
Environment and Climate Regional Accession Network (ECRAN)

Report on Sub-regional
Workshop on
Appropriate
Assessment of the
Tikhves Pilot Site
(Natura 2000) part II

13 – 14 October 2015, Skopje

ENVIRONMENT AND CLIMATE REGIONAL NETWORK FOR ACCESSION - ECRAN

WORKSHOP REPORT

Activity 2.7.2A

**TAIEX-ECRAN SUB-REGIONAL WORKSHOP ON APPROPRIATE ASSESSMENT OF
THE TIKHVES PILOT SITE (NATURA 2000) PART II**

13 - 14 October 2015, Skopje, former Yugoslav Republic of Macedonia



This Project is funded by the
European Union



A project implemented by
Human Dynamics Consortium

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LIST OF ABBREVIATIONS	
AA	Appropriate Assessment
EU	European Union
STE	Short Term Expert
N2K	Natura 2000
MA	Main Assessment
CM	Compensatory Measures
MM	Mitigation Measures



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I. Background

In Autumn 2014, the series of three pilot Appropriate Assessments (AA) in ECRAN countries started. According to the plan, there should have been

- a) first series of sub-regional workshops on the theory of AA, screening stage and familiarization with pilot areas and pilot projects (autumn 2014);
- b) field appropriate assessments in the field (spring 2015);
- c) second series of sub-regional workshops on the theory of main assessment, application of derogation procedures (Art. 6(4) of the Habitats Directive) and presentation of the field pilot AAs.

In the reports from the first series of workshops, the whole rationale, background, EU legislation and the course of those workshops were described in detail.

This report brings a brief summary of the activities during the second series of workshops. It does not repeat the general passages mentioned above which can be easily downloaded from the ECRAN web page. It also does not describe the results of the pilot main assessment in the field as the latter has been summarized in a self-standing study. All technical data may be found also in the presentations from the workshop.

This event is the second AA workshop dealing with the Macedonian pilot intended for participants from Albania, Kosovo¹ and the former Yugoslav Republic of Macedonia. Participants from other ECRAN countries can take part if they are specifically interested in this pilot or if for some reason cannot participate in the other workshop organised on the other pilot sites closer to their country of origin.

¹ This designation is without prejudice to position on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of Independence Under UNSCR 1244/99



II. Objectives of the training

General objectives

To make ECRAN beneficiary countries familiar with the requirements of EU Nature Directives in the field of protection of Natura 2000 sites from adverse developmental impacts.

Specific objectives

- What is the purpose of the 2nd and 3rd stages of AA – main assessment and taking decision on imperative reasons of overriding public interests, what forms they may have and what kind of data they require;
- Practical demonstration of the main assessment on a real pilot site (future Natura 2000 site) of the pilot project;
- An interactive main assessment exercise aimed at enabling the participants to train their competence to control the procedure of AA;
- Presentation of the correct interpretation of the derogation procedure pursuant to Art. 6(4) of the Habitats Directive;
- Practical recommendation as to establishment of the AA system in countries willing to join the EU.

Results/outputs

The following results were expected from the regional exercise:

- Familiarization with the requirements of main AA assessment;
- Getting practical experience with main assessment on the example of the pilot site and the pilot project;
- Improved capacity to establish the national AA system.



III. EU policy and legislation covered by the training

Habitats Directive 92/43/EEC of 21 May 1992 of the European Parliament and of the Council on the conservation of natural habitats and of wild fauna and flora. The Habitats Directive protects around 1200 European species other than birds which are considered to be endangered, vulnerable, rare and/or endemic. Included in the Directive are mammals, reptiles, fish, crustaceans, insects, molluscs, bivalves and plants. The protection provisions for these species are similar to those in the Birds Directive. They are designed to ensure that the species listed in the Habitats Directive reach a favourable conservation status within the EU.

In addition to the species protection, Habitats Directive includes also another “pillar” dealing with site protection. It demands EU MS to establish the Natura 2000 network of sites dedicated to conservation of selected species listed in Annex II and so-called “natural habitat types”, more than 200 important habitat types listed in Annex I. This network encompasses also the sites classified according to the Birds Directive. Member States are obliged to establish, manage and protect Natura 2000 sites at their territories. The most important reactive protection tool is the Appropriate Assessment carried out following the requirements of Art. 6(3) and 6(4) of the directive.

Birds Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (this is the codified version of Directive 79/409/EEC as amended) is the EU’s oldest piece of nature legislation and one of the most important, creating a comprehensive scheme of protection for all wild bird species naturally occurring in the Union. The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. It sets broad objectives for a wide range of activities, although the precise legal mechanisms for their achievement are at the discretion of each Member State. The Birds Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds, with a few exceptions listed in Annex III. In addition to these provisions, Birds Directive asks Member States to establish and actively manage Special Protection Areas for selected bird species and assemblages; these SPAs become part of the Natura 2000 network. The same protective measures (including AA) apply to these sites like to those established under the Habitats Directive.



IV. Highlights from the workshop

Day 1: Tuesday October 13, 2015, Skopje

Introduction to the workshop – Petr Roth

Petr Roth, ECRAN expert welcomed the participants on behalf of the ECRAN project and mentioned that this is a continuation of the first round of workshops from 2014. In spring 2015, ECRAN STE Vlastimil Kostkan carried out the assessment of impact of the pilot project in the field, and the main aim of this workshop - in addition to the rest of theory of AA - is to make participants familiar with the course and outcomes of the main assessment.

Recap of the 1st workshop: what is AA, its purpose and stages – Petr Roth

In order to refresh the minds of the participants, brief recap of Natura 2000 and Appropriate Assessment was provided.

Stage II of the AA: Main assessment – Petr Roth

The major theoretical part of this workshop was represented by this presentation. Following main issues were tackled: difference compared to screening; conservation objectives as a reference baseline; basic rules of MA: best practice; data needed for MA; MA proceedings; impact significance: advantage of the 3-step-scale; implications of the Sweetman ruling of the CJEU; site vs all-country scale: when to use it; German standards *versus* pragmatic approach; outcome of the main assessment.

The pilot Main Assessment: Ecoresort Tikvesh

V. Kostkan, ECRAN AA expert, described the whole course of his MA on the pilot site, including data on the project, data on affected site, identification of site target features potentially affected by the project, way of deciding about the project effect area, assessment of impact significance and conclusion about the impact on site integrity. As the outcome of this assessment, the main assessment study has been prepared which shows the whole procedure, particular steps, their right order and the outcomes of the main assessment of Macedonian pilot project which can serve as an example for “real” AAs in the future (see the workshop materials on the web).

Mitigation measures – Petr Roth

Mitigation measures (MM) play an important role in AA even though they are not mentioned in the Habitats Directive. However, if applied properly, MM can reduce the impact of a project below the level of significance and thus make it acceptable. The following issues were tackled during the presentation: difference between mitigation and compensation; design of MM; need to make the MM binding.



Day 2: Wednesday October 14, 2015, Skopje

Independent group exercise by participants: SCI Lzovice pools – Petr Roth, Vlastimil Kostkan

In 2014, participants were provided with a short screening exercise on the site Lzovice pools. ECRAN experts elaborated this example into detail in 2015 and made up a project affecting some of the target features of that site. Participants were provided by background material on the site, its target features, and the project, and made group exercise consisting in “real” AA. At the end, each group presented their results following the Assessment Sheet, and those results were compared and “judged” by the ECRAN project team. The main aim was not only to get the final decision on the significant/insignificant impact on particular target features but above all to make participants apply all the steps of AA – using all the knowledge gained during the two workshops – and to show their capability of correctly using the AA procedure.

Art. 6(4) of the Habitats Directive: when, what, how - Petr Roth

The last step of AA is the derogation procedure of Art. 6(4) of the Habitats Directive. Participants were provided with the information on the following steps of Art. 6(4) procedure: feasible alternatives; public interest; imperative reasons; overriding nature; relative value of target features; compensatory measures - N2K coherence, nature of CM, feasibility, proof of function, induced challenges.

Conclusion: when to start with AA in a candidate country - Petr Roth, Vlastimil Kostkan

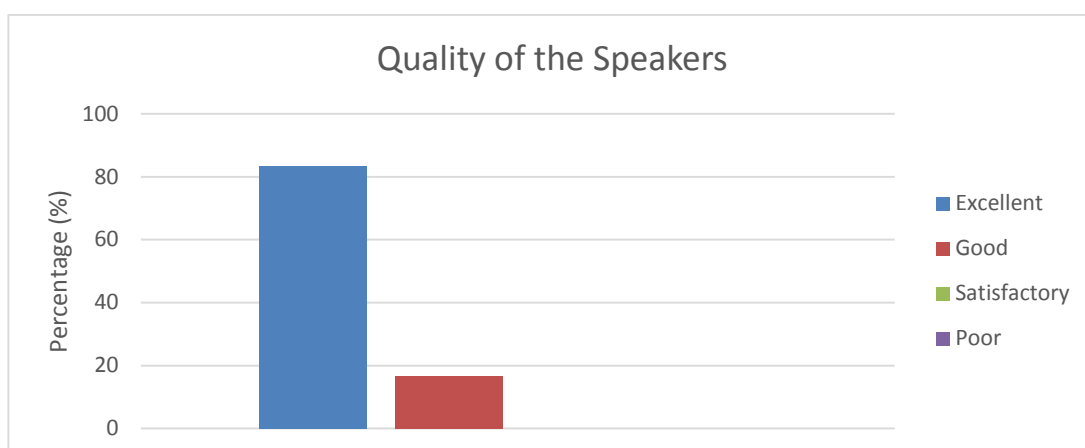
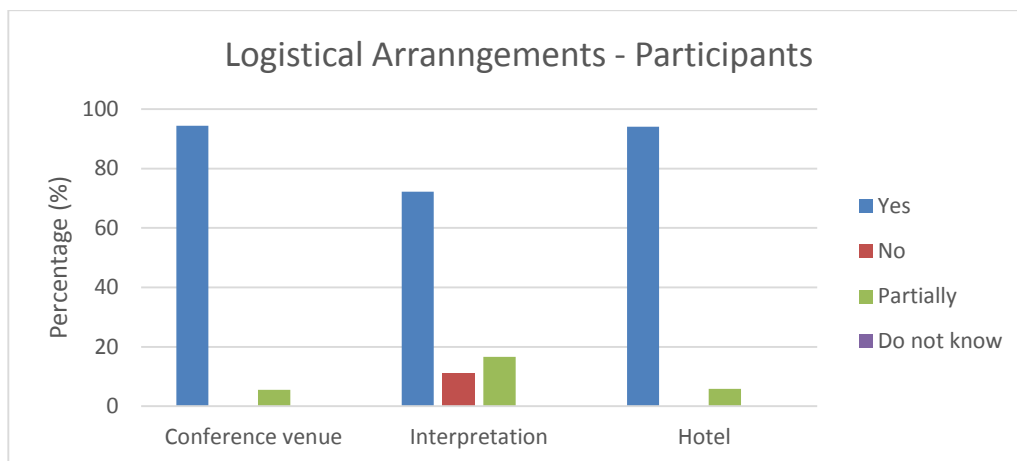
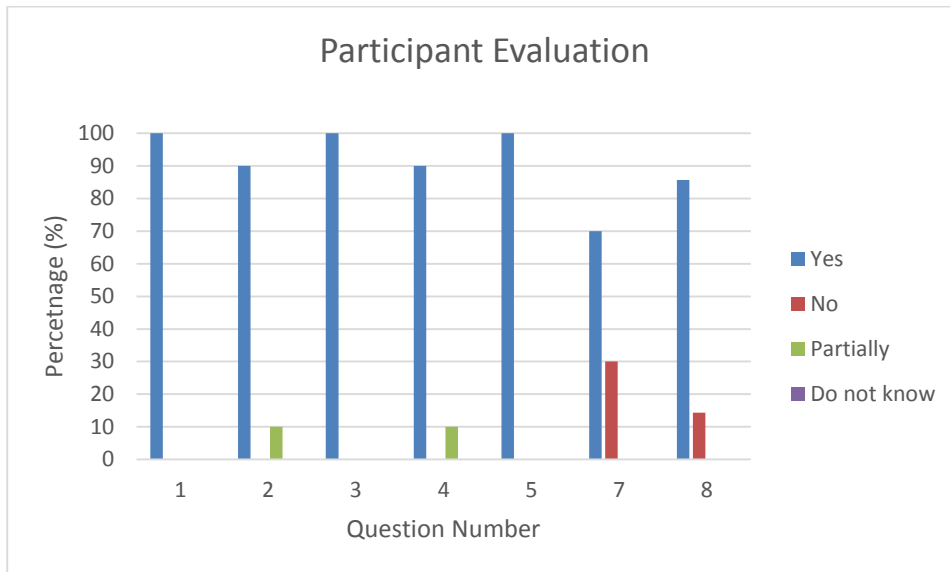
A few practical tips were provided: it was recommended to apply the model of national ecological network as a “precursor” of Natura 2000: it can be built up far before accession, can be made fully functional, and all the procedures required by the EU law including AA can be timely tested and, if needed, amended in order to be fully functional at the day of accession – but to serve its purpose, nature conservation, far before that date.



V. Evaluation
Workshop – Participants' Evaluation

Question	N°. Responses	Yes	No	Partially	Do not know	
1. Was the workshop carried out according to the agenda	18	17 (94)%	0 (0)%	1 (6)%	N/A	
2. Was the programme well structured?	18	18 (100)%	0 (0)%	0 (0)%	N/A	
3. Were the key issues related to the topics addressed?	18	18 (100)%	0 (0)%	0 (0)%	N/A	
4. Did the workshop enable you to improve your knowledge?	18	17 (94)%	0 (0)%	1 (6)%	N/A	
5. Was enough time allowed for questions and discussions?	18	16 (89)%	0 (0)%	2 (11)%	N/A	
6. How do you assess the quality of the speakers?	Speaker/Expert	N°. Responses	Excellent	Good	Satisfactory	Poor
	2	36	30 (83)%	6 (17)%	0 (0)%	0 (0)%
Question	N°. Responses	Yes	No	Partially	Do not know	
7. Do you expect any follow-up based on the results of the workshop (new legislation, new administrative approach, etc.)?	18	16 (89)%	2 (11)%	N/A	N/A	
8. Do you think that further TAIEX assistance is needed (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	14	14 (100)%	0 (0)%	N/A	N/A	
9. Were you satisfied with the logistical arrangements, if applicable?	Conference venue	18	17 (94)%	0 (0)%	1 (6)%	0 (0)%
	Interpretation	18	13 (72)%	2 (11)%	3 (17)%	0 (0)%
	Hotel	17	16 (94)%	0 (0)%	1 (6)%	0 (0)%
Comments: <ul style="list-style-type: none"> Was a good and useful workshop. Everything went well. A part of a technical issue. The taxi was a good one but we were 4 persons in a taxi and the position back in the middle was uncomfortable. I had back-ache for 3 days after that trip; To continue this process on the framework of ECRAN project; The workshop enabled me to gain new knowledge about the subject area and to exchange experiences and information on issues related to the protection of nature with counterparts from Albania and Kosovo and TAIEX experts. 						

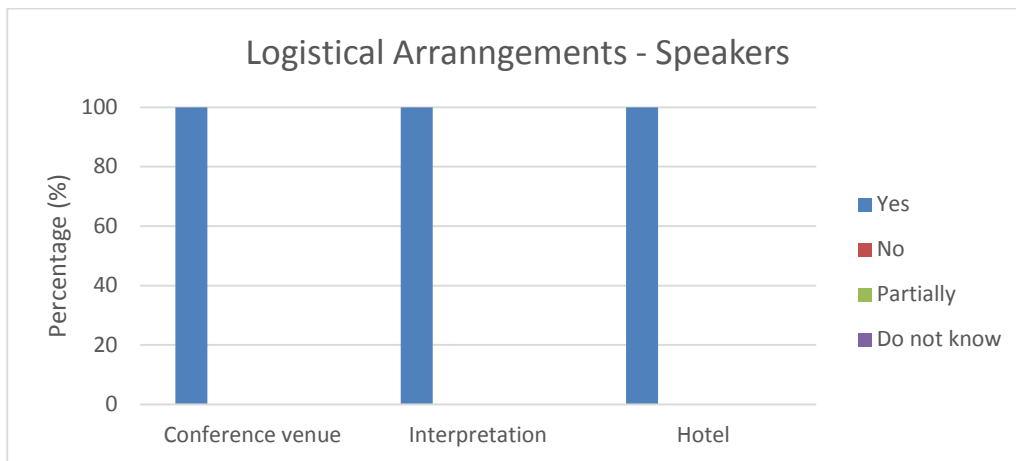
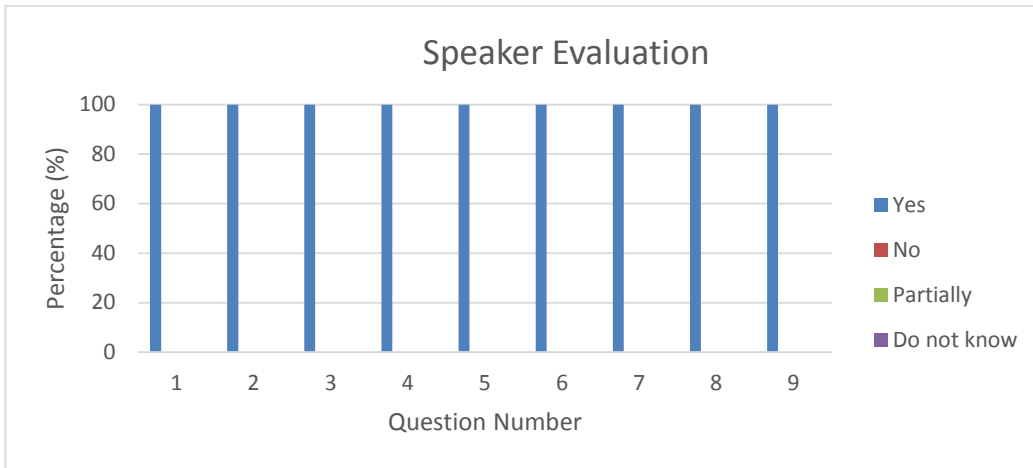




Workshop – Speakers' Evaluation

Question		N°. Responses	Yes	No	Partially	Do not know
1. Did you receive all the information necessary for the preparation of your contribution?		2	2 (100)%	0 (0)%	0 (0)%	N/A
2. Has the overall aim of the workshop been achieved?		2	2 (100)%	0 (0)%	0 (0)%	N/A
3. Was the agenda well structured?		2	2 (100)%	0 (0)%	0 (0)%	N/A
4. Were the participants present throughout the scheduled workshop?		2	2 (100)%	0 (0)%	0 (0)%	N/A
5. Was the beneficiary represented by the appropriate participants?		2	2 (100)%	0 (0)%	0 (0)%	N/A
6. Did the participants actively take part in the discussions?		2	2 (100)%	0 (0)%	0 (0)%	N/A
7. Do you expect that the beneficiary will undertake follow-up based on the results of the workshop (new legislation, new administrative approach etc.)		2	2 (100)%	0 (0)%	N/A	0 (0)%
8. Do you think that the beneficiary needs further TAIEX assistance (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?		2	2 (100)%	0 (0)%	N/A	N/A
9. Would you be ready to participate in future TAIEX workshops?		2	2 (100)%	0 (0)%	N/A	N/A
10.If applicable, were you satisfied with the logistical arrangements?	Conference venue	2	2 (100)%	0 (0)%	0 (0)%	0 (0)%
	Interpretation	2	2 (100)%	0 (0)%	0 (0)%	0 (0)%
	Hotel	1	1 (100)%	0 (0)%	0 (0)%	0 (0)%
<p>Comments:</p> <ul style="list-style-type: none"> In spite of first workshop of this task of ECRAN project, where Macedonians participants didn't participate, on this event Macedonians took place largely. 						





Annex I - Agenda

Day 1: Tuesday October 13, 2015				
Venue: Hotel Arka, Skopje				
Moderators: Petr Roth, Vlatko Trpeski				
Start	Finish	Topic	Speaker	Sub topic/Content
08.30	09.00	Registration		
09.00	9.15	Welcome, introduction to the workshop	Petr Roth, ECRAN Vlatko Trpeski, Ministry of Environment and Physical Planning, FYR of Macedonia	<ul style="list-style-type: none"> • Introduction to the workshop • Welcome of the host country
9.15	9.45	Recap of the 1 st workshop: what is AA, its purpose and stages	Petr Roth, ECRAN	
9.45	11:00	Stage II of the AA: Main assessment	Petr Roth, ECRAN	<ul style="list-style-type: none"> • Difference compared to screening • Conservation objectives as a reference baseline • Basic rules of MA: best practice • Data needed for MA • MA proceedings • Impact significance: advantage of the 3-step-scale • Implications of the Sweetman ruling of the CJEU • Site vs all-country scale: when to use it • German standards versus pragmatic approach • Outcome of the main assessment
11:00	11.30	Coffee break		



11.30	13.00	The pilot Main Assessment : Ecoresort Tikvesh	Vlastimil Kostkan, ECRAN	<ul style="list-style-type: none"> Recap of the pilot case Main assessment step-by-step I.
13.00	15.00	<i>Lunch and per diems withdrawal</i>		
15.00	16.15	The pilot Main Assessment: Ecoresort Tikvesh (ctd.)	Vlastimil Kostkan, ECRAN	<ul style="list-style-type: none"> Main assessment step-by-step II. Conclusion of the pilot main assessment without mitigation measures
16.15	16.45	<i>Coffee break</i>		
16.45	17.15	Mitigation measures	Petr Roth, ECRAN	<ul style="list-style-type: none"> Difference between mitigation and compensation Need for clear terminology Prerequisite for application of mitigation measures: making them binding Is it wise to mitigate also the non-significant impacts?
17.15	17.30	Q & A	All	
17.30		<i>End of day I</i>		

Day 2: Wednesday October 14, 2015

Venue: Hotel Arka, Skopje

Moderators: Petr Roth, Vlatko Trpeski

Start	Finish	Topic	Speaker	Sub topic/Content
08.30	09.00	Registration		
09.00	9.15	Introduction to group exercise	Petr Roth , ECRAN	
9.15	10.30	Independent group exercise by	Petr Roth & Vlastimil Kostkan, ECRAN	<ul style="list-style-type: none"> Testing the knowledge learnt by now



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		participants: SCI Lzovice pools		<ul style="list-style-type: none"> Independent assessment of a model case
<i>Coffee: free buffet during the exercise</i>				
10.30	11.00	Presentation of groups' results	Participants	
11.00	12.30	Art. 6(4) of the Habitats Directive: when, what, how	Petr Roth, ECRAN	<ul style="list-style-type: none"> Feasible alternatives Public interest Imperative reasons Overriding nature Relative value of target features Compensatory measures – Natura 2000 coherence, nature of CM, feasibility, proof of function, induced challenges EC opinion
12.30	13.30	<i>Lunch</i>		
13.30	14:00	Conclusion: when to start with AA in a candidate country	Petr Roth & Vlastimil Kostkan, ECRAN	
14:00	14:30	Q & A, discussion	All, Petr Roth & Vlastimil Kostkan, ECRAN	
14:30	<i>End of the workshop</i>			



Annex II – Participants

First Name	Family Name	Institution Name	Country	Email
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Slavjanka	Pejcinovska-Andonova	Eko mozaik	former Yugoslav Republic of Macedonia	spandonova@gmail.com



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Annex III – Workshop materials (under separate cover)

Workshop materials including presentations, exercise materials and agenda, can be downloaded from:

http://www.ecranetwork.org/Files/Workshop_Presentations_AA_Natura_2000_October_2015_Skopje.zip



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