

Strasbourg, 14 November 2012
[tpvs14e_2012.doc]

T-PVS (2012) 14

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

32nd meeting

Strasbourg, 27-30 November 2012

Opening of the meeting: 9:30 am Tuesday 27th November 2012, Room 5

ANNOTATED DRAFT AGENDA

*Document prepared by
The Directorate of Democratic Governance, Culture and Diversity*

PART I – OPENING

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Relevant documents: T-PVS (2012) 1 - Draft agenda
T-PVS (2012) 14 - Annotated draft agenda

The 32nd meeting of the Standing Committee to the Bern Convention will be opened by the Chair, Mr Jan Plesnik, at the Council of Europe (Strasbourg) at 9:30 am on Tuesday 27th November 2012.

The draft agenda was drawn up by the Secretariat after consultation with the Bureau.

Decision: The Committee will be invited to adopt the agenda.

2. CHAIRMAN'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT

Relevant documents: T-PVS (2012) 2 and 15 - Reports of the Bureau meetings in April and September 2012

The Chair will report on the development of the Convention since the last meeting of the Committee.

Contracting Parties have the opportunity to report in writing on the implementation of the Convention in their States.

Observer States will be invited to briefly inform the Committee of progress made towards the ratification of the Convention, together with any other information they may consider useful. The representatives of the invited Organisations may report on their activities directly concerned with the Convention (Article 13.3).

NB Delegations are kindly reminded that only written statements will be included in the report of the meeting.

The Secretariat will inform the Committee on the general implementation of the work programme for 2012, presenting at the same time the reports of the meetings of the Bureau of the Committee.

Decisions: No decisions are expected from the Committee under this item.

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

3. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION

3.1 Report on the implementation of the Convention in one Contracting Party (Switzerland)

Relevant document: T-PVS/Inf (2012) 18 – Expert's report on the implementation of the Convention in Switzerland

Mr Jean Untermaier will present the updated report on the implementation of the Bern Convention in Switzerland. The delegate of Switzerland will have the possibility of presenting the comments from the government.

Decision: The Committee is invited to take note of the report.

3.2 Biennial reports 2005 - 2006, 2007 – 2008, 2009 – 2010 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2005 - 2008

Relevant documents: T-PVS/Inf (2012) 14 - Biennial Reports 2005-2006
T-PVS/Inf (2012) 15 - Biennial Reports 2007-2008
T-PVS/Inf (2012) 16 - Biennial Reports 2009-2010
T-PVS/Inf (2012) 17 – General Reports 2005-2008
T-PVS/Inf (2012) 3 - Summary tables of reporting under the Bern Convention

Article 9.2 of the Convention requests Parties to report on the exceptions made to Articles 4, 5, 6, 7 and 8.

Parties may also present general reports on the implementation of the Convention.

These reports will not be discussed unless Parties requires so at the adoption of the Agenda. The Committee is invited to take note of the reports eventually presented.

PARTIES NOT HAVING SENT THEIR BIENNIAL REPORTS ARE KINDLY REQUESTED TO SEND THEM AS SOON AS POSSIBLE BY E-MAIL (veronique.decussac@coe.int) AND BRING A COPY TO THE MEETING

PART III - INSTITUTIONAL MATTERS

4. Request of amendment of article 22 of the Bern Convention by Switzerland

Relevant document: T-PVS (2012) 4 – Switzerland - Request of amendment of article 22

In a letter addressed to the Secretary General on 16 November 2011 the Swiss government requests an amendment to article 22 of the Convention so as to enable any State to enter reservations regarding certain species specified in Appendices I to III after having signed the Convention or deposited its instrument of ratification, acceptance, approval or accession. The Secretariat will remind the procedure settled down in Article 16 of the Convention.

Decision: The Committee is invited to examine the amendment proposed by Switzerland and decide on its possible adoption by a three-quarter majority of the votes least.

PART IV – MONITORING OF SPECIES AND HABITATS

5. MONITORING OF SPECIES AND HABITATS

Contracting Parties have the opportunity to report on specific conservation actions (only written statements will be included in the report of the meeting).

*Documents for information only:

T-PVS/Inf (2012) 3 - Summary tables of reporting under the Bern Convention
 T-PVS (2011) 16 - Recommendation No. 152 (2011) on Marine Biodiversity and Climate Change

5.1 Select Group on Invasive Alien Species

Relevant documents: T-PVS/Inf (2012) 5 – Summary of main conclusions of the Select Group
 T-PVS/Inf (2012) 1rev – European Code of Conduct for Botanic Gardens on IAS
 T-PVS (2012) 9 - Draft Recommendation on the European Code of Conduct for Botanic Gardens on IAS
 T-PVS/Inf (2011) 26 rev – European Code of Conduct for Zoological Gardens and Aquaria on IAS
 T-PVS (2012) 13 - Draft Recommendation on the European Code of Conduct for Zoological Gardens and Aquaria on IAS

a. Codes of conduct and draft recommendations

The Secretariat will present the outcomes of the meeting of the Select Group on Invasive Alien Species. The consultants, Prof. Vernon Heywood and Mr Riccardo Scalera, will present the codes of conduct.

b. Monitoring of the European Strategy on the eradication of the ruddy duck (Side event)

At its 30th meeting the Standing Committee to the Bern Convention adopted Recommendation No. 149 (2010) on the eradication of the ruddy duck (*Oxyura jamaicensis*) in the Western Palaearctic, inviting Parties to implement, without delay, the Revised Action Plan 2011- 2015.

In order to check the progress made by Contracting Parties in the implementation of their commitments, a 90 minutes side event will take place on Tuesday 27th November, from 5:30 pm to 7:00 pm in Room 5.

Decision: The Committee is invited to:

- Take note of the progress in the implementation of the European Strategy on Invasive Alien Species;
- Examine and, if appropriate, adopt the following draft Recommendations:
 - Draft Recommendation on the European Code of Conduct for Botanic Gardens on IAS;
 - Draft Recommendation on the European Code of Conduct for Zoological Gardens and Aquaria on IAS.

5.2 Group of Experts on Biodiversity and Climate Change

Relevant documents: T-PVS (2012) 16 - Meeting report of the Group of Experts on Biodiversity and Climate Change (Strasbourg, 1-2 October 2012)
 T-PVS/Inf (2012) 8 - National reports on biodiversity and climate change
 T-PVS/Inf (2012) 11 - Analysis of the implementation of recommendations made by the Group of Experts on Biodiversity and Climate Change
 T-PVS (2012) 10 - Draft recommendation on the effective implementation of guidance for Parties on biodiversity and climate change, under the Bern Convention
 T-PVS/Inf (2012) 19 - IUCN Guidelines for Reintroductions and other Conservation Translocations
 T-PVS (2012) 6 - Draft recommendation on guidance for Parties on conservation translocations under changing climatic conditions
 T-PVS/Inf (2012) 10 - Draft guidance on marine biodiversity and climate change

The Chair of the Group of Experts on Biodiversity and Climate Change, Mr Petar Zhelev, will present the report of the 7th meeting of the Group, held in Strasbourg on 1-2 October 2012.

* This item will not be discussed, unless Parties request so at the adoption of the Agenda.

Mr Philippe WERY (Belgium), member of the Bureau of the Council of Europe Steering Committee on Human Rights (CDDH) and former chairperson of the Committee for the Development of Human Rights (DH-DEV) will address the Standing Committee to inform about CDDH work on Climate Change and Human Rights.

The Secretariat will present the two draft Recommendations and the draft Guidance.

Decision: The Committee is invited to:

- Take note of the report of the meeting of the Group;
- Take note of the proposals by the Group for its future work;
- Examine and, if appropriate, adopt the following draft Recommendations:
 - Draft Recommendation on the effective implementation of guidance for Parties on biodiversity and climate change, under the Bern Convention;
 - Draft Recommendation on guidance for Parties on conservation translocations under changing climatic conditions;
- Examine and, if appropriate, adopt the draft Guidance on marine biodiversity and climate change, to be annexed to Recommendation No. 152 (2011) on marine biodiversity and climate change.

5.3 Group of Experts on Large Carnivores

Relevant document: T-PVS (2012) 7 - Report of Group of Experts on Large Carnivores in Europe
T-PVS (2012) 19 - Draft Recommendation on the conservation of large carnivore's populations in Europe requesting special conservation action
T-PVS (2012) 20 - Draft Recommendation on the management of expanding populations of large carnivores in Europe

The Secretariat will present the outcomes of the meeting of the Group held in Saanen (Switzerland), on 24-26 May 2012, as well as the two draft recommendations.

Decision: The Committee is invited to:

- Take note of the report of the meeting of the Group of experts ;
- Thank Swiss authorities for the excellent hosting of the meeting;
- Examine and, if appropriate, adopt the following draft recommendations:
 - Draft recommendation on the conservation of large carnivores populations in Europe requesting special conservation action;
 - Draft recommendation on the management of expanding populations of large carnivores in Europe.

5.4 Conservation of birds

a. State of preparation of the meeting of the Group of Experts on birds

Relevant documents: T-PVS/Inf (2012) 20 - Questionnaire for the reporting of Parties to the Bern Convention on the implementation of the Action Points listed in the Budapest Declaration on bird protection and power lines
T-PVS/Inf (2012) 21 - Questionnaire for the reporting of Parties on illegal killing of birds

The Secretariat will inform on the state of preparation of the 4th meeting of the Group of Experts and further present the questionnaires prepared for the reporting of the Parties.

b. 2nd Conference on Illegal killing of birds

The Secretariat will inform on the state of preparation of the 2nd European Conference on Illegal killing of birds.

Decision: The Committee is invited to:

- Take note of the information presented;
- Invite Parties to reply in written and within the deadlines to the questionnaires prepared for the reporting exercise.

5.5 Conservation of fungi

Relevant documents: T-PVS/Inf (2012) 12 - Draft Charter on the gathering of fungi and biodiversity
T-PVS (2012) 17 – Draft recommendation on the Charter on the gathering of fungi and biodiversity

IUCN will present the Draft Charter on the gathering of fungi and biodiversity, prepared in co-operation with the Bern Convention.

The Secretariat will present the draft recommendation.

Decision: The Committee is invited to:

- Take note of the draft Charter on the gathering of fungi and biodiversity;
- Examine and, if appropriate, adopt the draft recommendation on the Charter on the gathering of fungi and biodiversity.

5.6 Habitats

a. Group of Experts on Protected Areas and Ecological Networks - Progress report and draft resolution

Relevant Documents: T-PVS/PA (2012) 17 – Report of the 4th meeting of the Group of Experts on Protected Areas and Ecological Networks
T-PVS/PA (2012) 13 – Compilation of government reports and contributions on the establishment of the Pan-European Ecological Network
T-PVS/PA (2012) 12 – Draft Action Plan on the future development of the Pan-European Ecological Network
T-PVS/PA (2012) 08 – Draft resolution concerning the national designation of adopted Emerald sites and the implementation of management, reporting and monitoring measures
T-PVS/PA (2012) 14 – Draft list of sites to be officially adopted as Emerald sites
T-PVS/PA (2012) 16 – Draft list of proposed Emerald sites to be officially nominated as candidate Emerald sites

The Chair of the Group of Experts, Mr Jacques Stein, will present the report of the meeting held in Strasbourg, on 18-19 September 2012. The consultant, Mr Lawrence Jones-Walters, will present the draft Action Plan on the future development of the Pan-European Ecological Network.

The Secretariat will present the draft resolution concerning the national designation of adopted Emerald sites and the implementation of management, reporting and monitoring measures.

b. Setting-up of ecological networks - Progress on the establishment of the Emerald Network

The Secretariat will inform on the progress in the implementation of the Emerald Network, with a particular focus on the work carried out in seven Central and Eastern European countries, in six West Balkan countries, in Switzerland and in Norway.

The Secretariat will further present a draft list of 37 “Candidate Emerald sites” in Switzerland proposed by the country for official adoption by the Standing Committee as Emerald sites. Finally, the Secretariat will present a draft list of proposed Emerald sites for official nomination as “Candidate Emerald sites” by the Standing Committee.

Decision: The Committee is invited to:

- Take note of the report of the Group of Experts as well as of the activities proposed for 2013;
- Examine and, if appropriate, officially adopt as Emerald sites the 37 candidate Emerald sites submitted by Switzerland;
- Examine and, if appropriate, officially nominate as candidate Emerald sites the sites submitted by 7 Central and Eastern European and South Caucasus countries;
- Examine and, if appropriate, adopt the draft resolution concerning the national designation of adopted Emerald sites and the implementation of management, reporting and monitoring measures;
- Examine the draft Action Plan on the development of the Pan-European Ecological Network (PEEN) and decide on its follow-up;
- Express its gratitude to the European Environment Agency and its European Topic Centre for Biological Diversity for their cooperation and support in the setting-up of the Emerald Network during 2012 and encourage a strengthened cooperation in particular with regards to the Network constitution in Central and Eastern Europe.

c. European Diploma of Protected Areas

Relevant documents: T-PVS/DE (2012) 15 – Report of the meeting of the Group of Specialists on the European Diploma of Protected Areas in 2012
T-PVS/DE (2012) 13 – Adopted Resolutions on the renewal of the European Diploma of Protected Areas in 2012
T-PVS/DE (2012) 18 – Draft Resolution on the renewal of the European Diploma of Protected Areas to the Belovezhskaya Pushcha National Park in Belarus

The Secretariat will present the report of the meeting of the Group of Specialists held in Strasbourg in February 2012.

The Secretariat will further inform on the resolutions adopted by the Committee of Ministers regarding the renewals of the European Diploma of Protected Areas in 2012. At the request of the group of Specialists on the European Diploma, the Secretariat will provide updated information on the pending non-renewal for Belovezhskaya Pushcha National Park (Belarus). A draft Resolution on the renewal of the European Diploma to the Belovezhskaya Pushcha National Park will be presented for discussion and decision to the Standing Committee.

Decisions: The Committee is invited to:

- Take note of the report of the meeting of the Group of Specialists on the European Diploma of Protected Areas;
- Examine the Draft Resolution on the renewal of the European Diploma to the Belovezhskaya Pushcha National Park and decide on the period to be proposed for the possible renewal.

PART V – MONITORING OF SPECIFIC SITES AND POPULATIONS

6. SPECIFIC SITES AND POPULATIONS

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Inf (2012) 2 – Register of Bern Convention's case-files

6.1 Files opened:

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

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 7 – Government report (Ukraine)
T-PVS/Files (2012) 7add – Addendum to the Government report (Ukraine)
T-PVS/Files (2012) 4 – Government report (Republic of Moldova)
T-PVS/Files (2012) 14 – Government report (Romania)
T-PVS/Files (2012) 1 – EU report
T-PVS/Files (2012) 47 – Reports by other concerned stakeholders

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.

The first phase of the project was conducted in 2004. The same year, the Standing Committee adopted Recommendation No.111 (2004) on the proposed navigable waterway through the Bystroe estuary (Danube Delta), inviting Ukraine to suspend works except for the completion of phase 1, and not to proceed with phase 2 of the project until certain conditions were met.

In 2008, an on-the-spot appraisal visit was carried out, including the participation of representatives from the Espoo and Ramsar Conventions, the European Commission, and Unesco. The Standing Committee kept the file open, expressing its satisfaction with the repealing of the final decision to proceed with phase II of the project, noting nevertheless that there were still reasons for concern.

In 2010 the Secretariat was informed that Ukraine adopted a decision to start works related to the full-scale implementation of the Danube-Black Sea Navigation Route, thus initiating the implementation of Phase II of the Bystroe Channel project. 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 agreed on the terms of reference. However, in February 2011 the proposed terms of reference were rejected by Ukraine.

At last Standing Committee meeting, the delegate of Ukraine presented the government report, stressing that - according to the data collected through the monitoring process - no negative impacts for the Bern Convention species and habitats, as well as for the Romanian delta ecosystems could be identified in relation with the Bystroe Channel project. He further recalled that Ukraine proposed to elaborate a common plan for the management of the basin of the Danube Delta within the framework of the International Commission for the Protection of Danube River. He informed about the content of the EIA which was elaborated by a pool of independent experts and concluded by stating that Phase II of the Bystroe Channel project had not started yet.

The delegate of Poland, speaking as EU Presidency, requested the case-file to be kept open, expressing doubts on the way the recommendation was implemented and stressing the need for more detailed and precise information.

The delegate of Romania regretted the lack of clear information from Ukraine, while contesting the quality of the EIA which should be improved before being agreed by all concerned Parties. He welcomed the monitoring project while stressing that this couldn't erase the concerns related to the

digging of a channel in the Danube delta. He concluded by recalling that both the Aarhus and Espoo Convention issued warnings to Ukraine for possible non-compliance.

The Committee decided to keep the case-file open asking the three concerned Parties, namely Republic of Moldova, Romania and Ukraine, to ensure that the Secretariat receive informative reports on the implementation of the provisions included in Recommendation No. 111 (2004).

In April 2012 the Bureau assessed the national reports submitted by the three Parties. It further requested to Ukrainian authorities to make available the English translation of both the EIA and the analysis of the impacts of the full implementation of the Channel in a transboundary context. The latter were assessed at the Bureau meeting in September, and forwarded to the Secretariats of other relevant international Agreements for comments.

The delegate of Ukraine will be invited to present the government report.

Decision: the Committee is invited to discuss this issue and decide on its possible follow-up.

➤ **Cyprus: Akamas peninsula**

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 15 – Report by the Government
T-PVS/Files (2012) 43 – Report by the NGO
T-PVS/Files (2012) 1 – Report by the EU

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. It was first discussed at the 16th meeting of the Standing Committee in 1996. Two on-the-spot appraisals were carried out in 1997 and 2002 and a recommendation adopted in 1997.

In 2010 the European Commission received a formal complaint concerning both the insufficient designation of the area pursuant to the Birds and Habitats Directives, as well as the deterioration and lack of effective protection of the area pursuant to Article 6 of the Habitats Directive.

At its last meeting the Standing Committee decided to keep the case-file open and requested Cyprus authorities to transmit to the Secretariat the English translation of the management plan for Limni area and to fully implement its Recommendation No. 63 (1997).

In a succinct report sent in March 2012 Cyprus authorities expressed disagreement towards the NGO's claim of inadequate designation of both the Akamas and the "Polis Gialia" areas. More particularly regarding the latter, the authorities reassured that the developments surrounding the area were being controlled by the competent authorities and the procedures for granting building permits were observed. Furthermore, the authorities informed that a full scientific package of information was under preparation in the framework of the complaint opened under the European Commission and that this information would be forwarded at the same time to the Secretariat of the Bern Convention.

The delegate of Cyprus will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on its possible follow-up.

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

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 40 – Report by the Government
T-PVS/Files (2012) 16 – Report by the NGO
T-PVS/Files (2012) 1 – Report by the EU

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

An on-the-spot visit was carried out in September 2005 on the basis of which the Committee adopted “Recommendation No. 117 (2005) on the plan to set up a wind farm near the town of Balchik and other wind farm developments, on the Via Pontica route” asking the Bulgarian authorities to reconsider their decision to approve the proposed wind farm in Balchik in view of its potential negative impact on wildlife and taking account of Bulgaria’s obligations under the Convention.

A new on-the-spot appraisal was carried out in June 2007, following which the Standing Committee adopted “Recommendation No. 130 (2007) on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route”.

In June 2008, the European Commission opened an infringement procedure against Bulgaria because of insufficient designation of 6 sites as SPAs under the Bird Directive, one of which is the Kaliakra IBA.

In 2009, the delegate of Bulgaria informed the Committee that a “Strategic Environmental Assessment (SEA)” of Bulgaria’s Energy Strategy and National Plan for Renewable Energy Sources had been initiated in spring 2009, with meetings at expert level. Bulgaria’s Ministry of Environment and Water expressed its readiness and intention to co-operate with civil society and business representatives to achieve the necessary results and fulfil the country’s obligations for the protection of its nature and biodiversity.

In 2010, the delegate of Bulgaria informed -among others- of measures taken concerning the preventive protection of Natura 2000 sites. Furthermore, she confirmed that no new authorisations for development in SPA Kaliakra and IBA Kaliakra were issued in 2010.

At its last meeting the Standing Committee decided to keep the case-file open, asking the authorities of Bulgaria to present an updated report and to take into consideration the provisions of Recommendation No. 130 (2007).

The delegate of Bulgaria will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on its possible follow-up.

➤ **France: Habitats for the survival of the common hamster (*Cricetus cricetus*) in Alsace**

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 44 – Report by the Government + Addenda
T-PVS/Files (2012) 1 – Report by the EU

This complaint concerns the measures implemented by France to ensure the preservation of habitats needed for the survival of the common hamster. In 1998 the Standing Committee adopted its Recommendation No. 68 (1998) on the protection of the common hamster (*Cricetus cricetus*) in Alsace (France).

On 9 June 2011 the European Court of Justice ruled against France for failing to take adequate measures to protect the species.

At the last Standing Committee meeting the delegate of France informed that a major evaluation of the 2007-2011 action plan had been undertaken, which would serve as a basis for drawing up the next plan.

The representative of DREAL Alsace said that remedial measures had been taken following the ECJ ruling. Reviewing the actions carried out, she noted a few strong points: improvement in breeding conditions, release operations, clarification of regulatory procedures for obtaining exemptions, emphasis on monitoring and publication of a methodological guide.

The representatives of the NGOs felt that the situation with regard to the common hamster was still very worrying and asked the Committee not to close the file until a viable population had been established (1,500 specimens per ZAP).

The Delegate of the European Union reiterated the importance of implementing the ECJ ruling and asked the French authorities to keep the European Commission better informed.

The Committee decided to keep the case-file open, it welcomed the efforts made by the French authorities and asked them to fully take into account the judgment issued on 9 June 2011 by the European Court of justice.

The delegate of France will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on its possible follow-up.

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

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 13 - Report by the Government

This case concerns the presence of the American grey squirrel in Italy, as a serious threat for the survival of the protected native red squirrel, and the related potential to turn the invasion of this species into a continental problem.

In 1999, the Standing Committee adopted its Recommendation No. 78 (1999) on the conservation of the red squirrel (*Sciurus vulgaris*) in Italy. In 2005, the Standing Committee adopted its Recommendation No. 114 (2005) on the control of the grey squirrel (*Sciurus carolinensis*) and other alien squirrels in Europe, asking Italy to start without delay an eradication programme.

Following an on-the-spot appraisal carried out in 2008 the Standing Committee agreed to open a case-file and addressed a list of recommended actions to the Italian government (including monitoring, eradication, a trade ban, regional collaboration and co-operation).

In 2009 the delegate of Italy reported on progress made towards the adoption of legislative tools to control the species. Yet the Committee understood that there had been no action on the ground or legislation approved and decided to keep the file open.

The same decision applied in 2010.

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

The delegate of Italy will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on its possible follow-up.

6.2 Possible files

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

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
 T-PVS/Files (2012) 22 – Report by the Government
 T-PVS/Files (2012) 1 – Report by the EU

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

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

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

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

The delegate of France will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on whether or not to open a case file.

➤ Greece: threats to marine turtles in Thines Kiparissias

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
 T-PVS/Files (2012) 18 – Government report
 T-PVS/Files (2012) 25 – NGO report + Addendum (MEDASSET)
 T-PVS/Files (2012) 46 – NGO report (ARCHELON)

This complaint was submitted to the Secretariat in August 2010 to denounce supposed uncontrolled development plans in a Natura 2000 site (THINES KYPARISSIAS - GR2550005) putting at threat a unique population of the loggerhead sea turtle (*Caretta caretta*).

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

Still, the NGO replied that enforcement of specific protective measures was poor, and that a number of illegal activities continued to exert a considerable amount of pressure on the nesting activity of marine turtles. Moreover, the Joint Ministerial Decision has not been yet even at a draft stage and none of the demolition protocols issued by the State Property Service of the Prefecture of Messinia for the illegal constructions in the area had been executed. The Bureau didn't receive new information by its September meeting and decided to reconsider the issue in 2012.

The situation remained almost unchanged in 2012, with little progress concerning the Joint Ministerial Decision and the Presidential draft decree. The Bureau decided to forward the complaint as a possible file to the Standing Committee.

The delegate of Greece will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on whether or not to open a case file.

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

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 49 – Report by the Government
T-PVS/Files (2012) 5 – Report by the plaintiff

This complaint was submitted end of June 2011 by the Middle East Technical University Institute of Marine Sciences. It regards the development plans comprising the construction of a road as well as of a new marine terminal near Yesilovacık village (Silifke district, Mersin Province) with possible detrimental impact on the Mediterranean monk seal, one of the most endangered mammals in the world.

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

The Bureau decided not to assess the complaint at its September meeting in 2011 so to give Turkish authorities a reasonable deadline to provide a reply.

However, in 2012 only the complainant replied to the reporting request, providing complete and accurate information on the issues raised by the Bureau, namely on the morphology of the breeding cave which appears to be the only suitable cave for whelping in the area.

The Bureau considered that the issue is serious enough to deserve attention at the international level. It therefore decided to forward the complaint to the Standing Committee as a possible file.

The delegate of Turkey will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on whether or not to open a case file.

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

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
T-PVS/Files (2012) 21 – Government report (France)
T-PVS/Files (2012) 3 – Government report (Switzerland)
T-PVS/Files (2012) 1 – EU report
T-PVS/Files (2012) 45 – NGO report (Pro Natura)
T-PVS/Files (2012) 48 – NGO report (France Nature Environnement)

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

The Bureau didn't assess the complaint at its last meeting in 2011 so to give the authorities of the concerned Parties a reasonable deadline to deliver their written reports.

At its first meeting in 2012 the Bureau analysed the reports submitted by both the concerned Parties and the complainant. Both countries showed a shared desire to act; yet, they recognised that the cross-border context, the hydroelectric and agricultural activities, and the experimental nature of certain measures already taken, would demand time to achieve real progress.

Appreciating the good quality of the reports submitted, and nonetheless taking into account the complex transboundary context, the Bureau decided that the complaint should be considered by the Standing Committee and forwarded it as a possible file.

The delegates of France and Switzerland will be invited to present their governments' reports.

The delegate of the European Union will be invited to present the Commission's opinion with regards to the pollution of the French part of the Doubs River in the context of the EU Water Framework Directive.

Decision: The Committee is invited to discuss this issue and decide on whether or not to open a case file

➤ **Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)**

Relevant documents: T-PVS (2012) 11 – Summary of case files and complaints
 T-PVS/Files (2012) 50 – Report by the Government
 T-PVS/Files (2012) 28 – NGO report

This complaint, submitted by the Ulupinar – Çıralı community, questions the allocation of a land including 75% of Çıralı beach to “Orman Spor” football society for the establishment of football grounds and recreation facilities. The complainant stressed that Çıralı beach is among the 20 key marine turtle nesting areas in Turkey and has been designated as 1st Degree Natural Site, belonging to the Olimpos-Beydaglari National Park.

According to the complainants, the land was allocated to the sport society by the Ministry of Forests, while the Ministry of Environment and Development delivered a permit to use the area as “C Class” excursion area”, i.e. allowing for the touristic exploitation of the site. The complainants highlighted that Orman Spor's sponsor is in fact a tourism promoter. Therefore the complainants expressed strong worries regarding the impact that new infrastructures and an increased human presence will certainly have on the nesting activity of *Caretta caretta*.

Moreover, the Bar Association of Antalya lodged a complaint against the Ministry of Environment and Development, requesting both the cancellation of the decision converting the area into a “forest recreation area” and the decision to allocate it to “Orman Spor”. The 2nd Administrative Court of Antalya delivered its ruling, quashing the decision consisting in allocating to Orman Spor the land in question, but confirming the decision regarding the land uses and development of the area.

The decision has been appealed.

Noting the absence of reply from the Turkish authorities the Bureau decided to forward the complaint to the Standing Committee as a possible file.

The delegate of Turkey will be invited to present the government report.

Decision: The Committee is invited to discuss this issue and decide on whether or not to open a case file

6.3 Follow-up of previous Recommendations

NB Unless otherwise specified this agenda item is for information only. Relevant States are invited to report on the follow-up of the above recommendations. The Committee is invited to take note of the information presented.

➤ **Recommendation No. 119 (2006) on the conservation of certain endangered species of amphibians and reptiles in Europe**

Relevant documents: T-PVS/Files (2012) 37 - Governments' reports on the follow-up of Recommendation No. 119 (2006)
T-PVS/Files (2012) 41 - Report by the NGOs

Following the endorsement by the Standing Committee of the European action plans for the conservation of the Italian agile frog (*Rana latastei*), the crested newt (*Triturus cristatus*), the meadow viper (*Vipera ursinii*), the aesculapian snake (*Zamenis longissimus*), and the sand lizard (*Lacerta agilis*), Contracting Parties were requested to draw up and implement their own national action plans on these species, as well as to co-operate, as appropriate, for their conservation and to keep the Standing Committee informed on the measures taken to implement the recommendation.

➤ **Recommendation No. 128 (2007) on the European Charter on hunting and biodiversity**

Relevant document: T-PVS/Files (2012) 29 - Governments' reports on the follow-up of Recommendation No. 128 (2007)

Through this recommendation the Standing Committee invited Contracting Parties to refer to the principles and guidelines included in the European Charter on hunting and biodiversity and apply its principles in the elaboration and implementation of their hunting policies so as to ensure that hunting is carried out in a sustainable way.

➤ **Recommendation No. 141 (2009) on potentially invasive alien plants being used as biofuel crops**

Relevant document: T-PVS/Files (2012) 30 - Governments' reports on the follow-up of Recommendation No. 141 (2009)

Through this recommendation the Standing Committee invited Contracting Parties to take a number of specific measures, namely in order to avoid that species used as biofuel crops escape from cultivation and become invasive alien species, with negative effects on native biological diversity.

➤ **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**

Relevant document: T-PVS/Files (2012) 20 –Report by the Government

At the 31st Standing Committee meeting, the NGO which lodged the two complaints at the origin of the above recommendation claimed that new information had been brought to its attention, listing numerous subjects that were not examined by the Committee. The NGO asked that the case be immediately reopened. However, the Committee invited the French government to submit an updated report on the follow-up to the above recommendation, making sure that this includes more detailed population data and information about the viability of the population at national level.

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

The Secretariat underscored that the report submitted by the government is very detailed, showing that the research for an alternative location has been carried out correctly, and that the location which was retained seems to be the most appropriate since it is the less relevant for the Hermann tortoise (*Testudo hermanni*). Furthermore, the compensatory measures which have been put in place seem good so far and the administrative procedure has been respected. Therefore the Bureau concluded that there are no particular worries to be pointed out in relation to this complaint and agreed not to

reconsider this item at its next meeting. The French government is invited to present this report at the Standing Committee meeting for mere information.

➤ **Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey**

Relevant documents: T-PVS/Files (2012) 42 - Report by the NGO
T-PVS/Files (2012) 51 – Report by the Government

In August 2009 MEDASSET submitted a complaint regarding the supposed severe degradation of the nesting beaches at Fethiye Specially Protected Area (Turkey), due to unplanned construction and tourism developments.

In 2010, the Standing Committee discussed the issue in relation to the implementation of Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey.

In 2011, the NGO reported on some valuable steps made to protect the loggerhead nesting areas at Fethiye SPA. However, in 2012 the NGO informed that several of these measures were no longer sustained and that, additionally, one new beachfront hotel had been built, apparently destroying the last section of the remaining wetland. Moreover, one new wooden hut and a concrete patio had been installed directly onto the nesting beach.

In the light of these new elements, the Bureau decided to put the implementation of Recommendation No. 66 on the agenda of the 32nd Standing Committee meeting.

PART VI – STRATEGIC DEVELOPMENT OF THE CONVENTION

7. STRATEGIC DEVELOPMENT OF THE CONVENTION

7.1 Improving the case-file system by proposing mediation

Relevant document: T-PVS (2012) 3 – Improving the case-file system under the Bern Convention

The Secretariat will present document T-PVS (2012) 3 as revised following the instructions given by the Standing Committee at its 31st meeting. The document includes proposals to complete the case-file system with a mediation procedure.

Decision: The Committee is invited to examine the above mentioned document and, if appropriate, to request to the Secretariat to prepare, for its meeting in 2013, 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.

7.2 Implementation of CBD Strategic Plan for Biodiversity: setting priorities for the Bern Convention

Relevant documents: T-PVS (2012) 18 – Priorities for the strategic development of the Convention
T-PVS/Inf (2012) 4 - The Bern Convention's contribution to the implementation of relevant CBD Decisions at European level

The Secretariat will briefly present document T-PVS/Inf (2012) 4, distributed at the 11th Conference of the Parties to the CBD, and including information on the specific actions and activities organised under the Bern Convention in support of the implementation of relevant CBD CoP 10 decisions.

The consultant, Mr Hervé L  thier, will present document T-PVS (2012) 18, proposing priorities for the strategic development of the Convention.

Decision: The Committee is invited to take note of the documents presented and to decide on their possible follow-up.

7.3 Financing the Bern Convention

Relevant documents: T-PVS (2012) 8– Financing the work of the Bern Convention
T-PVS/Inf (2012) 6 – Contributions of the Contracting Parties to the discussions of the Bern Convention Advisory Group of Experts on Budget
T-PVS (2012) 5 - Report of the meeting of the Advisory Group on Budget

The Secretariat will present the conclusions of the meeting of the Advisory Group on Budget, as well as document T-PVS (2012) 8 on “Financing the work of the Bern Convention”, as amended following the instructions of the Bureau.

Decision: The Standing Committee is invited to take note of the information provided on the finance of the Bern Convention and take a decision on its future funding.

7.4 Draft Programme of Activities for 2013

Relevant document: T-PVS (2012) 12 – Draft Programme of Activities for 2013

The Secretariat will present the revised proposal of activities for the year 2013, prepared following discussions at the Bureau.

Decision: The Committee is invited to examine and, if appropriate, adopt its Programme of Activities for the year 2013.

7.5 States to be invited as observers to the 33rd meeting

The Secretariat will remind the Committee that the following States have been invited to attend this 32nd meeting as Observers:

- A. Council of Europe member States (invited automatically): The Russian Federation and San Marino.
- B. Non-member States: Algeria, Belarus, Cape Verde, Holy See, Kazakhstan, Kyrgyzstan, Mauritania, Tajikistan, Turkmenistan, Uzbekistan.

Decisions: The Committee is requested to decide unanimously which States, not members of the Council of Europe, are to be invited to attend its 33rd meeting.
(Suggestions of change of States: none).

PART VII - OTHER ITEMS

8. ELECTION OF CHAIR AND VICE-CHAIR AND BUREAU MEMBERS

Relevant document: T-PVS (2009) 16 – New Rules of Procedure of the Standing Committee

In accordance with Article 18(e) of the Rules of Procedure “The Chair, Vice-Chair and two additional Bureau members shall be elected at the end of each meeting. They shall execute their respective terms of office from their election onwards until the end of the meeting following the meeting where they were elected. Their terms of office may be renewed, but the total length of term of office shall not exceed four years or, as appropriate, the end of the first meeting following the expiry of this period of four years.

Decisions: The Committee is invited to elect its Chair, Vice-Chair, and 2 Bureau members. According to Rule 19 of the Rules of procedure of the Standing Committee, the Committee will acknowledge the automatic election of the previous Chair.

9. DATE AND PLACE OF THE 33RD MEETING

Decisions: In accordance with Article 1 of the Rules of Procedure, the Committee is invited to decide on the date of its 33rd meeting.

The Secretariat will make a proposal (26-29 November 2013, in Strasbourg).

10. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

Decisions: The Committee is invited to approve the main decisions of the meeting which, in accordance with Article 15 of the Convention, will be forwarded to the Committee of Ministers of the Council of Europe.

11. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)

Any question which does not concern a preceding item of the agenda may be raised here. The Standing Committee will be invited to discuss the issues raised.

DRAFT PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.30 am - 12.30 pm	AFTERNOONS 2.30 - 5.30 pm
TUESDAY 27 November	
<p>1. Opening, adoption of agenda 2. Report from Chairman & Communications 3. Monitoring of the implementation of the legal aspects of the Convention 3.1 Monitoring of the Implementation of the Bern Convention in Switzerland 3.2 Biennial and quadrennial reports 4. Request amendment of Article 22 by Switzerland 5. Monitoring of Species and Habitats 5.1 Select Group of Experts on Invasive Alien Species: codes of conduct and draft recommendations 5.2 Group of Experts on Biodiversity and Climate Change: draft recommendations and guidance</p> <p>13:30 – 14:30 p.m. Side event: preparation of the launching of the 2nd CoE/EU Emerald Network joint programme</p>	<p>5. Monitoring of Species and Habitats 5.3 Group of Experts on Large carnivores: draft recommendations 5.4 Conservation of Birds a. State of preparation of the meeting of the Group of Experts b. 2nd Conference on illegal killing of birds 5.5 Conservation of Fungi: draft European Charter and draft recommendation 5.6 Habitats: a. Group of Experts on Protected areas and Ecological networks: progress report and draft resolution</p> <p>5:30 pm – 7:00 pm Side event on the eradication of the ruddy duck</p>
WEDNESDAY 28 November	
<p>7. Strategic development of the Convention 7.3 Financing the Bern Convention 6. Specific sites and populations 6.1 Files opened ➤ 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 (<i>Cricetus cricetus</i>) in Alsace ➤ Italy: Eradication and trade of the American grey squirrel (<i>Sciurus carolinensis</i>) 6.2 Possible files ➤ France: Protection of the European green toad (<i>Bufo viridis</i>) in Alsace ➤ Greece: threats to marine turtles in Thines Kiparisias ➤ Turkey: threat to the Mediterranean monk seal (<i>Monachus monachus</i>) ➤ France/Switzerland: threats to the Rhone streber (<i>Zingel asper</i>) in the Doubs (France) and in the cantons of Jura and Neuchâtel (Switzerland) ➤ Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)</p>	<p>6.3 Follow-up of previous Recommendations ➤ Recommendation No. 119 (2006), on the conservation of certain endangered species of amphibians and reptiles in Europe ➤ Recommendation No. 128 (2007) on the European Charter on Hunting and biodiversity ➤ Recommendation No. 141 (2009) on potentially invasive alien plants being used as biofuel crops ➤ Recommendation No. 151 (2010) of the Standing Committee, adopted on 9 December 2010, on protection of the Hermann tortoise (<i>Testudo hermanni</i>) in the Massif des Maures and Plaine des Maures localities (Var) in France ➤ Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey</p> <p>5:30 pm – 6:30 pm Side event: Enhancing synergies among MEA's: the CMS family online reporting system</p>
THURSDAY 29 November	
<p>5. Monitoring of Species and Habitats 5.6 Habitats: b. Setting-up of ecological networks: progress on the establishment of the Emerald Network c. European Diploma of Protected Areas: adopted resolutions 7. Strategic development of the Convention 7.1 Improving the case-file system by proposing mediation 7.2 Implementation of CBD Strategic Plan for Biodiversity: setting priorities for the Bern Convention 7.3 Financing the Bern Convention (continuation of unfinished work) 7.4 Draft Programme of Activities for 2013 7.5 States to be invited as observers to the 33rd meeting</p>	<p>Continuation of unfinished work</p>
FRIDAY 30 November	
<p>8. Election of Chair and Vice-Chair, and Bureau members 9. Date and place of the 33rd meeting 10. Adoption of the main decisions of the meeting 11. Other business</p>	

Note: Room 6 will be free for EU co-ordination meetings (without interpretation).