



The ECONNECT Project and the Work Package 6

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Executive Summary

At European level the protection and the interconnection of protected areas pass through the so-called Birds Directive of 1979¹ and the so-called Habitats Directive² of 21st May 1992 whose express aim is that of *contributing to the safeguard of biodiversity through the conservation of natural habitats and the wild flora and fauna in the European territory of member states to which the Treaty applies (art.2)*.

According to an ecological connectivity vision, what counts more is the establishment of the network of the Natura 2000 sites established under the EU Habitats Directive (art.3), currently the largest ecological network in the world. The Natura 2000 network, operating in parallel to the Emerald network mentioned above aims at protecting the habitats of the animal and vegetal species of community interest through the creation of special conservation zones (SCZ) and the inclusion of the Special Protection Zones (SPZ) already established by the previous Birds Directive. In the Special Conservation Zones, Member States take all necessary measures to guarantee the conservation of the habitats and to avoid their degradation (art.6) and meaningful disturbances of the species.

The designation of the SCZ is made in three steps. Each Member State makes a list of sites that host natural habitats and animal species and wild vegetal ones, according to the criteria used by the annexes of the Habitats Directive. According to these national lists and in agreement with Member States³, the Commission adopts a list of sites of community relevance and the member state designates the site as SCZ. The Directive includes also the possibility that the Community could co-finance conservation measures. The Alpine region is one of the nine bio-geographic regions of the EU⁴ and, as we will see in the following chapters, some of the pilot regions of the ECONNECT Project have a Natura 2000 status.

The ECONNECT project weaves itself into the above mentioned fabric of rules, which aims at improving the ecologic connectivity of the whole alpine arc. The project is economically supported by the EU within the Territorial Cooperation Program Alpine Space and co-financed by the European Regional Development Fund⁵. The period of effectiveness was meant to be from September 2008 to August 2011, but it has been recently extended until 30 November 2011.

The main goal of the project is the protection of the alpine biodiversity through the creation of an ecological continuum in the whole alpine arc. The efforts of the ECONNECT Project focused particularly

¹ Directive 79/409/CEE, currently Directive 2009/147/CE on the conservation of wild birds.

² Directive 92/43/CEE on the conservation of the natural and semi natural habitats and of the wild flora e fauna.

³ If the Commission deems that a host site a type of natural habitat or priority species (those that are more likely to become extinct) has not been inserted in a national list, the Directive includes the possibility of starting a negotiating process. In case the negotiation fails the Commission can propose autonomously to the Council the nomination as site of communitarian importance.

⁴ The alpine region, the atlantic region, the Black sea region, the boreal region, the continental region, the macaronesian region, the mediterranean region, the pannonian region and the steppe region.

⁵ For a total amount of € 3.198.240,00.

on the regions that are rich in biodiversity, trying to establish and to improve not only the connections between them, but also those with the neighboring eco-regions (e.g. Carpathian Region)

The actions of the ECONNECT Project deal with three main categories: information gathering, territorial activity and communication:

The gathering of information carried out has helped and will in the next future to:

- Harmonize the geographical data of the participant countries
- Analyze the physical and legal obstacles which prevent and hamper the creation of ecological networks
- Define migration corridors between the alpine areas richer in biodiversity and, among these, the bordering eco-regions.

The spatial activity was carried out in order to:

- Create, approve and test a methodology in order to create an ecological network and moreover to spread it in the whole Alpine arc.
- Strengthen the cooperation between the involved institutions.
- Give concrete actions and strategies to the pilot regions with a high value for the alpine biological diversity.

Finally, concerning the communication activities, the partners of the project intended to:

- Raise the awareness towards the importance of the biological connectivity
- Spread the project outcomes
- Create, approve and test a methodology for the creation of ecological networks and disseminate it across the whole Alpine arc.
- Strengthen the cooperation of the involved institutions
- Implement the concrete actions and strategies to pilot regions having a high value for the alpine biological

The complexity of this commitment required a multidisciplinary and holistic approach able to involve the administrative level as well as the scientific and the local community. The project, therefore, involves apart from the Alpine Convention itself, other international organizations related to the Alpine Convention, scientific institutions - as the European Academy of Bolzano - and several local partners. All these actors have coordinated their efforts in order to demonstrate the necessity of an ecological connectivity through the Alps, to explore different options to coordinate effectively these efforts, and to develop new innovative tools to foster the connectivity.

The ecological connectivity concerns also the unprotected areas, for this reason the project has taken into account also the effects of the implementation of ecological networks concerning the spatial planning, the development of infrastructures and the economic activities of the alpine region.

The existing barriers to the connectivity are not only geographical, but political as well (in particular to the extent that the mountain range forms a natural *limes (or border) traced by the political boundaries of the neighbouring countries*), which correspond to different legal systems. Different legislations correspond to the political borders of the countries, which have different status in complying with regard to the protected areas due to different competences, different strategies and protection mechanisms. All these failures risk to compromise the effort of the actors, as the wild fauna's movements doesn't respect the borders. In other words, as the Director of an Italian Park laconically remarked: "*Wolfs cannot read the road signs!*" The purpose of the WP6 Legal Barriers Study is focused expressly on the need to identify all these obstacles and the legal tools to remove or overcome them.

It is, therefore clear that making the statutes of protected areas through the Alpine arc more homogeneous and define the optimal statutes for the cross-border protected areas can increase the chance of migration, and therefore of survival of wild fauna. In this sense a first necessary step to identify the best suited legislative and administrative solutions is represented by the identification of the legal barriers that hinder the establishment of ecological networks.

The WP6 was led by the Italian Ministry for the Environment, the Land and the Sea.. The European Academy of Bolzano acted as organizer of the workshop of Domodossola (see further) and has coordinated the drafting of the legal publications. CIPRA has organized the workshop of Grenoble and provided the data regarding the French protected areas. Finally, the Valle d'Aosta Autonomous Region has supported through its own study the analysis of the different categories of protected areas, in particular the Italian and the Swiss ones, and hosted the final Conference of the Work Package in Aosta.

The application form of the ECONNECT Project required the WP6 to carry out various different actions:

- **Action 6.1:** identification of the legal situation of the alpine protected areas (comparison of the alpine protected areas and of the legal frameworks) highlighting the cross-border issues and Natura 2000 sites.
- **Action 6.2:** Comparison of the legal situation of the protected areas and of the surrounding ones in order to identify the possibility of the creation of ecological networks.
- **Action 6.3:** Organization of a workshop in English related to action 6.1 (involving managers of the protected areas, lawyers and bodies in charge of the spatial planning).
- **Action 6.4:** Organization of one workshop related to the Action 6.2 (with the involvement of the managers of the protected areas, lawyers and bodies in charge of spatial planning).
- **Action 6.5:** Organization of the final Conference in the four alpine languages (Italian, French, German and Slovenian) and summary of the results of the WP6 and of the legal aspects of WP7.

These tasks were completed by the lead partner MATTM and interested partners through the following actions:

- **Action 6.1 :** drafting of the National Assessment (EURAC, MATTM)
- **Action 6.2 :** drafting of the bilateral comparative studies (EURAC, MATTM, CIPRA France)
- **Action 6.3:** Organization of the workshop in Domodossola (2009) and drafting of its proceedings (EURAC, MATTM)
- **Action 6.4:** Organization of the workshop of Grenoble (2010) and drafting of its proceedings (CIPRA France, MATTM)

- **Action 6.5:** Organization of the Final Conference of Aosta and drafting of this document (Valle d'Aosta, MATTM)

The WP6 has provided to the main actors a broad background review of the physical and legal barriers that hamper the movements of the wild fauna on the alpine territory. Moreover it has been essential for the implementation of concrete measures and for the gathering of a significant quantity of data. A rich documentation regarding the legal barriers in the alpine area was gathered and disseminated in the alpine area in the form of national assessment and bilateral comparison and the two workshops became precious opportunities to collect, compare and let the experience of different fields experts negotiate and to give a cue for the official publications. Finally the Conference in Aosta represented an opportunity to sum up the outcomes of this component of the project.

The WP6 does not represent an isolated effort, but it is part of the broader context of the ECONNECT Project: its results complete in fact those of the WP5 *Barriers and Corridors*⁶ and will be available in particular by the WP7 *Implementation in the Pilot Regions*, besides by all the managers of the pilot areas and stakeholders interested in ecological connectivity in the Alps. The regular contacts kept by the WP6 with the WP4 data management have ensured a clear and practical management of the gathered information.

With the implementation of activity 6.1 the WP6 has produced a series of six publications titled *The Legal Framework of Protected Areas in The Alpine States*, which have considered the legal frameworks of Austria, Germany, Switzerland, Italy and Slovenia focusing their attention on the norms regarding the protected areas. These studies were produced by the project partner EURAC (CIPRA has provided the information on the French protected areas) under the supervision of the Project leader, MATTM.

Activity 6.1 focuses on the analysis of each national alpine legal framework, by investigating in particular four fields:

- Nature protection
- Spatial planning
- Ecological Connectivity
- Trans-border cooperation

Activity 6.2 focused on the regional level issue, in particular on the pilot regions of the ECONNECT Project. The Pilot Regions taken into account are the following:

- Mercantour /Maritime Alps
- Rhaetian triangle
- Hohe Tauern
- Monte Rosa
- Berchtesgaden

⁶ The objectives of the work package Barriers and Corridors is the identification and classification of the barriers created by humans which hamper or hinder the movement of wild species through the alpine arc; the group sets itself to propose solutions that allow to reduce obstacles, solutions that can be used in the pilot areas of the Project by WP7.

Four comparative studies have analyzed the legal situation of these trans-border areas and of the neighboring regions, in order to evaluate the potentiality and to indicate the most suited strategies for the creation of an alpine ecological network. The main issues tackled are:

- The institutional profile to be given to the cooperation experiences among protected areas
- The identification of legal solution to create/improve ecological networks within the different pilot regions of the ECONNECT Project

The comparative analysis of activity 6.2 started from the outcomes of the previous activity 6.1, highlighting the point of contact and differences within the four fields in the mentioned opening chapter ⁷, and concerned four couple of alpine states (each of them hosting of one or two pilot ECONNECT regions):

- Italy/France
- Italy/Austria
- Italy/Switzerland
- Austria/Germany

This analysis has shown the deep differences that exist between the different categories of protected areas according to the legal system of the respective country. Also when the areas share the same denomination (for instance “National Park”), the right meaning assigned to the term by the legislator, could vary with regard to the management mechanisms, competent bodies, permitted/prohibited activities etc. By the use of the IUCN’s protected areas classification as reference, it was noticed, as a matter of fact, how in an identical IUCN class, different categories of protected areas are included, depending on the various states. The same variety was verified within the zones surrounding the protected areas.

Furthermore within the second phase of the ECONNECT Project, a survey realized by CIPRA was submitted to the parks located in the Pilot Regions in order to evaluate the experiences of trans-border cooperation and the support to the existing ecological connectivity. The outcomes of the survey were taken into account in the elaboration of the four bilateral comparisons.

Whilst carrying out activity 6.2 a particular attention was given in evaluating the suitability of the community instrument of the European Grouping of Territorial Cooperation (EGTC); with regard to the EGTC, the WP6 has also produced a dedicated analysis and a model.

With regard to the topic of cross-border and interregional cooperation, it is worth to mention the framework produced by the Madrid Convention of 1980 and its additional Protocols of 1995 and 1998 (this came into force on February 2001 and it is relevant to the cooperation among non-contiguous territorial bodies).

Notwithstanding what said above the agreements settled among the above mentioned Convention are lacking both in internationalist nature (according to the article 1, paragraph 2 of the first additional Protocol, they concern exclusively the collectivity or territorial authorities which have made it) and in cogency, both necessary elements to ensure the punctual enforcement.

Currently the system of Madrid Convention, if not obsolete surpassed by the opportunity to make use of alternative forms of cooperation for instance based on structural funds or on INTERREG funds (as the ECONNECT Project example).

⁷Nature protection, spatial planning, ecological connectivity, trans-border cooperation

The necessity of overcoming the current situation is even clearer within the alpine scenario, given the participation of the Swiss Confederation to the Alpine Convention and the Italian non-ratification of the above mentioned protocols.

In the course of the comparative analysis of Italy/Switzerland, the EGTC did not therefore emerge as a practicable solution. The study has highlighted, instead, that it constituting a Transboundary Reserve of the Biosphere which includes also the Stelvio Italian Park (taking into account the recent election of the Regional Park Val Mustair as reserve of the UNESCO Biosphere and the fact that the Swiss National Park already benefits of an analogous status) could be the most practical way ahead.

With regard to the applicability of the EGTC in the course of the activity 6.2, the experience, already mature, of the National Park Mercantour and of the Nature Regional Park of the Maritime Alps was completely different. Both parks boast more than twenty years of collaboration that has found the right institutional and formal collocation. The comparative study dedicated to Italy and France, was illustrated from the twinning of 1998, the Shared Action Plan 2007-2013 and the Transboundary Integrated Plan 2010-2013 to the more recent development of the EGTC.

Both the Convention and the Statute of the EGTC, *called European Park Maritime-Mercantour Alps*, in fact were already approved by the leaders of the respective bodies. The aims of the EGTC with seat in Nice, will be the facilitation, fostering, and bringing to life of the transboundary cooperation among its members on a territory which comprises 22 French municipalities and 4 Italian municipalities.

For this reason the Group (constitutive Convention of the EGTC *European Park Maritime-Mercantour Alps*, Art. 4) will guide projects within the competences of its members and in particular of the related institutive laws of the Maritime Alps Nature Parks and of the National Park Mercantour. Moreover it will be allowed to look for different kind of public and private financing and in particular community financing and implement the program financed in this way

The Group will facilitate the territorial and functional connections among the territorial actors in order to promote the values of the sustainable development and its implementation, and it will be allowed to carry out actions or be the beneficiary for interventions related to the natural, cultural and landscape patrimony on the territory defined in the Art. 4.

Finally the EGTC will foster the registration of a common good of the Maritime Alps Nature Park and the National Park Mercantour inside the list of the UNESCO World Heritage sites, by implementing all the suitable actions to reach the registration of the good and acting as authority of the management, surveillance and preservation of the world heritage good and if necessary to carry out the required actions in order to develop this role, in particular the drafting of periodical reports about the status of the registered good.

The international workshop and the thematic conference held in Domodossola from the 16th to the 17th of April 2009. The first international workshop organized in the WP6, fulfilling activity 6.3 of the Application Form was organized by the Italian Ministry for the Environment (as lead partner of the WP) with the technical assistance of EURAC, a project partner. To the event, "the legal framework of

protected areas in each Alpine State”⁸ and held in Domodossola (Italy) on the 16th of April 2009, followed a thematic conference dedicated to legal questions on cross bordering cooperation between protected areas. This second event was organized by MATTM in association with EURAC, the Catholic University of the Sacred Heart and the Research Center Val d’Ossola.

The workshop had the precise goal of introducing as a draft the documents of activity 6.1 (National Assessments) and the document illustrating the European Grouping of Territorial Cooperation⁹, providing at the same time to the stakeholders with an opportunity to share experiences on cross-border cooperation and Exchange / disseminate good practices. During the morning session of the workshop the National assessments documents on Austria, Germany and Slovenia were introduced followed by the European community instruments of cooperation in the environmental field (Natura 2000, EGTC). During the afternoon session the publication on Italy Switzerland and France were presented and beside that traditional means of cooperation based upon International Law which were implemented in the Alps were also introduced. Each presentation was followed by a related moment of discussion.

The participants in the event of the 16th April therefore, had the opportunity to start a discussion on the basis of background documents previously circulated, contributing proactively to the development of a dialogue on the themes regarding cross border cooperation and ecologic connectivity. The suggestions received during this occasion were useful in finalizing the six National Assessments (Austria, Germany, Slovenia, France, Italy and Switzerland), disseminated during 2010, and the analysis of the EGTC.

The thematic conference the following day, saw, instead, three public readings followed by a round table on the theme of cross-border cooperation between protected areas. The readings addressed some particular points:

- The experience of cross-bordering cooperation of the natural parks of the Maritime Alps and of Mercantour (the reading was given by the director of the Regional Natural Park Mrs. Patrizia Rossi)
- The traditional tools of cross bordering cooperation in a historic perspective (Mr. Enrico Milano from the University of Verona)
- The EGTC (by Mr. Gianluca Spinaci, Committee of Regions of the EU)

The panel of the roundtable comprised the Italian Ministry for the Environment represented by the National Focal point of the Alpine Convention Mr. Paolo Angelini, the Swiss Federal Office for the Environment¹⁰, the Regional Affairs Department¹¹, the Veneto Region¹² and the University of Urbino¹³.

The last activity included in the application form of the ECONNECT Project’s related to the work package Legal Barriers, was the organization of a Final Conference in all the four languages of the Alps. Consistently with what was requested, on 9th December 2010 the city of Aosta hosted the event, “*Ecological Connectivity and Mountain Agriculture: Existing instruments and a vision for the future*”.

⁸ Clear reference to the activity 6.1 (National Assessment)

⁹ See previous chapter

¹⁰ Present: Dr. Silvia Jost

¹¹ Present: Dr. Giovanni Vetrutto

¹² Present: Dr. Oscar de Bona

¹³ In the person of Prof. Riccardo Santolini

The Conference was held at the building of the Autonomous Region of Valle d'Aosta and was organized by MATTM, the lead partner of WP6, jointly with Autonomous Region of Valle d'Aosta (PP12) and with the expertise of the European Academy of Bolzano (PP9).

The Conference was held in front of a large audience (whose questions were answered in a specific part of the Conference) and of the media. The opening speech was delivered by the President of the Valle d'Aosta Region Mr. Augusto Rollandin.

The main theme of the event was, of course, the presentation of the outcomes achieved by the legal component of the ECONNECT Project; these were illustrated in a series of presentations¹⁴ whose object was the work package and in particular the activities 6.1 and 6.2

As it is possible to infer from the title of the event of Aosta, the questions related to the elimination of the legal barriers tampering the ecological continuity and, moreover, the activities of conservation of biodiversity in general were delved with also referring to the species, both vegetal and animal, that characterize many typical food production of the mountains.

In fact, the ecological networks, broadly speaking, comprise also the farm products and the role assigned to the agricultural and environmental activities aiming at the conservation of the ecological network is a known fact (see Natura 2000).

In mountain areas, in particular, biodiversity is something that refers to the agricultural activities and herding and there are many local species or in any case that have adapted to mountain areas. Some food products and animal species are typical of the mountain areas and are a remarkable part of the genetic heritage of these areas. Examples of this kind are present all over the Alps (for instance the vines that grow in high altitudes in Valle d'Aosta, the late cherries of the Province of Bolzano, the local ovine and bovine races, etc.). Therefore, their preservation and exploitation fully falls within a conservation strategy of the alpine biodiversity.

There are legal or voluntary instruments that might be used relatively to these products and there are ideal strategies regarding territorial marketing that can contribute to the increase of value of these networks of quality products. In this sense, the Conference of Aosta received the beneficial contribution of FAO, which participates in the "Policy and Law" initiative of the Mountain Partnership, also in view of Expo 2015 of Milan.

The main theme of the Expo which was introduced during the Conference and the importance, in this sense, of food biodiversity, have made it possible to develop, through a series of presentations, a reflection regarding the food production in mountain areas, the diversity of these products and their ecological meaning an economic value.

¹⁴ The introductory ones of Dr. Santa Tutino of the Valle d'Aosta Region and of Dr. Frederick Dooley of EURAC, the one of the EURAC researcher Céline Randier concerning the National Assessments, and the one of the legal consultant Dr. Valerio Poscia on the Bilateral Comparisons

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