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INTERNATIONAL LEGAL PROTECTION OF BIODIVERSITY IN THE LIGHT OF THE EUROPEAN INTEGRATION AND SOUTHEAST EUROPE

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Abstract: The introductory part of the paper focuses on the importance of biodiversity. This is followed by referencing the most important international agreements in the field of biodiversity protection. The paper gives an overview of the membership status of the Southeast European (SEE) countries in the international agreements in the field of biodiversity: both EU Member States (Greece, Romania, Bulgaria, Croatia), and those in the process of joining the EU (Serbia, Montenegro, Bosnia and Herzegovina, Macedonia, Albania and Turkey). It also provides a basic overview of the Birds Directive and the Habitats Directive. The author points to the issue of the relevance of transitional measures (deadlines) for the implementation of regulations in the field of nature protection (agreed by the countries that have become EU members in the last three rounds of the enlargement). The importance and types of protected areas in the EU and non-EU countries are emphasised. The final part of the paper discusses the issue of the similarities and differences between the countries from the region of SEE in the process of joining the EU, in terms of assessment of the achieved level of harmonization of national legislation with the EU legislation. The paper considers the thesis that in terms of membership in international agreements there are no significant differences between SEE countries that are in the process of joining the EU and EU Member States. However, in regards to the protected areas, there are differences. The relevance and the nature of the differences between the countries which are not members of

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the EU in terms of the dynamics and level of harmonization of national regulations with the EU should be researched.

Key words: biodiversity, nature protection, environment, habitats, international treaties, the European Union, Southeast Europe, European integration.

1. INTRODUCTION

The literature dealing with the protection of nature and biodiversity is abundant in elaborating the reasons to justify the measures taken in this field (UNEP, 2012, p. 136-166; Gillespie, 2007, p. 47-96; Laurila-Pant, 2015; Sandifer, Sutton-Grier, Ward, 2015; Swanson, 1997; Mackenize, R, *et al*, 2001). These mainly relate to the question of the significance of biodiversity for human life (Rannow, Neubert, 2014, p. 4; EC, 2011, p. 2; Kate, 1999). If we are to try to group the reasons why biodiversity is considered important, we could talk about few of them: global, scientific, economic, ethical, aesthetic, etc. Stevanović, Vasić cited as one of the special biodiversity values the fact that biodiversity represents a national cultural heritage (Stevanović, Vasić, 1995, p. 8). Apart from nature's inherent usefulness to humankind, many would argue that every life form has an intrinsic right to exist, and deserves protection (SCBD, 2006, p. 2). The growing importance of the biodiversity is associated with a change in the attitudes towards the environment in general. Based on the limited evidence available, public awareness of biodiversity and its importance appears to be increasing in both the developed and developing world, although it remains at a low level in some countries (SCBD, 2014, p. 12). However, while there is wide support for the objective to conserve biodiversity operationalisation into implementing measures is complicated (Englund, Berndes, 2015, p. 27). The current assessment of the state of the biodiversity provides little evidence for improvements (UNEP, 2012, p. 135). It is estimated that the trends regarding the current state of biodiversity on the Earth are worrisome. "The state of global biodiversity is continuing to decline, with substantial and ongoing losses of populations, species and habitats. For instance, vertebrate populations have declined on average by 30 per cent since 1970, and up to two-thirds of species in some taxa are now threatened with extinction. Declines are most rapid in the tropics, in freshwater habitats for marine species and utilized by humans." (UNEP, 2012, p. 134; Radeloff, *et.al*, 2013). Regional differences in terms of biodiversity and the specifics of the policies in this area can be perceived in different ways. If we take for the basis the assessment in achieving Aichi targets defined in the Strategic Plan for Biodiversity 2011-2020, the regional differences are observed in the relation between several objectives, namely: objectives 1, 2, 5, 6, 8, and 12 (SCBD, 2014, p. 18-22).

South East Europe is characterized by, among the other things, the wealth of biodiversity. At the same time, all the countries of the region, which are not already members of the EU, are at different stages of the process of the European integration

(UNDP, 2007, pp. 11-56; 119-126). All have the similar problems in this area (EEA, 2007; Appleton, 2015). This implies stronger implementation of measures to protect biodiversity and strengthen international cooperation. "The transboundary biodiversity conservation literature highlights the benefits and challenges of transboundary collaboration" (Lim, 2014, p. 97; See also Turnock, 2001). This paper analyzes the preconditions for the implementation of measures to protect biodiversity in the countries of South East Europe on the basis of the following criteria: 1) the memberships in international treaties, 2) the establishment and types of the protected areas, and 3) the harmonization of national legislation with EU legislation.

2. INTERNATIONAL LEGAL PROTECTION OF BIODIVERSITY

To define the basic framework of the thesis it seems that three terms from the Convention on Biological Diversity (1992) (CBD) are of immediate significance. The width of the possible discussions on the policy and environmental law, i.e. international legal aspects of environmental protection and biodiversity, are defined, among other things, by the meaning of the key terms. Among them, the special importance have the concepts such as "biodiversity", "biological resources", "biotechnology", and so on². Due to the extent of what they cover, it seems extremely difficult to determine the precise boundaries of the subject of regulation of certain international treaties, as well as the character of the connection between them and the international treaties that regulate other issues in the environmental law. However, at the present level of the development of the international law, it can be talked about several key international treaties with a global character that regulate certain aspects of the use and the protection of the biodiversity. (Todić, 2005). Although it is possible to apply a different methodology for the classification, the widest significance has the CBD with the Protocol on Biosafety (2000), and Nagoya Protocol (2010). The Convention establishes three main goals (conservation of biodiversity, sustainable use of the components of biodiversity and the distribution of the benefits arising from the commercial and other utilization of the genetic resources in a fair and equal manner) as well as the appropriate instrument for the achievement of the defined objectives.

² The term "biological diversity" means "the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems". "Biological resources" include genetic resources, organisms or parts thereof, populations or any other biotic components of ecosystems with actual or potential, purpose or best benefit for mankind. "Biotechnology" means any technological application that uses biological systems, living organisms, or its derivatives thereof in order to create or modify products or processes for specific purposes. Regarding this, there should be borne in mind that the Cartagena Protocol defines, among other things, the terms "modern biotechnology", "living organisms" and "living modified organisms" (Article 3).

At the same time, there should be taken into account that the objectives of the international community on the global level are defined by the provisions of several strategic documents. There have been identified eighteen targets relating to biodiversity, both within the framework of the Millennium Development Goals (7), within the five strategic goals and 20 Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020. They are grouped in themes and priorities, taking into account the links between them and the key issues in the field of biodiversity (UNEP, 2012, pp. 136-138).

Among the other global international treaties that for the main object of regulation have conservation of species and ecosystems, there should be mentioned several of them. These are: the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (1971), the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973), the Convention on the Conservation of Migratory Species of Wild Animals (1979), the International Tropical Timber Agreement (1983, 1994), legally non-binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all the types of the forests (1992), the World Soil Charter (1981), The United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994).³

2.1. Membership in the international treaties

Membership of the SEE countries⁴ in international treaties in the field of biodiversity is considered in the context of EU membership in these international treaties, as well as regarding the fact that all the countries in the region are in some stage of the accession process to the EU. It is taken into account the condition of the membership in the key international treaties and for two different categories of countries (countries that are in the process of the European integration on the road to membership in this organization, states that are already members of the organization).

Shown below tables indicate that there is a high level of congruence in membership in certain international treaties of the universal character (Table 1). In the case of regional and sub-regional international treaties, membership status (Table 2, and 3) is adjusted to the specific regional characteristics, where the share of the EU as an organization is to a certain extent reduced.

³ More broadly speaking, for the area of biodiversity and genetic resources, of some importance have or may have some international agreements whose main subject of regulation are other issues related to the environment, such as the sea, waste, various pollutants, etc. It should also be borne in mind that in the field of biodiversity the relevant international regional law is developed as well - European, American, Asian, and Africa.

⁴ The term Southeast Europe can have different meanings. However, this issue is not discussed here.

Table 1: Status of SEE countries and the EU in the most important universal international treaties in the field of biodiversity

GLOBAL MEAS	Non EU Member State						EU and EU Member States				
	RS	Al	Ba	Me	Mk	Tr	Hr	Ro	Bu	Gr	EU
CBD	+	+	+	+	+	+	+	+	+	+	+
- Cartagena Protocol	+	+	+	+	+	+	+	+	+	+	+
- Nagoya Protocol	-	+	-	-	-	-	+	-	-	-	+
Convention on the Conservation of Migratory Species of Wild Animals	+	+	-	+	+	-	+	+	+	+	+
CITES	+	+	+	+	+	+	+	+	+	+	-
RAMSAR	+	+	+	+	+	+	+	+	+	+	-
World Cultural and Natural Heritage	+	+	+	+	+	+	+	+	+	+	-

Source: Websites of the relevant international treaties.

Legend: RS - Serbia; Al - Albania; Ba - Bosnia and Herzegovina; Me - Montenegro; Mk - Macedonia; Tr - Turkey; Hr - Croatia; Ro - Romania; Bu - Bulgaria; Gr - Greece; EU - European Union. CBD – Convention on Biological Diversity; CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora; RAMSAR – Convention on Wetlands of International Importance, especially as Waterfowl Habitat.

Table 2: Status of SEE countries and the EU in the most important universal MEAs relevant for biodiversity

GLOBAL MEAS	Non EU Member State						EU and EU Member States				
	RS	Al	Ba	Me	Mk	Tr	Hr	Ro	Bu	Gr	EU
UNCCD	+	+	+	+	+	+	+	+	+	+	+
UNFCCC	+	+	+	+	+	+	+	+	+	+	+
KP	+	+	+	+	+	+	+	+	+	+	+
Rotterdam Convention	+	-	+	+		-	+	+	+	+	+
POPs	+	+	+	+	+	+	+	+	+	+	+
Minamata Convention	-	-	-	-	-	-	-	-	-	-	-

Source: https://treaties.un.org/pages/Treaties.aspx?id=27&subid=A&clang=_en (16.7.2016)

Legend: MEAS – Multilateral Environmental Agreements; UNCCD – United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa; UNFCCC – United Nations Convention on Climate Change; KP - Kyoto Protocol to the United Nations Framework Convention on Climate Change; POPs - Stockholm Convention on Persistent Organic Pollutants; Rotterdam Convention - Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; Minamata Convention - Minamata Convention on Mercury

Table3: Status of SEE countries and the EU in MEAs concluded
in the framework of Council of Europe

REGIONAL – COUNCIL OF EUROPE	Non EU Members						EU and EU Member States				
	RS	Al	Ba	Me	Mk	Tu	Hr	Ro	Bu	Gr	EU
Convention on the protection of the wild flora and fauna	+	+	+	+	+	+	+	+	+	+	+
Landscape Convention	+	-	+	+	+	+	+	+	+	+	-
Convention on human rights and biomedicine	+	+	+	+	+	+	+	+	+	+	-
Convention on the protection of the pet animals	+	-	-	-	-	+	-	+	+	+	-
Convention on the protection of vertebrates intended for experimental and other scientific purposes	+	-	-	-	+	+	-	+	+	+	+
Convention on the protection of the archaeological heritage	+	+	+	-	+	+	+	+	+	+	-
Convention on the protection of animals during international transport	-	-	-	-	-	+	-	+	+	+	-
Convention for the protection of animals for slaughter	+	-	+	+	+	-	+	-	+	+	-
Convention on the protection of animals bred on farms	+	-	+	+	+	-	+	-	+	+	+

The source: <http://www.conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG> (10.6.2014).

Table 4. Status of countries in SEE and the EU in UNECE and other MEAs

	Non EU Members						EU and EU Member States				
	RS	Al	Ba	Me	Mk	Tu	Hr	Ro	Bu	Gr	EU
UNECE Conventions											
UNECE Water Convention	+	+	+	+	+	-	+	+	+	+	+
Protocol on Water and Health	+	+	+	-	-	-	+	+	-	-	-
Industrial Accident Convention	+	+	+	+	+	-	+	+	+	+	+
Air pollution Convention	+	+	+	+	+	+	+	+	+	+	+
Public Participation Convention	+	+	+	+	+	-	+	+	+	+	+
Environmental Impact Assessment Convention	+	+	+	+	+	-	+	+	+	+	+
Danube River Protection Convention	+	-	+	+	-	-	+	+	+	-	+

The source: <http://www.unece.org/env/treaties/welcome.html> (10.6.2014).

3. SECONDARY EU LEGISLATION IN THE FIELD OF THE BIODIVERSITY

The elaboration of the EU policies objectives and instruments relevant to the protection of the biodiversity has been done through the adoption of several secondary legislations, although in this regard, there should also be taken into account the broader list of regulations in other areas of significance for the protection of the biodiversity. The Birds and the Habitats Directives are the main legislative instruments for ensuring conservation and the sustainable use of nature in the EU, particularly through the Natura 2000 network of areas of high biodiversity value (Evans, Demeter, Gajdos, Lubos, 2013).⁵ The directives are key elements of the EU Biodiversity Strategy. These are also central to delivering EU global commitments under the Convention on Biological Diversity, concluded in Nagoya in October 2010. (EC, 2015a, p. 2)

a) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora aims to maintain biodiversity through the conservation of natural habitats and wild fauna and flora in the territory of the

⁵ Besides the Council Directive 1999/22/EC relating to the keeping of wild animals in zoos, Council Regulation (EC) on the protection of species of wild fauna and flora by regulating their trade, ie Commission Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97.

Member States of the EU, improving the maintenance of the biodiversity in the Member States through defining common framework for the conservation of wild fauna and flora as well as habitats of interest to the EU. This is the reason for establishing European ecological network known as “Natura 2000”, which includes “special areas of conservation” designated by the Member States in accordance with the provisions of this Directive, i.e. in accordance with the provisions of the Directive 79/409/CE concerning the conservation of the wild birds.⁶

b) Council Directive 2009/149/EC on the conservation of wild birds seeks to ensure the protection of all species of birds living in the wild within the European territory of the Member States, including also the eggs of these birds, their nests and habitats as well as their exploitation. The Member States are required to take the necessary measures to maintain the population of the species at a level which corresponds to ecological, scientific and cultural requirements, while taking into account economic and recreational purposes, or in order to adapt the population of these species to that level. This means that Member States have an obligation to take measures in order to preserve, maintain and restore biodiversity and habitat for all species of birds referred to in Article 1, including the establishment of protected areas, management in accordance with the ecological needs of habitats inside and outside the protected zone, recovery of the destroyed biotopes and creation of the biotopes. Special measures for the protection of the certain bird species are defined in Annex 1 to this Directive, including migratory species. Special attention is paid to the protection of wetlands and protected areas, which together with special areas for conservation in accordance with the “Habitat” Directive 92/43/EEC make the “Natura 2000” - a European ecological network of protected areas.⁷

⁶ The directive defines the term ‘conservation status’ according to several parameters: range, population, habitat area, suitable habitat for species, structure and functions of habitats, and future prospects. Together with five associated annexes, this directive specifies certain issues relevant to clearly fulfilling the basic obligations. That is how Annex 1. determines the types of natural habitats of the Community interest whose conservation requires the designation of special areas of conservation; Annex 2 determines the animal and plant species of the Community interest whose conservation requires the designation of special areas of conservation; Annex 3 defines the criteria for selecting sites eligible for identification as sites of importance for the Community and the determination of special areas of conservation; Annex 4 contains a list of animal and plant species of the Community interest, which require particularly strict protection; Annex 5. determines the animal and plant species of Community interest whose taking in the wild and exploitation may be subject to management measures; Annex 6 lists the prohibited methods and means of capturing or killing certain animal and plant species and modes of transport.

⁷ The Directive establishes a general scheme for the protection of all the species of birds which includes the prohibition of intentional killing or capture by any method of all species of birds covered by the Directive; then, the prohibition of destruction, damage, collection or movement of their nests or eggs; intentional harassment; retention, and so on. It also prohibits the sale, transport for sale, keeping for sale, offering for sale of live or dead birds or any part of a bird or

3.1. Transitional measures (periods) in accession treaties and biodiversity

The analysis of the accession treaties concluded by the States which have become EU Member States (<http://eur-lex.europa.eu/collection/eu-law/treaties-accession.html>, 16.7.2016) in the last three rounds of the enlargement cycles shows, among other things, that all these countries agreed on transitional periods in the environmental field (Todić, D., Grbić, V., Antevski M., 2014, pp. 179-195). As it can be seen from the Table 5, there are significant differences in the number of EU regulations on which some Member States have agreed transitional periods. Only Directive 91/271/EEC relating to the treatment of urban waste water was unanimously agreed on transitional periods among all the 13 countries. The second regulation per number of the Member States that have recognized the transitional deadline is Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants. Third place goes to Regulation 94/62/EC on packaging and packaging waste. On the other hand, when it comes to the individual Member States, it is clearly visible that Romania and Bulgaria have the highest number of individual regulations to which they have agreed transitional periods (both of them with 11 regulations).

The transitional periods for legislation on nature protection were not contracted, except in the case of Malta Directive 79/409, predecessor of Directive 2009/147/EC. For Directive 79/409/EEC, Malta has agreed a transitional period of four years and eight months. This is, under defined conditions, relating to the application of Article 5 (a), 5 (e), 8 (1) and Annex IV (a). However, it should be borne in mind that, in the broader sense, for the field of biodiversity there could be relevant transitional periods agreed upon in some other areas (water, waste, air pollution, industry, etc.).

Table 5. The regulations in the field of environment
for which there have been contracted transitional periods

	Cy	Si	Mt	Cz	Sk	Hu	Ee	Pl	Ln	Lt	Ro	Bu	Hr	To
I Nature														
Dir. 79/409			+											1
II Air pollution														
Dir. 94/63			+		+		+	+	+	+	+	+		8
Dir. 1999/32	+							+				+		3

any bird's product, etc. Member States have an obligation to promote research in order to improve the management, conservation and wise exploitation of certain species of wild birds in accordance with the provisions of Article 10 and Annex V.

	Cy	Si	Mt	Cz	Sk	Hu	Ee	Pl	Ln	Lt	Ro	Bu	Hr	To
III Waste														
Dir. 94/62	+	+	+	+	+	+		+	+	+		+		10
Dir. 1999/31							+	+		+	+	+	+	6
Reg. 259/93			+		+	+						+		4
Dir. 75/442							+					+		2
Dir. 2002/96											+	+		2
Dir. 91/689							+							1
IV Water														
Dir. 91/271	+	+	+	+	+	+	+	+	+	+	+	+	+	13
Dir. 98/83/EC						+	+			+	+		+	5
Dir. 86/280			+		+						+			3
Dir. 83/513			+								+			2
Dir. 84/491											+			1
Dir. 82/176								+						1
Dir. 84/156					+									1
V Industry														
Dir. 2001/80	+		+	+	+	+	+	+	+		+	+	+	11
Dir. 96/61		+								+	+	+		4
Dir. 94/67					+	+								2
Dir. 2000/76											+			1
Dir. 87/217										+				1
Dir. 1999/13													+	1
Dir. 2008/1													+	1
VI Chemicals														
Reg. 907/2006													+	1
VII Nuclear energy														
Dir. 97/43/Eur								+						1
VIII Horizontal legislation														
Dir. 2003/87													+	1
Reg. 920/2010													+	1
To	4	3	8	3	8	6	7	8	4	7	11	11	9	

Abbreviations: Cy-Cyprus; Si-Slovenia; Hr-Croatia; Mt-Malta; Cz-Czech; Sk-Slovakia; Hu-Hungary; Ee-Estonia; Ro-Romania, Po-Poland; Ln-Lithuania; Lt-Latvia; Bu-Bulgaria; To-Total.

3.2. Protected areas

Protected areas are seen by many as the core means of preventing ongoing losses of species and habitats (UNEP, 2012, 152; Borgström, 2015, 72-75). They are essential for the conservation of species and ecosystems, but also are crucial in

providing benefits for the people. The importance of protected areas was recognized by national governments in Article 8 of the CBD and through the Programme of Work on Protected Areas (adopted 2004). Protected areas also make important contributions to many of the other Aichi Biodiversity Targets adopted in 2010 in Nagoya (Japan) at the 10th Conference of the Parties to the CBD. (UNEP – WCMC, 2014, p. 2).

Many international treaties concerning the conservation of biodiversity call for the establishment and effective management of protected areas (Gillespie, 2007, pp. 9-25). The Strategic Plan for Biodiversity 2011-2020 adopted at the 10th meeting of the Conference of the Parties to the CBD established the Aichi Biodiversity Targets. “By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area based conservation measures, and integrated into the wider landscapes and seascapes.” (Target 11) (<https://www.cbd.int/sp/targets/205.2016>).

About 1 121 500 km² or 25, 6 % of the EU 28 terrestrial land are protected under Natura 2000 or national designations or some combination of the two. Protected areas more generally (including nationally and locally designated sites) now cover 21, 8 % [1] of the land territory of the European Environment Agency’s member countries and collaborating countries, in total 39 countries (<http://www.eea.europa.eu/themes/biodiversity/protected-areas/facts-and-figures/number-and-size-of-protected-areas-1>, 20.5.2016). As of December 2013, ten Member States had designated more than 20% of their territory as Natura 2000 sites: Slovenia (37.9%); Croatia (36.5%); Bulgaria (34.3%); Slovakia (29.6%); Cyprus (28.4%); Spain (27.2%); Greece (27.1%); Romania (22.6%); Hungary (21.4%); and Portugal (20.6%) (EC, 2014). The Member States are requested to undertake surveillance of the 233 habitats and more than 1 250 species and subspecies considered to be of Community interest, and listed in Annexes I, II, IV and V. Moreover, Article 17 of the Habitats Directive and Article 12 of the Birds Directive call for the Member States to regularly prepare and submit national reports on progress made in implementing the directives, and for the European Commission to produce composite reports based on these national reports (EEA, 2015b, p. 10).

Tables 6 and 7 show several things: there are certain differences in the methodology of the categorization of protected areas; protected areas in the framework of international agreements are clearly separated into separate categories; there is significant difference in the number and total area of protected areas, as well as the percentage of protected territory in relation to the total area of the individual countries among the countries which are not EU members and those that are members, etc.

Table 6: Protected areas in non EU Members

	RS	Al	Ba	Me	Mk	Tu
Protected Areas Value (Km ²)	5,980	765	656	573	2469	2067
Land Area Protected (%)	7%	2%	1%	4%	10%	1%
Marine Area Protected (%)	0%	2%	7%	0	0	
Protected Areas	176	59	35	8	78	349
IUCN Category	50	46	7	4	18	14
World Heritage Site				1	1	2
RAMSAR Site	10	4	3	1	2	135
Wildlife Conservation Areas						80
National Parks	4		2	3	2	40
UNESCO-MAB Biosphere Reserve	1			1		2
Natural Monuments	80	8	5		9	112
Horticultural Monuments						
Nature Reserve	47	20				
Managed Nature Reserve			4			
Strict Nature Reserve		2	2		1	
Special Reserve			1			
Special Nature Reserve			2			
Resource Reserve		4				
Nature Parks	12	16			1	192
Nature Conservation Areas						31
Landscape of Outstanding Qualities	14	3				
Reserve of Natural Landscape						
(former R BiH Law)			1			
Area of Cultural and Historical Importance	7					
Protected Habitat	1					
Specially Protected Areas (Barcelona Convention)		1				
Protected Area for sustainable use of natural resources			1			
Others				1		
Designated area not yet reviewed					62	

The source: <http://www.protectedplanet.net/country/> (10.6.2014). For Turkey: MFWA, 2014, p. 46.

Table 7: Protected areas in the EU Member States (Hr, Ro, Bu, Gr)

	Hr	Ro	Bu	Gr
Protected Areas Value (Km ²)	26562	59,005	45,929	52574
Land Area Protected (%)	38%	24%	41%	35%
Marine Area Protected (%)	9%	43%	3%	1%
Protected Areas	1202	1334	1397	1256
(BIRDS DIRECTIVE) Special Protection Area	38	148	119	202
(HABITATS DIRECTIVE) Site of Community Importance	742	383	234	241
IUCN Category	183	607	666	733
World Heritage Site	1	1	2	2
RAMSAR Site	5	19	11	10
National Parks	8	13	3	15
Core zone in National (Woodland) Park				10
UNESCO-MAB Biosphere Reserve	1	3	16	2
Forest Parks	28			3
Biosphere Reserve		1		
Scientific reserve		36		
Natural Monuments	83	173	348	
Horticultural Monuments	121			
Nature Reserve		542		
Managed Nature Reserve			35	
Strict Nature Reserve	2		19	
Special Reserve	77			
Nature Parks	11		11	
Regional Park	1			
Landscape of Outstanding Qualities	85			
Others				40
Protected site			563	

The source: <http://www.protectedplanet.net/country/> (10.6.2016).

Data for EU: <http://www.eea.europa.eu/themes/biodiversity/protected-areas/facts-and-figures/number-and-size-of-protected-areas-1> (10.6.2016).

4. BIODIVERSITY AND SOUTHEAST EUROPE

The state of the biodiversity in the SEE region should be viewed in the context of the environmental situation in the European region with the specifics of the situation in certain narrow regions and individual countries. The richness of biodiversity of the SEE stems from the fact that countries in the region belong to different narrower bio geographical groupings such as Pannonian, Mediterranean, Black Sea, continental and steppe, partially covering also some more regions (EEA, 2002). In this context, some of the specificities of the situation in the Danube region could be considered in a special way (Todić, Grbić, 2015). Although the estimates of the environmental conditions in the various documents identified the challenges faced by individual countries in SEE (EEA, 2015a; UNDP, 2007; EEA, 2010; EEA, 2007), the national reports on the realization of the Millennium Development Goals in the countries of SEE particularly emphasized issues related to air and water pollution, and the state of protected areas. The most significant risks in the area of the environment that are associated with the impact on the health of people in the region are marked by the pollution of air and water, inadequate waste management, chemicals and waste water management and inadequate occupational safety and safety of transport. The region is exposed to pollution due to the operation of heavy industry, the functioning of the mining sector, intensive agriculture without a realistic assessment of the impact on human health due to the lack of infrastructure in the water area, etc. Also, the region is exposed to a significant impact of natural disasters such as floods, earthquakes, fires, droughts, landslides, etc. In some analyses, there has particularly been emphasized the importance of the impact of climate change on the state of biodiversity (Rannow, Neubert, 2014).

4.1. Harmonisation of national legislation with EU legislation

The question of membership in international treaties is closely associated with the state of national legislation and institutional capacities of individual countries in the region. Common characteristics are determined by the dynamics and quality of the process of EU integration, and harmonization of national legislation with the EU legislation. For the countries that are at different stages of accession to this organization, the requirements in the field of the biodiversity protection are defined in a separate chapter devoted to the environment (Chapter 27). It can be said that all the countries in the region have achieved a certain level of harmonization of national legislation with EU legislation, or are in various stages of the process. European Commission 2015 estimates show a different level of activity of individual states.

In Serbia, a number of strategic documents adopted in the past few years include standards on the objectives and dynamics of harmonization of national legislation with the EU (MAEP, 2014; Vukasović, Todić, 2012, p. 40). The Habitat Directive (92/43/EEC) has been almost completely transposed (98%). Full transposition (segment related to NATURA European Network) should be achieved with accession to the EU. Directive on Birds (2009/147/EC) was completely transposed in 2010. To overcome the current standstill in Natura 2000, the institutional framework for designating and managing future Natura 2000 sites needs to be streamlined and adequately resourced. The legal base and administrative capacity for enforcement of the CITES needs to be improved (EC, 2015b, p. 66; See also MEAP, 2014). In Montenegro, the Wild Birds Directive 2009/147/EC, and Habitats Directive 92/43/EEC are “largely transposed by the Law on Nature Protection and implementing legislation.” (EC, 2013, p. 11, 12; See also, MSDT, 2014, See also EC, 2015c, p. 69; Todić, 2013). In Bosnia and Herzegovina, “initial steps have been taken to develop the Natura 2000 network. A list of potential Natura 2000 sites has yet to be adopted, as has legislation to align with the *acquis* on protection of wild birds and habitats” (EC, 2015d, 51; See also, FMET, 2014; For more information on BiH environmental legislation see: Todić, Ignjatić, Vukasović, 2014).

The initiated process of the Republic of Macedonia accession to the European Union has played great role in the law creation, in which transposition of the EU legislation was the first step, including the two most important directives on nature protection – Bird Directive (2009/147/EC ex. 79/409/EEC) and Habitat Directive (92/43/EEC) (MEPP, 2014, p. 51). However, according to the EC, the transposition of the *acquis* on natural habitats and wild fauna and flora is delayed (EC, 2015e, 68). In Albania, effective protection for designated protected areas still needs to be guaranteed. The investments in hydropower need to comply with nature protection obligations, especially for protected areas and areas of high natural value and to be carried out in conformity with the *acquis* in particular with the environmental impact assessment, Water Framework Directive and Birds and Habitats Directives (EC, 2015f, p. 68; See also MEM, 2014). In Turkey framework legislation on nature protection, the national biodiversity strategy and action plan have not yet been adopted. The regulations allowing development in wetlands, forests and natural site areas are still not in line with the *acquis* (EC, 2015g, p. 77). The Fifth Report on the implementation of the Convention on biodiversity does not mention EU integration (MFWA, 2014).

CONCLUSION

The process of European integration is in many ways connected with the question of the international legal regulation of the biodiversity protection. That connection is most evident throughout the membership of the certain states in

international treaties in the field of the biodiversity and environment. At the same time, there should be borne in mind that the EU has developed its own special regulations in this area. Some of these precisely regulate the implementation of certain international treaties, while the others establish standards of protection specific to the EU as an organization. The analysis shows that the membership of the countries of the SEE in the most important MEAs largely coincides with EU membership, and/or the EU member states. This is most obvious with international treaties of the universal character. In the Accession Treaties, there is no practice of contracting transitional measures (periods) for legislation in the field of biodiversity protection (unlike some other areas). In the part relating to protected areas, there are significant differences between the countries that are in the process of joining the EU and countries in SEE that are members of the EU. Significant differences can be identified also in the level of harmonisation of national legislation between the SEE countries. This is, generally, a result of the differences in the status of the EU accession process. However, the specifics of each individual state should be analysed in more detail.

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**MEĐUNARODNO-PРАВNA ZAŠTITA BIODIVERZITETA
U SVETLU EVROPSKIH INTEGRACIJA
I REGION JUGOISTOČNE EVROPE**

Apstrakt: U uvodnom delu teksta se ukazuje na značaj biodiverziteta. Potom se govori o najznačajnijim međunarodnim ugovorima u oblasti zaštite biodiverziteta. Daje se pregled statusa članstva država jugoistočne Evrope u međunarodnim ugovorima u oblasti zaštite biodiverziteta i to kako članica EU (Grčka, Rumunija, Bugarska, Hrvatska), tako i onih koje se nalaze u procesu pridruživanja sa EU (Srbija, Crna Gora, Bosna i Hercegovina, Makedonija, Albanija i Turska). Osim toga, daje se prikaz osnovnih odredbi Direktive o pticama i Direktive o staništima. Autor ukazuje na pitanje relevantnosti prelaznih mera (rokova) za primenu propisa u oblasti zaštite prirode (koje su ugovorile države koje su postale članice EU u poslednja tri ciklusa proširenja). Naglašava se značaj i vrste zaštićenih područja. U poslednjem delu se ukazuje i na procene dostignutog nivoa usaglašavanja nacionalnih propisa sa propisima EU za države koje se nalaze u procesu pridruživanja sa EU. U radu se razmatra teza da između država jugoistočne Evrope koje se nalaze u procesu pridruživanja sa EU i članica EU ne postoje bitnije razlike u pogledu članstva u osnovnim međunarodnim ugovorima. Međutim, u pogledu odnosa prema zaštićenim područjima postoje razlike. Relevantnost i prirodu razlika između država koje nisu članice EU, u delu koji se odnosi na dinamiku i nivo usklađenosti nacionalnih propisa sa EU propisima, trebalo bi detaljnije istražiti.

Cljučne reči: biodiverzitet, zaštita prirode, životna sredina, staništa, međunarodni ugovori, Evropska unija, jugoistočna Evropa, evropske integracije.

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