

Decree on special protection areas (Natura 2000 sites)

I

GENERAL PROVISIONS

Article 1

(Scope of Decree)

(1) This Decree defines special protection areas (Natura 2000 sites) and protection objectives in such areas, as well as protection guidelines for the conservation or achievement of a favourable conservation status of wild flora and fauna (hereinafter: plant and animal species), their habitats and habitat types, the conservation of which is in the interest of the European Union, as well as other rules aimed at the preservation of such areas.

(2) This Decree furthermore defines potential special areas of conservation and ways of their protection.

(3) This Decree is the transposition of a portion of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 of 22 July 1992, p. 7) with amendments, and of a portion of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103 of 25 April 1979, p. 1) with amendments.

Article 2

(Definitions)

The terms used in this Decree shall have the following meanings:

– special protection area (Natura 2000 site; hereinafter: Natura site) means an area of ecological importance on the territory of the European Union (hereinafter: the EU) which is important for the maintenance or restoration at a favourable conservation status of bird species (special protection area) and other plant and animal species, and their habitats and habitat types (special area of conservation), the conservation of which is in the interest of the EU; shall be considered as such areas those areas that:

– significantly contribute to the maintenance or restoration at a favourable conservation status of bird species and other plant and animal species, and their habitats and habitat types in one or more biogeographical regions;

– significantly contribute to the coherence of the European ecological network Natura 2000;

– significantly contribute to the maintenance of biodiversity in one or more biogeographical regions;

– potential special area of conservation (hereinafter: potential Natura site) means an area that fulfils the technical criteria as set out by EU regulations aimed at designating Natura sites, which the Government of the Republic of Slovenia (hereinafter: the Government) shall submit for verification to the competent authorities of the EU;

– European ecological network Natura 2000 (hereinafter: European ecological network) means a system of interconnected or related Natura sites enabling the natural habitat types or the habitats of species, the conservation of which is in the interest of the EU, to be maintained or, if appropriate, restored at a favourable conservation status in their natural range;

– habitat types of EU interest means those habitat types that (a) are in danger of disappearance in their natural range, (b) have a small natural range following their regression or by reason of their intrinsically restricted area or (c) present outstanding examples of typical characteristics of one or more of the five following biogeographical regions: Alpine, Atlantic, Continental, Macaronesian and Mediterranean;

– priority habitat types means habitat types on the territory of the EU that are in danger of disappearance, and for the conservation of which the EU has particular responsibility in view of the proportion of their natural range which falls within the EU territory;

– plant and animal species in the interest of the EU means species that, within the European territory of EU member states, are:

– endangered, i.e. their conservation is unlikely if the threatening factors continue operating, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western Palaeartic region;

– vulnerable, i.e. believed likely to move into the endangered category in the near future if the threatening factors continue operating;

– rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk of moving into the endangered category due to possible threats; these species are located within restricted geographical areas or are thinly scattered over a more extensive range; or

– endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status;

– priority plant and animal species means species for the conservation of which the EU has particular responsibility in view of the proportion of their natural range which falls within the EU territory.

II

DESIGNATION OF NATURA SITES

Article 3

(Method of definition of Natura sites)

(1) A Natura site shall be defined on the basis of the technical criteria set up for the evaluation of sites for each habitat type and each species, the conservation of which is in the interest of the EU.

(2) The technical criteria for the definition of Natura sites are listed in Annex 1, which is an integral part of this Decree, referring to:

– habitat types identified as habitat types, the conservation of which is in the interest of the EU, and therefore listed in the regulation on the designation of priority habitat types that are maintained at a favourable conservation status in the territory of the Republic of Slovenia;

– habitats of plant species identified as species, the conservation of which is in the interest of the EU, and therefore listed in the regulation on the protection of plant species;

– habitats of bird species and other animal species identified as animal species, the conservation of which is in the interest of the EU and which regularly occur in the territory of the Republic of Slovenia, and therefore listed in the regulation on the protection of animal species.

(3) The species and habitat types referred to in paragraph 2 above, for which a Natura site is designated on the basis of technical criteria, shall be considered as the species and habitat types, because of which a Natura site has been defined.

(4) The fulfilling of the criteria referred to in paragraph 3 above shall be determined on the basis of the monitoring of species and habitat types status in accordance with the regulations on habitat types and protected plant and animal species.

(5) The areas covered by each Natura site shall be adapted in accordance with the findings of the monitoring of the conservation status of plant and animal species, and habitat types.

Article 4

(Designation of Natura sites)

(1) Natura sites are designated in Annex 2 chapter 1, which is an integral part of this Decree, by stating the following information:

1/ identification number

2/ name of the Natura site

3/ plant species, animal species or habitat types, because of which a Natura site has been defined, with a specification of priority species and priority habitat types.

(2) In Annex 2 of this Decree, Natura sites comprising priority habitat types and priority species habitats are marked with the sign “*”.

Article 5

(Cartographic designation of Natura sites)

(1) The boundaries of Natura sites referred to in Article 4 above and their positions on the ground shall be indicated on a 1:250,000 map, kept by the ministry responsible for the protection of nature (hereinafter: the Ministry) and the Institute of the Republic of Slovenia for Nature Conservation.

(2) The boundaries of Natura sites and their positions on the ground shall be indicated in digital format on a scale of 1:5,000 as a layer of the geographic information system.

(3) The boundaries of Natura sites and their positions on the ground are indicated on a 1:750,000 publication map, which is an integral part of this Decree contained in Annex 3 chapter 1.

(4) For the needs of Natura conservation measures, the preparation of spatial planning acts and similar, the required data on Natura site boundaries shall be obtained so that the geographic information system layer on a scale of 1:5,000, referred to in paragraph 2 above, is superposed by a digital cadastral plan and the delineation of boundary is indicated to within about one entire plot.

(5) In determining the boundaries referred to in paragraph 4 above, the entire plot crossed by the geographical boundary shall be included in a Natura site, if a major part of the plot is situated within such a Natura site.

(6) The data on boundaries and positions on the ground referred to in paragraph 2 above shall be kept as part of the records of areas of importance for the maintenance of biodiversity.

(7) The records referred to in paragraph 6 above shall be kept by the ministry responsible for the protection of nature in accordance with the regulations on nature conservation.

III

PROTECTION OBJECTIVES

Article 6

(Protection objectives)

(1) The protection objectives in Natura sites are aimed at conserving, maintaining or improving the existing properties of inanimate and animate nature that contribute to a favourable conservation status of plant and animal species and habitat types; they shall be designated on the basis of ecological requirements of the species and habitat types, because of which a Natura site has been defined.

(2) In Natura sites presenting several habitat types or habitats of species, because of which a Natura site has been defined, the protection objectives shall be dealt with in a coordinated manner.

(3) The protection objectives referred to in paragraph 1 above shall be defined in Annex 2 of this Decree.

IV

RULES OF CONDUCT

Article 7

(Protection guidelines)

(1) The protection guidelines for the conservation of Natura sites are aimed at planning and implementing measures, activities and other human interventions in such areas with a view to achieving the protection objectives.

(2) The interventions and activities in Natura sites shall be planned so as to preserve, to the largest possible extent:

- the natural distribution of habitat types and the habitats of plant and animal species;
- appropriate features of abiotic and biotic elements of habitat types, their specific structures, and natural processes or appropriate use;
- or improve the quality of the habitat of plant and animal species, especially those parts of the habitat that are essential to their main life phases, such as, above all, areas for reproduction, sleeping in groups, hibernation, migration and feeding;
- the interconnection between the habitats of plant and animal species' populations, and enable reconnection where connection has been broken.

(3) In interventions and activities planned in accordance with paragraph 2 above, all available technical and other measures should be adopted in order to achieve the smallest possible adverse impact on habitat types, plants and animals, and their habitats.

(4) The timing of interventions and activities should be adjusted as much as possible to the life cycles of plant and animal species, i.e.:

- with regard to animals, any interventions and/or activities should not coincide or should coincide as little as possible with the periods when animals require peace or are not able to retreat, especially the periods of reproductive activity, the raising of the young, the development in stationary or low-motility stages, and hibernation;
- with regard to plants, so as to allow seeding, natural planting or other forms of reproduction.

(5) No non-native plant and animal species, and no genetically modified organisms shall be introduced in Natura sites.

(6) The protection guidelines for the conservation of Natura sites shall be taken into account in spatial planning and the use of environmental goods in a manner defined by the law regulating nature conservation.

Article 8

(Acceptability assessment)

(1) In Natura sites, the acceptability of plans, programmes, and spatial planning and other acts needs to be assessed, as well as the acceptability of any interventions in the natural environment, in a manner stipulated by the regulations on nature conservation.

(2) Notwithstanding the provision in paragraph 1 above, acceptability assessments shall not be required in settlement zones, with the exception of interventions in those parts of natural habitats that are essential for the conservation of animal species whose survival is predominantly dependent on their living conditions in direct connection with buildings, trees, gardens, orchards and other green surfaces. The settlement zones and a list of settlements, in which acceptability assessments of interventions in the natural environment need to be made, are stipulated in Annex 4, which is an integral part of this Decree.

(3) Notwithstanding the provision in paragraph 1 above, acceptability assessments of interventions in the natural environment shall not be required with regard to maintenance

works of public benefit in the buffer zones of public roads and along the rails of public rail infrastructure, in accordance with the regulations on the construction of buildings, on public roads, and on railway traffic.

(4) Notwithstanding the provision in paragraph 1 above, acceptability assessments of interventions in the natural environment shall not be required in exploitation and exploration areas of mineral resource deposits, in accordance with relevant decisions and/or concessions granted for the exploitation and exploration of mineral resources, with the exception of hydrocarbons.

Article 9

(Internal areas)

(1) Within any Natura site, internal areas (zones) may be designated; in this way, those parts of such sites are defined, which represent essential portions of the habitats of specific plant and animal species and specific habitat types, because of which a Natura site has been defined.

(2) The boundaries of the internal areas, referred to in paragraph 1 above, shall be defined by their entry in the records of areas of importance for the maintenance of biodiversity, and in accordance with the regulations governing the contents, conditions for entry, and keeping of such records, and similar.

(3) The boundaries of the internal areas may be amended following changes in the natural environment, caused by natural processes, conservation measures and other activities aimed at improving the conservation status, permitted interventions, and other activities in the natural environment, as well as due to additional technical reasons.

Article 10

(Monitoring)

(1) Different indicators shall be monitored in Natura sites, enabling:

– the monitoring of the conservation status of plant and animal species and habitat types;
and

– the assessment of the effectiveness of conservation measures aimed at a favourable conservation status of plant and animal species and habitat types.

(2) The priority of such monitoring shall be those plant and animal species and habitat types, because of which a Natura site has been defined; special attention shall be given to priority species and priority habitat types, as well as those species whose conservation status most properly reflects the changes in other species' habitats and/or habitat types.

Article 11

(Marking of Natura sites)

Natura sites may be marked in the natural environment in the manner stipulated by the regulation governing the marking of protected areas of valuable natural features.

V

PLANNING THE PROTECTION OF NATURA SITES

Article 12

(Planning the protection of Natura sites)

(1) In Natura sites, adapted use of environmental goods and water management, as well as conservation measures in accordance with nature conservation and other regulations shall be implemented with a view to achieving the protection objectives. Such measures with the related tasks and the programmes of adapted use of environmental goods and water management shall be defined in a Natura 2000 management programme (hereinafter: management programme).

(2) In the management programme, the measures intended for each Natura site can be defined. Such measures shall be prepared by taking into account the characteristics of each Natura site, including the socio-demographic and economic specifics, the actual ecosystem status, as well as the existing and anticipated threatening factors.

(3) The management programme shall comprise in particular:

1/ A detailed description of the protection objectives, referring, as a rule, to internal Natura sites and deriving from the protection objectives defined by this Decree, and the protection objectives aimed at the conservation of the habitats of endangered plant and animal species, as well as of priority habitat types that are maintained at a favourable conservation status, in accordance with the regulations on nature conservation and the adopted strategies and programmes implemented in the domain of nature conservation.

2/ The measures to achieve the protection objectives, defined with regard to the character of each Natura site, namely:

– the measures of nature conservation, with an indication of the responsible agents, deadlines and financial sources;

– the measures of adapted use of environmental goods employed in achieving the protection objectives, including a plan of use for environmental goods, defining the measures in detail, and the agent responsible for the implementation of the plan;

– the measures of adapted agricultural practice focused on achieving the protection objectives and the manner of implementing such measures;

– water management measures with a description of a water management programme, defining the measures in detail, and the agent responsible for the implementation of the plan;

– other measures, if they are necessary to maintain a favourable conservation status of plant and animal species and habitat types.

3/ the indicators that need to be periodically monitored to assess the effectiveness of the measures with regard to maintaining a favourable conservation status of plant and animal species, their habitats and habitat types, with an indication of agents, deadlines and financial sources.

(4) Furthermore, the management programme shall also define:

– the conservation measures and activities necessary to ensure the interconnectedness of the European ecological network, and

– the research activities in the field of basic and applied sciences that are indispensable for an improved knowledge of the ecology of plant and animal species and habitat types.

(5) If the management programme drafting phase reveals that the quantity and diversity of measures within a Natura site are so important that their effective implementation would require preliminary coordination in several fields, the management programme shall contain only a definition of the essential elements and the person responsible for the preparation of a more detailed management programme.

Article 13

(Management programme)

(1) The management programme referred to in Article 12 above represents the operational programme adopted by the Government at the proposal of the Ministry in accordance with the regulations on nature conservation.

(2) As a rule, the management programme shall be adopted for a three-year period; the period can also be longer, whereby the actual conservation status and an assessment of the complexity of the foreseen measures shall be taken into account.

(3) The Ministry shall report on the implementation of the management programme to the Government on an annual basis.

VI

POTENTIAL NATURA SITES

Article 14

(Designation of potential Natura sites)

(1) The definition and the designation of potential Natura sites shall follow the procedure set out in Articles 3, 4 and 5 of this Decree.

(2) The technical criteria for the designation of areas according to specific habitat types and plant or animal species, the conservation of which is in the interest of the European Union, are listed in Annex 1 of this Decree.

(3) Potential Natura sites are designated in Annex 2 chapter 2 of this Decree.

(4) The boundaries of potential Natura sites and their positions on the ground are indicated on a 1:750,000 publication map, in Annex 3 chapter 2 of this Decree.

Article 15

(Handling rules for the conservation of potential Natura sites)

(1) The protection guidelines for the conservation of potential Natura sites are aimed at planning and implementing measures, activities and other human interventions in such areas, with a view to preventing the deterioration of their conservation status.

(2) In interventions and activities in potential Natura sites, planned in accordance with the guidelines from paragraph 1 above, all available technical and other measures should be adopted in order to achieve the smallest possible adverse impact on habitat types, plants and animals and their habitats, in accordance with Article 7 paragraphs 4 and 5 of this Decree.

(3) In potential Natura sites, the acceptability of plans, programmes, and spatial planning and other acts needs to be assessed, as well as the acceptability of any interventions in the natural environment, in a manner stipulated by the regulations on nature conservation.

(4) Notwithstanding the provision in paragraph 3 above, acceptability assessments of interventions in the natural environment shall not be required in cases referred to in Article 8 paragraphs 2, 3 and 4 of this Decree.

(5) Within any potential Natura site, internal areas (zones) may be designated according to the manner and the procedure referred to in Article 9 of this Decree.

(6) In potential Natura sites, monitoring shall be implemented in accordance with Article 10 of this Decree.

(7) With the aim of preventing the deterioration of the conservation status, and in accordance with Article 12 paragraphs 2, 3, 4 and 5 of this Decree, the management programme shall define the measures and activities for potential Natura sites, whereby such measures and nature conservation tasks shall be subordinate to those implemented in Natura sites as regards their financing and timing.

VII

TRANSITIONAL AND FINAL PROVISIONS

Article 16

Until the adoption of spatial planning acts in accordance with the relevant regulations, the settlement zones referred to in Article 8 of this Decree shall comprise the development zones and other settlement areas outside the development zones, as defined in the planning elements of long- and medium-term municipal community social plans that were in force on 1 May 2004.

Article 17

(1) Acceptability assessments of interventions in the natural environment in Natura sites and potential Natura sites designated by this Decree shall not be required in:

- the areas regulated by adopted spatial planning acts, and
- the areas for which a decision has already been adopted on the selection of the most appropriate solution, in accordance with the provisions of Article 45 a and b of the Act on

Urban Planning and Other Forms of Land Use (OG SRS, Nos. 18/84, 37/85 and 29/86, OG RS, Nos. 26/90, 18/93, 47/93, 71/93, 44/97, 9/01 – ZPPreb and 23/02 – Decision of the Constitutional Court) or Article 45 of the Spatial Management Act (OG RS, Nos. 110/02, 8/03 – amended and 58/03 – ZZK-1).

(2) The spatial planning acts and decisions of the Government of the Republic of Slovenia on the selection of the most appropriate solution referred to in paragraph 1 above are listed in Annex 5, which is an integral part of this Decree.

Article 18

This Decree shall enter into force on the day following its publication in the Official Journal of the Republic of Slovenia.

No. 354-25/2003-5

Ljubljana, 29 April 2004

EVA 2002-2511-0054

Government of the Republic of Slovenia

Anton Rop, Prime Minister

Annex 1

Criteria for the designation of Natura 2000 areas and of potential Natura 2000 areas:

A – Criteria for the assessment of areas for habitat types:

- (a) Degree of representation of a habitat type within an area.
- (b) The area of a habitat type within a site in proportion to the total area of the habitat type on the territory of the country .
- (c) Degree of conservation of the structure and the functions of a habitat type, and restoration probability.
- (d) Global assessment of the value of an area in view of habitat type conservation.

B – Criteria for the assessment of areas for specific species:

- (a) Scope and density of the population of a species in an area in proportion to the populations on the entire territory of the country; for bird species also in proportion to the populations on the territory of the entire European Union.
- (b) Degree of conservation of the habitat characteristics important for a species, and restoration probability.
- (c) Degree of isolation of the population in an area in proportion to the natural scope of the species.
- (d) Global assessment of the value of an area in view of species conservation.

/Annex 2, chapter 1, NATURA 2000 areas/

SI5000018, Sečovlje salt pans

Kentish plover (*Charadrius alexandrinus*)
Mediterranean gull (*Larus melanocephalus*)
Black-necked grebe (*Podiceps nigricollis*)
Sandwich tern (*Sterna sandvicensis*)
Common coot (*Fulica atra*)
Little egret (*Egretta garzetta*)
Little tern (*Sterna albifrons*)
Common tern (*Sterna hirundo*)
Black-throated diver (*Gavia arctica*)
Black-winged stilt (*Himantopus himantopus*)
Tawny pipit (*Anthus campestris*)
Yellow-legged gull (*Larus cachinnans*)
Dunlin (*Calidris alpina*)
Ruff (*Philomachus pugnax*)
Great white egret (*Egretta alba*)
Common kingfisher (*Alcedo atthis*)
Eurasian wigeon (*Anas penelope*)

- maintaining the existing size and, at least, the existing ecological characteristics of the salt pans and reeds;
- guaranteeing peaceful environment in the vicinity of nesting areas, with a special focus on sensitive species
- guaranteeing peaceful environment in most important staging posts and wintering areas;

/Annex 2, chapter 2, potential NATURA 2000 areas/

SI3000240, Sečovlje salt pans and the Dragonja estuary

Plant and animal species:

European pond terrapin (*Emys orbicularis*)

South European toothcarp (*Aphanius fasciatus*)

Habitat types:

(1420) Mediterranean and thermo-Atlantic halophilous scrubs (*Sarcocornetea fruticosi*)

(1410) Mediterranean salt meadows (*Juncetalia maritimi*)

(1320) *Spartina* swards (*Spartinion maritimae*)

(1310) *Salicornia* and other annuals colonising mud and sand

(1140) Mudflats and sandflats not covered by seawater at low tide

(1130) Estuaries