

Strasbourg, 20 September 2011  
[tpvs15e\_2011.doc]

**T-PVS (2011) 15**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

Standing Committee

**Meeting of the Bureau**

Strasbourg, 9 September 2011

**MEETING REPORT**

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

## **1. ADOPTION OF THE AGENDA**

Mr Jan Plesnik, Chair of the Standing Committee of the Convention, opened the meeting on 9 September 2011 and welcomed the other Bureau members, Mr Olivier Biber, Mr Silviu Megan, Mr Jón Gunnar Ottósson and Ms Snezana Prokic, as well as the representatives of the Secretariat.

The draft agenda was adopted without amendments, as set out in Appendix I. The participants are listed in Appendix 2.

## **2. IMPLEMENTATION OF THE 2011 PROGRAMME OF ACTIVITIES**

The Secretariat outlined progress on the work programme and the meetings and activities taking place in the second half of 2011, including the meetings of the Groups of Experts on Invasive Alien Species (May), on Island Biodiversity (June), on Protected Areas and Ecological Networks (September) and on Climate Change (October); the European Conference on Illegal Killing of Birds (July); the technical co-ordination meetings with the European Union (EU) and the European Environment Agency (EEA).

The Secretariat informed that two drafts Codes of Conduct, on “Pets and Invasive Alien Species in Europe”, and on “Hunting and invasive alien species” are being prepared for submission to the Standing Committee.

The Secretariat further informed that the 18<sup>th</sup> Meeting of the International Hamster Workshop will take place in Strasbourg on 14 – 17 October; as a consequence, the European workshop on hamster conservation, proposed by the German Delegate as a possible activity for 2011 under the Bern Convention, has been cancelled. A representative of the Secretariat will attend the Hamster Workshop and report, if needed, to the Standing Committee.

### **2.1 Implementation of the Bern Convention in one Contracting Party**

The Secretariat informed that a contract has been concluded with Professor Jean Untermaier to prepare a report on the implementation of the Bern Convention in Switzerland. Prof. Untermaier is a renowned expert in administrative and environmental law, who established the first environmental law institute in France. Prof. Untermaier has already carried-out a first field visit to Switzerland in the framework of the current contract, to meet with relevant authorities in charge of biodiversity issues related to the implementation of the Bern Convention. A second visit will take place on 15 September. The report should be received by the Secretariat by 21<sup>st</sup> of October and prepared for submission to the 31<sup>st</sup> Standing Committee meeting.

### **2.2 Monitoring of Species and Habitats: general overview**

The Secretariat informed that the 3<sup>rd</sup> meeting of the Group of Experts on Protected Areas and Ecological Networks will take place on 19-20 September 2011 at the Council of Europe’s premises. The Group will focus its work on the setting-up of the Emerald Network as well as on the strategic development of ecological networks.

The Group of Experts will review progress made in the implementation of the Calendar for the setting-up of the Emerald Network 2011-2020; it will further examine a first draft list of proposed sites with the aim of submitting these to the Standing Committee for their possible nomination as ‘official candidate Emerald sites’. The Group will also discuss a first draft Interpretation manual for Resolution 4 (1996), prepared by the Council of Europe in co-operation with the ETC-BD.

The second day of the meeting will be devoted to the future of ecological networks and the PEEN in order to better define the role of the Bern Convention in its implementation, also taking into account the work done by other international actors on Green Infrastructures, Green corridors and other networks of protected areas. A contract has been concluded with ECNC, to prepare a discussion paper presenting possible options and scenarios.

### **2.3 Progress in the setting-up of the Emerald Network**

The Secretariat informed the Bureau on the state of progress of the joint CoE / EU project aimed at the setting-up of the Emerald Network in 7 Central and Eastern European countries and South Caucasus. All national and sub-regional seminars foreseen for 2011 have taken place. The final submission of data at national level is expected by the end of November, with some possible delays for Azerbaijan due to minor changes in the composition of the project team in this country. After consultation with the European Commission, a cost-neutral extension of the project duration has been requested.

A meeting with the European Commission (DG ENV and DG EuropeAid) was held in Brussels on 27<sup>th</sup> May 2011 in view of preparing the follow-up to the current project, focussing on the implementation of Phase II of the Emerald Network constitution process in the same 7 European Neighbourhood Policy Instrument (ENPI) countries. Colleagues from the EC are currently looking for possible funds under the Thematic Programme for Environment and sustainable management of natural resources, including energy (ENRTP) to be allocated as from the second half of 2012, or in 2013 at latest.

The Secretariat further informed that preparatory work to complete Phase I and to start Phase II in Norway and Switzerland is underway. A technical seminar took place in Norway on 6-7 September, organised in co-operation with ETC/BD. The meeting was helpful to solve some technical and scientific questions linked to the database, such as the regime of protection of the nationally designated protected areas proposed to integrate the Network; the way of dealing with the description of common v/s threatened species in the Emerald Network software; the translation of habitats, etc. The main result was a detailed work-plan for the national team in view of the successful completion of the Network in Norway by the end of 2016 (Phase II should begin in 2013). A similar exercise will be conducted for Switzerland, where an Emerald technical seminar is scheduled to take place on 15<sup>th</sup> September 2011.

Furthermore, the Secretariat informed that a biogeographical seminar targeting 6 West Balkans countries (Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and “the former Yugoslav Republic of Macedonia”) will be held in Montenegro, on 2-4 November 2011, as a follow-up to the Preparatory biogeographical seminar organised in Paris in January this year. The Secretariat noted that four out of six of the national “Emerald teams” have already updated their respective databases, including by correcting the technical inconsistencies spotted-out during the preparatory seminar, as well as by reviewing their habitats database using EUNIS habitats classification, as foreseen by the revised list of Habitats of the Standing Committee Resolution 4 (1996). However, the Secretariat warned the Bureau members of the financial constraints of some of the targeted countries, which put at risk the delivery of a revised database.

In addition, the Secretariat informed that a technical and political coordination meeting took place with the EEA and the ETC/BD, on 16<sup>th</sup> June in Paris. The meeting concentrated mainly on the preparation of Phase II of the Emerald Network process as well as on current developments on the harmonisation of the Emerald and Natura 2000 Networks. In this respect, the Secretariat informed that the ETC/BD is currently working on the comparative analysis of Resolution 6 (1998) of the Standing Committee on threatened species, Annex I of the Birds Directive and Annex II of the Habitats Directive. The first outcomes of this analysis will be presented during the 3<sup>rd</sup> meeting of the Group of Experts on Protected Areas and Ecological Networks, to be held on 19-20 September 2011. A similar exercise will take place in 2012 to compare the lists of threatened habitats under the Bern Convention and the Habitats Directive.

Furthermore, the Secretariat confirmed that measures have been undertaken to ensure that the evaluation of the Emerald data will, as far as possible, take into account the experience and criteria developed under the Natura 2000 Network. For instance, the Birdlife IBA approach will be used for assessing the sufficiency of the Emerald sites’ proposed for bird species.

Finally, the Secretariat recalled that the Calendar for the implementation of the Emerald Network includes a clear deadline (2012) for the preparation and adoption of management guidelines. These are very much expected by all the countries involved in the setting-up of the Emerald Network.

Mr. Biber (Switzerland), supported by Ms Prokic (Serbia), stressed that the discussions on the future of the PEEN should take into account all the related instruments and initiatives at Pan-European level, including the European Diploma of Protected Areas. With regards to the latter, he stressed that the European Diploma will celebrate its 50<sup>th</sup> anniversary in 2015; he suggested that an international conference gathering all stakeholders related to Protected areas and ecological networks could be organised following the successful experience of the Conference "Post-2010 Biodiversity Vision and Target: the role of protected areas and ecological networks in Europe", promoted by the Council of Europe and the European Union in Madrid (Spain) in 2010.

The Bureau welcomed the continued fruitful coordination on the harmonisation of the Emerald and Natura 2000 networks and particularly stressed the need to speed-up the work on the preparation of management guidelines, which could benefit both networks. The Bureau further praised the involvement of the EEA – ETC/BD in the Emerald Network constitution process and encouraged the EEA to consider including similar assistance and support activities for the ENPI countries in its 2013 Programme of Activities.

## **2.4 European Diploma of Protected Areas: Proposals for future**

The Secretariat informed on recent developments since the last meeting of the Group of Specialists (14-15 March 2011). More particularly, the Secretariat informed that 9 on-the-spot appraisals in 6 countries were carried-out prior to the renewal of the Diploma. Concerning the two non-renewals still pending, the Secretariat informed that the management plan of the Białowieża National Park (Poland) is not yet finalised and thus the on-the-spot appraisal was postponed; a visit to Belovezhskaya Pushcha National Park (Belarus) is planned to take place in September 2011.

The Secretariat further informed that, on 6<sup>th</sup> July 2011, the Committee of Ministers of the Council of Europe adopted the Resolutions concerning the renewal of the European Diploma to ten sites.

Moreover, the Secretariat outlined the main conclusions of document T-PVS/DE (2011) 12, on the "Future of the European Diploma of Protected Areas", which was recently revised following the decision of the Bureau at its last meeting. A list of interesting suggestions is included and would need further discussion to identify the most suitable options.

The Secretariat additionally informed that a contract was concluded with a Consultant in view of updating both the database and the map of the European Diploma sites, as well as to analyse the different types of habitats and geographical regions already represented so to identify possible gaps and encouraging new applications. These documents should be delivered by the end of October.

Finally, the Secretariat noted that, according to the principle of rotation, three members of the Group of Specialists will leave the Group; the Secretariat suggested replacing them by the representatives of Slovenia, Sweden and Turkey.

The Bureau members stressed the need to reinforce the role of the European Diploma, as well as to better connect the European Diploma and the Emerald Network sites with a view to make them examples of well-managed areas, and to contribute to the implementation of the Aichi targets at pan-European level.

The Bureau agreed that the document on the Future of the European Diploma of Protected Areas deserves a deeper discussion, including protected areas in general, in view of setting-up a concrete short-term planning ahead until 2015 (50<sup>th</sup> anniversary of the European Diploma). The Bureau decided to organise a side event opened to all interested participants, to be held during the Standing Committee meeting, under the form of a brainstorming based on the above mentioned document. The side event will allow for the preparation of concrete proposals to the attention of the Group of Specialists (9-10 February 2012).

The Bureau encouraged Contracting Parties to attend the side event and instructed the Secretariat to provide an appropriate frame for well-structured discussions.

## 2.5 Invasive Alien Species

The Secretariat informed on the outcomes of the meeting of the Group of Experts on Invasive Alien Species (IAS), which took place in Malta, on 18 – 20 May 2011.

The Secretariat stressed that this Group of experts continues to be one of the main and most innovative groups in the Bern Convention, as confirmed by the attendance to the meeting (around 70 participants from 30 different Bern Convention Parties, international organisations and NGOs). After the adoption by the Standing Committee of the European Strategy on IAS (December 2002) the Group has been monitoring its implementation and proposing a number of new instruments (including eradication plans, “codes of conduct”, etc.) for improving compliance of the Parties with the Bern Convention’s obligations in this field.

In 2011, the review of the implementation of the European Strategy on IAS revealed notable progress in a high number of states; reports were also presented by 5 other International organisations. Furthermore, the Secretariat informed that the European Union has recently decided to opt for the preparation of a consolidated legislative instrument on Invasive Aliens Species, following the adoption of the EU 2020 Biodiversity Strategy.

The Secretariat further informed that four draft Codes of conduct are under preparation and were presented to the Group, namely on “Pets and IAS”, on “Zoological and Aquaria and IAS”, on “Botanical Gardens and IAS” and on “Hunting and IAS”. Preliminary draft guidelines on Protected Areas and IAS will be presented to the Group of Experts on Protected Areas and Ecological Networks (19-20 September) to collect the views of protected areas managers; the guidelines will be revised accordingly for submission to the Standing Committee in 2012. In addition, the Group reviewed three draft Recommendations, including one dealing with the “European 2020 targets on IAS”.

Finally, the Group proposed that Council of Europe Action on IAS follows the path of drafting, negotiating and implementing new voluntary Codes of Conduct, finalising those being prepared and starting a new one on recreational fishing. A position on assisted colonisation may also be an important issue for future work

The Chair stressed that the work of the Bern Convention has been very useful to prepare the action of the European Union on IAS, and welcomed the increased cooperation of both institutions in this field. He also outlined that the possible adoption of an EU binding legal instrument on IAS will certainly reinforce very much the eradication process and welcomed the inclusion of a specific target on IAS in the EU 2020 Biodiversity Strategy.

Mr. Olivier Biber (Switzerland) noted that items 1 and 2 of the Draft Recommendation on the “European 2020 targets on IAS”, which concern specifically the European Union, would find a more appropriate place within the Preamble, as they refer to obligations which only relates to EU member states.

The Bureau agreed with Mr. Biber’s comments although it decided not to amend the draft document until the Standing Committee meeting.

The Bureau acknowledged the work of the Group of Experts and thanked the authorities of Malta for the hospitality and the excellent preparation of the meeting.

## 2.6 Islands Biodiversity

The Secretariat informed on the results of the third meeting of the Group of Experts on European Islands biological diversity, held in Corsica (France) on 9 – 11 June 2011.

The Group reviewed the work carried-out by the concerned Contracting Parties on the implementation of the Bern Convention’s obligations related to threatened island biodiversity, and endorsed a draft “Charter on the Conservation and Sustainable use of Biological Diversity in European Islands” which will be presented to the Standing Committee for possible adoption at its 31<sup>st</sup> meeting. With regards to the Charter, the Secretariat noted that its possible adoption by the Standing Committee will certainly foster the implementation of the related obligations also under the UN Convention on

Biological Diversity (CBD) in Europe.

Furthermore, the Group examined and amended a work programme on European island biodiversity and adopted priorities for conserving Biodiversity of European Islands in the following ten years.

The Secretariat informed that this Group of Experts will continue to meet regularly, although on the basis of a meeting every two or three years.

The Bureau took note of the information provided and thanked French authorities for the excellent organisation of the meeting.

## **2.7 Illegal killing of birds**

The Secretariat informed on the outcomes of the European Conference on Illegal Killing of Birds, held in Larnaca (Cyprus) on 6-8 July 2011. The Conference gathered more than 100 participants representing various stakeholders, including Contracting Parties and Observers to the Bern Convention, international organizations, national and local authorities, enforcement agencies, nature conservation NGOs (including hunting associations), scientific and research bodies, tourism industry, police authorities and mass-media.

The Secretariat noted that the Conference marked a turn-over in tackling the issue of illegal taking and trading of birds, by launching a long-term process aiming at enhancing national and international cooperation and coordination in this field, fostering adequate enforcement of existing legislation, sharing good practices and setting the basis for an appropriate monitoring process. In addition, it allowed for a real monitoring of the situation, as it produced 17 National reports (by the concerned Ministries) and a NGO survey targeting 40 Contracting Parties to the Bern Convention.

Among the main findings, the Conference pointed out that there is no single solution, but a combination of techniques, actions, measures and strategies is urgently required as many birds species in Europe and worldwide are declining rapidly. Therefore the key message from the participants is “zero tolerance toward illegal killing of birds”.

The Secretariat further informed that, among the major challenges to stop illegal taking and trading of birds, participants have identified historical and cultural barriers, which impede the majority society to consider the illegal killing of birds as a crime. This has an indirect impact on both the enforcement of the legislation, on investigation, and on the application of adequate sanctions. A shift in attitude is needed to end illegal bird killing. Education of the wider public, with a special focus on young generations, seems crucial and has to be combined with dedicated awareness raising campaign, involving all concerned actors, and including as much as possible those groups who find these illegal practices socially and culturally acceptable. An additional challenge is represented by the economic gain delivered by the illegal trading of birds as well as by the organised structure of the poachers, which sometimes involves organized crime.

Capacity building, increased communication and cooperation between the concerned enforcement bodies should be helpful to strengthen the expertise of the relevant national authorities, to promote a better investigation based on precise data and statistics and to target the key offenders. International cooperation can be useful to improve the control over international illegal hunting and to reduce the risk of exporting the problem to third countries.

Finally, the participants agreed that systematic monitoring and a shared reporting system for IKB activities should be put in place, with a particular focus on wildlife poisoning, which appears as the major threat posed by illegal activities. They proposed to organise, in 2013, a second meeting under the Bern Convention to monitor progress made.

The Secretariat emphasised on the high quality of the presentations by the Speakers, as well as on the excellent preparation of the working groups by the Moderators, which allowed for meaningful and opened discussions, based on data and evidence. In addition, the framework provided by the Bern Convention proved once more that this is a unique instrument to deal with sensitive and complex issues at pan-European level.

The Chair, who attended and Chaired the European Conference, stressed that this can be considered as a milestone with regards to the fight against the illegal killing, trapping and trade in wild birds, as it contributed to make clear that the phenomenon is a pan-European problem of increasing proportions. The combination of zero tolerance towards bird-crimes and proper law enforcement are part of the solution, together with sharing examples of good practices and information. The Chair concluded by thanking all the participants in the Conference for their contribution to its outcomes.

The Bureau welcomed the organisation of the Conference, took note of its outcomes, as well as of the active involvement of the Contracting Parties to the Bern Convention and invited the Standing Committee to renew its support to the efforts, processes and actions in this field. The Bureau particularly thanked Cyprus authorities for the excellent organisation of the event, as well as for the commitment showed by offering to host the Conference.

### **3. INSTITUTIONAL MATTERS**

#### **3.1 The application of Article 9 of the Convention**

The Secretariat recalled that the Standing Committee, at its 30<sup>th</sup> meeting, decided to report to 2011 the discussion and possible adoption of the Draft Revised Resolution No. 2 (1993) on the scope of articles 8 and 9 of the Bern Convention, in view of ensuring the coherence of the interpretation of Article 9 with other relevant instruments at European level. It therefore asked the European Commission to compare the proposed interpretation under the Bern Convention with the interpretation and reporting requirements under relevant EU instruments, and to forward its findings to the Bureau for analysis. In addition, the Committee asked the Bureau to examine proposals for improving the reporting system, including the possibility of using electronic reporting tools, similar to those provided for Member States by the European Union.

The Secretariat further recalled that, in April 2011, the European Commission was still working on the assessment of the comments received by its Member States on the issue, which had to be co-ordinated through the WPIEI process. Furthermore, following the entry into force of the Lisbon Treaty, a decision by the European Council is needed; the latter is expected to be delivered on 9<sup>th</sup> September.

At its meeting on 11<sup>th</sup> April 2011 the Bureau asked the Secretariat to prepare a proposal including possible scenarios on the ways forward.

The Secretariat presented the main issues related with the interpretation of article 9 of the Bern Convention, as well as to the derogation system and to the Model form for biennial reports. The Secretariat further detailed the following three possible options:

- 1: To discuss, in view of a possible adoption, the Draft Revised Model form for Biennial reports. The Secretariat should re-circulate to all Contracting Parties the same Draft Model form presented at last Standing Committee meeting (T-PVS(2010) 21) and request comments for preparing a consolidated Draft Model to be presented at the Standing Committee meeting;
- 2: To extend the Habides reporting system to cover the reporting under the Bern Convention. This would imply to request to the Contracting Parties to nominate an official contact person for uploading the information related to the reporting into the Habides tool; to request to the European Union to open Admin rights to the official contact persons; to plan a Habides IT training in the Bern Convention PoA for 2012;
- 3: To discuss, in view of a possible adoption, a completely new Draft Model form for Biennial reports, based on Habides reporting template and fields, although available in Word Format for manual compilation.

After a short discussion on the pros and cons of each of the options described above, the Bureau decided to adopt option 3. It instructed the Secretariat to communicate its decision to the European Commission and to prepare a Revised Draft Model form for biennial reports to be submitted at next Standing Committee meeting. The Bureau encourages Contracting Parties to use the reporting system

on a voluntary basis, any time that derogation is applied, independently from the biennial deadline.

Regarding the Draft Revised Resolution 2 (1993) on the scope and articles of articles 8 and 9 of the Bern Convention, the Secretariat will seek for the analysis of the European Union before launching the electronic consultation of all Contracting Parties in view of collecting their comments on time for the Standing Committee meeting.

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

*(Note: this report gives account of the information received since last Standing Committee meeting. A detailed description of each case-file is included in document T-PVS (2011) 13rev – Summary of Case files)*

##### **4.1 Specific sites – Files open**

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

This case concerns the excavation of a shipping canal in Bystroe estuary of the Danube delta in Ukraine, which is likely to affect adversely both the Ukrainian Danube Biosphere Reserve – the most important of Ukraine's wetlands – and the whole Danube delta dynamics.

At its 30<sup>th</sup> meeting the Standing Committee decided to keep the case file open and agreed to the creation of a Select Group of Experts to facilitate dialogue on the issue. The Group should meet after relevant Parties and the Chair of the Standing Committee agree on the terms of reference.

However, in February 2011 the proposed Terms of Reference were rejected by Ukraine. In March 2011 the Chair of the Standing Committee to the Bern Convention addressed both Parties inviting them to hold a meeting to agree on a new proposal.

In March 2011 the Ukrainian authorities sent an updated report on the state of progress of the development projects concerning the Danube River.

The authorities informed that early 2011 Ukraine, Romania and Moldova started the implementation of the project "Joint environmental monitoring, assessment and exchange of information for integrated management of the Danube Delta region", under the auspices of the International Commission for the Protection of the Danube River (ICPDR) and UNECE. This was considered to be the first step towards the Integrated Management Plan of the Danube as well as to improve cross-border cooperation to facilitate harmonization of monitoring systems in the area.

The report stressed that one of the main priorities of Ukraine was its active involvement into the process of preparation and further implementation of the activities under the EU Strategy for the Danube Region (EUSDR), which would provide new opportunities for sustainable development while addressing both environmental concerns and the need for economic developments in the region.

On 16<sup>th</sup> March 2011 the Secretariat received by fax an invitation from Minister László Borbély (Romania) to attend - on 22<sup>nd</sup> March 2011 - a meeting of the Joint Commission established under the Agreement between the Ministries responsible for environment of Moldova, Romania and Ukraine for the creation of a cross-border protected area of the Danube Delta and the lower River Prut. Due to an extremely short notice, the Secretariat regretted to inform its unavailability.

Finally, the European Commission informed that the next meeting of the EU-Ukraine Sub-Committee "Energy, Transport, Nuclear Safety and Environment" would take place on 24<sup>th</sup> and 25<sup>th</sup> March in Brussels and that the implementation of International environment agreements including the Aarhus Convention and the Espoo Convention, particularly in relation to the Bystroe Channel, would be among the agenda items. The Commission additionally informed about the preparation of a meeting between the EU and the Ukrainian authorities, to be held in April to discuss further EU assistance to Ukraine on Espoo Convention.

In April 2011 the Bureau examined the complaint and decided to keep the case-file open. It instructed the Secretariat to follow-up the issue with both the EU and the ESPOO Convention and to contact the Ukrainian authorities for an updated and more precise report on each provision of



Recommendation No. 111 (2004).

No new information was received from Ukraine before the Bureau meeting in September. However, the EU informed about the outcomes of the meeting on the implementation of the Espoo and Aarhus Conventions (Kyiv, 8 June 2011).

The meeting was to define the follow-up of the project financed by the EC to help Ukraine implement both Conventions, especially with regards to the Bystroe Channel project. In this respect, Ukraine is very much interested in capacity building and legal drafting to implement the Strategic Environmental Assessment Protocol (Espoo), and in capacity building to implement the Amendment on Genetically Modified Organisms and the Protocol on Pollutant Release and Transfer Registers (Aarhus). EU could allocate funds to such a follow-up project depending on the fulfilment of some conditions.

The Secretariat noted that Ukraine received warnings for non-compliance at both Espoo (Geneva, June 2011) and Aarhus (Chisinau, July 2011) Convention's MoPs.

Mr. Megan (Romania) informed that, although general trilateral cooperation among Moldova, Romania and Ukraine on biodiversity can be improved thanks to the Protocol signed at the first meeting of the Joint Commission, the latter is not much helpful with regards to the specific situation of the Bystroe estuary of the Danube Delta. Unofficial information may lead to consider that Phase II of the project has been - or is about to be - concluded; however, the lack of official communication by Ukrainian authorities on the real state of the works impede to look for any alternative solution or even for evaluating the damages and prepare compensatory measures. He asked the Bureau to keep the file open until the Bern Convention receives an official notification by Ukrainian authorities informing on the state of advancement of Phase II.

The Bureau examined the complaint and decided to keep the case-file opened. It expressed strong dissatisfaction to Ukrainian authorities for the lack of both communication and co-operation with the Standing Committee to the Bern Convention. It recalled, more generally, that reporting is an indispensable tool to enable both the Bureau, the Secretariat and the Standing Committee, to assess compliance of Contracting Parties with their obligations and invited all Contracting Parties to respond to the Secretariat's reporting requests, even by communicating that no new information is available if this is the case.

Moreover, the Bureau instructed the Secretariat to contact Ukrainian authorities urging a detailed report on the state of implementation of the Danube-Black Sea Navigation Route, as well as on the compliance with the Standing Committee Recommendation (2004) 111. Furthermore, Ukraine is asked to participate in the 31<sup>st</sup> Standing Committee meeting. The Bureau further requested to the Secretariat to contact the European Commission to get more detailed information on the project proposal under discussion, including its possible effects on the situation of the Bystroe estuary.

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

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

At its 30<sup>th</sup> meeting in 2010, the Committee examined this complaint and decided to keep the file open, while asking Cyprus to present a report for its next meeting, as well as to send to the Secretariat as soon as possible the translation into English of the management plan for Limni as well as to fully implement its Recommendation No. 63 (1997). The Committee asked the Secretariat to follow-up the file in close co-operation with the European Union.

In February 2011 the Secretariat received a short letter sent by Cyprus authorities informing that the Management plan for the Limni area was only available in Greek.

In March 2011 the European Union informed that the Commission was analysing the reply recently submitted by Cyprus authorities in the framework of the complaint lodged for insufficient designation and protection of the Akamas Peninsula under the Natura 2000 network.

In April 2011 the Bureau examined this complaint; it took note of the lack of additional information from Cyprus authorities and decided to keep the case-file open. It asked the Secretariat to urge to National authorities a translation of the Management plan for the Limni area, while continuing liaising with the European Commission on the follow-up of the complaint lodged for insufficient designation and protection of the Akamas Peninsula.

In August 2011 Cyprus authorities sent the translation of the Executive Summary of the Draft Management Plan for the Limni Area, specifying that this only refers to the Natura 2000 “Polis Gialia” site (thus not including the proposed “Chersonisos Akama” site and informing that the Government of Cyprus has designated a wider area that will be managed via development regulations and restrictions, to ensure the highest possible protection of the peninsula.

The report from the NGO (Terra Cypria) informs that a formal notice letter and a reasoned opinion have been sent by the EU to the Republic of Cyprus regarding the insufficient SPA proposal for the area. It is expected that the issue will be led to the European Court of Justice.

Regarding the management plan for the Limni area the NGO asks the Bureau to note that this is not an Environmental Management Plan according to the provisions of the 92/43/EEC Habitats Directive and the corresponding national legislation. According to Terra Cypria the Management Plan deals with Town Planning issues rather than Environmental issues.

The Secretariat didn't receive updated information from the EU.

The Bureau examined this complaint and decided to keep the case-file open. The Bureau thanked Cyprus authorities for the documents sent. However, it noted that the translation received concerns the executive summary of a Draft Plan which is limited to the Natura 2000 “Polis Gialia” site. The Bureau recalled that the complaint was opened to assess the impact of tourism development plans in the whole Akamas Peninsula and thus instructed the Secretariat to contact Cyprus authorities to inform on concrete administrative or legislative measures taken or foreseen to ensure the maintenance of the ecological integrity of the area, in line with the Bern Convention's provisions, including its Recommendation No. 63 (1997).

Furthermore, the Bureau instructed the Secretariat to contact the EU for updated information on the state of play at its level.

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

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

At its 30<sup>th</sup> meeting the Committee decided to keep the case file open and continue to follow it up in close co-operation with the European Commission, taking into account three infringement procedures opened under EU legislation.

In March 2011 the European Commission confirmed that no new authorisation for further developments had been issued in Kaliakra. In addition, the Commission received updated information by both Bulgarian Government and the NGO in January 2011 but this was still being assessed. DG ENV would meet Bulgarian authorities at the beginning of April, in Sofia, and would take the opportunity to further discuss the Kaliakra case.

In April 2011 the Bureau decided to keep the case-file open in order to be vigilant on the development of other windfarms in the region.

A report sent by BirdLife Bulgaria in August 2011 considers that the situation is still at a very critical stage. The NGO argues that, although the windfarm project in Kaliakra is stopped, this is however not cancelled; in addition, the complainant considers that Balchik and Kaliakra proposed Emerald Network/Natura 2000 sites are threatened by a large number of other developments, including tourist complexes, golf courses and infrastructure, which are also being planned and authorised without proper regard to the nature value of the sites.

The report recalls the infringement procedures opened by the EU against Bulgaria related to Kaliakra and informs that a number of other sites of international ecological value along the Northern Black Sea coast are threatened by other wind farm developments. According to the NGO this situation is in contravention of Articles 2, 3, 4 and 6(b) of the Convention, as well as of Recommendations No. 93 (2002).

The NGO report concludes by calling on the Bern Convention to take further action to assist Bulgaria to avoid irreversible damage to Europe's natural heritage. Most concretely, the NGOs requests to the Bureau to approach the Bulgarian Government for a progress report on the implementation of the Bern Convention provisions and recommendations, and urges to the EU to step-up progress with regards to the general SPA designation infringement procedure against Bulgaria in relation to Kaliakra IBA, as well as on the particular infringement case on lack of adequate protection of Kaliakra.

The Secretariat didn't receive a reply from the EU on time for the Bureau meeting.

Ms Prokic noted that information from the EU is indispensable for the full assessment of all the complaints submitted under the Bern Convention which are also involved in a possible EU infringement procedure. She further recalled the EU role as a Contracting Party to the Bern Convention, as well as the reporting duties which are attached to that.

The Bureau decided to keep this case-file open and asked Bulgarian authorities to attend the Standing Committee meeting. It further instructed the Secretariat to contact Bulgarian authorities for updated information on the ecological situation of Balchik, Kaliakra and the Black Sea Coast. Moreover, the Bureau instructed the Secretariat to contact the EU for an updated report, particularly informing on the outcomes of relevant meetings with Bulgarian authorities, as well as on the findings of its own assessment of the situation.

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

In 2006, the Secretariat of the Bern Convention received a complaint from the Association "Sauvegarde Faune Sauvage" expressing its concern over the insufficient measures aimed at ensuring the maintenance of the habitats needed for the survival of the Common Hamster.

At its 30<sup>th</sup> meeting the Standing Committee took note of the reports from both the French authorities and the NGO. In light of the small size of the hamster population, as well as of the current management, the Committee decided to keep the case file open and continue to follow it up in close co-operation with the European Commission.

On 20 January 2011 the conclusions of the EU Advocate General on the case pending before the European Court of Justice concerning France and the protection of the Common Hamster were made public (the hearing took place in October 2010). The Advocate General considered that agricultural practices and inappropriate development of road infrastructures threatened the habitat of the species.

The Advocate concluded that France had failed to fulfil its obligation to strictly protect the Common Hamster under the Habitats Directive and requested that the country is fined by the Court.

In March 2011 the French authorities reported on the implementation of the Action plan for the Common Hamster (2007-2011), mostly confirming that measures mentioned in previous reports continued to be performed. The report informed on the monitoring of the populations as well as on the reinforcement of wild populations through the application of the new protocol tested in 2010 to a larger number of individuals. The authorities additionally informed that the installation of electric fences around the parcels of land where hamsters are released was so far successful.

With regards to the effects of the actions of mobilisation of the farmers, the report stressed that the objective of 22% of favourable cultures was largely achieved in the Northern ZAP and almost reached in Southern ZAP (772 hectares of favourable crops for a total of 3,451 ha).

Regarding the road infrastructures, the last section of the expressway of *Piémont des Vosges* is now operational, while for the project of the Strasbourg Western ring road 200 hectares of favourable

crops had been foreseen as compensatory measures. Finally, the report mentioned that the exchanges with German and Dutch partners would be intensified.

In April 2011 the Bureau decided to keep the case-file open and asked the Secretariat to liaise with the European Union.

The judgment of the ECJ was issued on 9<sup>th</sup> of June 2011 and it condemned France for failing to take sufficient measures to protect the Common hamster.

In a report sent late August French authorities informed that, since the release of the judgment by the ECJ, the National Action Plan for 2007 - 2011 has been actively implemented. Moreover, an evaluation of the measures so far implemented is ongoing to serve as a basis for the preparation of the Action Plan for 2012-2016.

However, the *Association Sauvegarde Faune Sauvage* continues to consider that the situation is very critical, stressing that the population decreased from 11,000 hamsters in 2001 to only 460 in 2011. In a report sent in July 2011 the NGO denounces the failure of public policies, particularly with regards to the corn culture (80% of the agricultural land is still devoted to that) and the urbanisation and road infrastructures' projects. The NGO requests to the Bureau to keep the case-file open until there is a significant and reasonable increase in the population levels (estimated at 1,500 individuals per ZAP).

The Secretariat didn't received updated information from the EU before the Bureau meeting.

The Bureau took note with satisfaction of the information provided by both the NGO and the French authorities. It thanked French authorities for the cooperation with the Secretariat regarding the reporting requests. It decided to keep the case-file open in order to better assess the measures that France will take as a follow-up to the judgment of the European Court of Justice.

Moreover, the Bureau instructed the Secretariat to contact both French authorities and the EU for updated information for next Standing Committee meeting.

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

In 2007, the Standing Committee asked the Bureau to examine the possibility of opening a file for a possible breach of the Convention by Italy on this case. An on-the-spot appraisal was carried out in May 2008.

The main conclusions of the expert's visit were that the presence of the American grey squirrel in Italy was a serious threat for the survival of the protected native Red squirrel, and that this expansive trend had the full potential to turn the invasion into a continental problem, where France and Switzerland would become the next countries to be invaded.

In 2008, the Standing Committee agreed to open a case file and decided that a new Recommendation was not necessary. Instead it asked the Secretariat to communicate a list of actions to the Italian government.

In September 2009, the Italian government reported on progress to finalise the signature of a Memorandum of Understanding between the regions concerned, and the preparation of a LIFE+ project on: "Eradication and control of grey squirrel: actions for preservation of biodiversity in forest ecosystems", with the involvement of the three regions (Lombardia, Piemonte and Liguria), and the Ministry of Environment. Regarding the decree to ban the trade and keeping of American grey squirrel which will cover the whole national territory, the final text was agreed in late July 2009, and it will shortly be examined by the legal offices of the three Ministries involved (Agriculture & Forestry; International Trade; and Public Health).

At the 29<sup>th</sup> meeting of the Standing Committee, the delegate of Italy announced that the Ministry of Environment was fully committed to implementing Recommendation No. 123 and therefore had concluded a MoU in August 2009 with the three regions involved and two research institutions. A

number of activities had been planned, including control of the species, monitoring of Grey and Red squirrels and awareness campaigns. The Ministry was preparing a decree to prohibit the trading and keeping of the Grey squirrel.

The Committee took note of the information presented and welcomed progress in the conclusion of a MoU among all the actors involved in the control of the species, as well as plans to pass legislation banning trade on the species. However, it considered that there had been no action on the ground nor legislation approved, so it decided to keep the case file open, asking Italy to fully implement Recommendation No. 123 (2007).

At the 2010 Standing Committee meeting, the delegate of Italy presented the report from the government, informing that in August 2009 a Memorandum of cooperation was signed by the three concerned Regions, although this is still awaiting the signatures of the competent Provinces for entering into force. He continued by informing that the draft decree for banning the trading and keeping of the Grey squirrel is currently under discussion of the competent legal offices. He further highlighted some measures recently undertaken in the field of the control and eradication of the species, focusing on a Life+ Project, launched in September this year which is likely to contribute to solving the situation.

Noting that the decree concerning the banning of the trade and keeping of the American grey squirrel was not approved yet, the Committee decided to keep the file open and asked Italy to inform the Committee and the Bureau of progress made in the implementation of the LIFE+ Project and the adoption of appropriate legislative tools.

In March 2011 Italian authorities communicated to the Secretariat that no new information was available; however, they promised to provide a proper update for next Bureau meeting.

The Bureau decided to keep the case-file open and asked the Secretariat to approach Italian authorities to make sure that a progress report would be provided on time for a meaningful discussion at next Bureau meeting, containing information on both the progress made for the adoption of the decree and the implementation of the Life+ Project.

On 8<sup>th</sup> September, Italian authorities sent a short note informing that there is no substantial progress with regards to the adoption of the decree. The authorities also forwarded a short summary of the reporting to the EC on the implementation of the LIFE+ project, informing on the establishment of a Task Force, on the publication of a website, as well as on public meetings organised to present the project. Unfortunately, due to the very late sending, this information could not be properly assessed before the meeting.

The Bureau took note of the information provided. It recalled that Italian authorities had committed to send a full report on time for the Bureau meeting in September. In addition, the Bureau stressed that the complaint is under screening since 2007 and that the situation with regards to the conservation of the native squirrel is urgent. The Bureau instructed the Secretariat to contact Italian authorities to ensure their participation at next Standing Committee meeting, as well as to request a proper, detailed report, informing not only on the preliminary outcomes of the LIFE+ project, but also on other administrative or legislative measures foreseen or under investigation, to remedy to the delays in the adoption of the decree on the banning of the trade and to ensure the full implementation of Recommendation No. 123 (2007).

## **4.2 Possible file**

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

A 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 completed at the end of 2009, with specific actions starting in 2010.

At 2010 Standing Committee meeting, the French delegate announced that the National Action Plan was to be validated in the spring by the Ministry of Ecology. Activities had already started. Attempts to find out more about the species and consult a very wide range of stakeholders had held up the finalisation of the plan.

The representative of the regional environment, planning and housing directorate (DREAL) said that the regional implementation of the plan would be a priority in 2011 and that all planning files were carefully monitored.

The representative of ASFS said that the population was at threat of extinction.

According to the representative of *Societas Europaea Herpetologica* (SEH), the plan was still at the drafting stage, nothing had actually been done and development projects were continuing.

The Committee decided to keep the file as a possible case file as the procedure for drawing up the National Action Plan was not completed. It asked the French authorities to report at the next Bureau meeting.

In March 2011 the French authorities informed that the continuous replacement of persons in charge of the drafting of the National Action Plan within BIOTOPE (the Agency which awarded the call for tenders for the elaboration of the Plan) resulted in an additional delay for the finalisation of the document. Indeed, it appeared that BIOTOPE didn't undertake consultations with many important stakeholders, and that the comments of some of those who were consulted were not reflected in the document.

As a result, the DREAL Lorraine held a meeting with BIOTOPE Direction and urged the agency to finalise the Action Plan by beginning of summer 2011. The plan should be submitted to the National Council of the Protection of Nature by the autumn.

In the meantime the European Commission received a petition against the motorway bypass around Strasbourg, which would impact the population of Green Toad, a species which is strictly protected under the Habitats Directive. The Commission is assessing the case.

At its April meeting the Bureau took note of the report provided by the French authorities and decided to keep the case-file open. It instructed the Secretariat to continue to follow-up this case and to request to National authorities to send the Action Plan (including information and data on its future implementation) on time to be assessed by the Bureau members at its next meeting. In addition, the Bureau asked the Secretariat to continue liaising with the European Union on the issue.

In a short report sent to the Secretariat in July 2011, French authorities informed that the draft action plan is not yet finalised due to several failures from BIOTOPE. The Government is looking for an alternative solution which would allow finalising the work still pending and launching the implementation of the Action Plan without further delays. The Draft Action plan has been forwarded to the Secretariat.

The Secretariat contacted the EU for further information but didn't receive a reply on time for the September Bureau meeting.

The Bureau took note of the information provided. However, it stressed that the Action Plan which was supposed to be completed in 2009 has still a draft status. The Bureau instructed the Secretariat to contact French authorities for more information on the state of progress with regards to the Action plan, but also on other measures taken or foreseen to ensure the conservation of the species meanwhile.

The Bureau further instructed the Secretariat to liaise with the EU for an updated report on the issue.

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

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

At the 2008 meeting of the Standing Committee, the Swedish delegation informed that the decision regarding the plan for the residential housing project had been appealed to the County Administrative Board of Västra Götaland and that, in the meantime, the plan had come to a halt pending the outcome of the decision by the County Administrative Board.

At the 29th meeting of the Standing Committee, the delegate of Sweden informed that the decision of the government on the appeal was pending and the project had been stopped in the meantime (the decision was expected in early 2010). The Standing Committee took note of the information presented by the delegation of Sweden and asked them to inform the Secretariat when the decision on the appeal will be available. It agreed to review this case in 2010 as a "possible case file".

At the 2010 Standing Committee meeting the delegate of Sweden informed that there would not be a decision in 2010, although he stressed that the plan was not implemented and no other exploitation had taken place so far.

The Committee decided to keep the complaint as a possible file, and asked the delegation of Sweden to inform the Secretariat as soon as the decision on the appeal would be available. It agreed to review the possible case-file at the next Standing Committee meeting.

In May 2011 Swedish authorities informed the Secretariat that on 7<sup>th</sup> April 2011 the Swedish Government reached a final decision regarding the appealed housing project on the island of Smögen, consisting in rejecting the residential housing project in Hasselösund Väster as it would be detrimental to the Natterjack population. The authorities further informed that the decision of the Government cannot be further appealed.

The Bureau expressed high satisfaction for the information provided by the Swedish authorities, as well as for the commendable decision of stopping the residential housing project in favour of the survival of the species, and thus in favour of public interest. The Bureau decided to remove the complaint from the agenda of its future meetings.

### **4.3 Complaints in stand-by**

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

A complaint was lodged in 2009 by the *Espace de Solidarité et de Coopération de l'Oriental* (ESCO), based in Oujda, Morocco. It related to the Moulouya estuary site, which ranks as a "zone of biological and ecological interest" (SIBE, in the French acronym), and has been a Ramsar site since 2005. The organisation denounced the huge project for a new tourist resort in Saïdia, which formed part of the country's 'Blue plan' for the strategic development of the tourist industry.

At the 2010 Standing Committee meeting the Secretariat announced that a Ramsar Advisory Mission had been conducted on the site from 12 to 16 October 2010. As a result, many recommendations had been made, covering all aspects of plant and wildlife conservation.

The Moroccan delegate, who had taken part in this visit, informed the Committee that the tourist project next to the Ramsar site had indeed raised concerns but these had been dispelled as a result of the on-the-spot visit. The report was being validated by the Moroccan authorities but certain measures had already been taken.

The Committee instructed the Bureau to analyse the report of the consultative visit organised from 12 to 16 October 2010 in the framework of the Ramsar Convention and take appropriate decision on this issue.

In April 2011 the Secretariat informed that the Ramsar report, expected to be made public in February 2011 was still waiting for the validation by the National competent authorities.

In July 2011 the authorities of Morocco informed that the situation in the Mouloya wetland site is under control and that consultation with Ramsar Secretariat are ongoing to ensure that the touristic development plans are implemented in conformity with both the Ramsar and the Bern conventions. However, the Secretariat has not been able to analyse the Ramsar report as this is still being bilaterally reviewed; Ramsar Secretariat informed that the report would be probably made public only in the autumn.

The Bureau took note of the information provided and instructed the Secretariat to contact Ramsar Secretariat to get a copy of the report, on time for informing the Standing Committee of its findings.

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

In April 2010, the International Non Governmental Organization “Environment – People – Law” sent a complaint to the Secretariat for the possible breach of Articles 4 and 6 of the Bern Convention by Ukraine concerning development plans (commercial ports and touristic infrastructures) in Dniester River Delta, which would affect several protected species and habitats under the Bern Convention. In particular, the NGO expressed concern over the significant threats to the natural habitats of severely threatened species, as well as over the quality of the Environmental Impact Assessment (EIA), and the lack of adequate planning and development policies.

The NGO highlighted that the area is also a Ramsar site; that seven different development projects were being implemented in the area; and that some of these new infrastructures were built within 100 meter of a so called “coastal protection stripe” of the Dniester River, foreseen by the Water Code of Ukraine (article 89), within the protected area called “The Dniester water meadows”.

In May 2010 the Secretariat contacted Ukrainian authorities on this topic and informed the Ramsar Convention on the presumed massive commercial prawn fishing taking place in the Black Sea Biosphere Reserve, which includes Ramsar sites “Tendravska Bay” and “Yagorlytska Bay”. The Secretariat of the Ramsar Convention expressed concern on the compatibility of these activities with the maintenance of the ecological character of the sites and asked to the State Agency for Protected Areas of Ukraine to report on these activities as well as on potential threats and possible sustainable solutions.

Noting the lack of response from Ukrainian authorities the Bureau, meeting in September 2010, decided to re-consider the case as a complaint in stand-by at the first Bureau meeting in 2011. It asked the Secretariat to contact Ukrainian authorities for further information.

In February 2011 the Ministry of Environmental Protection of Ukraine sent a report on the ecological situation of the Ramsar sites of “Tendravska Bay”, “Yagorlytska Bay” and “Norther part of the *Dniester Liman*”. The report informed on the activities carried-out by the administration of the Black Sea Biosphere Reserve to protect *Tendravska* and *Yagorlytska* bays, namely through regular inspection raids by the gamekeepers as well as specific actions to protect water-birds while breeding in the wetlands. The report also informed about the work of the scientific staff of the Biosphere Reserve, in charge of several targeted studies as well as of the inventory of flora and fauna, and of rare species of the regions.

The authorities stressed that the natural resources of the Reserve are not commercially exploited. However, the guards of the Park discovered that illegal catching of shrimps occurred in the territory of the Ramsar site of *Yagorlytska* bay. The State Ecological Inspection of the North-West Black Sea Region was informed and asked to take appropriate actions. However, the report didn't provide information on measures foreseen or already undertaken in this respect.

Regarding the Lower Dniester National Nature Park, the report informed that the area maintains high levels of biodiversity; the exploitation of its natural resources is regulated by law; hunting is prohibited in the national park. Permits for the harvesting of reeds, eco-tourism and other activities are issued according to scientifically based limits which are fixed annually by the authorities.



Finally the report informed that two development projects are ongoing within the wetland on the banks of the Dniester River, following the approval of the competent authorities given on the basis of appropriate documentation. One of these projects is run by a private enterprise called “First Dniester Fish Plant” devoted to fishery activities. According to the report, the State Ecological Inspection in Odessa Oblast recently found violation of environmental laws by the private enterprise while verifying compliance with environmental legislation. It appeared that the area of construction was polluted by waste, and that project environmental measures were not implemented. From the government report it was not clear if the damage amounted to 3264.02 UAH or if the company was for 3264.02 UAH (which corresponds to approximately 300 Euros). The Secretariat requested a clarification which didn't arrive.

In March 2011 the Ramsar Secretariat informed that a request for updated information concerning the situation in the three Ramsar sites was sent on 21<sup>st</sup> October 2010 but that this had not received any clarification since. The Standing Committee Meeting of the Ramsar Convention was held in May 2011 and written National reports should be submitted by September 2011.

Noting that some of the issues related to this complaint still needed to be clarified, the Bureau decided to keep the complaint as a complaint in stand-by. The Bureau instructed the Secretariat to write to Ukrainian authorities for an updated progress report including: additional information on the violation of the environmental law by the Private company in charge of the development projects in the area, as well as a clarification on the nature of the damages, the measures taken by the competent authorities to mitigate their impacts and the sanctions envisaged; any useful information on preventive measures in place to protect the area and its habitats from other possible threats. The Bureau would take a decision on the follow-up to this complaint at its next meeting in September.

At the Bureau meeting in September, the Secretariat informed that no response to the request of complementary information was provided by Ukrainian authorities.

The Bureau regretted the lack of communication from Ukrainian authorities and instructed the Secretariat to contact them stressing that the Bureau would highly appreciate to receive a reply to its reporting request even if there is no news. This would allow taking this information into account while assessing the complaint. The Bureau decided to request an updated report on time for next Standing Committee meeting. In case the information provided will not help clarifying the situation, an on-the-spot appraisal could be organised in 2012, together with Ramsar Secretariat.

#### **4.4 Other complaints**

##### **- France: culling of badgers in Côte d'Or**

In October 2010, the Secretariat received a complaint from a French citizen regarding a possible breach of the Bern Convention related to the culling of Badgers (*Meles meles*) in Côte d'Or (Eastern France, in the Burgundy region), a species which falls under Annex III of the Convention. The complainant was concerned about the entry into force, in April 2010, of two prefectural ordinances (the complaint refers in fact to two decrees) allowing the capture and, with some limits, the cull of badgers, as measures to tackle bovine TB. The ordinances foresaw a reward of 10 Euros per captured animal.

The complainant stated that 2,000 badgers had been killed in June 2010. Only 25% of these had been analysed, with only 0.6% found to be affected by TB.

In March 2011, the French authorities sent a report detailing the measures undertaken to halt the increase of bovine TB which had potentially serious consequences on both public health and the agricultural economic sector.

The authorities highlighted that the trapping of badgers took place over a short period, between the end of March 2010 and the beginning of July 2010, in both disease-affected and non-affected areas in order to assess the geographical distribution of bovine TB within the whole *Département*. The monitoring should have initially concerned a minimum of 400 badgers (200 in the contaminated area and 200 in the non-contaminated one). However, as the trapping resulted in being geographically

heterogeneous, the authorities in charge were obliged to increase the number of operations to include 1,471 badgers trapped in the contaminated area and 1,679 in the safe one.

According to the authorities' report the campaign to be implemented in 2011 would serve to complete the information collected on the evolution of the sanitary situation in the *Côte d'Or Département* and would be limited to the monitoring of 300 badgers from the contaminated area and 300 badgers from a buffer zone in the non-contaminated area, to ensure that the disease would not spread. The trapping of badgers would start in March 2011.

Furthermore, the authorities informed that they requested the opinion of the National Agency for Sanitary Security of Food, Work and Environment (ANSES) on possible management measures to face the risks of contamination of the cattle population by wild fauna. The opinion was expected by April 2011.

Taking into account the problems encountered by the authorities during the trapping process carried out in Spring 2010, as well as their commitment to limit next monitoring to a short period of time, the Bureau asked the Secretariat to write to French authorities to recall the Bern Convention aims, provisions and obligations and to make sure that these were taken into account during the campaign to be implemented this year.

In an updated report sent in August 2011 French authorities informed that, according to the opinion released by the ANSES, the risks of contamination of the cattle population by wild fauna is still important in the concerned area and this makes it relevant to continue carry-out appropriate tracking and monitoring of the disease. The ANSES stressed that it is important to eradicate the disease before that this is installed in the wildlife; the authorities have therefore forbidden the feeding of wildlife in the whole area.

More concretely, the recommendations issued by the ANSES focus on three points:

- Monitoring of the disease in wildlife population (especially with regards to wild boar and badger);
- Regulation of the infected population when this is contaminated (trapping is suggested for a 4-years period);
- Vaccination of the badgers in the buffer zone when the extension of the contaminated area seems possible.

In conclusion, the ANSES seems to approve the measures implemented so far. French authorities also informed that the operational protocols have evolved so to take into account the recommendations issued by the scientific community, and that bilateral contacts have been established with English authorities for cooperation.

The Bureau thanked French authorities for the detailed reporting. It took note of the information provided and considered that the measures undertaken with regards to the badger population fall under the appropriate use of the derogation system foreseen under Article 9 of the Convention. The Bureau decided to remove this complaint from the Agenda of its future meetings.

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

On 22nd August 2010 the Secretariat received a complaint from MEDASSET (The Mediterranean Association to Save the Sea Turtles) regarding development plans in a NATURA 2000 site (THINES KYPARISSIAS - GR2550005) which would affect *Caretta caretta*, a threatened species protected under the Bern Convention. The NGO reported about uncontrolled development on the site (summer houses building, construction of coastal roads, occupation of the beach by, among others, bars, umbrellas and deck chairs) and expressed concern over the intensive pressure on the nesting activity of turtles, which could lead to reducing the unique population of *Caretta caretta*.

At the second Bureau meeting in 2010, the Secretariat informed that a letter requesting further information had been addressed to Greek authorities on 7 September. The Bureau took note of the information provided; due to the very short notice given to the Greek authorities to provide a reply, the Bureau decided to re-consider the complaint at its next meeting.

In March 2011 the Greek authorities forwarded to the Secretariat the response sent on 22<sup>nd</sup> December 2010 to a letter of the European Commission in relation to the protection of priority species in the Natura GR 2550005 site.

The response informed that a law concerning Conservation & Biodiversity had been recently approved by the Greek Parliament to ensure a more effective protection regime for the priority species in all Natura 2000 sites. The law should enter into force by the end of March. In addition to that, the Ministry of Environment was in the process of drafting a Joint Ministerial Decision, based on a specific environmental study of 2002, which should regulate all activities within the GR 2550005 Natura 2000 site by providing a specific legal protection regime. The Joint Ministerial Decision should allow facing conservation problems in an integrated way for the whole *Thines Kyparissias* Natura 2000 site.

Among the measures taken, national authorities forwarded to Local Authorities the specific environmental study mentioned above, along with a Presidential Draft Decree which includes a Management Plan for the Area, with the request of taking these into account to enforce the necessary Environmental Protection measures. The response additionally informs that a recently adopted Ministerial Decision requires the official approval of the Ministry of the Environment for any license of exploitation of the sandy seashore sites issued by the Local Authorities. However, the responsibility concerning the compliance with obligations related to the exploitation itself lies down to the Local Authorities and the State Property Service.

As complementary information, the National authorities confirmed to the Secretariat that the State Property Service of the Prefecture of *Messinia* recently issued “demolition protocols” for all the constructions illegally built in the area. These protocols are being executed by the responsible authorities of the Peloponnesus Region.

The Bureau decided to review this complaint at its September meeting, after the breeding season, and instructed the Secretariat to contact both the National authorities and the NGO for updated reports.

The Secretariat informed that no reply was sent by Greek authorities.

In a report sent in September 2011 the NGO informed that, although the law on Conservation and Biodiversity entered into force in March 2011, enforcement of specific protective measures is still poor, and a number of illegal activities continue to exert a considerable amount of pressure on the nesting activity of marine turtles. In addition, according to the NGO, the Joint Ministerial Decision announced by Greek authorities has not been drafted yet; furthermore, none of the demolition protocols issued by the State Property Service of the Prefecture of Messinia for the illegal constructions in the area have been executed.

The NGO report denounces the degradation and erosion of the sand dunes and coastal forests, due to roads and buildings illegally developed; the lack of restoration measures to compensate the destruction part of the sand dunes; the absence of specific protection measures and lack of provision of appropriate information to local residents. The NGO considers that it would be appropriate to draft an updated Special Environmental Study (the current one was prepared in 2002), which would take into account the new developments and assist competent Local Authorities to identify specific conservation measures for the area in question.

The Bureau took note of the information provided by the NGO, which questions the effectiveness of the measures undertaken by Greek authorities, as described in the report submitted the government in March 2011. However, because of the lack of reply by Greek authorities, as well as of new information from the European Commission, the Bureau was not in a position to properly assess the situation. It decided to consider this complaint as a complaint in stand-by at its first meeting in 2012; it instructed the Secretariat to request further information to the Greek authorities, to be analysed in light of any useful update from the European Commission and the NGO.

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

On 16th August 2010 the Secretariat of the Bern Convention has received a complaint from MEDASSET (The Mediterranean Association to Save the Sea Turtles) and Terra Cypria reporting an

important increase in sea turtle mortality rates (particularly significant for *Chelonia mydas* and *Caretta caretta*) in Episkopi area, which is an area under the control of the British Sovereign Base Area Administration (SBAA) and nearby Akrotiri. *Chelonia mydas* and *Caretta caretta* are both threatened species protected under the Bern Convention.

At the second Bureau meeting in 2010, the Secretariat informed the Bureau that a letter requesting further information had been addressed to the authorities of the United Kingdom, with copy to Cyprus authorities, on 7 September. The Bureau took note of the information provided; due to the very short notice given to the UK authorities to provide a reply, the Bureau decided to re-consider the complaint at its next meeting.

In February 2011 UK authorities sent a comprehensive report informing on the death of turtles as well as on the enforcement of legislation, and on measures taken to address the issue. The report questioned some of the data submitted by the NGO, for instance, the Government informed that the 5 metre limit for casting nets is in place since 2005, a period during which Turtlewatch reported very few deaths. UK authorities also challenged the supposed danger of localised extinction of the Loggerhead population which, according to them, was not based on scientific grounds.

The Government informed that the main cause of death appeared to be incidental entanglement in fishing nets but it argued that the conflict between fishing and marine turtles is general and not isolated within Episkopi Bay and that it interests the whole of the Mediterranean.

The report provided an overview of the measures taken to address the issue, among which regular coastal land and marine patrols for the enforcement of the Fisheries Ordinance and the Protection and Management of Nature and Wildlife Ordinance by the Customs, the SBA Police and Marine Units; the pursue of Foreshore offences through written or verbal cautions and warnings; individual liaison meetings between the Custom Officers and professional fishermen; turtle boat and/or diving/snorkelling surveys to gather more specific information on turtles and their habitat association; the distribution to fishermen of education leaflets on turtles, co-operation with the Republic of Cyprus Department of Fisheries and Marine Research.

In conclusion, the report considered that the trends in turtle mortality couldn't be established with accuracy as previous searching effort couldn't be confirmed. In addition, the report suggested that there have been many more sightings of marine turtles in Cyprus during the last few years in comparison with the past and that the nesting interest at both Akrotiri and Episkopi was showing an increasing trend. The report concluded that the proposed change of fishing depth from 5 to 10 metres didn't seem an effective measure to address the issue and suggested that appropriate actions should be eventually agreed with the authorities of the Republic of Cyprus.

The NGO report, sent in February 2011, informed that during a meeting held on 31<sup>st</sup> January, the British Bases reassured Terra Cypria that the turtle survey would continue and be completed by the end of March 2011. Its findings should be discussed during a joint meeting between the British Bases, MEDASSET, Terra Cypria, Episkopi Turtle Watch and the Republic of Cyprus, in view of identifying possible solutions. Terra Cypria informed that since the complaint was submitted, seven more turtles were found dead in the area: three adult loggerheads (*Caretta caretta*), one sub-adult and three juvenile green turtles (*Chelonia mydas*).

At its April meeting the Bureau instructed the Secretariat to continue monitoring this complaint and, more concretely, it asked to be informed on the outputs of the further meetings between the concerned stakeholders.

On 31<sup>st</sup> August 2011 UK authorities informed the Secretariat that a co-ordination meeting between the SBA Administration and Episkopi Turtlewatch would take place in the coming week and that the Secretariat would be informed of the outcome shortly. The authorities ensured that an updated report would be prepared for the Standing Committee meeting and the SBAA will probably attend it.

In August 2011 the NGO sent a detailed, updated report highlighting that fishing-induced mortality was by far the most important threat for sea turtles in the Mediterranean. Furthermore, according to the report, the stranding rate was higher than that which could be attributed to a natural death rate, particularly when considering the size classes concerned (mostly large juveniles and some breeding

adults). The NGOs affirms that the concerned population is large and that its size and composition are not directly linked to the relatively small nesting population in Episkopi. Therefore the complainant considers that the SBA, DEFRA and the Republic of Cyprus are failing to fulfil their duty to provide protection for two endangered species in Episkopi and Akrotiri area, while they have shown on other occasions their commitment to sea turtle conservation and research.

The complainant requested that this case is kept under close scrutiny and is included in the 2011 Standing Committee meeting Agenda for discussion.

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".

**- Norway: management of large carnivores**

On 3<sup>rd</sup> March the Secretariat of the Bern Convention received a complaint from WWF Norway concern with the Norwegian management of wolves and bears as the population targets are extremely low, and illegal hunting and culling of individuals are quite frequent.

In fact, the wolf population is regulated by culling of a quota if the population is above the politically set target or if individuals are outside the politically designated management zone. Culling is also permitted to limit loss of sheep livestock or domestic reindeer.

The current wolf population target (both a maximum and a minimum) for Norway has been set at 3 litters of cubs to be born each year within a defined management area for breeding wolves. This was reached for the first time in 2010, 6 years after the adoption of the target.

The current bear population target has been set at 15 litters to be born each year, distributed across five unconnected administrative areas. During recent years, between 3 and 6 litters have been registered or estimated to have been born in Norway, meaning that Norway is lagging far behind the politically agreed population target.

The complainant stresses that the management policies are very much based on political agreements with the parliamentary majority and that the on-going process to review the population targets for both wolf and bear will probably end with even lower targets than the current ones.

WWF additionally regrets that there is no official agreement on a joint management approach with Sweden, neither for wolf nor for bear, while many individuals have their home range in both countries and several international panels of experts already underlined the need for a large and interconnected population to maintain genetic viability of the species.

The complainant requested the mediation of the Bern Convention (statement or opinion) to remind to National authorities the obligations related to the Convention before a decision on new population targets is taken (summer 2011).

The Bureau took note of the information provided by the complainant and of the deadline for adopting new targets for the management of large carnivores' populations. It instructed the Secretariat to write to Norwegian authorities recalling the provisions of article 2 of the Bern Convention and encouraging the Norwegian government to take into account the objectives of the Conventions while setting targets for large carnivores' population.

In a letter sent to the Secretariat end of April 2011 Norwegian authorities explain that the situation on large carnivore management has remained unchanged since last monitoring from the Bureau in 2010. The authorities consider that the worries of the NGO might be due to the Government invitation to discuss the present management regime in the Parliament. However, the authorities cannot predict if there will be a new revised management plan and ensured that the Bern Convention requirements and provision will be taken in due account. The authorities confirmed that they will return with more information to the Bureau if significant changes in the present national large carnivore management are approved.

The Bureau thanked Norwegian authorities and considered the information provided as satisfactory. It therefore decided not to keep this item on the agenda of its future meetings.

**- France: threat to *Riella helicophylla* in the Department of Bouches-du-Rhône**

On 17<sup>th</sup> March the Secretariat of the Bern Convention received a complaint from the NGOs NACICCA, *Les Amis des Marais du Vigueirat* (AMDV) and the *Collectif Santé Environnement de Port Saint Louis* (CCSE) concerning the creation of an inland waterway as well as of logistic and industrial infrastructures in the commune of *Port Saint Louis du Rhône*, which would represent a threat to some of the species protected under the Bern Convention (*Phoenicopterus roseus*, *Anthus campestris*, *Sylvia conspicillata*, *Burhinus oedicnemus*, *Bufo calamita*, *Pelobates cultripes*, *Miniopterus schreiberei*). Among these, the NGOs were particularly concerned for the long-term survival of the *Riella helicophylla*, an endemic plant species listed in Appendix I of the Bern Convention which does not benefit of any specific protection status in French legislation. The species is also protected under Annex II of the Habitats Directive, it is listed in the European Red Book of Bryophytes and it is present in only 4 European Union countries where it is a rare species. Part of the area where the project should be implemented (*anciens salins du Caban*) is a SPA under the Birds Directive and is located in the transition zone of the Biosphere Reserve of *Camargue*.

The complainants fear the extinction in France of the *Riella helicophylla* and denounce:

- A possible breach of article 5 of the Bern Convention regarding the *Riella helicophylla* as France would have failed to the obligation of taking the appropriate legislative measures to ensure its strict protection. In fact, the species does not appear in the French ministerial decree of 20 January 1982 which lists the plant species to be protected on the national territory. Its presence is however proven in France since 1968; in addition, the area chosen for the development of the inland waterway is also known for hosting one of the largest populations of *Bufo calamita* in France which, according to the complainants, would also be severely threatened;
- A possible breach of article 4 of the Bern Convention with regards to the obligation of taking appropriate legislative measures to ensure the conservation of the habitats of the wild flora species, especially those specified in Appendices I and II of the Convention. The development project could in fact provoke the destruction of 650 hectares of coastal lagoons and Mediterranean salted steppes.

The complainants stressed that the public authority in charge of the development projects in object (the *Grand Port Maritime de Marseille*) has not looked for an alternative solution which would have allowed for derogation under article 9 of the Convention.

The complaint included the following support documents:

- ✓ A letter sent on October 2010 to the Ministry of Ecology requesting that the old saline of *Caban* is proposed as a Special Area of Conservation under the Habitats Directive, and that the *Riella helicophylla* is integrated in the national list of protected species, in compliance with art. 5 of the Bern Convention;
- ✓ An opinion by the National Museum of Natural History museum confirming the need to ensure the protection of both the site as a SAC and the concerned species;
- ✓ Some extracts of the development project planned by the *Grand Port Maritime* de Marseille.

It should be noted that the development project is in principle meant to diminish road traffic in order reduce gas emissions.

At its meeting in April 2011 the Bureau took note of the information provided by the complainant, as well as of the particular biological interest of the species concerned. However, noting that the Secretariat was not in a position to notify the complaint to French authorities before the Bureau meeting, the Bureau decided to re-consider the situation at its next meeting in September.

The report submitted in August by the French authorities clarifies that – so far – no administrative authorisation was issued with regards to the development project in the *Salins du Caban*.

The authorities confirmed that the species is still not protected in France; however, the Flora Commission of the National Council for the Protection of Nature (CNPN) has been requested an opinion on its protection. The opinion should be delivered in December 2011 and should allow for the preparation of an inter-ministerial decree which will allow, beginning of 2012, to include the *Riella helicophylla* among the flora species protected by the ministerial decree of 1982.

The French authorities further informed that the Port of Marseille has been warned about the plans to include the species among the strictly protected flora species and that derogation in conformity of the environmental code would be needed if the development plans are likely to affect it.

The Bureau thanked French authorities for the efficient reporting and particularly welcomed the steps undertaken for extending the protection of the 1982 Ministerial decree to the *Riella helicophylla*. Moreover, the Bureau considered that the situation does not require, for the time being, keeping this complaint under scrutiny. The Bureau instructed the Secretariat to communicate the Bureau decision to the complainant, asking to be informed if new developments arise.

#### **4.5 Complaints received by the Secretariat since last Bureau meeting**

##### **- Turkey: threat 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 (*Monachus monachus*), a species listed in Appendix II of the Bern Convention (strictly protected fauna species).

The complainant expressed concern with regards to the location of the planned marine terminal, foreseen at just 500 meters away from a breeding cave acting as a bridge between the core monk seal colony of the area and the pioneers moving further east.

Moreover, the complainant considered that the breeding cave, formed by soft geological material, may eventually collapse once the planned road will be opened to lorry traffic, and that pollution, turbidity and noise will force the actual inhabitants to abandon the cave without having in the vicinity other caves with similar morphology. The complainant informed that an Environmental Impact Assessment was prepared by the Ministry of Environment and Forestry for the marine terminal although this has apparently not taken into account the critical importance of the chosen area for the Mediterranean monk seal.

The complainant highlights that the Mediterranean monk seal is also protected by other international agreements, among which CMS, CITES and the Barcelona Convention.

The Secretariat addressed a letter to Turkish authorities in July 2011. However, probably due to the short delay given, the government was not in a position to reply.

The Bureau took note of the information provided, stressing that the Monk Seal is one of the world's most endangered mammal.

However, the Bureau considered necessary to give Turkish authorities enough time to provide a reply. Therefore the Bureau 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. The Bureau further required the Secretariat to contact 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.

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

On 21<sup>st</sup> June 2011 the Secretariat received a complaint by the NGO Pro Natura – Swiss League for the protection of nature, concerning the threat of decline of a strictly protected species, the Rhone streber (*Zingel asper*) also known as “king of the Doubs”. The species is included in Appendix II of

the Bern Convention (strictly protected fauna species) as well as in Annex II of the Habitats Directive.

The complainant denounced the pollution of its habitat, the Doubs River, as well as the lack of investigation by the relevant authorities concerning the causes of that pollution.

Furthermore, the NGO denounced 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. Pro-Natura additionally noted that the micropollutants related to human activities and the waste waters which fall directly into the river are leading to a severe degradation of the species' habitat.

In conclusion, the complainant evoked a possible violation by both Switzerland and France of articles 7 and 9 of the Bern Convention of Bern in the departments of Doubs (France), and in the cantons of the Jura and Neuchâtel (Switzerland).

On 12<sup>th</sup> July the Secretariat addressed a letter to both French and Swiss authorities requesting a report for the Bureau. However, both governments informed that a reply was under preparation but that this would not be ready by the Bureau meeting due to the short delay.

The Secretariat further informed the Bureau that a LIFE+ Project was implemented in France in 2004-2010 and suggested to contact the project managers for more updated information.

The Bureau noted that this is a transboundary complaint and thus sufficient time should be given to the concerned government for the preparation of their respective replies. The Bureau instructed the Secretariat to contact the authorities of France and Switzerland for a report to be examined at the first Bureau meeting in 2012.

## 5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS

### - **Recommendation No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds: Analysis of the NGO report**

The Secretariat recalled that this issue is being monitored by the Standing Committee since 2009. A compilation of national reports and an NGO report, including recommendations, were deeply reviewed in 2010. On that occasion, the Committee asked the Bureau to analyse the recommendations included in the NGO report, particularly with regards to the proposal of introducing a temporarily reporting requirement on a 2-years follow-up basis on progress made towards the effective implementation of Recommendation 110 (2004).

At its meeting in April 2011 the Bureau noted that the issue of electrocution of birds also concerns the AEW, the Bonn Convention, and the EU. Yet, the Bureau instructed the Secretariat to transmit the reports submitted under the Bern Convention to other concerned multilateral agreements and organisations in order to get their opinions and avoid duplication. The replies should be then forwarded to the NGO and eventually integrated in the report. The findings should be discussed at next Bureau meeting.

The Secretariat addressed official letters to the following organisations: International Association for Falconry and Conservation of Birds of Prey; CMS; EU; AEW; IUCN; Migratory Birds of the Western Palearctic (OMPO); European Centre for Nature Conservation (ECNC); Barcelona Convention but received no reply.

However, BirdLife informed about the findings of the International Conference on Power lines and bird mortality in Europe, held in Hungary on 13<sup>th</sup> April 2011. The conference was co-organised by MME/BirdLife Hungary, the Ministry of Rural Development of Hungary and BirdLife Europe and was kindly hosted by MAVIR (the Hungarian Transmission System Operator Company Ltd.), as part of the official programme of the Hungarian EU Presidency in 2011. The conference examined the very serious problem caused by, mostly medium current powerlines, for some species of birds, some even globally threatened, especially raptors (vultures, eagles, buzzards, falcons), storks, Great bustards, and owls and the possible solutions.



It concluded with the adoption of a ‘Budapest Declaration on bird protection and powerlines’, which aims to encourage countries, the EU and non EU countries, NGOs and businesses to work towards eliminating the risk to birds from powerlines. The Declaration recalls Recommendation No. 110 (2004) of the Standing Committee and calls on all interested parties to jointly undertake a programme of follow up actions such as– among others – “To report every two years (starting from 2012) on the actual progress in the implementation of Resolution 110 of the Bern Convention and of this Declaration”.

The Bureau decided to hold a discussion on the “Budapest Declaration” at the next Standing Committee meeting, in view of its possible endorsement by the Committee.

- **Recommendation No. 120 (2006) on the European Strategy for the Conservation of Invertebrates**
- **Recommendation No. 132 (2007) on the conservation of fungi in Europe**
- **Recommendation No. 136 (2008) on improving the conservation of the Common hamster (*Cricetus cricetus*) in Europe**

The Secretariat informed that reports are being received by Contracting Parties on the three above mentioned Recommendations.

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

At its 29<sup>th</sup> meeting, the Standing Committee decided not to open a case file following a complaint lodged in 2001, concerning the establishment of two wind farm complexes in the Archipelago of Smøla, in an area of importance for the nesting of White-tailed Eagles and other species. The Committee adopted Recommendation No. 144 (2009) on the wind park in Smøla (Norway) and asked the government of Norway to report on its implementation at the next meeting of the Standing Committee.

At the 2010 Standing Committee meeting, the Committee decided to have this item on the Agenda of its 31<sup>st</sup> meeting in 2011.

In a report sent to the Secretariat in July 2011 Norwegian authorities provided detailed information on each of the points of Recommendation No. 144 (2009), as well as on the outcomes of the Conference on Wind energy and Wildlife impacts, held on 2<sup>nd</sup> – 5<sup>th</sup> May 2011, organised by NINA (Norwegian Institute for Nature Research) and CEDREN (Environmental Design of Renewable Energy). The aim of the latter was to share experiences on how wind-power plants may affect wildlife, and discuss how to meet the challenges created by the world-wide increased activity in large scale wind-power plant construction. The conference ended with a panel debate focusing on future challenges. Detailed information on CWW 2011 in English is accessed at <http://cww2011.nina.no>.

The authorities additionally informed on the findings of the BirdWind Project on Smøla, which was formally finalised on 31<sup>st</sup> December 2010 and of which the white-tailed eagle (WTE) has been a focal species. The project confirms that, since 2005, 39 WTEs have been recorded as victims of collisions with turbines. However, it seems that there has been no significant trend in population size, neither positive nor negative, since the DNA monitoring started 5 years ago.

As regards mitigating measures, the findings of the project make clear that progress on developing mitigating measures to reduce the collision hazards require increased species-specific knowledge on how the birds’ behavior is determined by their vision as well as on how birds are using their biomechanics and aerodynamic skills to cope with the turbulence and vortices in the vicinity of the wind turbines.

The Secretariat informed that NINA/CEDREN is preparing an application to grant a BirdWind 2 project, with focus i. a. on mitigation measures.

The Bureau thanked Norwegian authorities for the detailed report. It instructed the Secretariat to forward both the conclusions of the Wind energy and Wildlife impacts as well as the final report of the BirdWind project to BirdLife international for possible comments.

- **Recommendation No. 151 (2010) of the Standing Committee, adopted on 9 December 2010, on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France**

This Recommendation was adopted following two interlinked complaints lodged in 2008.

At its 29<sup>th</sup> meeting the Standing Committee decided to organise an on-the-spot appraisal which was carried-out in June 2010.

At the 2010 Standing Committee meeting, following the analysis of the findings of the expert's report, as well as of the reports by the French authorities and the representatives of the NGOs, the Committee decided not to open a file. It adopted 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 and decided to review its follow-up at its 31<sup>st</sup> meeting.

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

### **6.1 Reform process at the Council of Europe and Review of Conventions**

The Secretariat briefly presented the state of progress of the Council of Europe reform, informing that a re-organisation of the Secretariat has been launched in July, resulting in the merger of the former four operational main administrative entities into two Directorates General, one covering programmes on human rights and the rule of law (DG-I), the other one in the field of democracy (DG-II). The new Secretariat set-up will be operational as from 1<sup>st</sup> October 2011, with a transition period to the end of the year. The Biodiversity Unit, in charge of the Secretariat to the Bern Convention, has been placed under DG-II, in the Directorate of Democratic governance, culture and diversity, Department of Culture, Heritage and Diversity.

Regarding the Review of Conventions, the Secretariat reminded that this process was launched in February 2011 by the Committee of Minister in order to review the more than 200 Council of Europe Conventions so to identify those who might have become obsolete and concentrate on the core ones. The Review should be submitted to the Secretary General in September 2011. According to the objective criteria selected for the classification of the conventions, the Secretariat informed that the Bern Convention will probably remain among the "Core" Council of Europe Conventions.

### **6.2 Structure of the Standing Committee meeting**

The Bureau discussed possible options for a more efficient Standing Committee meeting, including by considering the possibility of extending its duration (by adding an additional day meeting) or of using the afternoon of the third day for continuing discussions on unfinished agenda items. However, the Bureau agreed that no major changes could be introduced for this year meeting. The Secretariat will request power point presentations to all the speakers and the Chair will limit the slots allocated to each intervention so to be able to devote sufficient time to each of the agenda items.

### **6.3 Biannual budget and voluntary contributions' system**

The Secretariat stressed that this agenda item is strictly interlinked with item 6.1, and informed that the Reform process has resulted in a cut to the budget for 2012 and 2013 of 27% and one job.

The Secretariat further presented document T-PVS (2011) 10, informing on the trends, the main challenges for 2012-2013, as well as on possible options for ensuring that the Bern Convention continues to have the financial means for achieving its aims and objectives.

The Bureau thanked the Secretariat for the informative document. It considered that the decisions on the future financing of the Bern Convention must be taken after a debate at the Standing Committee meeting. Therefore the Bureau invited the Standing Committee to take note of the information provided on the finance of the Bern Convention and decide on its future funding. The Bureau further suggested the possibility of setting-up, in 2012, an Advisory Select Group of Experts on the Finance of the Convention aimed at examining the different options and making proposals to the Committee.

#### **6.4 Implementation of the CoP-10 decisions: setting priorities for the Bern Convention**

The Secretariat informed that the Groups of Experts on Invasive Alien Species, and on Island and Biodiversity, meeting respectively in May and June 2011, analysed the related Aichi targets in order to set priorities for the Bern Convention in their fields of competence. A Draft proposal related to Protected Areas will be discussed at the forthcoming meeting of the Group of Experts on Protected Areas and Ecological Networks (September 2011).

The Bureau took note of the information presented by the Secretariat. However it requested that a single document, providing the analysis of each of the Nagoya targets and the possible contribution by the Bern Convention, is presented to the Standing Committee for analysis and possible adoption.

#### **6.5 Case-files mediation and Draft Revised Rules of Procedures**

The Secretariat presented a short document prepared at the Bureau request, proposing the introduction of a mediation system under the Bern Convention. The purpose of mediation would be to foster dialogue and reaching win/win solutions between NGOs and governments in cases where, after a complaint is examined by the Standing Committee, the Committee finds that although there is no ground to pursue it as a presumed breach, the purposes and ambitions of the Convention would be better achieved through dialogue and co-operation among the concerned stakeholders.

The Bureau took note of the information presented and invited the Standing Committee to examine the present paper and, if appropriate, to request to the Secretariat to prepare, for its meeting in 2012, a proposal of modification of its rules of procedure to include rules applicable to both opening and closing of files, follow-up of recommendations and mediation.

#### **6.7 CoE Parliamentary Assembly report: “Need to assess progress in implementation of the Bern Convention” – Adoption of the Draft Opinion of the Bureau on behalf of the Standing Committee**

The Secretariat informed that, following the adoption by the Parliamentary Assembly (in April 2011) of Recommendation 1964 – (2011) of the Parliamentary Assembly on “The need to assess progress in the implementation of the Bern Convention”, the Committee of Ministers of the Council of Europe agreed to communicate it to the Standing Committee to the Bern Convention for information and possible comments by 15 September 2011.

The Bureau examined/amended the Draft comments and, considering the deadline, it instructed the Secretariat to submit them to the Committee of Ministers on behalf of the Standing Committee.

### **7. DRAFT AGENDA FOR THE 31ST MEETING OF THE STANDING COMMITTEE – DRAFT PROGRAMME OF ACTIVITIES FOR 2012 - 2013**

The Bureau examined the draft agenda of the 30<sup>th</sup> meeting of the Standing Committee as tabled by the Secretariat, and made a number of amendments before approving it.

Regarding the Draft Programme of Activities for 2012-2013, the Secretariat informed that the Council of Europe has adopted a biennial Programme of Activities and Budget in the context of the Reform of the Organisation.

The Bern Convention has to adapt to this new requirement to ensure the efficient implementation of its own Programme of Activities as well as budgetary discipline. Therefore the Standing Committee – at its year N-1 meeting – will be called to examine, for possible adoption, a biennial Programme of Activities, including a budget for year N and a provisional budget for year N+1. During the Standing Committee meeting held in the year N, the Secretariat or the Contracting Parties may request the re-opening of the debate on the budget for year N+1 so to adjust its programme when necessary either to the amendments approved by the Council of Europe Committee of Ministers or in response to new biodiversity priorities.

The Bureau took note of the information provided and examined the biennial PoA for the Bern Convention. The Bureau made a number of amendments before approving it.

## **8. ANY OTHER BUSINESS**

- The Bureau instructed the Secretariat to include the reference to the working documents under each item of the Agenda as of next Bureau meeting.
- The Secretariat informed that MEDASSET had forwarded a letter from the IUCN Marine Turtle Specialist Group to the Minister of Environment and Forestry of Turkey, expressing concern about the planned construction of a shipyard/drydock at Akgöl in Fethiye SPA. MEDASSET also informed on recent developments in the area.

The Secretariat recalled that this item was on the Agenda of previous Standing Committee meetings, and that it relates to Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey. However, the latter is not on the agenda of this year Standing Committee meeting.

The Bureau took note of the information provided. The Chair of the Bern Convention will address a letter to Turkish authorities to remind the Bern Convention's provisions and recommendations, in support of IUCN statement.

The next meeting will be held in Strasbourg. The tentative date is 23<sup>rd</sup> April 2012.

The Chair thanked the participants and declared the meeting closed.



## APPENDIX 1

### CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

#### Standing Committee

#### **Bureau meeting**

Strasbourg, 9 September 2011  
(Room 16, opening: 9:30 am)

---

#### DRAFT AGENDA

1. **ADOPTION OF THE AGENDA**
2. **IMPLEMENTATION OF THE 2011 PROGRAMME OF ACTIVITIES**
  - 2.1 **Implementation of the Bern Convention in one Contracting Party**
  - 2.2 **Monitoring of Species and Habitats: General Overview**
  - 2.3 **Progress in the setting-up of the Emerald Network**
  - 2.4 **European Diploma of Protected Areas: Proposals for future**
  - 2.5 **Invasive Alien Species**
  - 2.6 **Island Biodiversity**
  - 2.7 **Illegal Killing of Birds**
3. **INSTITUTIONAL MATTERS**
  - 3.1 **The application of Article 9 of the Convention**
4. **IMPLEMENTATION OF THE CONVENTION: FILES**
  - 4.1 **Specific sites – Files open**
    - Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)
    - Cyprus: Akamas peninsula
    - Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica
    - France: Habitats for the survival of the common hamster (*Cricetus cricetus*) in Alsace
    - Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)
  - 4.2 **Possible files**
    - France: Protection of the European Green Toad (*Bufo viridis*) in Alsace
    - Sweden: Natterjack (*Bufo calamita*) population on the coastal island of Smögen
  - 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

#### **4.4 Other complaints**

- France: culling of badgers in Côte d'Or
- Greece: threats to marine turtles in Thines Kiparissias
- United Kingdom: increase in turtle mortality in Episkopi and Akrotiri areas
- Norway: management of carnivores
- France: threat to *Riella helicophylla* in the Department of the Bouches-du-Rhône

#### **4.5 Complaints received by the Secretariat (since the last Bureau meeting)**

- Turkey: threats to the Mediterranean monk seal (*Monachus monachus*)
- France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the cantons of Jura et de Neuchâtel (Switzerland)

### **5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS**

- Recommendation No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds: Analysis of the NGO report
- Recommendation No. 120 (2006) on the European Strategy for the Conservation of Invertebrates
- Recommendation No. 132 (2007) on the conservation of fungi in Europe
- Recommendation No. 136 (2008) on improving the conservation of the Common hamster (*Cricetus cricetus*) in Europe
- Recommendation No. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway
- Recommendation No. 151 (2010) of the Standing Committee, adopted on 9 December 2010, on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France

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

#### **6.1 Reform process at the Council of Europe and Review of Conventions**

#### **6.2 Structure of the Standing Committee meeting**

#### **6.3 Biannual budget and voluntary contributions' system**

#### **6.4 Implementation of the CoP-10 decisions: setting targets for the Bern Convention**

#### **6.5 Case-files mediation and Draft Revised Rules of Procedures**

#### **6.7 CoE Parliamentary Assembly report: "Need to assess progress in implementation of the Bern Convention" – Adoption of the Draft Opinion of the Bureau on behalf of the Standing Committee**

### **7. DRAFT AGENDA FOR THE 31<sup>ST</sup> MEETING OF THE STANDING COMMITTEE – DRAFT PROGRAMME OF ACTIVITIES FOR 2012**

### **8. ANY OTHER BUSINESS**

## APPENDIX 2

### LIST OF PARTICIPANTS

---

#### **CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Mr Jan PLESNIK, Advisor in international co-operation, Agency for Nature Conservation and Landscape Protection of the Czech Republic, Nuselska 39, 14 000 PRAGUE 4  
Tel +420 241 082 114. Fax +420 241 082 999. 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 Culture and Cultural and Natural Heritage / Direction de la Culture et du Patrimoine culturel et naturel, 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, Administrator / Administrateur, Natural Heritage and Biological Diversity Division / Division du Patrimoine naturel et 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, Natural Heritage and Biological Diversity Division / Division du Patrimoine naturel et 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, Natural Heritage and Biological Diversity Division / Division du Patrimoine naturel et 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)