



**Danube Delta Natura 2000 site, Romania:
Inadequate implementation of the EU Nature Directives is resulting in site
deterioration and species disturbance
September 9th 2008**

Summary

- The inadequate implementation of the EU Nature Directives is resulting in damage to protected species and habitats in the Danube Delta Special Protection Area (SPA)/proposed Site of Community Importance (pSCI).
- The Romanian Authorities (Ministry of Environment and Sustainable Development (MESD), Danube Delta Biosphere Reserve Administration (DDBRA), etc.) have not established an appropriate legal framework to ensure that conservation measures are implemented and that the favourable conservation status of the Danube Delta Natura 2000 site is maintained/restored and are not taking appropriate steps to avoid habitat deterioration and species disturbance from unregulated development, hunting, fishing, forestry and tourist activities.
- Many development projects and plans are being proposed in the Danube Delta SPA without proper implementation of the requirements of Article 6(3)(4) of the Habitats Directive during the planning process. Or consideration of the general obligations under the Habitats Directive to take protective measures for pSCIs to avoid damage to these sites before completion of the evaluation/designation process. If these developments proceed, consents are very likely to breach Article 6(3)(4) and the general obligations to protect pSCIs and the resulting damage to the Natura 2000 site could be extremely serious.
- In relation to many activities – unregulated developments, uncontrolled tourism, law enforcement, the key authorities - DDBRA and MESD - are taking a neutral and ambiguous position.
- In order to avoid further damage, we urge the Commission to investigate the situation as a matter of urgency and to take appropriate action to ensure that Romania adequately implements the requirements of the Birds and Habitats Directives including Articles 6(2)-(4) of the Habitats Directive on site protection. For example urgently discussing the need for proper implementation with the Romanian Government and pursuing further infringement actions.

1. Danube Delta Natura 2000 site

In 2007 the Danube Delta was identified as an Important Bird Area (IBA) according to IBA C criteria (EU-level criteria) by the Romanian Ornithological Society (SOR), the BirdLife Partner in Romania. At the end of October 2007, the Romanian Government adopted Government Decision no. 1284/2007 which designates 108 Special Protection Areas (SPAs) for the conservation of wild birds. –The Danube Delta and Razim-Sinoe Lagoon Complex (total surface 512.380 ha) was one of these sites (official identification reference - ROSPA0031). The majority of the area covered by the current SPA designation has also been proposed as a Site of Community Importance (SCI) (ROSCI0065 - total surface 450 540 ha) through Minister Order no. 776/2007.

The Danube Delta is the second largest delta in Europe and the only Delta in the world entirely declared (in 1990) as a Biosphere Reserve in 1990 by UNESCO (MAB). Designated as a Ramsar site in 1990, it is one of the biggest wetlands of international importance in the world, habitat for waterfowl and the biggest area of compact reed beds on the planet. With 30 types of ecosystems and 5,300 flora and fauna species, the Danube Delta is a natural genetic bank with inestimable value for natural heritage (a fact which has been recognized by its inclusion in the World Heritage List under the World Cultural and Natural Heritage Convention).

Razim-Sinoie lagoon complex is the part of the SPA/pSCI and of the Danube Delta Biosphere Reserve (DDBR) and is the largest lagoon area of Romania covering 101,500 ha. This area is isolated from the Black Sea by beach ridges (levees) which divide the former lagoon into a rather heterogeneous lacustrine complex, 85% of which is lakes.

Over 320 bird species have been identified in the SPA/pSCI, 97 of which are listed in Annex I of Birds Directive, 151 under the Bonn Convention on migratory species and 17 are globally threatened species. The Danube Delta Natura 2000 site is important for hundreds of thousands of birds. During the migration period about 130.000 – 250.000 individuals/day can be observed here, especially geese, ducks, gulls and waders.

The Danube Delta is also protected by national legal instruments concerning the biodiversity protection and conservation: Law no. 82/1993 concerning the creation of the DDBR, Government Decision no. 248/1994 which delinates the areas within the DDBR with different functions and the activities which are permitted in these different types of 'functional areas' (the DDBR has 18 strictly protected areas surrounded by buffer zones, the rest of the Biosphere Reserve contain economical areas), and the OUG (Government Urgent Ordinance) 202/2002 concerning the management of the coastal area.

2. Inadequate implementation of the Natura Directives is resulting in damage

SOR/BirdLife are extremely concerned that the Romanian Authorities - Ministry of Environment and Sustainable Development (MESD), National Agency for Environmental Protection (NAEP) and the Danube Delta Biosphere Reserve Administration (DDBRA) which is the Environmental Authority/Administrator for the DDBR – are not properly implementing the site and species protection provisions of the Birds and Habitats Directives. For example, the requirements of Article 6(2) on site deterioration/species disturbance, Articles 6(3)(4) concerning the planning of projects/activities affecting Natura 2000 sites and the general obligation to take protective measures for pSCIs to avoid damage to these sites before completion of the evaluation/designation process.

Inadequately controlled economical development and unregulated tourism, hunting, fishing and forestry activities have already had impacts on habitats and species protected by the Birds and Habitats Directives – eg reducing the areas of habitats and disturbing species populations. For example, priority habitat 2130* Fixed coastal dunes with herbaceous vegetation ("grey dunes"), globally threatened plant species (*Convolvulus persicus*, *Crambe maritime*, *Leymus racemosus* ssp. *Sabulosa*, *Eryngium maritimum*, *Onosoma arenarea*) and Annex I bird species (*Burhinus oedicephalus*, *Charadrius alexandrinus*, *Chlidonias hybridus*, *Sterna nilotica*, *Circus aeruginosus*, *Circus pygargus*, *Glareola pratincola*) have and continue to be effected in the following areas of the Natura 2000 site Chituc (Vadu), Portita, Edighiol, Sf. Gheorghe, and Sulina.

Over the last year, many projects have been proposed in the Danube Delta Natura 2000 site, including in the 'strictly protected' areas of the DDBR. These developments are likely to significantly effect habitats and species for which the Danube Delta has already been designated as an SPA and is proposed as an SCI and affect the integrity of the site as a whole. However, despite many NGOs protests about the potential damage the authorities are continuing to authorize these projects without

proper compliance with Articles 6(3)(4) Habitats Directive or the general obligation to take protective measures for pSCIs to avoid damage to these sites before completion of the evaluation/designation process.

Unless the Romanian Authorities improve the implementation of the provisions of the nature Directives, the further damage which will occur in the Danube Delta Natura 2000 site in the near future will be disastrous. The habitats and species at serious risk include:

- breeding, wintering and migrating bird species for which the site has been designated: e.g. *Branta ruficollis*, *Anser erythropus*, *Burhinus oedicnemus*, *Circus pygargus*, *Circus macrourus*, *Pelecanus crispus*, *Falco cherrug*, *Falco naumanni*, *Sterna nilotica*, *Milvus migrans*, *Bucephala clanga*, *Aythya nyroca*, *Glareola pratincola*, and *Sterna albifrons*
- Habitats Directive priority habitats: eg 6260* Pannonic sand steppes, 7210* Calcareous fens with *Cladium mariscus* and species of the *Caricion davalliana*, 1530* Pannonic salt steppes and salt marches, 2130* Fixed coastal dunes with herbaceous vegetation ("grey dunes"), 62CO* Ponto-Sarmatic steppes, and 40CO* Ponto-Sarmatic deciduous thickets,
- species listed in Annex II Habitats Directive: eg mammals - *Mustela eversmannii*, *Vormela peregusna*, *Spermophilus citellus*, *Lutra lutra*, *Mustela lutreola*; amphibians and reptiles - *Bombina bombina*, *Testudo graeca*, *Emys orbicularis*, *Vipera ursinii*, *Triturus dobrogicus*; fish - *Gobio albipinnatus*, *Aspius aspius*, *Cobitis taenia*, *Zingel zingel*, *Umbra krameri*; and plant species - *Marsilea quadrifolia*, *Aldrovanda vesiculosa*, *Centaurea jankae*, *Centaurea pontica*, *Echium russicum*.

We therefore urge the Commission to investigate the situation as a matter of urgency and to take appropriate action. For example discussing the need for proper implementation with the Romanian Government as a matter of urgency and pursuing further infringement actions.

Further details about the problems with site protection, planning of activities and species protection are set out in sections 3-5 below.

3. Inadequate site protection

To ensure conservation of the Delta's natural value it is essential that land management and development decisions and activities properly integrate biodiversity concerns. To ensure this the Romanian Authorities should be implementing the requirements of the EU Nature Directives, including establishing conservation measures (in accordance with Article 4 of the Birds Directive and Article 6(1) the Habitats Directive) to maintain or restore the site to favourable conservation status eg through a management plan and taking steps to avoid habitat deterioration and species disturbance in accordance with the provisions of Article 6 (2) of the Habitats Directive.

However, unfortunately, to date an appropriate legal framework is not in place to ensure implementation of these requirements in the Danube Delta SPA and as a result the site is being damaged. We therefore urge the European Commission to ensure that these requirements are properly implemented as soon as possible. Further information about some of the key problems relating to site protection is provided below.

- *Delay of agreement and adoption of the Danube Delta law and compliance with EU legislation*

The Romanian authorities intend to adopt a new Danube Delta Law – this will be a key legal instrument to ensure an appropriate legal framework which complies with the Nature Directives. In October 2006 a new draft Danube Delta Law was developed by the MESD in cooperation with DDBRA. SOR contributed to the development of this law by submitting a set of amendments intended to ensure that the law complies with the requirements of the Birds and Habitats Directives and the Romanian law (Government Urgent Ordonnance no 57/2007) concerning the regime for natural protected areas.

The law needs to be approved by the Romanian Parliament. However, before it can be considered by the Parliament the law needs approval from a series of Ministries. Unfortunately, the process of Ministry approval and therefore adoption of a legal framework which complies with EU legislation has been delayed for two years, largely due to political instability. In 2007, the main problem was that the law was stuck in the Ministry of Agriculture for more than 7 months and it has now been stuck in the Ministry of Development, Public Works and Housing for more than 6 months.

As a result of the delay, in May-June 2008 two parliamentarians decided to push the same law, directly to the Senate (Parliament), but without SOR proposed amendments (ie the version of the law as originally drafted by MESD/DDBRA). If this version of the law is approved it will not comply with EU legislation and the Romanian Authorities will breach the provisions of Articles 6 (1)(2) and 11 of the Habitats Directive.

- *Delay of agreement and adoption of the DDBR Management Plan (2007 - 2012)*

The Management plan will be a key tool to ensure the site attains Favourable Conservation Status. The scope and regime of the management plan is stipulated in Annex 1 of Romanian law OUG no. 57/2007. The content of this Annex complies with EU legislation (Art. 6 Habitats Directive).

The preparation/development of the new DDBR management plan started in 2006. SOR had several meetings with the DDBRA where we discussed our views about Danube Delta management plan development, establishment of conservation objective for key species establishment, law enforcement inside the Natura 2000 site, potential projects, partnership with SOR, etc. SOR also prepared a position paper about the need to establish Favourable Reference Values (FRV) and conservation objectives for Danube Delta. This paper was developed taking into account published data, international action plans for priority species, EU legislation and meetings and discussions with specialists from INCDD (the Danube Delta Institute) and SOR.

The first version/draft of the Management plan appeared in October 2007. In November 2007, SOR sent DDBRA a series of proposals for some of the actions of the Management plan to ensure compliance with the Birds and Habitats Directives. In July 2008 the Management Plan was sent to the MESD for approval.

- *Delay of proposed ecological reconstruction threatens the achievement of the Favourable Conservation Status in the Danube Delta*

In 2004 the DDBRA adopted The Danube Ecological Reconstruction Plan. This document has two stages: first step 2005 – 2008 and second 2009 – 2015. According to the Plan the first stage of reconstruction (2005 – 2008) would involve ecological reconstruction of 34.826 ha for the, but to date restoration work has only been carried out on 15.432 ha.

The DDBRA has undertaken many Feasibility Studies for ecological reconstruction for a series of areas of the Delta (the DDBRA activities schedule for 2008 refers to 9 areas for ecological reconstruction and the draft Management Plan to a total of 14 areas). The ecological reconstruction was delayed by Tulcea County Council (TCC) which has an interest in the areas proposed for reconstruction and did not agree to make the land available for proposed reconstruction. This problem was discussed in March 2008 during a working group about the “Ecological Reconstruction in Danube Delta” organized by the “Saving Danube and Delta” Association (particularly in relation to 4 areas - Ceamurlia, Murighiol-Dunavat, Murighiol, and Carasuhat). However, to date the land situation has still not been resolved, although recently TCC have said that it does agree with reconstruction of these areas. Many land holders have declared their intention to develop projects in the proposed reconstruction areas, and if these projects proceed this will certainly affect both the surrounding natural areas and the potential to move towards Favourable Conservation Status in the Danube Delta through the ecological reconstruction process. The MESD has a positive position concerning the reconstruction in the Natura 2000 site/DDBR, but no decision has been taken. The

MESD could adopt a Government Decision in order to speed up the reconstruction process. The MESD provides 100% financing to the TCC because an important part of this county is within the DDBR.

- *Inadequate implementation of the Natura 2000 provisions is leading to developments damaging the Danube Delta SPA/pSCI*

A case which demonstrates that inadequate implementation of the site protection provisions of the Nature Directives is already resulting in damage to the Danube Delta SPA/pSCI is the uncontrolled development on the Sulina beach and its neighboring areas.

Sulina is the Eastern city of Romania and is situated in the southern part of the Danube Delta. In its neighboring areas is a maritime beach (buffer area) and protected area Vatafu-Lungulet which includes Rosu-Puiu lacustrine complex. In 2007 the Romanian National Water Company, Dobrudja-Seaside Water Directorate (RWNC- DSWD) through Deltacons Company started to undertake consolidation works on the embankment canal which protects Sulina city against flooding. According to project this consolidation work needed 10 000 m³ of stone and 20 000 m³ of local material. In implementing this project, the Deltacons Company has already extracted sand from within the SPA/pSCI/DDBR protected area and established a cutting point for the extraction of sand without all the necessary construction and environmental authorizations for such extraction. According to an DDBRA Environmental Guard protocol (written document prepared in April 2008) the Deltacons Company project is having a severe impact on local biodiversity - causing damage to many hectares in the protected area, affecting priority habitats (marine, typical coastal sand dunes), protected plant species (Red List from Romania), protected reptiles and amphibians' species from Annex II of Habitats Directive and 181 breeding bird species, many of them under Annex I of the Birds Directive and Bern Convention.

In 2007, the DDBRA, the environmental authority for the Danube Natura 2000 site/DDBR released the environmental authorization for the consolidation works on the embankment canal without requesting information concerning the materials to be used and without any restrictions ie the . environmental authorization was elaborated for the consolidation works on the canal, but this did not cover organization of the extraction point of the sand from the protected area. The construction authorization was then elaborated by the Tulcea County Council (TCC). According to legislation the Deltacons Company has an obligation to request environmental notice for each step of the project, including the sand excavation. However, this has not happened. For more than a year now the DDBRA has had a neutral/unclear position concerning this damaging project.

Another instance of damage to the DD SPA/pSCI is the construction site within the protected area where a tourist pension "Rustic" and a villa (the latter is not yet finished have/are being built without any construction or environmental authorizations ie in breach of Article 6 (3) of the Habitats Directive and the general obligation to take protective measures for pSCIs to avoid damage to these sites before completion of the evaluation/designation process.

In fact, since 2004, the Sulina Local Authority has started to promote the "Europa" tourist project. According to information about the project prepared by the investor (Dinamic Construct Company) in 2004, the site chosen for construction covered in 40 ha in the protected area. However, the ex-governor of DDBRA was against any construction in the area and did not release the necessary environmental authorization. In December 2004, the ex-Prime Minister made a Decision that the ownership of Sulina beach and other areas (4.700 ha in total) was to pass from the DDBRA's administration into the ownership of the Sulina local authority. In 2008, DDI (Danube Delta Institute) made a cadastral survey. Based on the results of this survey an area of land (including the area proposed for the project) has been returned to DDBRA's ownership and so, this project was stopped for the moment. This project demonstrates the general interest in promoting such tourist projects

within the DDBRA, which may increase greatly if the administration of beaches is passed from DDBRA to the local authorities (see below).

In June 2008 there was a meeting between DDBRA, MESD, Tulcea local Authorities, and TCC (Tulcea County Council) where the possibility of passing the administration of the natural beaches (Sulina, Sf. Gheorghe, Chituc) from DDBRA to the local authorities was discussed again. The NGO coalition thinks that this process is linked with the planned development of many tourist projects in the beach areas.

▪ *Problems of the lack of capacity for law enforcement Danube Delta*

To ensure good protection in the DDBR the DDBRA has a Guard and Control Department. Nevertheless, adequate law enforcement in the Danube Delta SPA/pSCI/DDBR has been and continues to be a problem. For example, in March 2008 during a working group about the "Ecological Reconstruction in Danube Delta" organized by the "Saving Danube and Delta" Association, the Governor of the DDBR mentioned that the main problem is the lack of the/insufficient guarding staff (wardens).

The main consequences caused by the insufficient and inadequate law enforcement/control and guard in the SPA/DDBR are:

- uncontrolled hunting including in the strictly the protected area;
- uncontrolled tourism which is especially affecting the natural protected beaches;
- illegal fishing including and protected area and species;
- auto, ATV and bicycle races on the beaches (especially on the Chituc, Sulina and Sf. Gheorghe beaches);
- Implementation of construction and investment projects without authorization ; and
- Uncontrolled forestry practice and wood exploitation in the protected area.

4. Inadequate planning procedures for activities in Danube Delta Natura 2000 site – potential breaches of Article 6 (3) and (4) of the Habitats Directive

In addition to the damage that is already being caused to the SPA/pSCI/DDBR by the unregulated development/activities discussed above, it appears that projects are currently being planned in the site without proper implementation of the requirements of Articles 6(3)(4) Habitats Directive or the general obligation to take protective measures for pSCIs to avoid damage to these sites before completion of the evaluation/designation process.

The details of two key projects ('Protection and consolidation works at the seaside of the North-Midia sector, stage I' project and the Corbu-Vadu tourist development project) are provided below, but the problem is much more widespread.

▪ *Proposed "Protection and consolidation works at the seaside of the North-Midia sector" project*

The Romanian Water National Company, Dobrudjia-Seaside Water Directorate (RWNC- DSWD) plans to execute some consolidation works at the seaside in the North-Midia sector. This area includes the Chituc Levee and the seaside cordon from Periboina to Chituc levee. The Chituc Levee is situated in the south-eastern part of the Danube Delta and separates the Razelm-Sinoe lagoonal Complex from the Black Sea. The implementation of the project includes the consolidation/repairing of the border of the Sinoe Lake from Gura Portita to Edighiol (Chituc levee) and *consolidation works on the access road* to the projected area. This road goes through the Chituc Levee protected area Chituc Levee of the SPA/DDBR (buffer and strictly protected area).

The developer has not yet obtained the Environmental authorization for the project. After the public debate on the Environmental Impact Assessment study for the project, the NGOs sent a request to the relevant authorities (MESD, DDBRA, and RWNC - DSWD) to stop any works which can be a threat to the biodiversity of the area. The EIA procedure for the project does not comply with all the requirements of Article 6(3) Habitats Directive (as implemented into Romanian law by article 28 - OUG 57/2007, article 2(1), (2) of the HG. no. 1284/2007, and article 4 of the HG no. 2964/2007) concerning the appropriate assessment of plans and projects. The EIA study was done in non-professional way, offers summary data, and many aspects aren't taken into account:

- References to relevant legal instruments concerning biodiversity protection and conservation in DDBR are not complete;
- The descriptive information about the habitats, vegetations and animals, vegetal associations etc. are missing or incomplete or incorrect;
- The potential impacts of the work on biodiversity is insufficient analyzed or missing; impacts on invertebrates, fishes, reptiles, birds, habitats etc are not mentioned.
- The SPA and pSCI status ((H.G. 1284/2007, O.M. 776/2007)) of the Chituc Levee is not mentioned;
- The impact of works are permanent, not temporary as it is mentioned in the study; for example the traffic development will affect the reptile species through fragmentation of their habitats, increased mortality and changes to their populations pattern which may led to the disappearance of these species;
- the major importance of this area for biodiversity according with many international legal instruments (eg Bern, Bonn, CITES Conventions, Birds and Habitats Directives);

The EIA Study does not take into account the costs of restoration of affected biodiversity components and the destruction of the access road on the Chituc Levee after the works are finished – issues which should be considered because the area is protected (it has a strictly protected area and buffer area).

In summary, the EIA study/report concludes that the consolidation works will not have a significant effect on the biodiversity of the area, but we consider that the scientific data from the EIA study are not sufficient and that it has not been demonstrated that the project will not adversely affect the integrity of the site.

According to Romanian legislation, project consent involves obtaining a construction license and environmental accord/authorization. The environmental authorization is granted/or refused by DDBRA. The investor applied for the Environmental Authorization in January 2008. After the public debate of the EIA study on 26 February 2008, DDBRA requested some changes in the EIA study.

According to HG 248/1994 (article 28, 33, 35) in the functional areas (strictly protected, buffer and economical areas) of the DDBRA activities are allowed provided that DDBRA authorization is granted. *In strictly protected areas* activities like research, maintenance and conservation, control and guard activities by the DDBRA wardens are allowed; *in buffer areas* industrial fishing with traditional technologies and means, grassing, eco-tourism, scientific research on the deltaic phenomenon, and shooting are allowed. Therefore, the planned consolidation works on the road from the Chituc Levee appear to conflict with the categories of permitted activities specified in the legislation.

Coalition for Chituc Levee

The Chituc Levee includes typical coastal sand dunes (priority habitat) and lakes. The Edighiol Lake is situated in the north part of the levee, and is a lake with a reduced circulation of water, partially covered with floating aquatic vegetation. In the southern part on the Edighiol Lake are grasslands with salt vegetation. On the Chituc levee approximately 300 species of plants, typical for the marine areas and coastal sand dunes have been identified. For example, the following species from the Red List of the Plants of Romania : Sea Holly - *Eryngium maritimum* (R), Elegant Laxflowered Orchid - *Orchis laxiflora ssp elegans* (R), Sea Kale - *Crambe maritima* (VU /R), *Astrodaucus littoralis* (R),

Salicornia prostrata (R). Animals species identified in the area include 30 species of mollusks, 6 species of amphibians (all protected) and 296 species of birds - approximately 1/3 part of the Romanian avifauna (DDI, SOR, MILVUS Association data). This area is important for many species of birds, especially for wintering and migrating populations = 130.000 – 250.000 individuals/day, especially geese, ducks and limicolous birds can be observed here. A series of bird species rare in Romania have also been observed here (Collared Pratincole *Glareola pratincola*, White-tailed Lapwing *Vanellus leucurus*, globally threatened Sledler-billed Curlew *Numenius tenuirostris* etc.), some of them avowed Natural Monuments in Romania (Common Shelduck *Tadorna tadorna*, Ruddy Shelduck *Tadorna ferruginea*, White Pelican *Pelecanus onocrotalus*, Dalmatian Pelican *Pelecanus crispus*, Spoonbill *Platalea leucorodia*, Black-winged Stilt *Himantopus himantopus*, etc.).

Because the Chituc levee area has great importance for Romanian and European nature conservation the RWNC- DSWD project has provoked unanimous opposition from Romanian environmental NGOs. Starting in March 2008, seven Romanian NGOs have been raising concerns/protesting about this project through a petition, protest letter, official paper position and press campaign. The overall objective of the campaign is to prevent destruction of the area by the planned projects.

Financing of the project

According to an interview given by the RWNC- DSWD director to national television (TVR 1) this project is to be financed by funds from MESD.

- *Foreseeable tourist development project in Corbu-Vadu area*

The site of the Corbu-Vadu Development is situated a short distance north of Constanța City (the capital of Constanța County) close to Chituc Levee protected area and partly in the SPA/pSCI/DDBR. The Vadu locality is part of the economic area of the Chituc protected area. The Corbu-Vadu Development proposed site is approximately 1200 hectares along a coastline of 11.5 kilometers of sandy beaches. Two branches of the Danube delta water system cross the site and will be dredged to allow boating both to the delta and to the sea. Nature both at sea and on land is currently of pristine condition, as they have not been accessible to the public until recently.

Some investors (including Corbu local authorities and probably Constanta County Council) plan to transform the Corbu-Vadu area into a large-scale tourist area. A preliminary summary of the plan for the development was published in 2007. This envisages a tourist complex with 10.000 permanent residents. This project will need an Environmental authorization from DDBRA.

According to Corbu-Vadu project master plan (zonal city planning) (www.plajacorbu.ro) the proposed tourist complex will include hotels, casinos, congress hotels, a Sport Hotel, Golf Hotel, Beach Villas, Luxury River Villas, Park Villas, Canal Residences, Equestrian Club, waterways. A network of navigable canals between the Midia Cape and Sinoe Lake (Chituc levee is between Black Sea and Sinoe Lake) will also be created. The proposed activities and the tourist development will certainly affect the Chituc Levee area.

Planning process for the project

To date, there has not been an official announcement of the beginning of this project. However, in order to facilitate future development the Corbu area has been included into the Constanta metropolitan area. The Metropolitan area includes 14 localities with 500.000 residents. We understand that the next step will be adoption of a common decision at the Metropolitan level to allocate particular areas just for economical development. This decision will include specification of the type of activities possible and arrangements for investors. A plan for economical development for the Metropolitan area will also be elaborated. The establishment of the Metropolitan area will create the possibility for implementation of regional and zonal big projects.

Financing for the project

The major of the Corbu locality says that they intend to use funds from the European Union to implement the project.

5. Inadequate species protection - breach of Article 5 Birds Directive and Article 12 Habitats Directive

As well as effecting the Natura 2000 site as a whole, all the activities described above are already and will continue to have a negative impact on the individual species - many bird species listed in Annex I of the Birds Directive and other species of animal and plant listed in Annex 4 (a) of the Habitats Directive.

The main activities which are having a negative influence are: uncontrolled tourism, especially in the beaches areas, uncontrolled hunting and fishing including in the strictly protected area, auto, ATV and bicycle races on the beaches (especially on the Chituc, Sulina and Sf. Gheorghe beaches) construction (like the Sulina case) and investment activities being implemented without authorization.

In summary, these activities are a particular concern for the following species:

- From Annex VI (a) of the Habitats Directive: *Lutra lutra*, *Mustela lutreola*, *Testudo greaca*, *Emys orbicularis*, *Osmoderma eremite*, *Lycaena dispar*, *Ophiogomphus cecelia*
- The bird species which are/will be essentially affected: *Burhinus oedicephalus*, *Charadrius alexandrinus*, *Chlidonias hybridus*, *Sterna nilotica*, *Circus aeruginosus*, *Circus pygargus*, *Glareola pratincola*.

Many of these activities are the consequence of insufficient and inadequate control and guard, lack of wardens and a neutral position of DDBR and other authorities. SOR has discussed these problems many times with MESD and other relevant authorities, but to date no decision have been taken to take measures to prevent loss/disturbance of protected species.

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