



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Protecting the Natural Environment
ENV.B.2 - Nature and Bio-diversity

11 JUL. 2005

Brussels,
ENV/B2/NH/ D(2005) 14195

By e-mail: dasa@wolf.sk

Dear Ms. Lukačová,

Thank you for your letter to the Commission dated 13th of June 2005, in which you raise concerns about the level of habitat protection in Tatra National.

Under Wild Birds (74/409/EEC) and Habitats (92/43/EEC) Directives an ecological network called Natura 2000 is being set up, consisting of special protection areas (SPAs) under Birds Directive, and sites of Community importance (SCIs) under the Habitats Directive.

Slovak government, in accordance with provisions of the Birds and Habitats Directives, submitted the national proposal for Natura 2000 sites in April 2004. Within High Tatras mountain range one Special Protection Area under Birds Directive was designated and several sites of Community importance under Habitats Directive were proposed. Please note that the designated SPA and proposed SCIs only partly overlap with the much larger area of the National Park. The Commission is following all necessary procedures to evaluate and adopt proposals by Slovakia and other New Member States, once these procedures are completed the list of the sites of Community will be established. At present sufficiency of designation under Habitats Directive is being checked and assessed by the Nature Topic Centre of the European Environmental Agency and independent experts.

The provisions of Article 6(2)-(4) of the Habitats Directive apply to the designated Special Protection Areas and to sites which are on the lists of Sites of Community Importance. In the case of proposed Sites of Community Importance, *“the Member States are, by virtue of Directive 92/43, required to take protective measures that are appropriate, from the point of view of the directive’s conservation objective, for the purpose of safeguarding the relevant ecological interest which those sites have at national level”*¹.

While the Member States have to ensure that the necessary measures are taken to maintain or enhance the conservation status of the species and habitats for which the

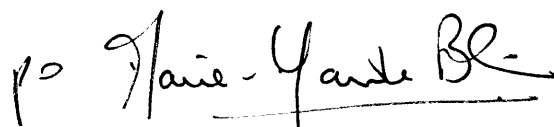
¹ See the recent judgement of the Court of 13 January 2005, Dragaggi, case C-117/03.

Natura 2000 site was established, the designation of the Natura 2000 sites does not exclude economic activities within such sites. The Commission has developed guidelines for sustainable management of forest Natura 2000 sites, which you can consult at:

http://europa.eu.int/comm/environment/nature/nature_conservation/useful_info/documents_publications/pdf/n2kforest_en.pdf

On the basis of the limited information provided in your letter the Commission cannot assess whether or not Birds and Habitats Directives may have been violated. You can chose to provide the Commission with additional information on how obligations under the EU nature conservation legislation may be violated in the proposed Natura 2000 sites in High Tatras, or launch a complaint procedure with the Commission. You may address such information and/or complaint directly to Unit A2 in the Directorate General for Environment of the European Commission or to the Secretariat General. Please find attached forms that can be used for both additional information and launching a complaint, in Slovak, French and English.

I would like to reassure you that the Commission services closely monitor process of designation and implementation of Natura 2000 network in all Member States. The Commission has already contacted Slovak Ministry of Environment seeking information on the state of play in the process of forest clearing activities in relation to designated and proposed Natura 2000 sites in High Tatras. Should any breaches of the EU environmental legislation occur we will take appropriate steps foreseen by the Community legislation.

A handwritten signature in black ink, appearing to read "Nicholas Hanley". The signature is written in a cursive style with a horizontal line underneath the name.

Nicholas HANLEY
Head of Unit