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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

32nd meeting
Strasbourg, 27-30 November 2012

Other complaints

**SKI TOURISM DEVELOPMENTS IN STARA PLANINA
CANDIDATE EMERALD SITE IN SERBIA**

REPORT BY THE GOVERNMENT

*Document prepared by
the Ministry of Energy, Development and Environmental Protection, Republic of Serbia*

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Council of Europe
Biological Diversity Unit
F-67075 Strasbourg Cedex
Ivana d' ALESSANDRO
Secretary of the Bern Convention

Subject: Report on ski tourism development in *Stara Planina* candidate Emerald site (RS0000011)

Attn – Case filed with the Council of Europe: Complaint No. 2012/6: Ski tourism development in *Stara Planina* candidate Emerald site (RS0000011)

The Ministry of Energy, Development and Environmental Protection, on behalf of the Republic of Serbia - the official Party to the Convention, received your letter dated 3 July 2012 which informs the Ministry that the Council of Europe received a complaint from 11 (eleven) nongovernmental organizations on the conservation of nature in the Republic of Serbia and possible violations of certain provisions of the Convention with regard to the implementation of development plans in the area of *Stara Planina* and the management of this protected area, particularly in terms of ski tourism development and the adverse effect of the mentioned development on the wildlife and natural habitats.

In accordance with your request for more detailed information in terms of the aforementioned Complaint regarding the state of implementation of development plans and the management of the *Stara Planina* Nature Park, a candidate Emerald site, we inform you that the Ministry has taken all necessary actions in order to review all matters specified in the Complaint and promptly organized a meeting attended by all relevant institutions and organizations, as well as the representatives of the four (out of 11) nongovernmental organizations that filed the Complaint.

The Complaint, as well as other relevant issues referring to the management of *Stara Planina* Nature Park – a candidate Emerald site (RS0000011).

Taking into consideration the fact that the Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats adopted Draft List of Proposed Emerald Candidate Sites (T-PVS/PA (2011) 6), and that this list includes *Stara Planina* region, the Ministry has informed all relevant institutions/organizations on the need for the implementation of the Recommendation No. 157 (2011) of the Standing Committee, on the status of candidate Emerald sites.

Pursuant to your request, the competent institutions and organizations have submitted reports on the implementation of development plans and programs in the area of *Stara Planina*, especially considering the measures to ensure the conservation of the wildlife and natural habitats, which

represent an essential commitment in implementing the Berne Convention, in order to provide detailed information to the Council of Europe with regard to the mentioned Complaint.

With this regard, we would like to indicate the following facts:

1. The provisions of the Berne Convention are fully transposed into the legislation of the Republic of Serbia.
2. In accordance with the Law on Nature Protection ("Official Gazette RS", Nos. 36/2009, 88/2010 and 91/2010 - amendment), Stara Planina Nature Park was established pursuant to the Regulation on the Protection of the Nature Park Stara Planina ("Official Gazette RS", No. 23/2009).
3. The Nature Park Stara Planina is managed by public company "Srbijašume", through its branch office "Nature Park Stara Planina".
4. The Regulation on the Spatial Plan of the Nature Park and the Tourist Region of Stara Planina ("Official Gazette RS" No. 115/08) was adopted pursuant to the Article 19 of the Law on Planning and Construction ("Official Gazette RS", Nos. 47/03 and 34/06).
 - This Spatial Plan prescribes the basis for organization, use, development and protection of the Nature Park and Tourism Region Stara Planina whose territory belongs to the following administrative units: the municipality of Zajecar, the municipality of Knjazevac, the municipality of Pirot and the municipality of Dimitrovgrad.
 - The Ministry approved the Strategic environmental assessment of the Spatial Plan for the Special-Purpose Area of the Nature Park and Tourist Region Stara Planina (Decision No. 353-02-271/08-02 of 02/10/2008).
5. The Law on the Spatial Plan of the Republic of Serbia 2010-2020 ("Official Gazette RS", No. 88/2010), in terms of nature protection and conservation, identifies the priority actions to be implemented by 2014, which includes listing the Nature Park Stara Planina on an international list of environmentally significant areas (Emerald and Natura 2000), as well as a list of Biosphere Reserves.
6. In accordance with the Art. 52-54 of the Law on Nature Protection, public company "Srbijašume" produced the Nature Park Star Planina Management Plan 2010-2019, which was approved by the Ministry.
7. The Regulation on the Protection of the Nature Park Stara Planina determines three categories of protection, i.e., I, II and III degree of protection, as well as prescribes permitted and prohibited activities with reference to all three categories of protection.
8. Ski tourism facilities in Stara Planina region are situated in the zone of the II degree of protection which means that construction of buildings, as well as alpine and cross-country skiing trails and accompanying facilities is allowed.

By examining the relevant documents in great detail, the Ministry concluded that the following approvals were issued referring the Environmental Impact Assessment Study in terms of ski tourism development:

- Approval on the Environmental Impact Assessment Study of the Cableway "KONJARNIK" at Babin Zub - Stara Planina, situated on the cadastral parcel No. 8041/6, cadastral municipality Crni Vrh, Knjaževac, No. 353-02-02005/2006-02 of 23.04.2007.
- Approval on the Environmental Impact Assessment Study of the ski-lift "Suncana Dolina" at Babin Zub - Stara Planina, situated on the cadastral parcel No. 1, cadastral municipality Zaskovci and cadastral parcel No. 341, cadastral municipality Topli Do, Pirot No. 353-02-0200 6/2006-02 of 23.04.2007.
- Approval on the Environmental Impact Assessment Study of the of the construction project of the gondola lift "JABUCKO RAVNISTE" (Lift 3) with accompanying ski trails belonging to the Ski Resort Stara Planina, at cadastral parcel Nos. 4069, 4072/1, 4073/1, 4074, 240/2 and 241, cadastre municipality Čuštica and cadastral parcel No.8867, cadastral municipality Crni

Vrh, which belong to the zone of the II degree of protection and are in the territory of spatial unit "Sv. Nikola - Jabučko ravnište – Srebrna Glava, which is a part of Nature Park Stara Planina, and administratively belongs to the municipality of Knjaževac No. 353-02-02150/2011-02 of 20.12.2011.

- Approval on the Environmental Impact Assessment Study of the of the construction of the 4-seater chairlift "Babin zub" (Lift 8) with the accompanying ski trails belonging to the ski resort Stara Planina, on the cadastre parcels No. 1, 20 and 29, cadastral municipality Zaskovci, Babin Zub - Rektinska gora, belonging to the zone of II degree of protection in the Nature Park Stara Planina No. 353-02-02149/2011-02 of 20.12.2011.
- Decisions on the Approvals of the aforementioned Projects were made in compliance with the Law on Environmental Impact Assessment ("Official Gazette RS", Nos. 135/04 and 36/09), based on the **mandatory** requirements prescribed by the Institute for Nature Conservation of Serbia, specially bearing in mind that the realization of these projects is to be carried out in the protected area - the Nature Park Stara Planina. Furthermore, **the prescribed legal procedures with reference to ensuring participation of the interested authorities/organizations and the interested public** (public notification and public insight, presentation, public hearing and discussion) were organized in compliance with the relevant laws and regulations.

With reference to the Complaint filed by the NGOs, the Institute for Nature Conservation of Serbia particularly underlined the following facts in its report:

- The Institute for Nature Conservation of Serbia prepared the Studies on the Protection of the Nature Park "Stara Planina" as a Natural Resource of Exceptional Importance in 2003 and 2007. These Studies were an expert and scientific basis for the development of the Regulation on the Protection of the Nature Park Stara Planina;
- Due to the presence of certain types of habitats and wildlife species included in the Resolution 6 of the Berne Convention, and which were identified on the basis of field studies and data obtained from relevant literature, the Institute for Nature Conservation of Serbia suggested that Stara Planina be nominated for a candidate Emerald site (RS0000011) in 2006 in line with the Regulation on the Protection of Nature Park Stara Planina from 1997 ("Official Gazette RS", No. 19/1997);
- As far as the processes of making plans, platforms, programmes, projects, works and activities to be conducted in the protected area are concerned, the Institute is in charge of issuing the conditions and nature protection measures in accordance with the relevant laws and regulations, as well as the determined protection categories and thereby prescribes the manner of protection, protection practices to be implemented and determines the necessary degree of protection in terms of use, development and improvement of the protected area (Law on Environmental Protection - "Official Gazette RS", Nos. 66/1991, 83/92, 53/93, Law on Nature Protection - " Official Gazette RS", Nos. 36/2009, 88 / 10 and 91/10-amendment; Regulation on the Protection of Nature Park "Stara Planina" - "Official Gazette RS", No. 23/2009).
- In accordance with the professional activities of the Institute, its Work programme, needs and existing capacities, the monitoring and assessing of the status and the degree vulnerability of the endangered wildlife and their habitats, ecosystems, ecologically important areas and protected areas is performed and evaluated. Certain data on the nature and natural wealth are obtained from the management of the protected areas, different users of the mentioned areas and other interested parties, including data and information provided by different NGOs.
- Thus far, the Institute has never identified any of the allegations of some NGOs about possible threats to some of the listed priority Emerald species and habitat types in Stara Planina, nor any violations of the Berne Convention provisions. It was concluded that it is necessary to further look into the matter of the possible threats to wildlife and species imposed by the activities and works related to the ski tourism development in Stara Planina, especially the issues presented in the Complaint. In this way, the information about the possible threats to

wildlife species and habitats shall be verified by the Institute for Nature Conservation of Serbia and appropriate action shall be taken, where necessary, in accordance with the law.

- It should be also considered that the Regulation on Ecological Network ("Official Gazette", No. 102/2010) prescribes the mapping of habitat types, thorough determination of priority habitats and species, as well as the identification of the boundaries of the ecologically important areas. In the course of this process, the current status of priority species and habitats shall be reviewed, as well as the current boundaries of the protected area in the Nature Park Stara Planina, bearing in mind that the Emerald site covers greater surface area (about 28,000 ha) than the one that is currently under protection.

Based on the careful consideration of the Complaint filed by the NGOs, we deliver more detailed information on the establishment and implementation of the protection and management measures concerning the Nature Park Stara Planina. Pursuant to inspecting of the documentation and based on the data obtained by supervision performed by the Institute for Nature Conservation of Serbia, thus far any possible violation of the provisions of the Berne Convention has not been identified.

Taking into account the concerns of the NGOs for the state of wild flora and fauna, as well as the possible threats in the area of Stara Planina, the Ministry, in cooperation with the relevant institutions and organizations, including the NGOs, shall continue to improve the monitoring system and shall take all necessary measures to protect wildlife and natural habitats from the possible adverse impact of development plans and programmes which have been adopted or are in the process of adoption.

Hoping that we have provided you with sufficient and adequate information on the development of ski tourism in the area of Stara Planina – a candidate Emerald site (RS0000011), we thank you in advance for taking this matter into highest consideration at the upcoming session of the Bureau of the Berne Convention.

Yours sincerely,

MINISTER

Prof. Dr Zorana Mihajlović