
Environment and Climate Regional Accession Network (ECRAN)

Workshop report
Activity 1.2.6

Regional capacity
building on compliance
with environmental
legislation

- Nature Inspection -

Osijek, 21 -23 October 2014

WORKSHOP REPORT

Activity 1.2.6

**CAPACITY BUILDING ON COMPLIANCE WITH ENVIRONMENTAL
LEGISLATION**

- NATURE INSPECTION -

Osijek, 10 -12 October 2014

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I. Background/Rationale

Within the RENA programme, the objective of the ECENA Working Group on Environmental Compliance and Enforcement was to improve the ability of RENA member countries to implement and enforce the EU environmental and climate acquis by increasing the effectiveness of inspecting bodies and promoting compliance with environmental requirements.

The activities for the period 2010-2013 were based on a Multi Annual Work Plan, covering the following areas:

- Training and exchange,
- Institutional and methodological development,
- Cross border enforcement.

The activities planned under ECRAN in this area will build on the results achieved under RENA. Since the work of inspectors and permit writers has to be more coordinated and connected to other activities within the environmental protection area, it has been decided that ECENA under ECRAN should be of cross cutting nature. This is particularly important as the work of ECENA is dealing with both implementation and enforcement of the EU acquis. Cooperation with policy makers and law drafters has to be strengthened in order to enable developing better implementable legislation.

The work plan covers the full period of ECRAN (i.e. October 2013 – October 2016). Under this ECENA work plan, the following specific activities have been decided to be implemented:

1.2.1 Capacity building on compliance with environmental legislation

1.2.2 External country assessments

1.2.3 Methodological development - application of IRAM/easy Tools

1.2.4 Compliance with REACH/CLP Regulations;

1.2.5 Trans frontier Shipment of Waste (TFS);

1.2.6 Inspection and enforcement in other policy areas;

1.2.7 Inspector's participation in networking activities.

The beneficiaries are the Ministries of Environment of the beneficiary countries (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo*¹, Montenegro, Serbia and Turkey). In addition the other ministries and other bodies and institutions will need to be actively engaged in so far as their work is relevant for the scope of ECRAN.

The overall objective of ECRAN is to strengthen regional cooperation between the EU candidate countries and potential candidates in the fields of environment and climate action and to assist them on their way towards the transposition and implementation of the EU environmental and climate policies, political targets and instruments which is a key precondition for EU accession.

Task 1.2.6 Inspection and enforcement in other policy areas- Nature Inspection-

Under Inspection and enforcement in other policy areas a link has been made to Nature Inspection, building on the activities delivered under ECENA in this area in the previous period. Considering that in the area of nature protection, the target institutions and beneficiaries are the Ministries responsible for legislation in the environmental *acquis*, a special focus has now been placed on the enforcement aspects in nature protection (e.g., Habitats (92/43/EEC, in particular related to Annex V) and Wild birds (2009/147/EC) Directives).

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo declaration of independence.

The workshop has been built on the results of the ECENA programme under RENA, with its workshops in Lake Ohrid and Lake Skhodra, and has next to the attention for cross border issues in nature inspection also paid attention to related and cross-cutting issues.

The latter not only refers to cross-cutting issues in for example forestry and nature protection but also to those of nature legislation with other pieces of environmental legislation, including the IED and EIA. Trade in illegally harvested timber and trade in endangered species are other elements to receive attention (ref. EU timber regulation, CITES convention, Environmental Crime Directive).

Considering the enforcement aspects many issues are relevant including:

- the need for transboundary cooperation;
- the need for joint management (for example harmonized monitoring indicators, centralized joint baseline data, and monitoring data);
- legal framework harmonisation with integrated roles into national legislation.

Depending on the area strengthening the regulatory and enforcement capacity might be needed for specific nature aspects but also for fisheries, forestry, and water management, pollution control and environmental management in general and aforementioned illegal trade aspects.

Chapter 2 describes the background and objectives of activity 1.2.1 with the 1st Multi-country Workshop Capacity Building on Compliance with Environmental Legislation – Nature Inspection - and the topics that have been addressed.

Chapter 3 describes the EU policy and legislation covered by the training;

Chapter 4 presents the workshop proceedings and Chapter 5 presents the evaluation. Furthermore the following Annexes are attached:

_ Annex I: the agenda;

_ Annex II: List of participants;

_ Annex III: Power point presentations (downloadable under separate cover):

<http://www.ecranetwork.org/ECENA>

II. Objectives of the training

General objective

Increasing the effectiveness of inspection bodies and promoting compliance with environmental requirements

Specific objectives

Increased capacity in the field of planning of Nature Inspection with attention for cross border cooperation and cross-cutting issues.

Target group

The target institutions and beneficiaries are the Ministries responsible for implementation of the environmental *acquis* with a special focus on the enforcement aspects in nature protection and its cross-cutting issues in Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, Serbia and Turkey

Results/outputs

The following results are expected for this activity

- Improved knowledge base and understanding of the required legal and institutional requirements with compliance, and enforcement aspects in cross border nature protection areas at key staff of the inspection bodies;
- Strengthened regional network of SEE professionals and experts in nature protection areas with its compliance and enforcement aspects.
- Improved knowledge of a number of related and cross-cutting issues

III. EU policy and legislation covered by the training

Starting point is the EU Biodiversity policy and the EU Nature legislation to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements.

(see http://ec.europa.eu/environment/nature/biodiversity/intro/index_en.htm)

Biodiversity matters for *Ethical, Emotional, Environmental and Economic reasons*. Ecosystems have intrinsic value. They provide emotional and aesthetic experiences. They offer outstanding opportunities for recreation. They clean our water, purify our air and maintain our soils. They regulate the climate, recycle nutrients and provide us with food. They provide raw materials and resources for medicines and other purposes. They form the foundation on which we build our societies. However, biodiversity loss has accelerated to an unprecedented level, both in Europe and worldwide. It has been estimated that the current global extinction rate is 1000 to 10000 times higher than the natural background extinction rate. In Europe some 42% of European mammals are endangered, together with 15% of birds and 45% of butterflies and reptiles.

The training covered mainly the EC Habitats Directive 92/43/EEC, EC Birds Directive 79/409/EEC, the EU Timber Regulation (EU) No 995/2010, CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora), Directive 2008/99/EC on the protection of the environment through criminal law, cross-cutting issues of Nature legislation with IED and non-IED installations.

The Habitats and the Wild Birds Directives

The Habitats Directive (**Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora**) and the Birds Directive (**Directive 2009/147/EC**) form the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection.

The **Habitats Directive** protects over 1.000 animals and plant species and over 200 so called "habitat types" which are of European importance. The EU is committed to the protection of biodiversity and to halting biodiversity loss within the EU by 2020.

Over the last 25 years the EU has built up a vast network of 26.000 protected areas in all the Member States and an area of more than 750.000 km², which is 18% of the EU's land area. This ecological network or the Natura 2000 is the largest network of protected areas in the world, and a testament to the importance that EU citizens attach to biodiversity.

The objective of the Habitats Directive is to "maintain or restore, at favourable conservation status, natural habitats and wild flora and fauna". Article 3 of the Directive provides for the establishment of "a coherent European ecological network of special areas of conservation" under the title of Natura 2000 (Annex I Habitats and Annex II species to be maintained or restored). Article 4 further elaborates on the Annex III and the criteria for selecting sites eligible for identification as **Sites of Community Importance (SCI) and designation as Special Areas of Conservation (SACs)**.

The designation of Special Areas of Conservation (SACs) are carried out in three stages;

1. The responsibility for proposing sites under the Habitats Directive lies with the Member States. They carry out comprehensive assessments of each of the habitat types and species present on their territory.

The choice of sites is a purely scientific process, based on standard selection criteria specified in the directive.

2. On the basis of the proposed national lists, the Commission, in agreement with the Member States, must adopt the lists of "Sites of Community Importance". Scientific seminars are then convened by the Commission for each bio-geographical region in order to analyse the Member States' proposals in a transparent way. They are open to the Member States concerned and to experts representing relevant stakeholder interests, including owners, users, and environmental NGOs. These seminars are supported by the European Environment Agency, assisted by the European Topic Centre on Biological Diversity which is based in Paris, France.

These expert seminars aim to establish if sufficient high-quality sites have been proposed by each Member State to ensure the favourable conservation status of each habitat type and species throughout their range in the EU. The objective is to establish a list of "Sites of Community Importance" for each of the regions determined by the Habitats Directive, applying a consistent approach across the Member States.

3. Once the lists of "Sites of Community Importance" have been adopted, it is for the Member States to designate all of these sites as "Special Areas of Conservation", as required by the Habitats Directive, as soon as possible and within six years at the most. They should give priority to those sites that are most threatened and/or that are of most importance in conservation terms. During this period, Member States must take the necessary management or restoration measures to ensure the favourable conservation status of those sites.

The Habitats Directive divides the EU into 9 ecologically coherent "bio-geographical" regions – the **Atlantic**, **Continental**, **Alpine** (which includes the Pyrenees, the Alps, the Carpathian mountains and parts of Scandinavia), **Mediterranean**, **Boreal** (Finland, Sweden, Estonia, Latvia and part of Lithuania), the **Macaronesian** (Madeira, Azores and Canary Islands), the **Pannonian** (essentially Hungary and parts of the Czech Republic, Romania and Slovakia), the **Steppic** and the **Black Sea** region (parts of Bulgaria and Romania).

Natura 2000 sites are selected according to each bio-geographical region. Working on this level makes it easier to conserve species and habitat types under similar natural conditions across a suite of countries.

Article 6 is one of the most important articles in the Habitats Directive as it defines how Natura 2000 sites are managed and protected.

Paragraphs 6(1) and 6(2) require that, within Natura 2000, Member States:

- Take appropriate conservation measures to maintain and restore the habitats and species for which the site has been designated to a favourable conservation status;
- Avoid damaging activities that could significantly disturb these species or deteriorate the habitats of the protected species or habitat types.

Paragraphs 6(3) and 6(4) lay down the procedure to be followed when planning new developments that might affect a Natura 2000 site. Thus:

- Any plan or project likely to have a significant effect on a Natura 2000, either individually or in combination with other plans or projects, shall undergo an **Appropriate Assessment** to determine its implications for the site. The competent authorities can only agree to the plan or project after having ascertained that it will not adversely affect the integrity of the site concerned (Article 6.3)
- In exceptional circumstances, a plan or project may still be allowed to go ahead, in spite of a negative assessment, provided there are no alternative solutions and the plan or project is considered to be of overriding public interest. In such cases the Member State must take appropriate compensatory measures to ensure that the overall coherence of the N2000 Network is protected. (Article 6.4)

Article 8 is about the financing of Natura 2000; although the main responsibility for it lies with the Member States, the article explicitly links delivery of necessary conservation measures to the provision of the EU cofinancing (EARDS, European Fisheries Fund, European Regional Development Fund, European Social Fund, Cohesion Fund and Life +).

The Habitats Directive also comprises a "2nd pillar", which is related to the protection of species. In particular, Articles 12 and 16 are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States.

The **Birds Directive** 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. It was adopted unanimously by the Member States in 1979 as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use. It was also in recognition that wild birds, many of which are migratory, are a shared heritage of the Member States and that their effective conservation required international co-operation.

The directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species (listed in Annex I), especially through the establishment of a coherent network of **Special**

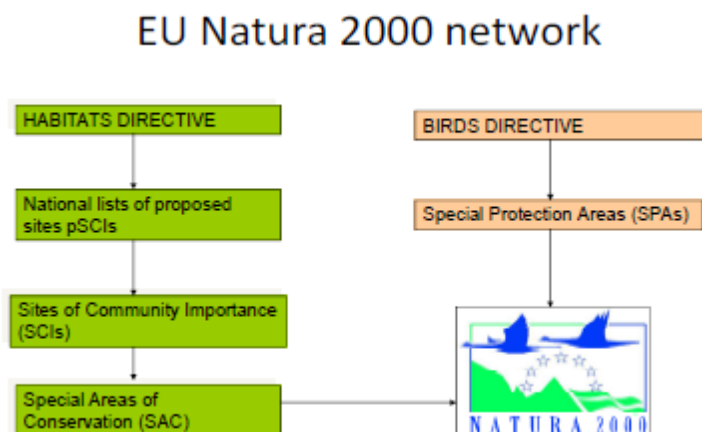
Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994 all SPAs form an integral part of the NATURA 2000 ecological network.

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 - III/1 allows taking in all Member States; III/2 allows taking in Member States in agreement with European Commission). The Directive recognises hunting as a legitimate activity and provides a comprehensive system for the management of hunting (limited to species listed in Annex II - II/1 allows hunting in all Member States; II/2 allows hunting in listed Member States) to ensure that this practice is sustainable. This includes a requirement to ensure that birds are not hunted during the periods of their greatest vulnerability, such as the return migration to the nesting areas, reproduction and the raising of chicks. It requires Member States to outlaw all forms of non-selective and large scale killing of birds, (especially the methods listed in Annex IV). It promotes research to underpin the protection, management and use of all species of birds covered by the Directive (Annex V).

The Annexes to the Birds Directive have been adapted on a number of occasions in response to scientific and technical progress and to the successive enlargements of the European Union. The most recent adaptation is in response to the Accession of Bulgaria and Romania to the European Union on 1 January 2007. As in the case of the 2004 enlargement, most changes concern the annexes of the directives. In the first place new typical and endangered species and habitats in the new Member States have been added to the annexes, with a limited number of geographic exceptions granted.

In August 2007 the journal Science published an analysis showing that the Birds Directive has made a significant difference in protecting many of Europe's most threatened birds from further decline. The groundbreaking paper shows that the Birds Directive has clearly helped those species considered to be most at risk, partly through the designation of Special Protection Areas (SPAs).

Below: the diagram explaining the interlinkages of the Directives towards the establishment of the Natura 2000 sites.



Related and Cross-cutting issues

Related and cross-cutting issues not only refers to legislation on for example forestry and nature protection but also to the nature legislation with other pieces of environmental legislation, including the IED and EIA . Trade in illegally harvested timber and trade in endangered species are other elements to receive attention (ref . EU timber regulation, CITES convention, Environmental Crime Directive).

The EU Timber regulation

Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market – also known as the (Illegal) Timber Regulation counters the trade in illegally harvested timber and timber products through three key obligations(http://ec.europa.eu/environment/forests/timber_regulation.htm):

- It prohibits the placing on the EU market for the first time of illegally harvested timber and products derived from such timber;
- It requires EU traders who place timber products on the EU market for the first time to exercise 'due diligence';

Once on the market, the timber and timber products may be sold on and/or transformed before they reach the final consumer. To facilitate the traceability of timber products economic operators in this part of the supply chain (referred to as traders in the regulation) have an obligation to

- Keep records of their suppliers and customers.

The Regulation covers a wide range of timber products listed in its Annex using EU Customs code nomenclature.

The application of the Regulation started from 3rd March 2013.

The Regulation covers a broad range of timber products including solid wood products, flooring, plywood, pulp and paper. Not included are recycled products, as well as printed papers such as books, magazines and newspapers. The product scope can be amended if necessary.

The Regulation applies to both imported and domestically produced timber and timber products.

Timber and timber products covered by valid FLEGT (<http://ec.europa.eu/environment/forests/flegt.htm>) or CITES licenses (http://ec.europa.eu/environment/cites/home_en.htm) are considered to comply with the requirements of the Regulation.

The Regulation is legally binding on all 27 EU Member States, which are responsible for laying down effective, proportionate and dissuasive penalties and for enforcing the Regulation.

The Regulation provides for "Monitoring organizations" to be recognised by the European Commission. These organisations which will be private entities, will provide EU operators with operational due diligence systems. Operators can thus develop their own system or use one developed by a monitoring organisation

CITES

CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

Widespread information nowadays about the endangered status of many prominent species, such as the tiger and elephants, might make the need for such a convention seem obvious. But at the time when the ideas for CITES were first formed, in the 1960s, international discussion of the regulation of wildlife trade for conservation purposes was something relatively new. With hindsight, the need for CITES is clear. Annually, international wildlife trade is estimated to be worth billions of dollars and to include hundreds of millions of

plant and animal specimens. The trade is diverse, ranging from live animals and plants to a vast array of wildlife products derived from them, including food products, exotic leather goods, wooden musical instruments, timber, tourist curios and medicines. Levels of exploitation of some animal and plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction. Many wildlife species in trade are not endangered, but the existence of an agreement to ensure the sustainability of the trade is important in order to safeguard these resources for the future.

Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. CITES was conceived in the spirit of such cooperation. Today, it accords varying degrees of protection to more than 35,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs.

CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The text of the Convention was finally agreed at a meeting of representatives of 80 countries in Washington, D.C., the United States of America, on 3 March 1973, and on 1 July 1975 CITES entered in force. CITES is an international agreement to which States (countries) adhere voluntarily. States that have agreed to be bound by the Convention ('joined' CITES) are known as Parties. Although CITES is legally binding on the Parties – in other words they have to implement the Convention – it does not take the place of national laws. Rather it provides a framework to be respected by each Party, which has to adopt its own domestic legislation to ensure that CITES is implemented at the national level.

For many years CITES has been among the conservation agreements with the largest membership, with now 180 Parties (<http://www.cites.org/eng/disc/parties/index.php>).

Due to the European Single Market and the absence of systematic border controls within the EU, the provisions of CITES have to be implemented uniformly in all EU Member States. CITES is implemented in the EU through a set of Regulations known as the EU Wildlife Trade Regulations (http://ec.europa.eu/environment/cites/legislation_en.htm).

Environmental Crime Directive

Environmental crime covers acts that breach environmental legislation and cause significant harm or risk to the environment and human health. Environmental crimes cause significant damage to the environment in Europe and the world. At the same time they provide for very high profits for perpetrators and relatively low risks of detection. Very often, environmental crimes have a cross border aspect. Environmental crime is a serious and growing problem that needs to be tackled at European level (<http://ec.europa.eu/environment/legal/crime/index.htm>).

Directive 2008/99/EC on the protection of the environment through criminal law aims at obliging Member States to impose criminal penalties on certain behaviour which is seriously detrimental to the environment. This minimum threshold for harmonisation will allow environmental legislation to be better applied, in line with the objective for the protection of the environment laid down in Article 174 of the Treaty establishing the European Community (EC Treaty).

Behaviour subject to penalties

Member States should class the following behaviour as a criminal offence, if a Community regulation in the area of environmental protection is infringed and if the behaviour is committed intentionally or through serious negligence:

- unlawful, discharge into air, soil or water, of materials or ionising radiation which causes or is likely to cause death or serious injury to any person or substantial damage to the environment;
- unlawful collection, transport, recovery or disposal of waste which causes or is likely to cause death or serious injury to any person or substantial damage to the environment;

- unlawful shipment of waste in a non-negligible quantity;
- unlawful operation of a plant in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used, and which causes or is likely to cause death or serious injury to any person or substantial damage to the environment;
- the unlawful manufacture, treatment, storage, use, transport, import or export or disposal of nuclear materials or other hazardous radioactive substances which causes or is likely to cause death or serious injury to any person or substantial damage to the environment;
- the unlawful killing, destruction, possession or taking of, or trade in, protected animal and plant species;
- unlawful damage to protected habitats;
- unlawful trade in or use of ozone-depleting substances.

Member States should also ensure that inciting, aiding and abetting the committing of a criminal act is also punishable.

Nature protection in permitting and inspection of industrial installations

([ref.http://impel.eu/projects/nature-protection-in-permitting-and-inspection-of-industrial-installations/](http://impel.eu/projects/nature-protection-in-permitting-and-inspection-of-industrial-installations/))

The link between permitting activities for industrial installations (IED and non-IED activities) and Natura 2000 sites is defined in Article 6 of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

According to Article 6 par. 3

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site ... the national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

According to Articles 12 and 13 Member States have to ensure the protection of certain animal and plant species.

In 2013 IMPEL explored the need for projects dealing with requirements concerning nature protection in permitting and inspection of industrial installations. Via a brief questionnaire the project team identified that in all participating countries permit writers have to consider protected areas and species and that problems occur. Concerning Natura 2000 sites it was identified that permit writers face the following challenges:

- difficulty in assessing the likelihood of significant impacts on site's conservation objectives due to the lack of information and the management plans;
- lack of scientific studies and concrete criteria for the assessment of "significant" effects and its likelihood beyond reasonable scientific doubt;
- difficulties in determining boundaries for the assessment;
- difficulties in the identification of contributors for the cumulative impact assessment.

Due to the lack of knowledge in several related fields, it was recommended to have a follow-up IMPEL-project in this field and to concentrate first on the needs of permit writers.

This project continues to focus on capacity building, awareness raising, extend the network, strengthen collaboration among EU nature conservation authorities. Bringing together IED permit writers and inspectors with nature authorities and inspectors.

This project will deliver:

- An overview and exchange of good practices for promoting compliance/enforcement of permit conditions in accordance with Art. 6(3) of the Habitats Directive;
- Recommendation for MS on appropriate assessment in accordance with Art. 6(3) of the Habitats Directive in a Guidance document for IMPEL on appropriate assessment;
- Identification of the most frequent challenges jeopardizing the correct implementation of Art. 6(3) Habitats Directive;
- Capacity development by benchmarking appropriate assessment under Art. 6(3) Habitats Directive;
- Identification for which item(s) additional tools / guidance is needed

IV. Highlights from the training workshop

Reference is made to Annex I for the agenda and Annex III for the presentations.

Day 1 – Hotel Osijek, Osijek, 10 October

1. The workshop was opened by Ms. Anita Patekar (ECRAN ECENA National Coordinator for Croatia) and Mr. Ike van der Putte (ECRAN ECENA coordinator) with a short welcoming and introduction on ECRAN and the ECENA Programme. The information on ECRAN and ECENA has been given including project summary, results to be achieved, structures and planned activities.

2. An introductory round was held among the presenters and subsequently among the participants with the question on the years of experience as inspectors, policymakers and other fields. The results showed that most of participants have extensive knowledge and experience in inspection. One representative of the NGO sector participated on behalf of the Environmental Forum.

	Years of experience		
	<i>1 – 5 years</i>	<i>5 – 10 years</i>	<i>More than 10 years</i>
Inspectors	3	6	9
Policy makers		2	1
Others		1	2

3. *Introductions to EU legislation on nature and closely related/cross cutting issues covered in the programme.* Mr. Ike van der Putte (ECRAN ECENA coordinator) presented the various issues on: Biodiversity; International Conventions with the Cornerstones EU Legislation on Nature

- Habitats Directive 92/43/EEC and Birds Directive (79/409/EEC as amended 2009/147/EC) with the Natura 2000 sites. Special attention was given to Article 6 of the Habitats Directive: Management Plans

Under the strongly related and Cross cutting Issues a brief introduction was given on:

- EU Timber Regulation

- Environmental Crime Directive
- Nature/IED interactions

4. *Nature site management planning(1)*. Mr. Bernhard Riehl presented the general requirements in Nature site Management planning with description of the approach in Austria (Salzburg Region)



In Austria most Natura 2000 habitats / species need ongoing management / maintenance. A lot of former biodiversity has already been lost, so it is necessary also to restore and not only to preserve. For this reason it is needed to cooperate with the land users. A balance has to be found between law and motivation, between do's / don'ts and voluntary action. Mr. Riehl emphasized that clear conservation objectives are needed and that these objectives can only be realized if all actors really cooperate. Practical examples were given on the Natura 2000 site Wallersee –Wengermore (ref. visitors management) and Nature Reserve Fuschlsee (ref. illegal drainage ditches in a protected habitat).

5. *Nature site management planning (2)*. Mr. Syd House gave an illustration of good practice in Implementing Natura 2000 with his presentation on Guidance for woodland expansion and Golden Eagle Special Protection Areas (SPAs) in Scotland.



Scotland has 450 pairs of golden eagles: 5% of European population (Cat 3 species of European Conservation Concern). These birds are still subject to persecution (to protect game birds for hunters & protect farmers' sheep). In 2010 a designation of 6 new SPAs (6% Scotland area) took place covering 400k ha in addition to 8 existing ones. Eagles allegedly prefer open habitats i.e. not forested. The problem is how to expand woodland without a negative impact on Golden Eagle SPAs, as European Protected Species (EPS).

A research review and assessment has been carried out and the outcomes and recommendations were presented including amongst others:

- Avoid planting wet/boggy ground or area of high prey importance eg rabbit warrens
- Keep ridges free & avoid core range around nest (may be 2-3km radius but variable)
- Areas of low prey importance (eg bracken ground, short or improved grassland) can be planted with minimal or even beneficial impact
- Study of individual eagle territories will inform assessment

- Scale and design of new woodlands is critical. If sited appropriately these may enhance eagle live prey availability

A mathematical modelling tool was developed and applied in the assessment of range boundaries of each pair of eagles.

6. *Nature site management planning (3)*. Mr. Bernhard Riehl further elaborated on the subject of Natura 2000 management plans based on the experiences in Salzburg.



It was mentioned that the Management Plan (MPL) is not legally binding as far as the improvement / development measures are concerned but it specifies what “no deterioration” means. The communication/participation in drafting the Management Plan is considered crucial. Several round table discussions of MPL drafts were held with stakeholders (representatives from agriculture, forestry, hunting, fishery, tourism; mayors of local municipalities, mountain and nature guards, site manager,...) and local authorities, other sectoral authorities like water and forest (consulting role). It takes 1-2 years to complete the MPL. The MPL working steps were explained with examples from the Salzburg region and subsequently also the implementation in which the “stick and carrot” approach was a central item.

7. *Nature conservation in Croatia – Institutional (1)*. Ms. Mirjana Fonjak presented the institutional set-up for nature conservation, the nature protection areas, the nature protection inspectorate with its capacities and obligations and finally the Cites Convention and the status of illegal trade of wild Fauna and Flora in Croatia.



At the institutional level the following organizations are mentioned: Ministry of Environmental and Nature Protection; Directorate for nature protection – MA CITES (40); Direction for Inspectional Affairs – Sector Nature Protection Inspection (12+2+1); State Institute for Nature Protection – SA CITES (50). Of the land area in Croatia 8,19% are protected areas with 418 sites, 2 Strict Reserves, 8 National Parks, 77 Special Reserves, 11 Nature Parks, Regional Parks, Nature Monuments, Significant Landscapes, Park Forests and Monuments of Park Architecture.

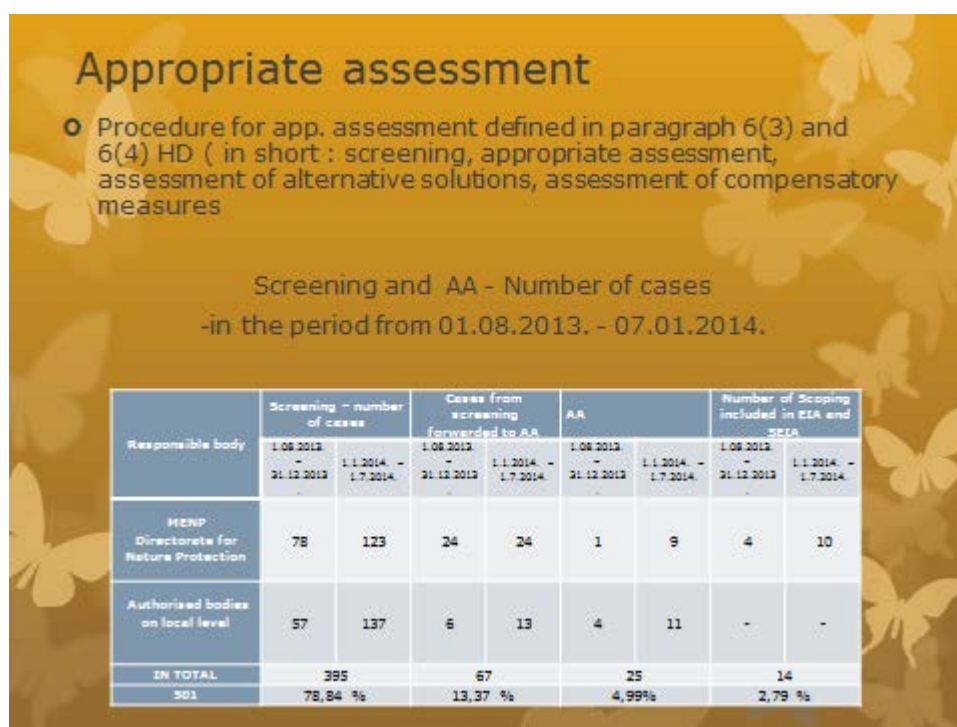
The Nature Protection Inspectorate was established in 1994 and operates from 2000 as a separate Department with 15 inspectors and based on 3 laws (NPA, GMO and Act on cross border trade and trade in protected species). The Inspectorate is working according to an Annual plan, complaints and urgent calls. They cooperate on the border with custom officers, sanitary and veterinary inspector. Cooperation is furthermore with police officers, coast guard - at sea and rangers.

In the illegal trade of species some problems were mentioned, which include for example that Croatia is an important transit country, tourists being a new threat (collecting items as souvenirs), collecting and smuggling for scientific purposes and cooperation with bordering non-EU countries (BiH).

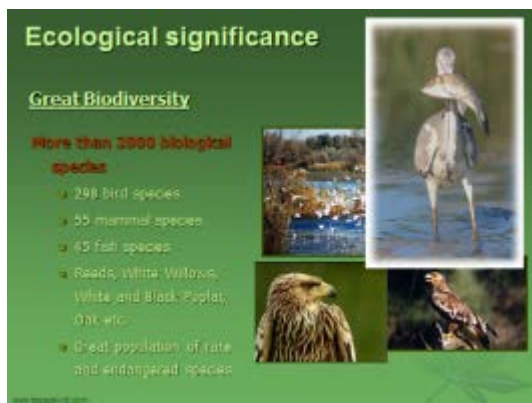
8. *Nature Conservation in Croatia – Nature Inspection (2)*. Ms. Katica Bezuh further elaborated on Nature Inspection in Croatia. Special attention was given to the new legislation and new obligations since the EU membership of Croatia and the specific work of the inspectors in Nature protection (PA and N2000 areas). Control of nature protection measures and requirements are generally defined in: Spatial plans (national parks and parks of nature), Management plans for PA, N2K, Water management plans; Forest MP, MP for hunting, etc. Results of appropriate assessment- (measures/requirements) are of specific importance.

A number of examples are given including the fines (3000 -27000 EURO) if a person carries out an activity which does not comply with the management plan. In addition a brief evaluation was given on the number of Appropriate Assessment starting from the screening of projects, with examples from practice (see figure).

Other examples include the specific control of nature protection measures in a number of cases.



8. *Nature Conservation in Croatia – Kopacki Rit (3)*. An introduction to the Kopacki Rit nature park was given by Ms. Renata Forijand. The geographical position of the park is in eastern Croatia at the confluence of the Drava and Danube with 23 000 ha of protected area. It is an area of international significance (Ramsar site, IBA,, Biosphere Reserve) and protected since 1967. The Nature Park covers 15.300 ha with a Special Zoological Reserve of 7.700 ha. Fluctuating water levels in the area create a wide variety of habitats and generate high biological diversity. Within the park there are over 460 species of vascular plants, 298 bird, 55 mammal, 45 fish, 11 amphibian and 10 reptile species. Kopački Rit has served as a shelter for many species in the past and is therefore a 'gene pool' for many healthy species as well as a refuge for endangered ones. Monitoring is carried out amongst others in the framework of Action Plan for the protection of aquatic habitat (Faculty of Agriculture) and the Action Plan for the protection of the White-tailed Eagle. A number of 7 rangers implement measures of physical protection and supervision in the field (Stakeholders, anglers, visitors, and others in the Park). The rangers cooperate with the Police, Fire Brigade, Croatian De-mining Centre, local population.



9. Round table. In the roundtable two central questions were asked to the participants: 1) How is the impression of progress in nature conservation in the various countries with ECRAN and 2) How is transfer of know-how taking place within the own organizations. Generally it can be concluded that small steady progress can be reported in some countries. In other countries existing protected areas are maintained. The problems identified within the framework of the RENA programme are still relevant (illegal construction, illegal fisheries etc.). The sharing of information within the ministries is taking place and is generally not considered a problem. For some countries, like Montenegro, reporting is required. These reports are subsequently distributed to other institutions and in some cases also to NGOs.

Day 2 – Hotel Osijek, Osijek, 11 October

1. In opening the second day, Mr van der Putte summarized the outcomes of the first day. The subjects of day 2 were introduced, mentioning that attention will be paid to the closely related and cross cutting issues considering Nature legislation i.e. EU timber regulation, CITES convention, nature protection in permitting and inspection industrial installations and environmental crime. An important part of day 2 is the preparation for the site visit to the Kopacki Rit Park, guided by Mr. Martin Baranyai.

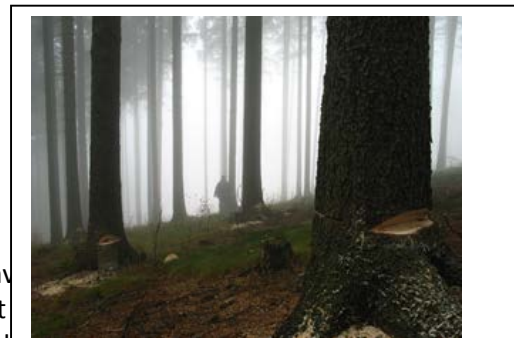
2. *Illegal logging and the EU timber regulation.* Mr. Martin Baranyai started his presentation with the definition of illegal logging: Timber harvested, transported, processed and/or traded in contravention of the national laws of the country of harvest and certain international treaties such as the Convention on International Trade in Endangered Species (CITES). Illegal logging may take place in a variety of ways: Extracting timber products without permission, including from reserves and protected areas; Gaining access to forests through corrupt dealings; Harvesting protected species and Harvesting more than the legally agreed limit. The consequences are environmental impacts including loss of biodiversity, economic and social consequences with revenue loss and corruption and cross border impacts including hindering regional sustainable development. The loss of forests is in majority (96 %) situated in the tropical zone. Globally, many rainforest species are increasingly threatened due to deforestation, and even though they cover only about 7 % of the Earth's land surface, they provide a habitat for approximately 50 % of all the known species on Earth. The international response (FLEG and PROFOR) was discussed with the EU FLEGT Action Plan as the European response. FLEGT as the EU Action Plan for Forest Law Enforcement, Governance and Trade include a number of measures:

- Support to timber-producing countries
- Activities to promote trade in legal timber (VPA)
- Promoting public procurement policies
- Support for private sector initiatives
- Safeguards for financing and investment
- Use of existing legislative instruments or adoption of new legislation to support the plan
- Addressing the problem of conflict timber

The FLEGT Action Plan has led to two key pieces of legislation:

- FLEGT Regulation adopted in 2005, allowing for the control of the entry of timber to the EU from countries entering into bilateral FLEGT Voluntary Partnership Agreements (VPA) with the EU;
- EU Timber Regulation, proposed by the Commission in October 2008 and adopted by the European Parliament and by the Council in October 2010, as an overarching measure to prohibit placing of illegal timber and timber products on the internal market.

The EU Timber Regulation applies to both imported and domestically produced timber and timber products. Next to a more detailed explanation of the various regulations and the state of implementation of the EU TR in the various member states, examples were presented on illegal logging in the Czech Republic.



3. CITES

CITES convention

implementation

and legislation in September 1995 and from June 2000 it was directly implemented. In the period 2005-2011- harmonization of the Croatian legislation with the *acquis communautaire* took place (see CITES and EU wild life trade regulations - http://ec.europa.eu/environment/cites/legislation_en.htm) . On the 1st of July 2013 Croatia became 28th EU Member State. 7 EU WILDLIFE TRADE REGULATIONS are implementing CITES Convention on the EU level. These regulations do not contain designation of management, scientific or enforcement authorities nor misdemeanor provisions. In the Croatian National Act on Trans boundary Movement on Wild Species (OG, 94/2013)- Croatian MA, SA, EA, misdemeanor charges are assessed. Next to the various tools (Web application for issuance of permits and certificates, species checklist) a description was given on the various trainings and workshops with education and public awareness actions. The Committee for CITES Implementation was described on its composition with the position of Croatia as an active member in the EC Cites Committee. Furthermore a description was given on EU-TWIX: A tool to facilitate information exchange on illegal wildlife trade in the European Union.

The EU-TWIX database has been developed to assist national law enforcement agencies, including CITES Management Authorities and prosecutors, in their task of detecting, analyzing and monitoring illegal activities related to trade in fauna and flora covered by the EU Wildlife Trade Regulations. The main section of the database is designed to become a unique source of centralized data on seizures and offences reported by all 28 EU Member States. Additionally, it has a section with information on technical, scientific, economic and other fields to help with the identification, valuation, disposal, etc. of seized or confiscated specimens. The purposes of EU-TWIX are to assist with strategic analyses and with carrying out field investigations.

The presentation was finalized with the seizures and rescue centers. Seized animals are placed in 5 regional rescue centres.



A table was presented on the lessons learned illustrating the position and requirements of Croatia before and after EU membership in implementing the CITES convention

BEFORE EU	AS EU MS
„third country”- borders	MS with the wide and long territorial border to „third countries” but no borders to MS
Large number of import, export and re-export CITES permits	Reduction of the number of CITES permits
No documents for CITES I (Annex A)	Large number of EU Certificates for Annex A specimens (proof of legal acquisition, commercial activities or movement of live specimens)
No documents for strictly protected native species	Large number of certificates for strictly protected native species

4. *Nature protection in permitting and inspection of industrial installations.* Ms. Gisela Holzgraefe presented the background on the link of the IED Directive and the Habitats Directive and the results of the IMPEL projects (2013 and 2014) on this subject.

The Directive on Industrial Emissions (IED) considers rules on integrated prevention and control of pollution arising from industrial activities and the rules for achieving a high level of protection of the environment as a whole.

Article 6 par. 3 of the Habitats Directive defines further rules concerning industrial activities: a project likely to have a significant effect on a Natura 2000 site – either individually or in combination with other projects – shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.

National authorities shall agree to the project only after having ascertained that it will not affect adversely the integrity of the Natura 2000 site concerned. The requirements refer to IED-projects as well as to smaller projects. Competent IED permit authorities are used to have clear procedures and limit values for industrial installations. However, competent nature conservation authorities are not used to limit values for assessment of „significant effects”, e.g. for loss of site area or of population, effect of certain amounts of NH₃ or NO_x.

A number of questions are related to the above: How do permit and inspection authorities handle it? How is the situation of permit writers and inspectors? Which kind of support is needed?

In 2012 / 2014 the “Study on Evaluating and Improving the Article 6.3 Permit Procedure for Natura 2000 Sites” was carried out for the Commission. The key recommendations were that there is still room for improvement in Art 6.3 permit procedure, especially in countries where it is not working as well as it should. It is recommended to give special attention to:

- more training on the AA procedure for competent authorities/developers (especially at regional/local levels) to improve the understanding of the AA procedure;
- Provide more targeted, user-friendly guidance, forms and checklists for the various stages of the AA; Improving access to data
- Sharing baseline data and improving access to data on Natura 2000
- Ensure a more robust and consistent framework for screening plans and projects;
- Encourage early dialogue, planning and working in partnership – e.g. at pre-application stage - and between authorities

The IMPEL network carried out two projects on the item in 2013 and 2014. Results and recommendations of these projects were presented.

5. *Environmental Crime*. Mr. Karl Frauenberger gave a presentation entitled: “Endangering Species, protecting Nature – A Police Task”. A description was given on the police structure in Austria in the field of environmental crime with

- The Criminal Intelligence Service having a national and international Coordination task incorporating INTERPOL and EUROPOL national offices, and providing Strategic leadership
- 9 Regional Crime Departments carrying out Investigation
- 600 Front line officers (part time) carrying out Detection and Investigation

The voluntary aspects were discussed and the organizational structures of INTERPOL/EUROPOL. The legal basis (EU: Habitats and Birds Directive, Environmental Crime Directive and those of Austria: Nature Protection Law, Hunting Law and Criminal Law) was analysed.

A number of practical cases were presented in which the proceedings were described. These refer to Shooting a golden eagle in Tirol –suspicion of 181f Criminal Law; Firing a sea eagle in Lower Austria – Investigation according to Criminal law and Regional Hunting Law; Imperial eagle – shot dead in Burgenland; Shooting of bearded vultures; Poisoning of birds of prey.

The proceedings/conclusions and subsequent decisions in these cases were presented and included a.o. arguments of the shooter, witness reports and authority conclusions (based on police investigation, administrative authority action, veterinary medicine analysis, forensic medicine analysis, scientific expertise and court decision).

The presentation was finalized with the enforcement challenges and interagency approach.



6. Preparation Kopački Rit site visit. In preparing for the site visit the participants were divided into three groups with the task to observe the bottlenecks and formulate recommendations. Specific reference was made to the natural grazing project to revive ecosystems and restore natural habitats (grasslands and woodlands) by introducing pasturing bovines. These groups were divided into 1) management; 2) permitting and 3) Inspection

Day 3 – Kopački Rit Nature Park, 12 October



The site visit started by an introduction by Ms. Renata Forijand describing the area.

Kopački rit is an inner delta wetland with distinct morphological and sedimentological characteristics. It was formed during Pleistocene and Holocene epochs by tectonic subsidence that turned Danube and Drava rivers into their present stream directions. The hydro-geological and meandering processes of the two rivers turned the whole floodplain into a mosaic of lakes, marshes, wet grasslands, reedbeds and riverine forests. The area is flooded annually – one month on the higher parts and up to three months on the lower parts, usually from March to May. Water starts to enter the floodplain when the Danube's water level at Apatin gauging station reaches 300 cm. During the year the water level fluctuates 5–7 m on average, while the maximum-recorded fluctuations are 9.40 metres. Kopački rit has a remarkable biodiversity and supports 20,000 water birds during breeding, spring and fall migration, as well as wintering. These wetlands support over 1% of biogeographical or flyway populations of Great Cormorant, Grey Heron, Great Egret, Black-crowned Night-heron, Eurasian Spoonbill, Greylag Goose, Whitefronted Goose and Whiskered Tern.

After the introductions a boat tour was organized with explanations on the various aspects of the park and its flora and fauna. The director of the Park welcomed the participants.



Visit to the natural grazing project – restoring nature by autochthonous breeds

An explanation on the project was given by the local team leader of the project.

At the end of the 19th century developments in agriculture caused the disappearing of pasturing of bovines and horses in Kopački Rit. Pastoral grazing is no longer practiced with an immense impact on the formerly pastoral habitats. The abandoned grasslands became ideal places for colonisation by invasive alien plant species and as a result, bird species which depend on (wet) grasslands like the Corn Crake (*Crex crex*), Glossy Ibis (*Plegadis falcinellus*), the Lesser Spotted Eagle (*Aquila pomarina*) and the Common Hoopoe (*Upupa epops*) are not longer breeding in the Kopački Rit area. To restore natural habitats, the Kopački Rit Nature Park and ARK Nature started in 2008 a pilot project on 26 hectares (financed by the Dutch ministry of Agriculture, Nature and Food Quality).

The goals of the pilot project are:

- restoration of natural habitats (grasslands and woodlands)
- decrease of exotic plant species like *Amorpha fruticosa* and *Solidago gigantea*
- conservation of an endangered bovine species the Slavonian Podolian bovine and Posavina horses
- increase of the tourist offer (including an educational trail)

The project, although proven to be successful, was halted. Various reasons were given a.o. conflicting interests considering hunting and legislative bottlenecks not allowing domestic animals in woodlands.



At the return to Hotel Osijek the various groups discussed the various issues and reported on the outcomes: Group 1) Management Plan.

Considering the natural grazing project it was considered important that the specific goals should be defined. Communication was necessary with all parties involved. Communication with the public was needed. In addition a public debate should be organized on the plan.

With specific reference to the grazing project one of the objectives is to restore the gene pool. An inventory of species and sub-species should be made. It was also mentioned that every party should benefit from the project.

Group 2) Permitting. This group came with three conclusions: The approach in the project should be changed; an analysis followed by changing the permitting procedure is required (forestry, hunting, protection) in order to comply with N2K requirements.; a public media campaign should be launched with the right information for the public with a request for their support.

Group 3) Inspection. The group discussed the activities that would end in court considering the strictly protected part of the reserve. These include illegal fishing (electric and with nets) in the high water period for which a strategy is needed and also illegal killing/poaching of wild deer and birds. The grazing project is taking place in the less restrictive protected area of the park. There is a clear misunderstanding of the various laws i.e. nature act, forestry act, animal breeding act. Which should be solved.



V. Evaluation

The following summary of the training evaluation report, developed on the basis of analysis of the training questionnaires can be given. A number of 23 participants filled the evaluation form. It shows that the expectations of the workshop were met.

Statistical information

1.1 Workshop Session

Capacity building on compliance with environmental legislation – Nature Inspection

1.2 Facilitators name

Ike van der Putte/ Martin Baranyai/ Bernard Riehl/ Syd House/ Gisela Holzgraefe/ Karl Frauenberger

1.3 Name and Surname of Participants (evaluators) optional

As per participants' list

Your Expectations

Please indicate to what extent specific expectations were met, or not met:

My Expectations	My expectations were met		
	Fully	Partially	Not at all
1. Filling gaps in knowledge (several IED, inspection, management, permitting, cross cutting issues), general and specific	■■■■■■■■■■ (67%)	■■■■■ (33%)	
2. Practical experience of the new Member States and Candidate Countries	■■■■■■■■■■ (76%)	■■■■ (24%)	

Additional Expectations

- More on the new developments related to CITES might be taken up

Workshop and Presentation

Please rate the following statements in respect of this training module:

Aspect of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptable
1 The workshop achieved the objectives set	■■■■■■■■■■ I (78%)	■■■■ (22%)				
2 The quality of the workshop was of a high standard	■■■■■■■■■■ (69%)	■■■■■ (31%)				
3 The content of the workshop was well suited to my level of understanding and experience	■■■■■■■■■ (56%)	■■■■■ (35%)	■ (9%)			
4 The practical work was relevant and informative	■■■■■■■■■■ (69%)	■■■■■ (31%)				
5 The workshop was interactive	■■■■■■■■■■ II (83%)	■■■ (17%)				

6	Facilitators were well prepared and knowledgeable on the subject matter	(61%)	(39%)		
7	The duration of this workshop was neither too long nor too short	(56%)	(44%)		
8	The logistical arrangements (venue, refreshments, equipment) were satisfactory	(78%)	(17%)	I (5%)	
9	Attending this workshop was time well spent	(78%)	(17%)	I (5%)	

Comments and suggestions

I have the following comment and/or suggestions in addition to questions already answered:

Workshop Sessions:

- Missing BIH representatives.
- More needed on Cross cutting issues.
- Management and inspection fully met, permitting partially, cross cutting more needed.

Facilitators:

-

Workshop level and content:

-