Bild: Rechnungshof

Dr. Josef Moser
Präsident des Rechnungshofes

Vorwort des Präsidenten des Rechnungshofes

Internationale Prüfungen sind ein wesentliches Instrument des Wissenstransfers zwischen den Obersten Rechnungskontrollbehörden. Sie gewährleisten einen hohen Qualitätsstandard der Kontrolle und stellen einen starken Impuls für die Weiterentwicklung der externen Finanzkontrolle dar. Der österreichische Rechnungshof engagiert sich seit Jahren im Bereich der Internationalen Organisation Oberster Rechnungskontrollbehörden (INTOSAI) für die internationale Zusammenarbeit von Obersten Rechnungskontrollbehörden. Er blickt auf eine langjährige Erfahrung in der Abwicklung bilateraler Prüfungen, z.B. im Steuer-, Bau- oder im Umweltbereich, zurück.

Im Rahmen eines internationalen Prüfungsprojekts führten der Rechnungshof und die Obersten Rechnungskontrollbehörden Ungarns und Sloweniens koordinierte Prüfungen der Umweltsituation im Dreiländereck Österreich – Ungarn - Slowenien durch. Jede Oberste Rechnungskontrollbehörde prüfte auf ihrem Staatsgebiet; die Themenschwerpunkte und Prüfungskonzepte wurden zwischen den drei Prüfungsteams abgestimmt. Ihre Berichte erstellten die drei Obersten Rechnungskontrollbehörden jeweils in Eigenverantwortung.

Vorwort des Präsidenten des Rechnungshofes

Aufbauend auf der innerstaatlichen Berichterstattung fassten die drei Obersten Rechnungskontrollbehörden Österreichs, Ungarns und Sloweniens die wichtigsten Prüfungsergebnisse – insbesondere jene von grenzüberschreitender Bedeutung – in einem gemeinsamen internationalen Bericht zusammen. Die Präsidenten der drei beteiligten Obersten Rechnungskontrollbehörden präsentierten den internationalen Bericht im Juni 2006 in Ljubljana der Öffentlichkeit.

Mit der Prüfung der Umweltsituation im Dreiländereck Österreich – Ungarn – Slowenien wählten die drei Obersten Rechnungskontrollbehörden ein Thema, das eine Region in ihrer Gesamtheit hinsichtlich einer Vielzahl grenzüberschreitender Fragen des Umwelt- und Naturschutzes berührt.

Die koordinierten Prüfungen zeigten, dass durch internationale Zusammenarbeit überregionale Problemstellungen umfassender beleuchtet und in ihrer Tragweite besser bewertet werden können.

Es ist mir ein Anliegen, die gute Zusammenarbeit der Prüfungsteams aller drei Obersten Rechnungskontrollbehörden während der gesamten Prüfung hervorzuheben. Der damit verbundene Erfahrungsaustausch stellt eine große Bereicherung für die Prüfungstätigkeit des Rechnungshofes dar. Für den Rechnungshof ist diese gelungene Prüfung Anlass für weitere Zusammenarbeit auf internationaler Ebene.

Dr. Josef Moser
Präsident des Rechnungshofes

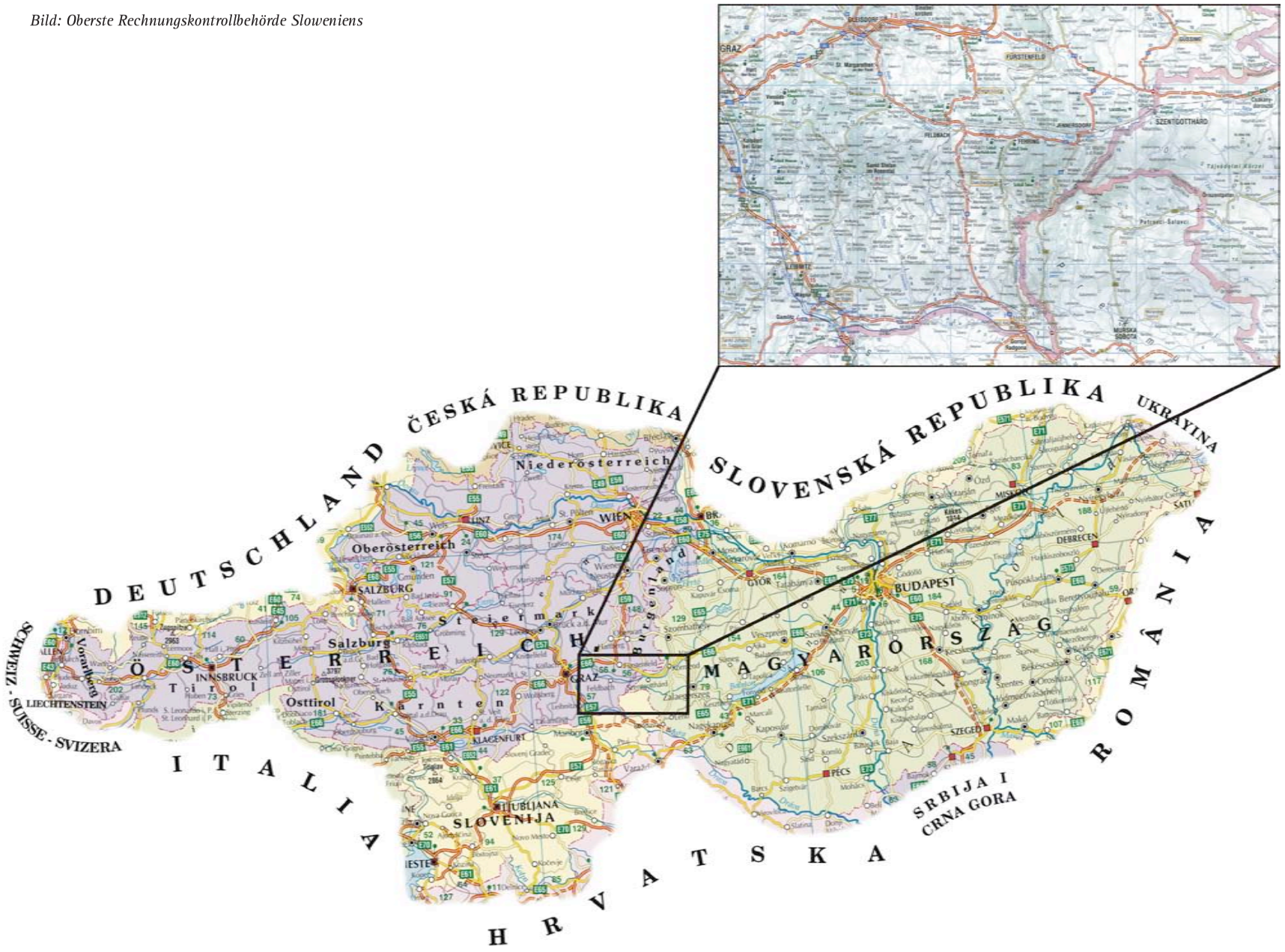
Bild: Österreichischer Rechnungshof

Die Leiter/Leiterinnen der Prüfungsteams der drei beteiligten Obersten Rechnungskontrollbehörden

Bild: Oberste Rechnungskontrollbehörde Sloweniens

Pressekonferenz in Ljubljana im Juni 2006

Bild: Oberste Rechnungskontrollbehörde Sloweniens



Prüfungsgebiet

Communiqué

der Präsidenten der Obersten Rechnungskontrollbehörden der Republik Österreich, der Republik Ungarn und der Republik Slowenien zu den koordinierten Prüfungen betreffend die Umweltsituation im Dreiländereck Österreich – Ungarn – Slowenien

Umwelt– und Naturschutz sind zentrale Anliegen moderner Gesellschaften. Da Umweltprobleme nicht an nationalen Grenzen halt machen, bedarf es – um Beeinträchtigungen der Lebensräume und Verschmutzungen der Umweltmedien wirksam begegnen zu können – einer intensiven internationalen Kooperation. Den Obersten Rechnungskontrollbehörden (ORKB) kommt als unabhängigen Einrichtungen bei der Überprüfung solcher grenzüberschreitender Problemstellungen eine besondere Rolle zu.

Die Präsidenten der ORKB der Republik Österreich, der Republik Ungarn und der Republik Slowenien haben es sich zum Ziel gesetzt, das Thema Umwelt unter übernationalen Gesichtspunkten zu beleuchten. Sie kamen überein, koordinierte Prüfungen durchzuführen, die sich mit den – häufig gleichgelagerten – Problemen des Umwelt– und Naturschutzes in der Grenzregion der drei Staaten auseinandersetzten.

Alle drei ORKB hatten bereits Erfahrung mit erfolgreichen bilateralen Prüfungskooperationen. Mit der gegenständlichen trilateralen Prüfung wurde nun ein weiterer Meilenstein in der Zusammenarbeit und im Wissenstransfer zwischen den drei ORKB gesetzt.

Die trilaterale Kooperation entstand auf Anregung der EUROSAI–Arbeitsgruppe Umweltprüfung (Europäische Organisation Oberster Rechnungskontrollbehörden). Die unterzeichneten Präsidenten bringen ihre Hoffnung und Überzeugung zum Ausdruck, mit den gegenständlichen Prüfungen einen Beitrag zur technischen Kooperation der ORKB im Bereich der Umweltprüfungen zu leisten.

Die von den drei ORKB durchgeführten Umweltprüfungen befassten sich mit den Themen Wasser, Boden und Naturschutz. Das Prüfungsgebiet umfasste die Region entlang der Grenze der drei Staaten, insbesondere die Region um die Flüsse Raab und Mur sowie die im Prüfungsgebiet gelegenen Schutzgebiete. Überprüfter Zeitraum waren die Jahre 2000 bis 2005, wobei der Fokus auf den aktuellen Entwicklungen und Trends lag. Ziel der Prüfungen war es:

- einen Überblick über die Qualität der Fließ– und Grundwässer, die Bodenqualität und die in der Region gelegenen Schutzgebiete zu geben,
- die Situation der Abwasserentsorgung darzustellen,
- die Effektivität der von den zuständigen Behörden gesetzten Maßnahmen zu beurteilen und die Verwendung von Mitteln für Zwecke des Umwelt– und Naturschutzes zu beleuchten sowie
- Defizite und weitere Handlungsnotwendigkeiten aufzuzeigen.

Besonderes Augenmerk wurde bei den Prüfungen auf Fragen der grenzüberschreitenden Zusammenarbeit der Behörden gelegt.

Die Prüfungen erfolgten in enger gegenseitiger Abstimmung, wobei jede der drei ORKB ihre Prüfung in Eigenverantwortung und im Rahmen ihres jährlichen Prüfungsprogrammes durchführte. Die ORKB legten vorerst getrennte nationale Berichte und fassten diese sodann zu einem gemeinsamen Bericht zusammen. Der gemeinsame Bericht bildet den Annex zum Communiqué.

Gemeinsame Feststellungen und Empfehlungen

Die drei ORKB beurteilten die von den verantwortlichen Stellen gesetzten Maßnahmen zum Schutz der Umwelt und der Natur grundsätzlich positiv. Sie wiesen allerdings auch auf einige Belastungsquellen hin, die nennenswerte Auswirkungen auf die Qualität von Gewässern hatten. Gestützt auf die Ergebnisse ihrer Prüfungen gaben die ORKB folgende gemeinsame Beurteilungen und Empfehlungen ab:

1. In der Grenzregion von Österreich, Ungarn und Slowenien liegen mit dem Naturpark Raab, dem Nationalpark Őrség und dem Landschaftspark Goričko drei aneinander angrenzende Schutzgebiete. Sie haben die Aufgaben, den Schutz, die Pflege und die Entwicklung der Natur und der Landschaft zu gewährleisten sowie die Regionalentwicklung zu fördern.

   Die drei ORKB bewerteten die grenzüberschreitende Zusammenarbeit als positiven Impuls für den Naturschutz und die Entwicklung der Region. Sie empfahlen, die trilaterale Kooperation im Sinne eines gemeinsamen trilateralen Naturparks Raab–Őrség–Goričko zu intensivieren. Weiters regten sie an, einen gemeinsamen trilateralen Managementplan auszuarbeiten, um so den zielgerichteten Ressourceneinsatz und die effiziente Entwicklung des Gebiets zu unterstützen.

2. Die Europäische Union schuf mit NATURA 2000 eine einheitliche Grundlage zum Schutz von Lebensräumen und Arten, deren Ziel es ist, ein europaweites Schutzgebiets–Netzwerk einzurichten. In den Grenzregionen der drei Länder liegen einige bedeutende natürliche Lebensräume, die zum Teil bereits als Natura 2000–Gebiete nominiert wurden oder als solche in Frage kommen.

   Die drei ORKB empfahlen, die Zusammenarbeit der Länder im Bereich der grenznahen Natura 2000–Gebiete zu forcieren, um so eine einheitliche Ausweisung geschlossener Naturräume zu erreichen und ein abgestimmtes Management der Gebiete zu ermöglichen.

3. Die Zusammenarbeit der Staaten im Bereich der Wasserwirtschaft erfolgt auf der Basis von zwischenstaatlichen Abkommen. Die Staaten verpflichteten sich darin, Maßnahmen, welche die Wasserverhältnisse auf dem Gebiet des anderen Vertragsstaates nachteilig beeinflussen können, in einer gemeinsamen Kommission zu erörtern.

Die ORKB hoben die gute Zusammenarbeit der Staaten in den Gewässerkommissionen hervor und hielten fest, dass diese wesentlich zu einer nachhaltigen Nutzung und Entwicklung der Gewässer beitrug. Die regelmäßige gemeinsame Gewässergüteüberwachung und den gegenseitigen Informationsaustausch bewerteten sie positiv.

4. Der Fluss Raab zeigt im österreichischen Abschnitt chemische und organische Belastungen, die in erster Linie auf die industrielle Nutzung des Flusses zurückzuführen waren. Auf ungarischer Seite wurde wiederholt die Bildung von Schaum beobachtet. Die Einleitung privater und kommunaler Abwässer auf ungarischer Seite trug zu einer weiteren Belastung des Flusses bei.

   Die ORKB unterstützten die Bemühungen der österreichisch–ungarischen Gewässerkommission, die Ursachen der Schaumbildung zu finden, und empfahlen den zuständigen Behörden, auf eine Reduktion der Belastungen hinzuwirken.

5. Während der Fluss Mur 1970 durch kommunale und industrielle Abwassereinleitungen sehr stark verschmutzt war, weist die Mur heute eine relativ gute Wasserqualität auf. Die Verbesserung war im Wesentlichen das Ergebnis des konsequenten Ausbaues der kommunalen und industriellen Abwasserreinigung auf österreichischer Seite. In den letzten Jahren hat auch Slowenien Initiativen gesetzt, um die Belastungen des Flusses zu reduzieren.

   Die ORKB anerkannten die positive Entwicklung der Wasserqualität der Mur in den letzten 30 Jahren. Sie empfahlen, die Bemühungen um eine Reduktion der Belastungen mit dem Ziel fortzusetzen, durchgängig eine Qualität der Güteklasse II zu erreichen.

Die drei ORKB werden den gemeinsamen Bericht über ihre Webseiten öffentlich zugänglich machen und ihn den für Umweltfragen verantwortlichen Regierungsstellen übermitteln. Weiters wird der Bericht an die Arbeitsgruppen Umweltprüfung sowie andere interessierte Gremien der INTOSAI und EUROSAI versandt.

Dr. Árpád Kovács

Präsident

Ungarischer
Staatsrechnungshof

Igor Šoltes

Präsident

Slowenischer
Rechnungshof

Dr. Josef Moser

Präsident

Österreichischer
Rechnungshof

Wirkungsbereich des Bundesministeriums für Land– und Forstwirtschaft, Umwelt und Wasserwirtschaft

Umweltsituation im Dreiländereck Österreich – Ungarn – Slowenien

Prüfungsablauf und –gegenstand

1 Der RH überprüfte von April bis Mai 2005 die Gebarung des Bundesministeriums für Land– und Forstwirtschaft, Umwelt und Wasserwirtschaft (BMLFUW) sowie der Burgenländischen und der Steiermärkischen Landesregierung betreffend die Umweltsituation in der Grenzregion zu Ungarn und Slowenien.

Der RH übermittelte sein Prüfungsergebnis im September 2005 an die überprüften Stellen in Österreich und legte im März 2006 Berichte an den Burgenländischen und den Steiermärkischen Landtag (Reihe Burgenland 2006/4, Reihe Steiermark 2006/3).

Schwerpunkte der Prüfung waren die Themen Wasserqualität (Fließwasser und Grundwasser), Bodenqualität und Naturschutz (Natura 2000). Prüfungsziele waren der Vergleich des Ist–Zustandes im Prüfungsgebiet mit den Zielsetzungen sowie die Beurteilung der Maßnahmen der verantwortlichen Stellen hinsichtlich ihrer Zweckmäßigkeit zur Wahrung und Verbesserung der Umweltqualität. Geprüft wurde der Zeitraum von 2000 bis Anfang 2005.

2 Das Prüfungsgebiet auf österreichischer Seite umfasste das Südburgenland (Bezirke Jennersdorf und Güssing) und die Südoststeiermark (Bezirke Leibnitz, Feldbach, Fürstenfeld, Radkersburg). Die Region hat eine Fläche von 2.750 km^2 und 234.730 Einwohner. In der Region liegen zwei wichtige Grenzflüsse (Mur und Raab), sieben Natura 2000–Schutzgebiete und ein trilateraler Naturpark.

Zuständigkeiten

3 Nach der Kompetenzverteilung der österreichischen Bundesverfassung ist Wasserrecht in Gesetzgebung und Vollziehung Bundeskompetenz. Es wird von den Landeshauptleuten in mittelbarer Bundesverwaltung vollzogen.

Naturschutz und Bodenschutz fallen in Gesetzgebung und Vollziehung in die Kompetenz der Länder.

Wasser

Fließgewässer

Rechtlicher Rahmen und Qualitätsziele

4.1 Die Wasserrahmenrichtlinie der EU und darauf aufbauend das Wasserrechtsgesetz haben die systematische Verbesserung und die Verhinderung der Verschlechterung der Gütesituation der Gewässer zum Ziel.

Österreich hat in der Vergangenheit hinsichtlich des Schutzes der Oberflächengewässer einen vor allem emissionsseitigen Ansatz verfolgt. In diesem Sinne erließ das BMLFUW eine Reihe von Emissionsverordnungen, die je nach Branche unterschiedliche, am jeweiligen Stand der Technik orientierte Emissionsgrenzwerte für Anlagen festlegen und die Basis für wasserrechtliche Bewilligungen darstellen.

Gemeinschaftsrechtliche Vorgaben und das Wasserrechtsgesetz verpflichten dazu, den emissionsseitigen Ansatz um eine immissionsseitige Betrachtung zu ergänzen und Verordnungen zu erlassen, mit denen die Zielzustände von Oberflächengewässern näher zu beschreiben und insbesondere Grenz– und Richtwerte für Immissionen festzulegen sind.

Solche verbindlichen Anordnungen von Qualitätszielen mit Verordnung standen Ende 2005 noch aus. Ein im Juli 2005 zur Begutachtung ausgesandter Entwurf einer „Qualitätszielverordnung Chemie Oberflächengewässer“, der Grenzwerte für bestimmte chemische Stoffe vorsieht, war zu diesem Zeitpunkt noch nicht realisiert.

4.2 Der RH bemängelte, dass im Bereich der Oberflächengewässer keine verbindlichen Qualitätsziele bestanden. Er anerkannte, dass die geplante Qualitätszielverordnung einen wichtigen Schritt zur Festlegung verbindlicher Immissionsgrenzwerte darstellen würde. Er hielt allerdings fest, dass mit der Einschränkung des Verordnungsentwurfes auf bestimmte chemische Stoffe nur ein Teil der Gewässergüte abgedeckt und damit den Anforderungen des Wasserrechtsgesetzes nur teilweise Rechnung getragen würde.

Der RH empfahl, die Qualitätszielverordnung zügig in Kraft zu setzen und in einem nächsten Schritt Grenzwerte auch für die anderen relevanten Parameter (allgemein chemisch–physikalische Parameter, Sauerstoffzehrung und Nährstoffbelastung) festzusetzen.

4.3 *Die „Qualitätszielverordnung Chemie Oberflächengewässer" wurde im März 2006 erlassen. Laut Stellungnahme des BMLFUW werde an Festlegungen für weitere Parameter noch gearbeitet.*

Ist–Zustand

5.1 Von grenzüberschreitender Bedeutung sind im Prüfungsgebiet die Flüsse Raab und Mur.

Die Mur hatte im Prüfungsgebiet mit der Güteklasse II (mäßig belastet) und einer relativ geringen chemischen und im unteren Teil auch geringen hydromorphologischen Belastung (relativ guter Natürlichkeitsgrad, das heißt keine Stauhaltung, wenige Querbauwerke) einen guten Gewässerzustand. In den 70er–Jahren des vorigen Jahrhunderts war die Mur durch kommunale und industrielle Abwassereinleitungen sehr stark verschmutzt; als Ergebnis eines 1985 begonnenen Sanierungsprogramms besserte sich die Situation seit den 80er–Jahren zusehends.

Die Raab wies eine deutliche chemische und organische Belastung auf (Güteklasse II bis III – kritisch belastet). Diese war in erster Linie auf die industrielle Nutzung des Flusses zurückzuführen, darüber hinaus aber auch auf die ungleichmäßige Wasserführung infolge des Schwellbetriebes von Wasserkraftwerken (Anpassung des Wasserdurchlaufes an den Strombedarf) sowie auf die Entnahmen von Wasser für landwirtschaftliche Bewässerung. Nach den Feststellungen des RH waren die Belastungen nicht in allen Fällen rechtlich gedeckt.

5.2 Nach Ansicht des RH zeigte die deutliche Verbesserung der Wasserqualität der Mur in den letzten dreißig Jahren, dass die umfangreichen Sanierungsmaßnahmen wirksam waren. Hinsichtlich der Raab hielt der RH fest, dass insofern ein Potenzial zur Verbesserung des Gewässerzustandes bestand, als ein Teil der Belastungen auf unzulässige Nutzungen zurückzuführen war.

Kontrollen

6.1 Die Gewässeraufsicht kontrollierte im Rahmen ihrer Aufsichtstätigkeit kommunale und betriebliche Abwasserreinigungsanlagen auf die Einhaltung der gesetzlichen und bescheidmäßigen Vorgaben. Ein Vergleich der Kontrolltätigkeit in den beiden Bundesländern zeigte, dass die Gewässeraufsicht im Burgenland wöchentliche Kontrolluntersuchungen vornahm, während die Probeziehungen in der Steiermark für kommunale Anlagen drei– bis sechsmal im Jahr erfolgten und für betriebliche Anlagen in der Regel nur ein– bis zweimal im Jahr.

6.2 Der RH war der Auffassung, dass die Kontrolltätigkeit der Gewässeraufsicht österreichweit einem einheitlichen Standard unterliegen sollte und empfahl dem BMLFUW, bundeseinheitliche Richtlinien hinsichtlich der Kontrollfrequenz auszuarbeiten. Die Frequenz sollte jedenfalls so gewählt werden, dass ein guter Überblick der Gewässeraufsicht über den Zustand der Anlagen und die Emissionssituation gewährleistet ist.

6.3 *Das BMLFUW sagte zu, eine Harmonisierung der Kontrolltätigkeiten anzustreben.*

Grundwasser

Rechtlicher Rahmen und Qualitätsziele

7.1 Das Wasserrechtsgesetz bestimmt als Ziel für die Grundwasserqualität einen guten mengenmäßigen und chemischen Zustand sowie ein Gleichgewicht zwischen Grundwasserentnahme und –neubildung, wobei Grundwasser grundsätzlich so rein zu halten ist, dass es als Trinkwasser verwendet werden kann.

Mit der Grundwasserschwellenwertverordnung und der Trinkwasserverordnung legte das BMLFUW Immissionsgrenzwerte fest. Darüber hinaus beschränkt das in Umsetzung der Nitratrichtlinie der EU erlassene Aktionsprogramm zum Schutz der Gewässer vor Verunreinigung durch Nitrat aus landwirtschaftlichen Quellen (Aktionsprogramm Nitrat) die Aufbringung von Düngemitteln auf landwirtschaftlichen Nutzflächen.

7.2 Nach Ansicht des RH bot das rechtliche Instrumentarium ausreichende Möglichkeiten, um einen guten Grundwasserschutz zu gewährleisten.

Ist–Zustand

8.1 Die Grundwasserkörper im Südburgenland wiesen Verunreinigungen mit Orthophosphat und Ammonium auf; ein Problemgebiet stellte seit Jahren das Stremtal dar, in dem das Grundwasser hinsichtlich vieler Parameter (Nitrat, Atrazin, Desethylatrazin, Orthophosphat, Ammonium) belastet war. In der Südoststeiermark fanden sich in den Grundwassergebieten Unteres Murtal und Leibnitzer Feld Nitratbelastungen.

Die Belastungen des Grundwassers waren in erster Linie auf Einträge aus der Landwirtschaft zurückzuführen.

8.2 Der RH erachtete die Grundwasserqualität im Bereich des Leibnitzer Feldes und des Unteren Murtales – insbesondere vor dem Hintergrund, dass in der Südoststeiermark die Wasserversorgung zu einem relativ hohen Prozentsatz (rd. 25 %) durch Einzelbrunnen erfolgte – als problematisch.

8.3 *Die Steiermärkische Landesregierung kündigte legistische Maßnahmen an, um die Nitrataufbringung im Leibnitzer Feld weiter einzuschränken.*

Kontrollen

9.1 In den für die kommunale Trinkwasserversorgung bedeutsamen Gebieten der Südoststeiermark überprüfte die Gewässeraufsicht die Aufbringung von potenziell grundwasserbelastenden Substanzen, das heißt von Düngemitteln, Gülle, Klärschlamm und Pflanzenschutzmitteln systematisch. In den übrigen Grundwassergebieten erfolgten Kontrollen nur anlassbezogen.

9.2 Der RH empfahl, die bestehenden Kontrollen im Sinne eines integrierten risikobasierten Kontrollsystems für potenziell grundwasser– und bodenbelastende Tätigkeiten auszubauen.

9.3 *Die Steiermärkische Landesregierung sagte zu, eine weitere Effizienzsteigerung durch eine Integration der bestehenden Kontrollsysteme anzustreben.*

Internationale Zusammenarbeit

Österreichisch–ungarische Gewässerkommission

10.1 Die Zusammenarbeit zwischen Österreich und Ungarn im Bereich der Wasserwirtschaft erfolgte auf Basis eines Staatsvertrages. Die Vertragsstaaten verpflichteten sich darin, Maßnahmen, welche die Wasserverhältnisse auf dem Gebiet des anderen Vertragsstaates nachteilig beeinflussen könnten, in der österreichisch–ungarischen Gewässerkommission zu erörtern.

Maßnahmen, die in einer Entfernung von bis zu sechs Kilometern ab der Staatsgrenze gesetzt werden, bedürfen der Zustimmung des anderen Vertragsstaates; die Zustimmung kann nur aus wichtigen Gründen verweigert werden.

Die Gewässerkommission behandelte in ihren jährlichen Sitzungen Themen von beiderseitigem Interesse wie Hochwasserschutz, die regelmäßige – auch gemeinsame – Gewässergüteüberwachung und die Abstimmung der nationalen Gewässerbewirtschaftungspläne. Weitere Themen waren die Salzbelastung der Raab, welche die in Ungarn geplante Nutzung für Bewässerung und Trinkwasser erschwerte, sowie die Schaumbildung im ungarischen Teil des Flusses, die von der Bevölkerung als störend und beunruhigend empfunden wurde.

Die Ursache für die Schaumbildung konnte noch nicht eindeutig geklärt werden. Von der ungarischen Seite wurde ein Stoff als problematisch angesehen, der bei Gerbprozessen eingesetzt und als gering toxisch und schwer abbaubar beschrieben wird. Zur Abklärung der Ursachen beauftragte das BMLFUW vertiefte Studien.

10.2 Der RH anerkannte die Bemühungen des BMLFUW, die Ursachen der Schaumbildung zu finden. Er empfahl den zuständigen Behörden – auch vor dem Hintergrund der bilateralen Verpflichtungen gegenüber Ungarn –, verstärkt auf die Einhaltung der wasserrechtlichen Vorgaben zu dringen.

Ständige österreichisch–slowenische Kommission für die Mur

11.1 Die Zusammenarbeit zwischen Österreich und Slowenien im Bereich der Wasserwirtschaft erfolgte – ebenfalls auf der Basis eines Staatsvertrages – in der Ständigen österreichisch–slowenischen Kommission für die Mur.

Die Kommission behandelte alle wasserwirtschaftlichen Fragen, welche die Grenzstrecke der Mur betrafen; im Bereich der Gewässereinhaltung beschäftigte sie sich auch mit auf slowenischer Seite gelegenen lokalen Belastungsquellen.

Zwischen 1998 und 2001 arbeitete ein österreichisch–slowenisches Expertenteam im Rahmen der Kommission ein „Wasserwirtschaftliches Grundsatzkonzept für die Grenzmur“ aus. Schwerpunkte waren die Verhinderung der Eintiefungstendenz der Gewässersohle, die Gewährleistung des Hochwasserschutzes und die langfristige dynamisch–natürliche Entwicklung (ökologische Funktionsfähigkeit und Nachhaltigkeit) des Gewässersystems.

Einige Maßnahmen an der österreichischen Grenzstrecke – insbesondere Aufweitungen der Mur – sind bereits abgeschlossen.

11.2 Aus Sicht des RH war die Kommission durch ein gutes Arbeitsklima und eine effiziente Zusammenarbeit geprägt. Er hob die rasche Umsetzung des Wasserwirtschaftlichen Grundsatzkonzeptes auf österreichischer Seite positiv hervor.

Trinkwasserversorgung und Abwasserentsorgung

12.1 Der Anschlussgrad an die kommunale Wasserversorgung und Abwasserentsorgung lag im Südburgenland mit 99 % bzw. 97 % deutlich über dem Österreichdurchschnitt (87 % bzw. 89 %). In der Südoststeiermark lagen die Anschlussgrade bei 75 % bzw. 78 %.

In Summe wurden von 1993 bis 2004 in die Trinkwasserversorgung der geprüften Region rd. 131 Mill. EUR und in die Abwasserentsorgung rd. 526 Mill. EUR investiert. Die Pro–Kopf–Investitionssummen lagen für das Südburgenland deutlich über jenen der Südoststeiermark.

Region	Einwohner	Anschlussgrad	Investitionen 1993 bis 2004	durchschnittliche Investitionen je Einwohner und Jahr
Trinkwasserversorgung:	Anzahl	in %	in Mill. EUR	in EUR
Südburgenland	45.132	99	59,16	109
Südoststeiermark	189.597	75	71,83	32
Abwasserentsorgung:				
Südburgenland	45.132	97	140,13	259
Südoststeiermark	189.597	78	385,59	169

12.2 Der RH stellte fest, dass das Südburgenland über eine gute Trinkwasserversorgung und Abwasserentsorgung verfügte. Die vergleichsweise schlechtere Versorgungslage in der Südoststeiermark war teilweise durch die Topographie der Regionen, insbesondere die zersiedelte Bebauung, nicht zuletzt aber auch durch einen gewissen Investitionsrückstand bedingt.

Der RH wies darauf hin, dass Qualität und Dichte der kommunalen Abwasserentsorgung wesentliche Voraussetzungen für die Reinhaltung von Gewässern und damit wichtige umweltrelevante Indikatoren darstellen. Zur Sicherung der Trinkwasserversorgung empfahl er, in der Südoststeiermark einen Ausbau der Ortsnetze in Erwägung zu ziehen.

12.3 *Die Steiermärkische Landesregierung sagte einen weiteren Ausbau der Ortsnetze zu.*

Boden

Rechtlicher Rahmen und Qualitätsziele

13 Ziel der Bodenschutzgesetze beider Bundesländer war es, durch Vermeidung von Schadstoffeinträgen sowie durch Verhinderung von Bodenerosion und Bodenverdichtung die nachhaltige Fruchtbarkeit landwirtschaftlicher Böden zu erhalten und zu verbessern.

Ist–Zustand und Monitoring

14.1 Die Landesregierungen führten Untersuchungen durch, mit denen der Zustand der landwirtschaftlich genutzten Böden flächendeckend erhoben wurde. Die Untersuchungen zeigten für die im Südburgenland gelegenen landwirtschaftlichen Flächen eine ausgeglichene Nährstoffversorgung und keine nennenswerten Schadstoffbelastungen. Die Böden der Südoststeiermark wiesen dagegen eine hohe Nährstoffversorgung sowie Pestizid– und Schwermetallbelastungen auf.

14.2 Der RH wies darauf hin, dass sich in der Südoststeiermark im Boden in gleicher Weise wie beim Grundwasser die Belastung durch landwirtschaftliche Nutzung widerspiegelte.

Naturschutz

Natura 2000–Gebiete

Gebietsausweisung

Bild: Steiermärkische Landesregierung

Mur bei Sicheldorf

15.1 Wesentliche Grundlagen für den Biotop– und Artenschutz innerhalb der EU sind die Vogelschutzrichtlinie (Vogelschutz–RL) und die Fauna–Flora–Habitat–Richtlinie (FFH–RL). Ein Ziel dieser Richtlinien ist die Schaffung des europaweiten Schutzgebiets–Netzwerkes „Natura 2000–Netzwerk", mit dem Lebensräume sowie Tier– und Pflanzenarten dauerhaft geschützt werden sollen. Die Mitgliedstaaten waren verpflichtet, die in Betracht kommenden Gebiete zu nominieren, die endgültige Festlegung der Gebiete erfolgte durch die Europäische Kommission.

Bild: Burgenländische Landesregierung

Hagensdorf – Schachblumenwiese

Im Prüfungsgebiet lagen sieben Natura 2000–Gebiete:

Gebietsbezeichnung	Größe in ha	ausgewiesen nach der
SÜDBURGENLAND		
Auwiesen Zickenbachtal	39	Vogelschutz–RL
Südburgenländisches Hügel– und Terrassenland	14.438	FFH–RL
Lafnitzauen	566	FFH–RL
SÜDOSTSTEIERMARK		
Teile des Südoststeirischen Hügellandes inklusive Höll und Grabenlandbäche	15.663	Vogelschutz–RL FFH–RL
Steirische Grenzmur mit Gamlitzbach und Gnasbach	2.238	Vogelschutz–RL FFH–RL
Demmerkogel–Südhänge; Wöllinggraben mit Sulm–Saggau– und Laßnitzabschnitten und Pößnitzbach	2.032	Vogelschutz–RL FFH–RL
Lafnitztal – Neudauer Teiche	1.046	Vogelschutz–RL FFH–RL

Ein Nachnominierungsbedarf bestand für rd. 100 ha Waldfläche (Hagensdorfer Auwald).

Im Grenzbereich zu Ungarn (vor allem an den Grenzflüssen Pinka und Raab) könnten mittelfristig zwei weitere Natura 2000–Gebiete entstehen.

15.2 Mit der Nominierung der Natura 2000–Gebiete haben Burgenland und Steiermark einen Beitrag zur Etablierung des Schutzgebiets–Netzwerkes Natura 2000 geleistet und bedeutende natürliche Lebensräume gesichert. In Bezug auf den Hagensdorfer Auwald empfahl der RH, die Einbeziehung in das Natura 2000–Gebiet mit Nachdruck voranzutreiben.

Bezüglich möglicher grenzübergreifender Natura 2000–Gebiete mit Ungarn erachtete er es als notwendig, die Zusammenarbeit mit den ungarischen Behörden zu forcieren, um eine einheitliche Ausweisung und ein abgestimmtes Management der Gebiete zu erreichen.

Bild: Burgenländische Landesregierung

Fischotter

Europaschutzgebietsverordnungen und Managementpläne

16.1 Die von der Europäischen Kommission festgelegten Natura 2000–Gebiete sind innerstaatlich als besondere Schutzgebiete („Europaschutzgebiet") auszuweisen. Die ökologisch erforderlichen Erhaltungsmaßnahmen sind in Bewirtschaftungsplänen (Managementpläne) zusammenzufassen.

Zur Zeit der Gebarungsüberprüfung war erst eines der sieben Natura 2000–Gebiete innerstaatlich als Europaschutzgebiet ausgewiesen. Managementpläne lagen für drei südoststeirische Natura 2000–Gebiete vor (Teile des Südoststeirischen Hügellandes inklusive Höll und Grabenlandbäche, Steirische Grenzmur mit Gamlitzbach und Gnasbach, Demmerkogel–Südhänge; Wöllinggraben mit Sulm–Saggau– und Laßnitzabschnitten und Pößnitzbach).

16.2 Der RH bemängelte, dass die Landesregierungen mit der Ausweisung der Europaschutzgebiete in Verzug waren und dass die für die praktische Naturschutzarbeit notwendigen Managementpläne zum Teil fehlten.

16.3 *Die Burgenländische Landesregierung teilte in ihrer Stellungnahme mit, dass die Schutzgebietsverordnungen in Vorbereitung wären, der Schutz der Gebiete jedoch schon derzeit gesichert sei. Weiters berichtete sie, dass ein Managementplan für das Natura 2000–Gebiet Auwiesen Zickenbachtal zwischenzeitlich fertig gestellt sei.*

Die Steiermärkische Landesregierung erließ zwischenzeitlich zwei weitere Schutzgebietsverordnungen.

Nutzungskonflikte

17 Potenzielle Nutzungskonflikte zeigten sich im Naturraum Lafnitztal bei einem Straßenbauprojekt (Fürstenfelder Schnellstraße S7) sowie bei der geplanten 380 Kilovolt–Leitung Kainachtal. Die behördlichen Genehmigungsverfahren für diese Projekte waren zum Zeitpunkt der Gebarungsüberprüfung noch nicht abgeschlossen.

Trilateraler Naturpark Raab – Őrség – Goričko

18.1 Der Naturpark Raab, der Nationalpark Őrség in Ungarn und das Natura 2000–Gebiet Goričko in Slowenien bilden den trilateralen Naturpark Raab – Őrség – Goričko. Der im Burgenland gelegene Naturpark Raab (14.783 ha) ist von seinem Schutzstatus her ein Landschaftsschutzgebiet und genießt damit einen qualitativ geringeren Schutz als die in Ungarn und Slowenien gelegenen Gebiete. Der geringere Schutzstatus ist damit zu erklären, dass der burgenländische Teil deutlich weniger bedrohte Arten und Lebensräume aufweist als der ungarische bzw. slowenische.

Die Zusammenarbeit im trilateralen Naturpark erfolgte auf lokaler Ebene. Es wurden zahlreiche EU–kofinanzierte und auch grenzüberschreitende Projekte zur Entwicklung des Gebiets durchgeführt.

18.2 Der RH bewertete die Initiative zur Etablierung eines trilateralen Naturparks positiv, weil damit wichtige Impulse zur Entwicklung der Region gesetzt wurden. Er erachtete eine Intensivierung der grenzüberschreitenden Kooperation zwischen den drei Ländern als zweckmäßig. Der RH empfahl in diesem Zusammenhang die Ausarbeitung eines gemeinsamen trilateralen Entwicklungskonzeptes (Managementplanes), um so den zielgerichteten Ressourceneinsatz und die effiziente Entwicklung des Gebiets zu unterstützen.

ÖPUL–Förderungen

19.1 Das Agrarumweltprogramm ÖPUL (Österreichisches Programm zur Förderung einer umweltgerechten, extensiven und den natürlichen Lebensraum schützenden Landwirtschaft) verfolgt eine flächendeckende Ökologisierung der österreichischen Landwirtschaft. Neben einer umweltgerechten Grundausrichtung der landwirtschaftlichen Betriebe werden als weitere Ziele die Erhaltung der Kulturlandschaft, der Naturschutz und die Verbesserung der Boden– und Wasserqualität angestrebt.

Österreichweit wurden rd. 88 % der landwirtschaftlichen Nutzfläche von diesem Programm erfasst. Im Südburgenland waren es rd. 77 %, in der Südoststeiermark dagegen nur rd. 40 %.

Die Südoststeiermark lag damit deutlich unter dem Österreichdurchschnitt und auch unter dem Vergleichswert im Südburgenland. Die geringe Beteiligung in der Südoststeiermark war auf die intensive landwirtschaftliche Nutzung verbunden mit einem hohen Tierbestand (Schweinemastbetriebe) zurückzuführen.

Die ÖPUL–Förderungen für das Prüfungsgebiet betrugen im Jahr 2004 insgesamt 18,35 Mill. EUR (einschließlich EU-Kofinanzierung):

Region	landwirtschaftlich genutzte Flächen	geförderte Flächen	Förderung 2002	Förderung 2003	Förderung 2004
	in ha	in %		in Mill. EUR	
Südburgenland	31.551	77	4,86	5,52	5,79
Südoststeiermark	102.506	40	8,68	10,07	12,56

19.2 Der RH hielt fest, dass mit dem Agrarumweltprogramm ÖPUL eine Reihe von umweltrelevanten Zielsetzungen (unter anderem Natur–, Wasser– und Bodenschutz) verfolgt wurden. Im Sinne einer flächendeckenden Ökologisierung der Landwirtschaft empfahl er, für die Südoststeiermark eine deutliche Steigerung der von ÖPUL erfassten Flächen anzustreben. Besonders dringlich erschien dies wegen der Belastungen des Grundwassers in dieser Region.

19.3 *Die Steiermärkische Landesregierung kündigte in ihrer Stellungnahme an, dass in den nächsten Jahren eine Steigerung der von diesem Programm erfassten Flächen zu erwarten sei.*

Das BMLFUW teilte mit, dass es eine möglichst umfassende Beteiligung der Bauern am ÖPUL-Programm anstrebe.

Wien, im August 2006

Der Präsident:

Dr. Josef Moser

ANHANG

Environmental Situation at the triangle Austria – Hungary - Slovenia Report of the Austrian Court of Audit

Bild: Burgenländische Landesregierung

Lafnitz - Bayou

CONTENTS

Audit procedures, objectives and audited territory

1. The Austrian Court of Audit conducted an audit at the Federal Ministry of Forestry, Agriculture, Environment and Water Management and at the provincial governments of the provinces Styria and Burgenland. The audit took place from April to May 2005 and concerned the environmental situation at the border to Hungary and Slovenia. The audit focused on water quality (bodies of flowing water and ground water), soil quality and nature conservation (Natura 2000). The audit compared the actual state of the audited territory with the quality objectives as well as assessed the measures taken by the responsible authorities concerning their effectiveness to preserve and improve the environmental situation. The audited period covered the years from 2000 to the beginning of 2005.

2. In Austria the audited area covered the south of the province Burgenland (districts Jennersdorf and Güssing) and Southeast–Styria (districts Leibnitz, Feldbach, Fürstenfeld, Radkersburg), a total of 2.750 km^2 with 234.730 inhabitants. The region included two important border rivers (Mur and Raab), seven Natura 2000 protected sites and a trilateral Nature Park.

Competencies

3. According to the Austrian federal constitution the federal authorities have legislative and executive competence in matters relating to laws pertaining to water and waterways. The province governor (Landeshauptmann), however, is responsible for executing water law by way of indirect federal administration. The province authorities have legislative and executive competence in matters of nature conservation and soil protection.

Water

Bodies of flowing water

Legal framework and quality objectives

4.1. The European Water Framework Directive and the thereon–based Austrian Water Act aim at systematically improving water quality and preventing it‘s worsening.

In the past the Austrian approach to protect surface water was mainly based on a regulation of the emissions. Therefore the Federal Ministry of Forestry, Agriculture, Environment and Water Management issued a number of decrees concerning emissions, which are the basis for licences according to the Water Act. These decrees define the emission thresholds depending on the particular emission source (specific decrees for numerous industrial sectors) and according to the relevant state–of–the–art.

In addition the Regulations of the European Union and the Austrian Water Act now set the obligation to develop a strategy concerning also the loads of immissions. However, they oblige to issue decrees, which define the target state of surface waters and the threshold and standard values for immissions.

Decrees with such binding regulations and quality objectives had not been issued until the end of 2005. In July 2005 the draft of a decree concerning quality objectives with limit values for specific chemical substances was sent out for appraisal, but had not been realised by then.

4.2. The Austrian Court of Audit criticised that no mandatory quality targets existed for surface waters. It accepted the planned decree concerning quality objectives as an important step towards a definition of binding immission thresholds. Nevertheless it stated, that the draft of the decree only to some extent covered water quality and only partially complied with the requirements of the Austrian Water Act, as it defined threshold values only for specific chemical parameters. The Austrian Court of Audit recommended that the drafted decree should be enacted without delay and that limit values for all the other relevant parameters (chemical–physical parameters, oxygen consumption, loads of nutrients) should be defined in additional decrees.

4.3. The decree on quality objectives was issued in March 2006. According to the comments of the Federal Ministry of Forestry, Agriculture, Environment and Water Management the determination of further parameters is still being worked out.

Actual state

5.1. The River Raab and the River Mur are of cross–border importance in the audited territory.

In the audited territory the River Mur showed a good condition with water quality II and a relatively low level of chemical pollutants. In the lower course of the River Mur even the hydro morphological pollution was low. The river showed a relatively high degree of naturalness with no embankment dams and few transverse buildings. In the seventies of the former century the River Mur was heavily polluted by municipal and industrial discharges of wastewater. A remediation program starting in 1985 improved the situation considerably.

The River Raab showed a significant chemical and organic pollution (water quality II–III – critically polluted). The primary reason thereof was the industrial use of the river, aggravated by irregular flow conditions caused by hydropeaking of the hydroelectric power plants (adapting the water flow to the power demand) and the water extraction for agricultural irrigation. According to the fact finding of the Austrian Court of Audit not all immissions worsening the river condition were covered by legal regulations or permissions.

5.2. According to the opinion of the Austrian Court of Audit the amelioration of the water quality of the River Mur showed the effectiveness of the extensive measures taken within the last 30 years. Concerning the River Raab the Austrian Court of Audit stated that there existed a potential to improve the water quality insofar, as a part of the pollution was caused by an impropriate use of the body of water.

Monitoring

6.1. Within their supervision duties the authorities responsible for water management (water management authorities) checked whether the municipal and industrial sewage treatment plants complied with the conditions defined by legal regulations and permissions. A comparison of the supervision activities in both provinces showed that the authorities of the province Burgenland investigated in a weekly rhythm whereas in Styria municipal plants were inspected three to six times a year and industrial plants usually once or twice a year.

6.2. In the opinion of the Austrian Court of Audit the inspection activities of the authorities should be harmonized all over Austria. It recommended that the Federal Ministry of Forestry, Agriculture, Environment and Water Management should work out guidelines concerning the frequency of controls. The frequency should be defined in such a way, that the water management authorities obtain a good overview of the installed systems and their emissions.

6.3. The Federal Ministry of Forestry, Agriculture, Environment and Water Management assured, that it would aspire a harmonization of supervision activities.

Ground water

Legal framework and quality objectives

7.1. The objective of the Austrian Water Act concerning ground water quality is to obtain good chemical and quantitative conditions, a balance between extraction and regeneration and a quality, which generally allows the utilization of ground water as drinking water.

The Federal Ministry of Forestry, Agriculture, Environment and Water Management defined limit values for immissions by issuing regulations concerning drinking water and ground water. Based on the European Nitrate Directive an action programme was developed to protect the water bodies and to reduce and prevent water pollution caused by the agricultural use of land. This „Action Programme Nitrate“ limits the application of fertilizers on agriculturally used land.

7.2. In the opinion of the Austrian Court of Audit the legal framework and its instruments were sufficient to obtain a good protection of the ground water.

Actual state

8.1. In the south of the province Burgenland the ground water was polluted with orthophosphate and ammonium; especially the region of the Stremtal for years showed a problematic level of groundwater pollution caused by several substances (nitrate, atrazine, desethylatrazine, orthophosphate, ammonium). In the Southeast of Styria bodies of ground water in the downstream valley of the River Mur and the region of the Leibnitzer Feld showed increased concentrations of nitrate. These impacts were primarily caused by agriculture.

8.2. The Austrian Court of Audit rated the ground water quality in the region Leibnitzer Feld as well as in the lower course of the River Mur as critical – especially with regard to the fact that a high percentage (approximately 25 %) of the water supply in the southeast region of Styria was covered by single wells.

8.3. The Styrian province government announced an enhancement of the legal basis in order to further reduce nitrate application in the Leibnitzer Feld.

Monitoring

9.1. Applications of substances such as fertilizers, liquid manure, sludge and pesticides were inspected systematically by the water management authority in the southeast of Styria in regions important for local drinking water supply. The other ground water bodies were inspected occasionally.

9.2. The Austrian Court of Audit recommended an extension of the existing monitoring to an integrated risk control system including all activities potentially polluting ground water and soil.

9.3. The Styrian province government agreed to integrate existing control systems for a further increase in efficiency.

International Cooperation

Austrian–Hungarian Committee for Water Management

10.1. The cooperation between Austria and Hungary in the field of water management was based on an international treaty. The parties committed themselves not to implement any action, which may negatively affect the condition of the water bodies on the territory of the other party without previous discussion in the Austrian–Hungarian Committee. All measures taken within a distance of six kilometres from the border need the approval of the other party. Such approval can only be refused for good reasons.

The issues addressed by the Committee in the annual meetings were matters of common interest as for example flood protection, regular – even jointly executed – monitoring of the water quality and the coordination of the national plans for water management. Other issues discussed in the Committee were the pollution of the River Raab with salt, which prevented Hungary to use the water for water supply and irrigation purposes, or the occurrence of foam in the Hungarian part of the river, which worried the local population.

The causes of the foam have not been clarified yet. The Hungarian members suspected a substance used in tanneries (tan processes) and defined as slightly toxic and persistent. The Federal Ministry of Forestry, Agriculture, Environment and Water Management instructed further analysis to identify the causes thereof.

10.2. The Austrian Court of Audit considered positively the efforts of the Federal Ministry of Forestry, Agriculture, Environment and Water Management to find the causes of the occurrence of foam. With a view to the bilateral obligations with Hungary it recommended to further enforce the requirements defined in the Austrian Water Act.

Permanent Austrian–Slovene Committee for the River Mur

11.1. The cooperation in the field of water management between Austria and Slovenia was also based on an international treaty and was carried out in the permanent Austrian–Slovene Committee for the River Mur.

The committee dealt with all issues concerning the water management of the River Mur where forming the border between both parties. Concerning also matters of water management of the transboundary part of the River Mur it discussed local pollutants on the Slovene territory.

As part of the work in the committee an Austrian-Slovene team of experts between 1998 and 2001 elaborated a „General concept for water management" for the River Mur forming the border. Its focus was to prevent the erosion of the riverbed, to maintain the flood protection and to assure a dynamic and natural development of the water system in the long–term (ecological functional capability and sustainability). Some of the projects concerning the Austrian part of the River Mur (especially its widening) had already been finalized.

11.2. In the opinion of the Austrian Court of Audit the work of the Committee reflected a good working climate and an efficient cooperation. It underlined the quick realisation of the „General concept for water management" on the Austrian side as a positive result of the cooperation.

Drinking water supply and sewage disposal

12.1. In the south of the province Burgenland the proportion of municipal drinking water supply and channel interfaces in households was 99 % respectively 97 %. This percentage significantly exceeded the Austrian average of 87 % respectively 89 %. In the Southeast of Styria 75 % respectively 78 % of the households were connected to the municipal drinking water supply and the sewage system.

From 1993 to 2004 an overall amount of about 131 Mill EUR was invested in the drinking water supply and an amount of about 526 Mill EUR in the sewage water management of the audited territory. Investments per capita were significantly higher in the south of the province of Burgenland than in the southeast of Styria.

Region	Inhabitants	Supply rate	Investments 1993–2004	Average investment per capita and year
Drinking water supply:				
South of Burgenland	45.132	99 %	59,16 Mill EUR	109 EUR
Southeast of Styria	189.597	75 %	71,83 Mill EUR	32 EUR
Sewage water management:				
South of Burgenland	45.132	97 %	140,13 Mill EUR	259 EUR
Southeast of Styria	189.597	78 %	385,59 Mill EUR	169 EUR

12.2. The Austrian Court of Audit stated that the south of the province Burgenland was provided with a good drinking water supply and sewage water management. Taking this as a standard of comparison the situation in the southeast of Styria was worse. This was partly due to the topography of the regions (especially urban sprawl) and partly caused by a lack of investments. The Austrian Court of Audit pointed out, that the quality and availability of municipal sewage disposal were essential prerequisites for water pollution prevention and therefore were important indicators for environment protection. To assure water supply it recommended evaluating an extension of the local water supply mains in the southeast of Styria.

12.3. The Styrian province government assured an extension of the local water supply mains and sewer systems.

Soil

Legal framework and quality objectives

13. The laws for soil protection aimed at maintaining respectively improving the sustainable fertility of soils and avoiding pollution, soil erosion and soil compaction.

Actual state and monitoring

14.1. The province governments conducted studies in order to assess the status of the agriculturally used land area–wide within the respective province. The studies stated a balanced supply with nutrients and no significant contamination for the agriculturally used land in the south of the province Burgenland. However, the agriculturally used land in southeast Styria showed a high nutrient supply and some contamination with pesticides and heavy metals.

14.2. The Austrian Court of Audit pointed out that in the southeast of Styria the ground water as well as the soil was polluted due to agricultural utilization.

Nature Protection

Natura 2000–sites

Designation of sites

15.1. The Council Directive on the conservation of natural habitats and of wild fauna and flora (FFH–Directive) and the Directive on the conservation of wild birds are the main basis for the protection of biotopes and species within the European Union. An essential objective of these directives is the creation of a coherent European network of protected sites („Natura 2000–Network“) in order to ensure the conservation of natural habitats and of wild fauna and flora. The Member States propose the sites eligible for designation, the European Commission finally designates the sites.

In the audited territory there were seven Natura 2000–sites:

Name of site	Size in ha	Directive applicable
South of BURGENLAND		
Auwiesen Zickenbachtal	39	Bird–Directive
Hill and terrace country in the South of Burgenland	14.438	FFH–Directive
Lafnitzauen	566	FFH–Directive
Southeast of STYRIA		
Southeast Styrian hill country	15.663	Bird–Directive FFH-Directive
Styrian part of the River Mur with Gamlitzbach and Gnasbach	2.238	Bird–Directive FFH-Directive
Demmerkogel – south slopes	2.032	Bird–Directive FFH-Directive
Lafnitztal – Neudauer Teiche	1.046	Bird–Directive FFH-Directive

Further designation was requested only for a forest area of approximately 100 ha (Hagensdorfer Auwald).

In the border region to Hungary (especially along the transboundary rivers Pinka and Raab) the development of two new Natura 2000–sites was possible in medium term.

15.2. By nominating the Natura 2000–sites the provincial governments of Burgenland and Styria made a contribution to establishing a Natura 2000 network and protected important habitats. For the Hagensdorfer Auwald the Austrian Court of Audit recommended to enforce the designation of the area as a Natura 2000–site. With regard to possible bilateral Natura 2000–sites the Austrian Court of Audit recommended to intensify the cooperation with the Hungarian authorities in order to achieve a unified designation and a harmonised management of the sites.

European Directives on Areas of Conservation and Management Plans

16.1. The Natura 2000–sites designated by the European Commission need to be qualified as specific protected areas in national law („Europaschutzgebiet"). The conservation measures as are ecologically necessary have to be summarised in a management plan.

When the audit was carried out, only one of the seven Natura 2000–sites was designated as „Europaschutzgebiet". For three Natura 2000–sites in the southeast of Styria (Southeast Styrian hill country, Styrian part of the River Mur with Gamlitzbach and Gnasbach, Demmerkogel – south slopes) management plans had been worked out.

16.2. The Austrian Court of Audit criticised, that the provincial governments fell behind to designate the „Europaschutzgebiete" and that management plans as a basis for applied nature conservation activities were missing.

16.3. In its response the provincial government of Burgenland informed that the protection area ordinances were being prepared, and that the protection of the areas was already ensured. Additionally it reported, that a management plan for the Natura 2000–site Auwiesen Zickenbachtal had been finalised in the meantime.

Conflicts in resource utilisation

17. Potential conflicts in resource utilisation arose in the Lafnitztal as a consequence of a road construction project (Fürstenfeld highway S7) and because of the planned 380 kilovolt power supply line Kainachtal. The approval process was not finalised, when the audit was carried out.

Trilateral Nature Park Raab – Őrség – Goričko

18.1. The Nature Park Raab, the National Park Őrség in Hungary and the Natura 2000–site Goričko in Slovenia form the trilateral Nature Park Raab – Őrség – Goričko. The Nature Park Raab (14.783 ha) situated in the province of Burgenland is designated as a landscape conservation area, while the sites in Hungary and Slovenia enjoy a higher degree of protection. The reason for this is that the Austrian part shows less threatened species and habitat types than the Hungarian and Slovene parts.

The cooperation in the trilateral Nature Park was carried out at local level. Numerous transboundary projects co–financed by the European Union were realised in order to develop the area.

18.2. The Austrian Court of Audit rated initiative to establish a trilateral nature park as a positive impulse for the protection of the habitat and for regional development. In this context it recommended to intensify trilateral cooperation and suggested the elaboration of a trilateral joint development concept (management plan) to provide the effective use of resources and the efficient development of the natural habitat.

ÖPUL–subsidies

19.1. The agricultural environment programme ÖPUL (Austrian programme for the promotion of an ecologically sound, sustainable agriculture protecting the natural habitat) aims at an area–wide ecological development of Austrian agriculture. Beside an environmentally compatible policy of the farms the programme aims at a preservation of the cultivated landscape, at nature protection and the improvement of water and soil quality. On an Austrian average 88 % of the agricultural land were cultivated according to the programme, in the south of Burgenland 77 %, in the southeast of Styria only 40 %.

The southeast of Styria significantly fell below the Austrian average and also fell below the reference value of the south of Burgenland. The minor participation of the southeast of Styria was due to an intensive agriculture combined with a high live stock (pig fattening farms).

In 2004 a total of 18,35 million EUR were granted the audited area (including funds of the European Union).

Region	Agriculturally used land	Area with subsidies granted	Subsidies (total) 2002	Subsidies (total) 2003	Subsidies (total) 2004
ÖPUL subsidies					
South of Burgenland	31.551 ha	77 %	4,86 Mill EUR	5,52 Mill EUR	5,79 Mill EUR
Southeast of Styria	102.506 ha	40 %	8,68 Mill EUR	10,07 Mill EUR	12,56 Mill EUR

19.2. The Austrian Court of Audit stated, that the agricultural environment programme ÖPUL had a number of environmentally relevant targets (nature, water and soil protection). To achieve an area–wide ecological orientation of agriculture, the Austrian Court of Audit recommended a significant increase of agricultural land cultivated according to the ÖPUL programme in the southeast of Styria. In the opinion of the Austrian Court of Audit this was of particular importance because of the ground water pollution in this region.

19.3. In its response the provincial government of Styria announced, that an increase of agricultural land covered by the ÖPUL programme could be expected for the coming years. The Federal Ministry of Forestry, Agriculture, Environment and Water Management reported, that it aspired a participation of farmers in the ÖPUL programme as extensive as possible.

DR. JOSEF MOSER

President

Austrian Court of Audit

Report of the State Audit Office of Hungary on environment and nature protection in the Austrian – Hungarian – Slovenian border area

Aerial photograph of the River Rába/Raab

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Introduction

The territory of Hungary includes the deepest parts of the Carpathian basin, the country's rivers originate in the neighbor countries and their catchments areas are also located mostly there. Due to this fact of Hungarian natural geography and to the prevailing movement of air in the region, the water and air pollutions occurring in the neighbor countries can speedily reach Hungarian territory and the chance of prevention is small. Intensive international cooperation is required for the timely protection against, respectively the treatment of unfavorable environmental impacts, which can affect the country. The government is to coordinate the enforcement of citizens' rights for a healthy environment with the implementation of environmental treaties and agreements concluded with other countries and international organizations. Interstate treaties were concluded with the aim to protect surface waters and source water bodies in the border areas, and continuous and organized cooperation is in place on the basis of treaties between the local and central agencies of the neighboring countries.

The audit targeted primarily the activities of and cooperation between the institutions, authorities being responsible at the regional level. In addition, the total amount of resources coming into the region for funding the running and capital expenses of nature and environment protection was quantified, and the audit included also an assessment of the cooperation realized between the competent bodies of the countries. The audit strove to find an answer to the question of what influence the above–mentioned resources and activities had on meeting the objectives of environment and nature protection, on the condition of environmental elements (i.e. air, waters, soil). The audit assessed also the risk factors with a potential bearing on the environmental condition of the region in question.

The audit covered the government ministry responsible for the governance and control of environment and nature protection, as well as the institutions being under its control and providing specific technical services regionally. Activities of concerned local governments were also covered by the audit. The years 2000–2004 and the first quarter of 2005 were subject to the audit.

General Findings

Pursuant to the audit findings, the system to implement environment and nature protection has been established in Hungary, and the necessary backgrounds in terms of legislation, control, governance, organization are put into place. The necessary technical background is also provided for by the National Environment Protection Programs. However, a risk factor lies in the resources not being timely available in each case and for each purpose to the extent required. On the evidence of the examined documents, the damages from the utilization of environment are much smaller in the audited region than the national average. The environmental condition is assessed as medium, respectively good, but the protection of waters and soil calls for some further action. The most urgent tasks include increasing the degree to which communities are connected to sewage network, putting an end to the outdated dumpsites posing a threat to environment, and building up–to–date dumpsites. Cooperation between the competent bodies of the three countries is exemplary. In the fields of sewage purification, clean drinking water supply, and the setting up of flood forecast facilities the audit has found some positive examples at the joint cross–border investments of the neighbor countries.

Detailed Findings

1. Legal and technical background for environment and nature protection

Hungarian constitution lays down the right to a healthy environment. The substantial laws concerning environment protection were passed in alignment to EU–legislation up to the beginning of the audited period. They include the Act on Environment Protection and the Act on Water Management (both passed in 1995), the Act on Nature Protection (1996), and the Act on Waste Management (2000).

The National Environment Protection Program and its fundamental parts, namely the National Sewage Disposal and Purification Program, the Municipal Sewage Development and Purification Program, the National Program for Source Drinking Water Protection, the National Damage Restoration Program, the Nitrate Program and the Drinking Water Quality Improvement Program provide the technical background for the environment and nature protection services. Objectives of the National Environment Protection Program II 2003–2008 were set on the basis of the experiences from Program I and the requirements of Hungary's EU–accession.

2. *Organization of environment and nature protection*

The governance of environment and nature protection services is the responsibility of the Ministry for Environment and Water, while the implementation rests with different central and regional institutions. The regional environment and water directorates are responsible for the activities to remove, respectively prevent damages to the surface waters, source waters, soil and air. The regional inspectorates provide the institutional services connected with the pollution of environmental elements. 12 directorates and 12 inspectorates were set up in the country, the individual territories under their respective jurisdiction were defined in alignment to the major watersheds.

9 National Park Administration Offices were established to provide nature protection services. In the region in question the "National Park Őrség Administration Office" is in charge of nature protection services. This park was established in 2002 from some territories detached from the National Park Fertő – Hanság, each being a hilly area and mainly woodland, and having characteristic natural values. An important task was also to preserve the cultural landscape, which could retain the values of folk architecture in the layout of the communities.

The municipalities are responsible for setting up solid waste and sewage treatment, establishing sewage networks and adopting decrees on local environment protection. They are obliged by law to develop a local waste management plan and municipal environment protection program. The latter is to include the community's tasks on rainwater disposal, municipal sewage treatment, municipal waste treatment, and on removing air pollution, extraordinary environmental threats and reducing environmental damages.

3. *Resources for environment and nature protection*

The financial assistance that came into the audited region to support environment and nature protection and water management has contributed to the preservation of the good environmental condition and even improved it, where this was possible and necessary. Basically, the resources in question have provided the – complete or partial – financial background for investments to develop solid waste management, sewage networks and protect source drinking waters. Water management projects were realized under central government investments, while the environmental investment projects (solid waste, sewage) were realized by means of competition.

The sources of the region's total financial assistance of HUF 7,5 billion (ca EUR 28,8 million) were various. Financial assistance paid from the Budget of the Ministry of Interior, that is, the Appropriation "Developing Municipal Waste Management" account for the bulk (42 %), the corresponding values of the "Environment Fund" Earmarked Appropriation and of EU resources (PHARE, PHARE CBC) were 13, respectively 14 %. The audit objected to this split structure of the resources, and to the responsible authorities not having records on the financial assistance given to the individual communities and the region. The reason lies in the absence of any legislation to oblige them to do so.

4. Measures to improve the condition of environmental elements

4.1. Constraints on meeting environmental objectives

The Act on Environment Protection stipulates that environment protection programs should be developed in alignment with the National Environment Protection Program for the individual regions, counties and communities. Local measures should be based on such programs. Two thirds of the communities failed to prepare the respective programs, primarily in consequence of the short resources.

Pursuant to the Act on Waste Management the operators are obliged to have an environmental review carried out on the adequacy, in terms of environment protection and engineering, of the dumpsites used. More than half of the dumpsite operators did not meet this obligation.

On the basis of the audit findings the minister ordered to warn local governments and – in cases falling under his authority – to carry out enhanced checks.

The attainment of environment objectives would be promoted by fines being proportionate to the environmental damage caused. In 2004 the decrees regulating the sorts and extents of fines have turned stricter. The audit found that the authorities acted adequately and imposed the fines as specified by decrees. Over the audited period the fines were imposed on the same five sewage plants each year, except one. They were fined quite regularly – one even 25 times. The audit established that the small fines could not enforce a law–compliant conduct. The main reason for the failure lies in the fact that the amount of the fines is insignificant, while an environmental investment to reduce or terminate pollution would cost tens or hundreds of million HUF.

However, the fined entities cannot raise this amount. Another reason is that the municipalities as owners get back, pursuant to legislation, 30 % of the fine collected.

4.2. Waters

Pollution of the region's surface waters is generally ranked as III (tolerable) or IV (polluted) on a scale of five. The reason lies in the occasional pollution coming from Austria and in the not adequately purified sewage being discharged in Hungarian territory into the rivers.

Pursuant to the water treaty with Austria the parties should endeavor that the sewage be discharged into surface waters only after adequate purification. In the audited period a leather factory, which is located close to the Hungarian border, has polluted the River Rába/Raab, and consequently, foam formation was occasionally experienced on the Hungarian stretch of the river. Hungarian and Austrian authorities are jointly striving to find ways of actions to reduce pollution.

The maintenance of flood and inland water control structures is underfunded, less than 10 % of the needed resources was available. This means a significant risk, because in case of a major flood the damages incurring due to the maintenance defaults could be a multiple of the maintenance costs not effected.

The groundwaters are polluted and cannot be used for the purpose of drinking water. Only the wells exploiting the layers located deeply below the surface are adequate for this. This unfavorable situation is largely caused by the plain area preventing the contaminants to speedily flow through the region, the intensive agricultural use (specially the excessive use of artificial fertilizers, which was typical before the 90's), the neglect of sewage developments, and the discharge of wastewater by the residents into abandoned dug wells.

The underground water reserves provide the source for more than 90 % of drinking water, therefore their protection is of extraordinary importance. Actions like sewage disposal and purification, waste management, that safeguard the purity of such water reserves, are high–priority development tasks with considerable financial implications and are addressed by the Drinking Water Quality Improvement Program, which stipulates that adequate drinking water quality must be attained in alignment with the requirements by the end of 2009 in 877 communities, where more than a quarter of Hungarian residents is living.

Source water bodies have been surveyed and 20 source water bodies are registered in the audited area. 10 of them show a small extent of nitrate pollution, this indicates that contaminated groundwater was leaking downward into them. Therefore, the water bodies in question are considered as being located in geologically sensitive areas. Focused measurements were carried out at two sensitive source water bodies. At one of them 8 monitoring stations, able to monitor the catchment area, were established. Actions to protect the source drinking waters were constrained by the shortage of resources. Resources were allocated for the protection of source drinking waters by a government ruling for the years 2000–2005. However, the financial assistance provided was less than 10 % of the planned value.

Considerable investments are required to safeguard the quality of surface and underground water reserves, because the disposal and purification of municipal sewage and the insufficient sewage network have a basic impact on the pollution affecting waters and groundwater. The National Municipal Sewage Disposal and Purification Implementation Program Phase I sets out the sewage catchment and purification tasks to be implemented by end 2008 in urban areas with over 10.000 residents.

The audited area has a population of 46.749, 58,3 % of them is living in dwellings at sites provided with sewers. However, the share of residents living in dwellings with a connection to sewage system is merely 41,9 %. Despite a development project in progress during the audit, still less than half of the total population will be connected. By making ca. 2000 new connections possible, the development project addresses one third of the Szentgotthárd microregion, that is, altogether 5106 residents. Number of connections applied for is 1664, this means a connection rate of about 80 %. In the course of the project, pipes with a total length of 91 km and different engineering equipments will be constructed. Expenditures are likely to amount to HUF 1,7 billion (EUR 6,5 million), and are funded from one EU and seven national sources.

4.3. Air

Air purity is adequate in the region. This can be explained by the fact that big industrial enterprises with outdated technology have not been active in the last decades in the region. Even the pollution impacts from the neighbor countries could not or could only occasionally and moderately affect the region.

The authorities measured the air pollution in the audited region at one station, however, later they ceased measuring, for the reason of the low pollution values. The establishment of a biomass plant at Körmend has largely reduced the air pollution. The plant is run with a small CO_2 emission and in terms of performance is equal with 1220 Thousand Nm^3 natural gas. With the increase in the price of the raw material (waste wood) the manufacturing cost got higher. Pursuant to experts a solution could be achieved with planting energy forests. The minister of environment stated that the development of a paper by two universities was in progress, with the aim to make biomass widespread.

4.4. Soil

Solid waste disposal service has been established in all communities. In 2002 a national survey was made with the application of PHARE resources on the solid waste dumpsites. From among the 39 officially out–of use dumpsites of the audited region, 26 bear medium risk, other 9 bear high risk. A dumpsite, which is located near to the Austrian border, presents a threat to the groundwater. The need for its damage restoration and rehabilitation is being checked. The task is huge, since altogether 150.000 m^3 solid waste (mainly municipal, but also hazardous) has already accumulated. However, the funds required for the establishment of a safe storage facility and the transport of waste to this site are missing.

Up–to–date waste deposition can be achieved through a regional solid waste management project, launched in the Eastern part of the audited area and covering altogether 305 communities, among them those at the Slovenian border. Under the project it is planned to rehabilitate 198 dumpsites and to establish a central dumpsite that meets EU–requirements. 9 dumpsites of the audited area are affected by the program project: one of them is located 8 km from the Slovenian border and has a direct connection with the groundwater. In the 8 other sites the danger of contaminating groundwater is minimal. Project cost amounts to nearly EUR 34,5 million, 70 % of which is non–refundable ISPA financial assistance.

5. Nature protection

Pursuant to the Act regulating the safeguarding of protected animal and plant species, the protected lands transferred into private ownership in the course of privatization are to be expropriated and the national park administration offices should be put into charge of their property management. In the protected areas, both private and public lands should be utilized in accordance with the management plan, which addresses the individual parcels. In order to avoid conflicts, the lands in question were acquired through purchase, with reaching agreement with the owners. The financial assistance received till now from the central government for funding nature protection programs and land purchase was not sufficient to purchase the areas designated for transfer into public ownership. Consequently, the implementation of the Act is lagging behind, both nationally and in the audited region. The audit pointed out this issue to the minister of environment, who, in response, ordered to review what resources are available.

Educational nature trails were established to promote natural tourism, and information is also provided by interpretive signs. The groves of ordinary willow and almond–leaved willow constitute the natural vegetation in the floodplain of the River Rába/Raab, but are endangered by invasive plants (e.g. impatiens parviflora). Attempts were made to oust the invasive plants through mechanic measures and grazing management. Designation of areas into the Natura 2000 network was implemented in line with legal regulation issued in 2004.

6. Cooperation of the three countries

In several fields of environment protection (primarily at the protection of transboundary waters and the source waters) an efficient prevention can only be achieved with concerted international actions.

Legal background for the cooperation in the fields of water management and water quality protection was put into place by the treaties signed with Austria and Slovenia in 1956, respectively 1994. The treaties provide for checks on the quality of border waters, the protection of waters against pollution and unreasonable use, and the examination of the environmental impacts from interventions. The audit has established that the treaty with Slovenia covers a substantially wider scope in terms of the geographical area concerned, and the scope and depth of cooperation activities.

Therefore, an audit recommendation was made to review the Hungarian–Austrian treaty. The minister of environment initiated – with respect to the changes occurred since the treaty's conclusion and on the basis of the recommendation – an update on the treaty at the joint meeting of the Hungarian and Austrian governments in December 2005. Furthermore, the members of the Hungarian–Austrian Water Committee agreed on the elaboration of a new treaty to include territorial adjustments, in line with the EU Water Framework Directive.

Concerning the implementation of the treaties, the coordination tasks were fulfilled by bilateral mixed committees, and the daily tasks were performed by the local bodies. Cooperation took place in an organized manner, and the data on hydrology and hydrometeorology were exchanged recurrently. On the basis of work plans, joint water sampling was done and once a year meetings were organized for hydrology experts. Successful cooperation evolved also in the field of designing and implementing the control facilities, structures.

The analysis and evaluation of measurements results, and the drawing of conclusions are hindered by the different systems used in the three neighbor countries for water quality assessment and classification, due to their different parameters and limit values. Cooperation on transboundary source waters evolved in accordance with the needs, however, a problem is in place, since the respective source water protection areas stretch over the border at some places, but the legal arrangements for their exact designation are not elaborated.

Investment projects were realized along both border stretches with shared goals for and positive impacts on the participant countries. A new treatment unit was put into operation at a sewage plant in Körmend, which was fined several times in the past for its insufficient efficacy. At the present it is able to treat the sewage of near Hungarian villages and an Austrian community (Moschendorf). In the Hungarian–Slovenian cross–border region a joint flood sewage disposal system was set up for two Hungarian (Bajánsennye, Kercaszomor) and one Slovenian community (Domanjsevci). The pertaining plant is presently under construction.

A paper was developed on how to provide two Slovenian communities (Salovci, Hodos) safely with healthy water from a neighboring Hungarian water facility. Successful cooperation evolved with Slovenia on designing and implementing joint flood control facilities, structures. To enhance flood forecast efficiency, a remote measurement station was established in the area Kebele–Rédics through a Hungarian investment. The Slovenian party contributed with data delivery to the development of a territorial plan on removal of water quality related damages to the river Kerka and its catchment area.

DR. ÁRPÁD KOVÁCS

President

State Audit Office of Hungary

Implementation of the environmental policy on the border area of the Mur/Mura River and in Goričko Report of the Court of Audit of Slovenia

Goričko, the Garland Flower

CONTENTS

1. Institutional frame for the implementation of the environmental policy in Slovenia

The legal framework referred to the nature conservation in Slovenia for the period from 2000 to 2004 (audited period) included the following acts: Environment Protection Act, Nature Conservation Act, Water Act and provisions of regulations for each area, which define the issues of the above listed acts in detail. The strategic documents on the area of nature conservation which identify long–term and short–term objectives for the reduction of the pollution and measures for achieving the objectives are the following: National Environmental Action Programme (herein referred as NEAP) and on its basis adopted operational programmes. The NEAP includes the measures for the improvement of the conditions on the area of environment protection for the period from 1999 to 2008 (the measures by 2003 are described in detail). In November 2005 the Resolution on NEAP was prepared which includes the detailed measures for the period from 2005 to 2008.

From 2000 to 2004 Slovenia set an objective of adopting several regulations which regulate limited values of emission per pollution parameters, implementation and reporting on results of emission, imission monitoring and operational programmes for implementation of the measures for pollution reduction for each environmental area. The adoption of the regulations and preparation of the operational programmes was defined in the Slovene legislation but some regulations and programmes had to be adopted due to the EU accession process.

The auditee was the Ministry of the Environment and Spatial Planning (herein referred as Ministry of the Environment) and its two subordinate bodies – The Environmental Agency (herein EA) and the Inspectorate for the Environment and Spatial Planning (herein IESP).

2. General findings on the implementation of the environmental policy in Slovenia

The Court of Audit of Slovenia (herein referred as The Court of Audit) found out that in the audited period the Ministry of the Environment did not prepare regular reports on environment, and in the reports it did not appropriately present all necessary data on environment and indicators of monitoring of the environment.

The Court of Audit reviewed the NEAP and found out that in the period from 2000 to 2004 the Ministry of the Environment did not plan the objectives of the environmental policy in a way which would enable the evaluation of their effectiveness. For the objectives listed, there were no expected results and indicators for monitoring of the objectives were not identified. The measures which were planned for achieving the objectives did not include the assessment of how much they would help achieving the objective. The time schedule for the preparation and adoption of the measures referred to each objective was not planned appropriately – considering the exacting tasks which were set – therefore it was not possible to prepare and adopt them on time.

3. Audited area

The audit was carried out on the area of 13 municipalities[1] on the border with Hungary, Slovenia and Austria which cover 77 hectares[2] with the total population of 48.541.

4. Surface water and groundwater management on the area of the Mura river and in Goričko

The protection of the surface water and groundwater is defined by the regulations which foresee the implementation of the imission and emission monitoring and define the limited values of emission per pollution parameters. The operational programmes define the measures for the improvements of water pollution.

[1] Municipalities Šentilj and Gornja Radgona and 11 municipalities in region Goričko: Cankova, Dobrovnik, Gornja Radgona, Gornji Petrovci, Grad, Hodoš, Kobilje, Kuzma, Moravske Toplice, Puconci, Rogašovci, Šalovci and Šentilj.

[2] One hectare is equal to hundred square meters.

4.1. Review of the pollution of the surface water and groundwater on the audited area

On the basis of the data on imission monitoring of the quality of surface water which is carried out within the frame of the State monitoring and the data of international monitoring which is carried out by Permanent Slovene–Austrian Committee for the Mur/Mura River[3] it can be concluded that there is a trend of a decline in the Mur/Mura River pollution in the last twenty years[4] (from the biological quality to the chemical compounds in the river). The biological quality[5] of the Mura River was ranged among the worst in the 1970s, i.e. the fourth water quality level. Since the 1990s the monitoring carried out at water quality measurement stations Ceršak at Šentilj, on the entrance of the Mur/Mura River in Slovenia, and Petanjci in Gornja Radgona, at the end of the border with Austria, shows that common assessment of the quality of the Mur/Mura River is ranged in–between the second and third water quality level.

Table 1: The common assessment of the quality of the Mur/Mura River in the period from 1987 to 2003

COMMON ASSESSMENT																	
Water quality control point	year																
	'87	'88	'89	'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03
Ceršak	3-4	3	3	3	3	(2)-3	2-3	2-3	2-3	(2)-3	(2)-3	(2)-3	(2)-3	2-3	2-3	(2)-3	(2)-3
Petanjci	3-4	3	3	3	3	(2)-3	2-3	2-3	2-3	(2)-3	(2)-3	2-3	(2)-3	2-3	2-3	(2)-3	3
Mota	–	–	2-3	3	3	(2)-3	2-3	2-3	2-3	(2)-3	(2)-3	(2)-3	(2)-3	2-3	(2)-3	(2)-3	(2)-3

Source: AE; Reports on the implemented monitoring of the surface water for 2000, 2001, 2002 and 2003.

[3] Permanent Slovene–Austrian Committee for the Mur/Mura River was set up on the basis of the Agreement between FPR Yugoslavia and the Republic of Austria in 1956.

[4] The source is the Report: 10 years of the Permanent Slovene–Austrian Committee for the Mur/Mura River, September 2001, and data from data base ‚eco water' of the State monitoring of the surface water of the Mur/Mura River.

[5] The biological water quality levels are defined on the basis of professional literature. There are four levels: the first level signifies biologically most appropriate water, and the fourth level the least appropriate water. The classification is carried out by biologists on the basis of sample analyses.

The findings of the Permanent Slovene–Austrian Committee for the Mur/Mura River show that the most important reason for the pollution of the Mur/Mura River on the border area in the 1970s was the waste water and the industrial effluents from the paper and cellulose industry on the Austrian side. The modernisation of the industry and construction of the waste water treatment plants helped to gradually improve the quality of water. In 2003 there was another pollution of the water identified (for $^1/_2$ of the water quality level) between Šentilj and Gornja Radgona due to the municipal pollution in Slovenia.

The results of the analysis of the presence of chemicals in the Mur/Mura River show the trend of the reduction of the pollution. The pollution with organic components (measured as index of chemical need for oxygen) was reduced by about 75 % from the 1970s to the beginning of the 1990s and the contamination with organic chlorine components was reduced by about 90 % in the 1990s (measure as a parameter of the sum of each adsorbed halogen organic component). Eventhough the trends of decline in pollution were identified, the average annual values are still among the highest in Slovenia due to the waste water and industrial effluents. In the area surrounding the Mur/Mura River the monitoring found the presence of ammonium ion, nitrate, phosphorus in the period from 2000 to 2004, mainly due to extensive agriculture and pig farming. The presence of the components was among the highest in Slovenia eventhough it did not exceed the allowed levels. On the basis of the quality monitoring of the Mur/Mura River for freshwater fish living conditions it was found out that in 2003 on the water quality measurement station Mota the levels of phosphorus and ammonium exceeded the limits and the recommended level of nitrate was exceeded too.

The assessment of the chemical condition of the Mur/Mura River for 2002 and 2003 was carried out on all water quality measurement stations. In both years the chemical condition on water quality measurement stations Petanjci and Mota was assessed as good and on water quality measurement stations Ceršak (where the Mur/Mura River enters Slovenia) as poor.

The biggest polluters of the Mur/Mura River in Slovenia are pig–farming and paper industry. Due to the immoderate pollution of the Mur/Mura River the two companies had to implement the improvement programmes and construct appropriate waste water treatment plants. The improvement processes were not completed during the audit implementation. The control over the improvement programmes and measurements of emissions were regularly carried out by IESP.

In order to reduce the emission from water sources three operational programmes were adopted[6]. They envisaged the construction of waste water treatment plants and sewage systems in Slovenia and on the audited area. In order to reduce the presence of nitrate in the groundwater and surface waters action programme for protection of waters against nitrate pollution from agricultural sources for the period 2004–2008 was adopted[7]. In the period from 2000 to 2005 those programmes were not initiated although the municipalities invested in the municipal waste water treatment plants, waste water systems and drinking water supply. The financial sources were municipal budgets and taxes on waste water. The value of the constructed waste water treatment plants and sewage systems in the period from 2000 to 2004 on the audited area amounted to 8.844 thousand € (78,4 % from the municipal budgets and 17,4 % from taxes and 4,2 % from the State budget).

The monitoring of the pollution of the groundwater in Slovenia has been carried out since 1987. On the area of the Mur/Mura River, mainly on the fields of Prekmursko polje, Mursko polje and Apaško polje, there was groundwater pollution by pesticide identified (i.e. nitrate and atrazine). The average annual values of nitrate and atrazine were constantly above the allowed limits. Due to the ban on the use of atrazine, the use of the metal–chlorine occurred. In some areas the metal–chlorine exceeded the allowed values (even up to 20 times).

[6] Operational programme for the collection and treatment of urban waste water with the water–supply projects programme adopted in 1999; Operational programme for the collection and treatment of urban waste water in settlement areas with 2000–15 000 PE and below 2000 PE, adopted in 2001; Operational programme for the discharge and treatment of urban waste water from 2005 to 2017, adopted in 2004.

[7] The operational programme was set up on the basis of the Directive of the European Council 91/676/EEC (Nitrate Directive) and was adopted in 2004.

The pollution with pesticide is the consequence of the immoderate and incorrect use of pharmaceutical agents as weedicide, against the mildew and pests on cultivable areas. The network of the groundwater and the fact that they are not explored makes it difficult to locate the sources of pollution. Due to the above described pollution on the area of the Mur/Mura River, there is a constant problem of exceeding concentration of nitrate in drinking water. In 2000 the concentration of nitrate constantly exceeded the allowed level in the four drinking water supply systems.

The operative programme for the protection of water against the pollution with nitrate from the agriculture began in 2004 therefore in the audited period the auditors could not assess the achieved results.

On the basis of the undertaken imission monitoring of the groundwater it is evident that the following agents were periodically present in the higher quantities in the groundwater on the field Apaško polje: nitrate, adsorpted organic components, atrazine, destil–atrazine and pesticide.

In order to solve the problem of water supply in the area of Pomurje, the municipalities located there signed a letter of intent to build and manage the common system of water supply for Pomurje region and to construct the system of waste and communal water treatment. Pomurje region is faced with the problem of pollution and the low level of groundwater, which is the main source of the drinking water on the area. The water shortage is evident in Goričko, other areas were faced with higher temperatures and less rainfall in the last few years. In the field Apaško polje there are two main water storages Podgrad and Segovci polluted due to agriculture (mainly by nitrates, there is also the presence of manganese and iron). In some areas there is a trend of lowering the groundwater level. The project of water supply has not started but the study on long term water supply in Pomurje region was developed in April 2005. The study presents different possibilities of solving the problem of water supply on the area. The final version of the solution has not been selected.

4.2. Found irregularities and inefficiencies

In line with the Water Act it is necessary to adopt a national programme for water management and to prepare a plan of water management on the area of the Danube River by 2009. By August 2003 it was necessary to prepare and adopt a temporary plan of water management on that area. The Court of Audit found out that the Ministry of the Environment did not prepare the temporary plan in the set time limits.

In the audited period the Ministry of the Environment implemented all necessary measurements of pollution in line with the parameters, but it did not prepare nor publish the report on the implemented imission monitoring of the surface water for 2003 in due time. The Ministry did not prepare the report on the implemented monitoring of the surface water referred to the living conditions of the freshwater fish for 2003.

In reviewing the appropriateness of the adopted operative programmes The Court of Audit found out that in the programmes adopted in 1999 and 2001 the expected results of the programme, the indicators, criteria for monitoring the objectives, the methods of monitoring the programmes and reporting on the results were not identified. Operational programmes adopted in 2004 show some progress but they did not include the indicators and criteria for monitoring the objectives. One programme did not define the annual objectives.

The Court of Audit assessed that the Ministry of Environment implemented regular control over the pollution on the audited area. Never the less there is a need to improve the communication and exchange of data between the bodies involved in the process in order to achieve transparency on management and monitoring of improvement procedures.

4.3. Recommendations

The Court of Audit made the following recommendations to the Ministry of the Environment:

- The Ministry of the Environment should improve the international cooperation in defining the measures for achieving the objective of ranking the Mur/Mura River into the second water quality level (the result should be achieved on all water quality measurement stations along the Mur/Mura River on the border area),

- The Ministry of the Environment should prepare the instructions for the operative programmes which would define: the identification of objectives, expected results, measures for achieving the results, indicators for monitoring the set objectives, regular monitoring of the operative programmes and personal responsibility for the preparation of the reports on operative programmes,

- The Ministry of the Environment should provide better cooperation between the subordinate bodies in implementing the control over the pollution of surface and groundwater and in managing the improvement procedures. There should be continuous communication and the transparent procedure between the subordinate bodies.

5. Soil pollution and waste management on the border area of the Mura river and in Goričko

On the area of the Mur/Mura River and in Goričko the soil pollution with nitrogen was identified – due to excessive use of fertilizers. The area is covered by upper soil stratum which is thin and its water retention is poor. Therefore the danger of groundwater pollution is more distinctive.

In 2003 the first monitoring of soil in Slovenia took place. It was carried out in the area of water supply system and their hydrographical bases which were endangered due to biopharmaceutical agents. On the field Apaško polje there were no components of atrazine, prometrin, diklobenil nor terbutilazin identified. But the substances of metolachlorine and terbutilazin were identified which is the evidence of the use of pesticide on the fields.

Among the sources of pollution there are landfill sites due to waste water leakage. On the audited area there is one regional landfill site, i.e. Puconci. This landfill site includes the old part which is already filled up and a new part in a function of a regional landfill site. The old part is not completely closed and the landfill management has carried out all the necessary monitoring of waste water. The inspections had not found any irregularities.

5.1. Found irregularities and inefficiencies

The National programme of the environment protection defined three objectives for the reduction of the soil pollution. Furthermore the measures for achieving the objectives and time limits were identified. The costs for each measure were assessed, possible sources of financing and the responsible people were selected. The indicators, as e. g. the presence of individual parameter of pollution, for measuring the achieving of the objectives were not defined. The measures for achieving the objectives were not planned in such a way to be able to assess how the measurement can help to achieve the set objectives. We believe that objectives planned in such a way do not provide the means for the assessment of their realisation.

The measures that were planned in the NEAP referred to the reduction of the soil pollution were not implemented. All of those measures were transferred to the Resolution of the NEAP. The regulations for setting up and implementing the State monitoring of soil must be adopted by 2008, the review of the soil pollution must be ready by 2006. The time limits referred to measures on the area of soil pollution are consistent with the time limits defined by EU directives.

6. The protection of biological diversity and the Region Natura 2000 in the area of the Mura river and Landscape Park Goričko

The protection of biological diversity can be achieved by defining and by setting up the specific protected areas, where specific protective directives are in place, mainly for safeguarding fauna and flora, as well as regulations defining activities for their preservation. The area which was audited had two specific protected areas defined: Landscape Park Goričko and Regional Park Mur/Mura on the basis of the decree on specific protected areas.

While the territory of the landscape Park Goričko was defined and in October 2003 formally founded, the territory of the Regional Park Mur/Mura has not been defined yet. It should cover the whole area of the Mur/Mura River from the River‘s entrance to Slovenia to its exit from Slovenia.

The Region Natura 2000 should cover the area along the Mur/Mura River from Gornja Radgona to Mota. The area on the border between Slovenia and Austria, i.e. from Šentilj to Gornja Radgona is a part of the Regional Park Mur/Mura but it is not included in the Region Natura 2000. The bordering area of the Mur/Mura River on the Austrian side is included in the Region Natura 2000.

6.1. Found irregularities and inefficiencies

In line with the NEAP it would be necessary to prepare action plan of protection of the biological diversity and to adopt the system of legislation referred to the biological diversity by 2002 but the objective was not met. The objective of preparation the legislation was transferred to the Resolution of the NEAP and the time limit to 2008.

Eventhough the Landscape Park Goričko was formally founded in 2003, it did not started implementing all its activities in 2004 due to lack of personnel. The Court of Audit believes that the Landscape Park Goričko could perform better if the evaluation of the habitats was implemented and the management plan was adopted.

There should be a management plan for the Landscape Park Goričko adopted in six weeks after the Park‘s foundation. The minister responsible for the environment should adopt temporary guidelines until management plan is adopted. It was found out that none of the documents were adopted in due time. Temporary guidelines were adopted in November 2005.

Within the frame of the PHARE project which was intended to help establish the Landscape Park Goričko there was a letter of intent for establishing the trilateral park Goričko – Raab – Őrség prepared for the mutual cooperation of the Landscape Park Goričko, Austrian Park Raab and Hungarian Park Őrség. The Court of Audit believes that it would be helpful to define legal basis for their cooperation and on that basis sign an international agreement as it was foreseen in the contract for the implementation of the PHARE Project from 2003. Such an approach would help to plan and define the objectives and activities of the international cooperation and their monitoring. The international activities were coordinated and implemented during joint meetings, exhibitions, excursions and activities. In our opinion the activities should be clearly defined in order to meet the objectives and that could lead to closer international cooperation.

6.2. Recommendations

The Court of Audit made the following recommendations to the Ministry of the Environment:

- The ministry should strengthen the international cooperation in nature conservation and in border areas management. The neighbor states should achieve joint objectives by defining the priorities of border areas management and by unifying the viewpoints and objectives referred to the sustainable use of water.

- The ministry should strengthen the cooperation between the Landscape Park Goričko, Austrian Park Raab and Hungarian Park Őrség and prepare joint management plan of the Park of the three countries. That would help to improve the exchange of experience and promoting best practice in park and protected areas management.

IGOR ŠOLTES

President

Court of Audit of Slovenia