

On behalf of
The Federal Ministry of Transport, Building and Urban Affairs
Federal Republic of Germany

Habitat II:

Implementing the goals and principles of the Habitat-Agenda in national legislation

Final Report November 2008

Project leader

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ABSTRACT

A study on comparative law analysed in 2006 how five signatory states of the Habitat-Agenda (Germany, Finland, the Netherlands, Romania and Turkey) implemented the goals and principles of the Agenda during the period between the years 1996 and 2005. Therefore, rapporteurs drew up an inventory, based on the official gazettes of legislation in the five countries, which was pertinent to the Habitat-Agenda. The project Habitat II is based on the list of instruments of the proceeding project.

The project Habitat II aims to analyse the implementation of instruments and their practical relevance in the East-European new EU member states. Therefore two workshops took place, one in Bucharest and one Berlin. The invited experts had to answer a questionnaire on the implementation of the instruments of the Habitat-Agenda in their countries in the run up to the workshop.

In general, the East-European countries implemented the majority of the listed instruments aimed at implementing the goals and principles of the Habitat-Agenda in their national legislation. Differences are evident in the practical relevance of the instruments.

Financial funding for measures in the fields “adequate shelter for all” and “sustainable settlement development” is crucial for implementing the goals and principles of the Habitat-Agenda, besides implementing the listed instruments in national legislation. Funds provided by the European Union take an important role for financing these projects. The funding guidelines have to take national specifics more into consideration in the future. Regulation of spatial development and settlement development are crucial for the implementation of the Habitat-Agenda also. Therefore the relevance of spatial planning has to be encouraged and their long-term goals have to be strengthened with financial funding aimed at implementation. The EU-funding has to be adjusted to these aims. An all-integrating control of the EU is not goal-oriented, because subsidiarity is a crucial prerequisite for the implementation of the Habitat-Agenda.

Altogether, the national legislation pursues the goals and principles of the Habitat-Agenda, without referring to the document. According to this, the direct relevance of the Agenda is marginal. But the relevance should not be undervalued, because the document has been offering orientation in a period of transformation. Prospects for further implementation of the Habitat-Agenda in the East-European states result from declarations on the European level that partially take on the ideas of the Habitat-Agenda. One example is the Leipzig-declaration on sustainable urban development, which covers the topic of monitoring urban development. This is a prerequisite for implementing the Habitat-Agenda.

1 INTRODUCTION

A study on comparative law analysed in 2006 how five signatory states of the Habitat-Agenda (Germany, Finland, the Netherlands, Romania and Turkey) have implemented the goals and principles of the Agenda during the period between the years 1996 and 2005. Therefore, rapporteurs drew up an inventory, based on the official gazettes of legislation in the five countries, which was pertinent to the Habitat-Agenda. Besides a list of instruments that can be used to implement the Habitat-Agenda the main results of the study were:

- The basic legislation of relevance to Habitat was introduced long before 1996 in all five countries, so the laws adopted in the timeframe investigated were primarily designed to improve upon this basic legislation.
- None of the countries adopted a single item of legislation mainly aimed to implement the Habitat Agenda. However, the explanatory arguments of some laws explicitly refer to the Habitat Agenda.
- Nonetheless, there are many different thematic links between national legislation and the goals and principles defined in the Habitat Agenda. Given the Agenda's wide-ranging objectives, an entire network of linkages can be identified in various thematic areas, at different planning levels, and in a range of administrative and policy fields.
- Clearly, the overall commitments to implement the Habitat Agenda vary widely according to the stage reached in a country's development and its government's current objectives.

The project Habitat II is based on the preceding study. It informs experts from the new EU-member states about the results of the preceding study and asks them to implement approved instruments. Two workshops with national experts either researchers or administrative staff took place in 2008. The invited experts had to answer a questionnaire on the implementation of the instruments of the Habitat-Agenda in their countries in the run up to the workshop. The aim of the workshops was to exchange experiences on the implementation of the Habitat-Agenda, identify further instruments suitable for implementing the Habitat-Agenda as well as derive recommendations for action.

The final report documents the results of the first workshop that took place on April 22nd, 23rd 2008 in the Romanian Ministry of Development, Public Works and Housing in Bucharest and the second that took place on October 6th, 7th 2008 in the Institute for Urban and Regional Planning of the Technische Universität Berlin. The report encompasses the results for Bulgaria (BG), the Czech Republic (CZ), Estonia (EST), Hungary (HU), Lithuania (LI), Latvia (LA), Poland (POL), Slovakia (SK) and Slovenia (SI). In the first workshop in Bucharest participated:

- Gheorghe Pătraşcu (Ministry of Development, Public Works and Housing, Romania),
- Anca Ginavar (Ministry of Development, Public Works and Housing, Romania),
- Dr. Bogdan Suditu (Ministry of Development, Public Works and Housing, Romania),
- Bogdan Ghinea (Ministry of Development, Public Works and Housing, Romania),
- Crenguţa Iordăchescu (Ministry of Development, Public Works and Housing, Romania),

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- Ileana Budişteanu (Resource Center for Building, Architecture, Town and Regional Planning, Romania),
- Teofil Ghercă (Ministry of Development, Public Works and Housing, Romania),
- Vera Marin (University of Architecture and Urbanism “Ion Mincu”, Bucharest, Romania),
- Mihaela Al-Bashtawi (Craiova City Hall, Romania),
- Ágnes Böhönyey (Hungarian Society for Urban Planning, Hungary),
- Prof. Dr. Andrej Černe (University of Ljubljana, Department for Geography, Slovenia),
- Prof. Dr. Karel Maier (Czech Technical University, Faculty of Architecture, Czech Republic),
- Prof. Dr. Julia Spiridonova (National Center for Regional Development, Bulgaria),
- Elena Szolgayová (Ministry of Construction and Regional Development, Slovakia),
- Dr. Anneke Assen (Radboud University Nijmegen, the Netherlands),
- Prof. Dr. Gerd Schmidt-Eichstaedt (Technische Universität Berlin / Plans and Law Ltd.),
- Thomas Zimmermann (Technische Universität Berlin / Plans and Law Ltd.).

In the second workshop in Berlin participated:

- Prof. Dr. Jekabs Trusins (Riga Technical University, SPARD - University Research Centre of Spatial and Regional Development, Latvia),
- Inese Trusina (Riga Technical University, SPARD - University Research Centre of Spatial and Regional Development, Latvia),
- Prof. Dr. Eugenius Staniunas (Vilnius Technical University, Faculty of Architecture, Lithuania),
- Prof. Dr. Jüri Kõre (University of Tartu, Faculty of Social Sciences, Estonia),
- Kristiina Sipelgas (Ministry of Economic Affairs and Communications, Estonia),
- Prof. Dr. Marek Bryx (Warsaw School of Economics, Poland),
- Dr. Kimmo Kurunmäki (University of Helsinki, Finland),
- Prof. Dr. Gerd Schmidt-Eichstaedt (Technische Universität Berlin / Plans and Law Ltd.),
- Thomas Zimmermann (Technische Universität Berlin / Plans and Law Ltd.).

This report starts with some general information on settlement structure and housing in the East-European EU member states. The third chapter contains the results of the survey and the workshops. The last chapter summarises the results and derives recommendations for action.

2 COMPARISON OF SETTLEMENT AND HOUSING MATTERS

Compared to Germany the East-European new EU member states are rather small when looking at the area (Germany 357,000 m²) and the population (Germany 82.3 Mio.). The largest state, Poland, covers an area of almost the size of Germany.

Table 1: general information on the states
(source: Eurostat)

object / state	total area of the state in 2006 in km ²	total number of population (thousand) in 2007
BG	111,002	7,679
CZ	78,867	10,287
EST	45,288	1,342
HU	93,028	10,066
LV	64,589	2,281
LT	65,300	3,385
PL	312,685	38,125
SK	49,034	5,393
SI	20,273	2,010

Comparable data on built-up and related land were not available for all East-European states. The Bulgarian figures dating from 2004 are most up to date. The share of settlement area is below the German rate of approximately 13 %. The differences between the states are remarkable. The Czech Republic features the highest share with a value of 10.3 %. Lithuania possesses the smallest share (3.0 %).

Table 2: basic information on the settlement structure
(source: Eurostat if not indicated else wise)

object / state	built-up and related land in 2000 in km ²	Share of Built-up land in 2000 on total area of the state
BG	6,238 ¹	5.6% ²
CZ	8,100	10.3%
EST		
HU		

¹ value for 2004 (source: National Statistical Institute of the Republic of Bulgaria).

² for 2006 (source: National Statistical Institute of the Republic of Bulgaria).

LV		
LT	1,984	3.0%
PL	20,531	6.6%
SK	3,684	7.5%
SI	795	3.9%

Data on housing matters were not available for all East-European states. Altogether, the countries feature comparable housing conditions. In general, the share of households living in their own dwellings is higher than in Germany with a value of approx. 40 %. The Czech Republic features a similar low value for that objective. The Bulgarian value is not comparable with the other states. The Latvian value (0.1 %) does not seem to represent the real situation. Slovenia possesses the largest area of living accommodation per person.

Table 3: basic information on Housing (source: Eurostat if not indicated else wise)

object / state	total number of dwellings (1,000) in 2003-06	total number of households (1,000) in 2003-06	households living in own dwellings in 2003-06	occupancy per occupied dwelling in 2003-06	area of living accommodation in 2003-6 (m ² per p)
BG	3,679 ³	2,922 ⁴	70.3% ⁵	2.1 ⁶	19.9 ⁷
CZ	4,013 (2001)	4,216 (2001)	42.5% (2001)	3.0 (2001)	19.0 (2001)
EST	626	565	83.4%	2.4	24
HU	4,065 (2001)	3,729 (2001)		2.7 (2001)	20.0 (2001)
LV	987	911	0.1%	2.5	15.3
LT	1,300	1,173 (2001)			21 (1999-02)
PL	12,683	13,698		3.0	22.9
SK			94.7 (2001)		17.6 (2001)
SI	778 (2001)	695 (2001)	81.5% (2002)	2.8	26.3 (2002)

³ source: National Statistical Institute of the Republic of Bulgaria (2001).

⁴ source: National Statistical Institute of the Republic of Bulgaria (2001).

⁵ homeownership rate of total stock.

⁶ own calculation using data of the National Statistical Institute of the Republic of Bulgaria dating from 2006.

⁷ source: National Statistical Institute of the Republic of Bulgaria (2001).

3 IMPLEMENTATION OF THE GOALS AND PRINCIPLES OF THE HABITAT-AGENDA IN NATIONAL LEGISLATION

The following tables summarise the results of a survey that was conducted in spring and summer 2008. Experts in the fields housing and settlement development in nine East European EU-member states were asked. Therefore the list of instruments suitable for implementing the Habitat-Agendas principles that was developed in the preceding project was used. The experts were asked to indicate whether the listed instruments exist in their countries and how they evaluate their practical relevance. The first sign in the box marks the existence of the instrument in the respective country (✓ - existing, ○ - not existing). The signs below indicate the relevance in practice according to the experts' personal experiences (+ + - high relevance in practice, + - moderate relevance in practice, ○ - no relevance in practice).

3.1 ADEQUATE SHELTER FOR ALL

The East European member implemented the following instruments in the field of action **construction sites / buildings** in their legislation. These instruments are relevant in practice:

- standard marking system for labelling building material,
- standardised norms for construction and buildings incl. quality measures,
- official encouragement of architectural qualities and the building culture and
- protection of ancient monuments.

The instrument "monitoring a building's safety" does not exist in Lithuania. Although, the Bulgarian legislation covers this instrument, it is not of any relevance in practice. The Lithuanian legislation dictates "standardised norms for construction and building incl. quality measures", but these regulations are not relevant in practice.

There are different approaches to encourage architectural qualities and the building culture, because subjective aesthetic valuations are of great importance. There was a discussion on such a law in former Czechoslovakia in the 1980's, but it was not passed. The Estonian minister of culture set up guidelines concerning the architectural quality that are used by architects and planners. The Lithuanian law contains two legal documents concerning the encouragement of architectural qualities. The first document defines the role of architects in society. The law on architecture commits architects to a high quality of their work. Regulations on the procedures dealing with different opinions on designs do not exist.

The architects' education is of extreme importance. Architectural associations that exist in most countries play a leading role. A Controlling committee on good-looking architecture, which is involved in the building permission procedure in the Netherlands, exists in the East European states only in particular cases. New public buildings usually require a competition of different architects.

Besides the architectural quality of a building one has to consider also the city as a whole, because the urban landscape forms the identity of a city. Problems arise when it comes to participation of people. Prof. Dr. Staniunas mentioned the example of the master plan for Vilnius (Lithuania). The participation did not generate any results.

Table 4: Implementation of instruments in the field of action construction sites / buildings and their relevance in practice

instrument / state	BG	CZ	EST	HU	LV	LT	PL	SL	SI
Standard marking system for labeling building material	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	++	+	+	++	++	+
Standardised norms for construction and buildings incl. quality measures	✓	✓	✓	✓	✓	✓	✓	✓	✓
	++	++	+	++	+	○	+	++	++
Official encouragement of architectural qualities and the building culture	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	+	+	+	+	+	++
Monitoring a building's safety	✓	✓	✓	✓	✓	○	✓	✓	✓
	○	++	+	++	+		+	++	++
Protection of ancient monuments	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	++	+	++	++	+	++	++

Ancient monuments can not be protected by legal instruments alone, subsidies for reconstruction are essential, because higher reconstruction costs do not pay off. Federal funds for that purpose are not available in Slovakia. Different funds for the protection of ancient monuments and the ecological reconstruction of protected residential houses exist in Slovenia. State subsidies for the protection of ancient monuments are available in the Czech Republic too, where local authorities have to apply for these funds.

Table 5: Implementation of instruments in the field of action house building and housing and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Constitutionally protected „basic right to housing“	○	○	○	✓	○	✓	✓	○	✓
				++		+	+	+	++

There are differences concerning the implementation of instruments in the field of action house building and housing. In four out of nine states a “basic right to housing” is

protected by the constitution. Although Hungary, Latvia, Poland and Slovenia guarantee a basic right to housing, the implementation of this principle is problematic. E.g. the Polish constitution contains such a right, but the state does not support poor people adequately. App. 1 million flats are lacking at the present. Another problem is flats in rural areas, because they oftentimes do not meet today's standards.

A basic right to housing does not exist in Estonia, but the state guarantees the minimum social right "healthy environment". Housing matters are a private responsibility with some exceptions. Support for special groups that are not able to care for themselves, e.g. elderly and disabled people, exists. Support for families with children exists also. App. 1 to 3 % of the housing stock is social dwellings for these special groups.

In general, the basic right to housing became less important in the East European EU-member states during the transition time. The Lithuanian example illustrates this quite well. The concept adequate shelter for all has been accepted since the 1960s.⁸ The idea was actively implemented in Soviet times. After restoration of Lithuania's independence, the state moved towards a market economy. Along with that economic shift the questions: "What do all people have to do in that situation" or "What is the position of the state and the public?" became fairly unclear.⁹ It is obvious that everyone has to take care of his/her own living conditions, but it is still uncertain why and to what extent the public should discuss the said questions. When the first law on territorial Planning was passed in 1995, it declared the objective "...to create better living conditions of high value on the whole territory of Lithuania"¹⁰. The words repeat the principle "Adequate shelter for all" exactly:

- first - living conditions have to be better,
- Second - they have to be of equal value.

The amendments to this Law were introduced in 2004. They changed the first aim to "...create living conditions of high quality..." while the aim "...to create living conditions of equal value..." was crossed out. For this reason the law on territorial planning rejected the last two words of the "Adequate shelter for all"-principle and disposed one of the regional planning principles. The second consequence is that the first part of the principle – the requirement for creating living conditions of high quality remained unclear. The law on territorial planning and the regulations (approved in 2004) on the preparation of the comprehensive plan of the country's territory do not specify the concept of high quality living conditions.

Challenges in the field housing policy causes the privatisation of the former public housing stock in the last two decades. The East European states dealt with in different ways. Most of the states assigned the property of flats to the former tenants. The Estonian legislation decided for a different approach. The state emitted vouchers and the tenants had

⁸ Jurgis Vanagas, Zaiga Krišjane, Rivo Norkōiv, Eugenijus Staniūnas – Planning urban systems in Soviet times and in era of transitions: the case of Estonia, Latvia and Lithuania. *Geographia Polonica*. Vol.75, No.2, Autumn 2002. P.81-84.

⁹ V. Rudokas. Viešasis interesas ir jo gynimas, vykdamt darnią plėtrą – pranešimas urbanistiniame forume „Darnios erdvinės plėtros kūrimas“. , J. Gumbis. Viešasis interesas: sampratos apibrėžtumo problema. *Socialiniai mokslai* Nr. 1 (51), 2006. -[http://info.smf.ktu.lt/Edukin/zurnalas/lt/2006-1_\(51\)/summary.html](http://info.smf.ktu.lt/Edukin/zurnalas/lt/2006-1_(51)/summary.html)

¹⁰ The Republic of Lithuania Law on Territorial Planning. Official Gazette Valstybės žinios, 1995, No. 107-2391, Article 3, 2.

to decide on the future ownership of their flat. In most states the scattered ownership of flats usually causes maintenance problems, because the different interest if the owners are difficult to co-ordinate. A solution to this problem is a different kind of housing co-operatives that exist in Estonia. The co-operatives coordinate maintenance work. They are also able to apply for EU funding.

The following instruments subsidise residential costs:

- direct subsidy when building or acquiring housing property,
- tax privileges for acquiring housing or for modernizing floor space and
- financial support for overhead costs for floor space.

All nine countries possess at least one of the three instruments. Slovakia chose a different approach. The state subsidises residential costs directly. A fiscal reform abolished existing instruments. A new act promoting house renovations in order to increase energy efficiency of dwellings through tax relieves mainly will be amended in Finland in 2008/09. Direct state subsidies will only be granted to people with low income.

Table 6: Implementation of instruments in the field of action house building and housing (financial support for living costs) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Direct subsidy when building or acquiring housing property	○	○	○	✓	✓	○	○	○	✓
				++	++			+	++
Tax privileges for acquiring housing or for modernising floor space	○	✓	✓	○	○	○	○	○	✓
		++	+		+				++
Financial support for overhead costs for floor space	✓	○	✓	✓	○	✓	✓	○	○
	+		○	++		++	+		+

All East-European EU member states provide state subsidy for public housing projects. The other instruments aimed at promoting house building are not implemented everywhere. The allocation of public sites for house-building is a requirement for the co-operation with the private sector in social housing. Such instruments exist in the Bulgarian, Estonian, Hungarian, Polish and Slovenian legislation, but the effects are limited due to the lack of publicly owned property. The strengthening of the local self-administration in Slovakia caused the sale of property owned by the municipalities, because they did not have enough revenues to finance their duties. Another instrument used in Bulgaria is setting up areas for social housing in local plans. Another measure used in the Czech Republic is to set up the density of built use in local plans. The desired effects are achieved in small communities only.

Table 7: Implementation of instruments in the field of action house building and housing (promoting house building) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Allocation of the Federal Government's and local government bodies' sites for house-building	✓	○	✓	✓	○	○	✓	○	✓
	+		+	+		+	+	+	++
State subsidy for public housing projects (also for council house-building) and modernisation of dwellings	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	+	++	+	+	++	++
Setting up a governmental institute for encouraging house-building	○	✓	✓	○	○	✓	○	✓	✓
		+	+		+	+		++	++

Instruments for promotion of house building in Poland

The Polish Social Housing Association Program (System) has been in effect since January 1st 1996. Since it was quite a new system the first Social Housing Association (SHA, in Polish: TBS) was created in the second part of 1996 and the first construction site and a loan to finance it came into force in the end of 1996. Special units called Social Housing Associations built app. 100.000 rented flats, supported by cheap loans financed mainly from the state budget. The system was patterned on French and English systems of social housing. It allows local authorities to found an SHA. SHA should be equipped with a piece of land that could be a future site of investment in a new block of flats. The local authority can also provide the SHA with financial resources. Most investments (70%) are enabled by small long-term loans from the Bank of National Economy with interest rates half of the normal market. The central government contributes financially to the Fund every year. The Fund is also filled by repayments of the loans and their interest rates from the SHAs.

The SHA was a successful program especially when the market interest rates were high. At the time when the program started it was about 30%; in 2000-2001 it was still about 20%. But now when the market price for individual mortgage loans is around 4 to 5% the offer of SHA is no longer interesting for people.

There is a misunderstanding, or maybe even a mistake, in the system. As the loans from the Bank of National Economy cover 70% costs of investment, the remaining SHA's investment costs (30%) have to be covered by other sources. It was assessed that companies or local authorities would pay these 30% to SHAs. There is a special category of SHA's

financial supporters called “participants” in the law. Those supporters could pay the required 30% of investment cost of one or more flats and then they have the privilege to designate a future tenant (or tenants) to flats supported by them. As a result of this people who earned an average salary or a bit less and could not buy a flat at normal (commercial) market prices, paid their participant fees and designated themselves to be tenants in SHAs. Because of the high interest rate at the turn of the millennium there was a big pressure for the government to support the National Housing Fund and build more houses in the system. But now, when commercial developers offer similar flats for similar prices including ownership status of the flats, the SHA’s offer is completely unacceptable for average earning individuals. The state budget constantly decreased also.

Another instrument supplying flats for really poor people besides the SHA Program are local authorities’ investments. Between 2001 and 2005 when there was pressure on flats in SHAs 2.4 thousand communal flats were built by all local authorities yearly. It was 1 flat for 1 municipality per year. Now (2006) when SHAs have lost their investment expansions, municipalities build almost 4.5 thousand flats (app. 2 flats per municipality a year). But this number is still inadequate and there is still a gap between dwellings offered to really poor people and to those who earn too little to buy a flat.

Housing policy in Estonia

The Estonian state level has worked out three housing sectors’ development strategies in recent years. The first was the “Housing Plan 2010”, which was never approved because of change of government. The Ministry of Economic Affairs and Communications prepared and implemented a sector strategy for the years 2003-2007, the Estonian Housing Development Plan. According to this document the overall objective of the state during these years was to guarantee every Estonian the possibility to choose their housing. The solution of urgent problems and ensuring sustainable development of the Estonian housing sector was to be achieved through preservation of the existing housing stock, increasing the flexibility of regional housing markets, diversifying the forms of housing and improving financing possibilities for housing. In general the implementation of the national housing policy, accompanied by the active operation of the private sector in 2003-2007 was a success. However, relatively little attention was paid:

- to the provision of municipally owned dwellings for low income groups,
- to the renovation of depreciated housing stock restituted to legal successors and
- to planning of residential areas.

The need for more coherence in housing, employment and welfare policies became apparent. So the “Housing Development Plan 2008-2013” was prepared, adding further strategic goals to deal with the above-mentioned areas and to solve the problems that had emerged. Starting from the general goal of the previous document, the Development Plan sets out the state’s objectives:

- to create access to housing for all Estonians,
- to improve quality and energy efficiency of housing stock and
- to ensure diversified residential areas.

The main pillars in the development plan are:

- affordability and accessibility,
- quality of housing stock and
- improvement of the living environment.

One of the new activities in current housing development plan is the housing sectors' technical survey which will cover the whole Estonian housing stock. Given that accurate data on the condition of the housing stock is lacking currently, it is necessary to map the technical condition and energy consumption of existing apartment buildings. In order to raise the population's awareness such data must be made public and accessible via the corresponding databases. Another purpose of the database is to prepare recommendations on the priority renovation works.

Local governments take an important role in the housing sector and the various municipalities chose different approaches for dealing with the situation. Tallinn worked out the first local governments' development plan in the housing field and improved it in 1999. The majority of local governments has supplementary ideas of the housing sector's development in the general development strategy. Compared to the state housing policy local governments' housing strategies mainly do not consider the housing sector as the whole. The measures are more focused on solving specific problems and on supporting local target groups. Two best practices for local governments' measures in the housing field during the period 2006-2007 are:

- Rakvere's guidelines for reconstruction works to save energy and
- Tartu Housing Fund.

The buildings in central Rakvere are mostly low wooden houses dating from the 19th Century, limestone and brick houses and other buildings built from 1920 to 1940 as well as five-story concrete-houses from Soviet times. There are app. 500 dwellings in above 5,000 apartments. App. half of the town's population lives in five-story dwellings. Similar to Tallinn and Tartu Rakvere has always been active in the housing field. Nowadays, when energy saving and energy efficiency has gained importance, the little down carried out the survey on its' housing stock, defined main housing types and worked out main renovation suggestions. The guideline's idea is to motivate local residents to invest in reconstruction works and to propose suggestions on how to do them properly. The fact that in the construction period of these apartment buildings the thermal conductivity figure for external building structures was different then nowadays is important also. This means that the walls are conducting up to five times more energy than new buildings. The housing conditions require reconstruction works and even more important is that these works are correctly done. The current survey and overview produced by local government and other reconstruction principles will help Rakveres' people to decide on renovations more easily and to improve the living environment conditions.

The first institution founded by the public sector in order to influence the housing market was the Tartu Housing Foundation established in 1992. The city of Tartu has 100,000 inhabitants and 42,000 households. The Estonian Housing Foundation was set up in 1994. The Tallinn Housing Foundation was started a bit later. It is a foundation that belongs to the city whose resources come mainly from the local budget. The foundation provides loans and benefits for obtaining and improving housing facilities. Over 15 years 3,500

financial contracts have been concluded, 2,700 for loans and 800 for earmarking benefits. The foundation's activity is flexible and serves as a good example on the capability of the public sector to react efficiently to changes in housing policy and market. From 1992 to 1997 the foundation focused on improving the living conditions of young families. Since 1997 it has concentrated its attention to tenants living in restituted living quarters. The foundation helped app. 1,000 tenant families between 1997 and 2007. The foundation's activities were extended to finance infrastructure and environmental projects in 2002. The reconstruction of joint water supply was financed from the resources of European Union.

Table 8: Implementation of instruments in the field of action house building and housing (other instruments) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Monitoring eligibility for council houses	✓	✓	✓	✓	✓	✓	○	✓	✓
	+		+	+		+		+	+
Civil law protection for tenants	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	+	+	++	++	++	++
Special regulations for those with special accommodation needs	✓	✓	✓	✓	✓	✓	○	✓	✓
	+	+	○	+	+	++		+	++

Most states implemented the other instruments in the field of action house building and housing. Poland is the sole state that does not monitor the eligibility for council houses and that does not possess special regulations for those with special accommodation needs. The displacement of tenants is a challenge in the East European states. The Czech Republic and Slovakia possess instruments for the regulation of rental fees in order to avoid the displacement. These regulations interfere with the aim to reconstruct the housing stock, because the regulated rents for old tenants do not pay reconstruction costs. Another instrument aimed at protecting tenants exists in the Czech legislation. If tenants are displaced due to reconstruction measures, the landlords have to provide affordable apartments for them.

Specific challenges in the housing sector of the East-European states are due to the privatisation of former public housing stock. The apartments were given to former tenants with the result of widespread ownership. Households with low income are not able to invest in maintenance and reconstruction works. The scattered ownership causes problems while co-ordinating necessary measures also. If "adequate shelter for all" shall be ensured in the future, new measures will have to be taken. The experts pointed out the extreme importance to reform EU-funds, because they do not regard the special situation in the East-European states at the moment.

The implementation of instruments in the field of action **town planning and settlement** differs. All East European states possess a basic regulation of urban land use planning that is relevant in practice.

Table 9: Implementation of instruments in the field of action town planning and settlement (basic regulation) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic Regulation of urban land use planning	✓	✓	✓	✓	✓	✓	✓	✓	✓
	++	++	+		++	++		++	++

All East-European states single out the interests of environment and nature protection in town planning with three instruments (Project EIA, Strategic EIA, special obligation to consider the requirements of nature conservation). The reason for implementing the instruments is EU Directives. The Strategic EIA – although regulated by European law – does not exist in Slovakia yet.

Table 10: Implementation of instruments in the field of action town planning and settlement (consider interests of the environment and nature protection) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Environmental impact assessment of certain projects (Project EIA)	✓	✓	✓	✓	✓	✓	✓	✓	✓
	++	+	+	+	++	++	+	++	++
Strategic environmental assessment of plans and programmes	✓	✓	✓	✓	✓	✓	✓	○	✓
	+	+	+	+	++	++	+		+
Obligation to consider requirements of nature conservation in urban land-use planning	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	++	++	+	++	++	++

The legislation enables co-operation of municipalities in town planning in all countries examined, but not all the municipalities use the legal opportunities. The workshop's participants named two reasons. Local self-administration was introduced in the East-European states with the democratic reforms since the beginning of the 1990's. Hence, the instrument "local self administration" is comparatively young compared with West-European countries. The local municipalities are not willing to give off their rights at the moment. The municipal structure in the Czech Republic and Slovakia is fragmented, what causes further problems with the co-operation between municipalities.

Most East-European countries lack regulations on Public Private Partnership, which are comparable with the German urban development contract or project based binding land-use plan. The Polish legislation adopted a good law on Public Private Partnership, which allows almost every kind of agreement. But problems with the implementation of this law exist, because of political changes in the state's government. So the public sector is afraid of co-operating with the private sector. A special law on Public Private Partnership does not exist in Lithuania, but public and private actors somehow co-operate. A first step towards regulating Public Private Partnership is a chapter in the planning law, which allows private actors to finance master plans and detailed plans. Common projects of local and private actors exist in the field infrastructure for housing projects in Estonia, but the willingness to co-operate with the private sector depends on the local authorities.

The legal instruments dealing with participation of neighbouring government bodies and authorities as well as the public in urban planning exist in most states. They differ in their details. The Hungarian legislation regulates the participation of stakeholders within a municipality, while there do not exist regulations on the participation of neighbouring communities. Participation takes place in particular cases. According to the Czech legislation all citizens can raise notices in the planning process. Citizens whose property is directly affected by a planned change may raise objections - in all review phases of plan-making. Neighbouring municipalities have to be addressed and invited for review as well as all agencies legally responsible for specific public interests (nature preservation, heritage conservation, water management, road and rail transportation etc.). The Slovenian Spatial Planning Act provides regulations for public participation in all phases and at all levels of spatial planning also. The following regulations have to be observed:

- public announcement of the drawing up and/or revision of spatial planning documents,
- public conference on planning issues where various approaches and interests can be reconciled,
- public exhibition of spatial planning documents, which must last at least 30 days, and public discussion of such document during their exhibition,
- the body responsible for planning documents (state or municipality) must respond to all observations and proposals received during any public hearing or discussion,
- the public has to be able to access spatial planning documents and materials, which were the basis for the documents' preparation and adoption during the entire planning period.

Legal regulations on the co-operation of public authorities with the private sector during land allocation exist in some countries. Local authorities are responsible for the process of restructuring agricultural land into building land. They co-operate oftentimes with private investors. An innovative instrument in Finland is joint master plan of different municipalities for the planning of major roads as well as the location of significant retail outlets, workplaces and residential areas. According to legal provisions the joint master plans requires the confirmation of the Ministry of the Environment. This is a new tool for more comprehensive approach to planning within sub-regions. For instance, the housing project of Vuores is a joint master plan project between the city of Tampere and the municipality of Lempäälä to produce a new housing area on both sides of the municipal borders for about 13,000 inhabitants.

Table 11: Implementation of instruments in the field of action town planning and settlement (co-operation in town planning) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Enabling co-operation between local authorities	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	○	○	○	+	+	+	+	++
Well-established public-private partnerships	○	○	✓	○	○	○	✓	○	○
		+	+	+	++	+	○	+	++
Obligatory co-operation for neighbouring local government bodies and authorities involved in urban land-use planning	○	✓	✓	○	○	✓	✓	✓	✓
		+	+	+	+	++	+	+	++
Obligatory public participation in urban land-use planning, incl. cross-border public participation	○	✓	✓	✓	✓	✓	✓	✓	✓
		+	+	+	+	+	+	+	++
Co-operation of the Federal Government / local authorities with the private sector during land allocation	○	○	✓	✓	○	○	○	✓	✓
			++	○	+	+		+	++

While talking about spending state money for town planning one has to differentiate between real planning and implementation-oriented urban renewal. Most states support urban planning in municipalities with special government funds. Bulgaria promotes the preparation of master plans in big cities and municipalities that are faced with rapid development in the Black Sea coastal region. Most East-European states spend money for implementation-oriented urban renewal through co-financing corresponding EU-funds. Urban renewal areas exist in Slovenia, where reconstruction is controlled by a special plan. Urban renewal is of high importance in the Baltic States. Three out of nine states introduced special town planning areas in their legislation.

The role of civil society in urban renewal in Estonia

The Estonian milieu valuable residential areas are built-up areas of cultural and environmental value designated by a plan, whose integral milieu is to be preserved because of their historical street network, greenery, building style, general characteristic architecture or other reasons of public interest. They are based in the idea, that architecture and green

areas, but also the street network and allotment have an impact on the milieu. Eight milieu valuable areas were established in Tallinn since 2001. Work along the same lines has been carried out in Pärnu, Tartu and other towns. There are app. 40 milieu valuable areas in the cities of Estonia today. In these milieu valuable housing neighbourhoods, which motivate residents to be active, voluntary organizations have been initiated by the residents. These organizations deal with different kinds of actions to strengthen community, improve the living environment, save architectural heritage and support communication.

One of community based organizations called “Uue Maailma Selts” (The New Worlds Society) won the title as the best Estonian civil society organization in the year 2007. The idea to start the “Uue Maailma Selts” activity was carried out summer 2006 and the organization was established on October 13th the same year. The purpose of the union is to improve the neighbourhood and protect the quarter against turning into monotonous and anonymous. The organization aims at improving the neighbourhood too, so this part of the town becomes safer and more interesting for all residents. The neighbourhood’s two storied housing stock was built mainly during the period between 1890 and 1939 and the main construction material is wood. The main activities of the “Uue Maailma Selts” are:

- an annual street festival,
- a local cinema “The electric equipment cabinet cinema”,
- the zone of free creation,
- the art project: neighbour is painting,
- a local newspaper “The Little-American voice”,
- renovation of a workroom,
- a collective car and
- a bicycle shed.

Another famous and old milieu valuable housing neighbourhood organization is the “Supilinna Selts” (The Union of Soup-town). The unions’ establishment idea was to unite neighbourhood’s residents and their friends. The NGO was created in 2002. The first invent organized by the organization - neighbourhood days - took place in spring in the same year. The NGOs’ purpose is to take up the standpoint of preserving Supilinnas’ milieu, improving the living environment must involve residents’ opinions. The organization mediates the neighbourhoods’ positions and ideas on the development to local governments’ institutions and to the public in general. Another main idea is to conduct research on the neighbourhood’s history, collect and preserve historical data and introduce existent knowledge to society. The main activity, which makes “Supilinna Selts” unusual, is the annual many days lasting street invent, which includes waste collecting, excursions, plays, planting trees, a fair, a pop concert, a parade for pets.

Table 12: Implementation of instruments in the field of action town planning and settlement (encouragement of town planning) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Use of special governmental funding for town planning	○	✓	✓	✓	✓	✓	○	✓	○
		+	○	+	++	+		+	
Use of special governmental funding for urban renewal	○	○	✓	○	✓	✓	○	○	○
			+		++	+			
Introducing special town planning development areas	○	○	✓	✓	○	✓	○	○	○
			+			+		+	++

Table 13: Implementation of instruments in the field of action town planning and settlement (other instruments) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Relaxing State supervision of local -government as regards urban land-use planning	✓	✓	✓	✓	○	✓	✓	✓	○
	+	++	+	○		+	+	+	+
Limiting the timeframe of validity for urban land-use planning	✓	○	○	✓	✓	✓	○	○	✓
	+			+	+	+		+	++
Local authorities have the pre-emptive right when disposing of sites	✓	○	✓	✓	✓	✓	✓	○	✓
	+		○	+	++	○	○		++
Controlling the settlement of shopping centres and large area retail	○	○	✓	○	✓	○	✓	○	✓
			+		++	+	++	++	++

The state supervision of local governments in land-use planning differs. Extremes are the Czech Republic and Slovakia on one side and Bulgaria on the other side. State supervi-

sion is in the first two states restricted to spatial planning and municipalities are free to plan within this set framework. The overall local plans have to be permitted in Bulgaria. The master plan of the capital Sofia has to be approved by the national parliament. Master plans of the other big cities have to be approved by the ministry. Most of the East-European states adopted instruments in order to cut down on power of national states on urban land-use planning.

Five out of nine states limit the timeframe of validity for urban land-use planning. There are differences in the details of the legal instruments. Plans, which lay down legally binding rules for the development and the organisation of sections of the municipal territory, have to be checked after four years in the Czech Republic. Subsequently the municipalities can modify the original plan or set up a new one. The time frame of validity for plans set up by private investors is always restricted in the Czech Republic for usually two years. These plans replace planning permissions as they are valid for the time indicated in the respective Municipality's approval. The municipalities have to monitor their spatial development and have to publish the results in the gazette every four years in Slovenia. The report aims at controlling the spatial development strategy on the municipal level. The time frame of validity of land-use plans expires in Slovenia with their implementation. Local authorities must monitor detailed plans to ensure that the plans are kept up-to-date in Finland. If a plan is still mostly unimplemented 13 years after its confirmation, the local authority must assess whether the plan has to be amended before any new construction on the site is allowed.

The relation between the overall local plan which covers the whole area of the municipality and detailed plans, which lay down legally binding rules for the development and organisation of sections of the municipal territory, is linked with the timeframe of validity for plans. Sustainable urban development requires detailed plans to be developed on the basis of the overall local plan, because the effects of building developments can only be analysed on the municipal level. The great importance of master plans contrasts with admitting investors' plans everyday, which are not developed on the basis of the overall local plan, e.g. the Bucharest master plan is almost meaningless due to permanent changes. Impacts of new building development on the social infrastructure are not checked in the Czech Republic when admitting investors' plans, because there is no procedure on the level of sections of the municipal territory. Romania lacks regulations on the participation of private investors in follow-up costs for infrastructure.

Most East European states established the pre-emptive right of local communities when disposing of sites. An instrument for controlling the settlement of shopping centres and large area retail exists in four countries. The Czech legislation offers the possibility to set up special land-use categories in municipal plans, but the regional level is not able to control the settlement of shopping centres. Some experts indicated a need for such an instrument in their countries too. The Land Use and Building Act (132/1999) introduced a new instrument to control the settlement of shopping centres and large area retail in Finland. According to the act large retail units may not be located outside the area designated in a regional plan or a local master plan for central functions, unless the area is specifically designated for such a purpose in the local detailed plan.

All East European countries possess the following instruments for **town/country planning and regional planning**:

- General regulation of the governmental task “regional planning”,
- Strategic environmental assessment of plans and programmes even at the regional planning level and
- Planning precautions against natural catastrophes (flooding, earthquakes) and hazardous accidents.

The instrument planning precautions against natural catastrophes is not relevant in practice in Estonia and Lithuania, because such disasters occur rarely in these states. The land-locked countries Czech Republic, Hungary and Slovakia lack instruments for coastal zone management.

Table 14: Implementation of instruments in the field of action town planning and settlement (other instruments) and their relevance in practice

instrument / state	BG	EST	CZ	HU	LT	LV	PL	SL	SI
General regulation of the governmental task “regional planning”	✓	✓	✓	✓	✓	✓	✓	✓	✓
	++	+	+	++	++	+	++	++	+
Strategic environmental assessment of plans and programmes even at the regional planning level	✓	✓	✓	✓	✓	✓	✓	✓	✓
	++	+	+	++	++	+	+	+	++
Planning precautions against natural catastrophes (flooding, earthquakes) and hazardous accidents	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	○	+	++	○	+	+	+	++
Special coastal zone management and coast protection	✓	✓	○	○	✓	✓	✓	○	✓
	+	++			++	++	+		++

Changes in Law on spatial planning in Poland

A law on spatial planning existed when Poland was a socialist state. A Parliamentary Act changed the law in 1994 and the changes came into force on January 1st 1995. It was a very modern and democratic law. But it appeared soon that the new law was not fully implemented, because neither local authorities nor other players in spatial planning procedures were interested in it. The main changes in the spatial planning law were prepared in

the years 2002 and 2003. The Parliamentary Act of 2003 wanted to continue/save the best decisions of the act from 1994, as i.e.:

- Citizens' participation in the procedure of spatial planning,
- The leading role of local authorities in preparing plans and
- Passing the plans by the commune councils as acts of local law.

The law had an innovative approach also. It included an instrument to guaranty the implementation of the law in real life. To achieve this task it was very clearly decided in the new Parliamentary Spatial Planning Act that without a spatial plan a local authority could not prepare any public and private investment. So the communes started to prepare their plans even before the Act was established. And now more than a third of the communes have their plans ready and in the remaining prepare their spatial plans.

The procedure of citizens' participation in the procedure of preparing a plan was changed in one point. Every citizen can participate in the procedure and give his/her suggestions and proposals of changes to the plan. If citizens do not correspond with the local plan accepted by the commune's council, she or he can appeal the plan in the court. But the long procedure in court can not stop the validity of the plan. If the court confirms the citizen's opposition to a plan, then the local authority has to change the plan in the point under question. The local authority has to compensate the citizen for all losses that he/she had made due to the plan's decisions. The article eliminated protest against plan's regulations from people who always oppose changes. The responsibility of local authorities for preparing a good plan was enhanced at the same time.

The Spatial Planning Act of 2003 eliminated another relict of the socialist time – the lack of respect for private peoples' properties. When Poland was a socialist country a long-term planning existed. All the authorities could block private investments on their properties if the properties were to be used for public tasks in a long-term plan. After several years since such a decision was taken it has appeared that nothing was built on those sites. But the old decisions were still in force, even if the needs of the local societies have changed. The Parliamentary Act of 2003 allows all those owners of properties to ask their local authorities on the future of their properties. If those properties are still needed for public investments, the local authorities have to purchase those sites from their owners. If not – the communes could block the owner's investments on those properties only for 12 months to make final decisions.

The Act of 2003 defined that all financial transactions between local authorities and citizens have to base on the current market prices.

Problems with implementation of regional planning in Lithuania

Three trends of preparing plans exist in Lithuania:

- territorial planning,
- regional development planning and
- strategic planning.

Administrative acts regulate all the above-mentioned planning procedures. The three documents administering the three trends of planning differ.

The territorial planning trend is administered by the Law on Territorial Planning. The Law on Territorial Planning claims to prepare programmes for the realisation of the territo-

rial planning documents and to organise the monitoring on the planning process. However, these requirements have not been complied with practically, because the plan can be approved without knowing about the financial resources that are needed to carry it out.

In parallel with jurisdiction of territorial planning in Lithuania, there exist a Law on Regional Planning (adopted in 2000) and the regional development planning governed by it. This law highlights social matters. It is apparent that it pursues the realization of the last words of the “Adequate shelter for all” principle. In the legal document of 2000 the law aims at “minimizing social and economic differences in Lithuanian regions.”¹¹ Later the formulation of the objectives of this law underwent some changes, but however, it does not happen so practically. The relationship between the Law on Regional Planning and on Territorial Planning is complicated. They are not connected, so the required plans do not need to be co-ordinated in time.

The third trend is governed by the preparation of the strategic planning approved by government’s resolution. The relationship between the strategic planning and another two planning “trends” is not completely separate, it is rather obscure. The Strategic planning methodology and the Law on Regional Development do not reciprocally observe each other. The relationship between the Strategic planning methodology and the Law on Territorial Planning is a bit warmer, yet the Strategic planning methodology accepts only one document in the system of territorial planning (the master plan of the territory of Lithuania) and treats it as its own. The Law on Territorial Planning urges, from its own perspective, to observe the region and town strategic plans. “What does it mean in the concrete?”- is a matter of interpretation.

From the practical point of view, it implies that Lithuanian counties (the main regional planning units) prepare three plans, i.e. the strategic plan (wherein a financial aspect of planning is highlighted), the regional development plan and the master plan of the territory. Their interrelationship depends on the county administration’s competence and wishes. Accordingly, in such a complicated situation it is possible that the means, foreseen in the regional development plan, for realizing the Istanbul idea “Adequate shelter for all” cannot be approved by the territorial planning means nor by the means provided for the region strategic plan. The counties can naturally foresee such means in their strategic plans. However, the strategic planning regulations do not make them undertake obligations to provide for the means of implementing the afore-said idea of the Istanbul Declaration.

There are differences in the implementation of instruments in the field of action **infrastructure and traffic**. All East-European countries possess precautions against accidents involving hazardous substances and regulations of infrastructure networks. Most legislations offer instruments to promote environmentally-friendly traffic. Besides legal instruments sector policies have an important impact on implementing the goals in that field. One example is an evenly spread government funding for roads and railways. Such a policy existed in the Czech Republic in the 1990’s, but the share for roads has grown in the last years. Instruments which regulate the interoperability of the rail system or co-ordinate

¹¹ The Republic of Lithuania Law on Regional Development. Official Gazette Valstybės žinios, 2000, No. 66-1987, Article 2, 3.

flight plans of passenger airports do not exist in every country. Some states possess legal regulations on the use of streets. Lorries have to pay a fee for the use of streets in the Czech Republic. Every car is charged for using highways. Car owners in Slovenia have to pay a special tax, when buying a car.

Table 15: Implementation of instruments in the field of action infrastructure and traffic and their relevance in practice

instrument/ state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Promoting environmentally-friendly traffic	✓	○	✓	✓	✓	✓	○	○	✓
	+		+	+	++	+		+	++
Precautions against accidents involving hazardous substances	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	++	++	+	+	++	++
Regulating the interoperability of the rail system	✓	○	✓	○		✓	✓	○	✓
	+		+			+	+	+	++
Coordinating the flight plans of the passenger airports in Europe	✓	○	✓	/	○	✓	✓	○	✓
	++		+			+	+		++
Regulation of infrastructure networks	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	++	++	+	+	+	++
Regulation of fees on the use of streets	✓	○	○	✓	○	○	✓	✓	○
	++			++			+	+	+

3.2 SUB-GOAL ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The majority of the East European states possesses the principle of environmental protection in their constitutions. The Czech Republic and Latvia do not. Hungary and Latvia introduced the legal instrument “environmental liability insurance”. The Environmental Damage Insurance Act (81/1998) came into force in Finland in 1999. The Act guarantees full compensation not only to those suffering from environmental damage, but it also covers the costs of measures taken to limit the damage and to restore the environment to its previous state. The scheme is financed by a special insurance which is compulsory for the companies whose activities cause risk to the environment. The system is run by insurance companies which have established the Environmental Insurance Centre to handle all claims for compensation.

Table 16: Implementation of basic instruments in the field of ecologically sustainable development and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Principle of environmental protection rooted in the constitution	✓	○	✓	✓	✓	○	✓	✓	✓
	+		++	++	++		++	+	+
Introduction of an environmental liability insurance	○	○	○	✓		✓	○	○	○
				+		+			++

All countries possess a basic regulation in the field of action **soil**, which is also relevant in practice. Further instruments beyond it were not part of the questionnaire.

Table 17: Implementation of instruments in the field of action soil and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	++	++	+	+	++	++

The nine countries implemented the following instruments in the field of action **waste**:

- basic regulation,
- special control on waste disposal sites/waste incineration plants system and
- separating waste.

These instruments are relevant in practice, but Slovakia does not possess a legal regulation on waste transport. Three states (Bulgaria, The Czech republic and Slovakia) did not implement the instrument “Closed cycle waste management in waste processing”. Finland’s national waste plan is based on the Waste Act (1072/1993) which aims to support sustainable development by promoting recycling and reasonable use of natural resources, as well as by preventing the disadvantages of waste to health and environment. The Act was amended in 2004 (452/2004) in a way which defines in detail the responsibilities of the producer of waste. The amendment also states that the last user of a specific product (motor vehicles, tyres, electronic devices, packages, paper) has the right to deliver it for free to the recycling, reuse or waste management system arranged by the producer. In addition to the Act, the European Union waste directives play a crucial role in the national waste plan.

Waste collection project “Teeme ära” in Estonia

The “Teeme ära 2008” campaign’s idea is to clean Estonian nature and gather waste all over the country by volunteer work. The Estonian Nature Fund organizes the main actions concerning this project. The campaign’s idea was developed in 2006-2007 and the project was started. All trash piles and garbage places were mapped by using a GPS system in

early springtime 2008. All together, app. 10,000 larger unofficial waste duping grounds were mapped. Subsequently the project team organized so called main collecting stations, where the waste was loaded to transporters. On May 3rd 2008 50,000 volunteers all over the Estonia started to gather waste. At the end of the day they collected together over 10,000 tons of garbage, which was left in forests, roadsides, meadows etc. The trash was transferred with volunteers' vehicles from the collecting stations to official rubbish depositories. Finally Estonian pop stars gave a big concert for these volunteers who took part in this cleaning action.

Table 18: Implementation of instruments in the field of action waste and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	++	++	++	++	+	++
Regulation of waste transport	✓	✓	✓	✓		✓	✓	○	✓
	+	+	+	++		+	+	+	++
Special control on waste disposal sites and waste incineration plants system	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	++	++	++	+	+	++
Separating waste	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	+	++	+	+	+	++
Introduction of closed cycle waste management in waste processing	○	○	✓	✓	✓	✓	✓	○	✓
			+	+	+	+	+		++

Most instruments in the field of action **energy** are implemented in the East-European countries. These instruments are usually relevant in practice. Some exceptions are obvious. The instrument liberalising the energy market exists in Bulgaria, but it is not relevant in practice. The instruments “Promoting energy conservation” and “Obligation to label energy consumption” do not exist in Bulgaria. A legal “obligation to label energy consumption” does not exist in Slovenia either.

Best practice for promoting energy saving in Estonia

Most buildings in Estonia are energy inefficient. According to information from the Finnish Ministry of the Environment Estonia uses twice to three times more energy than the Nordic countries even though the average temperature is higher. Based on the EU directive on energy efficiency for buildings, Estonia has the obligation to develop and implement measures to make the use of energy in existing buildings more efficient by the end of 2009. As a solution SA KredEx, the successor of the Estonian Housing Foundation, created in

cooperation with the Ministry of Economic Affairs and Communications the Energy Efficiency Competence Centre. The goal was to share information related to energy efficiency with residents of apartment buildings free of charge. Also, the Centre is supposed to encourage Estonians to improve the energy efficiency of their homes. The Energy Efficiency Competence Centre provides information on the implementation of energy efficiency measures for residents of apartment buildings, manages information concerning energy conservation and arranges meetings between various parties to further develop efficient energy use in apartment buildings. The Centre focuses on distributing information on renovation that saves energy. The Center participated in different international projects like BEEN, IMPLEMENT and EPBD also.¹²

Climate labels on products in Finland

The Finish Prime Minister's Office published a report on the use of climate labels on products in September 2008. The report serves as a background report to the Government foresight report on climate and energy policy and assesses strengths and weaknesses of various labels and proposes a climate label prototype. Many consumers consider that the lack of practical guidelines and insufficiency of knowledge precludes them from climate change action. Information may be scattered or lacking. It may also be outdated or poorly understood. According to the report compiled by the Finnish Environment Institute (SYKE), climate labels can enhance the dissemination of information that helps consumers to choose low-pollution products.

Table 19: Implementation of instruments in the field of action energy (electricity, conservation) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Liberalising the energy market	✓	✓	✓	/	✓	✓	✓	✓	✓
	○	+	+		+	++	+	++	+
Promoting the generation of energy from renewable sources	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	+	++		++	+	+	+	++
Promoting energy conservation	○	✓	✓	/	✓	✓	✓	✓	✓
		+	+		++	+	+	+	++
Obligation to label energy consumption	○	✓	✓	/	✓	✓	✓	✓	○
		++	+		+	+	++	+	+

The East-European countries introduced three of four instruments in the field of action **air, climate and emissions** in their legislation. According to the experts' statements, regulations for dealing with benzine do not exist in all states.

¹² <http://www.kredex.ee/?index.php&id=11239>

Table 20: Implementation of instruments in the field of action air, climate and emissions and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	+	+	++	++	+	++
Measuring air pollution; regulating counter-measures and appropriate procedures	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	+	+	++	++	+	++
Regulations for dealing with benzine	✓	○	✓	/	✓	✓	✓	✓	○
	++		+		+	++	+	+	+
Limitation of emissions into the air	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	++	++	+	+	++	+	++

All countries excluding Slovakia implemented the instruments “Protection against aircraft noise” and “Obligation to compile noise maps and noise reduction charts to combat ambient noise” in the field of action **noise**. Noise maps and noise reduction charts are common instruments in the Czech Republic, especially when building new traffic routes noise has to be considered. The municipalities are obliged to set up noise maps and noise reduction charts in Slovenia.

Table 21: Implementation of instruments in the field of action noise and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Protection against aircraft noise	✓	✓	✓	/	✓	✓	/	○	✓
	++	+	+		+	+			++
Obligation to compile noise maps and noise reduction charts to combat ambient noise	✓	✓	✓	/	✓	✓	/	○	✓
	++	+	+		+	+		+	++

The East-European states introduced the instruments in the field of action water (monitoring waters, management plans) in their national legislation with two exceptions. These instruments are of practical relevance. According to the experts' information, Slovenia and Poland do not possess a legal basis for compiling management plans for all waters and the surface water, although demanded by the EU.

Table 22: Implementation of instruments in the field of action water (supply, treatment) and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Monitoring waters, regulation of instruments of intervention	✓	✓	✓	✓	✓	✓	✓	✓	✓
	++	++	+	++	+	++	+	+	++
Compiling management plans for all waters and for the surface	✓	✓	✓	✓	✓	✓	○	✓	○
	+	+	+	+	+	++		+	++

The legislations of the East-European contain two of three instruments in the field of action nature and landscape. They are “Basic regulation” and “Creation of a Europe-wide network of nature reserves and bird sanctuaries”. The Slovenian legislation does not possess the instrument bird sanctuaries. Due to the country’s small area, one may assume that such special areas in need of protection do not exist in the country. An instrument comparable to the German intervention-compensatory measures exists in most East-European countries. The Hungarian legislation offers such an instrument in a rudimentary way. Every deforested tree has to be replaced by two new ones. The Czech Republic and Slovakia did not implement this instrument in their legislation.

Table 23: Implementation of instruments in the field of action nature and landscape and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	++	++	+	++	++	++	++
Obligation when interfering with nature/landscape to provide compensation (intervention-compensatory measures)	✓	○	✓	✓	✓	✓	✓	○	✓
	+		++	+	+	+	++		++
Creation of a Europe-wide network of nature reserves and bird sanctuaries: „Natura 2000“	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	++	+	++	+	+	++	++	++

Both instruments in the field of action **agriculture and forestry** exist with one exception. An instrument aimed at limiting tree-felling and targeting reforestation are plans for managing forests, which exist in the Czech Republic. The instrument “Promotion of eco-

logical cultivation” does not exist in the Czech Republic. The instrument promotion of ecological cultivation is not relevant in practice in Estonia, because support in this field almost does not exist.

Table 24: Implementation of instruments in the field of action agriculture and forestry and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Promotion of ecological cultivation	✓	○	✓	✓	✓	✓	✓	✓	✓
	+		○	+	+	+	++	+	+
Limitation of free-felling; Targeted reforestation	✓	✓	✓	✓	✓	✓	✓	✓	✓
	+	+	+	+	+	+	++	+	++

3.3 SUB-GOAL SOCIALLY SUSTAINABLE DEVELOPMENT

The East-European states implemented the instruments in the field of action **youth**. The only exemption is the Czech Republic. The state lacks basic regulation. In general, the instruments “early diagnosis of handicaps of children” and “special regulations for the protection of children and youths” are relevant in practice.

Table 25: Implementation of instruments in the field of action youth and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	○	✓	/	✓	✓	✓	✓	✓
	+		+		+	+	+	+	++
Early diagnosis of handicaps of children	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	+		+	+	+	++	++
Special regulations for the protection of children and youths	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	+		+	++	+	++	++

The four instruments in the field of action **family and gender** are:

- Explicit codification of the equal status of women and men,
- Maternity protection,
- Payments of child allowance to parents and tax allowances for parents with children living in the household and
- Protection against violence in the home.

These instruments are implemented and relevant in practice. Although the instrument “protection against violence in the home” exists in Bulgarian legislation, it is not of any practical relevance.

Table 26: Implementation of instruments in the field of action family and gender and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Explicit codification of the equal status of women and men	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	+	+		+	+	+	+	+
Maternity protection	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	++		+	+	+	++	++
Payments of child allowance to parents; tax allowances for parents with children living in the household	✓	✓	✓	/	✓	✓	✓	✓	✓
	++	+	+		+	++	+	++	++
Protection against violence in the home	✓	✓	✓	/	✓	✓	✓	✓	✓
	○	+	+		+	++	+	+	++

According to the expert's statements, general regulations in the field of action **handicapped and old people** exist in all countries examined except for Latvia. Most of the other instruments were neither implemented in all East-European countries. Some states chose alternative instruments in order to pursue goals in the field of action. Slovakia does not oblige employers to employ handicapped people, but tax privileges for employers promote the employment of handicapped people. An obligation to hire handicapped people does not exist in Estonia also, but the state offers employers financial support for employing these people. Non government organizations support families with the care of old people in Slovenia. Although the accessibility of public buildings has been regulated by law, there is an urgent need for action in the existing housing stock. Most of the public buildings are not accessible for handicapped people yet. One example is entrances of metro stations in the Romanian capital Bucharest. Only three of 42 are accessible for handicapped people at the present. Allowances on care of old people are restricted in Estonia to poor people.

Table 27: Implementation of instruments in the field of action old and handicapped people and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	✓	✓	/	✓	○	✓	✓	✓
	+	+	+		+	+	+	+	++
Handicapped accessible public buildings	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	+		+	+	+	+	++
Handicapped accessible residential buildings	○	✓	✓	/	✓	○	✓	✓	○
		+	○		+	+	○	+	++
Obligation of employers to employ handicapped people	✓	✓	○	/	✓	✓	○	○	✓
	+	+			+	+		+	++
Allowances on care of old people	✓	✓	✓	/	✓	✓	○	✓	○
	+	+	+		+	+		+	++

Besides basic regulation of the field of action **foreigners, asylum-seekers and refugees** all states possess regulations concerning special offices for foreigners. According to the expert's information this is not the case in Latvia.

Table 28: Implementation of instruments in the field of action foreigners, asylum-seekers, refugees and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Basic regulation	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	+	++		+	+	+	+	++
Setting up a special office for foreigners	✓	✓	✓	/	✓	○	✓	✓	✓
	++	+	+		+		++	++	++

Suitable instruments for the implementation of the Habitat-Agenda in the field of action **social security and health** are:

- Public insurance against labour accidents,
- Granting allowances to unemployed people,
- Introduction of a minimum-wage in the building trade and
- Promotion of public health.

Most of these instruments exist in the legislations of the East-European countries and are relevant in practice, although measures in the field of action became less important in

the last years and instruments were abolished. The listed instruments were not affected by these changes. It is up to the employer to insure employees against labour accidents in Estonia. The Polish law regulates, that employer and employees share the cost of the insurance. The promotion of public health is an important topic in order to avoid people getting ill. The approaches in the examined states differ. An obligation for routine health checks exists in Poland and Lithuania. Local authorities provide financial support for sport activities in Estonia.

Table 29: Implementation of instruments in the field of action social security and health and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Public insurance against labour accidents	✓	✓	○	/	✓	✓	✓	✓	✓
	++	++			+	+	+	++	++
Granting allowances to unemployed people	✓	✓	✓	/	✓	✓	✓	✓	✓
	++	++	+		+	+	+	++	++
Introduction of a minimum-wage in the building trade	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	+	+		+	+	+	+	++
Promotion of public health	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	+		+	++	○	+	++

3.4 SUB-GOAL ECONOMICALLY SUSTAINABLE DEVELOPMENT

Table 30: Implementation of instruments in the field of action taxes, finances and other fiscal instruments and their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Governmental grants to local government bodies	✓	✓	✓	/	✓	✓	✓	✓	✓
	++	++	++		+	+	+	++	++
Taxing real estate and trade by local taxes	✓	✓	✓	/	✓	✓	✓	✓	○
	++	○	+			+	++	++	+

The two instruments in the field of action **taxes, finances and other fiscal instruments** “governmental grants to local government bodies” and “taxing real estate and trade by local taxes” are implemented mainly. Governmental grants to local government bodies exist in the countries and are of practical relevance. The systems of community financing using local taxes on real estate and trade differ. Both local taxes take an important role on

community financing in Slovakia. The Bulgarian legislator introduced local taxes on real estate (real estate tax, real estate sale tax) with the Local Taxes and Fees Act in 1997. The law was amended for the last time in 2007. The income revenue of both taxes is entitled to the municipalities. Within the framework of national regulation they are free to decide on the tax rate. The situation in the Czech Republic is similar. The municipalities have their own taxes, but the revenue from real estate taxes is low. That is why they do not take a significant share on local expenditures. The Slovenian legislation lacks instruments that are comparable with local taxes on real estate and trade.

Table 31: Implementation of instruments in the field of action constitution and organization of government their relevance in practice

instrument / state	BG	CZ	EST	HU	LT	LV	PL	SL	SI
Constitutionally guaranteed right to local self-government incl. financial autonomy	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	+		+	+	++	++	+
Regional level of government administration	✓	✓	✓	/	✓	✓	✓	✓	✓
	++	+	+		+	+	++	++	++
Supply of relevant statistical information	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	++	+		+	+	++	+	++
Citizen's right to free access to any information about the environment in the public authorities possession	✓	✓	✓	/	✓	✓	✓	✓	✓
	+	+	++		++	+	+	++	++
Special agencies, commissions; appointing a commissioner	✓	✓	✓	/	✓	✓	○	○	✓
	+	+	+		++	+		+	+
Governmental support of research institutions for town and regional planning, for housing, and for the protection of the environment	○	✓	✓	/	○	✓	✓	○	✓
		+	○		++	+	○	+	++

The following instruments in the field of action **constitution and organization of government** exist in the legislation of the East-European EU member states:

- constitutionally guaranteed right to local self-government incl. financial autonomy,
- regional level of government administration,
- supply of relevant statistical information,
- citizen's right to free access to any information about the environment in the public authorities' possession.

The municipalities are the basic administrative and territorial self-governing units according to Art.136 of the Bulgarian constitution which was adopted in 1991 and amended last time in 2006. Citizens participate in municipal governance both directly and indirectly, through elected self-governance bodies as well as referendums and common assemblies of citizens. The local self-governing units (municipalities) can enter into partnerships for solving common issues. The legislative body is the local council and the executive one – the mayor. The citizens elect the self-government bodies. The municipalities possess their own budget with permanent receipts, defined by a special Law. The local council defines local taxes within the limits set by national law.

Research institutions for town and regional planning, for housing and for the protection of the environment out of range of the ministries that are funded by federal funds exist in the Czech Republic, Latvia and Slovenia. There are some institutes in Poland that receive basic funding. But these finances cover only a small amount of the expenditures. The other states usually provide project based finances for research.

4 CONCLUSIONS

The majority of the listed instruments aimed at implementing the goals and principles of the Habitat-Agenda exists in the legislation of the East-European countries. Different approaches are obvious in the field of housing. In general, to care about housing is a private responsibility, so a basic right to housing exists in four states' legislation only. People either without or with low income have to be supported by the state. Therefore need for action exists to improve/implement instruments dealing with adequate support for living costs and promoting house building.

Some deficiencies are obvious in the field of action urban planning and settlement. The public sector depends on the co-operation with the private sector in the fields of action house building and urban development. Public private partnership is an efficient approach to promote public aims in this field. Two states possess an instrument which regulates public-private-partnership. But the public and the private sector co-operate in most of the states in some kind of way. So there is a need for action to regulate Public Private Partnership.

There are some more instruments which have not been implemented yet in most of the East-European countries:

- use of special governmental funding for urban renewal,
- controlling the settlement of shopping centers as well as large area retail and
- special town planning development areas.

Implementation-oriented instruments like state support for urban renewal are an important field of action for the legislator in the East-European states. Most states possess instruments dealing with co-operation of neighbouring communities. But even if local municipalities are able to co-operate in various fields of action, they do not do so. Incentives by the states are necessary in order to convince the municipalities to co-operate.

Financial funding for measures in the fields "adequate shelter for all" and "sustainable settlement development" is crucial for implementing the goals and principles of the Habitat-Agenda, besides implementing the listed instruments in national legislation. An important field are implementation-oriented instruments in the field urban planning, where funds provided by the European Union take an important role. The funding guidelines have to take into consideration national specifics in the future. One example is social housing that does not exist in most East-European new EU-member states in a comparable way to the old EU-member states. Controlling of spatial development is crucial for the implementation of the Habitat-Agenda also. One important field of action is settlement development. Therefore the relevance of spatial planning has to be encouraged and their long-term goals have to be strengthened with financial funding aimed at implementation. The EU-funding has to be adjusted to these aims. An all-integrating control of the EU is not goal-oriented, because subsidiarity is a crucial prerequisite for the implementation of the Habitat-Agenda.

Many regulations in the field of action environmentally sustainable settlement development have already been implemented due to EU-Directives. There still exist some instruments, which are not implemented in every state yet:

- closed cycle waste management in waste processing,
- promoting environmental friendly traffic and
- fees on the use of streets.

The instrument environmental liability insurance exists in two states at the moment. In order to achieve a sustainable settlement development the public awareness has to be raised and information has to be available. A good example is Latvia. University students are obliged to take courses in environmental protection in order to raise awareness for environmental protection. All academic teachers have to take such courses too. Consumers can be informed through ecologic labeling on products. Different kinds of labels for consumer products, e.g. energy or resource consumption as well as labels for CO₂-emissions in the production process, are possible. Energy policy is another important field of action in order to achieve an ecologically sustainable development. Therefore the states have to:

- promote energy conservation, e.g. by energy consumption certificates for buildings,
- further the production of energy from renewable resources and
- commit customers to use energy from renewable resources.

Germany is a good example for measures in the energy sector.

Most instruments promoting socially sustainable settlement development exist in the East-European states. They chose different approaches to promote employment of handicapped people. Some states do not obligate employers to hire handicapped people, but promote employment with financial support. Public health has to be promoted more effectively. Bans of smoking are not enough.

In the field economically sustainable settlement development the East-European states need to increase the funding for research institutes.

The role of the civil society is getting more important. Small countries can activate citizen's self help and the civil society more easily than bigger states. A good example is the Baltic States. 50,000 Estonian volunteers spent one day in the countryside in order to collect garbage in Estonia. Approaches like these need to be supported in other countries also. Another instrument to activate initiatives is small loans. Local banks, e.g. savings banks, should be activated to change their measures. Innovative instruments are small funds for urban development, which are being introduced in Germany.

Altogether, the national legislation pursues the goals and principles of the Habitat-Agenda, but without referring to the document. According to this, the direct relevance of the Agenda is marginal. But the relevance should not be undervalued, because the document offered orientation in a period of transformation. Prospects for further implementation of the Habitat-Agenda in the East-European states result from declarations on the European level that partially take on the ideas of the Habitat-Agenda. One example is the Leipzig-declaration on sustainable urban development, which covers the topic of monitoring urban development. This is one prerequisite for implementing the Habitat-Agenda.