

Strasbourg, 5 October 2012
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T-PVS (2012) 15

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

Meeting of the Bureau

Strasbourg, 17 September 2012

MEETING REPORT

*Secretariat Memorandum
prepared by
the Directorate of Democratic Governance, Culture and Diversity*

1. ADOPTION OF THE AGENDA

Mr Jan Plesnik, Chair of the Standing Committee to the Convention, opened the meeting on 17 September 2012 and welcomed the other Bureau members as well as the representatives of the Secretariat. He noted the absence of Mr Silviu Megan (Romania), stressing that he resigned from his position as Bureau member and delegate of the Bern Convention at last Bureau meeting. The Chair reminded that, according to Rule of procedure 18, nominations for the Chair, Vice-Chair and two additional Bureau members shall be sent to the Secretariat in at least one of the official languages of the Convention as from 6 weeks before the opening of the meeting.

Mr Plesnik further thanked the Parties who submitted financial contributions to the budget of the Convention and encouraged the others to do so before next Standing Committee meeting.

The Chair introduced the draft Agenda of the meeting, which was adopted without amendments (see appendix 1).

2. IMPLEMENTATION OF THE 2012 PROGRAMME OF ACTIVITIES

[T-PVS (2011) 12 – Programme of Activities]
[T-PVS/Notes (2012) 5– Note from the Secretariat]
[T-PVS/Inf(2012)03a - Summary tables of reporting under the Bern Convention]
[T-PVS/Inf (2012) 12 - Draft Charter on the gathering of Fungi and biodiversity]

The Secretariat updated the Bureau on progress made in the implementation of the 2012 Programme of Activities since the last Bureau meeting, reporting more particularly on the conclusions and results of the meetings of the Bern Convention's Groups of Experts, as well as on a number of international events attended by the Convention's staff. Among these, the Secretariat outstand the 5th IUCN World Conservation Congress (Jeju, Korea, 6-15 September 2012) where the IUCN Invasive Species Specialist Group and the Bern Convention co-organised a round table on Invasive Alien Species and Protected Areas. Moreover, a Press event marked the 50th anniversary of the Agreement between the Council of Europe and the IUCN. The Secretariat also highlighted that the Convention has sponsored the participation of a delegate from Senegal to the "International training course on Marine Turtles Conservation", organised by the Cyprus Wildlife Society (Cyprus, 15 - 25 July 2012), in the framework of the Convention's capacity building activities.

The Secretariat further informed that a Working Group for drafting a European Charter on Gathering Fungi and Biodiversity met under the aegis of the IUCN Species Survival Commission Specialist Group and in co-operation with the Bern Convention. The Working Group agreed that the Charter was not to be merely a code of conduct for pickers, but encourage active conservation through gathering fungi. The Secretariat presented the first draft to the Bureau and informed that a second draft should be sent electronically to the members of the Working Group as well as to the Delegates of Contracting Parties by the 1st of October for comments. The text eventually amended would be then submitted to the Standing Committee for endorsement.

Finally, the Secretariat emphasised that the reporting under the case-file system is becoming an issue: on the one hand the number of complaints submitted is increasing (ten new complaints were lodged since the beginning of the year, often accompanied by very long documents) while the Secretariat is more and more stretched; on the other hand, the number of reports sent by Parties has lowered, as shown in the summary table of reporting [document T-PVS/Inf (2012) 03a]. The Secretariat stressed that it may be too much burden for the Parties to report on the same issue three times per year (before the two Bureau meetings and before the Standing Committee), bearing in mind that it is difficult to achieve real progress or change in only three/four months. Therefore the Secretariat made some proposals to cope with this problem.

The Chair thanked the Secretariat for the smooth implementation of the Programme of Activities despite insufficient human resources. He particularly appreciated the efforts in place for giving more visibility to the Bern Convention through specific communication actions and networking.

Decision: In order to ensure that complaints are assessed in a more effective way the Bureau instructed the Secretariat to amend the online complaint form so to limit its length to three pages. Attached reports should not exceed 5 pages. The same limit would apply to all government and NGO reports on complaints and the Bureau will decide on a case-by-case basis whether or not to extend this limit.

The Bureau further decided to reduce the number of reporting requests to Parties for all complaints which can be forwarded to the Standing Committee directly, or for which an infringement procedure at EU level is pending. This would allow to address most of the complaints in April rather than in September and therefore to both reduce the burden on Parties and to devote more time of the Bureau meetings to the preparation of the Standing Committee meeting and the follow-up of the implementation of the Programme of Activities.

2.1 Implementation of the Bern Convention in Switzerland

[T-PVS/Inf (2011) 29 – Expert’s report on the implementation of the Convention in Switzerland]

The Secretariat regretted to inform that the finalisation of the monitoring report has been delayed. The consultant, Prof. Jean Untermaier, should be able to deliver its work by the 30th September 2012. The updated report will be presented at next Standing Committee meeting.

2.2 Protected Areas

➤ **Update on the setting-up the Emerald Network and meeting of the Group of Experts on Protected Areas and Ecological Networks**

[T-PVS/PA (2012) 13 – Compilation of national reports]

[T-PVS/PA (2012) 1 – Draft agenda of the 4th meeting of the Group of Experts]

The Secretariat informed that, as planned in the Emerald Calendar (2011-2020), the constitution process of the Emerald Network has pursued with several activities implemented in various countries.

Moreover, the negotiations with the European Union for the new Joint Programme on the setting-up of the Emerald Network in 7 Eastern and Central European countries are in their final stage. The new project should cover the period 2013-2016 (4 years) and start with a kick-off meeting in Strasbourg in the beginning of 2013. The meeting will aim at taking stock of the achievements of the first project (2009-2011), working on data delivery quality and planning the new project’s lifetime and activities.

In addition, the Secretariat informed of the work carried out in Switzerland and Norway. Concerning Switzerland, the first biogeographical seminar took place on 5th July 2012 and served to assess the sufficiency of all 37 candidate Emerald sites, which were then confirmed as valid proposals. Yet, some work remains to be done to ensure the sufficiency of the whole national Network. A discussion was also engaged on the general approach for the identification of Emerald sites: the Swiss team decided to look at the existing protected areas which are not included yet in the Emerald proposals, in particular through the federal habitat inventories and other categories and - at a later stage - to the areas with no protection status at the moment.

In Norway, a second technical Emerald seminar took place on 28th May 2012 providing for a final quality check of the Norwegian Emerald database and for the planning of the process further on. Various questions on the methodology and criteria for the assessment of the candidate Emerald sites were debated. The team agreed that another biogeographical Seminar for Norway should be planned for 2013, while the final Norwegian delivery of candidate Emerald sites can be expected at the end of 2012.

Concerning the setting-up of the Emerald Network in the West Balkans, very little progress was achieved since the targeted Emerald biogeographic seminar. In the meantime, the Secretariat has been approached several times by the NGOs involved in the Emerald biogeographical process, with requests of information on the case-file system in order to be able to use it in case of supposed breach of the Convention in the officially nominated candidate Emerald sites.

Regarding Morocco and Tunisia, the Secretariat recalled the strong interest expressed by both countries to work on the setting up of the Network if funds were available. Contacts with IUCN Centre for Mediterranean Cooperation on a possible joint collaboration there were made. The Secretariat proposed to include this activity in the draft 2013 programme of activities of the Convention, pending on voluntary contributions.

For what concerns the co-operation with the EEA, the Secretariat informed that it is still expecting a reply to its request for a meeting with EEA's director to discuss the future involvement of the ETC/BD in the new EU/CoE project.

In addition, the Secretariat provided information on the upcoming meeting of the Group of Experts on Protected Areas and Ecological Networks, stressing that a draft Action Plan on the strategic development of the PEEN is one of the agenda items which is strictly linked to the overall discussion of the strategic development of the Convention. The Group is expected to debate on the possible follow-up to be given to the Action Plan.

The Chair thanked the Secretariat for the comprehensive report and particularly praised the Emerald seminar in Switzerland, which he attended. He recognised that there are still a few gaps to be filled in but drew attention on the excellent preparation of the experts and the strong and constructive participation of the NGOs, which resulted in a very good road map. He was sure that the same level of commitment and results apply to Norwegian colleagues.

Regarding the co-operation with the EEA the Chair informed on a number of internal reforms and pointed out that the annual EIONET NRC Biodiversity and CHM Network meeting, taking place in November, can be a good forum to raise both the issue of the co-operation and the one of the reporting by Parties and focal points on the Emerald sites.

The delegate of Switzerland, Mr. Olivier Biber, thanked the Chair for his judgment on the biogeographical seminar and highlighted again the strong commitment of Swiss authorities towards the Emerald network constitution process.

The delegate of Iceland, Mr. Jón Gunnar Ottóson informed on the work carried out in his country in the framework of the Natura 2000 Network, aiming at providing a tentative list of possible sites by 2015.

The delegate of Serbia, Ms Snezana Prokic, recalled that her authorities are also very committed with the setting up of the Emerald Network although this year the allocations from the central government were not sufficient to finance the implementation of all the activities foreseen in the PoA.

2.3 European Diploma of Protected Areas: Report from the meeting of the Group of Specialists and renewals in 2012

[T-PVS/DE (2012) 13 – Adopted Resolutions]

The Secretariat informed that in June 2012, the Committee of Ministers adopted the Resolutions on the renewal of the European Diploma relating to 10 diploma holding areas. Since the last Bureau meeting, three appraisal visits were performed: two for the award of the Diploma (Khosrov State Forest Reserve in Armenia and Burren region in Ireland) and one for a renewal (Retezat National Park in Romania). Another visit, an exceptional one, will take place in October at the Poloniny National Park in Slovakia, as decided by the Group of Specialists further to the difficulties encountered by the Park authorities to implement the conditions and recommendations of their last Diploma renewal. The field visit by the expert will be followed by an inter-ministerial meeting in Bratislava which will be attended by the Secretariat. The reports by the independent consultants will be submitted to the attention of the Group of Specialists at its next meeting in March 2013.

Regarding the non-renewal of the Diploma for Belovezhskhaya Pushcha National Park (Belarus), the Secretariat informed that it had received all the finalised and adopted texts of the new management package for the area, as well as the map showing the functional zoning. A revised draft Resolution is expected to be sent by the expert who carried out the on-the-spot appraisal, with revised conditions and recommendations. The revised draft Resolution will then be submitted to the authorities of the National Park for approval before reaching the Standing Committee for decision.

The delegate of Switzerland was happy to note that the situation in the Belovezhskhaya Pushcha National Park is now getting improved. Still, he wanted to stress that apart from good management packages, the Committee also expects implementation of the measures planned. He recalled that although the expert in charge of the evaluation suggested a shorter renewal (three years maximum), a renewal for five years is a compromise option, compatible with previous practice.

2.4 Group of Experts on Large Carnivores: meeting report

[T-PVS (2012) 7 – Meeting report]

The Secretariat informed on the conclusions of the meeting of the Group of Experts on Large Carnivores, held in Gstaad, Saanen (Switzerland) on 24-26 May 2012.

The Group decided to propose two draft Recommendations to the attention of the Standing Committee: one concerning large Carnivores populations that still have problems that need to be addressed by conservation authorities; a second one addressing the need for conservation authorities to plan in advance to be able to face problems caused by expanding large carnivores' populations. The Group further decided to continue the fruitful cooperation with LCIE on this issue.

In addition, the Secretariat informed that informal contacts with the European Union are taking place to discuss joint efforts in this field, and perhaps the elaboration of guiding instruments for Parties.

The Chair welcomed the co-ordination on this issue at international level, thanked Switzerland for the excellent hosting of the meeting.

2.5 Meeting of the Group of Experts on Climate Change: state of preparation

[T-PVS/Inf (2012) 8 - Compilation of national reports]

[T-PVS/Inf (2012) 11 - Analysis of implementation by the Contracting Parties of the recommendations on climate change]

The Secretariat informed on the state of preparation of the meeting of the Group of Experts on Biodiversity and Climate Change, to take place on 1-2 October 2012.

The Secretariat focussed on the agenda items which will be eventually discussed at the Standing Committee meeting in the form of draft Recommendations and namely the implementation by Parties of relevant Recommendations on Biodiversity and climate change, and conservation translocations under changing climatic conditions. The Secretariat further informed about the preparation of specific Guidance on marine biodiversity and climate change, which should be submitted to the Standing Committee to be annexed to Recommendation No. 152 (2011) on the same topic.

Among other highlights, the Secretariat mentioned the presentations by the CBD Secretariat, particularly in view of the forthcoming 11th meeting of the Conference of the Parties to the CBD, and the IPCC report on "Renewable energy sources and climate change mitigation". Despite a very interesting agenda, registrations of participants were however still low.

Finally the Secretariat informed that Mr Philippe WERY (Belgium), member of the Bureau of the Council of Europe Steering Committee on Human Rights (CDDH) and former chairperson of the Committee for the Development of Human Rights (DH-DEV), would be available to address the Standing Committee to inform about CDDH work on Climate Change and Human Rights. Such a presentation could be of interest particularly with regards to the recent work carried out on this issue by both the UN Human Rights Council and the European Parliament sub-committee on Human rights.

The delegate of Switzerland welcomed the proposal of the CDDH since he considered useful, from time to time, to get a broader understanding of the side effects of climate change on daily but fundamental rights.

The Chair expressed satisfaction for the interesting agenda set for the meeting of the Group of experts and encouraged Contracting Parties who have not yet done so to register for the meeting.

3. INSTITUTIONAL ASPECTS

3.1 Request of amendment of article 22 of the Bern Convention by Switzerland

[T-PVS (2012) 4 – Switzerland - Request of amendment of article 22]

The Secretariat recalled the procedure set down in Article 16 of the Convention, reminding that the Committee will be invited to examine the amendment proposed by Switzerland and decide on its possible adoption by a three-quarter majority of the votes least.

The delegate of Iceland raised the fact that the interpretation of the amendment proposed by Switzerland will certainly be at the core of interesting discussions during the debate at the Standing Committee meeting. In fact, the concept of “radical change” is not unequivocal and the Committee should at least ensure a common understanding so to limit its interpretation to very exceptional circumstances.

4. IMPLEMENTATION OF THE CONVENTION: FILES

[T-PVS/Notes (2012) 3rev – Summary of case files and complaints]

[T-PVS/Inf (2012) 2 – Register of Bern Convention's case-files]

(Note: a detailed summary of each case-file is available in document T-PVS/Notes (2012)03 – Summary of Case files)

4.1 Specific Sites - Files open

- Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)

The Secretariat recalled that this case concerns the excavation of a shipping canal in the Bystroe estuary of the Danube delta in Ukraine, which is likely to affect adversely both the Ukrainian Danube Biosphere Reserve and the whole Danube delta dynamics.

Ukraine launched the first phase of the project back in 2004, after which the Standing Committee adopted « Recommendation No.111 (2004) on the proposed navigable waterway through the Bystroe estuary (Danube Delta) », inviting Ukraine to suspend works, except for the completion of phase I, and not to proceed with phase II of the project until certain conditions were met. However, in March 2010, the European Union informed the Secretariat that in January 2010 Ukraine adopted a decision aimed at starting the implementation of Phase II of the Bystroe Channel project.

The delegate of Ukraine presented an updated report at the 31st Standing Committee meeting, including information which was questioned by the delegate of Romania. As a result, the Standing Committee decided to keep the case file open and to ask to the three concerned Parties, namely the Republic of Moldova, Romania and Ukraine to report on the current state of the situation as well as on the implementation of the provisions included in Recommendation 111 (2004).

In April 2012 the Bureau assessed the national reports submitted by the three Parties. It further requested to Ukrainian authorities to make available the English translation of both the EIA and the analysis of the impacts of the full implementation of the Channel in a transboundary context.

It further instructed the Secretariat to contact the Ramsar Convention for its support, and the European Commission for more information on the activities foreseen under the project for the implementation of the Aarhus Convention which could have an added value to solve the Bystroe case-file. Finally the Bureau decided that the possibility of an on-the-spot appraisal could be considered at next Bureau meeting if the situation would remain unclear by then.

In August 2012, Ukraine submitted the Final Decision on the Implementation of the Full-Scale Phase of the Danube-Black Sea Navigation Route Project in the Ukrainian Part of the Danube Delta. An annex to EIA report entitled “Assessment of Likely Transboundary Environmental impact (EIA) of the Danube-Black Sea Navigation route in the Ukrainian Part of the Danube Delta” was also attached. The Secretariat stressed that the documents submitted address additional aspects that were not considered in previous reports, including a rationale conduct for the transboundary EIA process, information on the socio-economic situation in the areas of the Lower Danube Basin, scientific projections to determine the potential impact of Phase II on the restoration of the environment in the affected zones, an updated assessment of transboundary aspects of some project activities and their habitat loss, considerations of alternative navigation routes and their possible environmental impact.

An Annex II is also attached to the EIA report and, according to the authorities, has been introduced to secure answers to questions and comments expressed by the Romanian NGOs, International Non-Governmental Organizations, Romanian Public and representatives of the Romanian authorities.

The conclusions of the authorities is that the Bystroe option would represent “the least-impact” alternative to the Danube Biosphere reserve (DBR) in terms of long-term viability with respect to the sustainable natural resource management and suitable governance of anthropogenic activities taking place in the areas of the Bystroe Branch.

The Secretariat further summarised the report sent in August by the European Commission, which informs that Ukraine has prepared a draft law on Environmental Impact Assessment in Transboundary Context, in the framework of the new EU-funded project: "Support to Ukraine to implement the Espoo and Aarhus Conventions – follow-up activities". The draft law had been already submitted to the Ukrainian Parliament which will examine it at its autumn session. According to the Commission, the report which is being prepared through the EU funds should help Ukraine to improve implementation of the Espoo and Aarhus Conventions.

A long debate followed the presentation by the Secretariat, namely on both the content and the form of the EIA. In fact, after a first analysis the EIA seemed to comply with the formal standards of EIA; public consultations have taken place; and the report contains some recommendations. Yet, the Bureau considered that, for taking a serene position on the possible impacts of the project, a more thorough assessment of the scientific considerations on which the EIA is based is needed. In addition, from the information received it is not possible to identify to which “organisations and relevant international experts” the report was sent for comments before being finalised, and how the public consultations were carried out (for instance, if the NGOs and civil society were properly represented or not; which of them participated in the consultation process; etc.). Moreover, the Bureau noted that the report of the European Union did not really inform on how the project recently funded by the EU in Ukraine could help solving the situation.

The delegate of Serbia, Ms Snezana Prokic, suggested that the issue could be raised under the CBD Programme of Work on Protected Areas, taking into account the important ecological value of the Danube Delta.

The Chair noted that the discussions are now focussing on the transboundary impact of the Bystroe project but that the potential impact at national level should not be neglected.

The delegate of Switzerland advised to request the opinion of other Agreements and organisations, namely those which participated in the previous on-the-spot appraisals and those for which the area is an important site. This would allow presenting a consolidated and co-ordinated position at next Standing Committee meeting.

Decision: The Bureau decided to keep the case file open and instructed the Secretariat to contact the European Union, the Convention concerning the Protection of the World Cultural and Natural Heritage, the Espoo Convention, the Ramsar Convention, and the WWF for their opinion on the documents submitted by Ukraine. The Bureau further instructed the Secretariat to request to Ukrainian authorities to forward to the Standing Committee the list of organisations and international experts which participated in the consultation process prior to the finalisation of the EIA.

- **Cyprus: Akamas Peninsula**

This case concerns plans for the tourist development in the Peninsula of Akamas (Cyprus), with detrimental effect on an ecologically valuable area with many rare plant and animal species protected under the Bern Convention. It was first discussed at the 16th meeting of the Standing Committee in 1996. Two on-the-spot appraisals were carried out in 1997 and 2002 and a recommendation adopted in 1997.

In 2010 the European Commission received a formal complaint concerning both the insufficient designation of the area pursuant to the Birds and Habitats Directives, as well as the deterioration and lack of effective protection of the area pursuant to Article 6 of the Habitats Directive.

At its last meeting the Standing Committee decided to keep the case-file open and requested Cyprus authorities to transmit to the Secretariat the English translation of the management plan for Limni area and to fully implement its Recommendation No. 63 (1997).

In a succinct report sent in March 2012 Cyprus authorities expressed disagreement towards the NGO's claim of inadequate designation of both the Akamas and the "Polis Gialia" areas. More particularly regarding the latter, the authorities reassured that the developments surrounding the area were being controlled by the competent authorities and the procedures for granting building permits were observed. Furthermore, the authorities informed that a full scientific package of information was under preparation in the framework of the complaint opened under the European Commission and that this information would be forwarded at the same time to the Bern Convention Secretariat.

The Secretariat informed that no substantial new information had been submitted by the European Commission, which in August 2012 was still expecting the reply of the authorities to its request of clarifications. No information was submitted by Cyprus authorities either.

Decision: Stressing the lack of new information the Bureau instructed the Secretariat to approach again Cyprus authorities and ensure that the scientific package of information related to the Akamas peninsula is forwarded to the Standing Committee. The complainant and the European Union are also invited to submit any relevant information available.

- **Bulgaria: Wind farms in Balchik and Kaliakra – Via Pontica**

The Secretariat reminded that this case concerns the building of the windfarms in Bulgaria, at Balchik and Kaliakra, on the Black Sea coast. The NGO challenged the chosen sites located on the Via Pontica, which is one of the main migratory routes in Europe especially for soaring birds.

An on-the-spot visit was carried out in September 2005 on the basis of which the Committee adopted "Recommendation No. 117 (2005) on the plan to set up a wind farm near the town of Balchik and other wind farm developments, on the Via Pontica route" asking the Bulgarian authorities to reconsider their decision to approve the proposed wind farm in Balchik in view of its potential negative impact on wildlife and taking account Bulgaria's obligations under the Convention.

A new on-the-spot appraisal was carried out in June 2007, following which the Standing Committee adopted "Recommendation No. 130 (2007) on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route".

In June 2008, the European Commission opened an infringement procedure against Bulgaria because of insufficient designation of 6 sites as SPAs under the Bird Directive, one of which is the Kaliakra IBA.

In 2009, the delegate of Bulgaria informed the Committee that a “Strategic Environmental Assessment (SEA)” of Bulgaria’s Energy Strategy and National Plan for Renewable Energy Sources had been initiated in spring 2009, with meetings at expert level. Bulgaria’s Ministry of Environment and Water expressed its readiness and intention to co-operate with civil society and business representatives to achieve the necessary results and fulfil the country’s obligations for the protection of its nature and biodiversity.

In 2010, the delegate of Bulgaria informed -among others- of measures taken concerning the preventive protection of NATURA 2000 sites. Furthermore, she confirmed that no new authorisations for development in SPA Kaliakra and IBA Kaliakra were issued in 2010.

At its last meeting the Standing Committee decided to keep the case-file open, asking the Bulgarian authorities to present an updated report and to take into consideration the provisions of Recommendation No. 130 (2007).

The Secretariat further recalled that the complainant submitted an updated report in March 2012 affirming that Bulgarian authorities are both failing to fully implement the relevant recommendation with regards to the wind farms and putting additional threats to Balchik and Kaliakra sites through a large number of other developments, including tourist complexes, golf courses and infrastructures, for which authorisations are being issued disregarding the natural value of the sites.

Moreover, the complainant questioned again the quality of the EIAs which did not examine alternative solutions or locations, nor the possible negative and cumulative impacts, and denounced delays in the adoption of the Strategic Environmental Assessment of the National Plan on Development of Renewable Energies.

The Secretariat recalled that, in March 2012, it also received copy of a letter addressed by the Chair of the AEWA Standing Committee to the Government of Bulgaria, expressing worries regarding a windfarm adjacent to Durankulak Lake, a key wintering site for the globally threatened Red-breasted Goose, which would have the potential to endanger the coherence of the area as a wintering ground for the Red-breasted goose. The AEWA had requested the Bern Convention to join the possible Implementation Review Process (IRP) mission to Bulgaria in order to assess the issue on the ground and to recommend solutions to the country’s Government. The Bureau had accepted this invitation.

The Secretariat further informed that Bulgarian authorities submitted their national report on 14th September. However, due to the very late delivery, it was not possible to assess its content.

Decision: The Bureau decided to keep the case-file open and instructed the Secretariat to liaise with both the AEWA and the EU in order to ensure a common understanding on the information submitted by Bulgarian authorities. Moreover, the Bureau suggested that the Bonn Convention might wish to also communicate its opinion in the framework of the MoU on Raptors. Finally, the Bureau invited the authorities of Bulgaria to present their national report at next Standing Committee meeting.

- France: Habitats for the survival of the common hamster (*Cricetus cricetus*) in Alsace

The Secretariat recalled that this complaint concerns the measures implemented by France to ensure the preservation of habitats needed for the survival of the common hamster. In 1998 the Standing Committee adopted Recommendation No. 68 (1998) on the protection of the common hamster (*Cricetus cricetus*) in Alsace (France). On 9 June 2011 the European Court of Justice (ECJ) ruled against France for failing to take adequate measures to protect the species.

At its last meeting, the Standing Committee decided to keep the case file open to follow-up the implementation of the ruling of the ECJ by France.

The Secretariat addressed to French authorities reporting requests for both the first and the second Bureau meetings without receiving new information.

Moreover, the European Commission informed that the situation of both the common hamster and the green toad were briefly discussed at the annual bilateral EU/France meeting on environmental infringements, where the need to take swift measures to comply with the ECJ ruling was again stressed.

Finally, the Secretariat was pleased to inform that, in June 2012, the road project better known as “*Grand Contournement Ouest*”, foreseen within areas where the presence of the common hamster was confirmed, had been abandoned.

Decision: In the absence of updated reports, the Bureau decided to keep the case-file open and invited the delegate of France to provide a report for next Standing Committee meeting.

- **Italy: Eradication and trade of the American grey squirrel (*Sciurus carolinensis*)**

The Secretariat reminded that this case concerns the presence of the American grey squirrel in Italy, as a serious threat for the survival of the protected native red squirrel, and the related potential to turn the invasion of this species into a continental problem.

In 1999, the Standing Committee adopted its Recommendation No. 78 (1999) on the conservation of the red squirrel (*Sciurus vulgaris*) in Italy. In 2005, the Standing Committee adopted its Recommendation No. 114 (2005) on the control of the grey squirrel (*Sciurus carolinensis*) and other alien squirrels in Europe, asking Italy to start without delay an eradication programme.

Following an on-the-spot appraisal carried out in 2008 the Standing Committee agreed to open a case-file and addressed a list of recommended actions to the Italian government (including monitoring, eradication, a trade ban, regional collaboration and co-operation).

In 2009 the delegate of Italy reported on progress made towards the adoption of legislative tools to control the species. Yet the Committee understood that there had been no action on the ground or legislation approved and decided to keep the file open.

The same decision applied in 2010.

At its last meeting the Committee confirmed its will to keep the case-file open and instructed the Bureau to closely follow up this issue to ensure that reporting from Italian authorities is improved and includes information on concrete measures towards both the eradication of the species and the adoption of a legislative instrument to ban its trade in Italy.

Italian authorities sent updated reports in February and August 2012, informing both on the state of implementation of the LIFE+ Project “EC-SQUARE”, and on some difficulties regarding eradication in Piedmont Region, where the procedure aimed at delivering the necessary authorisations for the capture of the American Grey squirrel were temporarily suspended due to an appeal presented by animal welfare NGOs to the Regional Administrative Court of law.

Moreover, in their last report Italian authorities informed that the Ministry of Environment had finally obtained positive advices on the draft decree on banning the trade of the species from the Directorates of the State Forestry Corps of the Ministry of Agricultural, Food and Forestry Policies and the Ministry of Economic Development. The visa of other related Ministries is now pending but the authorities are confident that a positive reply will be given to their request.

Decision: The Bureau noted again good progress in communication and welcomed the implementation of the Life+ Project. Still, it considered that too little is being achieved on the ground, particularly because of the public resistance regarding the eradication process. Moreover, the Bureau reiterated that a crucial element of this complaint is that Italian authorities should forbid the trade of the species in the country. The Bureau expressed worries regarding the delays in the adoption of the relevant decree.

The Bureau kept the case-file open and invited Italian authorities to inform the Standing Committee, particularly on progress regarding the eradication of the species and on the timeframe

foreseen for the adoption of the decree banning its trade.

4.2 Possible files

- France: Conservation of the European green toad (*Bufo viridis*) in Alsace

The Secretariat reminded that this complaint was lodged in 2006 by the Association BUFO (*Association pour l'étude et la protection des amphibiens et reptiles d'Alsace*) focusing on threats to the green toad's few remaining habitats in Alsace. It specifically targeted shortcomings in the impact studies carried out for a major bypass and urban development projects, and a project for the construction of a leisure complex.

In 2008, the French government reported that a restoration plan for the common spadefoot (*Pelobates fuscus*) and the green toad (*Bufo viridis*) was under development, at the initiative of the regional authorities (DIREN Lorraine). The plan would be ready at the end of 2009, with specific actions starting in 2010. However, due to different reasons the finalisation of the plan has been several times postponed.

At the last Standing Committee meeting the delegate of France communicated some additional delays in the preparation of the national action plan, but informed that the DREAL Alsace was already working together with the associations and partners concerned, in particular the Association BUFO, for drawing up a regional action plan.

The Committee decided to keep the file as a possible file and urged the French authorities to finalise the procedure for drawing up the National Action Plan in view of its final adoption.

In a report submitted in March 2012, the French authorities indicated that the contract with the consultancy tasked with drafting the national action plan had been terminated and that an agreement had subsequently been signed with the National Museum of Natural History (MNHN) Paris. A new version of the plan would be sent to the members of the relevant committee during summer 2012 for approval at its meeting due in September 2012.

In Alsace, the regional action plan for the European green toad was submitted on 30 January 2012 to the Alsatian steering group of the regional action plans for amphibians. Priority measures for 2012 were agreed, including monitoring population trend, continued study of the inclusion of the species in the "green and blue infrastructure" policy, inclusion in regulatory zoning and integration of the species habitat requirements into spatial planning strategies.

In the case of Lorraine, where the green toad was also identified as a priority species requiring the establishment of protected areas, the selection of additional sites or reserves is ongoing. Three other projects which could have an impact on the green toad or its habitats were left or subjected to compensation measures. A map entitled "Green Toad ecological corridors" was also drawn up and a technical guide will be produced on integrating the green toad in development projects.

French authorities were requested to send an updated report by 24th August 2012. However, the Secretariat informed that no new information was available

Decision: The Bureau decided to keep the complaint as a possible file. It instructed the Secretariat to liaise with the European Union for updated information and to invite French authorities to present a report at next Standing Committee meeting.

- Greece: threats to marine turtles in Thines Kiparissias

The Secretariat recalled that this complaint was submitted in August 2010 to denounce supposed uncontrolled development plans in a Natura 2000 site (THINES KYPARISSIAS - GR2550005) putting at threat a unique population of the loggerhead sea turtle (*Caretta caretta*).

The report sent in March 2011 by the Greek authorities provided a number of encouraging news, including: the adoption of a law on conservation and biodiversity to ensure a more effective protection regime for the priority species in all Natura 2000 sites; the preparation of a Joint Ministerial Decision, to regulate all activities within the Thines Kiparissias site; and the communication to local authorities of a Presidential draft decree and a management plan for the area with the request of taking these into account to enforce the necessary environmental protection measures. However, national authorities stressed that the responsibility concerning the compliance with obligations related to the exploitation of the sandy seashore sites lies down to the local authorities and the state property service.

Still, the NGO replied that enforcement of specific protective measures was poor, and that a number of illegal activities continued to exert a considerable amount of pressure on the nesting activity of marine turtles. Moreover, the Joint Ministerial Decision was not yet even at a draft stage and none of the demolition protocols issued by the State Property Service of the Prefecture of Messinia for the illegal constructions in the area had been executed. The Bureau didn't receive new information by its September meeting and decided to reconsider the issue in 2012.

The situation remained almost unchanged in 2012, with little progress concerning the Joint Ministerial Decision and the Presidential draft decree.

At its meeting in April 2012 the Bureau instructed the Secretariat to organise an on-the-spot appraisal for putting mediation in place and gathering additional information for the attention of the Standing Committee.

In September 2012 the Secretariat was informed by Greek authorities that the Secretariat's request of agreement for an on-the-spot visit was being duly considered and that a reply would be communicated soon.

Decision: Noting the lack of new information the Bureau decided to keep the complaint as a possible file and invited Greek authorities to attend the Standing Committee meeting and inform on any relevant news, as well as on their position regarding the request of agreement for an on-the-spot visit.

4.3 Complaints in stand-by

- **Morocco: Tourism development project in Saïdia affecting the Moulouya wetland site**

The Secretariat recalled that a complaint was lodged in 2009 by the *Espace de Solidarité et de Coopération de l'Oriental* (ESCO), based in Oujda, Morocco, related to a huge project for a new tourist resort in Saïdia which would put at threat the Ramsar site of Moulouya, and many important migratory bird species.

A Ramsar Advisory Mission was conducted on the site from 12 to 16 October 2010 after which a series of recommendations were addressed to Moroccan authorities covering all aspects of wild plant and animal conservation.

At last Standing Committee meeting, the Delegate of Morocco confirmed that her government shared the concerns expressed both by the Ramsar and the Bern Conventions and said it had made of sustainable development a central plank in its development policy. Some recommendations were already being implemented, moreover.

The Committee decided to keep the complaint as a complaint in stand-by and asked the Moroccan Government to report on the progress made in the implementation of the recommendations issued as a result of the advisory visit. It further instructed the Bureau to continue to co-operate with the Ramsar Convention on this issue

In 2012, the Secretariat continued to receive information from ESCO concerning the concreting over and drying out of the Moulouya SIBE.

However, Moroccan authorities reasserted their efforts on restoring and rehabilitating the areas concerned, while questioning the reliability of the information submitted by ESCO, asking the Secretariat to treat it with maximum caution.

In April 2012 the Secretariat of the Ramsar Convention informed that the situation was promising and that a number of actions had already been implemented.

As per the Bureau decision, the Secretariat addressed the Moroccan authorities in June 2012 in order to request a report by 24th August. However, the Secretariat didn't receive a reply.

Moreover, the Secretariat summarised the report sent in August 2012 by the complainant, which provided an analysis of the recommendations raised by the Ramsar Convention and of the measures so far implemented by the Government. In the complainant's view, the actions undertaken by the authorities are neither sufficient nor satisfactory. Furthermore, the complainant informed about other problems which apparently occurred after the Ramsar consultative mission, as for instance a supposed ecological disaster (caused by the accidental discharge, in July 2012, of sewage and chemical pollutants in the Moulouya River by the SUCRAFOR sugar plant in Zaio, leading to a complaint submitted by local NGOs to the competent court). According to the complainant, local NGOs were also obliged to lodge an appeal to stop three new constructions foreseen in the *SIBE* disregarding the status of the site.

Decision: Noting with disappointment the lack of reply by the national authorities but further noting that no new information was available under the Ramsar Convention either, the Bureau decided to keep this complaint as a complaint in stand-by and to reassess it at its first Bureau meeting in 2013. The Secretariat will contact Moroccan authorities for an updated report in due time.

- **Ukraine: threat to natural habitats and species in the Dniester River Delta**

This complaint was submitted in April 2010 by the INGO "Environment – People – Law", denouncing development plans in the Dniester River Delta based on Environmental Impact Assessment studies of a poor quality and without adequate planning and development policies. However, despite several requests, the Secretariat has not received updated information from the INGO in the past year.

At the last Standing Committee meeting the delegate of Ukraine presented an updated report informing that the concerned sites maintain high level of biodiversity, and concluded by noting that a management plan for the area was under preparation.

The Committee decided to keep the complaint as a complaint in stand-by in order to assess the progress made in the preparation of a management plan for the area.

In the report sent in February 2012 the authorities informed on the progress towards both the finalisation of the management plans for the National Park and the designation of the «Dniester Liman» and the «Dniester-Turunchuk Crossriver Area» as wetlands of international importance (Ramsar sites) should also be completed.

Regarding the alleged violations of the environmental law by the private companies in charge of the development construction works in the area, the Office of the Prosecutor General of Ukraine investigated the issue and found no violation.

The Bureau decided to keep the complaint as a complaint in stand-by until the management plans (and their English translations) are finalised and sent to the Secretariat.

In a letter sent in August 2012 Ukrainian authorities recalled that the first stage of development of the management plan of Nyzhniodnistrovsky National Park was finalised in 2011 and that the second should be finalised by the end of the current year.

They further informed that additional funds were allocated to the developments of management

plans for the wetlands of international importance “Northern part of Dnister Liman” and “Dnister-Turunchak Crossriver area”. The government ensured that the Secretariat will receive a notification as soon as these documents are ready.

Decision: Welcoming the steps undertaken so far by the national authorities, and noting that Ukraine committed to send to the Secretariat the English version of the management plan as soon as this is ready, the Bureau decided to keep the complaint as a complaint in stand-by and to re-discuss it at its first meeting in 2013. The Bureau further instructed the Secretariat to continue co-ordinating with the Ramsar Convention in the follow-up of this complaint.

- Threat to the brown bear in Croatia

The Secretariat recalled that this complaint was lodged in October 2011 denouncing the presumed unsustainable management of the brown bear population (*Ursus arctos*) in Croatia, which would put at risk the conservation of the species in the country. The complainant's reports mainly focussed on: the lack of participation of all concerned stakeholders; the lack of effective implementation of the brown bear management plan; the use of incorrect methodologies for defining the population size; a forest management policy which disregard bear conservation needs; development projects having a negative impact on the habitat of the species; lack of appropriate measures against poaching and poisoning; the problem of garbage dumps affecting the bears. The complaint contained a series of proposed recommendations.

The report submitted in April 2012 by the authorities of Croatia upheld the monitoring role of the «Committee for the elaboration of the Brown Bear Management Plan for the Republic of Croatia», and defended the data related to the bear population size, which were considered to be thoroughly founded, reliable and showing a positive trend. According to the authorities, the planning, construction and management of forest infrastructure is done in accordance with technical and ecological standards, and the issue of poaching - although it is not negligible - doesn't concern the bear population directly. Regarding poisoning using carbofuran, the authorities had legally pursued the detected cases and plugged them as examples of illegal practices.

At its meeting in April, the Bureau discussed the complaint thoroughly and recognised that the issues of the estimate of the population size and of the methodologies for data gathering were controversial. It instructed the Group of Experts on the Conservation of Large Carnivores, which was due to meet on 24-25 May 2012, to address these issues and collect additional information.

The Secretariat informed on the discussions held at the meeting of the Group of Experts, stressing that the representatives of the Large Carnivores Initiative for Europe didn't contest the data submitted by the national authorities and confirmed that the brown bear population is stable if not growing. Furthermore, the government expert presented the benefits of the present system of bear management (including trophy hunting) which permitted the number of animals to grow from 100 in the 1960s to around 1,000 at present. According to the national authorities, the population keeps growing and a full national monitoring programme is on-going based on DNA identification of bears and mark/recapture and pointing to a number of 1,000 bears.

Moreover, the Group of Experts noted that the areas inhabited by bears have been nominated as candidate Emerald sites (Areas of Special Conservation Interest – ASCI) and are expected to become Natura 2000 sites after the country will join the European Union.

The Bureau discussed thoroughly this complaint. It agreed that one of the issues arising from it regards the methodology used to measure the brown bear population size which can undoubtedly be improved. However, the most critical question to answer was whether or not the country is in breach of the Convention, and therefore whether or not the critical level for putting at stake the survival of the population was likely to be attained as a result of the current management of the brown bear population at national level.

Decision: Although it noted the divergence of opinions between the authorities and the NGO on the concept of “maximum sustainability yield of the population”, the Bureau came to the conclusion that the brown bear population in Croatia is not at risk. The Bureau considered the information submitted by the national authorities as satisfactory, although it noted that some more efforts can still be made with regards to the measurement of the population levels. It therefore decided to dismiss the complaint but instructed the Group of Experts on Large Carnivores to continue monitoring the situation of the brown bear in Croatia at its next meetings.

- **Threat to the bottlenose dolphin (*Tursiops truncatus*) in Ukraine**

The Secretariat recalled that, in September 2011, the Kyiv Ecological and Cultural Center submitted a complaint denouncing a steady decline in the bottlenose dolphin population in Ukraine, and the deaths caused by industrial fishing operations and/or by poachers, as well as the illegal keeping of the species in commercial *dolphinaria*.

In reply to these allegations, Ukrainian authorities informed about the legal framework for the protection of the species, as well as about the checks operated by the State Ecological Inspection to control the activities of *dolphinaria*.

The Bureau considered that more information was needed to have a clear picture of the situation. For this reason, it instructed the Secretariat to: (i) contact the complainant to request the list and addresses of the *dolphinaria* which were supposed not to comply with the legislation; (ii) contact CITES and ACCOBAMS Secretariats for their opinion, particularly regarding the issue of the permits and their maximum sustainable yield to ensure the long-term viability of the population.

The Secretariat obtained very quickly the list of *dolphinaria* by the complainant and forwarded it to both CITES and ACCOBAMS Secretariats.

In his reply, the Secretary General of CITES explained that the issue fall outside the competency and scope of the CITES as it reflects a domestic problem. The Animals Committee, in fact, is tasked with monitoring the reported international trade in CITES-listed species. Nonetheless, CITES stressed that the international trade in specimens of the Black Sea population of *Tursiops truncatus* has not raised any concerns from the Committee in terms of its significance or sustainability; and indeed, it appears that in recent years, no international trade in live *Tursiops truncatus ponticus* has taken place from Ukraine.

The Executive Secretary of the ACCOBAMS recalled Article II.1 of the ACCOBAMS, which states that Parties shall prohibit and take all necessary measures to eliminate, where this is not already done, any deliberate taking of cetaceans. In addition, she noted that the ACCOBAMS Parties adopted in 2002 the Resolution 1.12 on the Conservation of the Black Sea bottlenose dolphin. In the Resolution, the Parties are invited to make every effort to strictly enforce the prohibition of deliberate taking and keeping of the Black Sea *Tursiops truncatus*. They are also invited to ban importation, exportation and re-exportation of *Tursiops truncatus* from the ACCOBAMS area Range States and particularly Black Sea coastal countries.

On the conservation status of the Black Sea *Tursiops truncatus* population, she recalled that the species was listed as endangered in the ACCOBAMS-IUCN Red List. However, she further informed that, after contacting the Ukrainian ACCOBAMS Focal Point, Mr. Domashlinets, in order to get advice, her Secretariat received confirmation that the State Ecological Inspection of Ukraine has been deployed pursuant the complaint to the Bern Convention to investigate on the 6 *dolphinaria* mentioned, and that every *dolphinarium* was inspected to check if their activities were in line with conservation legislation. The administrations of *dolphinaria* had provided the documents of origin of dolphins. The inspection reported that no violations of rules for keeping dolphins in captivity are found.

Decision: Taking into account the information submitted by the CITES Convention and the Secretariat of the ACCOBAMS, as well as considering the report of the government of Ukraine as satisfactory, the Bureau decided to dismiss this complaint.

- **Wide scale culling of badgers to control bovine tuberculosis in cattle (UK)**

The Secretariat recalled that this complaint was submitted in January 2012 by the Human Society International/UK, denouncing a possible breach of the Convention following the announcement made by the UK government on plans to introduce wide scale culling of badgers (*Meles meles*) to control bovine tuberculosis (bTB) in cattle.

The complainant particularly considered that: (i) the UK Government did not properly assess possible alternative solutions to the problem of bTB; (ii) the non-detriment to the population cannot be determined; (iii) the eradication plan lacks a legitimate purpose.

In reply to this, UK authorities provided arguments for each of the points raised by the complainant and noted that, in order to limit the impact of the policy on badger populations, measures will be in place to ensure that some badgers remain in each control area and that culling is not detrimental to the survival of the badger population concerned.

In a later update, the complainant made reference to the Strategic Framework for Bovine TB Eradication in Wales, highlighting that a different interpretation of science and different solutions were identified in two neighbouring areas with the same problems. Furthermore, the complainant forwarded Natural England's advice to DEFRA relating to the culling which would put into question whether the plans will place the government in breach of its commitments under the Bern Convention.

In their reply, the UK authorities underscored that Natural England's advice was taken into account and that the policy was subjected to changes to address the points raised. Finally, the authorities stressed that DEFRA would commission independent monitoring that will assess annually badger activity in each licensed area so to ensure there is no local disappearance in any of these.

Taking into account the complexity of the complaint and the concerns raised, the Bureau decided to reconsider it at its next meeting as a complaint in stand-by and instructed the Secretariat to request an updated report to UK Government once the culling start.

The Secretariat further informed that, in letters of 8th June and 13th July the complainant provided updated information, in which he considered that culling operations may lead to local extinction of the species and requested the Bureau to ask United Kingdom authorities to delay the start of the culling of badgers until the Convention's bodies have deliberated on the matter.

Decision: The Bureau discussed carefully this complaint and noted again that the badger is listed in Appendix III to the Convention and thus does not benefit from the strongest protection. It took account of the arguments presented by UK government regarding the monitoring process which will accompany the cull and noted that UK has already committed to report on the cull under Article 9.2 of the Convention. From the information presented, it appeared that the policy adopted by UK government is within the obligation of UK under the Convention and should not cause a threat to the population if the monitoring is carried out properly. Therefore the Bureau decided that this complaint was to be dismissed and invited UK authorities to report on the cull under the biennial reports framework.

4.4 Other complaints

- **Steady decline in the national badger (*Meles meles*) population in Ireland**

The Secretariat informed that the Irish Wildlife Trust had lodged a complaint concerning culling of badgers in Ireland, which has reduced population densities. Furthermore, according to the complainant, the density of badgers in culled areas may oscillate between 0.2 and 0.5 badger per sq

km.

In response to the complaint, the government sent a report explaining that the capture of badgers was only planned in areas with serious outbreaks of TB in cattle, in around only 30 % of the total farmland of Ireland. Although badgers have gone down from around 95,000 in 2000 to around 70,000 at present, numbers are not expected to fall anymore. The policy is to keep population at safe low levels, far from causing the species to be threatened. Furthermore, the government informed that research on vaccines for badgers is on-going and trials are starting, which may hopefully provide appropriate alternative solutions to culling.

Decision: The Bureau noted that this complaint presents similarities with complaints already lodged in the past with regards to the badger culls in Contracting Parties. It noted that the densities in Ireland are still higher than in mainland Europe and that the species is not threatened nationally or locally. It further noted that the cull policy target very specific areas. It therefore decided to dismiss this complaint.

- Possible spread of the American mink (*Neovison vison*) in Poland

The Secretariat recalled that this complaint was submitted in May 2012 to denounce the non-inclusion of the American mink (*Mustela vison*) in the list of non-native plants and animals that might endanger native species and habitats.

In response to this complaint, the government informed that although the Ministry of Environment had proposed the species to be in the list, the Ministry of Agriculture opposed its inclusion as it considers the American mink as a farm animal that should not be affected by regulations such as prohibition of import or other controls on alien species. The Ministry further affirmed that the risk of escape relatively low, as there are no incidents reported so far.

The Secretariat concluded by noting that Article 11 paragraph 2 b) of the Convention commits states to strictly control the introduction of non-native species.

The delegate of Switzerland noted that apparently the species has not spread yet in Poland. However, he considered that inaction from Parties on such an important issue could eventually lead to a possible breach of the Convention.

The delegate of Iceland, supported by the Chair, noted that the risk of escape of the American Mink into the wild is quite high, since several European countries have already been confronted to this situation. The species is well known to be invasive and it affects some bird, fish, crustacean and mollusc species including threatened ones.

Decision: The Bureau decided to re-consider this complaint as a complaint in stand-by at its first meeting in 2013. It further instructed the Secretariat to contact Polish authorities for an updated report, better detailing the reasons why the species has not been listed as invasive alien, and informing on the occurrence of the species in the wild and on the measures in place to limit the risk of escape or eventually foreseen for its eradication. Finally, the Bureau asked the Group of Experts on Invasive Alien Species to examine the situation of the American mink in Contracting Parties.

- Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)

This complaint was lodged in May 2012 by the Ulupinar – Çıralı community, questioning the allocation of a land including 75% of Çıralı beach to “Orman Spor” – a football society - for the establishment of football grounds and recreation facilities. Çıralı beach is in fact among the 20 key marine turtle nesting areas in Turkey and has been designated as 1st Degree Natural Site, belonging to the National Park Olimpos-Beydaglari.

According to the complainants, the land was allocated to the sport society by the Ministry of

Forests, while the Ministry of Environment and Development delivered a permit to use the area as “C Class” excursion area”, i.e. allowing for the touristic exploitation of the site. The complainants highlighted that Orman Spor’s sponsor is in fact a tourism promoter.

In August 2012 the plaintiff informed that this complaint is also pending at national level, and that the 2nd Administrative Court of Antalya delivered its ruling, quashing the decision consisting in allocating to Orman Spor the land in question, but confirming the decision regarding the land uses and development of the area.

As a result, the complainants applied to a regional, higher, court which, in June 2012, quashed the array of the Antalya 2nd Administrative Court which has now to reconsider its position and emit a new judgment.

The Secretariat concluded by informing that Turkish authorities didn’t reply to the reporting request.

Decision: The Bureau strongly regretted the absence of an official report from Turkish authorities on such an important issue. It therefore decided to forward this complaint to the Standing Committee as a possible file and instructed the Secretariat to invite the national authorities to submit their report in due time.

- **Ski tourism developments in Stara Planina candidate Emerald site (Serbia)**

The Secretariat informed that this complaint was submitted in June by 11 NGOs from Serbia questioning ski tourism developments on the territory of the Stara Planina National Park, an officially nominated candidate Emerald site.

The complainants expressed great concern with regards to the compatibility of the Master Plan and Spatial Plan for Stara Planina NP with nature conservation principles, susceptible of having an impact on the *Ursus arctos* and *Lynx lynx* (down to the brink of extinction according to the NGOs); *Spermophilus citellus* (critically endangered due to lack of grazing in the highland areas); *Campanula calycialata* (threatened endemic species).

The government sent a report informing that soon after the complaint was lodged, the Ministry convened a meeting with the complaints, although only 4 out of the 11 NGOs had attended it. The Ministry reiterated its commitment towards the setting-up of the Emerald Network and confirmed that the concerned authorities are well aware the need to fully implement Recommendation No. 157 (2011) on the status of candidate Emerald sites.

The Ministry enumerated the relevant laws and regulations governing the Stara Planina NP and informed that the ski tourism developments are situated in zone II where alpine and cross-country ski trails and accompanying facilities are allowed.

Furthermore, the Institute for Nature Conservation in Serbia prepared 2 studies on the protection of the Stara Planina NP, which were the basis for the development of the Regulation on the Protection of the NP and for the decision regarding the necessary degree of protection in terms of use, development and improvement of the protected area.

The delegate of Serbia stressed that her authorities are ready to look further into possible adverse effects on wildlife and their habitats in the Stara Planina Mts, if needed, but stressed that – according to the EIA – there is no evidence of possible negative impact. She recalled that the Regulation on Ecological Networks in Serbia prescribes the review of the conservation status of priority species and habitats and the current boundaries of the Stara Planina NP. However, the mapping of the site has not been completed yet and its final boundaries have not been set.

Decision: The Bureau noted that this complaint is very much related with the issue of the management of protected areas. However, at the moment the Bureau considered the information submitted by the national authorities as satisfactory and therefore decided not to keep this complaint under scrutiny.

- **Management of the grey wolf (*Canis lupus*) in Ukraine**

The Secretariat recalled that this complaint was lodged in September 2011 by the Kyiv Ecological and Cultural Center denouncing the lack of regulation with regards to the shooting of the grey wolf in Ukraine, as well as the illegal trade of grey wolves' skins.

At the occasion of the first Bureau meeting in April 2012 the authorities of Ukraine provided an accurate report, informing about a comprehensive legislative framework, stable population trends since 2008, and a regulatory framework for hunting.

In their reply the authorities further recalled a similar complaint submitted in 2008 by the same complainant and on the same matter. The Bureau decided not to further explore the issue after considering the arguments presented by the Government as satisfactory.

However, the Secretariat received further letters from the Director of the Kyiv Environmental and Cultural Centre and a Polish NGO (*Pracownia na rzecz Wszystkich Istot*) rejecting the decision of the Bureau and insisting on the inadequate conservation status of the grey wolf population in the Ukraine, as well as on the dependence of the Polish population on the Ukrainian one.

The complainant requested that the Standing Committee analyses the issue and take actions in order to assure the complete implementation of the Bern Convention with regards to the gray wolf conservation.

Decision: The Bureau noted that the complainant didn't submit new information on inadequate conservation status and reiterated its decision to dismiss the complaint.

5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS

➤ **Recommendation No. 119 (2006) on the conservation of certain endangered species of amphibians and reptiles in Europe**

Following the endorsement by the Standing Committee of the European action plans for the conservation of the Italian agile frog (*Rana latastei*); the crested newt (*Triturus cristatus*); the meadow viper (*Vipera ursinii*); the Aesculapian snake (*Zamenis longissimus*); and the sand lizard (*Lacerta agilis*), Contracting parties were requested to draw up and implement their own national action plans on these species, as well as to co-operate as appropriate for their conservation and to keep the Standing Committee informed on the measures taken to implement the recommendation.

The Secretariat informed that only six Contracting Parties responded to the reporting request informing on the conservation of the species either by the national legislation or by their inclusion in the national Red Books. However, only few Parties have adopted specific action plans and started implemented target measures. As further confirmed by the report of the European Commission, much needs to be done as more than two-thirds of the amphibians species assessed by the EU Member States by biogeographical region (104) included in the Annexes of the Habitats Directive has an unfavourable conservation status. Furthermore, some 40% of the reptile species assessed presents an unfavourable conservation status, although the MS did not provide enough data to assess the conservation status of 63 of the 149 reptile species.

➤ **Recommendation No. 128 (2007) on the European Charter on Hunting and biodiversity**

Through this recommendation the Standing Committee invited Contracting parties to refer to the principles and guidelines included in the European Charter on Hunting and Biodiversity and apply its principles in the elaboration and implementation of their hunting policies so as to ensure that hunting is carried out in a sustainable way.

The Secretariat informed that given that only one Contracting Party reported on the follow-up to this recommendation, it was not possible to provide a meaningful assessment.

➤ **Recommendation No. 141 (2009) on potentially invasive alien plants being used as biofuel crops**

Through this recommendation the Standing Committee invited Contracting parties to take a number of specific measures, namely in order to avoid that species used as biofuel crops escape from cultivation and become invasive alien species, with negative effects on native biological diversity

The Secretariat informed that given that only one Contracting Party reported on the follow-up to this recommendation, it was not possible to provide a meaningful assessment.

6. STRATEGIC DEVELOPMENT OF THE CONVENTION

6.1 Implementation of CBD CoP-10 decisions

The Secretariat recalled that at its last meeting the Bureau welcomed document T-PVS/Inf (2012) 4, prepared at the request of the Standing Committee, and instructed the Secretariat to send it to Parties for comments. None was received.

The Bureau instructed the Secretariat to send the document to the CBD for wider dissemination.

6.2 Setting priorities for the Bern Convention

The Secretariat informed that, according to what decided at the last Standing Committee meeting, an independent expert has been tasked with the drafting of a document proposing priorities for the strategic development of the Convention. The first draft delivery was delayed and should be submitted to the Secretariat by the 5th of October in French language.

Decision: The Bureau instructed the Secretariat to ensure that the report is forwarded to the Bureau members as soon as its translation is finalised for approval before going to the Standing Committee for discussion.

6.3 Financing the Bern Convention

The Secretariat briefly summarised the conclusions of the meeting of the Advisory Group of Experts on Budget, attended by all members of the Bureau. The Advisory Group had instructed the Secretariat to circulate again document T-PVS (2012) 8 on “Financing the work of the Bern Convention” so to get the advise of Contracting Parties on the possible financing options. However, the Secretariat regretted to note that only on Party replied to the reporting request.

Decision: The Bureau welcomed the final text of document T-PVS (2012) 8 as amended by the Secretariat and regretted the lack of contributions by Parties on this important issue. The Bureau further invited Parties to prepare a clear position on this issue in view of the forthcoming Standing Committee meeting.

6.4 Improving the case-files system by proposing mediation

[T-PVS (2012) 3 – Improving the Case-File System of the Bern Convention]

The Secretariat recalled that the Standing Committee gave its support to the idea of complementing the case-file system with a mediation procedure, and instructed the Secretariat to modify the document to take into account the suggestions made by the delegates. The Secretariat further presented the revised document, highlighting the changes made.

Decision: The Bureau agreed to forward the document to the Standing Committee for discussion and instructed the Secretariat to send an electronic request for additional comments to the Bern Convention's delegates.

7. 32ND STANDING COMMITTEE MEETING

7.1 Draft Agenda

The Bureau examined and amended the draft agenda of the 32nd meeting of the Standing Committee as tabled by the Secretariat, and approved it.

7.2 Draft Programme of Activities 2013

The Secretariat presented the Draft Programme of Activities for 2013 recalling that a preliminary PoA and budget were already validated at last Standing Committee meeting, in the framework of the new biennial programming cycle.

The Secretariat informed that the PoA presented this year has been slightly amended to reprioritise activities. The Secretariat further presented the main differences between the version validated last year and the current one.

The Bureau examined the draft PoA for 2013 and made some minor amendments before approving it.

8. ANY OTHER BUSINESS

The Secretariat informed that MEDASSET submitted an updated report regarding the application by Turkey of Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey.

Although in 2011 some valuable steps were made to protect the loggerhead nesting areas at the Fethiye SPA, the NGO is concerned by the fact that several of these measures were not sustained in 2012. Additionally, one new beachfront hotel has been built, destroying the last section of the remaining wetland; one new wooden hut and a concrete patio have been installed directly onto the nesting beach, while Recommendation No. 66 specifically states that remaining unbuilt beach plots should be secured against development.

The NGO requests that the implementation of Recommendation No. 66 be kept under scrutiny by the Standing Committee at its 32nd meeting.

The Bureau decided to include the follow-up of this Recommendation on next Standing Committee meeting agenda.

Appendix 1**Bureau meeting**

Strasbourg, 17 September 2012
(Room 17, opening: 9:30 am)

DRAFT AGENDA**1. ADOPTION OF THE AGENDA**

[Draft agenda]

2. IMPLEMENTATION OF THE 2012 PROGRAMME OF ACTIVITIES

[T-PVS (2011) 12 – Programme of Activities]

[T-PVS/Notes (2012) 5– Note from the Secretariat]

[T-PVS/Inf(2012)03a - Summary tables of reporting under the Bern Convention]

[T-PVS/Inf (2012) 12 - Draft Charter on the gathering of Fungi and biodiversity]

2.1 Implementation of the Bern Convention in Switzerland

[T-PVS/Inf (2011) 29 – Expert’s report on the implementation of the Convention in Switzerland]

2.2 Protected Areas

- Update on the setting-up the Emerald Network and meeting of the Group of Experts on Protected Areas and Ecological Networks

[T-PVS/PA (2012) 13 – Compilation of national reports]

[T-PVS/PA (2012) 1 – Draft agenda of the 4th meeting of the Group of Experts]

- Short update on the European Diploma of Protected Areas

[T-PVS/DE (2012) 13 – Adopted Resolutions]

2.3 Group of Experts on Large Carnivores: meeting report

[T-PVS (2012) 7 – Meeting report]

2.4 Meeting of the Group of Experts on Climate Change: state of preparation

[T-PVS/Inf (2012) 8 - Compilation of national reports]

[T-PVS/Inf (2012) 11 - Analysis of implementation by the Contracting Parties of the recommendations on climate change]

3. INSTITUTIONAL ASPECTS**3.1 Request of amendment of article 22 of the Bern Convention by Switzerland**

[T-PVS (2012) 4 – Switzerland - Request of amendment of article 22]

4. IMPLEMENTATION OF THE CONVENTION: FILES

[T-PVS/Notes (2012) 3rev – Summary of case files and complaints]

[T-PVS/Inf (2012) 2 – Register of Bern Convention’s case-files]

4.1 Specific Sites - Files open

- Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)

[T-PVS/Files (2012) 7 – Government report]

[T-PVS/Files (2012) 7a – Addendum to the Government report]

[T-PVS/Files (2012) 1 – EU report]

- Cyprus: Akamas peninsula
[T-PVS/Files (2012) 1 – EU report]
- Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica
[T-PVS/Files (2012) 40 – Government report]
[T-PVS/Files (2012) 16 – NGO report]
[T-PVS/Files (2012) 1 – EU report]
- France: Habitats for the survival of the common hamster (*Cricetus cricetus*) in Alsace
[T-PVS/Files (2012) 1 – EU report]
- Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)
[T-PVS/Files (2012) 13 – Government report]

4.2 Possible files

- France: Protection of the European Green Toad (*Bufo viridis*) in Alsace
[T-PVS/Files (2012) 1 – EU report]
- Greece: threats to marine turtles in Thines Kiparissias
[T-PVS/Files (2012) 18 – Government report]
[T-PVS/Files (2012) 25 – NGO report + Addendum]

4.3 Complaints in stand-by

- Morocco: Ecological impacts of a tourism centre in Saïdia
[T-PVS/Files (2012) 32 – NGO report]
- Ukraine: threats to natural habitats and species in Dniester River Delta
[T-PVS/Files (2012) 17 – Government report]
- Threat to the Brown Bear in Croatia
[T-PVS/Files (2012) 26 – Government report]
[T-PVS/Files (2012) 10 – NGO report]
- Threat to the Bottlenose Dolphin (*Tursiops truncatus*) in Ukraine
[T-PVS/Files (2012) 19 – Government report]
[T-PVS/Files (2012) 8 – NGO report]
- Wide scale culling of badgers to control bovine tuberculosis in cattle (UK)
[T-PVS/Files (2012) 24 – Government report]
[T-PVS/Files (2012) 11 – NGO report]

4.4 Other complaints

- Steady decline of the national badger (*Meles meles*) population in Ireland
[T-PVS/Files (2012) 33 – Government report]
[T-PVS/Files (2012) 34 – NGO report]
- Possible spread of the American mink (*Neovison vison*) in Poland
[T-PVS/Files (2012) 38 – Government report]
[T-PVS/Files (2012) 35 – NGO report]
- Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)
[T-PVS/Files (2012) 28 – NGO report]
- Ski tourism developments in Stara Planina candidate Emerald site (Serbia)
[T-PVS/Files (2012) 36 – Government report]
[T-PVS/Files (2012) 39 – NGO report]
- Management of the wolf (*Canis lupus*) in Ukraine
[T-PVS/Files (2012) 12 – Government report]
[T-PVS/Files (2012) 31 – NGO report Poland]
[T-PVS/Files (2012) 9 – NGO report Ukraine]
- (Presumed illegal killing of birds in Malta)
- [Ecological impact of the town Planning in Lunay (France)]

5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS

- Recommendation No. 119 (2006) on the conservation of certain endangered species of amphibians and reptiles in Europe
[T-PVS/Files (2012) 37 – Government reports]
- Recommendation No. 128 (2007) on the European Charter on Hunting and biodiversity
[T-PVS/Files (2012) 29 – Government reports]
- Recommendation No. 141 (2009) on potentially invasive alien plants being used as biofuel crops
[T-PVS/Files (2012) 30 – Government reports]
- Recommendation No. 151 (2010) on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France
[T-PVS/Files (2012) 20 – Government report]

6. STRATEGIC DEVELOPMENT OF THE CONVENTION

6.1 Implementation of CBD CoP-10 decisions

[T-PVS/Inf (2012) 4 – Implementation of CoP-10 decisions]

6.2 Setting priorities for the Bern Convention

6.3 Financing the Bern Convention

*[T-PVS (2012) 5 – Report of the meeting of the Advisory Group of Experts on Budget]
T -PVS (2012) 8 – Financing the work of the Bern Convention]*

7. 32ND STANDING COMMITTEE MEETING

7.1 Draft Agenda

[T -PVS (2012) 1 – Draft Agenda]

7.2 Draft Programme of Activities 2013

[T -PVS (2012) 12 – Draft Programme of Activities]

8. ANY OTHER BUSINESS

Appendix 2

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