



3. The Context of the Management Plan and Legal Issues Concerning the World Heritage Property

3.1 Management Organisation: the Management Forum (Österreichischer Welterbeverein Neusiedlersee and Fertő-táj Világörökség Magyar Tanácsa)

Austria

In Austria, the Verein Welterbe Neusiedlersee¹ - VWN (World Heritage Association Neusiedlersee) was founded by the Federal Province of Burgenland on 21 February 2003 to prepare and implement all actions and measures required in connection with the World Heritage Site Fertő / Neusiedlersee.

The Association has its seat in the Province's capital, Eisenstadt.

Address: A-7000 Eisenstadt, Landhaus, Europaplatz 1

The *Vereinsstatuten* define the constitution and by-laws of the Association.

The members of the World Heritage Association Neusiedlersee are:

- the Federal Province of Burgenland
- the communities of Mörbisch, Rust, St. Margarethen, Oslip, Oggau, Schützen, Donnerskirchen, Purbach, Breitenbrunn, Winden, Jois, Neusiedl/See, Weiden, Gols, Podersdorf, Frauenkirchen, St. Andrä, Illmitz, Apetlon, Pamhagen (all communities whose territories are partly or in their entirety part of the World Heritage Site).
- the Raab-Ödenburg Electric Railway (*Raab-Ödenburg-Ebenfurter Eisenbahn, ROeEE*)
- the Burgenland Tourist Board (*Burgenland Tourismus*)
- the Esterházy Betriebe GmbH

Other members may join the Association if the Board so decides.

The President of the Association and Chairman of the Board is Hans Niessl, the Governor of Burgenland. Three other members of the provincial government, Deputy-Governor Franz Steindl, Provincial Councillor Helmut Bieler and Paul Rittsteuer, two members of the provincial parliament and mayors Josef Loos and Kurt Lentsch have been appointed to sit on the Board. Thus, the composition of the Board ensures that leading government officials are involved in the management of the World Heritage Site.

The objectives of the World Heritage Association are, in particular:

- Preservation of the typical cultural landscape form of the Neusiedlersee region
- Ensuring that the cultural and natural landscapes are cared for and maintained
- Raising awareness of the World Heritage among the local population and visitors to the region
- Further development of the region in line with the provisions of the UNESCO Convention
- Coordination of all measures relating to the management of the World Heritage area

¹ Hungarian: Neusiedlersee Világörökség Egyesület



- Development and/or commissioning of a Management Plan
- Production of concepts, studies and analyses
- Media relations
- Project management
- (Co-)organisation of specific events

The Association's affairs are conducted by the Secretariat, acting on the Board's instructions. The Secretariat is responsible for conducting the Association's day-to-day business; it maintains continuous contacts and coordinates specific activities with UNESCO, the Austrian federal government institutions, the Hungarian ministries involved, the Hungarian Council of the World Heritage "Fertő Area" and other World Heritage sites in Austria and abroad.

The Board has appointed an advisory panel (expert panel) to provide expertise, draft proposals and generally advise the Board and Secretariat in their activities. Within the scope of the expert panel, five working groups have been established: WG Natural Environment, WG Settlements, WG Culture, WG Agriculture and WG Tourism.

These expert working groups will support the World Heritage Association Neusiedlersee in the further development and implementation of the Management Plan. The members of the working groups come from public institutions which are locally or thematically involved in the World Cultural Heritage, or represent other regional players. The composition of the working groups thus ensures multiplier effects in government institutions and interest groups, as well as trans-disciplinary synergies in the day-to-day activities of the institutions involved.

Hungary

In Hungary, the Fertő-táj Világörökség Magyar Tanácsa Egyesület² (Hungarian Council of the World Heritage "Fertő Area") was founded on 24 June 2003 following approval by the County Assembly.

Seat: 9431 Fertőd, Haydn u. 2.

Hungarian Council of the World Heritage "Fertő Area" - Statutes of Society
(Extract from draft)

Status: The Founders establish the society as an organisation of high public benefit under the relevant chapter of Act No. 2. of 1989 on Corporate Rights and Act No. 156 of 1997 on Organisations of High Public Benefit for the protection of cultural heritage under (6) c. of Article 26 of the latter Act, and for nature conservation and wildlife protection under paragraph (8).

The Hungarian Council of the World Heritage Society is a legal entity. The most important information on its activities and financial management shall be published in the journal "Kisalföld" and in the periodical "Műemlék-védelem".

Objective: The objective of the Society is to maintain the Fertő Area World Heritage site in a favourable state, to improve the site accordingly, to assist in drafting a management plan that complies with the status and requirements of a World Heritage site, and to implement and enforce this plan. Efforts shall be made to improve tourism and other economic activities in such a way as to contribute to the conservation and maintenance of the World Heritage assets. For this purpose, the relevant national and local government bodies shall co-operate within the framework of this Society.

² German: Ungarischer Rat für das Welterbe „Fertő-Gebiet“



Tasks:

- a. Co-ordination and conciliation.
- b. Providing a forum to discuss and settle problems and tasks arising in relation with the Fertő Area as a World Heritage site.
- c. Assistance in drafting the Management Plan required to preserve the World Heritage status.
- d. Monitoring the implementation and enforcement of the finalised Management Plan.
- e. Calling on the local governments concerned to pass the necessary resolutions.
- f. Monitoring tourism and other economic activities in the Fertő Area in order to prevent any unfavourable or damaging impact on the World Heritage assets.
- g. Raising funds for the Society's activities.
- h. Organising events to disseminate information on the World Heritage assets of the Fertő Area.
- i. Lobbying assistance for the local governments of the Fertő Area World Heritage site.
- j. Co-operation with organisations that fulfil similar functions on the Austrian side for the harmonised management of the Fertő Area World Heritage site and in organising joint representations at international events.
- k. Revising the development programmes, draft settlement development documents and draft local government regulations in the Fertő Area World Heritage site.
- l. Providing for the elaboration of concepts on interpretation and popularisation of the Fertő Area World Heritage site and its assets, and developing awareness-raising measures.

Organisational structure: The following bodies govern and manage the activities of the Society:

1. General Assembly
2. Board (representative body)
3. Committees
4. Secretariat (administrative body)

General Assembly: The most important body of the Society is the *General Assembly*, which comprises all members of the Society and is entitled to make decisions on all matters concerning the Society. Each member takes part in the General Assembly by way of a delegate. Delegates can only take part in the activities of the General Assembly after proving their delegation and membership. The General Assembly meetings are public.

Board: The *Board* is elected for 4-year terms. The Board governs the activities of the Society and takes measures for the implementation of the Statutes of the Society and the resolutions of the General Assembly. The Board is entitled to make decisions on all matters that do not belong exclusively to the competence of the General Assembly. The Board's tasks include drafting and submitting the Statutes of the Society and of the Board, establishing the Secretariat and laying down the framework for the Society's activities. The Board decides on the granting of supporting member status, and is obliged to inform the General Assembly of such decisions retroactively.

Committees: The General Assembly may establish a *temporary committee* for specific purposes.

At its meetings, the General Assembly elects the Board and simultaneously an *Audit Committee*.

Membership: The *membership of the Society* consists of *founders, ordinary and supporting members*. The founders of the Society are the local and county governments of the Fertő Area



World Heritage site that signed the Letter of Intent on joining the Society, participated in the Statutory Assembly by way of a delegate and accepted the present Statutes of the Society.

Funding: The Society receives funding for its activities from:

- membership fees
- other donations and grants
- project grants, other sources and allowances

Report: Upon approval of the annual report, the Society is required to issue a public benefit report.

Founders: Mayors of the settlements within the WH area

Austria-Hungary

The Austrian and Hungarian management organisations shall coordinate their activities relating to the World Cultural Heritage in meetings of the Secretaries and joint meetings of their respective organs.

*Overview of the organs of the Management Forum
for the Cultural Heritage Site Fertő / Neusiedlersee*

Management organs in Austria	Management organs in Hungary	Meetings of the Austrian and Hungarian management organs (schedule: section 6.1)
Verein Welterbe Neu- siedlersee – VWN, Ei- senstadt	Fertő-táj Világörökség Magyar Tanácsa Egyesületének A- lapszabálya, Fertőd	joint events with specific themes, held once per year alternately in Austria and Hungary
Austrian World Heritage Association Neusiedlersee, Eisenstadt	Hungarian Council of the World Heritage “Fertő Area”, Fertőd	
General Assembly	General Assembly	
Board of the Association	Council Board and Supervisory Commission	
Secretary	Secretary	Secretaries’ jour fixe
Auditors	Auditors	
Board of arbitration	Board of arbitration	
5 working groups: Natural Environment, Settlements, Culture, Agriculture, Tourism	ad hoc committees	interregional working meetings as needed (coordination of expert work)



3.2 Legal Status

3.2.1 Ownership

Share of the total WH site area:

- Austria 69 %
- Hungary 31 %

Ownership patterns within the World Heritage Site vary considerably. Whereas the state is the largest single owner in Hungary, properties on the Austrian side are predominantly in the hands of private owners.

Austria

- Core zone in Austria: 95 %
- Buffer zone in Austria: 5 %

Property mostly owned by private owners and by the communities of the WHS (Apetlon, Breitenbrunn, Donnerskirchen, Frauenkirchen, Gols, Illmitz, Jois, Mörbisch, Neusiedl/See, Oggau, Oslip, Podersdorf Purbach, Rust, Schützen, St. Andrä, St. Margarethen, Winden, Weiden, Pamhagen).

Large scale private landowners are:

- Esterházy'sche Fürstliche Privatstiftung
- Heiligenkreuz Abbey

The state property is only marginal: less than 1% (Leithagebirge, Wulka).

Hungary

- Core zone in Hungary 84 %
- Buffer zone in Hungary: 16%

Ownership in the area of the Fertő-Hanság National Park:

State property	10,790 ha
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Managers:

<i>FHNP</i> Directorate	4,890 ha
North-Transd. Water Mgmt Dir.	4,700 ha
Fertő-Lake Reeds Proc. Ltd.	473 ha
<i>TÁEG RT.</i>	686 ha
Others	41 ha

Private property:	1,708 ha
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<u>Local governments:</u>	<u>44 ha</u>
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Total:	12,542 ha
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State property: protected ensembles of Fertőd and Nagycenk Palaces, including the related gardens.

Fertőrákos, former bishop's palace and garden.



Local government property, church property, private property: in Fertőrákos, Balf (Sopron), Fertőboz, Nagycenk, Hidegség, Fertőhomok, Hegykő, Fertőszéplak, Fertőd, Sarród.

3.2.2 Legal Restrictions

Austria

Nature conservation and landscape protection areas

- Regulation declaring Neusiedler See and its environs a nature and landscape conservation area (*Natur- und Landschaftsschutzverordnung Neusiedler See*), Provincial Law Gazette No. 22/1980.
- Law on the protection and conservation of the natural environment and landscape in Burgenland (*Burgenländisches Naturschutz- und Landschaftspflegegesetz – NG 1990*), Provincial Law Gazette No. 28/1991, as amended in Provincial Law Gazette No. 66/1996.
- Ordinance on the preservation of wildlife habitats and the sustained maintenance of indigenous animal and plant diversity (*Allgemeine Naturschutzverordnung*), Provincial Law Gazette No. 24/1992.
- These laws are the basis for management by the administrative authority. They are applicable to the whole province of Burgenland and are to be seen in conjunction with the law on the conservation of the natural environment and landscape of the Neusiedler See area. They contain obligations, prohibitions and exemptions.

National Park

- Law establishing the Neusiedler See – Seewinkel National Park (*NPG 1993*), Provincial Law Gazette No. 28/1993, as amended in Provincial Law Gazette No. 82/1993 (last revision LGBl.Nr. 44/2001). By-laws of the Board of the *Nationalparkgesellschaft Neusiedler See – Seewinkel* (*NP-GES*), Provincial Law Gazette No. 169/1993.
- These regulations determine the area of the National Park and the function of the *Nationalparkgesellschaft* (National Park Company).
- *15a-Vereinbarung*, an agreement between the province of Burgenland and the federal government of Austria on National Park co-financing.

Ramsar area:

- Federal Law Gazette No. 225/1983. With this law the Republic of Austria acceded to the Convention and at the same time proclaimed the Neusiedler See – Seewinkel area as a protected area according to the aims of the convention.
- Federal Law Gazette No. 225/1959, Agreement between the Republic of Austria and the Republic of Hungary as to the regulation of water management affairs in the areas adjoining the common border.

Natura 2000 site

- The Natura 2000 site Neusiedler See–Seewinkel (AT 1110137) was designated in accordance with Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora, OJ 1992 L206 (FFH Directive), and in accordance with Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L103.
- With a total surface area of 41,735 hectares, the pSCI (proposed Site of Community Interest) comprises the entire nature and landscape conservation area protected under Austrian law (Provincial Law Gazette No. 22/1980), including the areas belonging to the National Park



Neusiedler See–Seewinkel (Provincial Law Gazette No. 28/1993, 82/1993). Furthermore, the pSCI covers the nature conservation areas "Hackelsberg" (Provincial Law Gazette No. 35/1965), "Jungerberg" (Provincial Law Gazette No. 36/1965), "Thenauriegel" (Provincial Law Gazette No. 30/1979), "Goldberg" (Provincial Law Gazette No. 49/1973) and "Pfarrwiesen" (Provincial Law Gazette No. 41/1987). The same area is also designated as a protected area under the bird conservation directive and as a Special Protection Area.

■ The IBAs (Important Bird Areas) "Neusiedler See" (23,272 ha) and "Southern Seewinkel and Zitzmannsdorfer Wiesen" (14,000 ha) are fully included in the SPA. The slopes of the Leithagebirge range cover a minor part of the IBA "North-eastern Leithagebirge", and the 145-hectare conservation zone of Waasen (Hanság) in the National Park Neusiedler See–Seewinkel makes a minor contribution to the 7,000-hectare IBA "Austrian part of the Hanság (Waasen)". A map is available at: www.burgenland.at/redaktion/Download/LRG/Abt5/Nat2000.pdf

■ Whereas EU Regulations take direct effect in the member states, Directives have to be implemented via transposition into national law. Accordingly, Council Directive 79/409/EEC and Council Directive 92/43/EEC were integrated into Austrian legislation in an amendment to the 1990 Nature Protection Act, published in Provincial Law Gazette No. 66/1996.

Biosphere Reserve

■ A major objective of the "UNESCO Man and the Biosphere Programme" initiated in 1970 is to integrate important natural areas in a World Network of Biosphere Reserves. The Neusiedler See area was added to the list of Biosphere Reserves in 1977. See www.burgenland.at/redaktion/Download/LRG/Abt5/biosphaeren.pdf

Protection of the cultural property

Denkmalschutzgesetz (Protection of Monuments Act), federal law of 1923

■ This law focuses on outstanding monuments and provides for the protection of the original fabric and traditional appearance of historic buildings. The *Bundesdenkmalamt* (Federal Office for the Preservation of Historic Monuments) is the first instance. Taking into account the results of scientific research, the *Bundesdenkmalamt* must decide if there is public interest in the conservation of an individual monument, group of buildings, or collection.

■ Within the World Heritage property inscribed on the World Heritage List, for example, the entire historic centre of the free town of Rust is under a preservation order.

■ If a monument is in danger of being demolished or impaired in its fabric or appearance through alterations to its setting, the *Bundesdenkmalamt* may request protective measures. Violations of the Protection of Monuments Act may carry penalties or administrative fines.

Hungary

Natural property

Because of the different development of Hungary and Austria during the 20th century, notably in terms of land ownership and economy and their impact on the respective areas, the situation is to be seen in a differentiated way.

During the past ten years, Hungary experienced an intensive law establishment process having its conceptual basis in the creation of an independent and democratic legislation.



The status and future of the cultural landscape proposed for World Heritage listing is essentially determined by Act 53 of 1996 on Nature Protection, aimed at generally protecting the natural values and areas, the landscape and its natural systems, maintaining the biological diversity and supporting the recognition and sustainable use thereof, as well as satisfying the demand of society for a healthy and aesthetic natural environment. The Act defines the concept of the National Park; among other things it regulates in detail the intended use of the protected natural environment including the National Parks, defines the activities that are permitted there and provides for buffer zones to be established outside these areas.

On the basis of Act 93 of 1995, nationalisation of National Park land formerly owned by co-operatives will be completed by 2000.

While former laws were meant to protect the unique value of the built environment by protecting each of the elements separately, a new approach has been gaining ground since the 1990s and replacing the former object and monument-centred view.

The first sign of these endeavours was Law/Act? 65 of 1990 on the establishment of local self-government, which made the protection of the built environment a task of both the local authorities and the county-level local governments.

Act 53 of 1995 on the general rules of environmental protection includes provisions on the protection of the man-made (built) environment.

Act 21 of 1996 on regional planning and zoning sets out the regional tasks of environmental, landscape and nature protection and conservation.

Act 64 of 2001 on cultural heritage protection endeavours to promote the interests of monument preservation within a holistic concept of protecting the built environment, giving due consideration to area and settlement development, nature and landscape conservation, international obligations and promotion of public awareness of the cultural heritage.

According to section 33 of this Act, "the individual outstanding value of historic and cultural monuments and groups of buildings shall be protected as a priority. For this purpose, the historic monuments and groups of buildings listed in the annex to this Act shall be kept in exclusive state ownership. If the state has no ownership rights, and if this is not due to deficiencies in the land register or infringement of the law, the ownership rights are to be acquired by the state".

The Nagycenk Széchenyi Palace and its entire ensemble of historic monuments comes under the said clause, and the same applies to the Fertőd Esterházy Palace premises as well as to the former bishop's palace and its garden in the protected area of Fertőrákos.

Act 78 of 1997 on the formation and protection of the built environment defines the development of the natural, landscape and built values of the environment and the protection of villagescapes and landscapes as land use objectives.

The legal predecessor of the Fertő-Hanság National Park, the Fertő Landscape Protection area, was created by resolution of the President of the National Environmental and Nature Protection Administration (19/1977. OKTH) with the objectives of

■ protecting and preserving the characteristic landscape and important natural values (the water surface of the lake, the extended meadow and reed area, the bogs, saline meadows and forests and the natural flora and fauna of these biotopes)

- ensuring undisturbed nesting and migration of the protected bird species
- preserving the cultural heritage of the land
- ensuring natural conditions for scientific research



■ supporting relaxation, the experience of nature and scientific education by preserving the natural environment.

The Fertő Landscape Protection Area was converted into a National Park by decree 2/1991 (II. 9) KTM of the Minister for Environmental Protection and Regional Development. The Fertő National Park was extended and renamed Fertő-Hanság National Park by decree No. 5/1994. (III.8.) KTM of the Minister for Environmental Protection and Regional Development. By this latter decree, the Hanság Landscape Protection area was also raised to the status of a National Park, and is thus already protected under resolution No. 14/1976. OTVH. The latest extension of the area of Fertő-Hanság National Park was introduced by decree 1/1999 (I. 18) of the Minister for Environmental Protection.

The area of Fertő-Neusiedler See is a MAB Biosphere Reserve and has been subject to the Ramsar Convention since 1989.

Cultural property

The premises of the Esterházy Palace situated within the World Heritage area and the premises of the Széchenyi Palace located in Nagycenk were declared historic monuments in 1966 by the director of the National Historic Monument Protection Office.

Another guarantee of preservation is Act 64 of 2001 on the protection of historic monuments. According to this law, these objects are the exclusive property of the Hungarian state as part of the national heritage and their sale is prohibited.

Based on a joint resolution by the Minister of Construction and Urban Development and the Minister of Culture, the formerly wall-enclosed historic centre of Fertőrákos was placed under a preservation order in 1976 as an area of historic importance, and this protection is still valid today.

Protective measures and means of implementing them

The Fertő-Hanság National Park Directorate can exercise its ownership rights and is also the first level building authority for the area, thus ensuring compliance with the nature protection specifications and rules.

As an owner, it regulates the operation of different forms of land use in the contracts concluded with the users (pasturing, mowing, reed harvesting) according to the objectives defined in the nature protection management plan.

In the areas not belonging to the Directorate, the Fertő-Hanság National Park Directorate exercises the rights of a first level building authority based on Government Decree 211/1997 (XI. 26) Korm. on environmental protection inspectorates and national park directorates, and enforces Act 53 of 1996 and its implementing regulations as well as the nature protection plan. The same applies to first level authority tasks set forth in the law on hunting and fishing as well as professional authority rights.

Agricultural, fishery and hunting use of resources in the area of the National Park (where the NP is not the owner) is subject to the Government Decree regulating nature protection (hunting, fishing), the Government Decree on reed management (120/1999. /VIII. 6./) and the nature protection management plan of FHNP. These areas are mostly used by the state. In addition to the National Park Directorate, such tasks are also assumed by the Northern Transdanubian



Water Management Directorate and ÁPVRT Fertő Lake Reeds Management Ltd. In addition to all the above, there are a few co-operatives and private estates in the fringe areas.

Management of wildlife in the National Park area was formerly the source of many problems. The main concern was waterfowl hunting organised against payment by three hunting management entities. Since 1995, the National Park itself has held the hunting rights for most of the area. The 1997 hunting law (Act 55) linked hunting rights with land ownership, so the area where the National Park holds hunting rights has increased to 9,000 hectares. Full exercise of nature protection interests is ensured by the special designation of the area as a nature protection and gene pool reserve. Hunting for sport (hunting against payment, hunting by guests) no longer takes place in the area. The necessary intervention to regulate the species populations is conducted by professionals with relevant qualifications who do not compromise the natural conditions. Such interventions include, for example, the capture and live removal of large numbers of wild boar from the sensitive area.

The fringe areas are subject to the hunting rights of four wildlife management entities. In these areas, the National Park Directorate can exercise its authority rights in the interest of nature conservation.

Compliance with the nature conservation regulations is controlled by four National Park supervisors. Their work is controlled and supported by the patrol service manager as well as by the board of professional supervisors.

According to the Cultural Heritage Act the owner of the asset has to maintain the historic monument in good condition.

The task of protecting historic monuments and supervising their maintenance in good operational condition primarily lies with the Office of Cultural Heritage Protection.

The competence for historic monument protection lies with the Historic Monument Protection Directorate of the National Historic Monument Protection Authority as a first instance, and with the President of the Authority as a second instance. This is also the authority which grants building permits.

Any changes that would influence the state, traditional appearance, historical and aesthetic effect of a historic monument are subject to the consent of the Historic Monument Protection Authority.

Permission from the Historic Monument Protection Authority is required whenever land use plans or local building codes affect objects under monument protection. The modification of the boundary of any built-up zone within settlements also requires permission from the Historic Monument Protection Authority if such modification concerns monument protection interests.

In the interest of monument protection, the Historic Monument Protection Authority may oblige the owner to maintain the estate in good repair, while technical supervision may request the removal or demolition of elements disturbing the view of the monument.

The Historic Monument Protection Authority may levy a fine if the legal provisions are infringed.

In addition to protecting the historic monuments in its area, the task of local government in respect of monument protection is primarily to continuously monitor the situation of historic monuments and protected areas and to inform the Historic Monument Protection Authority about any observations made and measures taken within their own sphere of competence.



3.2.3 Agreed Plans and Programmes

Austria

■ The National Park Neusiedler See – Seewinkel is managed according to IUCN criteria. The Management Plan is currently being prepared.

■ Natura 2000. With respect to the Natura 2000 sites, a study will be commissioned by the provincial government in 2003 to map the populations and habitats of the species protected under the FFH Directive and the Bird Conservation Directive. As soon as this study is completed, management plans will be drafted (expected date of completion: 2006).

■ Other plans regarding nature and landscape conservation. A management master plan for all nature conservation areas in Burgenland was drafted in 1994 on behalf of the provincial government, Dept. IV (Nature and Landscape Conservation). (see Biologische Forschung Burgenland, Bericht 82, A. Koo, 1994)

■ The Burgenland Land Use Development Plan (LEP 1994) (Provincial Law Gazette No. 48/1994) deals with regional planning, zoning and development, nature, landscape and monument conservation.

The Land Use Development Plan defines Neusiedler See as a special zone where specific provisions apply:

- For any intended action that affects the area, it must be shown that the action in question does not adversely affect the area's specific value.
- The transition area between the reed belt and the more outward-lying terrain is to be developed into a contiguous zone of "Seewiesen" (lakeside meadows).
- Investment in tourism is permissible only if aimed at improving quality and prolonging the tourist season.
- In tourist development, anchoring places for boats shall be established only on the landward edge of the reed belt; any further fill-ins are to be avoided.

■ Assessment criteria for the installation of wind power plants, regional master plan for Northern Burgenland, 2002: The installation of wind power plants within the World Heritage Site is prohibited. In the adjacent zones, restrictions are in place with respect to permissible wind turbine height (125 m).

■ Regionales Landschaftskonzept Neusiedler See West (Regional Landscape Policy Plan Neusiedler See West) 1994. The plan deals with the cultural landscape, biotopes, the appearance of the landscape and the settlement structure. Objectives and actions that are part of the plan have been integrated into this World Heritage Site Management Plan (see also Chapter 4 – Objectives).

■ Communities' local development policies and local authority zoning regulations are based on the Burgenländisches Raumplanungsgesetz (Burgenland Spatial Planning Act). Zoning regulations are in place in each community, with land use maps that apply to the entire local authority territory. Some communities have more detailed building guidelines and development schemes.

■ Village renewal programme: the objective of these plans is to compile a comprehensive documentation of the desired state in economic, cultural, social and structural terms and on the basis of the guiding principles of village conservation and renewal. Several villages in and adjacent to the World Heritage property are participating in the renewal programme, which is financially and technically supported by the Burgenland provincial government.



Hungary

Nature protection management plan

■ Management Plan of the Fertő-Hanság National Park (prepared by: Tibor Seregélyes), Sopron 1996

National Land Use Plan

The National Land Use Plan is enacted by law.

The aim of the National Land Use Plan is to define a perspective for the spatial structure within the country (location of the national transportation and utility networks, urban, agricultural and nature conservation areas), to define land use and provisions for the conservation of natural resources as well as to ensure the framework conditions for development from both the engineering and ecological points of view.

The objectives of the National Land Use Plan are:

- To balance the spatial structure
- To ensure a more consistent integration into the global and European systems of communication
- To implement the regional land use quality conditions
- To provide area-related conditions that ensure favourable development prospects for settlements and groups of settlements

Regional Structural Plan

Taking account of the development capacity of the land, the Regional Structural Plan defines environmental protection measures, ecological conditions, the existing transport infrastructure, the conditions for the national settlement structure, the obligations assumed under international co-operation programmes, the regional land use plan and the spatial structure of transport connections; it outlines the development trends of communities and provides guidelines for their development and/or changes in their current development. Guidelines for regional land use are specified in the zonal regulations.

The National Land Use Plan – among other provisions – declares the Fertő-Hanság National Park a priority area.

The regional plan for each priority area is to be enacted as a law by the Hungarian Parliament.

Regional Land Use Plans

■ Fertő-Hanság regional and land use plan. Forestry study. *Urbanitás Kft.* (prepared by: Tibor Halász, forestry engineer) Balatonfüred, September 1992

■ Fertő-Hanság area regional and land use plan. Draft for discussion, 1995. *Urbanitás Kft.*, Budapest. (The plan has been completed and will be adopted once the National Land Use Plan enters into force and the changes have been followed up).

The entire Hungarian portion of the area is covered by this plan.

The plan envisages land use in harmony with the landscape and nature conservation objectives, maintenance of the natural environmental conditions, improved efficiency of the protection system and harmonization of business and tourism goals and policies. Its zoning system provides for landscape, nature and environmental protection zones. It also provides for protective zones and ecological corridors. Special emphasis is placed on the protection of the



built environment and archaeological sites. Landscape rehabilitation measures are envisaged for areas that have been impaired.

- Fertőhomok Combined Land Use Plan. Koller és Társai Tervező Kft., Pécs 1991.
- Fertőújlak Combined Land Use Plan. Koller és Társai Tervező Kft., Pécs 1995.
- Hidegség Combined Land Use Plan. Koller és Társai Tervező Kft., Pécs 1991.
- Hegykő Combined Land Use Plan. Koller és Társai Tervező Kft., Pécs 1991.
- Sopron General Land Use (Master) Plan, 1993. Urbanitás Tervező és Tanácsadó Kft.
- Sopron and Fertő Lake Settlement Groups General Master Plan. VÁTI, 1974.
- Study on the complex melioration of the Sopron vineyards and Fertő region, Győr, 1983. North-Transdanubian Water Management Directorate (Győr), Agrober (Szombathely).
- Fertőrákos – Fertő Lake Waste Water Treatment and Disposal System Phase IV, authorisation of design documentation. Mestervonal Tervező, Fejlesztő és Beruházó Kft. 1993., Sopron
- Study of the renewal of the Fertőrákos Cavern Theatre. Northern Transdanubian Design Enterprise (Győriterv), Sopron Office, 1982.
- Fertőrákos waste water purification plant. Authorisation of design, 1992.
- Fertő-Hanság Regional Landscape Reorganisation Plan, investigations. Urbanitás kft. 1991.
- Győr-Moson-Sopron County Regional Plan. The plan is now being prepared. VÁTI Kht.

3.3 Participating Authorities and Responsibilities

Authorities and organisations which execute the provisions of the Management Plan:

Austria

Federal level

- Federal Ministry for Agriculture, Forestry, the Environment and Water Management
- Federal Ministry for Transport, Innovation and Technology
- Federal Ministry for Economic Affairs (tourism)
- Austrian UNESCO Commission (Federal Ministry for Foreign Affairs, Federal Ministry for Education, Science and Culture, and others)
- State Secretariat for Culture at the Federal Chancellery
- Federal Office for the Preservation of Historic Monuments, Chief Conservation Officer for the Province of Burgenland

Provincial level

- Office of the Burgenland Provincial Government:
- Chief Executive Office, Staff Units: Spatial Planning, Public Relations
- Dept. 2, Communities and Schools
- Dept. 4a, Agriculture and Veterinary Matters
- Dept. 4b, Country Roads, Agricultural and Forestry Technology
- Dept. 5, Sub-department III, Nature Conservation and Environmental Protection



- Dept. 6, Social Affairs and Housing Promotion
- Dept. 7, Culture, Science and Archive
- Dept. 9, Water Management and Waste Management
- Burgenland Tourist Board

Regional level, associations

- National Park Company
- NTG (Neusiedler See Tourism GmbH)
- Regional association Neusiedler See - Leithagebirge

Neusiedler See Communities

Apetlon, Breitenbrunn, Donnerskirchen, Frauenkirchen, Gols, Illmitz, Jois, Mörbisch, Neusiedl/See, Oggau, Oslip, Podersdorf, Purbach, Rust, Schützen, St. Andrä, St. Margarethen, Winden, Weiden, Pamhagen

Other organisations, societies and associations

- Within the borders of the National Park: *Nationalparkkommission* (National Park Commission) and the *Wissenschaftliche Beirat* (Scientific Advisory Board). The *Nationalpark-gesellschaft* (National Park Company)
- *Cultural associations, e.g. Kulturkreis Burgenland im Torwächterhaus* (Burgenland Cultural Society at the Gate-keeper's House), *Verein der Freunde des Kremayr-Hauses* (Society of Friends of the Kremayr House [town museum])
- Bildhauersymposion St. Margarethen (St. Margarethen Sculptors' Symposium)
- Austrian Wine Academy
- Verein zur Erhaltung der römischen Bernsteinstraße (Society for the Preservation of the Roman Amber Route)
- Architekturraum Burgenland (Burgenland Architectural Society)
- Esterhazy Company Ltd.

Hungary

- Nature conservation management of the World Heritage area is the responsibility of the Fertő-Hanság National Park Directorate.
- The building ensembles and gardens of Nagycenk Szécheny, Fertőd Esterházy and the former bishop's palace in Fertőrákos are owned by the Hungarian state. Their asset manager is the Treasury Assets Directorate (Kincstári Vagyoni Igazgatóság).
- The manager of the protected core of Fertőrákos and the settlement itself is the Mayor's Office of Fertőrákos, and the manager of individual objects is the owner at all times.
- Each settlement in the WHS is represented in the Hungarian Council of the World Heritage "Fertő Area" (Fertő-táj Világörökség Magyar Tanácsa) by its own mayor, who is responsible for implementing the sections of the World Heritage Management Plan relating to his/her area of competence.
- The Hungarian National Committee of the World Heritage is a coordinative body headed by the Ministry for the National Cultural Heritage, and its operative organ is the Secretary of the Hungarian National Committee of the World Heritage.
- General Assembly of Győr-Moson-Sopron County
- Responsibility for the cultural heritage lies with the Cultural Heritage Office.



Austria / Hungary

- Österreichisch/ungarische Gewässerkommission (Austrian–Hungarian Water Management Commission)
- Raab-Ödenburg-Elektrische-Eisenbahn (RoeEE, Raab-Ödenburg Electric Railway)
- EUREGIO West - Nyugat Pannonia

3.4 Conservation and Protection Principles

3.4.1 Potential Sources of Conflict, Threats

Potential sources of conflict are land-use and infrastructure development and tourism. For a list of potential tourist-induced threats see Section 5 (Tourism).

- Intensification of winegrowing activity on the vulnerable slope area of Leithagebirge, Junger Berg and Hackelsberg, expansion of vineyards, loss of important landscape structures (ridges, terraces, stone heaps, etc.);
- Construction of retention basins within the reed belt (to keep sediment from tributaries from being deposited in the lake);
- Unsolved waste water disposal problem of lake huts (pile huts) in Rust Bay (only collecting containers until now), and the waste water of numerous Hungarian households is not connected to the main collecting pipelines.
- Weekend homes in the reed zone and in marginal areas of the Leithagebirge (as well as, for example, in the Jois island zone);
- Expansion of existing holiday villages in the reed belt and development of new ones;
- Fire hazards pose a threat to tourism developments and lake huts in the reed belt because the reed is underutilised (and consequently burnt off in uncontrolled fires in winter);
- Increased road development (motorway to Schützen, additional lanes between Jois and Winden) creates a massive negative impact on the landscape and its usability for tourists (noise and air pollution through exhaust fumes);
- Exhaust fumes and elevated ozone levels caused by lorries, passenger car traffic and airplanes;
- Occasional noise pollution caused by gunshots and small airplanes used to drive away starlings;
- Too many road signs and advertisements disrupt the visual appeal of towns and villages;
- Lowering of the groundwater level in the Seewinkel area due to irrigation of agricultural production areas (though minimised by development of a system of controls).
- Short-term, localised release of contaminants through fireworks at cultural events (Mörbisch and St. Margarethen opera festivals). The residues of spent chemicals that are a by-product of fireworks act as atmospheric pollutants. Evidence has been found of increased levels of dust particles, nitrogen oxides and sulphur dioxide in the air for 1-2 hours immediately after major firework displays.
- Excessive freight traffic along the B50 trunk road between Neusiedl/See and Eisenstadt, as well as in the Hungarian communities on the southern shore of the lake..



■ Illegal waste disposal in Hungarian areas.

Most of the conflicts and the relevant corrective processes for the Hungarian part of the WHP are dealt with in the Management Plan for the Fertő-Hanság National Park (see there).

3.4.2 Catastrophe Protection

Austria

Within the Burgenland Provincial Government, administrative responsibility for disaster protection lies with Department 2 – Local Authorities and Schools and political responsibility with the Deputy Provincial Governor.

Disaster protection measures are regulated by the Ordinance of the Burgenland Provincial Government of 22 April 1987. Province Law Gazette No. 30/1987, § 1 lays down the essential basic provisions for decision-making in the event of a disaster and the measures which are ordinarily to be taken in such an event. § 3. (1) contains a description of the provincial territory with written details and maps, plans and diagrams comprising data on all organisations, facilities and installations that could be of relevance for disaster protection in the respective areas. This also includes a list of cultural assets to be protected in the event of disaster. Province Law Gazette No. 5/1986, § 9 requires the respective district administrative authorities to draw up a District Disaster Protection Plan for the planning and implementation of an effective disaster preparedness policy as well as all necessary disaster precaution and relief measures.

The environs of Eisenstadt (Eisenstadt-Umgebung), the administrative district of Neusiedl/See and the free towns of Eisenstadt and Rust each have their own Disaster Protection Plan, which is kept at the offices of the respective district authority. These plans are checked for completeness and correctness at least once year and updated and adjusted as necessary.

Additional important groundwork is being laid with the planned creation of a Provincial Crisis Management Headquarters to be used as the basis for set-up and implementation of a professional safety, security and crisis management operation. The major objectives are optimization of the (existing) structures to ensure uniform functionality throughout the federal province, networking of the various crisis management operations, optimization of the decision-making procedures and the achievement of a high degree of mobility (enhanced mobility of the central operations management systems, installation of a call centre, implementation of the plans in the province GIS system, etc.). Measures are also to be taken to allow the local authorities to carry out the ongoing updates of their Disaster Protection Plans online in digital format.

Hungary

Catastrophe protection plans are prepared by the County Catastrophe Protection Directorate at the regional level, and by city catastrophe protection sub-offices and the local authorities of smaller settlements. The President of the General Assembly of Győr-Moson-Sopron County is responsible for the task of county-level disaster protection, and the local mayors are responsible for catastrophe protection in the urban areas and villages.



3.4.3 Fire Protection

Austria

(Burgenländisches Feuerwehrgesetz – Burgenland Fire Brigade Act of 1994)

Fire-fighting and policing to avert other hazards are local responsibilities that are discharged by the communities with the help of (voluntary) fire brigades. The fire brigades of the individual communities report to district fire brigade commanders. The relevant districts within the World Heritage Site are Neusiedl/See, the environs of Eisenstadt and the free town of Rust. At the provincial level, the fire brigade organisation is headed by the provincial fire brigade commander.

Each community is responsible for taking the measures required to prevent fires from breaking out and for fighting fires once they have started. These measures are governed by the regulations on fire prevention of the Österreichischer Bundesfeuerwehrverband (Austrian Federal Fire Brigade Association) and of the Zentralstelle für Brandverhütung (Central Office for Fire Prevention).

Hungary

The county, the urban areas and the villages all have their own fire protection plans. The county fire protection plan is kept at the Győr-Moson-Sopron County Fire Station, those for the urban areas are at the town fire stations, and the plans for the villages are kept by the local volunteer fire brigades. Regular exercises are organized by the competent fire brigade commanders.

3.4.4 Protection against other Harmful Impacts

In the Austrian territory, building and infrastructure development are regulated by the nature conservation and environmental protection legislation as well as by the provisions set forth in the provincial urban development and planning regulations. However, more stringent land-use designation guidelines (e.g. for storage yards and industrial and commercial operations outside built-up settlement areas) are to be laid down for the World Heritage area in future.

On the Hungarian side, the nature conservation and environmental protection legislation prevents any development in the protected areas of Fertő-Neusiedlersee and in the buffer zone that could be harmful from a nature conservation point of view.

No true natural disasters endanger the cultural landscape around Fertő-tó / Neusiedlersee. Occasional damage to the biotopes is caused by fires that occur infrequently in the reeds, though the effects of burning are roughly balanced by the natural regrowth processes. There is no danger of floods in the protected area; the high water level is favourable rather than hazardous to the biotopes. Flood protection of the neighbouring settlements is adequate, i.e. no disasters are anticipated there either.

The phenomenon mentioned in the historical overview, i.e. the lake drying up completely, could happen again, but this would be caused by the natural processes. In order to maintain the region's ecological and economic framework, comprehensive plans have already been made to replenish the lake's water volume with water from the rivers (Leitha, Raab, Danube). Such measures would have to be subjected to an environmental compatibility study in accordance with the FFH Directive, as the chemical composition of the river water differs significantly from that of the lake water. Most of the conflicts and their corrective processes are detailed in the Management Plan for the National Park of Fertő-Hanság (see there).



3.5 Corrective Process, Balance of Interests

The implementation of the Management Plan depends on its universal acceptance by the relevant Austrian and Hungarian government bodies. The World Heritage management organisations (Management Forum) in Austria and Hungary and the elected politicians and administrative bodies represented in them fulfil the task of harmonising any conflicting interests.

Austria

The Management Plan is embodied at regional and local level via resolutions of the World Heritage Association, in which both the Federal Province of Burgenland and the local authorities within the World Heritage area are represented. Its implementation is effected in accordance with the division of competences provided for in the Austrian federal constitution. The regulations governing nature conservation and regional spatial planning are thus incumbent on the Burgenland provincial government, for instance, whereas local spatial planning and the procedures for the granting of planning and building permission fall within the sphere of influence of the individual local authorities, who manage these on the basis of the Spatial Planning Act and the Building Act of the Federal Province of Burgenland. The protection of cultural assets, on the other hand, is regulated by the Preservation of Monuments Act (federal law). The latter lays down the penalties and restoration stipulations to be applied in the event of impairment or destruction of individual historic monuments or ensembles that have been placed under preservation orders.

Since the provincial government is endeavouring to achieve a balance at all levels, no conflicts of interest are to be expected at present. The guarantor for this is the World Heritage Association, and particularly those persons who occupy the highest functions in this body. Of the seven members of the Burgenland provincial government, four are represented on the Board of the Association. The Provincial Governor acts as President of the Association and Chairman of the Board, with the Deputy Provincial Governor as Vice-President. Two members of the Burgenland provincial parliament and the mayors of several local communities have also been appointed to sit on the Board. The Board has established an advisory panel consisting of five working groups made up of the relevant experts from the provincial administration, thus guaranteeing that their activities are harmonized and coordinated in accordance with the administrative provisions. The Secretary of the Association is also responsible for ensuring that this is the case. Both the Federal Province of Burgenland and all the local authorities within the World Heritage area are represented in the Association's general assembly, ensuring that all activities are carried out in accordance with regional and local legislation.

Hungary:

The Management Forum, in which all the partners in the World Heritage area are represented, is empowered to take action in the event of infringement of the management rules and shall endeavour to ensure that any such infringements or violations are remedied and conflicts resolved with the involvement of all the affected parties.

On the territory of the Hungarian National Park, responsibility for the implementation of the Management Plan and any necessary corrective processes lies with the National Park Directorate (Fertő-Hanság Nemzeti Park Igazgatósága). Its activities are controlled by law and supervised by the Office for Nature Conservation under the Ministry for Nature Conservation and Water Management Affairs.