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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

Meeting of the Bureau

Strasbourg, 5 September 2008

MEETING REPORT

*Secretariat Memorandum
prepared by
the Directorate of Culture and Cultural and Natural Heritage*

1. Adoption of the agenda

Mr Jón Gunnar Ottósson, Chair of the Standing Committee of the Convention, opened the meeting on 5 September 2008 and welcomed the other Bureau members, Mr Jan Plesnik, Vice-Chair, and Ms Véronique Herrenschmidt, former Chair, as well as the representatives of the Secretariat.

The draft agenda was adopted, as set out in Appendix 1.

The participants are listed in Appendix 2.

2. Implementation of the 2008 programme of activities

The Secretariat outlined progress on the work programme and the meetings and other activities taking place in the second half of 2008, including an on-the-spot visit to Ukraine concerning the Bystroe project; meetings of the Groups of Experts on Biodiversity and Climate Change (September) and the Emerald Network (October); participation at the IUCN's World Conservation Congress in Barcelona (6-9 October); a national workshop on invasive alien species in Bulgaria (20-21 October); and the 3rd Mediterranean Conference on Marine Turtles (20-23 October), among others.

The Secretariat further informed that the reports on the implementation of the Bern Convention in Bulgaria, and the draft action plan for the conservation of the Common hamster (*Cricetus cricetus*) in Europe, should be received shortly and prepared for submission to the November meeting of the Standing Committee, together with a draft Code of Conduct on horticulture and invasive alien plants, and the new European Strategy for Plant Conservation 2008-2014. The Secretariat informed that the only activity postponed for next year is the preparation of the Bern Convention's contribution to the 2010 target.

Mr Plesnik stressed the importance of the side-event held during the 9th Conference of the Parties to the Convention on Biological Diversity (CBD COP-9) where the enhanced Memorandum of Co-operation between the Bern Convention Secretariat and the Secretariat of the CBD was signed.

Finally, the Secretariat informed the Bureau about the expressions of interest to join the Bern Convention by Montenegro and Georgia. Furthermore, the Secretariat will prepare a official letter to raise the issue of accession to the Bern Convention with Bosnia and Herzegovina.

3. Implementation of the Convention: Files

3.1 Specific sites – Files open

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

At its 27th meeting, the Standing Committee requested all the documentation mentioned by the Ukrainian delegation concerning this project, including the EIA and compensatory measures, while deciding to keep the file open and carry out an on-the-spot visit in 2008, to which the Ukrainian delegation agreed.

An informal consultation meeting organised by the Espoo Convention and including the participation of other Conventions and legal instruments dealing with the "Bystroe Canal issue", was held in Geneva on 18 April 2008. At this meeting, the Secretariat of the Bern Convention invited other conventions and organisations to join the on-the-spot visit led by the Council of Europe. The visit was carried out on 28-30 July 2008 and included representatives from the European Commission, the Ramsar Convention, UNESCO, and the Espoo Convention. Meetings were held with officials from the Ministries of Environment and Transport. The independent expert of the Bern Convention, Mr Hervé Lethier, is preparing the report of this visit, which will be presented to the Standing Committee meeting in November.

The Implementation Committee of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) found that Ukraine was in non-compliance with its obligations under the Convention. The 4th meeting of the Parties to the Espoo Convention (19-21 May 2008) asked Ukraine to take the necessary measures to bring about compliance before the end of 2009 (otherwise, a caution would be imposed from the 31st October 2008).

In August 2008, the Ukrainian authorities informed about their decision to repeal the Final Decision on implementation of phase II of the Project on the Renovation of the Deep-water Navigation Route in the Ukrainian part of the Danube Delta, taken in December 2007 and to comply with the Espoo Convention before starting Phase II of this project.

The Bureau welcomed this news and looks forward to receiving the report by the expert, which will also be sent to the Ukrainian authorities ahead of the Standing Committee meeting. The Bureau agreed that a new recommendation on this case file is not necessary and recognised the important pressure by the Espoo Convention in case of non-compliance.

➤ **Cyprus: Akamas Peninsula**

At the 27th meeting of the Standing Committee, the Cyprus delegation confirmed that the Council of Ministers had approved a Management Plan for the Akamas Peninsula to protect nesting beaches of the two turtle species: *Caretta caretta* and *Chelonia mydas*. They reported that no developments were permitted on coastal areas and that there was a programme to exchange private property for public land in this area. The Cyprus delegation added that permits for safaris had been frozen and that the species to be protected are those in designated areas under the Birds and Habitats Directives. The Standing Committee decided to keep the file open and urged the Cyprus government to fully implement the Recommendation from the Standing Committee.

The Secretariat wrote to the Cyprus authorities in January and April 2008, but no reply was received. The Secretariat informed the Bureau that a report had been received from the NGO Terra Cypria, urging that the file remains open and stressing that the Government has proposed further reductions to the originally proposed Natura 2000 area, and that the members of the national Scientific Committee have been unable to reach agreement on the extent of the Natura site to be designated for Akamas.

The Bureau asked the Secretariat to write again to the Cyprus government urging them to submit a report in time for the Standing Committee meeting.

➤ **Bulgaria: Project to build a motorway through the Kresna gorge**

At its 27th meeting, the Standing Committee welcomed the forthcoming finalisation of the EIA for this project and agreed to keep the file open until the final decision on this project is taken.

The Secretariat wrote to the Bulgarian authorities in January 2008 and a report was received on 18th March 2008 (see document T-PVS/Files (2008) 1), which includes the following information:

- In January 2008, the Higher Expert Ecological Council of the MoEW considered the EIA Report and recommended to the Minister of Environment and Water to approve the realization of the investment proposal. As a result, the Minister has issued EIA Decision No 1-1/2008 for construction of the Struma Motorway.
- The EIA Decision has been taken after intensive preliminary consultations to find the most-appropriate decision for the route of the Struma Motorway in the region of the Kresna Gorge and for the sections passing in close proximity or through NATURA 2000 sites.

In their report, the Bulgarian government considers that Recommendation 98 (2002) concerning the stages of preparation and the quality of the EIA Report have been fulfilled, as well as the determination of the motorway route in the Kresna gorge, where decision making for the realization of the project has been carried out coherent collaboration between institutions, NGO and scientists aiming to reach an admissible and conserving the nature decision.

The Secretariat wrote to the Bulgarian authorities after the Bureau meeting in March 2008 asking them for confirmation of the final decision on this project to check that it is taken in line with the EIA report, as well as for a map showing the final routing of the road. No information was received from the Bulgarian government. The Bureau asked the Secretariat to write to them again asking for the final decision and the map of the planned road in time for the Standing Committee meeting.

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

In 2006, the Standing Committee decided to open a new case file on this issue. An on-the-spot visit was carried out in 2007 and, on the basis of the expert's conclusions, the 27th meeting of the Standing Committee adopted Recommendation No. 130 (2007) "on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)".

The Secretariat received information from Birdlife International in March 2008 stating that the situation had not improved and that construction at Kaliakra was continuing. The NGO and its Bulgarian partner, BPSP, stressed that there was no evidence that the Bulgarian authorities were undertaking any actions to implement stronger planning procedures for wind farm developments – either at strategic or individual project level". This NGO submitted a formal complaint to the European Commission and, in June 2008, the European Commission opened an infringement procedure against Bulgaria because of insufficient designation of 6 sites as SPAs under the Bird Directive, one of which is the Kaliakra IBA.

In August 2008, the Secretariat received information from the Birdlife International reporting the lack of implementation of Standing Committee Recommendation No. 130 (2007) by Bulgaria's government, as none of the relevant decisions nor approved windfarms projects in or near the Balchik and Kaliakra IBAs have been reviewed, with no progress on any of the specific points included in the 2007 Recommendation. BirdLife International has urged for international intervention to protect the Balchik and Kaliakra, Emerald Network/Natura 2000 sites of exceptional value for globally threatened birds and other animals, plants and habitats listed in the Appendices of the Bern Convention.

A report by the Bulgarian government was received on 1 September, giving detailed information about a very high number of wind turbines approved and the lack of EIA requirements for single installations, even if they require an assessment of the type of Article 6 of the Habitats Directive.

The Bureau expressed its concern by this information and asked the Secretariat to invite the Bulgarian government to report on this issue at the Standing Committee meeting in November, focusing on the monitoring of the impacts of the wind farms on biodiversity. The Bureau regretted that the guidelines on wind energy and nature conservation being prepared by the European Commission have experienced delays and will not be available until next year.

➤ **France: Habitats for the survival of the Common Hamster (*Cricetus cricetus*) in Alsace**

At the 27th meeting, the Standing Committee decided to open a case file on this issue, not calling into question the efforts already made by the authorities for the protection of this species, but wanting to highlight the urgent need for action.

The Secretariat wrote to the French authorities in January 2008 and a report with updated information was received, including: actions on the identification of priority action zones; contracts with farmers; definition of the "specific environment" for the Common hamster; breeding in captivity and strengthening of populations; and consideration of the Common hamster in land use planning documents.

The French authorities sent an updated report in August 2008 (see full report from the French government in document T-PVS/Files (2008) 3), including information on

- the **Hamster populations**: With 645 burrows having been accounted for in April 2008, as well as small populations found in Brumath and Geudertheim);
- the **status of implementation of the action plans**: With reported progress on the establishment of three additional priority action zones to take the hamster into account in agricultural and land planning processes; important efforts to propose attractive contracts to farmers; strengthening of populations; information and communication actions; and the setting up of a network of correspondents to find out about the presence of the species outside the usual areas where the counting takes place.
- **Agricultural measures**: With specific agri-environment measures targeting the hamster and applicable in lands favourable to the hamster bigger than the 'priority action zones', and collective

management of priority action zones regarding farming practices (through 5-year contracts). In 2008, around 50 farmers have signed these contracts in two priority action zones

The Secretariat informed the Bureau that the European Commission sent a final written warning to France in June 2008 for failing to implement proper measures to safeguard the great hamster of Alsace.

The Secretariat further informed of a report received in 2008 from the NGO *Sauvegarde Faune Sauvage* warning that the number of priority action zones is clearly insufficient and should be increased as 70% of hamsters are found outside those areas. The NGO further stressed the presence of 200 hamsters in the routes of planned road projects in Alsace.

The Bureau welcomed all these informations and asked the Secretariat to request further reports by the French government and the NGO at the Standing Committee meeting in November.

3.2. Possible files

➤ Norway: Windfarms in Smøla Archipelago

At the 27th meeting of the Standing Committee, in November 2007, the Norwegian delegation informed that a new research project will be conducted until 2010-2011 in order to improve information on wind turbines and their impacts on birds and coastal birds population dynamics concerning both pre- and post-construction phases. The Standing Committee decided to keep this issue as possible case file and asked the government of Norway to submit annual reports to the Standing Committee, with the possibility of undertaking an on-the-spot appraisal in 2009, which had the agreement of the Norwegian delegation.

In April 2008, the Norwegian authorities reported on developments related to the research project carried out by NINA, and including the start of a series of sub-projects, such as radar and photo surveys, experiments on mill-blade painting for stronger visualisation, satellite tracking, and detailed White-tailed Eagle movements in the area. The Norwegian authorities await significant results from this research programme before taking any other action to protect bird populations in Smøla.

In August 2008, BirdLife International reported to the Secretariat that in 2008 the Smøla wind farm has had its worst impact to date on the White-tailed eagles, with zero productivity and seven collision fatalities. The NGO added that the Smøla wind farm has had several adverse effects on White-tailed Eagles, such as reduced territorial/breeding activity at some territories and at least 19 fatalities due to collision with wind turbines. The NGO warned that impacts recorded so far have been more marked and serious than expected by the government, and that they may lead to population-level effects beyond the local scale. They emphasised the importance of doing an on-the-spot appraisal in spring 2009.

Following the Bureau's request, the Secretariat reminded the Norwegian government to send an annual report on this issue by early October 2008 so that it can be prepared for submission to the Standing Committee meeting in November.

3.3 On-the-spot appraisals

➤ Italy: Implementation of Recommendation No. 123 (2007) of the Standing Committee, on limiting the dispersal of the Grey squirrel (*Sciurus carolinensis*) in Italy and other Contracting Parties

At its 27th meeting, in November 2007, the Standing Committee asked the bureau to examine the possibility of opening a file for a possible breach of the Convention by Italy on this case. The Standing Committee also proposed that an on-the-spot appraisal be carried out in collaboration with central and regional conservation authorities, which was agreed by the Italian authorities.

Mr Bernardo Ziletti, independent expert, accompanied by the Secretary of the Convention, visited the Ticino and Montevecchia Regional Parks in May 2008, where they met with regional and park authorities, as well as academics and other experts.

The expert report of the visit is accessible in document T-PVS/Files (2008) 5. The main conclusion is that the presence of the American grey squirrel in Italy is a serious threat for the survival

of the protected native Red squirrel, and that this expansive trend has the full potential to turn the invasion into a continental problem, where France and Switzerland would become the next countries to be invaded. However, this could still be avoided if certain measures are taken, such as monitoring, eradication, a trade ban, and public awareness.

In June 2008, Italy's Ministry of Environment wrote to the Secretariat stressing that the Standing Committee recommendation of 2005 had already urged the Ticino Valley regional authorities to eradicate their populations of Grey squirrels. They further informed the Secretariat of plans to draft a decree to prohibit the import and trade of grey squirrels. However, the position of the Ministry of Environment is that the implementation of the eradication plans in the Ticino Valley cannot wait for the publication of such a decree and that regional authorities must take urgent action.

The Bureau expressed its concern by these informations and agreed to recommend the opening of a case file. It included it in the draft agenda of the Standing Committee as a "possible case file".

3.4 Complaints in stand-by:

➤ **France: Conservation of the European Green Toad (*Bufo viridis*) in Alsace**

At its 27th meeting, in November 2007, the French delegation confirmed to the Standing Committee that the national authorities had taken the action needed to protect existing populations. An action plan was being prepared for the Green toad (*Bufo viridis*) and for the Common spadefoot (*Pelobates fuscus*). The Standing Committee acknowledged the efforts made by the French Government to preserve the species, but asked for more information next year, confirming progress. The Standing Committee decided to take no further action on this matter.

The Secretariat wrote to the French authorities in January 2008 and updated information was received on 17th March 2008. The French Ministry of Ecology reported that a restoration plan for the Common spadefoot (*Pelobates fuscus*) and the Green toad (*Bufo viridis*) is under development, at the initiative of the regional authorities (DIREN Lorraine), and will be operational in 2009. This plan will associate the Centre, Corsica and Alsace regions, and will be co-ordinated by the regional authorities of DIREN Lorraine.

The Bureau welcomed these informations and requested the Secretariat to write to the French government asking them for an updated report before the next meeting of the Standing Committee in November 2008 (this issue was not discussed by the Bureau meeting in September 2008).

➤ **Sweden: Natterjack toad (*Bufo calamita*) population on the coastal island of Smögen**

In December 2007, the Secretariat received informations from the Chair of the Bern Convention's Group of Experts on Amphibians and Reptiles concerning the threat presented by a residential housing project in Hasselösund Väster, Smögen, to the northernmost population of the worldwide distribution of the Natterjack toad (*Bufo calamita*), a species listed in Appendix II of the Bern Convention.

The Swedish government informed that they had consulted the local authorities and received relevant information, and that the formal plan for the area was adopted on 13th December 2007. The Secretariat received the Environmental Impact Assessment; a formal plan for the exploitation area; an inventory report on natural values; and hydrogeological investigation; and a map.

The Swedish authorities informed that the inventory report on natural values clearly showed that the area has very high values in its western part, where the breeding pools of the Natterjack toad are situated. Strong advice is given in the report to refrain from building houses on this part with regard to the loss of the Natterjack population. The report concluded that if houses were to be built in other parts of the area, then compensatory and restoration measures should be implemented. The Swedish government reported that the advice from the inventory report was acknowledged in the EIA and the development of the adopted formal plan so that houses will not be built in the western part of the area and that the suggested compensatory and restoration measures have been implemented in the plan for the area. In conclusion, and after reviewing the available documents, the Swedish Environmental Protection Agency considered that the appropriate measures had been taken in order to secure the

survival of the Natterjack population and that the residential housing project, as presented in the final plan, will not have a negative effect on the population.

The Bureau welcomed these positive developments at its meeting in March 2008, and asked the Secretariat to get the views of the Chair of the Group of Experts on Amphibians and Reptiles. On 3 September 2008, the Chair of the Group of Experts on Amphibians and Reptiles informed the Secretariat about the unsatisfactory situation concerning this project, which could destroy high value land as well as small ponds important for the species. He stressed that the species is in bad conservation status and therefore a partial habitat destruction would not be acceptable. He further urged the Bureau to follow this up.

The Bureau discussed this information and agreed to request the views of the Swedish government on these latest informations and leave this issue as a “complaint in stand-by”.

➤ **Switzerland: Long delays in the implementation of the Emerald Network**

This complaint, sent jointly by WWF Switzerland and Birdlife Switzerland, was received by the Secretariat in March 2008. WWF and Birdlife consider that the Swiss Government has not acted adequately with respect to the implementation of the Emerald Network, as in 2006 the responsibility for the designation of the Emerald sites was transferred from the FOEN (Federal Office for the Environment) to the cantons. WWF and Birdlife consider that this will imply the downgrading of the Emerald Network in Switzerland. They consider that this role should be played at the federal level and that, in addition, there is a lack of co-operation with EU countries to create transboundary sites.

The complainants claimed that the selection of the 30 sites officially been proposed, plus 14 alpine sites, was not based on scientific data as only an inventory has been carried out, without evaluation of the sites, and therefore there is no criteria available to explain the choice of the 30 officially proposed sites.

The Secretariat wrote to the Swiss authorities, which replied informing that 30 sites have been potentially identified and that, in addition, 28 potential alpine sites have been identified. The cantons were consulted in October 2007 as only agreed sites with the cantons can be designated. The Swiss government further added that Swiss law establishes that nature protection is a shared task between the Confederation and the cantons. To this effect, an official consultation procedure for the cantons is planned for the autumn and all the Emerald sites agreed by the cantons will then be communicated without delay to the Secretary of the Bern Convention.

The Bureau stressed that the internal distribution of competences of Contracting Parties regarding nature conservation lies outside its mandate and agreed to wait for the official list of proposed sites.

3.5 Other information

The Secretariat informed the Bureau about the following complaints received since the last meeting (see full information in section 3 of “Summary of case files and complaints”, document T-PVS (2008) 3 rev, of 27 August 2008):

➤ **Andorre: Tourism project in *El Bosc de la Rabassa***

In April 2008, the Secretariat received a complaint from the NGO *Associació per a la Defensa de la Natura ADN*. The NGO claims a breach of the provisions of the Bern Convention by Andorra in the development of the tourism project “Naturlàndia” in a forested area known as “El Bosc de la Rabassa” in the municipality of Sant Julià de Loria. The Andorran authorities sent to the Secretariat extensive information and documents. The project embodies 337 ha of the *Bosc de la Rabassa* and comprises five connected elements: an observatory, a target shooting facility, a thematic park, a sports shelter and a cross-country skiing track. The project is expected to be completed by the end of 2009.

They further informed that *El Bosc de la Rabassa* is not a protected area, and that they had carried out a global impact study “a priori compatible with the environment”, having properly informed the population about the project. A positive EIA was issued upon condition that a calendar to avoid disturbances for the Capercaillie (*Tetrao urogallus*) and the Boreal owl (*Aegolius funereus*) during their breeding period is put in place.

The Bureau decided to ask both Andorra's authorities and the NGO about how the species mentioned above will be affected by the project.

➤ **Croatia: Lošinj Dolphin Reserve (*Tursiops truncatus*)**

In June 2008, Croatian NGOs wrote to the Secretariat expressing their concern about the announcement by the Ministry of Culture about the possibility of downgrading the protection for the Lošinj Dolphin Reserve. According to the NGOs, the downgrade in protection, from special reserve to regional park, would violate Croatia's international obligations as well as allow projects affecting the bottlenose dolphin's habitat, in particular the proposed construction of a marina inside the reserve.

In August 2008, the Croatian authorities informed the Secretariat that the situation with the marine reserve is very complex, as the site was "preliminary protected in the category of marine reserve" for a period of three years. The procedure leading to final designation includes public participation and the State Secretary reported that local opinion has significantly changed from 2005-2006, when the area became temporarily protected. Furthermore, Croatian law allows for changes in the surface of the area and/or boundaries, and even change the category of protection, during the process of defining the permanent protection of the site.

The Croatian authorities have also reported the lack of unified scientific advice on the need for protecting this area, which is not helpful. However, Croatia's National Ecological Network was proclaimed in October 2007, which includes the Cres-Lošinj Archipelago, with the effect that all projects and activities inside this zone are now subject to nature impact assessment.

The Bureau asked the Secretariat to contact the ACCOBAMS Secretariat to get the views of their Scientific Committee about the situation of this species and its status in the Mediterranean.

➤ **UK: Aberdeen Western Peripheral Route**

The association Aberdeen Greenbelt Alliance wrote to the Secretariat in July 2008 regarding a planned trunk road project of 40 kms. around the city of Aberdeen, which has not been subject to a proper Environmental Impact Assessment and which would affect several strictly protected species. The plans for this road include a crossing of the River Dee, which is designated as a Special Area of Conservation (SAC) under the Habitats Directive. The River Dee is considered one of the best areas in the UK for the following species: the freshwater pearl mussel (*Margaritifera margaritifera*), Atlantic salmon (*Salmo salar*) and otter (*Lutra lutra*). The association explains that Scottish Ministers have directed that this proposed plan, promoted by Transport Scotland and in partnership with Aberdeen City and Aberdeenshire councils, will go ahead "in principle", without consideration of alternatives.

The Bureau asked the Secretariat to write to the UK government asking for information on this issue.

4. Conservation of habitats: Setting up of ecological networks

4.1 Progress on the Emerald Network

The Secretariat gave a brief progress report on the implementation of the Emerald Network, including the finalisation of the CARDS project in the Balkans.

The Secretariat further informed about the positive decision from the European Commission regarding funding for the project to extend the Emerald Network in the Caucasus. The contract needs to be agreed with the European Commission so that the project can start in early 2009. The project is entitled "Support for the implementation of the Convention on Biological Diversity Programme of Work on protected areas in the EU neighbourhood policy East area and Russia: Extension of the implementation of the EU's Natura 2000 principles through the Emerald Network" and will be carried out in Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, and Ukraine.

The Secretariat informed of plans for the Group of Experts on the Emerald Network set up under the Bern Convention to also cover issues related to ecological networks and the integration of other sectors. The next meeting of the Group of Experts will be held in October 2008.

4.2 Update on the organisation of international conference

The Secretariat briefly informed about a meeting held on 30 June 2008 to prepare the organisation of a European conference on protected areas and ecological networks to be hosted by the Spanish government in early 2010, under the future Spanish Presidency of the EU. The conference will be a regional meeting, prepared in coordination with the European Commission and the CBD, to focus on the implementation of protected area systems and their role in the face of climate change.

The Bureau stressed the importance of the Council of Europe as a pan-European forum on protected areas. It further addressed the issue of future harmonisation of Annexes between the Bern Convention and the Habitats Directive, which could be raised again after the new Commission is in post in 2009. The Bureau also emphasised the need for Parties to receive the lists of sites identified to be included in the Emerald Network.

5. Follow-up of previous recommendations

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

This file was provisionally closed at the 24th meeting of the Standing Committee meeting, although the Committee asked the Turkish government to continue to report on the situation concerning this issue.

At the 27th meeting of the Standing Committee, in November 2007, the Turkish delegation informed the Committee that the situation had improved significantly in many of the 14 points included in Recommendation No. 95(2002) and that more research and monitoring on marine turtles is being carried out. An important amount of financial resources will be spent to treat the waste and put it in a safe place away from the sea, a process which will take approximately eight years to achieve and which includes the very important step of establishing a non-hazardous waste land filling facility.

The Standing Committee decided not to open a file and requested Turkey to submit a report on progress in the implementation of the 2002 Recommendation to its next meeting in 2008.

The Secretariat wrote to the Turkish authorities in January and April 2008 but no reply was received. The Bureau requested the Secretariat to send a reminder letter to the Turkish government asking for the report before the next meeting of the Standing Committee.

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

At the 27th meeting of the Standing Committee, the delegation of Iceland confirmed that no SEA had been conducted as the law was adopted in spring 2006. They reported that the new government, in post since summer 2007, has decided to move forestry issues and related agencies to the Environment Ministry, as of 1 January 2008, which was likely to change the situation. The delegation of Iceland reminded the Committee that the implementation of this Recommendation is a long-term task and that the country has the will to implement it as best as possible.

At the 2007 Standing Committee meeting, BirdLife International highlighted that Iceland is the most important country in Europe for breeding waders and that afforestation had rapidly accelerated since the Recommendation was adopted in 2002. The NGO warned that unless better regulated, the policy of subsidising the planting of non-native trees in the lowlands will have severe impacts on the wader population. They encouraged Iceland to implement 13 measures on this topic. The Standing Committee agreed to ask Iceland for a report in 2008.

The Secretariat wrote to the Icelandic authorities in January and April 2008 but no reply was received. The Bureau agreed to include this issue in the draft agenda of the Standing Committee meeting.

c. Recommendation No. 108 (2003) on the proposed construction of the “Via Baltica” (Poland)

In 2007, the Secretariat received an NGO report informing about the construction of two sections of road no. 8 - the Polish Government’s preferred route for the Via Baltica international road corridor – which had started at the beginning of 2007, and warning about damage to key wildlife sites, including the pristine Rospuda Valley in the Augustow Primeval Forest, habitats of a large number of species such as Lesser-spotted Eagle, White-tailed Eagle, White-backed Woodpecker and Capercaillie.

At the 27th meeting of the Standing Committee, the Polish delegation informed the Committee that the SEA had been completed in mid-November 2007 and that they were preparing public consultation through various hearings. They stressed that the results of the SEA would decide the final route of this trans-European transport corridor and that no choice had been made yet, as this depended on the results of the public consultation. The Committee was informed that there was no timetable for construction works and that any change on the original route would have to be accepted by the European Conference of Transport Ministers.

The Standing Committee agreed to follow-up the situation with a report from Poland in 2008.

A report from the government was received in March 2008, stating that the work to determine the course of Transport Corridor I was underway and had not been concluded and that the draft final document “The strategy for the development of the 1st Pan-European Transport Corridor (Budzisko-Warsaw). Part I: The Road Corridor” needed verification and additional analyses. The government report included information on public consultations and information.

A report from BirdLife International was received in August 2008 stating that implementation of Recommendation No 108 (2003) on the Via Baltica by the Polish Government has been limited and that there is no political will to implement the results of the SEA for the ‘Via Baltica’ and take into account nature protection requirements during transport development. The NGO asks the Standing Committee to consider requesting the Polish government and the European Commission that the results of the SEA for the ‘Via Baltica’ route be included in the proposal for TEN-T revision as well as in national transport strategies; and that a meeting with high level representatives of the Polish government be held to discuss progress on the implementation of Recommendation No 108 (2003).

The Bureau requested the Secretariat to send a reminder letter to the Polish government asking for an updated report before the next meeting of the Standing Committee.

d. Recommendation No. 113 (2004) on military antenna in the Sovereign Base Area of Akrotiri (Cyprus)

The UK authorities reported in March 2007 covering the following issues: Pluto Health Study; Pluto Bird Flight Diverters; Pluto Bird Studies; Hydrology Study; Environmental Management Systems; Akrotiri Peninsula Environmental Management Plan; On-island Environmental Support.

Also during 2007, the NGO BirdLife Cyprus reported that there had been some progress towards meeting the recommendations of the Standing Committee. Preliminary monitoring of bird strike at the Antenna site had been carried out but the Sovereign Base Area Administration (SBAA) had yet to designate the Akrotiri peninsula – Episkopi cliffs IBA as the equivalent of an SPA, although a highly encouraging policy on management of the area had been adopted and seemed to be implemented well (especially as regards appropriate assessment of proposed developments). The NGO reported having enjoyed regular, open and constructive dialogue with the SBAA, and with the SBA conservation team in particular.

The Standing Committee regretted the absence of a delegation from a United Kingdom at its 27th meeting, in November 2007, and further regretted that the UK report on this issue had been received shortly before the meeting, making its distribution to Parties materially impossible.

The Standing Committee wished a more complete report from the UK in 2008. The Secretariat received reports in March and September 2008, informing about progress on each of the paragraphs of Recommendation 113 (2004) The reports are included in document T-PVS/Files (2008) 2.

BirdLife Cyprus sent an update report to the Secretariat in August 2008, concluding that there has been definite progress towards meeting the Standing Committee's Recommendations in the last year, although much remains to be done, including on monitoring of bird strike at the Antenna site and a formula for long-term mortality monitoring. The NGO was concerned that the designation of the Akrotiri peninsula – Episkopi cliffs Important Bird Area (IBA) as the equivalent of a Special Protection Area (SPA)/Emerald Network site may omit two areas from the protected area. BirdLife Cyprus reported having enjoyed constructive dialogue with the SBAA, and with the SBA conservation team in particular.

The Bureau agreed to keep this issue on the agenda of the Standing Committee meeting and requested the Secretariat to ask the UK government to update the Committee on any new developments.

e. Recommendation No. 118 (2005) on the protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var), France

In 2007, the French authorities informed the Secretariat of a global strategy for the conservation of this species in the French PACA region (Provence, Côte d'Azur) and in Corsica. This global strategy – which is not an action plan – includes a restoration plan for the species and its habitats.

The Standing Committee re-examined this file at its 27th meeting, and the French authorities stated that they were willing to take intensive action to protect the species and its habitats and confirmed the implementation of a global strategy for their conservation, including a restoration scheme. They also provided information on the other measures being taken, including the creation of a nature reserve, publication of the implementing decree for the Natura 2000 area, the establishment of a steering committee, a management scheme for the Natura 2000 area, and other measures aimed at the species' conservation.

The Standing Committee deemed positive the information supplied by the French authorities and agreed that the French delegation should provide further information at its 28th meeting, both to report on the implementation of Recommendation No. 118 (2005) and on the matters raised during this meeting (LGV, Balançon waste storage centre, ecological corridors linking the reserve with other populated areas outside it, state of progress of the restoration scheme), and also to take stock of the progress achieved and of the results of the projects presented.

Two reports from the government were received (in March and August), covering the classification of the Maures plaine as a national nature reserve and the national restoration plan for the Hermann tortoise. A further report covering the issues listed by the Standing Committee in 2007 is expected before the meeting in November 2008. The Bureau also agreed to contact the French authorities concerning two complaints for possible damage to the Hermann tortoise in relation with a planned waste management plant in the Var region (commune of Cabasse) and a housing project also in the Var (commune de Ramatuelle).

f. Recommendation No. 129 (2007) on the construction of a dam and hydro-electric power station in Lesce on the Dobra River (Croatia)

In August 2008, the Croatian authorities sent a detailed report on the implementation of this Recommendation, stating that the project of building a dam on the river Dobra is far advanced, and as it is a governmental priority in regards to electricity needs, and therefore there was no option to withdraw the decision to authorise the construction of the dam. All phases of the construction have valid documentation, including protection measures and approvals by the competent authorities. The Croatian Electricity Company has agreed to finance an expert study for species and habitats and a detailed monitoring program towards mitigating or compensating the negative effects of the hydroelectric power station in Lešće. The expert studies will cover the whole year cycle and, based on the preliminary reports submitted after the first six months, further construction works and the filling of the accumulation lake will be determined.

g. Recommendation No 131 (2007) on the Planned Motorway Vc across the Drava Marshlands in Slavonia (Croatia)

In August 2008, the Croatian authorities sent a detailed report on the implementation of this Recommendation, stating that Croatian Motorways agreed to finance additional research and monitoring of the Drava Marshlands. The project proposal for the expert study covers species and habitats in the area of the planned motorway, including Appendix II and III species (White-tailed Eagle, Black stork, Ferruginous duck, Yellow bellied toad and Fire bellied toad). The additional mitigation and compensation measures during and after construction will be based on the results of this expert study, as well as the monitoring programme planned for before and during the construction period, in order to provide evidence of the effects of the construction process on species and habitats, and resulting in mitigation measures.

6. Illegal killing of birds

The Secretariat presented an information note on the implementation of Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds targeting Mediterranean Parties. The Bureau took note of the lack of response from a number of Contracting Parties contacted and the incomplete information on which to base a decision. It requested the Secretariat to write again to the government of Cyprus, to include this issue in the agenda of the Standing Committee meeting, and to submit an information note to the Standing Committee.

7. Draft agenda of the 28th meeting of the Standing Committee

The Bureau examined the draft agenda of the 28th meeting of the Standing Committee as tabled by the Secretariat, and made a number of amendments before approving it.

8. Proposals for the programme of activities in 2009

The Bureau examined the draft programme of activities for 2009 as tabled by the Secretariat, and made a number of amendments before approving it.

9. Strategic development of the Convention

9.1 Enhanced MoC with the CBD Secretariat and Decisions from CBD COP-9

The Secretariat informed the Bureau of the side-event held in Bonn in May 2008 during CBD COP-10, where the enhanced Memorandum of Co-operation with the secretariat of the CBD was signed. It further presented an information note about key relevant decisions from CBD COP-9 on areas of common interest with the Bern Convention. The Bureau requested the Secretariat to prepare an information document for the Standing Committee including the memorandum of co-operation, the press release issued by the CBD Secretariat on that occasion, and the information note.

9.2 Closer co-operation with other Conventions/organisations: MoCs with CMS and IUCN

The Secretariat informed the Bureau that two new draft memoranda of co-operation are under discussion with the Convention on Migratory Species (CMS) and the IUCN. More information will be communicated once the precise calendar for the internal procedure at the Council of Europe is known, as the MoC need to be validated by the Committee of Ministers of the Council of Europe.

9.3 The case-file system: Reminder on processing of complaints and new on-line form.

The Secretariat presented the document prepared on the basis of the related report presented to the Standing Committee in 2007. The Bureau agreed with the two recommendations included in the document and included this issue in the draft agenda of the meeting of the Standing Committee for 2008.

10. Any Other Business

None were raised

* * *

The Chair thanked the participants and interpreters and declared the meeting closed.



APPENDIX 1

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Strasbourg, 16 June 2008

Standing Committee

Bureau meeting

Strasbourg, 5 September 2008
(Room 7, opening: 9:30 am)

AGENDA

1. **Adoption of the agenda**
2. **Implementation of the 2008 Programme of activities**
3. **Implementation of the Convention : Files**
 - 3.1 **Specific Sites - Files open**
 - Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta) – [On-the-spot appraisal (expert report)]
 - Cyprus: Akamas peninsula
 - Bulgaria: Project to build a motorway through the Kresna Gorge
 - Bulgaria: Wind farms in Balchik and Kaliakra – Via Pontica
 - France: Habitats for the survival of the common hamster (*Cricetus cricetus*) – [Report requested for SC meeting]
 - 3.2 **Possible files**
 - Norway: Windfarms in Smøla Archipelago – [Report requested for SC meeting]
 - 3.3 **On-the-spot appraisals**
 - Italy: Implementation of Recommendation No. 123 (2007) of the Standing Committee, on limiting the dispersal of the Grey squirrel (*Sciurus carolinensis*) in Italy and other Contracting Parties [Expert report]
 - 3.4 **Complaints in stand-by**
 - France: Protection of the European Green Toad (*Bufo viridis*) in Alsace – [Report requested for SC meeting]
 - Sweden: Natterjack (*Bufo calamita*) population on the coastal island of Smögen
 - Switzerland: Emerald Network
 - 3.5 **Other information**
 - **Information on complaints received after March meeting**

4. Conservation of habitats: Setting up of ecological networks

4.1 Progress on the Emerald Network

4.2 Update on the organisation of international conference on protected areas: Report from the meeting held on 30th June 2008

5. Follow-up of previous Recommendations:

- Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey) – [Report requested for SC meeting]
- Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, specially birds, in afforestation of lowland (Iceland)
- Recommendation No. 108 (2003) on the proposed construction of the “Via Baltica” (Poland)
- Recommendation No.113 (2004) on military antenna in the Sovereign Base Area of Akrotiri (Cyprus)
- Recommendation No. 118 (2005) on the protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var), France
- Recommendation No. 129 (2007) on the construction of a dam and hydro-electric power station in Lesce on the Dobra River (Croatia)
- Recommendation No 131 (2007) on the Planned Motorway Vc across the Drava Marshlands in Slavonia (Croatia)

6. Illegal killing of birds

Implementation of Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds

7. Draft agenda of the 28th meeting of the Standing Committee**8. Proposals for the programme of activities in 2009****9. Strategic development of the Convention**

- 9.4 Enhanced MoC with the CBD Secretariat and Decisions from CBD COP-9
- 9.5 Closer co-operation with other Conventions/organisations: MoCs with CMS and IUCN
- 9.6 The case-file system: Reminder on processing of complaints and new on-line form.

10. Any Other Business

APPENDIX 2

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS
CONVENTION RELATIVE A LA CONSERVATION DE LA VIE SAUVAGE
ET DU MILIEU NATUREL

Standing Committee / Comité permanent

Meeting of the Bureau / Réunion du Bureau

Strasbourg, 5 September 2008
Palais de l'Europe, Salle 7

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