

Strasbourg, 5 April 2018
[de06e_2018.docx]

T-PVS/DE (2018) 6

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

**Group of Specialists on the European Diploma for
Protected Areas**

21-22 February 2018
Strasbourg, Palais de l'Europe, Room 8

**CONDITIONS AND RECOMMENDATIONS ATTACHED TO
RENEWING AND AWARDED THE EUROPEAN DIPLOMA
FOR PROTECTED AREAS (EDPA)**

*Document prepared
by Michael B Usher (United Kingdom)*

1. INTRODUCTION

There is a set of criteria for the award, or renewal, of the EDPA. These are grouped under two headings, ‘European interest’ and ‘protection measures’, together with advisory material on each criterion¹. These criteria are embodied within the regulations which govern the award and the renewal of the EDPA². The regulations make provision for the Group of Specialists to consider reports following on-the-spot visits, and thereafter to recommend, if appropriate, that the Diploma be awarded or renewed “with or without conditions or recommendations” (Article 5, paragraph 1a). This paper discusses what might constitute a “condition” and what would be a “recommendation”.

2. THE RENEWAL OF THE DIPLOMA

The Group of Specialists will mostly be considering renewals of the suite of Diploma areas, with an average of 7 or 8 renewals coming forward each year. This paper therefore sets out ideas about the conditions and recommendations attached to renewals before considering the case of new Diploma areas.

2a. Conditions

The criteria are clear that the area should have European interest. This criterion is, however, not easily defined. The guidance indicates that the area should have importance for the conservation of biodiversity (i.e. that it should have a particularly rich assemblage/communities of species or sets of habitats, or that endemism is high). The area can also be judged on the basis of its importance geologically or geomorphologically, as it can for its landscape diversity or scenery/character. In other words, from the point of view of its natural heritage, it should be outstanding in a European context. Value judgements will, of course, be involved in reaching such a decision.

When an EDPA is being considered for renewal, the question needs to be asked about whether or not the European interest has been maintained. If it has not been maintained, there is a *prima facie* case for withdrawing or suspending the EDPA. However, the situation can arise when there is a slight doubt about the complete maintenance of the European interest, perhaps just a slight loss which would not immediately justify the withdrawal or the non-renewal of the EDPA. This could give rise to a concern that if the loss continues then withdrawal or non-renewal might be required. In this case it would be justifiable to have a condition to the effect that improvement is required.

The criterion concerning the protection measures is much less of a value judgement – it can be assessed on the basis of whether or not there is legal protection for the area, as well as on the basis of whether appropriate plans and policies are formulated and being acted upon. If there is any weakness in the legislative framework, in the plans and policies, or in their implementation, there is clearly a case for making a condition that any such weaknesses are corrected.

Because of the prestigious nature of this award, the area must also demonstrate compliance with the regulations. In practice this particularly means article 7, concerning annual reports, and in informing the Council of Europe about any exceptional circumstances so that an appropriate appraisal can be undertaken (article 8).

Conditions should include clear deadlines for their implementation by the managing authorities, and when necessary by other competent national authorities. Progress with implementing the conditions should be reported on through the EDPA’s annual reports to the Council of Europe and will facilitate the monitoring of their implementation by the Group of Specialists.

¹ see <https://rm.coe.int/1680479efd> for full details of the criteria.

² The regulations contain nine articles and five appendices, and can be consulted at [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/ResDip\(2008\)1&Language=lanEnglish&Ver=rev&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/ResDip(2008)1&Language=lanEnglish&Ver=rev&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true). Article 1 makes it clear that the Diploma will only be awarded to areas of exceptional European interest – hence the holding of a Diploma is a special accolade. Articles 2 to 6 relate to the initial award of the Diploma. Article 7 specifies the requirement for annual reports, article 8 sets out the procedure appraisals in exceptional situations, and article 9 provides information on renewing the Diploma.

Thus, a condition is associated with the possibility that the EDPA can be withdrawn or not renewed, and is likely to be associated with one of three factors: the two criteria of European interest, the protection measures and compliance with the regulations. If that condition is not fulfilled within a specified time period, then the presumption would be that Group of Specialists would recommend the withdrawal or the non-renewal of the EDPA. The Group of Specialists might like to examine the appropriateness of renewing the EDPA in the light of the following three questions. These would be:

1. Is there compliance with the regulations set out in Resolution CM/ResDip (2008)1, which deals with the revised regulations for the European Diploma for Protected Areas?
2. Are policies and plans affecting the EDPA, and their implementation, aiming to maintain, and where appropriate enhance, the European interest of the area?
3. Has the managing authority sufficient resources, including human and financial, to fulfil questions 1 and 2 above?

These three tacit questions would be seen to maintain the quality and uniqueness of areas holding the EDPA, thus assisting their international recognition as really important aspects of European identity. In the case that one or more of the questions is not fulfilled it may be necessary to introduce a condition, or conditions, requiring from the authorities to take appropriate measures in order to fulfil the above questions in a defined timeline.

2b. Recommendations

Quite often when considering the annual reports from EDPAs, and especially during on-the-spot visits, a number of issues arises which might assist either for improving the protection measures or for maintaining or enhancing the European interest. These might arise from consideration by an individual expert, or by group consideration and discussion within the Group of Specialists, or by discussion with the EDPA's managers and government officials. These issues are essentially suggestions for many different reasons - improved management, more efficient management, more inclusive protection of both the natural and cultural heritage, improved cooperation with other bodies (such as NGOs), ideas about where to seek advice, better provision for educational or recreational users, and so on. Such suggestions do not negate the criteria used for selecting and renewing EDPAs, but they aim to enhance the overall value of the EDPA by helping *inter alia* the management to improve the conservation of the natural and cultural heritage, the protection of the area, and the education and enjoyment of visitors of all ages.

Recommendations are therefore suggestions aimed at assisting managers of the EDPA. As such their implementation does not affect whether or not the EDPA is renewed. However, the Group of Specialists would normally expect that the authorities and managers would give serious consideration to the recommendations and at least prioritise some of them. As such, progress with implementing them would be expected to be included within the EDPA's annual reports to the Council of Europe. Whilst the Group of Specialists could not necessarily expect all recommendations to be implemented, the assumption must be that there will be at least some progress in implementing some of the recommendations.

3. CONSIDERATION OF PROPOSED DIPLOMA AREAS

Before an area is approved by the Group of Specialists it will have been assessed for the two criteria of 'European Interest' and for effective 'Protection Measures'. If the area does not meet these criteria, it is extremely unlikely that the Group of Specialists could recommend the award of the Diploma. However, the three questions set out in section 2a above are still relevant as they are forward looking – a newly awarded Diploma area must abide by the regulations, must maintain or enhance the European interest, and must effectively implement policies and plans. It might therefore be desirable to change all three questions into conditions as they form the basis for the successful award of the EDPA during its first five years.

The concept of making recommendations would be the same as set out in section 2b above. Recommendations remain advisory, but during the first five years following the award of the Diploma the Group of Specialists might expect progress with implementing at least some of them.

4. CONCLUSION

Two questions need to be addressed when an EDPA is being considered for renewal – first ‘*Are the regulations being complied with?*’ and second ‘*Are the criteria of European interest and effective protection measures still being met?*’. If the answer to either question is ‘no’ or ‘possibly not’ or ‘unlikely to be in the future’ then there is a case for the Diploma being withheld or for a condition (or conditions) to be attached to a renewal.

When an area is being considered for the award of the Diploma, two similar questions need to be addressed – they are ‘*Does the area have a significant European interest?*’ and ‘*Are the protection measures in place to ensure the maintenance or enhancement of the European interest?*’. It is essential that the answer to both of these questions is ‘yes’.

There is a clear distinction between conditions and recommendations. Conditions are essential for the maintenance of the European values of the area and must be acted upon by the authorities and responsible managers, within a clear deadline. If they are not, then there is a *prima facie* case at the renewal stage for either not renewing or suspending the EDPA. Recommendations are suggestions for improvements which should be given serious consideration by the authorities and managers.