

Comments on the draft law on the National Ecological Reserve (REN), amending the decree law nr. 93/90 (Uses and Compatible Actions) (December 2005)

Corresponding to the formal request of the Secretary of State for Land Use Planning and after analyzing the Information Note and the Draft Amendment of Decree Law nr. 93/90, March 19th, and based on its former advices on this issue, the Council has elaborated and approved the following:

- I. In general, the constraints (and therefore the permission) table – Appendix Annex IV – is presented in a rational, clear and moderate manner, in order to avoiding the casuistic pretensions course with the consequent bureaucracy, capable of arbitrary and which resulted from the lack of the decision transparency criteria. A bottom-up assessment of the appeals made by the parties concerned is an efficient way to apply the subsidiarity principle.
- II. As far as the production of renewable energy is concerned (photovoltaic and wind energy and small hydroelectric power stations) global or regional environmental impact assessments should be carried out, in order to eliminating the synergic and cumulative effects and to establish regional rules of installation.
- III. Regarding the jurisdiction of REN National Commission (CNREN), the exclusion arising from decree law nr. 203/2002 of October 1st (article 9) of representatives of the civil society in CNREN, including non-governmental organizations or associations of farmers or forest producers, should not be maintained, not fulfilling the principle of participation.
- IV. Although article 3 establishes that the proposals for boundary marking are elaborated by CCDR, the major delay of PROT, and CCDR difficulties in staff and logistic had compelled the municipalities to “establish” the boundary borders in order to complete their Master Plans (PDM). During the reviews of the last few years, this situation was not solved. In the impossibility to assure to the CCDR the necessary means, it would be advisable to choose to the

alternative attributing to the CCDR the tasks that, at least, must play with effectiveness so that if it keeps national scope of the network.

- V. Since both reserves, REN and RAN, were established as an administrative servitude, in different dates, depending on disconcentrated ministerial services and entities, also different, they may tend to converge and, eventually, exactly to coincide in their practices, while servitudes, in a complementary logic. Forest areas and hydrographic basins policies (DPM included) may also be added. In addition, according to the new land use policy planning program (PNPOT), future master plans must defined a new element of “*green row*” designated as “*landscape and ecological network*”, which is strategic-oriented and leading to a better quality of life.