



## **Audit conclusion from audit No.**

**11/06**

### **Financial resources and property of the state whose management is within the competence of selected national park administrations**

The audit was included in the audit plan of the Supreme Audit Office ('SAO') for 2011 under the number 11/06<sup>1</sup>. The audit was managed by and the audit conclusion drawn up by SAO member Ing. Zdeněk Brandt.

The purpose of the audit was to scrutinise the management of financial resources and property of the state whose management is within the competence of selected national park administrations.

The audited period was the years 2009 and 2010. Where relevant, the previous and subsequent periods were also subject to scrutiny, respectively the period until the audit conclusion.

#### **Auditees:**

Ministry of the Environment, Administration of the Krkonoše National Park, Administration of the Šumava National Park and Protected Rural Area.

The objections against the audit protocol lodged by the Ministry of the Environment were dealt with by decisions on objections issued by the head of the audit team. No appeal against the decisions on objections was lodged.

At its 19<sup>th</sup> session held on 5 December 2011 **the Board of the SAO** issued resolution no. 8/XIX/2011 **approving the following audit conclusion:**

#### **I. Introduction**

The Ministry of the Environment ('MoE') is the supreme state supervision authority in environmental matters. To carry out the management and control work of the government of the Czech Republic, in environmental matters it coordinates the procedure of all ministries and other central authorities of the Czech Republic. Among other things, it is responsible for the concept of the conservation of nature and the countryside; it is the central state authority for the conservation of nature and the countryside; and it is the central state authority for forestry management in national parks ('NPs').

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<sup>1</sup> One instigation for this audit was the 44<sup>th</sup> resolution of the Committee on Public Administration, Territorial Development and the Environment of the Senate of Parliament of the Czech Republic from its 8<sup>th</sup> session held on 29.4.2009, in which the Committee requested the SAO to audit the financial management of the Šumava National Park Administration.

Act No. 114/1992<sup>2</sup> on environmental matters provides that national parks are a separate category of strictly protected territories. The act lays down basic conservation conditions for them and declares that all use of national parks must be subordinated to conserving and improving natural states and must conform to the scientific and educational objectives that the establishment of national parks sought to pursue.

Both the audited NPs, established before Act No. 114/1992 took effect, were brought under the regime of the act. The Krkonoše National Park ('KRNAP') was established by government resolution no. 165/1991<sup>3</sup>, which also lays down its conservation conditions; NP Šumava was established by government resolution no. 163/1991<sup>4</sup>.

The expert organisation supposed to care for the natural environment in the territory of NPs, or possibly in other designated territories, is the NP administration. To this end the MoE issued a founding deed and established the allowance organisations Administration of the Šumava National Park and Protected Rural Area ('NP Šumava Administration') as of 27 June 1991 and Administration of the Krkonoše National Park ('KRNAP') as of 30 March 1995.

The missions of the audited NPs are practically the same under the two resolutions. Both the conservation of the natural environment and the exploitation of the NP territories are laid down in general terms in the government resolutions and do not have a direct link to the specific conditions and subject of the conservation of the NPs. For example, government resolution no. 163/1991 provides that the mission of the national park is:

*"1) ... conserving and improving its natural environment, most notably protecting or renewing the self-regulating functions of natural systems; strict protection of wild flora and fauna; preserving the countryside's typical appearance; implementing scientific and educational objectives and the use of the national park territory for tourism and recreation not detrimental to the environment.*

*2) Economic and other use of the national park must be subordinated to conserving and improving the natural environment pursuant to paragraph 1."*

**NB:** The legal regulations referred to in this audit conclusion are applied in the wording effective for the audited period.

## **II. Facts ascertained by the audit**

### **1. Management of financial resources**

#### **a) Budgets and economic results of the national park administrations**

Act No. 475/2008<sup>5</sup> and Act No. 487/2009<sup>6</sup> approved the state budget indicators for, among others, budget heading 315 – *Ministry of the Environment*. The MoE defined the contribution towards the operation of and other indicators for the allowance organisations – national park administrations.

For both audited NP administrations there was a substantial reduction in the funds provided out of the state budget between 2009 and 2010. As Act No. 218/2000<sup>7</sup> provides that the

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<sup>2</sup> Act No. 114/1992, on the conservation of nature and the countryside.

<sup>3</sup> Government resolution no. 165/1991, establishing the Krkonoše National Park and laying down its conservation conditions.

<sup>4</sup> Government resolution 163/1991, establishing the Šumava National Park and laying down its conservation conditions.

<sup>5</sup> Act No. 475/2008, on the state budget of the Czech Republic for 2009.

<sup>6</sup> Act No. 487/2009, on the state budget of the Czech Republic for 2010.

<sup>7</sup> Act No. 218/2000, on the budgetary rules and amending certain related acts (budgetary rules).

budgets of allowance organisations must be balanced, the necessary finances were substituted by planned increases in revenues from the sale of timber – see Table 1. The NPs' mission is not, however, timber extraction for sale purposes.

**Table 1: Selected indicators of the NPs and their administrations**

National park	Area	Contributions and subsidies to NP administrations* (CZK thousands)		Difference 2010 – 2009		Timber revenues (CZK thousands)		Difference 2010 – 2009	
		2009	2010	CZK	%	2009	2010	CZK	%
KRNAP	36,327	241,463	195,607	-45,856	-19	70,010	116,691	+46,681	+67
NP Šumava	68,064	304,844	220,118	-84,726	-28	249,631	364,512	+114,881	+46

Source: MoE materials.

\* The sum total of finances after adjustments in the course of the year, including finances provided from subsidy programmes.

## b) Subsidy programmes

In 2010 the MoE substantially reduced the volume of special-purpose subsidies from programmes for both NP administrations compared to the 2009 level – from CZK 50,425,000 to CZK 30,437,000 for the KRNAP Administration and from CZK 93,776,000 to CZK 40,850,000 for the NP Šumava Administration.

**The MoE's subsidies programmes are so broadly conceived that the same activity in the NPs can be financed from various programmes.** For example, the NP administrations receive subsidies for the ecological approximation of wood matter from both the *Care for the Countryside Programme* and from the *Programme of Support for the Renewal of the Natural Functions of the Countryside* (ref. no. 115 160) and also from programme 115 010 – *Development and Renewal of the Material and Technical Base of the Ministry of the Environment Management System*.

This state of affairs also makes it possible to subsidise a single investment action in an NP from two different programmes concurrently. Two cases (total subsidy of CZK 4,667,000) were found when more than one subsidised project was drawn up for the financing of a single action. For example, two projects with the same output were approved for an investment action of the KRNAP Administration dealing with the renovation of a hiking trail. One of the projects is funded from programme 115 120 – *Support for the Improvement of the State of Nature and the Countryside*, which implements priority axis 6 of the *Environment operational programme* in the area of programme financing. The other project is part of the aforementioned programme 115 010. The MoE did not include among the terms of either of these two programmes a ban on supporting the action under another programme. **By combining programmes in this way the MoE expediently ensured the full financing of the action out of subsidies, i.e. without the financial co-participation of the part-budget-financed organisation established by the MoE.**

## 2. Property management

### a) Records of and accounting for property

The audit found that the audited NP administrations' accounting for changes in their assets in 2009 and 2010 was not always correct and complete:

- In 2009 and 2010 the NP administrations did not report events that are the subject of accounting within the period to which they relate in terms of their timing and nature, and thus did not proceed in line with Section 3 (1) of Act No. 563/1991.<sup>8</sup> As of 31 December

<sup>8</sup> Act No. 563/1991, on accounting.

2009 the Šumava NP Administration did not record in accounts group 02 the completed construction of *Gerlova Hut' Cycle Path, Section 3*, worth a total of CZK 29,900,000, which was opened for use on 19 November 2009. As of 31 December 2010 it did not record to accounts groups 01 and 02<sup>9</sup> long-term assets worth CZK 4,320,000 that had already been physically utilised. The KRNAP Administration did not enter in its accounts the acquisition of land according to the submitted petition for entry in the real estate register as of the day on which it was submitted to the real estate authority. The submitted petition for entry in the real estate register in 2009 with the said CZK 120,000,000 purchase price of land was only entered in the accounts in the following accounting period – in 2010.

- The NP administrations did not enter on off-balance-sheet accounts hired assets, which are not recorded in the journal or general ledger, thus contravening Section 13 of Act No. 563/1991 in 2009 and 2010. The KRNAP Administration merely had a list of hired property; since 1 January 2011, however, newly hired assets have been entered in off-balance-sheet accounts.
- The Šumava NP Administration did not ascertain the actual state of assets, as during inventory-taking as of 31 December 2009 and 31 December 2010 it did not check whether the actual state of assets corresponded to the state of assets in the accounts, thus contravening Sections 29 and 30 of Act No. 563/1991. For example, in the audited period the Šumava NP Administration did not record in the accounts timber totalling 7,730m<sup>3</sup> in the 1<sup>st</sup> nature conservation zone of the Šumava NP, which is covered by the principle of leaving all extracted timber in place, and did not inventorise these stocks.

#### **b) Findings concerning record-keeping in forestry management**

The KRNAP Administration has for long used the comprehensive economic information system SEIWIN, and above all the LVM module, for specific activities in forestry management. The system is a set of applications and the user does not have problems applying and using it, especially during operational planning and monitoring business with wood matter.

The audit also found that, unlike the KRNAP Administration, the Šumava NP Administration uses two unconnected information systems: SEIWIN and, since 2009, the special-purpose forestry production information system LesIS created especially for its needs. The original intention was to use LesIS for awarding small-scale public contracts ('mini-tenders'), but LesIS was gradually expanded to take on other roles duplicating the functions of certain parts of SEIWIN.

LesIS, however, is not integrated into the SEIWIN economic information system as it was developed completely independently. LesIS's output according to territorial offices is a summarised monthly transfer of the movement of timber in technical units. These data are then manually entered in SEIWIN. The employed data transfer method brings a greater risk of error. For example, data on planting done in the 1<sup>st</sup> zone that are registered in LesIS were not entered in SEIWIN, so stocks of wood matter for decomposition were not accounted for, reported and inventorised.

#### **c) Findings concerning sanitary interventions**

In both NPs part of the extracted timber is left as wood matter for decomposition. The reason for this is to maintain the natural equilibrium, the broadest possible species diversity and the gradual evolution of forest ecosystems towards natural ecosystems. The audit found that 665,969m<sup>3</sup> of wood matter was extracted in the Šumava NP in the audited period. A total of 121,985m<sup>3</sup> was left to decompose, i.e. 13.2% and 22.8% of the extracted wood matter in 2009 and 2010 respectively.

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<sup>9</sup> Accounts group 01 – *Long-term intangible assets*, accounts group 02 – *Depreciated long-term tangible assets*.

An internal regulation of the Šumava NP Administration following up the NP care plan approved by the MoE specifies a minimum volume of wood matter to be left to decompose in individual territories. The audit found that this minimum volume was not complied with in all cases. In vegetation areas with the management method in question the required quantity of wood matter for decomposition was not left by interventions in 2010. In three vegetation areas in the 2<sup>nd</sup> zone where 30% of the wood matter was supposed to be left to decompose just 8.8% was left and in eight vegetation areas where 10% of the wood matter was supposed to be left to decompose just 2.4% remained. The objectives set out in the *NP Šumava Care Plan 2001-2010* were thus not fulfilled.

Interventions performed in the 1<sup>st</sup> zones of NPs and protected rural areas are made costly by the conservation conditions in these territories. Felling active trees infected by bark beetle in the territory of the 1<sup>st</sup> zones managed by the Šumava NP Administration cost a total of CZK 422,000 in 2009 and CZK 3,883,000 in 2010. In addition, the treatment of trees infected by bark beetle was performed, i.e. bark was removed from standing trees at a debarking cost of CZK 2,187,000 in 2009 (average CZK 1,460 per tree) and CZK 1,907,000 in 2010 (average CZK 1,690 per tree). **The Šumava NP Administration did not check these interventions and did not evaluate their impact on further development in the area in question, so it is not possible to demonstrate which of the elected procedures brings the desired effect.**

### **3. Buying up of land, transfers from the Land Fund of the Czech Republic and compensation for damages**

#### **a) Buying up of land**

Section 61 (1) and (2) of Act No. 114/1992 provides that the owners of non-built-up land lying outside settlements in the territory of NPs must, if they are intended to be sold, be offered preferentially to the nature conservation authority, which may obtain a contribution from the State Fund of the Environment of the Czech Republic for buying them. Contributions are awarded by decision of the environment minister.

Since 2006 the KRNAP Administration has been able to draw CZK 205,157,000 to buy up land in strictly protected territories and their buffer zones pursuant to Section 61 of Act No. 114/1992 and according to the decisions issued by the minister. It had drawn CZK 157,907,488 from the State Fund for the Environment by 31 December 2010. The Šumava NP Administration has been able to draw a total of CZK 25,970,066 since 2006, with actual drawdown amounting to CZK 25,430,396 by 25 August 2010. In both cases the drawdown has not yet finished.

#### **b) Transfers from the Land Fund of the Czech Republic**

The audit scrutinised the implementation of measures from SAO audit No. 06/17 – *State Property and Finances Provided for the Work of National Parks and Other Protected Territories* (audit conclusion published in volume 1/2007 of the *SAO Bulletin*). Under Czech government resolution no. 402 of 18 April 2007 the environment minister was supposed to discuss with the agriculture minister the transfer of the right to commercially exploit land located in strictly protected territories and requiring special protection pursuant to Act No. 114/1992 and Act No. 95/1999.<sup>10</sup> This involved the transfer of land from the Land Fund of the Czech Republic ('Land Fund') to the appropriate national park administrations and to the Nature Conservation Agency of the Czech Republic.

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<sup>10</sup> Act No. 95/1999, on the conditions for the transfer of agricultural and forest land from state ownership to other persons.

Documents obtained from the MoE reveal that the two ministries discussed this matter, but the fact remains that 5,321 ha of land which is located in strictly protected territories throughout the Czech Republic and requires special protection pursuant to Act No. 114/1992 and which the MoE has demanded from the Land Fund had not been transferred from the Land Fund by January 2011. In the last decade, however, the share of property owned by municipalities in the territory of the Šumava NP has increased, which may result in an increase in financial compensations (see below). **In the years 2000-2009 the surrender of land in line with Act No. 172/1991<sup>11</sup> increased the amount of property owned by municipalities in the NPs to 6,526 ha, i.e. 9.5% of the area of the NPs. Before the year 2000 municipalities owned 1,960 ha, i.e. 2.9% of the area of the Šumava NP (Šumava NP Care Plan 2001-2010).**

### c) Compensation for damages caused by restrictions on commercial farming or forestry

Section 58 (2) of Act No. 114/1992 provides that financial compensation may be provided to an owner of agricultural land or forest land or to tenants legitimately using this land for damages caused by the restrictions laid down by this act. The details of the provision of compensation are laid down in decrees setting out the conditions and means of providing financial compensation for damages caused by restrictions on commercial forestry or farming.

In 2009 and 2010 financial compensation out of state budget funds was provided only by the Šumava NP Administration as the appropriate nature conservation authority in the territory of the NP. No financial compensations were provided by the KRNAP Administration for the period in question.

The Šumava NP Administration processed the affected entities' applications and passed them on to the MoE. The compensations were received by four entities in 2009 (two of them municipalities, one state firm and one natural person) and by six in 2010 (three municipalities, one state firm and two natural persons). Only one entity received financial compensation for restricted farming practices; the other compensations concerned forestry management. **Financial compensations paid out by the Šumava NP Administration had a pronounced upward trend in the years 2006 to 2010.**

**Table 2: Compensations paid out for restricted commercial forestry and farming practices (CZK)**

Year	2006	2007	2008	2009	2010
Paid out	182,330	497,174	13,029,390	17,218,536	19,193,241

Source: MoE materials.

The most significant beneficiaries of financial compensations were two municipalities – in total they received CZK 12,128,541 (i.e. 70% of compensations) and CZK 15,346,416 (80%) in 2009 and 2010 respectively.

## 4. Nature conservation zones, NP care plans and management of forest ecosystems in NPs

According to the wording of Act No. 114/1992 effective from 1 January 2000 the MoE prescribes the demarcations of and changes to nature conservation zones by decree. The audit found that at a time when the MoE first performed zoning of the two audited NPs, Act No. 114/1992 did not require nature conservation zones to be defined by decree. The MoE submitted for audit a document concerning the demarcation of nature conservation zones in

<sup>11</sup> Act No. 172/1991, on the transfer of certain items of the property of the Czech Republic to the ownership of municipalities.

the Šumava NP, referring to the 56 first zones, i.e. the state before 1995. **The Šumava NP Care Plan 2001-2010 designates 135 islands in the 1<sup>st</sup> zone, however.** (Maps of the Šumava NP showing the zoning are attached to this document.) **This fragmentation is not consistent with internationally recognised standards and methods of care for protected territories and this state of affairs had already been criticised by an international mission of experts in 2002.**<sup>12</sup> Proposals for changes have been submitted since 2004 but no change has yet been made. The MoE did not present any document concerning the demarcation of KRNAP zones, even in the form of a decision. **This state of affairs can be viewed as negative, because nature conservation zones are an important framework from which the principles of the economic management and protection of NP territories are supposed to be derived.**

Act No. 114/1992 provides that the care plan for a strictly protected territory and its buffer zone is an expert and conceptual nature conservation document which, based on data on the development to date and the current state of the strictly protected territory, proposes measures to conserve or improve the state of the conservation entity. It serves as a basis for other types of planning documents and for decision-making by the nature conservation authorities. It is not binding for either natural or legal persons. The MoE is responsible for drawing up and approving the NP care plans.

The *Šumava NP Care Plan 2001-2010* was submitted to the SAO for audit. According to the MoE the new Šumava NP care plan was prepared from 2008 to 2010 so that it could apply from the start of 2011. During 2010 the preparation of the care plan was suspended by the environment minister on the grounds that fundamental questions about the Šumava NP had to be addressed first, e.g. a new zoning demarcation and fundamental methods of caring for the NP. As the existence of a valid care plan is, among other things, a condition for ensuring the necessary work of the NP administrations, the MoE started work on prolonging the existing care plan before its validity expired. The validity of the *Šumava NP Care Plan 2001-2010* not prolonged for the 2011-2013 period until 10 August 2011; until then the Šumava NP Administration had no valid care plan. The care plans for both audited NPs contain a number of detailed conditions affecting the management of forest ecosystems, including timber extraction.

Non-intervention zones are a specific category for non-intervention management in respect of bark beetle in the specific conditions of the area in question and are not part of the nature conservation zoning system. The zoning divides territories according to their natural value and determines a degree of conservation. Conversely, management regimes directly describe what kind of care may be implemented in specific localities. Act No. 114/1992 provides that the 1<sup>st</sup> zone of an NP is characterised as strictly natural.

In reality it is not the case that no interventions are done at all throughout the 1<sup>st</sup> zone; conversely, non-intervention territories are also found in the 2<sup>nd</sup> zone. According to the *Šumava NP Care Plan 2001-2010*, there are 479 ha of non-intervention territory in the 1<sup>st</sup> zone, which accounts for approximately 5% of the 1<sup>st</sup> zone's total area. The area of non-intervention territories in the 2<sup>nd</sup> zone is almost double – 847 ha.

## **5. Decisions and exceptions concerning forest ecosystems in national parks pursuant to Act No. 114/1992**

The regime in a delimited part of an NP, e.g. ruling out extraction and treatment of infested wood matter, or permissible forest conservation measures, is declared in binding terms by decisions of the state nature conservation authorities; according to Act No. 114/1992 in NPs these are the NP administrations and the MoE. Administrative decisions also define non-

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<sup>12</sup> Report on the IUCN/WCPA mission to the Šumava National Park, Czech Republic, September 2002.

intervention territories, among other things. **A ban on intervention thus prescribed need not have a direct link to existing nature conservation zones or to the division of a territory by types and alternatives of management according to the NP care plan.**

Section 22 (1) of Act No. 114/1992, which applies to NP forests, provides that: “... *provisions on interventions against pests and on cases of extraordinary circumstances and unforeseen damages may be used only with the consent of and in the scope defined by the nature conservation authority.*” **Up to 30 November 2009 the NP administrations were authorised to issue decisions concerning the state nature conservation authority’s consent to the scope of measures against harmful agents – economic and administrative activity was thus concentrated in one organisation.**

The director of the Šumava NP Administration issued orders responding to decisions of the state nature conservation authority, i.e. the Šumava NP Administration. The Šumava NP Administration issued 10 protocols on the director’s orders in 2009 and 107 in 2010. These orders and protocols are internal management documents of the Šumava NP Administration; there are therefore not issued in administrative proceedings which allow for other entities’ participation. Decisions of the Šumava NP Administration on consents to interventions – or possibly orders of the director of the Šumava NP Administration and protocols – govern in concrete terms activities and interventions in the designated territories, including timber extraction, leaving wood matter to decompose etc. **The system of administrative decisions, director’s orders, protocols and also exemptions in the Šumava NP is highly complicated and largely incomprehensible.**

Under the amendment of Act No. 114/1992, since 1 December 2009 the MoE has been the state administration body authorised to issue consents to the use of provisions on interventions against pests, but so far the MoE has not issued any decisions in this regime for the KRNAP or Šumava NPs. The national park administrations have to date taken action, e.g. in interventions against bark beetle, on the basis of their own decisions/consents. **Although NP administrations have not been able to issue such decisions on consents for themselves, under an MoE resolution<sup>13</sup> this practice has been able to continue in the form of decisions on exemptions.**

Prior to 30 November 2009, in each case the government issued decisions granting exemptions from bans pursuant to Section 43 (3) of Act No. 114/1992 in the territories of NPs. In the vast majority of cases since 1 December 2009 the nature conservation authority authorised to grant exemptions in the territory of NPs has been the NP administration. In the period from 1 December 2009 to 31 December 2010 the Šumava NP Administration made use of its powers and issued three decisions on exemptions concerning interventions in forest vegetation – all the decisions dealt with the use of biocides. In the same period the KRNAP Administration did not issue any decisions on interventions in forest vegetation.

The wording of Section 43 of Act No. 114/1992 as of 1 December 2009 in the matter of exemptions led again to an accumulation of the activities of NP administrations which previously applied to consents: **the NP administration applies to itself for an exemption which, as the state nature conservation authority, it may grant in administrative proceedings.**

## **6. Agreement with the Republic of Austria**

*An Agreement on Cooperation in the Field of the Protection of Forests against the Spread of Spruce Bark Beetle across State Borders in the Territory of Šumava between the Ministry of the Environment of the Czech Republic and the Federal Ministry of Agriculture, Forestry,*

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<sup>13</sup> MoE resolution no. 25240/ENV/11 427/640/11 of 13.4.2011.



*Environment and Water Management of the Republic of Austria* ('the Agreement') was signed in Vienna on 13 October 2009. It was promulgated in a communication of the Ministry of Foreign Affairs under no. 21/2010 of the Collection of International Treaties. The Agreement sets out the manner and scope in which effective measures against the further spread of spruce bark beetle are to be performed along the shared state border in the area between Trojmezí and Smrčina, where the Šumava NP lies on the Czech side and there are commercial, privately owned forests on the Austrian side. A joint committee deals with the implementation of the tasks set by the Agreement.

It was specified in the Agreement that effective measures against the spread of spruce bark beetle would be performed in Czech territory in a strip of land at least 200m wide along the shared border, with the small exceptions of non-intervention zones. Measures within the strip of land on the Czech side include peeling the bark of standing trees affected by bark beetle, laying collectors and non-poisoned catchers, felling and treating active trees infested by bark beetles, and treating and debarking uprooted trees.

During 2010 the joint committee's business covered the enlargement of the intervention territory with regard to an assessment of the state and efficacy of the measures performed in 2009. On 9 May 2011 an annex to the Agreement was signed; it was promulgated in a communication of the Ministry of Foreign Affairs no. 67/2011. Above all, the annex enlarged the strip to combat the spread of spruce bark beetle on the Czech side to at least 500m with no exceptions – in some places this intervention territory substantially exceeds the said width. **According to the submitted documents, the strip of land is intended to stop the spread of bark beetle to the neighbouring commercial forest and is similar in nature to the peripheral zone around the core zone of the Bavarian Forest National Park** (see below).

Enlarging the protective strip of land significantly reduced the area of territory left to natural development along the shared border. In this part of the Šumava NP nature conservation zones are not important from the point of view of interventions against bark beetle – the main criterion for prescribing interventions against bark beetle is the designated strip of land where intervention management is applied.

## **7. National parks concept, MoE's current approach to the Šumava National Park**

The MoE submitted for scrutiny a document entitled *Czech National Parks Development Programme* and its abridged version *Czech National Parks Development Strategy*. The documents' purpose is to define the goals that need to be achieved in order to maintain and improve the state of conservation in individual NPs and to propose the necessary measures. The Programme is also based on strategic documents of nature conservation; in particular, it refers to the *State Nature Conservation Programme* and the *Biodiversity Strategy of the Czech Republic*. Their date, 26 November 2010, indicates the day on which the working versions of the materials were modified after discussion at an MoE management meeting and subsequent discussion in the NP administrations. According to the MoE, although these materials are prepared for further discussion at a management meeting, they had not been submitted to the MoE management by the date of the end of the audit.

**It is alarming that there is no approved conceptual document for the development of NPs. As a result, in the audited period the development of the NPs was managed mainly according to the currently applicable opinions of MoE representatives, between which there is no continuity.**

For example, on 28 July 2011 the environment minister issued a press release giving its opinion on the question of bark beetle in the Šumava NP. It stated in the press release: *"Šumava cannot be left at the bark beetle's mercy, as my Green predecessors did. The only*

*result is the destruction of extensive areas of the Šumava forests, i.e. damage not just to private, municipal and state property, but mainly to nature per se. I am convinced that we have to conduct a reasonable fight against the bark beetle, not protect it. On the contrary – we have to protect the Šumava nature against everyone and everything that destroys it. I fully comprehend and understand the indignation of the local people and their elected representatives.”* **This position differs substantially from the statements of environment ministers and other representatives of the department during most of the audited period 2009-2010.**

Whatever principles the care for the Šumava NP is based on, it is necessary for this concept to be incorporated into a generally binding legal regulation or regulations. **The absence of a categorically defined target state, i.e. the state which is to be achieved or preserved in the Šumava NP, creates room for the temporary pursuit of diametrically different objectives by the political representation that currently happens to be in power. The definition of the target state should be the outcome of expert and political discussion, whereby all aspects of territorial conservation should be covered. A concept that has not been made clear and keeps changing poses a risk of uneconomical use of state finances.**

Proclamations by the environment minister in 2011 (e.g. the minutes of a meeting with representatives of municipalities in Srní, March 2011) indicate that the MoE regards preparing an act on the Šumava NP as a key task. According to the minister, a working group was set up at the MoE; it meets relatively often, but no deadlines have been set. According to information from the MoE, however, no material has been discussed or approved at the internal MoE level, so no document was presented during the audit. The environment minister presented the principles of the act at a meeting of concerned parties on 24 August 2011. **According to the minister, the principles of care in the Šumava NP and methods of commercial use should be set out in binding form in an act so that the NP concept is long-term and does not change whenever there is a change of minister.**

A stabilised concept and legally enshrined approach to care for the national park is typical for the Bavarian Forest NP adjoining the Šumava NP. The Bavarian Forest NP has a binding target state – up to 2027 nature is to be left to its natural development in the complete 1<sup>st</sup> non-intervention zone (covering at least 75% of the area of the entire NP) and thorough and effective interventions are to be performed in a peripheral zone at least 500m wide in contact with private commercial forests. In 1983, when large areas of broken trees were left by a storm, the fallen trees in the core zone were left as they were. The natural development of forests had already been decided on in the form of a generally binding legal regulation on the future of the majority of NPs– this state of affairs endures to this day. Self-renewal of the mountain forest is already noticeable in the core zone.

At present, the non-intervention regime is applied in the majority of the Bavarian Forest NP: trees infested with bark beetle are not felled and chemical treatment is not used either. Pheromone catchers are used solely for monitoring purposes. Interventions against bark beetle or fallen trees are applied only in the peripheral (buffer) zone. Although the conditions of the two neighbouring NPs are not comparable (area, natural agents, ownership, initial composition of the forest etc.), the simple, stable and binding concept of the Bavarian Forest NP is inspirational.

### III. Summary

The total amount of money provided to both audited NP administrations in contributions to operations and special-purpose subsidies in 2009 and 2010 was CZK 962,032,000. The two administrations earned a total of CZK 800,844,000 from the sale of timber in the same period.

Total contributions to operations and special-purpose subsidies from the state budget decreased significantly for both audited NP administrations from 2009 to 2010: for the KRNAP Administration from CZK 241,463,000 to CZK 195,607,000 and for the Šumava NP Administration from CZK 304,844,000 to CZK 220,118,000. The difference was made up for in 2010 by increased revenues from timber sales, especially in the Šumava NP Administration. The NPs' mission is not, however, timber extraction for sale purposes. The question therefore arises whether national parks should be administered in the form of allowance organisations.

In line with the relevant regulations, in the Šumava NP land was surrendered mainly to municipalities, so municipalities' property in the territory of this NP increased significantly. Relatively substantial amounts (CZK 19,193,000 in 2010) were paid out within the competence of the Šumava NP Administration as compensation for damages caused by the restrictions on farming or commercial forestry.

The non-intervention territory within the meaning of interventions against pests is a specific category and has no direct link to nature conservation zones. Act No. 114/1992 provides that the 1<sup>st</sup> zone of an NP is characterised as strictly natural. In reality it is not the case, however, that no interventions are done at all throughout the 1<sup>st</sup> zone; conversely, non-intervention areas are also found in the 2<sup>nd</sup> zone. In the Šumava NP, for example, the 1<sup>st</sup> zone contains 479 ha of non-intervention area, which accounts for approximately 5% of the total area of the 1<sup>st</sup> zone; the non-intervention area in the 2<sup>nd</sup> zone is almost double that at 846 ha.

The management of the forest was laid down in binding terms in the form of decisions in the matter of consents of the state authorities. Throughout the audited period the NP administrations mainly proceeded according to their own administrative decisions, even in fundamental matters (e.g. when deciding what management would be applied in a particular territory, including non-intervention). Similarly, since 1 December 2009 the NP administrations themselves, as state authorities, have been able to decide on exemptions from bans. The way decision-making powers are set up, whereby the organisation responsible for the management of an entrusted territory requests from itself as a state authority consents or exemptions and then proceeds according to its own administrative decisions, is founded in the generally binding legal regulations.

The territory of the Šumava NP in a strip along the border with the Republic of Austria cannot be left to the spontaneous development of ecosystems, as dictated by an international agreement signed by the MoE in 2009. With effect from 9 May 2011 the width of this strip has been extended to at least 500m from the state border. The declared purpose of the agreement is to protect commercial forests on the Austrian side from bark beetle. In the 1<sup>st</sup> zones, specifically in formerly non-intervention areas, interventions are now performed against bark beetle.

There is no approved conceptual document for the development of NPs. As a result, in the audited period the development of the NPs was managed mainly according to the currently applicable opinions of MoE representatives, between which there has been no continuity.

The MoE's current stance on the management of forest ecosystems in the Šumava NP, which differs significantly from the MoE approaches applied in previous years, is mainly indicated by opinions, recommendations and proposals of the minister publicly presented in 2011.

The generally binding legal regulations regulate the conservation conditions merely in framework terms and do not contain specific aspects for individual NPs – the mission of all national parks in the Czech Republic is practically the same. The example of the Šumava NP shows clearly that there is no binding and long-term concept of nature conservation in national parks that would contain a definition of the target state, concretised for a particular NP, and gradual and timed steps to achieve this state. The view of nature conservation, especially the management of forest ecosystems, was then subject to changes. A concept that has not been made clear and keeps changing poses a risk of uneconomical use of state finances. The current management of the MoE is inclined to define a binding nature conservation concept in the Šumava NP by means of a special act applicable only to this park.

# Šumava National Park Zoning valid from 1991 until 1995



Zoning from 1991 until 1995

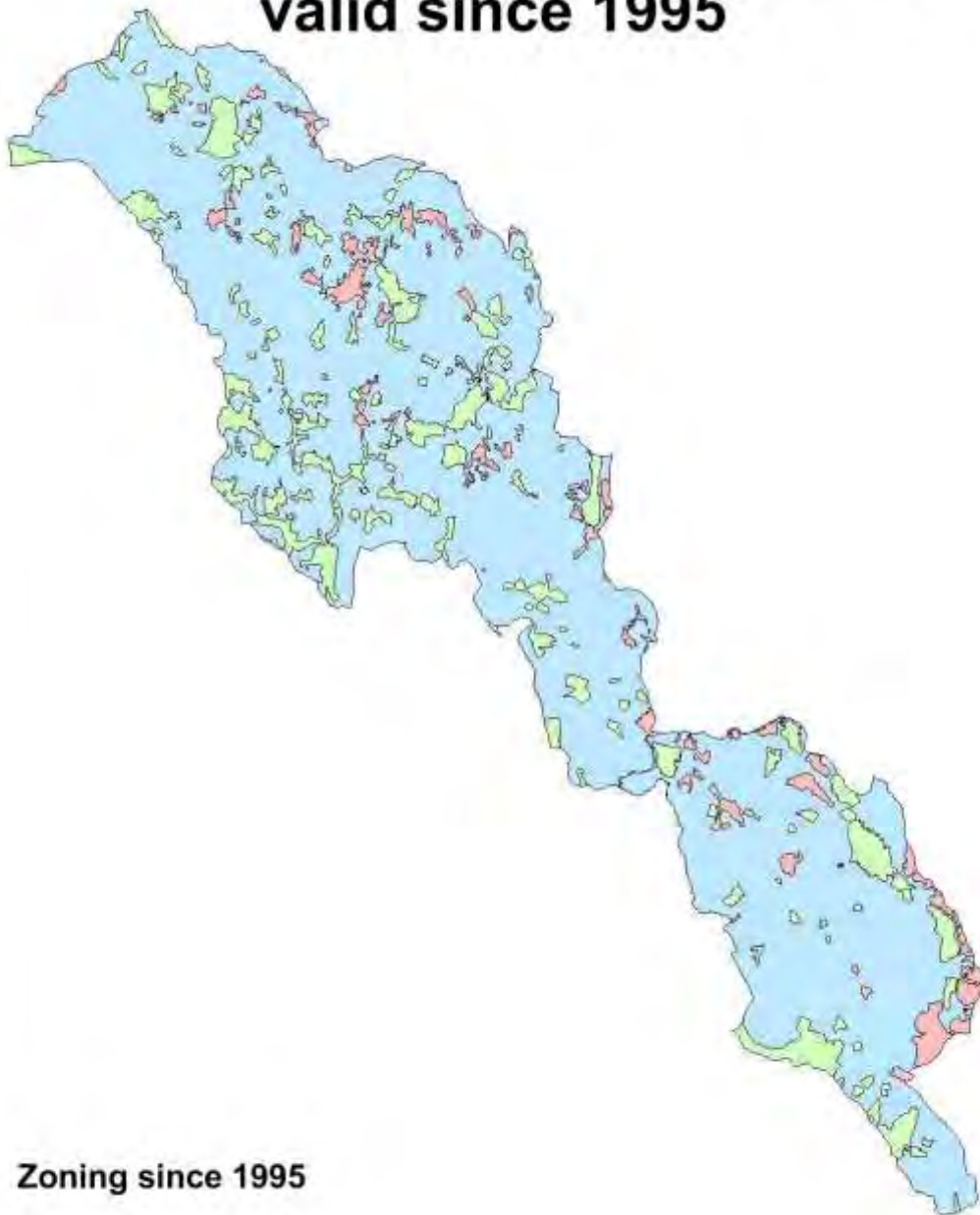
Zone

- I
- II
- III



1:280 000

# Šumava National Park Zoning valid since 1995



Zoning since 1995

Zone



N  
1:280 000