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**T-PVS (2012) 2**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

Standing Committee

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**Meeting of the Bureau**

Strasbourg, 23 April 2012

**MEETING REPORT**

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

## 1. ADOPTION OF THE AGENDA

Mr Jan Plesnik, Chair of the Standing Committee of the Convention, opened the meeting on 23 April 2012 and welcomed the other Bureau members as well as the representatives of the Secretariat. He thanked the Parties who already submitted financial contributions to the budget of the Convention and encouraged the others to do so in the near future.

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

## 2. IMPLEMENTATION OF THE 2012 PROGRAMME OF ACTIVITIES

*[T-PVS (2011) 12 – Programme of Activities]  
[T-PVS/Notes (2012) 4 – Note from the Secretariat]*

The Secretariat informed about the setting up of the reference T-PVS/Notes, created to identify working documents which are not likely to be submitted to the Standing Committee, or which have a provisional status without necessarily being draft documents.

In addition, the Secretariat updated the Bureau on progress made in the implementation of the 2012 Programme of Activities, informing on a number of meetings attended by the Convention's staff, as well as on the state of preparation of the meetings of the Bern Convention's Groups of Experts.

In this respect, the Secretariat stressed that the meeting of the Group of Experts on Birds, initially scheduled to take place in June 2012, has been postponed to 2013 in order to ensure co-ordination with other relevant stakeholders (mainly the recently established CMS Working Group on minimising the risk of poisoning, the AEWA and BirdLife International), particularly relating to species action plans, as well as to ensure the proper preparation of the background documents and of the questionnaires for the reporting from Parties on issues such as powerlines, wind energy and sensitivity mapping.

Moreover, the Secretariat recalled that a specific questionnaire has been sent to all Parties to focus and harmonise their reporting on the implementation of the guidance on biodiversity and climate change, in the framework of the correspondent Group of Experts. Reports are expected by 29<sup>th</sup> May in order to be assessed by an independent consultant.

The Secretariat further informed on the progress towards the preparation of a Charter on Fungi-Gathering and Biodiversity (in co-operation with IUCN), as well as on the forthcoming launch - via the website and a press release - of a promotional video on the Emerald Network, produced under the frame of the EU/CoE Emerald Joint Programme in the Central and Eastern European countries, and the South Caucasus. More concretely regarding visibility, the Secretariat listed a series of press articles highlighting the progress made in the establishment of the Emerald Network, mainly published by IUCN, the ENPI Info Centre, and CEE Web for Biodiversity.

Finally, the Secretariat was pleased to inform the Bureau that, following an alert message concerning the possible drainage of *Ulcinj* salina in Montenegro (a Candidate Emerald site) and the joint intervention of the Secretariats of the Bern Convention, the Ramsar Convention and the AEWA, the national authorities decided not to release the authorisations which would have permitted the tourist exploitation of the site.

The Chair thanked the authorities of Montenegro for their commendable decision and expressed satisfaction for the good co-operation between the concerned biodiversity related Conventions.

### 2.1 Implementation of the Bern Convention in Switzerland

The Secretariat informed that, following the presentation of the draft report on the implementation of the Bern Convention in Switzerland to the Standing Committee, the national authorities have been invited to send comments to the consultant. A final draft report will be ready for next Bureau meeting.

The delegate of Switzerland, Mr. Olivier Biber, stressed that Swiss authorities have conducted thorough consultations with all the officers involved in the implementation of the Bern Convention within the Ministry; the comments which have been sent to the consultant are therefore consolidated and complete.

## 2.2 Progress in the setting-up of the Emerald Network: General overview

*[T-PVS/Notes (2012) 1 –*

*Possible contribution of the Bern Convention to the celebrations of the Habitats Directive/Natura 2000 and LIFE]*

The Secretariat informed that the joint CoE/EU project on the setting up of the Emerald Network in seven, Eastern European countries and the South Caucasus (ENPI countries) has come to an end in April 2012. The activities which took place in the first trimester of 2012 in the frame of the joint project consisted in additional visits to Moldova and Azerbaijan to solve some pending technical issues mainly concerning the Emerald database. In the case of a follow-up project, a quality check of the data provided so far by all countries will take place as a preliminary activity to the launch of Phase II of the Emerald Network. The financial and narrative report for the whole project will be sent to the European Commission by 15<sup>th</sup> October 2012, while a public presentation of the project results will be made at the 3<sup>rd</sup> European Congress of Conservation Biology in Glasgow in September.

The Secretariat further recalled that negotiations for a follow-up project aimed at the preparation and implementation of Phase II in the same seven countries are well advanced.

Moreover, the Secretariat informed on the state of work in Switzerland and Norway, stressing that a first biogeographical seminar for Switzerland will take place in July, while Norway is looking at possible dates for the organisation, still in 2012, of its second technical Emerald seminar, in preparation of their first biogeographical Seminar planned for 2013.

Regarding Morocco and Tunisia, the Secretariat recalled the strong interest of both countries to work on the setting up of the Network if some funds would be available. To this end, the Secretariat has contacted IUCN Centre for Mediterranean Cooperation to study the possibility of a joint collaboration there.

In addition, the Secretariat provided information on the preparation of the meeting of the Group of Experts on Protected Areas and Ecological Networks (including the drafting of Guidelines on the management of Emerald sites, and of proposals for the reporting by Parties on the management of the sites; an updated biogeographical regions' map for Europe including marine areas; the comparative analysis of the lists of habitats in Resolution No. 4 (1996) of the Bern Convention and in Annex I of the EU Habitats Directive; the presentation of a draft Action Plan for the implementation of the PEEN).

For what concerns the co-operation with the EEA, the Secretariat informed of broader and more concrete discussions with the ETC/BD concerning its possible involvement into the future joint EU/CoE project in the ENPI countries. Regarding the support to the setting up of the Emerald Network in South Eastern Europe (the Balkan region), ETC/BD might use funds from the IPA programme to address protected areas issues in the region.

The Secretariat further raised an issue of concern regarding the co-ordination of activities related to the establishment of ecological networks. In fact, it has been noticed that in some countries (particularly the ENPI countries), training on the Natura 2000 Network are being organised with different national teams from those working on the setting-up of the Emerald Network, without ensuring that the information flows properly, and without using the knowledge and data accumulated through the Emerald process. This can lead the public officers who are trained on the Natura 2000 methodology and legislation to oversee the Emerald background that the country has gained, as well as the obligations towards the Bern Convention. More exchange of information at national level and from the European Commission on this issue is highly recommended.

Finally, the Secretariat informed that the Bern Convention is now a full member of the EU Expert Group for Reporting under the Nature Directives, where technical issues such as the adaptation of the Emerald software to the new Natura 2000 software are under scrutiny.

Mr. Biber recalled the milestones foreseen in the Calendar for the implementation of the Emerald Network (2011-2020), asking the Secretariat's views on both the possibility of meeting the deadlines set and on the enlargement of the Network beyond the regional scope of the Council of Europe, making a particular reference to the PEBDLS as a possible frame for the implementation of the PEEN.

The Secretariat explained that meeting the deadlines seems so far absolutely possible. Regarding the development of the PEEN taking into account the work done by the PEBDLS, the Secretariat offered co-operation with some conditions, namely to start a new process taking into account current developments which would suggest a new role for PEBDLS. The Secretariat further informed that the Council of Europe has engaged in a consultation process on the Neighbourhood Co-operation with some African, Middle-East and Asian countries. Once a clear frame for this co-operation will be set up, the Standing Committee could consider which countries to approach for a possible enlargement of the Emerald Network.

The delegate of Serbia, Ms Snezana Prokic, thanked the Secretariat for the work done in Balkan region and wished to stress the role of the Bern Convention as an excellent tool to foster nature protection, particularly outside the EU. She expressed satisfaction for the decision of the Standing Committee to adopt the EUNIS system and to harmonise the lists of protected habitats and species under the EU Habitats and Birds Directives and under the Emerald Network

The Chair thanked the Secretariat for the work done and encouraged EU Member States to use the events to mark the 20<sup>th</sup> anniversary of the Natura 2000 Network as an opportunity to recall the key role that the Bern Convention has played in the establishment of a EU habitat legislation, as well as the work done on the Emerald Network to ensure the setting up of a harmonised and comprehensive Pan-European Ecological Network.

### **2.3 European Diploma of Protected Areas: Report from the meeting of the Group of Specialists and draft renewals in 2012 (to be presented to the Committee of Ministers)**

[T-PVS/DE (2012) 13]

The Secretariat presented the main outcomes of the meeting of the Group of Specialists on the European Diploma of Protected Areas, held in Strasbourg on 9-10 February 2012.

The Secretariat informed about two new applications, respectively received by Armenia (for the first time ever) and Ireland. The two candidate areas have both an exceptional interest: for instance the Khosrov Forest State Reserve in Armenia counts with many emblematic species such as the leopard (*Panthera pardus*), the mouflon (*Ovis gmelini*) and the Black Vulture (*Aegypius monachus*), while the Burren region in Ireland appeared on the country's Tentative List of World Heritage Sites as a cultural landscape. An expert visit already took place in Armenia in April, while the visit to Ireland is planned for June. The reports by the independent consultants will be submitted to the attention of the Group of Specialists at its next meeting.

The Secretariat further noted that the discussions on the application of the Sumava National Park in the Czech Republic were again postponed at the request of the Czech authorities as the process of preparing and adopting a new act on the Park including the zoning regulations, was not finished and was still being discussed with the various partners. The Secretariat stressed that the Park is a Biosphere reserve classified also as a Ramsar site; yet the site is transfrontier with a German Park which holds the European Diploma. This makes it even more urgent to put in place appropriate management and infrastructures.

Moreover, the Group of Specialists analysed the renewal of the diploma for ten areas, eight of which were visited by independent experts through on-the-spot appraisals. The Group expressed positive recommendations for all the sites.

Regarding the non-renewal of the Diploma for *Belovezhskaya Pushcha* National Park (Belarus), the Secretariat informed that the expert who carried out the on-the-spot appraisal suggested that the Diploma be renewed for a limited period with conditions and recommendations. However, after a lengthy discussion, the Group recognised the progress made and the authorities' commitment to meeting the requirements of the Diploma but felt that, before taking a decision, it would be best to wait until it had received all the finalised and adopted texts and the map showing the functional zoning. It therefore requested a series of documents (which have been promptly sent the Secretariat after the meeting of the Group of Specialists) and proposed that the matter be referred to the Standing Committee for decision.

Finally, the Secretariat informed about the discussions concerning the future of Diploma: an independent consultant prepared a report including the distribution of biogeographical regions, a gap analysis, updated factsheets on Diploma sites, etc. The Group recognised the urgent need for creating a new dynamic for the award, namely by issuing targeted calls for applications, by making better use of available material (annual reports and expert appraisal reports), by increasing visibility, and by better explaining the added value of the Diploma compared with other designations, namely managerial excellence and its role in halting the decline of nature in Europe. The Group recognised that extending the European Diploma and preparing for the 50<sup>th</sup> anniversary celebrations were still top of the agenda and instructed the Secretariat to prepare a document on how to convey these different messages.

The Chair thanked the Secretariat for the presentation and expressed once more the appreciation of the Bureau for the work carried out by Françoise Bauer over the past years.

He wished to conclude by informing on the situation in Sumava National Park: two proposals concerning a new Act are currently under scrutiny and will be soon submitted to the Parliament.

## **2.4 Select Expert Group on Invasive Alien Species**

*[T-PVS/Inf (2012) 5]*

The Secretariat gave a brief summary of the conclusions of the meeting of the Select Expert Group on Invasive Alien Species, held in Rome, Italy, in March 2012. The Select Group examined the different stages of development and negotiations of several draft codes of conduct and guidelines to be submitted to the Standing Committee for possible adoption, and agreed that the approach of voluntary instruments should be continued as this is complementary to the regulatory work proposed by the European Union. However, the Group also suggested that some work on the prioritisation of pathways would be needed to select which issues to be tackled through new codes. Moreover, the Group stressed that it would be important to join efforts of IUCN-ISSG and others organisations on terminology, and to prepare some common guidelines on this issue.

The Secretariat further informed that the Bern Convention will probably organise a side event on Invasive Alien Species during the World Conservation Congress in Korea.

The Chair informed that the European Commission launched in January a public consultation over three months on a new dedicated instrument on Invasive Alien Species, which will probably take the form of a Directive. As a result, the Commission received thousands of replies from both the general public and relevant stakeholders and is now in the process of assessing these. Afterward, the proposed legal instrument will have to be submitted to the European Parliament and to the European Council for approval. However, the Chair pointed out that the dedicated instrument will be accompanied by a list of Invasive Alien Species, which will be extremely difficult to prepare as it must be comprehensive enough to satisfy the needs and worries expressed by all concerned actors. In this particular context, the voluntary approach undertaken by the Bern Convention will be even more relevant.

## **2.5 Illegal killing of Birds: short update on progress**

The Secretariat gave a short overview of recent developments regarding the issue of illegal killing of birds, including co-operation between the Bern Convention and other stakeholders. In this respect, the Secretariat informed that the European Commission published, in January 2012, the report on "Stocktaking of the main problems and review of national enforcement mechanisms for tackling illegal killing, trapping and trade of birds in the EU", whose aim was to collect the views of EU Member States on the issue. The actions that are now envisaged at EU level mainly concern: (i) the extension of the existing EU-TWIX database mechanism to illegal activities related to birds protected under EU legislation; (ii) awareness raising and training for the judiciary, including a new training module for judges on environmental crimes with a special focus on illegal killing of birds; co-operation with the EU Forum for Judges (EUFJE) to have the issue of illegal activities under the Birds and Habitats Directives as a topic for the EUFJE 2012 annual conference; co-operation with the European Network of Prosecutors for the Environment (ENPE) to deal with organised environmental crime, particularly in waste and wildlife; the possibility of launching a communication action on some well identified cases of illegal killing of birds.

The Secretariat further recalled that the 2<sup>nd</sup> European Conference on illegal killing of birds, under the aegis of the Bern Convention, is scheduled to take place in 2013. The Secretariat is liaising with CMS, which recently set up a Working group on Minimising the risk of poisoning for migratory birds, to explore the possibility of organising back to back the first 1<sup>st</sup> meeting of the CMS working group and the 2<sup>nd</sup> European Conference on illegal killing of birds. This would ensure a bigger impact in mass media, a wider expert audience and a particular focus on the issue of poisoning, which was identified as one of the trickiest threats by the participants in the Larnaca conference in 2011. The Secretariat also informed that a contract with BirdLife International is under preparation to ensure the drafting of specific questionnaires to frame the reporting from Parties on the implementation of the recommendation on illegal killing of birds.

The Chair thanked the Secretariat for the presentation and informed about the outcomes of the Birds in Europe 3 (BiE3) kick-off meeting (Mikulov, the Czech Republic, 9-10 February 2012), which he attended in his capacity of Chair of the Standing Committee. The 3-day conference, organised by BirdLife International, in cooperation with a number of relevant stakeholders and with the financial support of the EU, contributed to assessing critically current wild bird indicators following the new criteria identified by IUCN, and outlined current and future policy requirements for common bird monitoring outputs. Participants also focussed on the use of data for research & emerging issues and discussed the preparation of the third version of «Birds in Europe ». The Chair concluded by recalling that the main aim of the project carried out by a consortium led by BirdLife International is to mainstream the production of the IUCN European Red List of Birds, the 3<sup>rd</sup> edition of Birds in Europe and 2<sup>nd</sup> edition of the Atlas of European Breeding Birds to be published by the European Bird Census Council and to gather reliable data for reporting under the EU Bird Directive and that within this pan-European process, the Bern Convention has been playing an important role.

### **3. INSTITUTIONAL MATTERS**

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

The Secretariat recalled that, in a letter addressed to the Secretary General on 16 November 2011, the Swiss government requested an amendment to Article 22 of the Convention consisting in entitling any State for which the circumstances have radically changed in its territory since the entry into force of the Convention, to make one or more reservations regarding the certain species specified in Appendices I to III to the Convention, even after having signed it or deposited its instrument of ratification.

The Secretariat further explained that, following the procedure settled down in Article 16 of the Convention, the Secretary General has forwarded (on 9 January 2012) the request of amendment to all Member States of the Council of Europe, to any signatory to the Convention, to any Contracting Party, to any State invited to sign the Convention and to any State invited to accede.

As the proposed amendment targets an operational provision (Articles 13 to 22 of the Convention), its adoption requires the approval of the Committee of Ministers.

For entering into force, the amendment should therefore first be adopted by the Standing Committee with a three-quarters majority of the votes cast; then forwarded to the Committee of Ministers for approval; and finally be accepted unanimously by the 50 Contracting Parties.

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

*[T-PVS/Notes (2012) 3 – Summary of case files and complaints]  
[T-PVS/Inf (2012) 2 – Register of Bern Convention's case-files]*

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

#### **4.1 Specific Sites - Files open**

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

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

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

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

In February 2012 Ukrainian authorities sent a full report highlighting that the works related to the implementation of Phase II of the Bystroe Channel project have not started. Moreover, the report stated that Ukraine prepared an EIA which was handed to the Government of Romania and discussed by a panel of international experts before being amended, and that a separate analysis of the impacts of the full implementation of the Channel in a transboundary context is also available. Furthermore, the authorities informed about a series of other measures implemented to comply with the recommendations made by the Standing Committee.

The report sent in February 2012 by the authorities of the Republic of Moldova informed on different mechanisms for trilateral co-operation, including the Joint Commission, as well as on a number of projects targeting the area of the future Lower Prut River and Lower Dniester Biosphere Reserves, including the designation of future reserves, the integrated management of the Danube Delta region, the cross-border cooperation and capacity building measures.

In their report, the authorities of Romania affirmed that Ukraine has not only finalised the implementation of Phase I of the Bystroe project, but has also completed some of the works foreseen in the framework of Phase II. They stressed that the works in the area have continued over the past years and that, in its current design, the project poses significant risks of an adverse impact on the environment, including on their own territory.

Finally, the European Union informed that the European Commission has financed a project to support Ukraine in the implementation of the Arhus and Espoo Conventions. The inception report is now being assessed by the competent EC officers.

The Bureau acknowledged good progress in communication from all the concerned Parties, who generally submitted their reports within the deadlines and focussed on key information. However, it noted on the one hand that it has not been possible to assess the analysis, prepared by Ukraine, of the impacts of the full implementation of the Channel in a transboundary context, as this is not available in one of the two official languages of the Council of Europe; on the other hand, the discrepancy of views between Ukraine and Romania with regards to the implementation of Phase II.

**Decision:** Following an extensive discussion, the Bureau decided to request Ukrainian authorities to send, not later than August 2012, the English translation of the analysis of the impacts of the full implementation of the Channel in a transboundary context. It further instructed the Secretariat to contact the Ramsar Convention for its support, and the European Commission for more information on the activities foreseen under the project for the implementation of the Aarhus Convention which could have an added value to solve the Bystroe case-file. Finally the Bureau decided that the possibility of an on-the-spot appraisal could be considered at next Bureau meeting if the situation will remain unclear by then.

#### - **Cyprus: Akamas Peninsula**

The Secretariat recalled that this case concerns plans for tourist developments in the Peninsula of Akamas (Cyprus), with detrimental effect on an ecologically valuable area with many rare plant and animal species protected under the Bern Convention.

The Secretariat didn't receive updated information from the complainant. However, the Government of Cyprus sent a succinct report expressing disagreement towards the NGO's claim of inadequate designation of both the Akamas and the "Polis Gialia" areas, and informing about controls carried out by the competent authorities, and a procedural framework for granting building permits.

Finally, the authorities informed that a full scientific package of information is being prepared in the framework of the complaint opened under the EU legislation and that this information will be forwarded at the same time to the Secretariat of the Bern Convention, most probably by the end of June 2012.

**Decision:** The Bureau decided to keep the case file open and instructed the Secretariat to contact both the European Commission and Cyprus authorities by mid-July 2012 for information on further developments concerning the infringement procedure.

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

This case was opened to challenge the building of a wind farm at Balchik and Kaliakra which is one of the main migratory routes in Europe. However, the Secretariat noted that the complaint is acquiring a wider dimension as the plaintiff, supported by AEWa and BirdLife International, expresses further worries due to the fact that wind farm developments in Bulgaria are rising exponentially.

The Secretariat recalled that two on-the-spot appraisal were organised under this complaint (one in 2005, and the other in 2007, both resulting in the adoption of specific Recommendations), while the European Commission opened a first infringement procedure in 2008 because of insufficient designation of 6 sites as SPAs under the Bird Directive, one of which is the Kaliakra IBA.

At the last Standing Committee meeting it was decided to keep the case file open, asking the authorities of Bulgaria to present an updated report and to take into consideration the provisions of Recommendation No. 130 (2007) « on the wind farms planned near Balchick and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria) ». The Committee further instructed the Secretariat to continue to follow up this complaint in close co-operation with the European Commission, taking into account the three ongoing infringement procedures.

Noting the lack of reply from Bulgarian authorities, the Secretariat summarised the information sent for the last Standing Committee meeting, which supported the energy strategy up to 2020; recalled that the Ministry had issued formal instructions for the General Inspectorate of the Environment and Water to reduce the number of authorisations issued pending the launching of the national plan; informed on the launch of a plan (in April 2011) to map the most important sites for birds and to minimise risks.

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

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

In conclusion, the NGOs requested that the Bureau urges the authorities of Bulgaria to transmit a progress report on the implementation of the recommendations, including a clear action plan of activities and measures envisaged for implementing them, as well as to immediately stop issuing authorisations and licences regarding wind farm developments in the area.

In a report sent in January 2012, the European Commission informed that its relevant Services are assessing new information received from both the Bulgarian Government and the NGO on this issue, and that, on 30<sup>th</sup> September 2011, a complementary Letter of Formal Notice was addressed to

Bulgarian authorities in order to expand the scope of the recent case.

The Secretariat added that it received copy of a letter addressed by the Chair of the AEWA Standing Committee to the Government of Bulgaria regarding plans to construct a wind farm adjacent to Durankulak Lake, a key wintering site for the globally threatened Red-breasted goose (*Branta ruficollis*), as well as a Ramsar site, a Special Protected Area (SPA) within the EU Natura 2000 network and an Important Bird Area (IBA).

In his letter, the Chair of the AEWA Standing Committee expressed worries regarding the new wind farm plan, which would have the potential to endanger the coherence of the area as a wintering ground for the Red-breasted goose. He further noted that the project was approved in spite of the objections raised by nature conservation NGOs, and that this is not an isolated development. Therefore he requested more detailed information and offered to send an Implementation Review Process (IRP) mission to Bulgaria in order to assess the issue on the ground and to recommend solutions to the country's Government.

The delegate of Romania, Mr. Silviu Megan, stressed that the lack of European guidelines on EIAs for wind turbines makes it difficult for Parties to ensure a proper planning for the further development of this green renewable energy. In fact, some guidelines exist at the EU level, but these only concern Natura 2000 sites.

**Decision:** The Bureau decided to keep the case-file open and instructed the Secretariat to contact the authorities of Bulgaria for an updated report to be assessed at next Bureau meeting; the Bureau further instructed the Secretariat to inform the AEWA about the readiness of the Bern Convention to join a field visit should this be organised. Finally, the Bureau instructed the Group of Experts on Conservation of Birds to discuss the possibility of preparing European guidelines on EIAs for wind turbines at its next meeting in 2013.

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

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

At its last meeting, the Standing Committee decided to keep the case file open: although it welcomed the efforts made by the French authorities, it also noted the worries expressed by the NGOs and the request of the European Union to continue keeping the complaint under scrutiny.

The Secretariat sent out, on 18 January 2012, official requests for updated detailed information to both the national authorities and the complainant; however, despite several reminders, the Secretariat has not received news.

**Decision:** In the absence of updated reports, the Bureau decided to keep the case-file open and discuss it again at its next meeting.

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

This complaint concerns the presence of the American Grey squirrel in Italy, for which the Standing Committee decided to open a case file in May 2008, following an on-the-spot appraisal. A list of recommended actions was addressed to the Italian government namely regarding monitoring, eradication, a trade ban, regional collaboration and co-operation.

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

The report sent by the Italian authorities in February 2012 informed on several progresses made concerning the control and eradication of the alien species under the LIFE+ Project “EC-SQUARE”. The project was presented to local stakeholders in public meetings and surveys were carried out to determine the population size, the distribution of the species, and the societal perception for each site where the presence of the Grey squirrel has been proved. A Communication Action Plan and the General Management Plan for the Grey squirrel were also prepared, while their implementation just started. A number of other specific measures were undertaken at the level of the Regions. The report does not contain additional news on the keeping and import of the species (Italian authorities refer to their contribution under CITES and EU wild plant and animal international trade regulations).

Regarding the decree to ban the trade of the species the authorities are confident that the negative opinions expressed by the CITES Scientific Review Group regarding the import of the Grey squirrel will provide a more solid ground toward the approval of the draft decree at national level.

**Decision:** The Bureau expressed satisfaction for the very good progress in the planning for the implementation of the Life+ Project, as well as for the complete and timely information provided by the Italian authorities. However, the Bureau decided to keep this complaint under scrutiny, asking for an updated report to be assessed at its next meeting, as it noted that the real eradication actions has not started yet. In addition, the Bureau was particularly concerned by the delays in the adoption of a decree banning the trade of the species in the country. It therefore gave mandate to the Chair for addressing directly the Minister of Environment in order to bring these worries to his kind attention and to ask for tangible progress in this respect.

## 4.2 Possible files

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

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

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

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

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

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

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

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

The Secretariat concluded by stressing that the French National Museum of Natural History is a reliable partner and should be able to provide a good quality document within the fixed deadlines.

**Decision:** The Bureau welcomed the information provided by the authorities of France and noted the encouraging developments at regional level, including the strengthened co-operation with the Association BUFO. The Bureau decided to keep this complaint as a possible file and instructed the Secretariat to contact French authorities for an updated report to be assessed at next Bureau meeting.

### 4.3 Complaints in stand-by

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

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

At the 2010 Standing Committee meeting the Secretariat announced that a Ramsar Advisory Mission was conducted on the site from 12 to 16 October 2010. As a result, many recommendations were made covering all aspects of wild plant and animal conservation but the report of the visit was still pending the approval of the national authorities.

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

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

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

However, Moroccan authorities reasserted their efforts on restoring and rehabilitating the areas concerned, while questioned the reliability of the information submitted by ESCO, asking the Secretariat to treat it with maximum caution. The national authorities further informed on a series of concrete measures under implementation, including the planning of the setting up of additional natural areas, the review of the management plan for the Moulouya SIBE, the establishment of a new advisory body, and some other actions to restore access to the beach and to better raise awareness of the general public on the Ramsar site.

Most recently, the Secretariat of the Ramsar Convention informed that the situation is promising and that a number of actions are already being implemented. However, the Convention will remain vigilant until the whole set of recommendations is translated into concrete measures.

**Decision:** The Bureau noted with satisfaction the progress made by national authorities towards fulfilling the requirements of the recommendations raised by the Ramsar Convention. The Bureau decided to keep this complaint as a complaint in stand-by and to reassess it at next Bureau meeting, in light of updated information from both Morocco and the Ramsar Convention.

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

This complaint was submitted in April 2010 by the INGO “Environment – People – Law”, denouncing development plans in Dniester River Delta based on Environmental Impact Assessment studies of a poor quality and without adequate planning and development policies.

The Secretariat contacted the Ramsar Convention in 2010, which also expressed concern on the compatibility of these activities with the maintenance of the ecological character of the sites and requested more information to Ukrainian authorities.

In September 2010, noting the lack of response from Ukrainian authorities, the Bureau decided to re-consider the complaint as a complaint in stand-by.

At the last Standing Committee meeting the Delegate of Ukraine presented an updated report informing that the concerned sites maintain high level of biodiversity, in compliance with the Ramsar criteria. He further detailed the conservation actions in place and informed on the actions undertaken to fine the company which was found in violation of the environmental law. He concluded by noting that a management plan for the area was under preparation.

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

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

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

The Secretariat noted that, despite several mails and reminders, the complainant didn't provide a reply over the past year.

**Decision:** The Bureau decided to keep the complaint as a complaint in stand-by until the management plans (and their English translations) are finalised and sent to the Secretariat. The Bureau further instructed the Secretariat to contact Ukrainian authorities for an updated report to be presented at the next Bureau meeting, and to follow-up this complaint in co-ordination with the Ramsar Secretariat.

- **Greece: threats to marine turtles in Thines Kiparissias**

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

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

Still, the NGO sent an updated report claiming that enforcement of specific protective measures has been still poor; that a number of illegal activities continued to exert a considerable amount of pressure on the nesting activity of marine turtles; that the Joint Ministerial Decision has not been even at a draft stage and none of the demolition protocols issued by the State Property Service of the Prefecture of Messinia for the illegal constructions in the area was executed.

Noting the absence of a reply by Greek authorities, as well as of any other additional information from the European Commission, the Bureau was not in a position to properly assess the situation and decided to reconsider it in 2012.

In March 2012, Greek authorities forwarded to the Secretariat the reply sent in December 2010 to the European Commission in relation to the protection of priority species in the Natura 2000 site, and informed on progress related to the procedure for the special protection of the area. They further affirmed that the Administration of Messinia Prefecture has been instructed on the need to protect the site in order to ensure that the requirements set under the Habitats Directive are met.

The NGO maintained the claims already expressed, as the situation has remained unchanged and the Joint Ministerial Decision has not yet been drafted.

**Decision:** The Bureau decided to consider the complaint as a possible file and to forward it to the Standing Committee to decide whether or not to open a case-file. The Bureau further instructed the Secretariat to organise an on-the-spot appraisal for putting mediation in place and gathering additional information for the attention of the Standing Committee.

#### - **United Kingdom: increase in turtle mortality in Episkopi and Akrotiri areas**

The Secretariat received this complaint in August 2010 from MEDASSET and Terra Cypria reporting an important increase in sea turtle mortality rates in Episkopi, an area which is under the control of the British Sovereign Base Area Administration.

The complainant considered that almost all the deaths recorded in the area were the result of interaction with fishing activities and specifically net fishing, and that's why it concluded that the increase in sea turtle mortality was directly related to the change in the net fishing regulation, putting in place a 5 metre limit for casting nets.

The authorities informed that the main cause of death appeared to be incidental entanglement in fishing nets and provided an overview of the measures taken to address the issue.

In 2011, the Bureau examined the complaint and considered that more updated information was needed for properly assessing the situation. It decided to keep the complaint under scrutiny and instructed the Secretariat to contact UK authorities for an updated report, to be discussed at the first Bureau meeting in 2012 under the agenda item "Complaints in stand-by".

In March 2012, the Sovereign Base Area Administration (SBAA) informed about measures to improve enforcement of legislation in relation to fishing activities and the protection of nesting beaches; activities carried out by the customs in relation to fishing offences and revocation of fishing licences; the modalities and results of the Marine Turtle Survey, carried out between June 2010 and September 2011 (including an analysis of the turtle nesting interest within the SBAA and in comparison with the rest of the island, a list of recommendations, and an action plan).

The SBAA stressed that despite some constraints the Survey is credible and based on a methodology agreed with relevant expert departments in Cyprus and the UK and the NGOs. It further informed on its follow-up, consisting of joint SBAA/RoC aerial surveys which would put the SBA turtle interest and bycatch in context with the rest of the island. Its outcome will recommend further management measures such as the designation of a marine protected area.

The NGO report stated that although the total number of deaths recorded in 2011 is 25 (33 deaths recorded in 2010), it is worrying to note that of these, 22 concerned the Green sea turtle (*Chelonia mydas*); furthermore, the NGO noted that, due to the silting up of the Zapalo Harbour during winter, there was exceptionally no fishing by boat in the area until mid May 2011. The figures registered in the first two months of 2012 are equally worrying, with three deliberate killings recorded as well as the strandings of five turtles on beaches adjoining Episkopi.

Regarding the cooperation with the SBAA authorities, the NGO considered that this was not constructive, due essentially to a lack of communication. Furthermore, the plaintiff maintained doubts regarding the Survey methodology and considered that, since the issue of turtle deaths in Episkopi and

Akrotiri area has been still waiting for an effective and urgent solution, the complaint should be submitted to the Standing Committee for consideration.

**Decision:** The Bureau deeply discussed the complaint and analysed the Survey submitted by UK authorities. It considered the information provided by the government as satisfactory and recognised the efforts undertaken so far, including measures put in place to avoid or minimise accidents. Therefore the Bureau decided not to keep this item on the agenda of its future meetings.

## 1.4 Other complaints

### - **Turkey: threats to the Mediterranean monk seal (*Monachus monachus*)**

End of June 2011 the Secretariat received a complaint from the Middle East Technical University Institute of Marine Sciences regarding the development plans comprising the construction of a road as well as of a new marine terminal near Yesilovacık village (Silifke district, Mersin Province) which would eventually have a detrimental impact on the Mediterranean monk seal as these were foreseen at just 500 meters away from a breeding cave.

The Bureau stressed that the Monk Seal is one of the world's most endangered mammal but preferred to give Turkish authorities the opportunity to provide a reply and therefore decided not to consider this complaint at the Standing Committee meeting. It instructed the Secretariat to contact Turkish authorities for a complete report, in particular concerning the status of the project and the populations of the species affected, as well as the complainant for more detailed information and data regarding the morphology of the habitat under threat as well as on the possible habitats in the vicinity and the population likely to be affected.

Only the complainant replied to the reporting request, providing complete and accurate information on the issues raised by the Bureau. The report highlighted the endangered status of the species and the need to concentrate conservation efforts on the protection of those habitats - more particularly the caves - in which crucial biological requirements for the species are fulfilled.

Regarding more concretely the breeding cave, the plaintiff recalled that the Monk seal was forced to abandon beach habitat and to turn to cave habitat for resting and reproduction; however, thorough studies show that, within the targeted area, only Balıklı Cave has the morphology suitable for whelping and hence is used by pregnant mothers. Concerning the morphology of the cave the complainant gave detailed information bringing to consider that its conservation is directly linked to the survival of the Monk seal population in Mersin.

The Secretariat recalled the "Criteria for selecting underground habitats of biological value" appended to Recommendation No. 36 (1992) on the conservation of underground habitats, which could suggest that Balikli cave should be regarded to as an underground habitat of ecological value.

**Decision:** The Bureau considered that this issue is serious enough to deserve attention at the international level. It therefore decided to forward the complaint to the Standing Committee as a possible file; it further instructed the Secretariat to continue seeking for the opinion of the national authorities, to be referred to the Standing Committee directly.

### - **France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the cantons of Jura and Neuchâtel (Switzerland)**

The Secretariat received this complaint in June 2011 denouncing the threat of decline in a strictly protected species, the Rhone streber (*Zingel asper*), due to the pollution of its habitat (the Doubs River) as well as the lack of investigation by the authorities of France and Switzerland concerning the causes of that pollution. The complainant also put into question the lack of intervention to stop hydraulic engineering works such as dams and weirs, which act as impassable barriers to the species and isolate sub-populations from each other.

The Bureau didn't assess the complaint at its last meeting in 2011 since the authorities of the concerned Parties couldn't dispose of enough time to deliver their written reports.

Moreover, the Secretariat was pleased to note, at the present Bureau meeting, that the reports submitted by both Parties are accurate and complete.

Regarding the situation in Switzerland the Secretariat stressed that the current distribution of the species in Switzerland is limited to a 20-km stretch of the Doubs in Jura comprising 80 to 160 adult fish. The authorities are aware of the threats to the species, as well as of the complexity of the situation due to the fact that the Doubs is an ecosystem which is subject to much disturbance. That is why major efforts are being devoted to improve the quality of the habitat and its capacity through a governance body which has been institutionalised by both France and Switzerland in May 2011. The Swiss report further details a series of measures and steps taken at both federal and cantonal level, including the recent entry into force of a revised federal legislation on water protection

The Secretariat further summarised the report submitted by French authorities, highlighting that the Rhone streber is regarded as one of the four species in the country under serious threat of extinction. Aware of the threats and limiting factors, as well as of the particular vulnerability of the species in the Doubs, due also to the presence of a large number of hydroelectric dams and weirs, and to the consequent degradation of the water quality, French government implemented two dedicated LIFE Nature projects (1998-2010), aimed at improving knowledge and agree on a conservation strategy. As a follow-up to these programmes, a national action plan (2012-2016) was drawn up and adopted in September 2011. The latter also includes the co-ordination of measures with Switzerland through the establishment and operation of a co-operation network.

In conclusion, both countries show a shared desire to act, but they recognise that the cross-border context, the hydroelectric and agricultural activities, and the experimental nature of certain measures already taken, will demand time to achieve real progress.

**Decision:** The Bureau thanked both Parties for the good reports submitted.

In consideration of the complex transboundary context, the Bureau decided that the complaint deserves to be considered by the Standing Committee as a possible file. Therefore, unless the situation changes in the meantime, the Bureau will not discuss it at its next meeting.

Furthermore, the Bureau instructed the Secretariat to request, for next Standing Committee meeting, the opinion of the European Commission with regards to the pollution of the French part of the Doubs River in the context of the EU Water Framework Directive.

#### **- Threat to the Brown bear (*Ursus arctos*) in Croatia**

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

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

**Decision:** The Bureau discussed the complaint thoroughly and recognised that the issues of the estimate of the population and of the methodologies for data gathering are controversial. It instructed the Group of Experts on the Conservation of Large Carnivores, which will hold its next meeting on 24-25 May 2012, to address these issues and collect additional information. The Bureau further considered that this complaint could make the object of mediation in case the Standing Committee would decide to introduce this new framework. The Bureau will re-discuss this complaint as a complaint in stand-by at its next meeting.

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

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

The Secretariat acknowledged that Ukraine expressed a reservation with regards to the Wolf while acceding to the Convention. Nonetheless, the Secretariat requested further information particularly regarding the regulations in place, the condition for the licenses, the authorised numbers, the competent authorities and conditions for the controls and the conservation status of the species.

The authorities provided an accurate report, informing about a comprehensive legislative framework, stable population trends since 2008, and a regulatory framework for hunting.

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

**Decision:** The Bureau considered the information provided by Ukrainian authorities as satisfactory. It recalled a similar complaint lodged in 2008 and further rejected, and decided not to put this item on the agenda of its future meetings.

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

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

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

**Decision:** The Bureau assessed the complaint and considered that more information was needed to have a clear picture of the situation. For this reason, the Bureau decided to reconsider this complaint as a complaint in stand-by at its next meeting. It instructed the Secretariat to: (i) contact the complainant to request the list and addresses of the *dolphinaria* which are supposed not to comply with the legislation; (ii) contact CITES and ACCOBAMS Secretariats for their opinion, particularly regarding the issue of the permits and their maximum tolerable number to ensure the sustainability of the population.

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

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

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

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

In a later update, the complainant further informed that the Strategic Framework for Bovine TB Eradication in Wales, recently presented by the competent authority, rejected the policy of culling badgers favouring, instead, the introduction of stricter bio-security measures, and the development and deployment of vaccines for both cattle and badgers. The complainant stressed that a different interpretation of science and different solutions, were identified in two neighbouring areas with the same problems. Furthermore, the complainant forwarded Natural England's advice to DEFRA relating to the culling which would put into question whether the plans will place the government in breach of its commitments under the Bern Convention.

In their reply, the UK authorities underscored that the analysis carried out by the Government in England concluded that the application of cattle measures alone would not be sufficient to eradicate TB. Regarding Natural England's advice, this was taken into account the policy was subjected to changes to address the points raised. Finally, the authorities stressed that DEFRA will commission independent monitoring that will assess annually badger activity in each licensed area so to ensure there is no local disappearance in any of these.

The Bureau had a long discussion on the principles and spirit of the Bern Convention. It noted that the badger does not benefit of the strongest protection as it is listed in Appendix III to the Convention. However, it recalled that the numbers in Europe are relatively low, and that the (even if remote) possibility of local disappearance could definitely be in contrast with the philosophy of a convention which aims to conserve wild fauna. Another issue which is difficult to assess is the compliance with the criteria of the « legitimate purpose » and of the « no other possible solution ». In fact, in the case of the bTB, economic arguments are surely weighing on the debate and may influence political decisions.

**Decision:** Taking into account the complexity of the complaint and the concerns raised, the Bureau decided to reconsider it at its next meeting as a complaint in stand-by. The Bureau will therefore decide in September whether to send it or not to the Standing Committee. Finally, the Bureau instructed the Secretariat to request an updated report to UK Government once the culling start, while there is no need to request an additional report to the NGO, unless the situation changes before next Bureau or Standing Committee meetings.

#### 4.5 Follow-up of past complaints

##### - **France: Black Grouse (*Tetrao tetrix*) in Drôme and Isère**

*[T-PVS/Files (2012) 23 – Government report and Addendum]*

The Secretariat recalled that this complaint was submitted in April 2009 to denounce the negative impact of human activities (such as tourism and sport developments in mountain areas) on the winter and reproduction sites of the Black grouse, in a context where hunting was an additional threat.

The French government repeatedly reported on measures undertaken to address the situation (including monitoring, the implementation of a regional action plan, co-operation with the hunters on the ground as well as relevant hunting regulations) and also on the state of the population of the species.

At its meeting in 2010, the Standing Committee found no ground for pursuing this complaint and invited French authorities to keep the Secretariat regularly informed on the situation of the species.

In March 2012, French authorities submitted a report informing on the numbers and distribution of the species, and describing the measures taken to manage both the species and its habitats. The report emphasised on the regional action plan to protect the Black grouse and its habitats which, initiated in 2009, should achieve its first tangible results in 2013-2014.

**Decision:** The Bureau thanked French authorities for their reporting and decided to reconsider this issue in 2014, if needed.

## 5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS

- **Recommendation No. 119 (2006) on the conservation of certain endangered species of amphibians and reptiles in Europe**
- **Recommendation No. 128 (2007) on the European Charter on Hunting and biodiversity**
- **Recommendation No. 141 (2009) of the Standing Committee on potentially invasive alien plants being used as biofuel crops**

The Secretariat presented the list of proposed Recommendations to be scrutinised by the Standing Committee at its 32<sup>nd</sup> meeting. The Bureau agreed with the proposal.

- **Recommendation No. 151 (2010) on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France**

*[T-PVS/Files (2012) 20 – Government report]*

The Secretariat recalled that, at the last Standing Committee meeting, the NGO which lodged the two complaints at the origin of the above Recommendation claimed that new information had been brought to its attention, listing numerous subjects that were not examined by the Committee. The NGO asked that the case be immediately reopened. However, the Committee invited the French Government to submit an updated report on follow-up to the above recommendation, making sure that this includes more detailed population data and information about the viability of the population at national level.

The Secretariat analysed the report submitted in 2012 by the French authorities, which provides answers to the various points raised by the NGO. More particularly, the French government considers that the NGO had not brought forward any fresh information which had not been taken into account during previous assessments.

The Secretariat underscored that the report submitted by the government is very detailed, showing that the research for an alternative location has been carried out correctly, and that the location which was retained seems to be the most appropriate since it is the less relevant for the Hermann tortoise (*Testudo hermanni*). Furthermore, the compensatory measures which have been put in place seem good so far and the administrative procedure has been respected. Therefore the Secretariat concluded that there are no particular worries to be pointed out in relation to this complaint.

**Decision:** The Bureau agreed not to reconsider this item at its next meeting. The French government is invited to present this report at next Standing Committee meeting for mere information.

## 6. STRATEGIC DEVELOPMENT OF THE CONVENTION

### 6.1 Reform process at the Council of Europe

The Secretariat informed on the current status of the reform process at the Council of Europe, particularly informing on recent changes within the Directorate of Democratic Governance, Culture and Diversity (DGII). In fact, Mrs Snežana Samardžić-Marković, former Minister of Youth and Sports of the Government of Serbia, was appointed new Director General of DGII and took her duties on 1<sup>st</sup>

April. She graduated from the University of Belgrade, Faculty of Philology; in the period 2005–2007 she was Assistant Minister of Defence and was in charge of strategic planning, international military cooperation and the Verification Centre, as well as Co-President of the Serbia-NATO Defence Reform Group. From 2001 to 2005, she worked in the bilateral department at the Ministry of Foreign Affairs as Deputy Director for Neighbouring Countries, Deputy Head of Mission and Adviser at the Serbia and Montenegro's Embassy in Oslo and Adviser at the Directorate for Europe.

The Secretariat informed that a meeting between Mrs. Samardžić-Marković and the Chair of the Standing Committee took place on 23 April, just before the meeting of the Bureau.

The Chair informed that this meeting was the occasion for presenting the work of the Bern Convention and advocating for its activities, as well as for having a first outlook of the new Director General's plans for the development of the Directorate.

The Chair stressed that the new General Director had a quite clear picture of the issues related to environment, and expressed her will to commit herself towards the promotion of this work within and outside the Council of Europe. However, she underscored that to this end, it is crucial that the Ministries of Environment of the Contracting Parties uphold the Bern Convention at the national level, advocating before the Ministries of Foreign Affairs for the added value of the Council of Europe work in the field of nature conservation. She also stressed that national authorities must be imaginative and look at innovative way for raising funds, even in the national context. Moreover, she highlighted three possible areas of work which would be relevant to raise the awareness on the Convention: (i) the participation of the NGOs as expression of the civil society; (ii) the case-law of the European Court of Human Rights; (iii) the close links between environment and democracy in the pan-European context. Finally, she said that the dimension of communication through media should be integrated to the work of the Standing Committee.

## **6.2 The need to assess progress in the implementation of the Bern Convention – Committee of Ministers' reply to PACE Recommendation 1964 (2011)**

*[Parliamentary Assembly - Doc. 12807]*

The Secretariat presented the reply of the Committee of Ministers to the Parliamentary Assembly's Recommendation 1964 (2011) on the need to assess progress in the implementation of the Bern Convention, as amended further to the proposals presented by France and Poland.

The Secretariat stressed that the Committee of Ministers asked the Standing Committee to continue its reflection on ways and means to ensure appropriate funding to the Convention, taking into account current budgetary constraints.

The Chair thanked the Parties which supported the Bern Convention when meeting their respective Ministries of Foreign Affairs.

## **6.3 Improving the case-files system by proposing mediation**

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

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

<p><b>Decision:</b> The Bureau agreed to forward the document to the Standing Committee for discussion and instructed the Secretariat to send an electronic request for additional comments to the Bern Convention's delegates.</p>
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## 6.4 Implementation of CBD CoP-10 decisions

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

The Secretariat presented document T-PVS/Inf (2012)4, prepared at the request of the Standing Committee. The document provides information on the specific actions and activities organised under the Bern Convention in support of the implementation of relevant CBD CoP X decisions. It is meant to be distributed at next Conference of the Parties to the CBD.

**Decision:** The Bureau thanked the Secretariat for the preparation of the document. It further encouraged Parties to submit their comments for improvement by the end of June.

## 6.5 Setting priorities for the Bern Convention

The Secretariat informed that, according to what decided at the last Standing Committee meeting, an independent expert has been tasked with the drafting of a document proposing priorities for the strategic development of the Convention. The first draft should be submitted to the Bureau for approval at its next meeting before going to the Standing Committee for discussion.

## 7. ANY OTHER BUSINESS

Mr Olivier Biber, delegate of Switzerland, informed the Bureau members that he will be pre-retiring, and therefore leave his Ministry by the end of the year. Mr. Biber will nonetheless attend the next meeting of the Bureau, as well as the next Standing Committee meeting, where Switzerland will probably be able to announce the name of the new delegate.

Mr Silviu Megan, delegate of Romania, also informed that he will resign from his position of Bureau member and delegate of the Bern Convention as from the next Bureau meeting. The Ministry of Environment and Forests will appoint a new delegate in the coming months.

The Chair thanked both the delegates for their commitment and hard-work in the past years.

He recalled that the Select Group on Budget would meet on 24<sup>th</sup> April and that next Bureau meeting is scheduled to take place on 17<sup>th</sup> September 2012, in Strasbourg.

He thanked the participants and the interpreters and declared the meeting closed.

## Appendix 1



### Bureau meeting

Strasbourg, 23 April 2012  
(Room 16, opening: 9:30 am)

### DRAFT AGENDA

#### 1. ADOPTION OF THE AGENDA

*[Draft agenda]*

#### 2. IMPLEMENTATION OF THE 2012 PROGRAMME OF ACTIVITIES

*[T-PVS (2011) 12 – Programme of Activities]  
[T-PVS/Notes (2012) 4– Note from the Secretariat]*

##### 2.1 Implementation of the Bern Convention in Switzerland

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

##### 2.2 Progress in the setting-up of the Emerald Network: General overview

*[T-PVS/Notes (2012) 1 – Possible contribution of the Bern Convention to the celebrations of the Habitats Directive/Natura 2000 and LIFE]*

##### 2.3 European Diploma of Protected Areas: Report from the meeting of the Group of Specialists and draft renewals in 2012 (to be presented to the Committee of Ministers)

*[T-PVS/DE (2012) 13]*

##### 2.4 Select Expert Group on Invasive Alien Species

*[T-PVS/Inf (2012) 5]*

##### 2.5 Illegal Killing of Birds: short update on progress

#### 3. INSTITUTIONAL ASPECTS

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

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

*[T-PVS/Notes (2012) 3 – Summary of case files and complaints]  
[T-PVS/Inf (2012) 2 – Register of Bern Convention’s case-files]*

##### 4.1 Specific Sites - Files open

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

*[T-PVS/Files (2012) 7 – Government report (Ukraine)]  
T-PVS/Files (2012) 4 – Government report (Republic of Moldova)]  
T-PVS/Files (2012) 14 – Government report (Romania)]  
[T-PVS/Files (2012) 1 – EU report]*

- Cyprus: Akamas peninsula

*[T-PVS/Files (2012) 15 – Government report]  
[T-PVS/Files (2012) 1 – EU report]*

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

#### 4.2 Possible file

- France: Protection of the European Green Toad (*Bufo viridis*) in Alsace  
[T-PVS/Files (2012) 22 – Government report]  
[T-PVS/Files (2012) 1 – EU report]

#### 4.3 Complaints in stand-by

- Morocco: Ecological impacts of a tourism centre in Saïdia
- Ukraine: threats to natural habitats and species in Dniester River Delta  
[T-PVS/Files (2012) 17 – Government report]
- Greece: threats to marine turtles in Thines Kiparissias  
[T-PVS/Files (2012) 18 – Government report]  
[T-PVS/Files (2012) 25 – NGO report and Addendum]
- United Kingdom: increase in turtle mortality in Episkopi and Akrotiri areas  
[T-PVS/Files (2012) 2 – Government report and Addendum]  
[T-PVS/Files (2012) 6 – NGO report]

#### 4.4 Other complaints

- Turkey: threat to the Mediterranean Monk Seal (*Monachus monachus*)  
[T-PVS/Files (2012) 5 – NGO report]
- France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the cantons of Jura et de Neuchâtel (Switzerland)  
[T-PVS/Files (2012) 21 – Government report France]  
T-PVS/Files (2012) 3 – Government report Switzerland  
[T-PVS/Files (2011) 21 – NGO report]
- Threat to the Brown Bear in Croatia  
[T-PVS/Files (2012) 26 – Government report]  
[T-PVS/Files (2012) 10 – NGO report]
- Management of the wolf (*Canis lupus*) in Ukraine  
[T-PVS/Files (2012) 12 – Government report]  
[T-PVS/Files (2012) 9 – NGO report]
- Threat to the Bottlenose Dolphin (*Tursiops truncatus*) in Ukraine  
[T-PVS/Files (2012) 19 – Government report]  
[T-PVS/Files (2012) 8 – NGO report]
- Wide scale culling of badgers to control bovine tuberculosis in cattle (UK)  
[T-PVS/Files (2012) 24 – Government report]  
[T-PVS/Files (2012) 11 – NGO report]

#### 4.5 Follow-up of past complaints

- France: Black Grouse (*Tetrao tetrix*) in Drôme and Isère  
[T-PVS/Files (2012) 23 – Government report and Addendum]

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

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

**6. STRATEGIC DEVELOPMENT OF THE CONVENTION**

**6.1 Reform process at the Council of Europe**

**6.2 The need to assess progress in the implementation of the Bern Convention – Committee of Ministers’ reply to PACE Recommendation 1964 (2011)**

*[Parliamentary Assembly - Doc. 12807]*

**6.3 Improving the case-files system by proposing mediation**

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

**6.4 Implementation of CBD CoP-10 decisions**

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

**6.5 Setting priorities for the Bern Convention**

**7. ANY OTHER BUSINESS**

**Appendix 2****LIST OF PARTICIPANTS****CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

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

Tel +42 283 069 246. Fax +42 283 069 241 E-mail: [jan.plesnik@nature.cz](mailto:jan.plesnik@nature.cz)

**ICELAND / ISLANDE**

Dr Jòn Gunnar OTTÓSSON, Director General, Icelandic Institute of Natural History, Hlemmur 3, 125 REYKJAVIK

Tel: +354 590 0500. Fax: +354 590 0595. E-mail: [jgo@ni.is](mailto:jgo@ni.is)

**ROMANIA / ROUMANIE**

Mr Silviu MEGAN, Regional Commissioner, Ministry of Environment and Forest, National Environmental Guard- Timis Regional Commissariat, Carei Street, No. 9D, TIMISOARA, Timis County.

Tel: +40 256 219 892. Fax: +40 256 293 587. E-mail: [silviu.megan@gnm.ro](mailto:silviu.megan@gnm.ro) or [antoaneta.oprisan@mmediu.ro](mailto:antoaneta.oprisan@mmediu.ro).

**SERBIA / SERBIE**

Ms Snezana PROKIC, Focal point for Bern Convention, Adviser, Ministry of Environment and Spatial Planning of the Republic of Serbia, Omladinskih brigada 1. Str, SIV III, NEW BELGRADE, 11070

Tel: +381 11 31 31 569. Fax: +381 11 313 2459. E-mail: [snezana.prokic@ekoplan.gov.rs](mailto:snezana.prokic@ekoplan.gov.rs)

**SWITZERLAND / SUISSE**

Mr Olivier BIBER, Chef Biodiversité internationale, Office fédéral de l'environnement, des forêts et du paysage (OFEV), CH-3003 BERNE

Tel : +41 31 323 06 63. Fax: +41 31 324 75 79. E-mail: [olivier.biber@bafu.admin.ch](mailto:olivier.biber@bafu.admin.ch)

**SECRETARIAT / SECRÉTARIAT**

**Council of Europe / Conseil de l'Europe, Directorate of Democratic Governance, Culture and Diversity / Direction de la Gouvernance démocratique, de la Culture et de la Diversité, 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 Biological Diversity Unit / Chef de l'Unité de la Diversité biologique

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, Biological Diversity Unit / Unité de la Diversité biologique

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 / Administrateur, Biological Diversity Unit / Unité de la Diversité biologique

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 Françoise BAUER, Principal administrative assistant / Assistante administrative principale,  
Biological Diversity Unit / Unité de la Diversité biologique

Tel: +33 3 88 41 22 64. Fax: +33 3 88 41 37 51. E-mail: [francoise.bauer@coe.int](mailto:francoise.bauer@coe.int)

Ms Véronique de CUSSAC, Administrative assistant / Assistante administrative, Biological Diversity  
Unit / 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)