

Legal

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Law no. 81/2017 "On Protected Sites"



I. Law no. 81/2017 "On Protected Sites"

On May 4, 2017, the Parliament approved the law no 81/2017 "On Protected Sites" ("Law 81/2017"), which repeals and replaces law no 8906 dated 06.60.2002 "On Protected Sites" as amended. The law has been published with the Official Gazette no. 116, dated 23.05.2017 and entered into force 15 days from the publication date. The Law 81/2017 is partially in compliance with the Directive 92/43/EEC of 21 May 1992 "On the conservation of natural habitats and of wild fauna and flora". The law's scope encompass the designation, protection, administration, management, and sustainable use of the protected sites and of their natural -biological sources, based on the principle of sustainable development, in order to guarantee the completion of the environmental, economic, social and cultural functions, as well as establishes the responsibilities of the public institutions and of natural/legal persons with regards to the protection and sustainable management of the protected sites.

Governing principles

A protected site is defined as "a terrestrial, aquatic, marine or coastal area, geographically defined, well known, having delineated physical borders and managed through instruments of the law or other kind of effective instruments, in order to achieve the long-term protection/conservation of nature, in connection to the ecosystem's services and cultural values." In accordance to the law,

the principles governing the management of the protected sites are the following:

- a. Sustainable development;
- b. Integration of the policies on the protection of the environment with those on economic development;
- c. "The polluter shall pay" principle application;
- d. Prevention and preliminary measures.

The scale of protection and the relevant public institutions

Law 81/2017 expressively establishes 3 scales of protection starting from the strict scale (I) of protection, which seeks the comprehensive protection of biodiversities and conservation of disturbance-free natural areas up to scale (III) of protection, which seeks to harmonize the protection and conservation with the undertaking of socio-economical and touristic activities in favor of the local population and the business community. Scale (II) of protection has as primary function of conservation of the biodiversity and maintenance of a natural area at the minimum level of disturbance from traditional activities and ecotourism. Law 81/2017 regulates the role and functions of the National Agency of Protected Sites (NAPS), regional agencies and other relevant public institutions. NAPS drafts the management plan for each site and is responsible for the administration and control of all the protected sites. The management structure comprises the ministry, the municipalities and the managing committees (committees composed of members from the municipality, the NAPS, relevant public institutions, civil society and landowners situated within the area of the protected site). The relevant ministry, in collaboration with the other ministries, municipalities, the interested persons, civil society and private owners, whose land is situated within the territory of the protected site, approves each management plan.

Economic activities within the protected sites

Law 81/2017 establishes that the activities that can be undertaken within a protected site such as economic activities, social and touristic activities, scientific researches, etc., shall be established by the

management plan. Among the economic activities that can be undertaken conditioned by the prior obtainment of an authorization from the relevant body, are the following:

- a) Monitoring of the state of the environment, the ecosystem, habitats and specimens;
- b) Necessary interventions for the regeneration of ecosystems and silviculture of forests;
- c) Building of structures in service of touristic activities;
- d) Diving and sustainable underwater tourism using ecofriendly methods;
- e) Temporary, seasonal, and ecofriendly touristic constructions;
- f) Any other activity in accordance with the decision of the National Territory Council.

The ministry, NAPS and local governments encourage initiatives, projects and programs, which seek the improvement of the ecological and natural indexes of a protected site.

Concerning the private ownership and management of properties that fall under this law, the private land and private objects are administered and used by the owner/owners or legal possessors, only in accordance to the requirements of the management plan of the site. Private owners, whose property are situated within the protected site, and possessors of those properties participate in the planning, protection and use of the natural resources of the site. They collaborate with the administration of the site and apply the relevant regulations, management plans and programs drafted for its sustainable development.

Other novelties

Keeping in line with the Directive 92/43/EEC, Law 81/2017 regulates the criteria for selecting sites eligible for identification as sites of community importance and designation as special areas of conservation. Two new areas are defined as protected sites, namely the municipal natural park (category IV) which substitute the regional natural parks, and Green Crown (Category V).

The protected sites are registered with the portal and the National Protected Sites Database, which is drafted and managed by the ministry. The register is accessible for the public through the ministry's website.

Additionally, Law 81/2017 envisions the creation of a Special Fund for Protected Sites on behalf of NAPS, which consists of funds, provided by the revenues and contributions of the donors, and is used in the events of emergencies, for the rehabilitation of the consequences of bonfires or floods, natural disasters, infections of the plants or the wild animals, etc.

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