with the borders of administration units and the borders of property

<sup>&</sup>lt;sup>12</sup> Ordinance No. 36/10 of the Regional Director for Environmental Protection in Białystok of 20 December 2010 on the establishment of the plan for conservation tasks for Natura2000 site Murawy w Haćkach (PLH200015).

<sup>&</sup>lt;sup>13</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).

structure of land, as well as analysing them with the topographic structure in the background.

Examples of problems with the functioning of the Natura 2000 network, which can affect not only the state of nature in the area but also the range and structure of the network can be found in the area of infrastructure investments, which are numerous in Poland due to the wish to maximally use the EU funds available in the current financial perspective.

One of such examples is the already mentioned in chapter II case of the S8 motorway and Wyszków bypass, due to which a new bird site "Bagno Pulwy" has been designated.

Another example, which actually became well known, was the case of S3 motorway. On 29 October 2009 the European Commission sent a reprimand to Poland concerning the insufficient, in their opinion, quality of the environmental impact assessment for the planned part of the expressway S3 between Szczecin and Gorzów, which was the basis for the decision allowing its construction. The motorway is supposed to cross a number of Natura 2000 sites and according to naturalists and the EC the impact of the investment for the natural values of the site which are not under protection was insufficiently analysed during the EIA procedure and that its negative impact on many priority natural habitats (especially forests) and habitats of species (especially birds) was not taken into account, which will eventually lead to their destruction. The determined stand of the EC created the risk that Poland could lose the EU funds for the investment. Therefore, countermeasures were taken, including the planning of compensatory actions adequate to foreseen damages and new decisions concerning the case were announced. Issuing the decision of February 2011 on environmental conditioning in the area of the impact of the S3 construction on Natura 2000 sited, RDOS in Szczecin made it obligatory to carry out a wide range of natural compensation in relation to protected habitats in Nature 2000 sites where S3 was to be constructed (habitat sites: Wzgórza Bukowe, Pojezierze Myśliborskie and Torfowisko Chłopiny) including the necessary documentation for new Natura 2000 sites which should be designated and initiating actions to improve the condition of existing sites.

This case as well as earlier cases of conflict (including, among others, the case of Augustów bypass and Rospuda Valley, and the S8 motorway) have been reflected in the Prognosis of environmental impact for the National Road Construction Programme for the years 2011-2015. The consultations of this programme and the related prognosis were finished in January 2011. As part of the prognosis a much wider compensatory programme was suggested, including also the designation of new Natura 2000 sites in order to replace the ones which could become seriously devastated. In addition to that, extending some sites was also proposed because of potential partial damages, as well as many recommendations concerning the improvement of habitats and works related to monitoring real changes occurring as a result of planned investments during their implementation and afterwards.

Another kind of Natura 2000 site functioning can be seen in a conflict which had to be resolved by the Voivodeship Administrative Court in Warsaw in April 2009. The court revoked the decision of the Minister of Environment approving the forest management plan presented by the forest inspectorate in Sulęcin (on behalf of the Regional Directorate of National Forests in Szczecin). The complaint was presented to the court by the Naturalists' Club, arguing that the plan was approved breaching the Art. 6(3) of the habitat directive, i.e. without the EIA on the Natura 2000 site Buczyny Łagowsko-Sulęcińskie. According to the Club, the plan was posing a serious risk of deteriorating the age structure of beech wood resources in Nature 2000 site, hence there existed a possibility of negative impact on biodiversity elements related with the old growth forest.

That complaint probably influenced the so far view of the Ministry of Environment and the General Directorate of National Forests, who decided that the EIA for forest management plans should be carried out, even before the Voivodeship Administrative Court announced the final verdict.

### V. Institutions responsible for Natura 2000 areas in Poland

As a supplement to the information on the current shape on the Natura 2000 network in Poland and problems related to its functioning and management it is also worth presenting the current organisational structure of Natura 2000 network management in our country, which was established in late 2008.

Institutions responsible for the designation of Natura 2000 sites and the functioning of the Natura 2000 network in Poland include in the first place the minister in charge of the environment and the General Director for Environmental Protection (GDOŚ), directing the General Directorate for Environmental Protection (since 2008 the most important institution concerning the Natura 2000 network). The latter, just like regional directors for environmental protection (RDOŚ) directing regional directorates for environmental protection in every one of 16 voivodeships, are new administration organs designated mainly for the actions concerning the creation and conservation of Natura 2000 sites, and have been in operation since 15 November 2008. Most of Natura 2000 sites are directly supervised by regional directors for environmental protection. As regards marine sites the supervision belongs to directors of the seafarer's offices, while national parks are supervised by their respective directors.

### VI. Materials used for the preparation of this report

The preparation of this report was based on the monitoring of events related to the creation and functioning of the Natura 2000 network carried out continuously for a number of years in the Institute for Sustainable Development. Various kinds of information have been used. Above all, the information and data made available by the representatives of the Ministry of Environment and the General Directorate for Environmental Protection, from their presentations at conferences, interviews in the press and from personal contacts, as well as the information from the analysis of documents, communications and official reports of those institutions and the information from non-governmental organisations.

### VII. A list of useful sources of information about Natura 2000

There is not much generally available literature on Natura 2000. Below, there are the most important positions related directly to Natura 2000 and publications which somehow relate to that topic or are helpful to understand the problems with the Natura 2000 network.

More information can be found on the Internet. Therefore the list below also includes addresses of internet portals and websites containing information about Natura 2000, managed by more important national and foreign institutions and non-governmental organisations.

#### **Publications in print (in Polish):**

Cieśliński S., Czyżewska K., Fabiszewski J., *Czerwona lista porostów wymarłych i zagrożonych w Polsce*. Monografie Botaniczne nr 91, 2003.

- Europejska sieć ekologiczna Natura 2000 i obszary chronionego krajobrazu zasady funkcjonowania wielkopowierzchniowych obszarów chronionych. Publikacja pokonferencyjna. Stowarzyszenie Miłośników Suwalskiego Parku Krajobrazowego "Kraina Hańczy", Suwalski Park Krajobrazowy i Starostwo powiatowe w Suwałkach, Suwałki-Turtul 2010.
- Iddle E., I Bines T., *Planowanie ochrony obszarów cennych przyrodniczo. Przewodnik dla praktyków i ich szefów.* Klub Przyrodników, Świebodzin 2004.

- Jak projektować i prowadzić działania informacyjno-konsultacyjne na obszarach Natura 2000? Grodzińska-Jurczak M. i Tarabuła-Fiertak M. (red.), Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2010.
- Kalinowska A., Artykuł 13. W poszukiwaniu społecznego wsparcia w zarządzaniu Konwencją o różnorodności biologicznej. Polska praktyka na tle doświadczeń światowych, Agencja Reklamowo-Wydawnicza Arkadiusz Grzegorczyk, Warszawa 2008.
- Kamieniecka J., Wójcik B. *Natura 2000 ABC dla turystyki*, Instytut na rzecz Ekorozwoju, Warszawa 2010.
- Kamieniecka J., Wójcik B. i Sienkiewicz B. *Natura 2000 w edukacji szkolnej. Poradnik dla nauczycieli*, Instytut na rzecz Ekorozwoju, Warszawa 2007.
- Kistowski M., Pchałek M., *Natura 2000 w planowaniu przestrzennym rola korytarzy ekologicznych*. Ministerstwo Środowiska i Generalna Dyrekcja Ochrony Środowiska, Warszawa 2009.
- Kmiecik M., Funkcjonowanie prawa do informacji. Raport z monitoringu urzędów gmin leżących na obszarach Natura 2000 pod kątem prowadzenia w formie elektronicznej publicznego wykazu danych w dokumentach zawierających informacje o środowisku. Fundacja Wspierania Inicjatyw Ekologicznych, Kraków 2008.
- Kmiecik M., Raport na temat funkcjonowania ustawy o zapobieganiu szkodom w środowisku i ich naprawie. Fundacja Wspierania Inicjatyw Ekologicznych, Kraków 2008.
- Koncepcja krajowej sieci ekologicznej ECONET-POLSKA. Liro A. (red.), IUCN Poland, Warszawa 1995.
- Krajowa strategia ochrony i umiarkowanego użytkowania różnorodności biologicznej wraz z Programem działań. Ministerstwo Środowiska, Warszawa 2003.
- *Ochrona dziko żyjących zwierząt przy inwestycjach drogowych w Polsce*. Kurek R.T. (red.), Stowarzyszenie Pracownia na rzecz Wszystkich Istot, Bystra 2007.
- Ochrona Środowiska 2010. Informacje i opracowania statystyczne. GUS, Warszawa 2010.
- Ostoje ptaków o znaczeniu międzynarodowym w Polsce. Wilk Ł., Jujka M., Krogulec J., Chylarecki P. (red.), OTOP, Warszawa 2010.
- *Ostoje roślinne w Polsce*. Mirek Z., Nikel A., Paul W., Wilk Ł. (red.), Instytut Botaniki im. W. Szafera PAN, Kraków 2005.
- Polska Czerwona Księga Roślin. Kaźmierczakowa R., Zarzycki K. (red.), Wyd. Instytut Botaniki im. W. Szafera PAN, Kraków 2001.
- *Polska Czerwona Księga Zwierząt. Bezkręgowce*. Głowaciński Z., Nowacki J. (red.), Instytut Ochrony Przyrody PAN, Kraków 2004.
- Polska Czerwona Księga Zwierząt. Kręgowce. Głowaciński Z. (red.), Instytut Ochrony Przyrody PAN, Kraków 2001.
- *Różnorodność biologiczna Polski. Drugi polski raport 10 lat po Rio.* Andrzejewski R., Weigle A. (red.), Narodowa Fundacja Ochrony Środowiska, Warszawa 2003.
- Symonides E., *Ochrona Przyrody*. Wyd. Uniwersytetu Warszawskiego, Warszawa 2007 (Wydanie II, 2008).
- *Tworzenie lokalnych form ochrony przyrody*. Materiały konferencyjne, Fundacja Wspierania Inicjatyw Ekologicznych, Kraków 2002.

### **Electronic publications (in Polish):**

- Dubel A., Jamontt-Skotis M., Królikowska K., Stefańska J., Banrowska A. *Skuteczne zarządzanie Obszarami Natura 2000.* Stowarzyszenie Centrum Rozwiązań Systemowych GS Kraków 2010: http://www.natura2000.crs.org.pl/index.php?s=6
- Natura 2000 a aktywność człowieka poradniki międzysektorowe. Ministerstwo Środowiska, Warszawa 2009:

http://www.gdos.gov.pl/Articles/view/1911/Natura\_2000\_a\_aktywnosc\_czlowieka

- Pawlaczyk P., *Jak się troszczyć o obszar Natura 2000 w procesie sporządzania planu zadań ochronnych. Wskazówki dla przyrodników.* Klub Przyrodników, listopad 2010: http://www.kp.org.pl/pdf/poradniki/jak\_sie\_troszczyc\_o\_obszar\_n2000-pzo20100626.pdf
- Poradniki ochrony siedlisk i gatunków Natura 2000 podręcznik metodyczny. Ministerstwo Środowiska, Warszawa 2004: http://natura2000.gdos.gov.pl/natura2000/pl/poradnik.php
- *Poradnik utrzymania i ochrony siedlisk oraz gatunków.* Poradniki wykonane na zlecenie Ministerstwa Środowiska, 2004: http://natura2000.gdos.gov.pl/natura2000/pl/poradnik.php

### Important internet portals and sites related to the Natura 2000 network:

Websites and portals listed below are managed by Polish and foreign state institutions and non-governmental organisations.

### The most important Polish websites and portals on Natura 2000:

The official Polish website of the European Ecological Network Natura 2000 (GDOŚ): http://natura2000.gdos.gov.pl/natura2000/

The website contains the data concerning the officially approved Natura 2000 sites

Geoportal: http://geoportal.gov.pl/ The official web map service of Natura 2000.

General Directorate for Environmental Protection: http://www.gdos.gov.pl/Categories/view/202/Natura\_2000

GDOŚ information website about Natura 2000.

Monitoring of species and habitats: http://www.gios.gov.pl/siedliska/

A website monitoring the species (except birds) and habitats, managed by the Institute for Nature Conservation of the Polish Academy of Sciences with a focus on special areas of conservation Natura 2000.

Monitoring of birds: http://monitoringptakow.gios.gov.pl/app/

A website monitoring the birds managed by ornithological organisations and institutions for the Chief Inspectorate of Environmental Protection as part of the National Environmental Monitoring with a focus on special protection areas for birds Natura 2000. Institute for Nature Conservation, Polish Academy of Sciences in Cracow: http://www.iop.krakow.pl/natura2000/pl\_,dokumenty.php

Documents concerning the creation of the Natura 2000 network. The Institute of Nature Conservation carries out the crucial part of the conceptual and verification works on the project of the Natura 2000 network in Poland.

Naturalists' Club: http://www.kp.org.pl/n2k/index.html

Website containing various information materials about the Natura 2000 network as well as materials from the works on the *Shadow List* of Natura 2000 habitat sites in Poland.

Polish Society for the Protection of Birds (OTOP): www.ostojeptakow.pl

Website about protection sites for birds and their place in the Natura 2000 network. OTOP is a leading organisation when it comes to designing Natura 2000 bird sites in Poland.

Polish Society for Nature Conservation "Salamandra": http://www.salamandra.org.pl/index.php?option=com\_alphacontent&view=alphacontent &Itemid=175

Information and news about the Natura 2000 network.

"Strażnicy Natury 2000": http://www.natura2000.pl/

Website managed by the Foundation for Sustainable Development (FER) from Wrocław. Its aim is to gather information about breaches in law which result in deterioration or damage of the habitat quality and species population in Natura 2000 areas.

Natura 2000 in Odra Valley: http://natura.odra.pl/

Website of Odra Atlas containing materials from a Polish-Czech-German project concerning Natura 2000 sites in Odra Valley.

Natura 2000 website managed by the Wigry National Park. http://www.wigry.win.pl/natura2000/info.htm

Various materials about the Natura 2000 network.

Selection of foreign websites and portals on Natura 2000:

Official website of the Natura 2000 network managed by the European Commission: http://ec.europa.eu/environment/nature/natura2000/

The official Natura 2000 website in the EU – legal basis, methodical and information materials.

BirdLife International:

http://www.birdlife.org/eu/EU\_policy/Birds\_Habitats\_Directives/natura2000\_intro.html Website on Natura 2000 managed by the international organisation which designed the criteria of designing Important Bird Areas accepted as Natura 2000 bird sites.

Official French website of Natura 2000: http://www.natura2000.fr/

Official Czech website of Natura 2000: http://www.nature.cz/natura2000-design3/

Official German website of Natura 2000: http://www.bmu.de/naturschutz\_biologische\_vielfalt/natura\_2000/links/doc/2259.php