

Strasbourg, 2 October 2014  
[tpvs12e\_2014.docx]

T-PVS (2014) 12

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

34<sup>th</sup> meeting  
Strasbourg, 2-5 December 2014

---

**Meeting of the Bureau**

Strasbourg, 10 September 2014

**MEETING REPORT**

*Secretariat Memorandum  
prepared by  
the Directorate of Democratic Governance*

## 1. ADOPTION OF THE AGENDA

The meeting was opened on 10 September 2014 by the Chair of the Standing Committee to the Convention, Mr Jan Plesnik. The Chair welcomed the Bureau members and the Secretariat, and noted the hard work behind the implementation of a once more ambitious Programme of Activities. This was also reflected in the draft Agenda of the Bureau meeting which, as always in September, appeared to be particularly heavy for a one-day meeting. Noting that the second Bureau meeting is particularly important as it prepares the Standing Committee meeting, the Chair expressed confidence in the capacity of Bureau members to deal with all the items present on the draft Agenda with the maximum efficiency, but suggested to hold a discussion under agenda item 7.2 (Draft Programme of Activities) on the possibility of bringing the duration of the second Bureau meeting from one day to one and a half day.

The draft Agenda was adopted without amendments (see appendix 1).

## 2. IMPLEMENTATION OF THE BERN CONVENTION IN GREECE

The Secretariat recalled that at last Bureau meeting, during the discussions on complaint No. 2010/5 concerning the situation of marine turtles in Thines Kiparissias, some Bureau members raised a more general issue related to the lack of comprehensive information on the legal and administrative framework put in place by Greece on nature conservation in general and, more concretely, for the implementation of the Bern Convention. Therefore the Bureau considered that it would be useful to produce a study on the implementation of the Convention in Greece, as it has been done in the past for other Parties.

In compliance with the decision of the Bureau, and after a selection procedure, the Secretariat entrusted the independent report to a Cypriot law firm, “Yiota Miltiadou & Associates LLC”. Unfortunately, the report which was submitted to the Secretariat within the given deadline didn’t meet the quality standards set by the Council of Europe. The report was therefore not sent to Greek authorities for comments, as the law firm was requested to restart the work, bearing in mind both the terms of reference given as well as the provisions included in the contract.

The Secretariat committed to keep the Bureau members informed of any relevant development.

The Bureau regretted to learn about this unexpected circumstance but thanked the Secretariat for having carefully scrutinised the work delivered by the consultant before accepting the document produced.

**DECISION:** The Bureau instructed the Secretariat to ensure that the Consultant delivers the final report within a reasonable deadline and, depending on the quality of the delivery, to decide on the follow-up to be given to both the contract and the report.

## 3. IMPLEMENTATION OF THE 2014 PROGRAMME OF ACTIVITIES

*[Note for the Bureau]  
[T-PVS/Inf (2014) 6 – Summary table of reporting]  
[T-PVS (2014) 2 - Report of the 1<sup>st</sup> meeting of the Bureau]*

The Secretariat introduced this agenda item by presenting the main activities carried out for the implementation of the Convention’s Programme of work since the last Bureau meeting, as well as those foreseen until the next Standing Committee meeting. More particularly, the Secretariat informed on the conferences and other events attended by the Secretariat, including a coordination meeting with EPPO in preparation of joint activities for the period 2015-2016, and the participation of a representative of the Secretariat in the 2<sup>nd</sup> annual meeting of ENPI East regional projects on environment, water and climate change, organised by the EU DG DEVCO.

Furthermore, the Secretariat informed that a financial contribution was granted to the National State Nature Conservancy of the Slovak Republic for the implementation of several awareness-raising activities, in support of the work to be carried out at national level to comply with the conditions and recommendations attached to the renewal of the European Diploma for Protected Areas awarded to the

Poloniny National Park. According to the terms of the contract the funding should exclusively be used for awareness-raising on the European Diploma for Protected Areas and events aimed at discussing ways of overcoming the main challenges with respect to the economic use of the area (namely consisting in five stakeholders' meetings, two experts' consultation meetings and two training/field trips), as well as the editing and publication of promotional materials. The authorities should transmit to the Council of Europe, not later than 30<sup>th</sup> November 2014, a report on the use made of the funding and a statement of the payments made for the activities.

The Convention also supported the organisation of the International Marine Turtle conservation training, held in Cyprus, on 16-26 July 2014.

Further work concerned the preparation of the 5<sup>th</sup> Mediterranean Conference on Sea Turtles, to be organised in Turkey, in April 2015, to which the Convention is contributing with inputs to the draft agenda and background documents and communications.

On large carnivores the Secretariat informed about the preparation, in cooperation with the WWF, of a technical workshop on the "Conservation of the Leopard in the Caucasus", scheduled to take place on 9<sup>th</sup> -10<sup>th</sup> October 2014 in Tbilisi, Georgia. This will be the first of a series of workshops aimed at identifying gaps in existing monitoring systems, proposing standards for harmonised monitoring, assessing research needs and gaps, and deliver, in 2015, appropriate recommendations and guidance on the threatened felid species.

Moreover, the Secretariat informed that some contracts have been already concluded for the preparation of draft documents to be examined in 2015. These concern Invasive Alien Species and address the impact of feral ungulates in Mediterranean and Macaronesian islands, and the topic of plantation forestry and IAS.

Regarding protected areas, the Secretariat informed that the Convention has been allocated a slot in one of the panels' debate organised for the upcoming IUCN World Park Congress (12-19 November 2014, Sydney). The presentation will concern the Emerald Network's contribution to the achievement of the global targets on protected areas. The Secretariat also acknowledged the in-kind contribution of Italy, which offered to bear the costs of the printing and publishing of the European Guidelines on Protected Areas and IAS. The latter will be presented by the author at the Congress as well.

In addition, the Secretariat listed the Communications issued by the Convention to the press to mark special events (e.g. the International Wildlife Day, the International Day for Biological Diversity, or the Award of the European Diploma for Protected Areas to Desertas Nature Reserve in Portugal) and informed that Ms Ivana d'Alessandro, Head of the Biodiversity Unit and Secretary of the Convention, has been appointed as Member of the International Jury of the Renewables Grid Initiative "Good Practice of the Year" award. This nomination will be an additional occasion for giving visibility to the work carried out under the Bern Convention.

Finally, the Secretariat wished to raise a number of issues which had an impact on the efficiency of the work in 2014 and namely: the late submission of reports by Parties, the low level of reporting response, and the continuous increase in the number of complaints, particularly those regarding the badger. Moreover, the Secretariat noted that most of the meetings of the Groups of Experts have been organised in Strasbourg, at the Council of Europe's premises, while it could be good to invite Parties to ensure the hosting of these gatherings as a way to encourage higher attendance. In this respect, the Secretariat also stressed that reducing the length of meetings from two days to one day in order to make savings has not proved to be an efficient strategy. In fact, in terms of savings, the economies realised have not been important (they concerned *per diem* only, not the trips), and in terms of attendance the short duration of the meetings had a negative impact on the participation of Parties.

Ms Jana Durkošová wished to thank the Secretariat and the Standing Committee for the financial contribution granted to the authorities of the Poloniny National Park as this will be very helpful for addressing some of the most urgent pending issues. She further agreed that it is often difficult for delegates to afford a long trip abroad for just a one day meeting and she expressed her support to the proposal of foreseeing two-day meetings.

The Chair supported the views expressed and further informed on two events he personally attended in his capacity of Chair of the Standing Committee. These were the Conference “Plants for people, People for Plants”, held on 21 -25 May 2014 on Crete, Greece, and a meeting organised under the IPBES on the regional and sub-regional ecosystem assessments (17-22 August 2014, Paris, France). Regarding the latter, the Chair explained that the task of the IPBES working group is to deliver to UN General Assembly and to other biodiversity related Conventions the report on the ecosystem assessment in the pan-European area. He was pleased to inform that the Bern Convention figures among the partners in this task.

### **3.1 Short update on the European Diploma for Protected Areas**

*[T-PVS/DE (2014) 6 - Draft Resolutions]*

The Secretariat informed that the report of the meeting of the Group of Specialists on European Diploma for Protected Areas (EDPA), held in Strasbourg on 24 March 2014, was now available online.

Moreover, the Committee of Ministers of the Council of Europe officially adopted in July 2014 the Resolution on the award of the European Diploma for Protected Areas to the Desertas Nature Reserve, on Madeira Island (Portugal). The awarding ceremony took place on 4<sup>th</sup> September 2014 and had an important media outreach. Mr Fernandez Galiano, Head of the Democratic Initiatives Department, attended the ceremony and confirmed the excellent results achieved by the authorities with the establishment, 25 years ago, of the national park, at the instigation of the Council of Europe.

The Committee of Ministers also adopted the new Model Plan for annual reports, with a focus on the implementation of the conditions and recommendations attached to the award or the renewal of the Diploma. Besides, the Secretariat informed that the discussion foreseen on the Committee of Ministers’ agenda regarding the possible award of the European Diploma to Karadag Reserve (Ukraine) was postponed to a further meeting. The item has not been re-scheduled yet.

Besides, the Secretariat reported on the on-the-spot appraisal to the De Weerribben - De Wieden Nature Reserve in the Netherlands, carried out in June 2014 in the frame of to the possible renewal of the EDPA to the area. The Secretariat informed on two other on-the-spot appraisals planned for the end of September, concerning: i) the Vashlovani Protected Areas in Georgia, following its application for the EDPA; ii) the Podyji National Park (Czech Republic) and the bordering Thayatal National Park (Austria) where an exceptional appraisal was agreed in order to assess some issues critical for the areas, including the river ecology and water management, fisheries’ management, and the development of wind power projects.

Finally, the Secretariat provided an update on the preparation of the 50<sup>th</sup> anniversary of the Diploma. Two major events will be organised, one at the Council of Europe headquarters, on 13 March 2015 (date to be confirmed), and a second one on 20-22 May 2015, hosted by Italian authorities, at the Regional Park of Migliarino, San Rossore and Massaciuccoli. The celebratory event at the Council of Europe will have a more political character and count with the presence of high level personalities paying tribute to the EDPA. The form of the event to be held in Italy has been under negotiations but will probably also include some practical workshop on the future EDPA development. The Secretariat concluded by informing that the preparation of promotional material is ongoing; the cooperation of the managers of the Diploma holding areas will be much appreciated, particularly for providing the images which will illustrate the different visibility supports (brochures, posters, informative factsheets, etc.).

The Chair thanked the Secretariat for the presentation. He further informed that the windfarm project planned in the Podyjí/Thayatal River Valley had been finally dropped by the Austrian authorities, probably also thank to the attention raised on the issue by the Bern Convention.

### **3.2 Setting-up of the Emerald Network: progress in the establishment of the Network and short update on forthcoming meetings**

*[T-PVS/PA (2014) 5 – First interim report on the implementation of the EU/CoE Joint Project “Emerald Network Phase II”]  
[T-PVS/PA (2014) 1 – Draft Agenda of the 6th meeting of the Group of Experts on Protected Areas and Ecological Networks]*

The Secretariat informed on several events and activities carried out since the last Bureau meeting in support of the setting-up of the Emerald Network. The first progress report was prepared on the interim achievements of the European Union/Council of Europe Joint Programme on the Emerald Network establishment in seven target countries from Eastern European and the South Caucasus (October 2012 – February 2014). In spring 2014, seven national seminars were organised in each target country, aiming at confronting the national authorities and scientific teams with the result of their work on the identification of Emerald sites on their territories, compared with Emerald or Natura 2000 sites in neighbouring countries. The need for identifying additional new sites before the beginning of the biogeographical evaluation of their proposals in 2015 was underlined again.

A dedicated meeting for regional authorities was also organised in Saint Petersburg, in May 2014. The main objective was to raise awareness among regional authorities about the Emerald Network, its objectives and the potential benefits of its implementation. The support of the regional authorities is considered as key for the Russian Federation, in particular in ensuring the preparation, in a reasonable way, of a comprehensive, well-connected, well-functioning and representative network of Emerald sites in the country.

Among the future events which will take place before the end of 2014, the Secretariat highlighted an Emerald Network Seminar in Rabat, Morocco on 30 October 2014. The objective of the event is to re-launch the Emerald process in the country, by informing the national authorities and the Emerald experts on the recent developments in the Network’s setting-up procedure and methodology, as well as to ensure the country’s commitment towards the establishment of the Network in the years to come.

In addition, two preparatory Emerald biogeographical seminars will take place in the frame of the Joint Programme, one in Tbilisi for the three South Caucasus countries on 23-24 October 2014 and one in Chisinau for Belarus, Republic of Moldova, Ukraine and the Russian Federation on 6-7 November 2014. Both events will gather representatives of national authorities and NGOs from the targeted countries and international experts and will aim at presenting and testing the methodology of the Emerald biogeographical evaluation process, using a simulation exercise for the species and habitats to be protected by the Emerald Network.

The Secretariat reminded that a series of biogeographical evaluations are planned for 2015 and 2016 for the seven countries targeted by the Joint Programme. The active moderation of the Chair during these biogeographical seminars has proved to be fundamental in the experience of the three last seminars, attended and moderated by Mr Jan Plesnik in his capacity of Chair of the Standing Committee. In 2015-2016, six Emerald biogeographical seminars will take place and the active presence of the new Chair (or at least of a Bureau member) will be most appreciated.

The Secretariat further informed about the various cooperation activities carried out with other institutions and organisations. The Secretariat was pleased to inform that, in the current process of revision of its Memoranda of Cooperation, the European Environment Agency mentioned the one signed with the Council of Europe as the best example of well-functioning agreement. In its frame, the EEA and its European Topic Centre on Biological Diversity (ETC/BD) provided vital support to the Emerald Network throughout 2014, in particular regarding the revision of the threatened habitats and species’ lists for the Emerald Network and the maintenance of the species and habitats lists and databases. In 2014, the EEA also contributed to the development of the new software for the Emerald Network, based on the recently launched Natura 2000 software. Thus, the common software is currently available for both the Natura 2000 and the Emerald ecological networks, and it will be presented for the first time to the end-users at the 6<sup>th</sup> meeting of the Group of Experts on Protected Areas and Ecological Networks, on 11 and 12 September 2014.

The Bureau was also informed that the Secretariat attended the Natura 2000 progress meeting, gathering annually the European Commission and the EEA and its ETC/BD. Attending this type of

meetings proved to be particularly useful for sharing, with colleagues in DG ENV, information on the state of play of the work and on the new initiatives. A meeting is also scheduled to take place on 12 September 2014 with a representative of the EUROPARC Federation, for discussing areas for future cooperation, such as the European Diploma for Protected Areas and the Emerald Network, as well as the joint awareness-raising and communication activities.

The Secretariat concluded by presenting the agenda of the forthcoming meeting of the Group of Experts on Protected Areas and Ecological Networks. One of the main issues to be debated at the meeting of the Group is the interpretation of the sign # marking certain species from Resolution No. 6 (1998). A full report of the work of this Group will be presented to the Standing Committee meeting in December 2014.

The Bureau welcomed the progress in the setting-up of the Emerald network and thanked the Secretariat, scientists, managers, decision makers and other stakeholders involved into the process in particular countries, as well as the institutional partners of the Convention for their essential contribution to the activities linked to the Emerald Network setting-up process.

### **3.3 Outcomes of the meeting of the Select Group of Experts on Illegal killing, trapping and trade of wild birds: report of the meeting and state of progress**

*[T-PVS (2014) 3 – Meeting report]*

The Secretariat informed about the meeting of the Select Group of Experts on illegal killing, trapping and trade of wild birds, organised in Strasbourg on 19<sup>th</sup> May 2014, in the framework of the implementation of the Tunis Action Plan 2013-2020.

The meeting targeted the Special Focal Points (SFP) for illegal killing of birds, appointed by Parties in reply to a request addressed by the Secretariat in February 2014: the SFP had to be selected among the most suitable interlocutors and experts for each of the specific issues related to wild-bird crimes. As specified in Recommendation No. 164 (2013) on the implementation of the Tunis Action Plan, the SFP should improve synergies at the national and international level among all relevant bodies, ensure information flow, spread and take benefit from best practices, and report to Standing Committee.

The Secretariat informed that 18 SFP had already been appointed by the time of the meeting and that in September 2014 the number raised to 23.

The objectives of the meeting were to proceed to a step-by-step analysis of the Tunis Action Plan and its work-plans for 2014-2015 so to identify the responsible bodies for the implementation of the activities to be launched or completed within that deadline; to set procedures and specific methodologies where needed; to set timeframe and milestones for the evaluation of progress; to identify activities needing co-operation of multiple stakeholders and extra-funds; to decide on monitoring and follow-up. The participation of Parties was rather low, due to unforeseen circumstances which led four Parties to cancel their participation just a day before the meeting.

According to the Tunis Action Plan, the Select Group should have delivered for the Standing Committee two draft recommendations, one on the criteria for setting-up national wildlife crime priorities, and the other on the Lists of Gravity factors (i.e. those factors which the prosecutors and the judiciary should take into consideration when evaluating the seriousness of the committed offence). The Secretariat requested Parties to reply to two questionnaires, one for each topic. However, the reporting rate has been poor, with only 10 countries reporting back. The Special Focal Points were however able to analyse the replies already received and the outcome of the assessment was that, while there is a certain homogeneity of practices between Parties regarding the criteria for setting-up national priorities, the work aimed at listing the gravity factors will certainly be more complicated. In fact, the criteria used for identifying the gravity factors at the national level vary very much from countries which have a specific environmental legislative framework and those which apply criminal law to environmental offences. The Group decided that more time should be devoted to the analysis of environmental vs criminal legislation in contracting Parties.

The Select Group of Experts addressed a series of requests to the Standing Committee (detailed in the meeting report), among which: a call to other relevant stakeholders committed in activities towards eradicating illegal killing of birds to refer to the list of Special Focal Points for cooperation and information sharing needs; the continuation of efforts aimed at enhancing inter-sectoral cooperation at the national level and involving all relevant Ministries, particularly the Ministries of the Environment, Agriculture, Interior or Home Affairs, Justice and Education; the possibility of having a second meeting of the Network of Special Focal Points in the first three months of 2015, in order to prepare the second year of implementation of the Tunis Action Plan.

In terms of commitments, the SFP requested the Secretariat to provide a number of documents, namely: two methodology documents including check-lists to guide the Parties in the process towards the setting up of national policing/investigation priorities as well as identifying the “black-spots” where illegal activities at national level are particularly persisting and causing greater negative impact on the conservation of the affected species. Some guidance on disseminating the national lists and making the best use of them in view of enhancing coordination will also be attached.

Moreover, the preparation of a short report identifying the different illegal activities/methods undermining the conservation of the species and enforcement efforts has been entrusted to BirdLife International. The SFP are in charge of peer-reviewing the documents produced before their submission to the Standing Committee.

The Secretariat concluded by noting the good dynamic initiated through the first meeting of the SFP, which has become a real network. Moreover, the meeting was a good opportunity for taking stock of the on-going or planned activities at the level of the main organisations working in this field, as well as for networking. Finally, the meeting emphasised on the countries’ needs and clarified the work ahead on the short term.

Mr Øystein Størkersen requested the Secretariat to ensure that the SFP are appointed among officers in charge of enforcement. Ms Jana Durkošová praised the leading action of the Bern Convention for addressing wild-birds crimes across the continent and in neighbouring areas, and welcomed the permanent focus on these issues. Ms Hasmik Ghalachyan recalled that Armenia has not yet appointed a SFP but that it will do so on time for the next meeting of the Select Group of Experts.

The Chair concluded by noting that this is a crucial and at the same time comprehensive activity, with an interdisciplinary dimension, addressing both social and cultural factors, biological aspects, law enforcement and other legal issues. He expressed the wish that the inter-sectoral work that the Parties will have to do for the implementation of the Tunis Action Plan will work as a driver for improving the visibility of biodiversity conservation and sustainable use policies in general.

### **3.4 Outcomes of the meeting of the Group of Experts on Biodiversity and Climate change**

*[T-PVS (2014) 4 – Meeting report]*

*[T-PVS/Inf (2014) 12 – Summary overview of the work carried out by the Group of Experts]*

The Secretariat informed on the outcomes of the 8<sup>th</sup> meeting of the Group of Experts on Biodiversity and Climate Change, held in Strasbourg on 19<sup>th</sup> June 2014.

The Secretariat recalled the main conclusions of document [T-PVS/Inf\(2014\)12](#) providing an overview of the work carried out by the Group of Experts since its establishment. In its 8 years of existence, the Group of Experts has addressed all the topics included in the adopted work-plan, and went beyond by addressing additional issues like for instance the links between climate change and human rights. In doing so, the Group acted in full accordance with its mandate, promoting international coordination and cooperation with other Council of Europe bodies. The technical documents and guidance produced by the Group have been several times used by other bodies and their scientific value is unanimously recognised also outside the Convention. However, at the level of the results, still much remains to be done, as showed by the monitoring of implementation of the recommendations carried out in 2012. Implementation from Parties is lacking, and this may be one of the reasons behind a constant decrease in Parties’ attendance to the meetings of the Group (only 5 Parties represented this year) despite a once more high level panel of speakers. Among the main gaps

in the implementation there are also some primary actions like incorporating climate change concerns into biodiversity policies, and mainstreaming biodiversity into CC adaptation strategies.

The Group of Experts held a frank and constructive brainstorming on the opportunity of maintaining the Group. The main considerations in favour of continuing climate change activities under the Bern Convention were: keeping the focus on biodiversity, which is a peculiarity of the Group compared to others; continue making pressure for the implementation of the recommendations (monitoring) and encourage Parties to act; the possibility of setting new or updated standards, including by scientifically assessing new topics; setting up a common framework for monitoring the impact of climate change in Contracting Parties; investigating the resilience of the species and other taxa protected under the Bern Convention; promoting activities on managing climate change in protected areas, including by assessing the landscape variables. Another issue that might worth to address is “effective communication on climate change challenges”.

The representative of the CMS also recalled that a new draft work-plan on climate change will be discussed at the next CMS CoP and that, in case this is adopted, the Bern Convention could play a key role in complementing or contributing to CMS activities on this topic.

In conclusion, the Group of Experts asked to continue the work, on a renewed work-plan which should be drafted by voluntary Parties.

The Secretariat, however, pointed out that none of the Parties has invited to host the meetings of the Group outside Strasbourg since 2009, and that the attendance has been in constant decrease. Poor reporting rates, although this is a problem common to all Groups of Experts, in and outside the Convention, make it impossible for the Secretariat to prepare sound analysis and feedback on the Parties’ need. The Secretariat therefore suggested that the Standing Committee holds a discussion on the Parties’ expectations from the Group of Experts, as well as on their needs in terms of support, assistance and guidance on biodiversity and climate change related issues. The Standing Committee will be also asked to confirm, where appropriate, the Parties’ commitment and support to the future work of the Group of Experts.

Mr Øystein Størkersen, supported by Ms Jana Durkošová, recalled that the Group of Experts on Biodiversity and Climate Change meets every two years, and that this would leave enough time for identifying new topics to be addressed and for elaborating a new work-plan, provided that the Parties commit to work in this sense.

The Chair supported the views of the Secretariat, and recognised that the Parties have always been supportive of the activities of the Group of Experts, recognising the high quality of the documents produced and acknowledging the participation of important speakers. However, it is true that the attendance of Parties to the meetings of the Group is poor and a good way forward to address this issue will be to have a focussed discussion at next Standing Committee meeting.

#### **4. IMPLEMENTATION OF THE CONVENTION: FILES**

*[T-PVS Notes (2014) 2 – Summary of case files and complaints]*

*[T-PVS/Inf (2014) 2 – Register of Bern Convention’s case-files]*

***(Note: a detailed summary of each case-file is available in document TPVS/Notes (2014) 2 – Summary of Case files for Bureau meetings)***

Before introducing the complaints, the Secretariat reminded that only the case-files with an “Open” or “Possible file” status will be submitted to the Standing Committee for follow-up. The case-files which the Bureau will put or maintain “On stand-by” will be re-examined at the next Bureau meeting, in 2015.

#### **4.1 Presumed breach of the Convention in relation to European badgers: explanatory note from the Secretariat**

*[T-PVS/Files (2014) 38 – Explanatory note]*

The Secretariat recalled that at last meeting the Bureau discussed the problems raised by the continuous increase of complaints submitted on the European badger (*Meles meles*) particularly, although not exclusively, in the UK. Most of these complaints present common points and often evoke



animal welfare concerns, though these fall out of the scope of the Bern Convention. Two new complaints have been submitted since the last Bureau meeting, concerning the U.K., focussing on the lack of updated census as well as the presumed damages to the habitats caused by the possible local extinction of the badgers due to culling policies. At its last meeting, the Bureau recalled that badgers are included in Appendix III to the Convention, and that therefore they benefit from a less strict degree of protection than the species listed in Annexes I and II. In addition, the European badger is a very common species, classified by the IUCN as Least Concern, and present in at least 36 Contracting Parties. The Bureau noted that there might be a misunderstanding from complainants on the protection mechanism granted to species by the Convention in general, and more particularly to species listed under Appendix III. It therefore instructed the Secretariat to prepare for the next Bureau meeting a short, general guidance document on the admissibility of complaints regarding the European badger under the Convention, and the conditions which may lead to a presumed breach of the Treaty.

The Secretariat briefly presented the document and informed that the U.K. government had sent some minor comments, mainly concerning the style and form.

The Bureau thanked the Secretariat for the clear analysis included in the document, and accepted most of the comments put forward by the UK. Besides, during the discussion, some Bureau members stressed that the considerations included in the guidance document apply to all species listed in Appendix III and suggested that the title is changed so to reflect a more general approach. The guidance document will be published on the Convention's website, next to the on-line complaint form, so to inform possible complainants on the conditions to be met for getting their case assessed by the Bureau.

Concerning the badger more concretely, several Bureau members regretted the increasing burden represented by complaints regarding most often regulated and monitored culling policies. Moreover, these policies intervene at the very local level, on a common species, which displays a good conservation status. The Bureau members highlighted that the Convention's primary aim is to ensure the conservation of a common European natural heritage, giving priorities to the threatened and migratory species.

**DECISION:** The Bureau decided to ask the Standing Committee to have a short discussion on the pending complaints related to the badgers with the aim of taking a common and final position on how to deal with them in the future.

## 4.2 Specific Sites - Files open

### ➤ **2004/1: Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)**

*[T-PVS/Inf (2014) 14 – Note on the possible follow-up of the Bystroe case-file]*  
*[T-PVS/Notes (2014) 3 – Non-Paper by the Romanian authorities on the possible follow-up of the Bystroe case-file]*

At its last meeting the Bureau instructed the Secretariat to prepare a short note about how the Convention has in the past dealt with similar case-files, and possible scenarios for handling the present one at the next Standing Committee meeting. The Bureau would then analyse the note and prepare a draft decision to be submitted to the delegates of the Bern Convention at the 34<sup>th</sup> meeting of the Standing Committee.

The Secretariat summarised the content of the note [document [T-PVS/Inf \(2014\) 14](#)], which reminds the rationale of the case-file system, the historical background which led to its adoption, and the main rules, including the procedure for closing files. Moreover, the note analyses the dynamic of the Zakynthos case as well as the decision taken by the Standing Committee on that occasion, and includes a summary of the decisions taken by the Standing Committee on the Bystroe estuary complaint in the ten years it has been assessing the case.

The Secretariat recalled that only on two occasions the Standing Committee closed a file without finding a real solution to the issues at stake; this happened in the Santoña Marshes (Spain) and in the Laganas Bay (better known as the Zakynthos, Greece) case-files respectively.

In the Santoña Marshes complaint, the Committee closed the file after only two years, officially because the country was referred to the European Court of Justice (ECJ).

In the Laganas Bay complaint, the Committee evoked several considerations: the credibility of the Convention was at stake; the Party didn't comply with the previous decisions adopted by the Standing Committee on the case; the wish to avoid duplication of work when the EU started dealing with the case; finally the fact that the Party was referred before the ECJ. In the decision, the Standing Committee considered having fulfilled its obligations and indirectly recognised its inability, in that case, and due to the lack of cooperation from the entities involved in the complaint, to find a satisfactory solution.

On the basis of the analysis the Secretariat put forward three possible scenarios and the advantages and disadvantages attached to each option.

The three possible ways out were: a) keeping the case file open; b) closing the file with a declaration of failure to comply with the decisions and recommendations of the Standing Committee, emphasising on the right foreseen under Article 18 and on the relevance of cooperation for the effective exploitation of the case-file system; c) closing the file with a recommendation for the implementation of compensatory and mitigation measures to reduce the impact of the works already realised. The task of identifying the relevant compensatory and mitigation measures could be entrusted to the Joint Commission as a way to ensure that all concerned Parties take the responsibility in the resolution of the problem, as well as that their specific needs and views are properly taken into account. The Joint Commission could be called to report to the Standing Committee on an annual basis.

The Secretariat concluded by informing that the Permanent Representation of Romania addressed, a few days before the meeting of the Bureau, a non-paper containing Romania's opinion on the situation, as well as the fourth scenario for the consideration of the Bureau. At the request of the authorities of Romania the document was not disclosed but was sent by e-mail by the Secretariat to all Bureau members.

The Bureau members confirmed they had all received the non-paper, not only by the Secretariat but also by Romanian authorities. However, they unanimously decided not to take it into consideration because of its "restricted" nature. One of the Bureau members reminded that the Convention has always published, for the sake of transparency, the documents intended for consideration of the Committee and the Bureau and requested that this way of proceeding is reminded to Parties.

The discussion quickly moved to the ground of the complaint, with a preference towards a combination of options a) and option c). The Bureau members agreed that the file could remain open, at least for a limited period of time (one more year), in order to give the chance to the Joint Commission to continue and settle the dynamic of cooperation installed in the recent months. At the same time, the members agreed that the existing Recommendation is becoming obsolete due to the recent developments and that it would be good for the Committee to propose an updated set of recommended actions. In this context, the lack of clear and specific information on the real situation in the Danube Delta seemed again to be an obstacle difficult to overcome, even with an on-the-spot appraisal. That is why the involvement of the Joint Commission in the identification of the measures needed to restore and conserve the area seemed to be relevant.

**DECISION:** The Bureau decided to keep the case-file open and to forward it to the Standing Committee for consideration. The proposal of the Bureau will be to keep the case-file open for one more year, in order to be able to gather objective and specific information, including scientific data, on the ecological/environmental situation in the area at present. The latter would be used, together with the opinion and views of the Joint Commission, for preparing a new draft Recommendation to be submitted the next year to the Committee's attention. Provided that there is the agreement of the concerned Parties, the Committee may wish to instruct the Secretariat to prepare, with the assistance of the other stakeholders, a questionnaire for gathering the information needed. Finally, considering that there has been no updated information for the attention of the Bureau in 2014, the Secretariat will invite Moldova, Romania, and Ukraine, to submit a report to the Standing Committee at its 34<sup>th</sup> meeting.

➤ **1995/6: Cyprus: Akamas peninsula**

*[T-PVS/Files (2014) 23 – Government report]*

*[T-PVS/Files (2014) 27 – NGO report]*

*[T-PVS/Files (2014) 31 - EU report]*

The Secretariat summarised the discussions held at the last Bureau meeting, in light of the report submitted by the national authorities.

The NGO didn't have the chance of replying in details to the national report but informed being in disagreement with several points raised by the Cyprus government and committed to address a detailed note to present its arguments at a later stage. The Bureau decided to keep the case file open and to re-assess it at its September 2014 meeting. Besides, it instructed the Secretariat to contact the European Union for updated information.

The Secretariat received three updated reports, from the national authorities, the complainant and the EU.

According to the complainant, a huge part of the Akamas Peninsula has been excluded from the Natura 2000 network leaving very important habitats and species unprotected. Moreover, the largely insufficient designation of the Limni area has enabled, in the complainant's views, for the delivery of licences authorising the development of a golf course and a multi-villa project, adjacent to the Natura 2000 site, with a probable impact on the nesting beaches of the loggerhead sea turtle (*Caretta caretta*). On the proposed Plan for Polis-Gialia, the NGO criticises the lack of serious implementation actions. Regarding the development regulations announced by the Government around the Akamas Natura 2000 site, the complainant expresses dissatisfaction as these are part of the regular Town Planning framework and therefore not inspired by biodiversity conservation's considerations. Moreover, the NGO also questions the reliability of the figures communicated by the authorities on Lara-Toxeftra Reserve, which would be based on an incorrect interpretation of available data. Finally, the NGO reiterates its invitation to the Cyprus authorities to consider to set up an early warning system and to put in place a team of wardens with full legal powers.

The European Union confirmed being in the process of assessing the latest information provided by the national authorities in response to the alleged failure to designate the Akamas area under the Habitats Directive as a Site of Community Importance (SCI). Moreover, the EU has investigated, through an EU Pilot, the measures taken to ensure compliance of the development planned for Limni (Polis-Gyاليا Natura 2000 site) with Arts. 6 and 12 of the Habitats Directive. This information was also confirmed in the report of the national authorities, who informed that the progress of the still on-going EU Pilot cannot be disclosed yet.

Moreover, the authorities confirmed their certainty that the designated area will be considered as adequate, and opposed the criticism of the NGO regarding both the Polis Gyاليا's Management Plan and the figures and monitoring carried out in Lara-Toxeftra. Regarding the adoption of an early warning system, the authorities informed being in the process of studying the opportunity of

amendments to the Nature Law so to allow for extrajudicial measures following damages to sites, habitats and species.

**DECISION:** Taking note of the most recent information submitted by the stakeholders, as well as of the progress of the assessment at the EU level, the Bureau decided to keep the case-file open and to invite the Cyprus authorities to inform the Standing Committee at its 34<sup>th</sup> meeting. The EU is invited to report on any updated information that can be disclosed, particularly regarding the EU Pilot in Limni.

➤ **2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica**

[T-PVS/Files (2014) 40 – NGO report]

[T-PVS/Files (2014) 31 - EU report]

The Secretariat recalled that the case was not discussed at the first Bureau meeting in 2014 so to give enough time to the authorities for preparing a comprehensive reply to the reporting request. However, the Secretariat regretted to inform that, despite numerous reminders, the authorities didn't send a report.

Nonetheless, some updated information came from the European Union, informing about the referral of Bulgaria to the European Court of Justice over its presumed failure to protect unique habitats and important species in the Kaliakra region due to windfarm developments.

Moreover, in August 2014 the Secretariat also received the updated report from the complainant, informing about the lack of any progress in the implementation of most of the actions recommended by the Standing Committee through Recommendation 130 (2007). A more alarming news concerned the windfarm project in Duraknolak Lake because in its last decision, delivered in July 2014, the national Court ruled against the Ministry of the Environment and Water and cancelled the suspension of the construction project.

**DECISION:** The Bureau decided to keep the case-file open and expressed strong regrets about the lack of information from the Bulgarian authorities. The Bureau invited the government to ensure that a Delegate of Bulgaria attends the Standing Committee meeting and presents the national report.

➤ **2007/1: Italy: Eradication and trade of the American grey squirrel (*Sciurus carolinensis*)**

[T-PVS/Files (2014) 44 – Government report]

The Secretariat reminded that the case was not assessed at the first Bureau meeting in 2014 so to give the country some time to continue the implementation of the LIFE project and evaluate its results before the first reporting.

In August 2014 the Italian authorities submitted a report informing about the successful enforcement of the decree on banning the trade, breeding and detention of the American grey squirrel. However, the authorities also evoke the difficulties encountered in the implementation of the LIFE project, once more due to the strong criticism from animal welfare organisations, particularly active in the Lombardy region. This also materialised in the lack of permission to accede to some private areas, despite the presence of the invasive alien species. The expected results of the project had already to be revised in 2013, with the identification of less ambitious goals, although the efforts and commitment toward the eradication remained unchanged.

The report underlines that a rodent population particularly dangerous has been identified just a few kilometres from the Swiss border, where the invasive alien squirrels have already colonised a large area. In order to address this problem, the competent authorities prepared a specific Action Plan, which is however blocked since already some months at the administrative level.

Regarding the Piedmont region, the authorities are controlling the American grey squirrel in restricted areas (of a total area of about 2,000 km<sup>2</sup>) and are considering several steps forward.

In Liguria, where the project privileged the surgical sterilisation of the animals instead of their suppression, the strong local opposition is making difficult for the authorities even to find veterinary structure willing to proceed to the sterilisations.

The Secretariat further informed having requested some clarifications to the Italian authorities, namely concerning the progress in the awareness and communication campaigns, and the figures related to the number of individuals already culled. The government immediately provided a reply and expressed its readiness to update the written report with the complementary information on time for the next Standing Committee meeting.

**DECISION:** The Bureau acknowledged the timely submission by the Italian authorities and thanked the government for the good cooperation with the Convention. Yet, the Bureau regretted to note that the majority of citizens is still opposing the eradication programme, showing that the progress in communicating on the danger and risks associated to invasive alien species has not been sufficient to date.

The Bureau decided to keep the case-file open, took note of the readiness of Italy to submit an updated report to the next Standing Committee meeting, and invited the authorities to step-up efforts aimed at awareness raising, communication and education.

➤ **2012/9: Presumed degradation of nesting beaches in Fethiye and Patara SPAs (Turkey)**

*[T-PVS/Files (2014) 25 – Government report]  
[T-PVS/Files (2014) 16 – NGO report]*

The Secretariat recalled that the Bureau discussed this case-file in April 2014, acknowledging the information submitted by the authorities but requesting more detailed information on the plans foreseen for the next tourism season as well as the official position of the authorities with regards to the possible relocation and construction of the shipyard on Akgöl, following an alert sent by the NGO on this issue.

Despite a specific reporting request sent at the beginning of May 2014, as well as several reminders, the Secretariat regretted to inform that the authorities remained silent. On the contrary, the NGO submitted an updated report questioning part of the information submitted by the authorities in April 2014, including the location of the summer houses developments, the lack of consideration for the possible impact of tourism developments in the area, and the number of houses whose construction is imminent.

Besides, the NGO detailed some other persisting conservation problems, showing no or little progress. The NGO report concludes with a series of requests, including the possibility of considering conducting an on-the-spot appraisal in summer 2015 if no consistent information is submitted by the government.

**DECISION:** The Bureau thanked the NGO for the updated information submitted. Still, the Bureau agreed in giving Turkey the possibility of expressing its views in an updated report to be submitted in writing, on time for the next Standing Committee meeting. Therefore the Bureau decided to keep the case-file open and to ask to the Standing Committee to ensure its follow-up, including by considering the possibility of an on-the-spot appraisal depending on the information submitted and provided there is agreement of the Party.

➤ **2010/5: Greece: threats to marine turtles in Thines Kiparissias**

*[T-PVS/Files (2014) 49 – Report of the on-the-spot appraisal]*

*[T-PVS/Files (2014) 49 addendum – Comments by the Greek authorities]*

*[T-PVS (2014) 6 – Draft recommendation]*

*[T-PVS/Files (2014) 48 – NGO report]*

*[T-PVS/Files (2014) 31 - EU report]*

The Secretariat recalled that the Standing Committee advised to conduct an on-the-spot appraisal to assess the situation in Thines Kiparissias. Further to the agreement of the authorities, the on-the-spot appraisal was carried out by Dr Paolo Casale (Research fellow at the University of Rome “La Sapienza”, scientific coordinator of the sea turtle project carried out by WWF Italy and Member of the IUCN SSC Marine Turtle Specialist Group) on 14-16 July 2014. The expert visited the authorities in Athens and conducted both night-time and daylight visits to the core nesting area in Thines Kyparissias, accompanied by a member of the Secretariat as well as representatives of the authorities and of the NGOs.

The findings of the visit are included in the report of the on-the-spot appraisal, in which the expert addresses a set of recommended actions which, if implemented, should lead to an improvement of the situation. Not surprisingly, the main recommendation is to give the most important areas for marine nesting a protection status equivalent to the one of the National Park, and to permanently prohibit the construction of any villas, buildings, roads or infrastructure in order to keep those areas in a natural state. Other measures concern the restoration of the original dune and forest habitats, the proper management of the area, the control of photo-pollution and the control of feral dogs. The Secretariat informed that the report was sent to Greek authorities for comments.

Finally, the Secretariat informed that the European Commission decided, in March 2014, to refer the case to the ECJ for breach of EU legislation (Directive 92/43). The application is currently being prepared.

Some Bureau members considered that a positive solution to this complaint could also come from an accrued awareness of the tourists regarding the biological/ecological value of the area and the risks associated to the over exploitation of the nesting beaches. The efforts already consented by the authorities to limit the affluence of tourists and the development of illegal infrastructures could probably benefit from the media attention that the Committee could raise through a press release conveying its decision on the complaint.

**DECISION:** The Bureau thanked the Greek authorities for having accepted and facilitated the on-the-spot appraisal, as well as Dr Casale for his report. The Bureau decided to keep the complaint as an open file and to forward it, together with the appraisal’s report and a draft recommendation to the Standing Committee for its follow-up. It invited the authorities of Greece to attend the Standing Committee meeting so to inform on any new developments related to this complaint.

### 4.3 Possible file

➤ **2011/4: Turkey: threat to the Mediterranean monk seal (*Monachus monachus*)**

The Secretariat recalled that this complaint was assessed at the last Standing Committee meeting as a possible file because of the importance of the Mediterranean monk seal and the presumed serious threats that the species was facing in the area of concern as a result of the construction works affecting the Balikli cave.

Following the report by the Delegate of Turkey, the Committee particularly welcomed and appreciated the information according to which all the works in the vicinities of the cave had been stopped. However, in a report submitted in March 2014, the complainant informed that the construction of the marine structure didn’t stop and that - in fact – the works were almost finalised. Moreover, a 90 days pup was found dead in February 2014, and the autopsy performed by authorised

veterinarians revealed clear indications of its severe malnutrition. During the last Bureau meeting (April 2014), the Turkish authorities sent a short e-mail informing that the construction works stopped in December 2013 but started again in January 2014. On the death of the pup, the authorities clarified that the autopsy didn't exclude that the death could be caused by illegal fishing.

The Bureau regretted the worrying developments of the complaint and instructed the Secretariat to urge the Turkish authorities a detailed report on the government's plans for recovering the Balikli cave's habitat, stimulating the return of the species the next season, and avoiding repeating such a sad situation in the future.

Despite an official request and several reminders, the Secretariat regretted to inform that the reporting requests remained unanswered.

**DECISION:** The Bureau expressed disappointment for the lack of information from the Turkish government, and emphasised on a number of issues which needs to be clarified, namely the measures foreseen to address illegal fishing, the recolonisation of the cave, the protection of the Mediterranean monk seal, and the recovery of the pinniped population in the area.

The Bureau decided to keep the case as a possible file, and invited the Turkish authorities to attend the Standing Committee meeting and to submit an updated report in writing addressing the questions raised by the Bureau since April 2014.

➤ **2012/3: Poland: Possible spread of the American mink**

*[T-PVS/Files (2014) 39 – Government report]*

The Secretariat reminded that the Standing Committee, at its last meeting, particularly welcomed the announcement of the decision of the Polish Minister of the Environment to amend the "Regulation on the list of non-native plants and animals which – if released to the environment - might endanger the native species or natural habitats", so to include in its Annex I both the American mink (*Mustela vison*) and the common or northern raccoon (*Procyon lotor*). The complaint was kept under scrutiny as a possible file, pending the amendments to the Regulation.

The Secretariat enquired on progress towards the amendments to the Regulation already in February 2014, but didn't get any information by the Bureau meeting in April 2014.

However, later in August 2014 the Polish Minister of the Environment informed that the proposal of including the American mink into the list of non-native plants and animals that might endanger native species and habitats was again withdrawn, following the commitment of the Minister of Agriculture and Rural Development to improve the standards for the American minks' operational farms in Poland and to make EIA mandatory for mink farms of minimum stocking density. The authorities also claimed that there is no provision in the Bern Convention obliging the Parties to include invasive alien species into the national lists and referred to the future list of invasive alien species of EU concern as a possible solution.

The Secretariat noted that although the Convention leaves to the Parties the choice of the instrument used for the enforcement of its provisions, Article 11 paragraph 2.b) commits Parties to strictly control the introduction of non-native species, setting a results' obligation in this respect.

**DECISION:** The Bureau received the updated information with strong regrets and wished to recall the binding nature of the obligations stemming from the Convention. It decided to forward this complaint to the Standing Committee as a possible file and invited the Polish authorities to attend the meeting and inform on possible developments.

#### 4.4 Complaints in stand-by

➤ **2006/1: France: Protection of the European green toad (*Bufo viridis*) in Alsace**

[T-PVS/Files (2014) 46 – Government report]

The Secretariat reminded that this complaint, lodged in 2006, concerns the threats to the few remaining habitats of the European green toad (*Bufo viridis*) in Alsace.

The French government has been working on a species' National Action Plan (NAP) for several years, but experienced difficulties which led to postpone the deadline for its finalisation a few times. However, the situation of the species improved by the end of 2013, thanks to the enforcement of regional Action Plans in the Alsace and Lorraine regions, implemented while awaiting for the NAP to be completed. Moreover, the Standing Committee also welcomed the good co-operation between the regional authorities and the NGO at the origin of the complaint, and decided to keep the complaint on stand-by.

The Secretariat was pleased to inform that French authorities have finalised the NAP and further completed the consultation procedure with the relevant stakeholders. The adoption of the NAP by the Minister of the Environment was foreseen for September 2014. A copy of the final NAP has been received by the Secretariat.

In addition, the authorities also provided information on a number of prioritised actions carried out in 2014, among which the inclusion of the species in land-use/territorial development policies.

Mr Øystein Størkersen noted that despite the difficulties encountered for the preparation of the NAP, this complaint can finally be seen as a good example of cooperation. The authorities and the complainant were able to build trust and mutual understanding towards a final common objective, and showed proactiveness with the implementation of the regional Action Plans.

**DECISION:** The Bureau welcomed the positive developments and thanked the French authorities for both the complete reporting, and the good cooperation with the complainant. The Bureau decided to keep the complaint on stand-by and asked the French authorities to inform the Convention as soon as the Action Plan is officially adopted, and to report back to the Bureau in September 2015 on the results of the first implementation period.

➤ **2009/2: Morocco: Ecological impacts of a tourism centre in Saïdia**

[T-PVS/Files (2014) 30 – Government report]

[T-PVS/Files (2014) 32 – Complainant report]

[T-PVS/Files (2014) 41 – Ramsar report]

The Secretariat reminded that the complaint, lodged in 2009 and related to the Moulouya estuary - which is also a Ramsar site - denounced the huge project of a tourist resort in Saïdia. A Ramsar Advisory Mission was conducted on the site in October 2010 after which a series of recommendations were addressed to the Moroccan authorities. According to the information provided by the Ramsar Convention and the Moroccan authorities in 2012, the situation was promising and a number of actions had already been implemented. However, while the complainant continued to express concerns regarding the situation in the wetland, no more concrete feedback was addressed by the other stakeholders in 2013.

In February 2014 the Secretariat of the Ramsar Convention informed that the case was still open, and that the contacts with the authorities were being re-established, in view of a possible meeting to take place in 2015.

In light of this new information, the Secretariat addressed a reporting request to the Moroccan authorities, which informed about specific measures and projects launched in the framework of the implementation of the recommendations addressed by the Ramsar Convention.



The Secretariat of the Ramsar Convention also confirmed an improvement in the communication with the authorities and gave a positive feedback on the measures so far undertaken by the government to address the issues at stake. Besides, the Secretariat of the Ramsar Convention stressed that this endeavour needs to be encouraged and continued for being successful, and that the highest priority remains the restoration of a balanced eco-system in which the most vulnerable species can find a suitable place and a suitable habitat. The Ramsar Convention informed that a visit to the Mouloya site could probably be organised next year, and invited the Secretariat of the Bern Convention to join it.

The Bureau members welcomed the positive information concerning this complaint. They particularly appreciated the report sent by the authorities and commitment in the implementation of the recommendations addressed by the Ramsar Convention. Some of them recalled that last year the complaint was kept under scrutiny only because of the lack of information regarding possible developments, and noted that now that a process is engaged with the Ramsar Convention's Secretariat in the framework of the recommendations adopted under the Ramsar Convention, there is no more need to continue discussing this complaint, unless new circumstances would require so.

**DECISION:** The Bureau thanked the authorities of Morocco, the Secretariat of the Ramsar Convention and the complainant for the information provided. It acknowledged the efforts made by the government and took note of the monitoring process re-established by the Secretariat of the Ramsar Convention in the framework of the recommendations deriving from the Ramsar consultative visit carried out in 2010. Taking into account the above, the Bureau decided to dismiss the complaint.

➤ **2012/5: Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)**

The Secretariat summarised the background of this complaint, and recalled that the Bureau assessed it at its meeting in September 2013. On that occasion, the Bureau welcomed the suspension of the works pending the court's decision and decided to keep it on stand-by until the publication of the judgment. The Secretariat sent reporting requests to the Turkish authorities both in January and in May 2014. However these requests and the several reminders remained unanswered.

The Secretariat recalled that at its last meeting, in April 2014, the Bureau also requested the views of the complainant. However, no information has been forwarded by the complainant either.

**DECISION:** The Bureau decided to keep the complaint on stand-by and to re-assess it at its next meeting. The Secretariat will again seek for information from both the authorities and the complainant.

➤ **2012/7: Presumed illegal killing of birds in Malta**

*[T-PVS/Files (2014) 12 – Government report]  
[T-PVS/Files (2014) 8 – NGO report]  
[T-PVS/Files (2014) 31 - EU report]*

The Secretariat summarised the background of this complaint, lodged by BirdLife Malta against the presumed bird-killing by Maltese nationals during the spring season, in presumed violation of Articles 6-9 of the Bern Convention.

The Secretariat wished to emphasise on the good response of the stakeholders to the reporting requests, which has been timely and complete since the submission of the complaint.

As requested by the Bureau, the Maltese authorities addressed a comprehensive report providing the analysis of the 2013 autumn bag data for European turtle dove (*Streptopelia turtur*) and the common quail (*Coturnix coturnix*), the requirements and procedure for the determination of the 2014 spring hunting bag limit, as well as more in depth and updated information on the institutional, legal, and administrative improvements already presented in the previous report and which allowed for better enforcement particularly in preparation for, and during the limited period of the derogation. The

national report also included considerations on the conservation status of the species concerned, and concluded that there has been an improvement of the verification mechanisms for bag data reporting and collection, but also in transparency in decision making and consultation, all of which led to a decline in the number of serious hunting-related violations, particularly regarding illegal shooting or trapping of protected species. In the light of the extensive information submitted, the authorities requested that the Bureau consider ascertaining Malta's fulfilment with the requirements of the Bern Convention.

The Secretariat further summarised the report submitted by the complainant, showing an increased disappointment with regards to the use of the derogations permitted under the EU legislation. Moreover, in the complainant's views, the analysis of the practical effects of the new legislation leads to the paradoxical conclusion that it increases hunting opportunities. More particularly, BirdLife contests any progress towards enforcement and bag limit verification and on combating illegal killing of protected species and lists the presumed failures of the authorities on this matter. The re-introduction of finch trapping practices by means of derogation is another matter of concern. In its conclusions, the complainant urged for immediate attention and intervention from both the Bern Convention and the European Union.

The Secretariat stressed that once more the specific derogation regime applied to Malta under the EU legislation is the heart of the dispute. However, as recalled in the report submitted by the European Union, the ECJ ruling against Malta in 2009 found that, exceptionally, strictly limited spring hunting would be possible for European Turtle doves and common quails, under controlled conditions, due to very specific circumstances prevalent in Malta. The Commission has been closely monitoring how spring hunting derogations have been applied by Malta over the past few years and is aware of some problems related to the application and enforcement of the relevant regulations. However, the last report submitted by the authorities is still under assessment and the commitment of the authorities towards eradicating illegal birds' killing has certainly increased in the past years.

**DECISION:** The Bureau acknowledged the good quality of the reports submitted by both the Maltese authorities and the NGO. It recognised again the strong commitment of the authorities towards eradicating illegal killing of birds, although it showed understanding for the concerns raised by the complainant and stressed that, after changes in policies and legislation, a certain time is needed before evaluating their impact and make sure of their adequacy to the purpose. The Bureau decided to keep the complaint on stand-by and invited the authorities to report on the outcomes of the next hunting season.

➤ **2012/11: *Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK**

[T-PVS/Files (2014) 4 – Complainant report]  
[T-PVS/Files (2014) 31 - EU report]

The Secretariat summarised the background of this complaint, recalling that it concerns a bryophyte, *Marsupella profunda*, a rare endemic European species red-listed by the IUCN and only present in a few countries.

At its last meeting, in April 2014, the Bureau decided to keep the complaint on stand-by and instructed the Secretariat to check – among others - if the Natura 2000 site in the vicinities of which the incinerator should be constructed has been designated because of the occurrence of the species in question.

The Secretariat informed that, according to the data available in the EUNIS database, the only species listed in the Habitats Directive and present on the Natura 2000 site is *Marsupella profunda*. The site also conserves a natural habitat type protected by the EU legislation, the European dry heaths.

The Secretariat also informed that the complainant submitted the case also to the European Commission and that the reply is still pending. However, while the national authorities didn't submit any new information, despite the requests of the Secretariat, the complainant forwarded the extract of

two assessment reports, one compiled for the Cornwall Council in 2009 and the other used in the official frame of a public inquiry, concluding that it could not be ascertained that the incinerator, either alone or in combination with other projects, would not have an adverse impact in respect of air quality. The impact on the species is therefore not excluded.

**DECISION:** Taking into account the new information submitted by the complainant, the Bureau decided to keep the complaint under scrutiny as a complaint on stand-by. It further instructed the Secretariat to liaise with the European Union for information on the developments of the case presented before the European Commission, as well as with the UK authorities for updated information in view of the next Bureau meeting.

➤ **2012/12 : Impact of a project for the regulation of the Danube River on the river's biodiversity (Croatia)**

*[T-PVS/Files (2014) 9 – Government report]*

The Secretariat reminded that the complaint was submitted in December 2012 by the WWF concerning the planning of “over dimensioned” projects for the regulation of the Danube river in Croatia for navigation purposes. The complainant feared that their implementation could affect a relatively important number of species and habitats listed in Appendices I-II-III to the Convention.

During the two-year follow-up of the complaint, cooperation with the Croatian authorities has been very positive, with the submission of regular reports on the state of play of the projects' implementation and in particular on the Environmental Impact Assessment put in place. In their last report, the national authorities informed that the developer of the Danube river regulatory works, the Agency for Inland Waterways, decided to withdraw its application for an EIA procedure. The complainant confirmed that the investor decided to give up with the projects and that there are no more grounds for continuing the assessment of this file, unless other controversial projects are launched.

**DECISION:** The Bureau welcomed very much the information submitted by the Croatian authorities and emphasised on this complaint as an example of success where the cooperation and good will of all stakeholders achieved to ensure the preservation of an emblematic European area. Taking into account the above, the Bureau decided to dismiss the complaint.

➤ **2013/1: Hydro power development within the territory of the Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)**

*[T-PVS/Files (2014) 22 – Government report]*

*[T-PVS/Files (2014) 18 – Complainant report]*

The Secretariat recalled that the complaint was submitted in March 2013 and concerns the possible breach of the Convention by “the former Yugoslav Republic of Macedonia” with regards to the development of two hydro-power projects within the Mavrovo National Park. According to the complainant, their construction and the supporting infrastructure will result in the direct destruction and fragmentation of numerous habitats, home to many strictly protected species listed in Appendix I and II to the Bern Convention. The Secretariat recalled that Mavrovo National Park is also a candidate Emerald site.

According to a short report submitted by the authorities in March 2014, the Environmental Impact Assessment (EIA) for the Boshkov Most's hydropower plant had been finalised and the results of a complementary biodiversity monitoring had been taken into account in the final EIA report. The EIA for the Lukovo Pole hydropower plant was still under preparation. Meanwhile, since end 2013, the complainant has regularly reported on pending lawsuits against the procedures followed for the preparation of the EIA.

The Secretariat further recalled that its reporting requests were only lately and incompletely answered and provided scarce and too general information. For instance, the national authorities have not provided information on the pending lawsuits. The matter is of concern also for a number of leading nature conservation organisations, which addressed support letters to the complainant for its legal action before the national court.

**Decision:** The Bureau regretted the lack of information from the authorities of “the former Yugoslav Republic of Macedonia” and decided to forward the complaint as a possible file to the Standing Committee. The Bureau further invited the national authorities to attend the 34<sup>th</sup> Standing Committee meeting and to report in detail on the state of implementation of the projects, as well as on the pending lawsuits.

➤ **2013/5: Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland**

*[T-PVS/Files (2014) 10 – Government report]*  
*[T-PVS/Files (2014) 7+ Annex – Complainant report]*  
*[T-PVS/Files (2014) 31 - EU report]*

The Secretariat recalled that this complaint was lodged in May 2013, to denounce a possible breach of the Convention by Lithuania with regards to permissions issued for the construction of a 400 kV, 1000 MW Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland offering habitats for many species protected under the Convention, including the European pond turtle (*Emys orbicularis*).

The Secretariat reminded that, at its last meeting in April 2014, the Bureau recommended postponing the construction of the OHL, at least until a survey on the occurrence of the European pond turtle was carried out and its results analysed. The Secretariat forwarded these requests to Lithuanian authorities, together with a reporting request.

The Secretariat further summarised the content of the reports submitted respectively by the national authorities and by the complainant. While the government informed that the survey didn't reveal the presence of the European pond turtle in the area to be affected by the OHL, the complainant questioned the modalities and time schedule of the survey, stressing that this was carried out without clear terms of reference, by an NGO recruited by the OHL construction company, and after the first construction work had already started. Moreover, the complainant stressed again that the European pond turtle is listed in the official Polish database as present in the bordering area. Taking into account the fast developments in Poland, the complainant concluded by requesting that the country is also associated to the complaint.

Concerning the status of the works, the Secretariat informed that, according to the information received, these started in April 2014 in Lithuania, and in June 2014 in Poland, following the allocation of funds from the European Union. The latter confirmed that the Lithuanian side of the project received EU funding under the TEN-E programme, aimed at financing the feasibility studies to support faster implementation and prepare future works. This contract was ongoing at the time of the reporting, and should finish at the end of 2014. Before awarding EU funding to the project, the European Commission would verify whether the Action implementing the PCI is in compliance with EU environmental/nature conservation legislation.

**DECISION:** The Bureau expressed concern for the celerity with which the construction works are progressing, regardless from the fact that the complaint is still under scrutiny. Considering that a possible impact of the construction works on species like the European pond turtle (*Emys orbicularis*), the common crane (*Grus grus*), the great white egret (*Egretta alba*), the European fire-bellied toad (*Bombina orientalis*) and a number of bird species is not excluded, the Bureau decided to forward the complaint to the Standing Committee for its follow-up. The Standing Committee will also be

requested to decide on the opportunity of associating Poland to the current complaint. The Bureau instructed the Secretariat to invite Lithuanian authorities to attend the Standing Committee meeting and report to Delegates, and to inform the Polish authorities about the developments related to this complaint. Finally, the Bureau requested the Secretariat to contact the European Union for information on the financing of the projects and the necessary ecological assessments.

➤ **2011/5: France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)**

[T-PVS/Files (2014) 33 – Government report, Switzerland]

[T-PVS/Files (2014) 35 – Government report, France]

[T-PVS/Files (2014) 37 – Complainant report, Switzerland]

[T-PVS/Files (2014) 36 – Complainant report, France]

[Recommendation No. 169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)]

The Secretariat reminded that, at its last meeting in December 2013, the Standing Committee examined and adopted Recommendation No. 169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland), in order to address possible solutions to the complaint. Taking into account the commitment of the authorities towards ensuring the survival of the species, the Committee instructed the Bureau to follow-up this complaint as a complaint on stand-by, in light of the implementation of the recommended actions.

The complaint was not discussed by the Bureau at its first meeting in April 2014 so to give enough time to both Swiss and French authorities for starting implementing the recommended measures.

The Secretariat then summarised the reports submitted by the authorities of the two Parties involved in the complaint, as well as those submitted by the NGOs.

The Secretariat stressed that both countries started to address the issues identified during the on-the-spot appraisal, and that each country has its own “Streber” action plan in view of achieving a favourable conservation status of the species’ population. Two Swiss-French bilateral Working Groups, on “flow management” and on “water quality”, work on improving respectively the hydrological regime and water quality of the Doubs. The revision of the regulation of waters is in progress and should be completed by the end of 2014.

Concerning the complainants, the Swiss NGO expressed disappointment for not having been consulted by the authorities at the time of the preparation of the action plan. More generally, both complainants expressed criticism over the slowness in the implementation of the measures devised, and asked to be actively involved in the national working groups.

**DECISION:** The Bureau thanked the Parties and the complainants for their reports and acknowledged the serious commitment of the authorities to address the recommendations of the Standing Committee. In order to improve the cooperation with the NGOs for the sake of mutual interest, the Bureau encouraged the French and Swiss authorities to associate, where appropriate and whenever possible, the complainants to the discussions on the implementation of the recommended actions.

Finally, the Bureau decided to keep the complaint on stand-by and to re-assess it at its next meeting, in light of updated information to be submitted by the Parties and the complainant in due time.

➤ **2013/8: Presumed abusive eradication of the European badger (*Meles meles*) in France**

[T-PVS/Files (2014) 45 – Government report]

[T-PVS/Files (2014) 19 – Complainant report]

The Secretariat recalled that this complaint was submitted in October 2013 by a French citizen, to denounce a possible breach of the Convention by France with regards to the presumed use of some of

the prohibited means of capture and killing specified in Appendix IV to the Bern Convention in the implementation of the control policies for the European badger (*Meles meles*) populations.

The complainant's report listed several examples of French departments where trapping, extraction from setts, or night shooting, sometimes with use of light sources, were practiced.

The report submitted by French authorities informed, among others, that although night shooting with use of light sources is forbidden by ministerial decree, the Prefect can authorise, with a view to avoid damages and threats to public safety, for certain periods of time and in specific areas, the lieutenants of "louveterie" to organise capture's campaigns during which they can exceptionally make use of night shooting, extraction from setts, or trapping including through snares with retainers.

The Bureau pointed out that the use of the prohibited means and methods of killing listed in Appendix IV to the Bern Convention, even under very specific circumstances, can lead to a breach of the Convention. The Bureau decided to consider the complaint as a possible file and invited the French authorities to present their report to the 34<sup>th</sup> Standing Committee meeting.

**DECISION:** The Bureau pointed out that the use, even under very specific circumstances, of the prohibited means and methods of killing listed in Appendix IV to the Bern Convention is a breach to the Convention. Therefore, the Bureau decided to consider the complaint as a possible file and invited the French authorities to present their report to the 34<sup>th</sup> Standing Committee meeting.

➤ **2013/9: Presumed destruction of bird and bat habitats due to tourism developments in Ukrainian Natural Reserves (Ukraine)**

*[T-PVS/Files (2014) 17 – Government report]*  
*[T-PVS/Files (2014) 21 – Complainant report]*

The Secretariat summarised the case file and recalled that the Bureau suggested addressing the issue through the monitoring mechanism of the European Diploma of Protected Areas (EDPA), in light of the application for the Diploma submitted by Ukrainian authorities for the Karadag Nature Reserve.

However, the Secretariat informed that the decision of the Committee of Ministers on the application, initially scheduled on 17 June 2014, was postponed to a further session and that the item had not been scheduled yet.

**DECISION:** The Bureau recalled that the report addressed by the Ukrainian authorities in April 2014 already informed about their prompt reaction, with a number of measures implemented to address the concerns expressed by the complainant. For instance, an investigation was opened with the involvement of all relevant stakeholders (managers of the areas, NGOs, general public, experts, etc.), and a workshop was held at the Ministry of Ecology and Natural Resources of Ukraine on the same matter. In addition, the Ministry issued some recommendations for the authorities of both Reserves.

In light of the above, the Bureau decided to keep the complaint on stand-by and instructed the Secretariat to contact the complainant for updated information. If the problems do not persist, the Bureau may decide to dismiss the complaint at its next meeting.

#### 4.5 Other complaints

➤ **2013/10: Impact of corn monoculture on the conservation status of protected species in Alsace, France**

[T-PVS/Files (2014) 47 – Government report]  
[T-PVS/Files (2014) 42 – Complainant report]

The Secretariat recalled that this complaint was submitted in November 2013 to denounce the presumed destruction of 75-80 % of the flora and fauna of Alsace region due to corn monoculture in the plains of Haut-Rhin.

The Secretariat summarised the views of the complainant, mainly concerned by the strong decrease in the populations of a number of Appendix II and Appendix III species due to the over-exploitation of agricultural lands and, more particularly, to corn monoculture.

However, in their national report, French authorities recall that only 30 to 40% of the protected species in Alsace are threatened or nearly-threatened. This would show that the estimates provided by the NGO are disproportionate. Moreover, the authorities argue that the decrease of protected species is only partially due to agriculture, and even less to corn monoculture, a practice which remained stable in Alsace in the past 13 years. The report further lists the public subsidy programmes/schemes implemented in Alsace to contribute to the species and their habitats' conservation and management, and informs about the measures for the conservation of wetlands and rivers.

**DECISION:** The Bureau appreciated the information submitted by the French authorities and noted the efforts of the government in addressing the conservation of the viable species, as requested also under the CBD. Moreover, the Bureau noted that the complainant didn't submit scientific evidence suggesting that corn monoculture is the only driver to the declining of the species mentioned in the complaint.

However, the Bureau agreed that corn monoculture may have a negative impact on habitats and, while recalling that the Convention may not be the most adequate instrument for addressing issues occurring at the very local level, the Bureau decided to keep the complaint on stand-by at least until its next meeting.

#### 4.6 Complaints declared inadmissible by the Secretariat (for information only)

➤ **2014/4: Presumed unsustainable wolf hunting in Latvia**

The Secretariat informed on complaint No. 2014/4, concerning grey wolf (*Canis lupus*) hunting in Latvia and declared inadmissible by the Secretariat on the basis of a reservation made by the country in pursuance of paragraph 1 of Article 22 of the Convention, according to which the Republic of Latvia reserves the right not to apply the provisions of the Convention in respect of some species, including the grey wolf.

#### 5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS: PROPOSAL BY THE SECRETARIAT

➤ **Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)**

The Secretariat recalled that recommendation was adopted in 2002 and originated from a complaint lodged in 2000 and an on-the-spot appraisal carried out in 2002. The recommendation addresses a series of actions which Turkey is invited to implement in order to grant the long-term conservation of the beach's quality for marine turtles nesting. Among other key issues, the

recommendation invites Turkey to remove as a matter of urgency the row of greenhouses closest to the sea in beach section K3 and, as soon as feasible, other greenhouses in the same beach section, as well as to maintain monitoring of the chemical waste discharge into the sea by the chrome factory.

In 2013, noting in particular the lack of reporting about new developments or progress for the safe disposal of the toxic solid waste located next to Kazanli's green turtle nesting site the Bureau invited the Turkish authorities to update the Standing Committee on the implementation of the recommended actions.

The Committee took note of the reports presented by the Delegate of Turkey and the representative of the NGO. It welcomed and acknowledged the progress made by Turkey for implementing some of the recommendations made by the Standing Committee, although it recognised that a number of other issues still needed to be solved for ensuring the effective conservation of Kazanli beach's habitats and species. The Committee decided to re-assess the implementation of this recommendation at its next meeting.

The Secretariat regretted to inform that the Party didn't address a report, despite an official request and several reminders.

**DECISION:** The Bureau instructed the Secretariat to reiterate its reporting request and to invite Turkey to ensure that a Delegate of the country attends the next Standing Committee meeting in December 2014.

➤ **Recommendation No. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway**

This Recommendation originated from a complaint lodged in 2001 concerning the establishment of two wind farms complexes in the Archipelago of Smøla, Norway in an area of importance for the nesting of white-tailed sea eagles (*Haliaeetus albicilla*) and other species protected by the Bern Convention. At its 29<sup>th</sup> meeting, the Standing Committee decided not to open a file and adopted Recommendation No. 144 (2009) on the wind park in Smøla (Norway) instead.

The implementation of this Recommendation was yearly reviewed until 2011, when the Standing Committee decided to invite the national authorities to report again on the matter at its 34<sup>th</sup> meeting, in 2014.

The Secretariat informed having addressed reporting requests to both the national authorities and the NGO; however, no information was submitted by the time of the Bureau meeting.

Mr Øystein Størkersen apologised for the delay in the submission but informed that the national report is almost finalised and that it shall be soon sent to the Secretariat.

**DECISION:** The Bureau took note of the information provided by the Delegate of Norway and invited him to present the report at the next Standing Committee meeting in December 2014.

➤ **Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland**

The Secretariat reminded that this Recommendation was adopted by the Standing Committee in 2002, as a follow-up to a complaint lodged by BirdLife International.

At the last Standing Committee meeting the representative of BirdLife International expressed concern about developments in the past years regarding the Icelandic policy of subsidising the afforestation of lowlands, with a possible impact on the breeding waterbirds populations.



Following the agreement of the Delegate of Iceland, the Standing Committee decided to monitor the implementation of the Recommendation at its next meeting, and instructed the Bureau to coordinate the necessary reporting requests.

The Secretariat further informed that the report of Iceland reached the Council of Europe a few days before the Bureau meeting and that therefore it was not yet possible to assess its content. Moreover, the Secretariat informed that Iceland has agreed to an AEWA IRP mission to be carried out in spring 2015, a visit which the Bern Convention has been invited to join.

Mr Jón Gunnar Ottósson apologised for the delay and offered to present the country report at the next Standing Committee meeting in December 2014.

**DECISION:** The Bureau took note of the information provided by the Delegate of Iceland and invited him to present the report at the next Standing Committee meeting in December 2014.

➤ **Recommendation No. 110 (2004) of the Standing Committee on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds**

*[T-PVS/Files (2014) 43 – Compilation of national reports]*

The Secretariat reminded that the Standing Committee, at its 31<sup>st</sup> meeting, carried out the monitoring of the above mentioned Recommendation in connection with the “Budapest Declaration on bird protection and power lines” which encourages countries, the NGOs and business, to work towards eliminating the risk for wild birds from power lines.

In the light of the information presented as well as of the interest of Parties in this issue, and in view of putting forward the efforts done by Parties to improve technical standards and to adopt mitigation measures, the Committee decided to endorse the “Budapest Declaration” as well as to adopt a temporarily system of biennial reporting for monitoring the implementation of Recommendation No. 110 (2004), with a first reporting due in 2014.

The Secretariat informed that due to the low number of submission, it had not been possible to analyse the implementation of the Recommendation by the time of the Bureau meeting.

**DECISION:** The Bureau instructed the Secretariat to reiterate its reporting request and encouraged Parties to give a feedback, in view of the next Standing Committee meeting in December 2014.

➤ **Recommendation No. 25 (1991) on the conservation of natural areas outside protected areas proper**

*T-PVS/Files (2014) 34 – Compilation of Governments’ reports  
[T-PVS/Files (2014) 34 – Compilation of national reports]*

The Secretariat reminded that, at the request of the group of Experts on Protected Areas and Ecological Networks, the Bureau decided to include the monitoring and follow-up of the implementation of the above mentioned Recommendation in the agenda of the 34<sup>th</sup> Standing Committee meeting. The monitoring of this Recommendation should have contributed to the work of the Group on the Action Plan for the establishment of the Pan-European Ecological Network. Parties were requested to report on the implementation of the conservation measures provided as examples in the Appendix to the Recommendation.

The Secretariat regretted to inform that due to the low number of submission, it was not possible to analyse the implementation of the Recommendation. This was more regrettable taking into account that the Delegates attending the forthcoming meeting of the Group of Experts on Protected Areas and Ecological Network will not be able to discuss the issue either.

**DECISION:** The Bureau instructed the Secretariat to reiterate its reporting request and encouraged Parties to give a feedback, at least in view of the next Standing Committee meeting in December 2014.

## **6. STRATEGIC DEVELOPMENT OF THE CONVENTION**

### **6.1 Follow-up to the CBD Strategic Plan for biodiversity**

The Secretariat recalled the outcomes of the main meetings organised in the frame of the implementation of the Convention's Programme of Activities and which contribute also to the implementation of the CBD Strategic Plan for Biodiversity 2011-2020. The Secretariat further informed on a successful side event organised by the Bern Convention at the 18<sup>th</sup> meeting of the CBD SBSTTA, to present the results of the 20 years' work of the Convention on Invasive Alien Species (IAS).

Under the title of "Management, control and eradication of IAS in Europe: the contribution of the Bern Convention to Aichi Target 9" the side event presented, through practical examples, the main achievements of the Bern Convention's Group of Experts on Invasive Alien Species, the recommendations and guidance developed by the Convention, the European Strategy on IAS, and the Codes of conduct and their implementation by Parties and other stakeholders. The side event also presented the most recent work aimed to the identification and prioritisation of IAS pathways, as well as the specific experience of three Parties in using the Bern Convention's tools. The Secretariat was pleased to report on the high attendance and the positive feedback received both by European and non-European participants, and wished to thank more particularly the Chair of the Group of Experts on Invasive Alien Species, Ms Branka Tavzes, for her kind support, as well as the Chair of the Standing Committee for moderating the side event, and the Delegates of the Slovak Republic, Switzerland and the UK, for having accepted to present their experience.

The Chair wished to emphasise on the very successful results in terms of visibility for the Convention, awareness on this unique treaty, and exchange of best practices, and informed that he continued to receive positive feedback even at other events he had the chance to attend in other fora. The Chair concluded by thanking the Secretariat for the initiative and that this kind of events should be organised more often to be able to take benefit from wider and different audience.

### **6.2 Setting-up the CMS Online Reporting System (ORS)**

The Secretariat informed on the progress towards the setting up of the Online Reporting System for the Bern Convention, explaining that the staff received in July 2014 a three-days training by the United Nations Environment Programme's World Conservation Monitoring Centre (UNEP-WCMC), Cambridge, U.K.. The ORS has been customised and has been put online. However, the development of the first questionnaire, the one for the biennial reports, is requiring more time than expected because the species listed in the Appendices to the Convention must be integrated one by one in the system. This is an operation which shall be done only once, but it requires time and expertise. The WCMC offered to assist with the task, as it did for the AEWA and the CMS.

A user guide targeting respondents is also under preparation.

At the next Standing Committee in December 2014 meeting the Secretariat will call for ten Contracting Parties to volunteer for testing the reporting system in 2015.

## **7. 34<sup>TH</sup> STANDING COMMITTEE MEETING**

### **7.1 Draft Agenda**

*[T -PVS (2014) 1 – Draft Agenda]*

The Secretariat presented the draft agenda for the next Standing Committee meeting scheduled to take place in December 2014, clarifying that the list of complaints will be amended according to the decisions taken by the Bureau.

The Bureau approved the Draft Agenda.

## **7.2 Draft Programme of Activities 2015**

*[T-PVS (2014)5 - Draft Programme of Activities for 2015]*

The Secretariat briefly presented the budget and activities proposed for the Draft Programme of Activities, recalling that a preliminary PoA for 2015 had been already pre-validated by the Standing Committee in 2013, in the framework of the adoption of the biennial PoA (2014-2015).

The Secretariat therefore confined its presentation to the changes and amendments introduced to the Programme in order to respond to the requests and needs identified by the Groups of Experts.

More particularly, two more meetings were proposed, respectively by the Special Focal Points for Illegal killing of birds, and by the Group of Experts on Climate Change. The Secretariat also reminded that in April 2014 the Bureau discussed the possibility of convening, in 2015, a meeting of the Group of Experts on Invertebrates. However, the Secretariat wished to stress that next year there will already be four more meetings of Groups of Experts, namely on Conservation of Birds, on Protected Areas and Ecological Networks, on Invasive Alien Species, and on Amphibian and Reptiles. The latter has not been meeting since 2006. The Secretariat will not be able to deal with so many meetings, and it would not be advisable to multiply the gatherings also in view of the charged calendar of other Multilateral Environmental Agreements (MEAs).

Finally, the Secretariat stressed that the low attendance to the Convention's meeting in 2014 may also derive from the too short length foreseen for the sake of economies. It is in fact difficult and not worthwhile for delegates to arrange a trip to Strasbourg for a one day meeting. The Secretariat suggested, for cost-effective purposes, to rise the duration of the meetings at least up to one and a half day.

The Bureau agreed with the proposals of the Secretariat and decided to keep the meeting of the Group of Experts on Invertebrates in mind for 2016.

## **8. ANY OTHER BUSINESS**

None were raised.

## **9. CLOSURE**

The Chair warmly thanked the Bureau members and the Secretariat for the fruitful meeting and declared the meeting officially closed.

## Appendix 1



CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

Strasbourg, 9 September 2014

Standing Committee  
**Bureau meeting**

Strasbourg, 10 September 2014  
(Room 16, opening: 9:30 am)

---

**DRAFT AGENDA**

**1. ADOPTION OF THE AGENDA**

*[Draft agenda]*

**2. IMPLEMENTATION OF THE BERN CONVENTION IN GREECE**

*[T-PVS/Inf (2014) 16 – Draft Expert’s report on the implementation of the Convention in Greece]*

**3. IMPLEMENTATION OF THE 2014 PROGRAMME OF ACTIVITIES**

*[Note for the Bureau]*

*[T-PVS/Inf (2014) 6 – Summary table of reporting]*

*[T-PVS (2014) 2 - Report of the 1<sup>st</sup> meeting of the Bureau]*

**3.1 Short update on the European Diploma for Protected Areas**

*[T-PVS/DE (2014) 11 – Report of the meeting of the Group of Specialists on European Diploma for Protected Areas]*

*[T-PVS/DE (2014) 12 – Adopted Resolutions concerning the European Diploma for Protected Areas in 2014]*

**3.2 Setting-up of the Emerald Network: progress in the establishment of the Network and short update on forthcoming meetings**

*[T-PVS/PA (2014) 5 – First interim report on the implementation of the EU/CoE Joint Project “Emerald Network Phase II”]*

*[T-PVS/PA (2014) 1 – Draft Agenda of the 6th meeting of the Group of Experts on Protected Areas and Ecological Networks]*

**3.3 Outcomes of the meeting of the Select Group of Experts on Illegal killing, trapping and trade of wild birds: report of the meeting and state of progress**

*[T-PVS (2014) 3 – Meeting report]*

**3.4 Outcomes of the meeting of the Group of Experts on Biodiversity and Climate change**

*[T-PVS (2014) 4 – Meeting report]*

*[T-PVS/Inf (2014) 12 – Summary overview of the work carried out by the Group of Experts]*

**4. IMPLEMENTATION OF THE CONVENTION: FILES**

*[T-PVS Notes (2014) 2 – Summary of case files and complaints]*

*[T-PVS/Inf (2014) 2 – Register of Bern Convention’s case-files]*

**4.1 Presumed breach of the Convention in relation to badgers: explanatory note from the Secretariat**

*[T-PVS/Files (2014) 38 – Explanatory note]*

## 4.2 Specific Sites - Files open

- 2004/1: Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)  
[T-PVS/Inf (2014) 14 – Note on the possible follow-up of the Bystroe case-file]  
[T-PVS/Notes (2014) 3 – Non-Paper by the Romanian authorities on the possible follow-up of the Bystroe case-file]
- 1995/6: Cyprus: Akamas peninsula  
[T-PVS/Files (2014) 23 – Government report]  
[T-PVS/Files (2014) 27 – NGO report]  
[T-PVS/Files (2014) 31 - EU report]
- 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica  
[T-PVS/Files (2014) X – Government report]  
[T-PVS/Files (2014) 40 – NGO report]  
[T-PVS/Files (2014) 31 - EU report]
- 2007/1: Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)  
[T-PVS/Files (2014) 44 – Government report]
- 2012/9: Presumed degradation of nesting beaches in Fethiye and Patara SPAs (Turkey)  
[T-PVS/Files (2014) 25 – Government report]  
[T-PVS/Files (2014) 16 – NGO report]
- 2010/5: Greece: threats to marine turtles in Thines Kiparissias  
[T-PVS/Files (2014) 49 – Report of the on-the-spot appraisal]  
[T-PVS/Files (2014) 49 addendum – Comments by the Greek authorities]  
[T-PVS (2014) 6 – Draft recommendation]  
[T-PVS/Files (2014) 48 – NGO report]  
[T-PVS/Files (2014) 31 - EU report]

## 4.3 Possible file

- 2011/4: Turkey: threat to the Mediterranean Monk Seal (*Monachus monachus*)  
[T-PVS/Files (2014) 28 – Government report]  
[T-PVS/Files (2014) 24 – Complainant report]
- 2012/3: Poland: Possible spread of the American Mink  
[T-PVS/Files (2014) 39 – Government report]

## 4.4 Complaints in stand-by

- 2006/1: France: Protection of the European Green Toad (*Bufo viridis*) in Alsace  
[T-PVS/Files (2014) 46 – Government report]
- 2009/2: Morocco: Ecological impacts of a tourism centre in Saïdia  
[T-PVS/Files (2014) 30 – Government report]  
[T-PVS/Files (2014) 32 – Complainant report]  
[T-PVS/Files (2014) 41 – Ramsar report]
- 2012/5: Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)  
[T-PVS/Files (2014) X – Government report]  
[T-PVS/Files (2014) X – Complainant report]
- 2012/7: Presumed illegal killing of birds in Malta  
[T-PVS/Files (2014) 12 – Government report]  
[T-PVS/Files (2014) 8 – NGO report]  
[T-PVS/Files (2014) 31 - EU report]
- 2012/11: *Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK  
[T-PVS/Files (2014) 3 – Government report]  
[T-PVS/Files (2014) 4 – Complainant report]  
[T-PVS/Files (2014) 31 - EU report]

- 2012/12 : Impact of a project for the regulation of the Danube River on the river's biodiversity (Croatia)  
*[T-PVS/Files (2014) 9 – Government report]*
- 2013/1: Hydro power development within the territory of Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)  
*[T-PVS/Files (2014) 22 – Government report]*  
*[T-PVS/Files (2014) 18 – Complainant report]*
- 2013/5: Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland  
*[T-PVS/Files (2014) 10 – Government report]*  
*[T-PVS/Files (2014) 7+ Annex – Complainant report]*  
*[T-PVS/Files (2014) 31 - EU report]*
- 2011/5: France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)]  
*[T-PVS/Files (2014) 33 – Government report, Switzerland]*  
*[T-PVS/Files (2014) 35 – Government report, France]*  
*[T-PVS/Files (2014) 37 – Complainant report, Switzerland]*  
*[T-PVS/Files (2014) 36 – Complainant report, France]*  
*[Recommendation No. 169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)]*
- 2013/8: Presumed abusive eradication of the badger (*Meles meles*) in France  
*[T-PVS/Files (2014) 45 – Government report]*  
*[T-PVS/Files (2014) 19 – Complainant report]*
- 2013/9: Presumed destruction of birds' and bats habitats due to tourism developments in Ukrainian Natural Reserves (Ukraine)  
*[T-PVS/Files (2014) 17 – Government Report]*  
*[T-PVS/Files (2014) 21 – Complainant report]*

#### 4.5 Other complaints

- 2013/10: Impact of corn monoculture on the conservation status of protected species in Alsace, France  
*[T-PVS/Files (2014) 47 –Government report]*  
*[T-PVS/Files (2014) 42 – Complainant report]*
- [2014/1: Presumed risk of national extinction of badgers in Ireland]
- [2014/3: Presumed deliberate killing of birds in Serbia]
- [2014/5: Presumed ecosystem perturbation deriving from badger culls in England]
- [2014/6: Wind energy: Possible threats to an endangered natural habitat in Izmir (Turkey)]

#### 4.6 Complaints declared inadmissible by the Secretariat (for information only)

- 2014/4: Presumed unsustainable wolf hunting in Latvia

### 5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS: PROPOSAL BY THE SECRETARIAT

- Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanli beach (Turkey)  
*[T-PVS/Files (2014) X – Government Report]*  
*[T-PVS/Files (2014) X – NGO report]*
- Recommendation No. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway  
*[T-PVS/Files (2014) X – Government Report]*  
*[T-PVS/Files (2014) X – NGO report]*

- Recommendation No. 110 (2004) of the Standing Committee on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds  
*[T-PVS/Files (2014) 43 – Compilation of national reports]*
- Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland  
*[T-PVS/Files (2014) 50 – Government Report]*  
*[T-PVS/Files (2014) X – NGO report]*
- Recommendation No. 25 (1991) on the conservation of natural areas outside protected areas proper  
*[T-PVS/Files (2014) 34 – Compilation of national reports]*

**6. STRATEGIC DEVELOPMENT OF THE CONVENTION**

**6.1 Follow-up to the CBD Strategic Plan for biodiversity**

**6.2 Setting-up the CMS Online Reporting System: state of progress**

**7. 34<sup>TH</sup> STANDING COMMITTEE MEETING**

**7.1 Draft Agenda**

*[T -PVS (2014) 1 – Draft Agenda]*

**7.2 Draft Programme of Activities 2015**

*[T-PVS (2014)5 - Draft Programme of Activities for 2015]*

**8. ANY OTHER BUSINESS**

**Appendix 2****LIST OF PARTICIPANTS**

---

**ARMENIA / ARMÉNIE**

Ms Hasmik GHALACHYAN, Head, Division of Plant Resources Management, Agency of Bioresources Management, Ministry of Nature Protection, Government Building 3, Republic Square, 0010 YEREVAN

Tel.: +374 10273890. E-mail: [ghalachyanhasmik@yahoo.com](mailto:ghalachyanhasmik@yahoo.com)

**CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Mr Jan PLESNIK, Adviser to Director in foreign affairs, Nature Conservation Agency (NCA CR), Kaplanova 1931/1, CZ-148 00 PRAGUE 11 – CHODOV

Tel +42 283 069 246. Fax +42 283 069 .... E-mail: [jan.plesnik@nature.cz](mailto:jan.plesnik@nature.cz)

**ICELAND / ISLANDE**

Dr Jón Gunnar OTTÓSSON, Director General, Director General, Icelandic Institute of Natural History, Urriðaholtsstraeti 6 – 8, 212 GARDABAER

Tel : +354 5900 500. E-mail : [jgo@ni.is](mailto:jgo@ni.is)

**NORWAY / NORVÈGE**

Mr Øystein STØRKERSEN, Principal Advisor, Norwegian Environment Agency, P.O. Box 5672, Sluppen, N-7485 TRONDHEIM

Tel: +47 7358 0500. Fax: +47 7358 0501 or 7358 0505. E-mail: [oystein.storkersen@miljodir.no](mailto:oystein.storkersen@miljodir.no)

**SLOVAKIA / SLOVAQUIE**

Ms Jana DURKOŠOVÁ, Senior State Advisor, Division for Nature and Landscape Protection, Ministry of the Environment, Námestie Ľ. Štúra 1, 812 35 BRATISLAVA.

Tel: +421 2 5956 2211. Fax: +421 2 5956 2031. E-mail: [jana.durkosova@enviro.gov.sk](mailto:jana.durkosova@enviro.gov.sk)

**SECRETARIAT / SECRÉTARIAT**

**Council of Europe / Conseil de l'Europe, Directorate of Democratic Governance / Direction de la Gouvernance démocratique, F-67075 STRASBOURG CEDEX, France**

Tel : +33 3 88 41 20 00. Fax : +33 3 88 41 37 51

Mr Eladio FERNÁNDEZ-GALIANO, Head of the Democratic Initiatives Department / Chef du Service des Initiatives démocratiques

Tel : +33 3 88 41 22 59 Fax : +33 3 88 41 37 51 E-mail : [eladio.fernandez-galiano@coe.int](mailto:eladio.fernandez-galiano@coe.int)

Ms Ivana d'ALESSANDRO, Secretary of the Bern Convention / Secrétaire de la Convention de Berne, Biodiversity Unit / Unité de la Biodiversité

Tel : +33 3 90 2151 51. Fax : +33 3 88 41 37 51. E-mail : [ivana.dalessandro@coe.int](mailto:ivana.dalessandro@coe.int)

Ms Iva OBRETENOVA, Administrator, Biodiversity Unit / Administrateur, Unité de la Biodiversité

Tel : +33 3 90 21 58 81. Fax : +33 3 88 41 37 51. E-mail : [iva.obretenova@coe.int](mailto:iva.obretenova@coe.int)

Ms Tatiana STATE MASSON, Principal Administrative assistant, Biodiversity Unit / Assistante administrative principale, Unité de la Biodiversité

Tel : +33 390 21 43 98. Fax : +33 3 88 41 37 51 E-mail : [tatiana.state-masson@coe.int](mailto:tatiana.state-masson@coe.int)

Ms Véronique de CUSSAC, Administrative assistant, Biological Diversity Unit / Assistante administrative, Unité de la Diversité biologique

Tel : +33 3 88 41 34 76 Fax : +33 3 88 41 37 51. E-mail : [veronique.decusac@coe.int](mailto:veronique.decusac@coe.int)