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**T-PVS (2013) 10**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

Standing Committee

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**Meeting of the Bureau**

Strasbourg, 17 September 2013

**MEETING REPORT**

*Secretariat Memorandum  
prepared by  
the Directorate of Democratic Governance*

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

The meeting was opened on 17 September 2013 by Mr Jan Plesnik, Chair of the Standing Committee to the Convention, who welcomed the Bureau members as well as the representatives of the Secretariat. The Chair further apologised Mr Storkersen for absence, due to commitments related to the Convention on Migratory Species.

In his opening remarks, Mr. Plesnik noted that most of the activities foreseen in the Programme of the Activities had been already and successfully carried out and thanked the Secretariat and the Parties for their contribution.

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

## **2. INSTITUTIONAL MATTERS**

### **2.1 Report of the visit of representatives of the Secretariat to Republic of Belarus and Round Table dedicated to the accession of the country to the Convention**

*[T-PVS/Notes (2013)5– Information Note on the accession of Belarus]*

The Secretariat informed that a visit to Minsk was paid on 2<sup>nd</sup> July 2013 to have an exchange of views with Belarus authorities about their specific needs regarding nature conservation and on the role the Bern Convention could play regarding the conservation of Belarus biological diversity.

In the high level segment of the visit, staff from the Convention met with the Vice-minister of the Environment together with high officials of the Biodiversity, Forests and International Relations Department. Appreciation by the authorities was expressed more particularly for the activities related to the setting-up of the Emerald Network, which has additionally served as a tool for familiarising the country with the Convention's system of nature conservation.

The Biodiversity Department of Belarus further showed interest in cooperating on activities related to the conservation of the European bison.

The Chair renewed his appreciation for the accession of Belarus to the Convention, and closed this agenda item by recalling that the country's authorities will have the possibility of presenting a courtesy report at the next Standing Committee meeting.

## **3. IMPLEMENTATION OF THE 2013 PROGRAMME OF ACTIVITIES**

*[T-PVS (2012) 12- Programme of Activities for 2013]*

*[T-PVS/Inf (2013) 5 – Summary table of reporting]*

*[T-PVS (2013) 2 – Report of the 1<sup>st</sup> Bureau meeting]*

The Secretariat briefly updated the Bureau on the state of implementation of the Programme of Activities for 2013, noting that all the activities foreseen have been completed or are on-going. The Secretariat also emphasised on those actions which were not on the Bureau meeting agenda, notably the Training for marine turtles' conservation (Cyprus 15-25 July 2013), the contribution to the International Workshop on the Recovery and Reintroduction of the Osprey, and the activities aimed at communicating on Invasive Alien species.

The Secretariat further informed about the replies of Parties to the reporting requests, noting an increase in response, particularly regarding the information requested on complaints or for the meetings of the Groups of Experts.

### **3.1 Setting-up of the Emerald Network: state of progress**

*[T-PVS/PA(2013)01- Draft agenda of the Group of Experts on protected areas and ecological networks]*

The Secretariat provided a short update informing on the activities carried out for the setting-up of the Emerald Network since the last meeting of the Bureau. A very successful Emerald biogeographical seminar took place in Norway, during which 633 proposed Emerald sites were evaluated for their

sufficiency to ensure the long-term survival of the Emerald species and habitats present in the country. As a result, Norway now works on the identification of additional sites in order to ensure the completeness of the Network's coverage.

Additional sites are currently being identified by seven countries from Central and Eastern Europe and the South Caucasus and the result of this work is expected to be delivered by the end of 2013. A biogeographic assessment of these sites is expected to be initiated in 2015. The Secretariat recalled that this work is carried out under the new EU/CoE Joint Programme on the Emerald network implementation in the 7 countries, running until the end of 2016.

Furthermore, thanks to the strengthened cooperation between the Council of Europe and Morocco, and taking into account the strong interest expressed by the Moroccan authorities towards the continuation of the work aimed at the setting-up of the Emerald Network in the country, a needs assessment exercise was carried out in 2013 in view of promoting sponsorship for a new pilot project targeting the country in 2014. Tunisian authorities have equally expressed an interest in implementing the Emerald Network in their territory and an assessment of their needs should be engaged ahead of initiating a pilot Emerald project there.

Moreover, the Secretariat stressed that in 2013 the cooperation with long term partners was further strengthened, in particular with the EEA and its ETC/BD, focussing more particularly the technical and scientific support that the ETC/BD could bring to the setting-up of the Emerald Network and the exchange of information and dataflow for updating the European database on national designated areas. The annual meeting organised by the EEA aimed at discussing the practical implementation of EEA's Memorandums of Understanding (with the CoE and with the WCMC) was held in Copenhagen on 28 August 2013, with the new form of a tri-partite meeting.

In addition, the Secretariats of the Bern Convention and the UNEP WCMC discussed the idea of a possible new Memorandum of Cooperation between the entities. Possible areas of cooperation would be the information and data flow for the update of the world protected areas database and the visibility of the Emerald Network. This idea should be further investigated in 2014.

The Secretariat further works on revitalising its cooperation with EUROPARKS, in particular regarding the exchange of good practices and experiences on the management of protected areas, particularly useful for countries which are currently working on the Emerald Network setting-up.

Work progressed also on the harmonisation of the lists of species and habitats for which the Emerald Network and the Natura 2000 Network sites have to be designated. In addition, an exercise aiming at adapting and updating the Emerald Network's legislation to the ecology of the wider Pan-Europe is taking place. To this end, seven countries from Eastern and Central Europe and the South Caucasus are currently gathering information on species which they would like to propose for inclusion in the Resolution No. 6 (1998). The Secretariat stressed, however, that this process is a long term one and depends on the willingness of the countries to make official proposals to the Standing Committee to the Bern Convention. The Secretariat works towards ensuring the support of the ETC/BD and the Catalogue of Life for the evaluation of the possible proposals.

Finally, in line with the Action Plan on the development of the Pan-European Ecological Network, a Toolkit on the benefits of the establishment of functional ecological networks at pan-European level is currently being prepared (in cooperation with the ECNC). The toolkit should target stakeholders and decision-makers from both national and sub-national levels (decision and delivery levels) and a first draft will be ready before the end of 2013.

The Chair reminded that the Secretariat sent a compliment letter to the newly appointed Director of the EEA and informed that the new Consortium, which now counts with three new organisations, is going to work for a duration of five years.

Ms Prokic took the opportunity for stressing again the opportunity, for West Balkan countries, to seriously work on the setting-up of the Emerald Network, as a positive step towards the constitution of the Natura 2000 Network in case of countries' accession to the EU, like it has been the case for Croatia.

Mr Ottoson informed that Iceland was granted an award for the implementation of the EU Habitats and Birds Directives, which will be devoted to the identification of potential areas for the Natura 2000/Emerald Network. A full list of sites for possible adoption should be ready by 2015.

### **3.2 Short update on the European Diploma of Protected Areas**

*[T-PVS/DE (2013)10 - Report of the meeting of the Group of Specialists ED]*

The Secretariat informed that in July the Council of Europe's Committee of Ministers adopted three Resolutions, two awarding the European Diploma (to Khosrov Forest Reserve in Armenia and to the Burren Region in Ireland) and one for the renewal to the European Diploma holding area of Retezat National Park in Romania. Ceremonies of award were held both in Armenia and in Ireland, and proved to be a very good opportunity for raising the profile of and the awareness about the European Diploma in the countries.

Further the submission of two new applications for the European Diploma, on-the-spot appraisals were held in the Desertas Nature Reserve in Madeira (Portugal) and in the Karadag Nature Reserve in Ukraine. The results of these on-the-spot appraisals will be assessed by the Group of Specialists on the European Diploma at its next meeting in March 2014.

In addition, following the outcomes of the exceptional visit which took place in the Poloniny National Park in Slovakia at the end of 2012, the authorities of the Slovak Republic prepared a project's log-frame and started involving all stakeholders and relevant Ministries in work towards improving the management of the Park.

The Bern Convention can contribute financially (up to 8,000 Euros) to an aspect that appears critical for the area, namely the improvement of the sustainable forest management. In this relation, the Secretariat considers that the guidelines of the Ministerial Conference on Protection of Forest in Europe (MCPFE, now "Forest Europe") should be thoroughly taken into account.

In addition, the Council of Europe will support the implementation of a project on the conservation of large carnivores in the Slovak Republic and Ukraine. The project will be led by Mr Urs Breitenmoser, Chair of the Cat Specialist Group of IUCN. It will focus on key aspects of large carnivores' management, such as conflict assessment, monitoring, awareness-raising and training of local experts.

Ms Durkošová thanked the Secretariat and the expert for the assistance provided regarding the situation of the Poloniny National Park and was pleased to inform that positive advancements are being made regarding the future management of the area both at national and local level. The authorities will take into account both the Bern Convention and the UNESCO Biosphere Reserve tools when dealing with this issue.

The Chair concluded this agenda item by expressing the great appreciation of the Bureau for the work of the Group of Specialists on the European Diploma of Protected Areas and instructed the Secretariat to ensure that the 50<sup>th</sup> anniversary of the Diploma in 2015 is adequately celebrated.

### **3.3 Group of Experts on Invasive Alien Species: meeting report**

*[T-PVS (2013) 5 + 5add. - Report of the meeting & National Reports]*

*[T-PVS (2013) 11 – Draft Recommendation Code of Conduct Hunting and IAS]*

*[T-PVS (2013) 12 – Draft Recommendation Guidelines on Protected Areas and IAS]*

The Secretariat informed that this year the work concerning Invasive Alien Species (IAS) continued to focus on assisting states in the implementation of the European Strategy on Invasive Alien Species and prevent or minimize adverse impacts of IAS on Europe's biodiversity, as foreseen in Aichi target 9. National reports submitted to the Bern Convention outlined progress in adoption of IAS national action plans, development of measures relative to the monitoring, early detection, prevention, management and control of IAS, as well as multiple initiatives related to communication, information sharing, education and public awareness.

In this view, the 10<sup>th</sup> meeting of the Group of Experts on IAS in Alghero, Italy in June 2013 contributed to the on-going discussions on sharing of data and access to information on IAS in global and European contexts so as to help countries to respond to international instruments and policies as well as to design strategies with special focus on effective prevention and management activities. The

delegate of the European Commission presented the core of its new draft regulation on IAS, which will give, when adopted, a renewed role to the Bern Convention to support harmonisation in and outside the EU, and promote information exchange at pan-European level.

The Bern Convention innovative work on IAS also included the analysis of different pathways and the development of other voluntary Codes of Conduct and Guidelines. The Code of Conduct on Hunting and Invasive Alien Species and the Guidelines on Protected Areas and Invasive Alien Species were finalised and discussed by the Group. These voluntary tools will permit strengthening collaborative efforts of different private and public stakeholders in implementing the Strategy and helping disseminating good practices at national level. A new draft Code of conduct on Recreational Fishing and IAS was also presented to the Group.

The Secretariat concluded by recalling that a major issue now is improving communication on Invasive Alien Species and suggested that the Convention devotes some activities to this topic next year.

### **3.4 Conservation of wild birds: reports of the 2<sup>nd</sup> Conference on Illegal killing, trapping and trade of birds, and of the 4<sup>th</sup> meeting of the Group of Experts on birds**

*[T-PVS (2013) 6 – Meeting reports]  
[T-PVS/Inf (2013) 25 – CMS Statement]  
[T-PVS (2013) 9 – Draft Recommendation SRP]  
[T-PVS (2013) 4 – Draft Recommendation Tunis Action Plan]*

The Secretariat reported on the outcomes of the 2<sup>nd</sup> Conference on the illegal killing, trapping and trade in wild birds, as well as of the 4<sup>th</sup> meeting of the Group of Experts on the conservation of birds, which took place in Tunis, Tunisia, respectively on 29-30 and 31 May 2013. The meetings were organised with the assistance of the Ministries of Environment and of Agriculture of Tunisia, and with the technical contribution of BirdLife International and the FACE. They took place back-back to the first meeting of the CMS working group on minimising poisoning of birds, during the so-called “Week on the Conservation of Birds”. This allowed for greater attendance (representatives of Cameroun and Jordan also joined the meetings) at lower costs. The Secretariat further stressed that the meetings organised under the Convention were the first international events in support of the “Friends of Target 12” partnership.

Concerning the monitoring of progress the Secretariat was pleased to note that 19 Contracting parties, including the European Union replied to the questionnaire prepared for evaluating compliance with the standards set under the Convention [more particularly with Recommendation No. 155 (2011)]. Although the zero tolerance approach to illegal killing of birds is evident in most States, the implementation of the concrete measures suggested in the recommendation still needs to be reinforced. National communication strategies have only been identified in a few parties, even though knowledge and information on best practice in awareness-raising is regularly exchanged and partnerships and cooperation between government agencies and stakeholders increased thanks to the long-term monitoring process launched under the Convention. Illegal activities are now systematically monitored and reported in several Contracting Parties, and the links between demands for wild birds and supply through illegal activities have been identified.

Yet, the working groups identified gaps in legal, biological and institutional, and awareness aspects and elaborated a dedicated “draft Tunis Action Plan for the eradication of illegal killing, trapping and trade of wild birds, 2013-2020”, which was validated by the Group of Experts. A peer review took place electronically, allowing for the final draft recommendation containing the Action Plan to be submitted to the Bureau.

Regarding the Group of Experts on the conservation of birds the Secretariat summarised the main conclusions, on the following topics:

- Powerlines: agreement to recommend to the Standing Committee that the Bern Convention takes part in the joint energy sector initiative and online reporting system proposed by AEWA/CMS;

- Species Recovery Plans (SRP): agreement to recommend to the Standing Committee that the Bern Convention joins the informal Group for Multilateral Environmental Agreements (MAEs) Secretariats and other Stakeholders to oversee the development and implementation of SRP as soon as this is put in place;
- Windfarms and birds: approval of the draft updated Bern Convention's report on Guidelines for windfarms and birds, which will be submitted to SC for endorsement;
- Follow-up of complaints: the complaints concerning birds issued would be sent to the Bureau for follow-up.

The Secretariat concluded by noting the participation in the events of Mr Sadok el Amri, State Secretary for the Environment of Tunisia, Mr Salah Hassini, General Director of Environment and Quality of Life, Ministry of Environment of Tunisia, and Mr Nabil Hamada, Director of Ecology and Natural Habitats.

The Chair thanked the Secretariat for the work carried out in the preparation of these meetings, which he also attended. He stressed that these were productive and pragmatic technical meetings, which showed clear commitment towards progress and solutions, confirmed the leadership assumed by the Convention in this field and produced concrete tools for the next steps. He further stressed that the Tunis Conference was a milestone for shifting the work from the "setting the scene" to real implementation. He also acknowledged the support of the European Union in this field. In terms of visibility, the Chair stressed that the topic is attracting the media, and recalled that a long article on the issue of Illegal Killing of Birds was published in the National Geographic issued in June.

He concluded by stressing that the draft Action Plan is presented as a Logical Framework, with clear milestones and steps aimed at reaching the expected results. It is a comprehensive plan which Parties will be able to use as a support tool at their best convenience.

### **3.5 Conservation of Fungi**

The Secretariat informed that the electronic consultation process regarding the second draft Charter on the Conservation of Fungi, under the supervision of the Chair of the IUCN Sustainable Use and Livelihoods Specialist Group, Ms Rosie Cooney, was successfully completed, with a few more comments from Parties which helped building up a coherent and complete final text for the Standing Committee's analysis.

The Chair thanked once more Ms Cooney and IUCN for the technical and scientific assistance in this process and praised the good cooperation between the Convention and the IUCN in this activity. He concluded by noting that fungi gathering is not harmful when it is done in a sustainable way, and emphasised on the contribution that the Charter could give to raising awareness on the sustainable use of biodiversity.

### **3.6 Update on the preparation of the meeting of the Group of Experts on Invertebrates**

*[T-PVS (2013) 13 – Draft Recommendation Neurotoxic insecticides to pollinators]*

The Secretariat briefly informed on the state of preparation of the 10<sup>th</sup> meeting of the Group of Experts on Invertebrates, to take place in Tirana, Albania in September 2013. The main focus of the meeting would be the implementation of the European Strategy for the Conservation of Invertebrates, with particular emphasis on the strategy promotion and awareness-raising at national level. Furthermore, the Group would discuss a draft recommendation "On the threats by neurotoxic insecticides to pollinators" which proposes to restrict in the whole of the territory of the Convention the use of 3 neonicotinoid pesticides and promote research on their effects on honey bees and wild pollinators.

The Chair recalled that a number of scientific studies recently published warn about the serious behavioural changes provoked to the bees by these dangerous pesticides and expressed the wish that the Standing Committee could adopt the proposed draft recommendation. The Bureau supported this proposal unanimously.

### **3.7 Outcomes of the meeting of the Ad hoc Advisory Group on Budget**

*[T-PVS/Notes (2012) 2 – Terms of Reference for the Advisory Group on Budgetary matters]*

*[T-PVS/Inf (2013) 21 – National reports]*

*[T-PVS (2013) 7 – Draft Decision]*

The Secretariat summarised the outcomes of the Meeting of the Ad hoc Advisory Group on Budgetary matters, attended by most of the Bureau members. The Secretariat recalled that the Group agreed on a draft decision to be forwarded to the Bureau and to the Standing Committee.

The Bureau pre-validated the draft decision and forwarded it to the Standing Committee for analysis and possible adoption.

Before closing this agenda item the Chair congratulated the Secretariat, the Bureau members and the parties who contributed, through their work and sound suggestions to reaching very balanced proposals which are likely to ensure the mid-term financial stability of the Convention.

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

*[T-PVS/Notes (2013) 1 – Summary of case files and complaints]*

*[T-PVS/Inf (2013) 3 – Register of Bern Convention's case-files]*

***(Note: a detailed summary of each case-file is available in document T-PVS/Notes (2013) 4 – Summary of Case files for Bureau meetings)***

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

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

*[T-PVS/Files (2013) 33 – Government report Ukraine]*

*[T-PVS/Files (2013) 35 – Government report Romania]*

*[T-PVS/Files (2013) 37 – Government report Republic of Moldova]*

*[T-PVS/Files (2013) 12 – Reports of stakeholders]*

*[T-PVS/Files (2013) 13 – EU report]*

The Secretariat recalled the latest developments concerning this complaint, highlighting that at its last meeting the Bureau decided to keep the file open, asking the Secretariat to contact the three concerned States with the request of convening as soon as possible a meeting of the Joint Commission.

The Secretariat briefly summarised the information contained in the reports submitted by the Parties, stressing that: i) Ukraine reported having sent letters to the correspondent authorities of Romania and the Republic of Moldova, inviting them to convene a meeting of the Joint Commission; ii) the Republic of Moldova informed having participated in a meeting convened by the Ukrainian Embassy in Chisinau, where Ukrainian authorities presented the measures undertaken by their country to comply with the recommendations made by the Standing Committee; iii) Romania is taken all necessary steps for convening as soon as possible a meeting of the Joint Commission. However, the country regretted to inform that, in March 2013, Ukraine provided the Danube Commission Secretariat with the details of the full implementation of the “Danube – Black Sea” canal, announcing a deadline for the completion of the work of 30 months, and that the authorities proposed to the Danube Commission to include the Bystroe Project in the “Plan of major works recommended on the Danube”.

Furthermore, the Secretariat acknowledged the written contribution of the ESPOO Convention, which recalled that, in November 2012, the ESPOO Implementation Committee decided to start drafting recommendations to assist Ukraine in complying with its obligations under the Convention and that, to this end, Ukraine was requested to send additional information by the 27<sup>th</sup> of August 2013.

The Bureau welcomed the reports submitted by the Parties, but noted that there was still no proposal or agreement on a possible date for a meeting of the Joint Commission, and regretted the lengthy and somehow dispersed dialogue on this issue. It recalled that the Joint Commission was set up to provide a framework for a true and constructive cooperation and requested the Parties to show real commitment in this sense.

**Decision:** The Bureau decided to keep the file open and requested again that three concerned states – Ukraine, Romania and the Republic of Moldova – convene as soon as possible a meeting of the Joint Commission and inform the Standing Committee at least on the date of the meeting as well as on the state of trans-boundary cooperation.

Furthermore, the Bureau welcomed the exchange of information between the Secretariats of the ESPOO and Bern Conventions, as a good example of international co-ordination on issues which are relevant to Europe's biodiversity. It finally instructed the Secretariat of the Bern Convention to approach the ESPOO Convention for any updated information, including any relevant outcome of the 28<sup>th</sup> Session of the Implementation Committee.

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

*[T-PVS/Files (2013) 32 – Government report]  
[T-PVS/Files (2013) 13 – EU report]*

The Secretariat reminded that this case has been on the Convention's agenda since 1996 and that, in 2010, the European Union 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.

The complaint was not discussed at the 1<sup>st</sup> meeting of the Bureau, but a reporting request was addressed to the Party in May, for information of the Bureau at its second meeting.

The Secretariat informed that the authorities were in the process of finalising the mapping of the Akamas Peninsula, and that the Management Plan for the area should be ready by the end of 2013.

However in his communication, the complainant recalled that the issue is scrutinised by the European Commission as a matter of "insufficient designation", meaning that the production of a management plan for the area currently designated will presumably be insufficient for solving the problem alone.

The Secretariat further reported that the European Commission is currently analysing the data received in order to determine whether the SCI has been (on the basis of scientific evidence) sufficiently designated or not.

**Decision:** The Bureau took note of the information provided. It also welcomed the letter addressed by Cyprus authorities, expressing their commitment to promptly communicate the outcomes of the mapping of the Akamas Peninsula area as soon as results will be made public. The Bureau further noted that the management plan for the Akamas Peninsula area is about to be finalised, but considered it necessary to follow this in connection with the developments related to the complaint pending at the EU level, more particularly regarding the presumed insufficient designation of the SCI.

The Bureau invited the Party to inform the Standing Committee at its next meeting and instructed the Secretariat to liaise with the European Commission concerning the procedure pending under EU instances.

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

*[T-PVS/Files (2013) 24 – Draft Opinion]  
[T-PVS/Files (2013) 18 – Government report]  
[T-PVS/Files (2013) 6 – NGO report]  
[T-PVS/Files (2013) 13 – EU report]*

The Secretariat summarised the above mentioned case file, recalling that it was first lodged to question the building of wind farms in Balchik and Kaliakra, on the Black Sea coast, and that it has then be extended to the exponential rise in wind farms' developments in the country.



The Secretariat also recalled that, at its first meeting, the Bureau decided to keep the case-file open and instructed the Group of Experts on the conservation of birds to put the assessment of this complaint on its agenda.

The Secretariat informed that neither the Party nor the complainant could attend the meeting of the Group of Experts, but they both submitted updated reports to its attention. The Group held an exchange of view, generally recognising the seriousness of the situation, while acknowledging at the same time the efforts of the national authorities toward finding a satisfactory solution to the possible threats posed to birds by the many wind farms in the country. Among the main concerns, the participants noted the high number of developments in the same flyway and the cumulative effect of wind farms.

The Bureau deeply discussed the complaint, clearly noting the tangible efforts of the authorities, and regretting the difficulty in conciliating bird conservation needs with the development of the green energy sector. The Bureau further discussed the coordination with the AEWA and other partners, including the EU, as a way for providing assistance to Bulgarian authorities on this matter. The Bureau members made several proposals, ending in a draft opinion for the attention of the Standing Committee.

**Decision:** The Bureau decided to keep the case file open and invited Bulgarian authorities to report at next Standing Committee meeting. Moreover, the Bureau instructed the Secretariat to forward its draft opinion to the Standing Committee for discussion, and to liaise with both the AEWA and the European Union on the possible follow-up to be given to this complaint.

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

[T-PVS/Files (2013) 36 – Government report]

[T-PVS/Files (2013) 43 – NGO report]

[T-PVS/Files (2013) 13 – EU report]

The Secretariat recalled that this case was not discussed at the first meeting of the Bureau since the authorities were requested to report by August. The complaint concerns the preservation of the habitat of the common hamster (*Cricetus cricetus*) in Alsace and the implementation of appropriate practices that may ensure the survival of the declining population of the species.

Although the state of the species improved further to the implementation of a recommendation by the Standing Committee issued in 1998, its population has drastically decreased in the last years, eventually leading to the 2011 ruling of the European Court of Justice (ECJ) against France for failing to take adequate measures to protect the species.

According to national report, submitted in the July 2013, the implementation of the conservation measures recommended by the ECJ and foreseen in the National Action Plan (2012-2016) is giving positive results. French authorities explained in details the collective measures put in place for the creation of winter shelters for the species in addition to the agricultural contracts for the cultivation of favourable cultures (wheat in particular) as well as the reinforcement of the population through the release of individuals on specific plots.

From the results of the recent spring 2013 count, the French authorities concluded a stabilisation of the population for the period 2012-2013. However, they recognised the need for continuing their efforts in this direction, in particular towards the awareness-raising activities targeting the farmer community in view of ensuring stronger participation in the conservation measures as proposed by the Action Plan. More counts were programmed for the period June-July, but no information on their results was available and communicated by the meeting of the Bureau.

In their short update the NGO *Sauvegarde Faune Sauvage* underlined that although the population may seem stable from the spring 2013 counts, it is far from being viable. Moreover, while acknowledging the efforts of the authorities, the NGO maintains that the measures put in place so far are insufficient to ensure the proper conservation of the species.

On the spring count, the Secretariat noted some discrepancies in the figures presented by authorities and NGOs.

**Decision:** The Bureau took note of the recent updates sent by the authorities of France as well as by the NGO on the measures implemented in spring 2013 to increase the distribution of the species and the number of individuals. The Bureau further noted the efforts deployed by the European Union to accompany France in the implementation of the measures recommended by the ECJ ruling through bilateral meetings.

Conscious that the summer counts of the species population are still undergoing and final results are pending, the Bureau decided to keep the case-file open. This decision is also motivated by the decision of the 32<sup>nd</sup> Standing Committee to keep the file open until there is clear indication that the conservation measures bear their fruits. Both the French authorities and the NGOs are invited to report to the Standing Committee meeting on the latest population counts for the species from summer 2013.

- **[Italy: Eradication and trade of the American grey squirrel (*Sciurus carolinensis*)]**

[T-PVS/Files (2013) 7 – Government report]

The Secretariat recalled that this complaint has been put under brackets on the meeting Agenda since the Party was requested to report directly at next Standing Committee meeting.

## 4.2 Possible files

- **France: Conservation of the European green toad (*Bufo viridis*) in Alsace**

[T-PVS/Files (2013) 16 – Government report]

The Secretariat recalled that this complaint was lodged in 2006 by the Association BUFO (*Association pour l'étude et la protection des amphibiens et reptiles d'Alsace*) focusing on threats to the few remaining habitats of the European green toad (*Bufo viridis*) in Alsace.

A national action plan was announced by the French government in 2008, but remained in stand-by due to several delays in finalisation. In 2011, replacing consultancy previously in charge of drafting the plan, the National Museum of Natural History (MNHN) was commissioned to complete the work. In 2012, positive developments at regional level were reported as regards measures already implemented and foreseen in Alsace and Lorraine. It was also reported that the revised version n° 6 of the National Action Plan was prepared by MNHN but needed to be reviewed by national group of experts. The Committee decided to keep the file as a possible case file pending a further progress.

The representatives of the relevant NGOs, *Sauvegarde Faune Sauvage*, CERPEA and the European Environment Bureau, deplored the lengthiness of the drafting process, expressing deep concern about the continuing decline in species' population and its habitat.

The French authorities reported additional delays in the adoption of the National Action Plan in their subsequent reports submitted in March 2013 and August 2013. The end of 2013 was announced as a new deadline for completion of the plan. The next milestones should include: consultation with all services concerned at national level, submission to the National Council for Nature Protection, and finally the organization of public consultations.

**Decision:** The Bureau regretted the procedural delays in the adoption of the National Action Plan, and invited the French authorities to inform the Standing Committee about the state of play. It further noted that the complainant had not reported to the Secretariat this year, and instructed the Secretariat to contact the relevant NGOs for updated information on the situation of the green toad. Finally, the Bureau considered that if it should appear that the conservation status of the green toad is suffering from the lack of an adequate action plan or other relevant measures, the Committee should decide on the opportunity of opening a case file.

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

*[T-PVS/Files (2013) 17 – Government report]*

*[T-PVS/Files (2013) 15 – NGO report]*

*[T-PVS/Files (2013) 13 – EU report]*

The Secretariat recalled the grounds of this complaint, submitted in August 2010.

The complaint was discussed at the Standing Committee meeting last year, in the absence of delegates of Greece. On the basis of the critical information submitted by the NGO, the Committee decided to keep the complaint as a possible file, emphasising on the need to be informed by the authorities on the state of the situation in the area.

In 2013 the Secretariat invited the Party to report on concrete aspects such as the state of conservation and management of the area, enforcement of relevant legislation, assessment of possible negative impact of the tourism developments, and mitigation measures envisaged. In April, the authorities addressed some but not all the issues, while the complainant acknowledged some positive progress but raised still pending and new concern.

At its first meeting, the Bureau noted that enforcement was still a major issue and decided to screen again the complaint at its next meeting.

The Secretariat addressed a new reporting request, which remained unanswered.

**Decision:** The Bureau regretted to note that no concrete information regarding the conservation and management of the area, as well as the enforcement of relevant legislation, was transmitted by Greek authorities.

Taking into account the information submitted by the complainant, and the concern already expressed by the Bureau and the Standing Committee, the Bureau suggested that the case file mentioned above should be discussed as a File open at the 33<sup>rd</sup> Standing Committee meeting. It instructed the Secretariat to reiterate the reporting request, namely concerning: the state of conservation and management of the area; the enforcement of relevant legislation and administrative decisions (including more particularly the execution of the demolition protocols); the adoption of the measures whose implementation was envisaged as of June 2013; and the progress made over the Action Plan, particularly regarding the cessation of disturbing activities and infrastructures.

Finally, the Bureau invited Greek authorities to attend next Standing Committee meeting.

- **Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs**

*[T-PVS/Files (2013) 21 – Government report]*

*[T-PVS/Files (2013) 9 – NGO report]*

The Secretariat recalled that this complaint was registered as a possible file at the 32<sup>nd</sup> Standing Committee meeting, after the presentation by MEDASSET of a detailed report alerting the Committee on the possible severe threats which the presumed lack of adequate management of Fethiye and Patara SPAs could pose to the marine turtles' nesting activity.

The Secretariat sent to national authorities a reporting request in order to inform the Bureau at its first meeting. However, the national authorities informed they would not be able to meet the deadline and committed to send the update soon. Therefore, at its first meeting, the Bureau took only note of the concern expressed by the complainant, and decided to postpone a deeper assessment to its next meeting.

The report sent by the government in May aimed to be informative, and provided some scientific data collected through a monitoring exercise in 2012. However, it didn't address all the issues raised by the Secretariat, who acknowledged the encouraging information on some conservation actions carried out the previous year, but invited the authorities to complete their report with more detailed information for instance on the measures and actions whose implementation was foreseen this year, as

well as the steps towards the removal of illegal or unauthorised constructions in both Fethiye and Patara SPAs. The deadline for the complementary information was set to 6<sup>th</sup> September. However, the Secretariat's request remained unanswered.

The complainant submitted updated information on 9<sup>th</sup> September, describing the main threats to nesting population and reporting, inter alia, that the building of the 27 villas foreseen in the development plan has been completed. MEDASSET further offered to bring an expert on land use and heritage site management to further inform the Standing Committee, if requested by the Bureau.

**Decision:** The Bureau took note of the information submitted by the authorities in May, as well as of the update sent by the complainant. It noted that a number of questions raised by the Secretariat remained unanswered and requested the Party to provide an updated report, including more recent information related to, among others, the breeding season. Therefore the Bureau decided to forward this complaint as a possible file at the Standing Committee meeting.

Finally, concerning MEDASSET proposal of inviting a land use and heritage site management expert at the Committee meeting, the Bureau recalled that Observer can appoint experts by registering through the Secretariat.

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

The Secretariat recalled that this complaint was not discussed at the Bureau meeting in April, since at last Standing Committee meeting the delegate of Turkey informed that the issue has been brought before the Turkish National Court. The authorities ensured that the Turkish Ministry of Forestry and Water Affairs would be monitoring all developments related to this complaint and inform the Secretariat as soon as the Turkish Justice would emit its judgement.

The Secretariat requested nonetheless updated information to Turkish authorities, whom kindly informed that the competent Ministry sent a pool of experts to the area for preparing an official report on the state of the situation. The report is under inspection now and the Ministry committed to inform the Secretariat as soon as the assessment of the report is completed.

Finally, the Secretariat summarised the report submitted by the complainant in July, informing on the results and conclusions of the monitoring carried out in the past two years using photo-traps.

**Decision:** The Bureau acknowledged the information sent by both the complainant and the authorities. It particularly welcomed the initiative of the authorities of appointing a pool of experts for assessing the situation, and noted with satisfaction that – meanwhile – the authorities stopped the works in the area. The Bureau asked to be kept informed of the outcomes of the assessment report and invited the delegate of Turkey to report to next Standing Committee meeting.

### 4.3 On-the-spot appraisal

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

[T-PVS/Files (2013) 45 – Report of the on-the-spot appraisal]

[T-PVS/Files (2013) 40 – Complainant Report]

[T-PVS (2013) 14 – Draft recommendation]

The Secretariat recalled that this complaint was lodged in 2011 by the NGO Pro Natura – Swiss League for the protection of nature, concerning the threat of decline of the Rhone streber (*Zingel asper*), listed in Appendix II of the Bern Convention and in Annex II of the Habitats Directive.

At its last meeting, the Standing Committee stressed the critical situation of the species despite the efforts of both Parties and, with their agreement, instructed the Secretariat to organise an on-the-spot appraisal to prepare a list of recommended actions to be submitted to the attention of the Standing Committee at its 33<sup>rd</sup> meeting.

Professor Jean-Claude Philippart was appointed for conducting the on-the-spot appraisal as well as for the preparation of the appraisal's report. The on-the-spot appraisal took place in July 2013, and included in-room discussions with the stakeholders concerned in both Switzerland (Saint-Ursanne, canton of Jura) and France (Ornans and Quingey, the Doubs Department), as well as different *in situ* visits to observe the natural environment of the species and some visible habitat's problems (hydroelectric works, algae).

The first draft report was sent to the Secretariat on 12 September 2013, providing a detailed description of the current situation of the Rhone sturion and its habitat, mentioning the measures already taken and/or foreseen by France and Switzerland, as well as a series of recommendations for improving the species' situation. Further to the submission of the expert's report, Pro Natura also submitted updated comments emphasising on a series of additional elements which the NGO would wish could be analysed by the Standing Committee when examining the complaint.

The Secretariat prepared a draft recommendation on the basis of the expert's report which was presented to the Bureau orally.

**Decision:** The Bureau expressed its appreciation for the work by both the Secretariat in the organisation of the on-the-spot appraisal and the preparation of the report by the expert. It decided to forward the draft recommendation to the concerned parties for comments, prior to the submission to the Standing Committee for examination and possible adoption.

### 4.3 Complaints in stand-by

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

*[T-PVS/Files (2013) 20 – Government report]*  
*[T-PVS/Files (2013) 8 – NGO report]*

The Secretariat this complaint has been assessed in cooperation with the Ramsar Secretariat, and that a Ramsar Advisory Mission was conducted on the site from 12 to 16 October 2010 after which a series of recommendations were addressed to Moroccan. According to the information provided by the Ramsar Convention and the Moroccan authorities in 2012 the situation was promising and a number of actions had already been implemented. However, the complainant continued to express concerns regarding the situation of the wetland, and no more concrete feedback was received by the Ramsar Secretariat.

At its April meeting the Bureau instructed the Secretariat to consult with the Ramsar Convention on the need of keeping the complaint under scrutiny.

The Secretariat requested Ramsar advice and was informed that a reply would be sent before the Bureau meeting. However, no new information reached the Secretariat by that date.

**Decision:** The Bureau instructed the Secretariat to send a last request for information to the Ramsar Secretariat. It will discuss again this complaint at its first meeting in 2014. If no information is submitted by then, it will decide on whether or not to dismiss the complaint.

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

[T-PVS/Files (2013) 27 – Government report]

The Secretariat recalled that this complaint was put in stand-by pending the decision of a Turkish National Court. It further informed that the Turkish authorities recently informed that the decision of the Court is still pending, and that the construction works are suspended in the meantime.

**Decision:** Welcoming the suspension of the works pending the court's decision, the Bureau decided to discuss again this complaint as a complaint in stand-by at its first meeting in 2014. The Secretariat will contact Turkish authorities in due time.

- **Possible spread of the American mink (*Neovison vison*) in Poland**

[T-PVS/Files (2012) 35 – NGO report]

[T-PVS/Files (2013) 13 – EU report]

The Secretariat recalled that this complaint was submitted in May 2012 to denounce the non-inclusion of the American mink (*Mustela vison*) in the list of non-native plants and animals that might endanger native species and habitats. The Secretariat further recalled that the Bureau had expressed serious doubts concerning the position of the authorities affirming that the risk of escape of the species into the wild is relatively low.

Moreover, the Secretariat informed that the many detailed reporting requests addressed to Poland over the current year remained unanswered. However, the complainant provided an updated report, accompanied by a scientific article confirming, among others, that escapees from farms do occur.

**Decision:** The Bureau expressed deep regret for lack of reply and, as a consequence, of information from Polish authorities during the whole year. It reiterated its warning about the high risk of escape of the American Mink into the wild and stressed that the species is well known to be invasive since several European countries have already been confronted to this situation.

The Bureau decided to forward this complaint to the Standing Committee as a possible file. It further instructed the Secretariat to address a reporting request to Polish authorities, and invite them to attend next Standing Committee meeting.

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

The Secretariat recalled that this complaint has been put on stand-by after Ukrainian authorities had informed that almost all of the issues addressed by the complainant were dealt with, and that additional funds were allocated to the developments of management plans for the wetlands of international importance “Northern part of Dniester Liman” and “Dniester-Turunchak Crossriver area”. The government ensured that the Secretariat would receive a notification as soon as these documents would be ready.

The complaint was not discussed at first Bureau meeting but the Secretariat was notified by the Ramsar Convention the closing of file N°765 (under Ramsar Convention's mechanism) on the basis of a government report sent in July 2012 stating that the Ramsar site is now included in the newly established Lower Dniester Nature Park and that it now profits from a special legal entity, administration, and government funding.

In May 2013 the Secretariat addressed Ukrainian authorities for updated information but received no reply by the time of the second meeting of the Bureau.

**Decision:** The Bureau decided to leave this complaint as a complaint in stand-by and to reassess it at its first meeting in 2014. It instructed the Secretariat to reiterate its information request to Ukrainian authorities and to liaise with the Ramsar Secretariat on the follow-up to be given to this complaint

- **Presumed illegal killing of birds in Malta**

*[T-PVS/Files (2013) 3 – Government report]  
[T-PVS/Files (2013) 11 – Complainant report]  
[T-PVS/Files (2013) 23 – BirdLife report]  
[T-PVS/Files (2013) 28 – EU report]*

The Secretariat recalled that, at its meeting in April, the Bureau assessed this complaint and asked the Group of Experts on the conservation of birds to examine it at its meeting. It further invited the authorities of Malta to attend the 2<sup>nd</sup> Conference on Illegal killing, trapping and trade of wild birds, as well as the 4<sup>th</sup> Meeting of the Group of Experts on the conservation of birds, and to report to the Group. Finally, the Bureau instructed the Secretariat to seek for the EU opinion on a possible joint follow-up.

The delegation of Malta positively replied to the request of the Bureau, and so did BirdLife Malta, whom supported the complainant.

The discussions on the complaint raised the interest of the participants, and questions arose for example on the quota for hunting turtle doves in the spring, or on the figures relating to the number of turtle doves passing through the island. Participants also recalled that an IMPEL meeting would take place in Malta on 1-3 October 2013 and suggested that the issue could be assessed in conjunction with IMPEL outcomes.

The Secretariat also summarised the information submitted by the European Commission, including the EU acknowledgment that some measures have been taken by the authorities, for instance concerning penalties possible under Maltese legislation, a substantial record of prosecutions and the authorities' work aimed at setting up a specialised Wildlife Crime Unit, exclusively dedicated to enforcement of wildlife regulations.

The Commission further informed that, in early June 2013, it received a detailed derogation report which is being assessed. Moreover, the Commission noted that Malta should have sent three reports since 2010 on derogations under Art. 9 of the Birds Directive, but that none of these has reached the Secretariat yet.

Some Bureau members also attended the Week on the conservation of birds and recalled that the NGOs consider that the derogations made are too many (particularly the issuing of licenses) for realistically ensuring the proper conservation of the species, particularly migratory birds.

**Decision:** The Bureau considered that this complaint address a serious concern. However, it acknowledged the tangible efforts of the authorities, and decided to keep it as a complaint in stand-by, pending the discussions at the IMPEL meeting scheduled to take place in Malta, in October 2013. It further instructed the Secretariat to contact in due time both the Party and the complainants for information regarding the assessment of the autumn migration season, as well as for any other useful development which could help the Bureau decide on the follow-up to be given to this complaint at its first meeting in 2014.

Finally, the Bureau requested the Secretariat to liaise with the European Union, more particularly on the issue of reporting under Art. 9 of the Birds Directive.

- ***Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK**

[T-PVS/Files (2013) 34 – Government report]  
[T-PVS/Files (2013) 5 – NGO report]

The Secretariat recalled that this complaint was lodged in 2012 and it concerns a project of incinerator plant, which is supposed to affect a Special Area of Conservation (SAC) - listed as a Natura 2000 site - that provides the habitat for the bryophyte *Marsupella profunda*, a species included in the Appendix I to the Bern Convention.

The complainant denounced in particular the underestimation of local impacts on the bryophyte by the Environment Agency (EA) and expressed criticism as regards assessment methodology applied when analysing the situation.

The report sent by UK authorities in July 2013 confirmed the EA opinion that no measurable damage is likely to affect *Marsupella profunda* and that a species-specific assessment is therefore not needed.

In its comments to the government report, the complainant considered that the EA's approach is inconsistent, as it is based on data applied for plants with roots, which is not the case of *Marsupella profunda*. According to alternative scientific opinions referred to by the complainant, the impact of the species is believed to be substantial and therefore an appropriate assessment should be required.

**Decision:** Taking into account the specificity of the species, the Bureau instructed the Secretariat to contact the UK government for their reply to the concerns expressed by the complainant in its last report. It decided to postpone its decision until the next Bureau meeting in 2014.

- **Impact of a project for the regulation of the Danube River on the river's biodiversity**

[T-PVS/Files (2013) 14 – Government report]  
[T-PVS/Files (2013) 4 – Complainant report]  
[T-PVS/Files (2013) 13 – EU report]

The Secretariat recalled that the complaint was submitted in December 2012 by the WWF to denounce the planning of an “over dimensioned” project for the regulation of the Danube river in Croatia, for navigation purposes, which could affect a relatively important number of species and habitats listed in Appendices I-II-III of the Convention.

WWF further denounced that the possible negative impacts could affect national and international key protected areas of about 50,000 ha and can lead to a deterioration of the ecological and hydro-morphological quality of the Danube River.

In a report submitted for the April 2013 meeting of the Bureau, Croatian authorities affirmed that an Environmental Impact Assessment (EIA) procedure was underway and carried out in line with the Regulation on Environmental Impact Assessment, in full compliance with the European Union *acquis*. The EIA process was accompanied by various public consultations taken into account in the EI study.

In relation to transboundary assessment, the Croatian authorities further informed that a public presentation of the project was carried out in Serbia and the competent body for the implementation of the Espoo Convention in the country is preparing its position or possible comments on the Study itself. Regarding Hungary, the country requested detailed information on the project plans and communicated its wish of commenting the documentation received.

Finally, in their conclusions, Croatian authorities informed that the Ministry of Environmental and Nature Protection will wait for the final opinion of the Expert Committee before deciding whether the project can be considered environmentally acceptable or not.



In the light of this information the Bureau recognised the interest of this complaint and instructed the Secretariat to request further information to all Parties concerned, including the Ramsar Convention and the European Union, by the September Bureau meeting.

The Secretariat informed that no update has been provided by Croatian authorities or by the Ramsar Convention Secretariat. In its report, the European Union informed not having received new updates on the project development.

Mrs Snezana Prokic informed that following the public presentation of the project by Croatian authorities in Serbia, the Serbian Institute for Nature Conservation issued some comments requesting for changes to the project planning, which should be reflected in the final EIA.

**Decision:** The Bureau regretted the lack of updates from both the Croatian authorities and the Ramsar Convention, and instructed the Secretariat to reiterate its reporting requests. The Bureau decided to keep this complaint as a complaint in stand-by pending the completion of the EIA. It may then request the opinion of the ESPOO Convention on the EIA once this is finalised.

- **Cutting of trees for the expansion of the railway network**

*[T-PVS/Files (2013) 29 – Government report]  
[T-PVS/Files (2013) 10 – NGO report + addenda]*

The Secretariat recalled that this complaint concerns the vegetation clearance programme by Network Rail (NR) along the railway embankment in Whitstable, Kent (UK). The complainant denounced various irregularities committed by Network Rail, namely the lack of public consultation and of proper environmental assessment made prior to the project start. The complainant also highlighted that the project was implemented during bird nesting period.

At its meeting of April 2013, the Bureau considered that more information on the species possibly affected by the clearance programme was needed and decided to keep the file as a complaint in stand-by in awaiting a reply from the UK authorities.

The report sent by UK authorities in July summarized information prepared by NR. The NR replied that it assumes its responsibility in mismanaging communication with community and that corrective measures have already been implemented to prevent redress the situation. Moreover, works were postponed until the nesting period had finished. The report also underlined that the proper environment assessment is not required according to the legislation and taking into account that the area of concern has no specific conservation status.

The complainant sent additional comments insisting on the irregularities of the project implementation – which Secretariat presented orally to the Bureau. The government confirmed, through an electronic message, that comments have largely reiterated various issues already answered by the NR and that no reply is deemed necessary by both the NR and the UK government.

**Decision:** The Bureau took note of the information provided and noted that the file falls within the domestic jurisdiction as it primarily concerns a vegetation clearance programme and the management of green spaces. It asked the Secretariat to contact the UK authorities with proposal to contact the complainant directly for settling the issue internally. The Bureau decided to keep the complaint in stand-by pending the final reply of UK authorities.

#### 4.4 Other complaints

- **Hydro power development within the territory of Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)**

[T-PVS/Files (2013) 41 – Government report]  
[T-PVS/Files (2013) 31 – Complainant report]

The Secretariat recalled that this complaint was submitted in March 2013 to denounce a possible breach of the Convention by “the former Yugoslav Republic of Macedonia” with regards to the development of hydro-power projects within the territory of Mavrovo National Park, an Emerald candidate site since 2011.

The complainant emphasized on the risks of direct destruction and fragmentation of wildlife habitats - home of numerous strictly protected species of flora and fauna listed in Appendix I and II of the Bern Convention. The complainant fears that some of these species (*Lynx lynx balcanicus*) might be critically endangered if the project is implemented.

In its reporting request to the government, the Secretariat recalled the Standing Committee’s recommendations on the status of candidate Emerald sites and on the conservation of large carnivore populations in Europe requesting special conservation action, in particular for the lynx population in “the former Yugoslav Republic of Macedonia”.

The report sent by national authorities in September 2013 informed that an Environmental Impact Assessment Study for the hydropower plant project Boshkov Most and biodiversity monitoring was already conducted and confirmed the conformity of the project with the requirements of the national legislation. No reference was made to EIAs/monitoring conclusions concerning possible impacts of the project on the species and their habitat. The report also informed that a second EIAS will be conducted for the hydropower plant project Lukovo, for which information will be submitted at a later stage.

**Decision:** The Bureau asked the Secretariat to contact the national authorities with request to provide more detailed information about the possible impacts of the hydropower project implementation in Mavrovo National Park on species and habitats. It decided to consider the complaint as a complaint in stand-by pending the authorities’ reply.

- **Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland**

[T-PVS/Files (2013) 42 – Government report]  
[T-PVS/Files (2013) 44 – Complainant report]

The Secretariat informed that this complaint was lodged in May 2013 to denounce a possible breach of the Convention by Lithuania with regards to permissions issued for the construction of a 400 kV, 1000 MW Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland. The Secretariat further thanked the authorities of Lithuania for their prompt reply to the reporting request, which has allowed the complaint to be discussed at the Bureau meeting in September.

The Secretariat summarized the concerns expressed by the complainant (concerning the possible direct impact on species, the development of other infrastructures, disturbing activities, habitat fragmentation, and the EIA procedure), to which the authorities replied in a detailed report addressed to the Secretariat early September.

The Secretariat noted that perhaps the most controversial issue concern the presence (or not) of the European pond turtle (*Emys orbicularis*) in the area concerned by the development project. In fact, the authorities consider that the applicant has not proved the presence of the species in the exact area where the power line will be constructed and that this species was not confirmed by the survey of

amphibians and reptiles performed by the NGO Lithuanian Fund for Nature in July/August 2013 in part of the area or by the investigations which took place for the preparation of the EIA report.

However, on 9 September the complainant sent a reply, informing about the results of five half-day visits carried out this year, which would suggest that the European pond turtle (*Emys orbicularis*) is present in the area, so as the European fire-bellied toad (*Bombina Bombina*), Great crested newt (*Triturus cristatus*), Common spadefoot (*Pelobates fuscus*) and the European tree frog (*Hyla arborea*). For the European pond turtle, the complainant recalled that the species is listed as present in the Polish Natura 2000 site which form one ecosystem with the Lithuanian area. The complainant further provided a list of birds which have been observed in the area, and mentioned some other plant habitats maintaining that the rich biodiversity of the area has not been properly assessed.

The Secretariat noted that the presence of protected species in the areas object of the complaints is *conditio sine qua non* for further investigating a possible breach of the Convention. It also noted that the Lithuanian authorities didn't have the chance to reply to the complainant's last report due to the very short deadlines of the notification.

**Decision:** The Bureau thanked both the Party and the complainant for the prompt reactions, and considered that clarification is needed concerning the presence of protected species in the area where the OHL will be built. It therefore decided to consider this complaint as a complaint in stand-by at its first meeting in 2013, and asked the Secretariat to contact in due time both the national authorities and the complainant for the requested clarifications.

- **Implantation of an asphalt plant in a flood risk area with possible threats to the Otter (*Lutra lutra*) and the European Mink (*Mustela lutreola*), France**

The Secretariat informed that this complaint was lodged end of March 2013 to denounce a possible breach of the Convention by France with regards to the implantation of an asphalt plant in a flood risk area with possible threats to the Otter (*Lutra lutra*) and the European Mink (*Mustela lutreola*). The Secretariat assessed the complaint and sent a reporting request to French authorities on 30<sup>th</sup> April 2013. Despite a reminder sent end of July, the Secretariat didn't receive a reply.

**Decision:** The Bureau considered that it needed more information and, particularly, the government's reply, in order to properly assess this complaint. It therefore decided to re-assess it as a complaint in stand-by at its first meeting in 2014.

- **Presumed destruction of little mustelid in France**

- **Presumed threat to bat due to felling of trees in Ukrainian natural reserves**

The Secretariat informed that two new complaints were registered since last Bureau meeting, whose pre-screening has not been finalised yet.

The Chair thanked the Secretariat for the work done in the follow-up of the complaints, particularly bearing in mind the constant growing number of submissions. He also welcomed the improvements in the reporting by Parties and wished to express his gratitude to the European Union for the efforts done in keeping, as much as possible, the Bureau and the Committee informed on the developments at the EU level.

## 5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS: REMINDER

- [Recommendation No. 162 (2012) on the conservation of large carnivores populations in Europe requesting special conservation action]  
*[T-PVS/Files (2013) 39 – Governments report]*
- [Recommendation No. 154 (2011) on the European Code of Conduct on Pets and Invasive Alien Species]  
*[T-PVS/Files (2013) 38 – Governments report]*
- [Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)]

The Secretariat informed that reporting requests for the follow-up of the previous Recommendations have been addressed to the concerned Parties. The compilation of national reports will be submitted to the Standing Committee for information.

## 6. STRATEGIC DEVELOPMENT OF THE CONVENTION

### 6.1 Update on international coordination and visibility

The Secretariat informed about a number of initiatives undertaken to improve the visibility of the Convention, among which:

1: the development of a completed re-shaped website for the EU/CoE joint programme on the setting up of the Emerald Network. This was made possible thank to the authorisation, for now given only to Joint Project, for migrating to a new web-system within the Council of Europe, which will be extended to the whole house in the coming two years.

2: increasing in numbers of Media Advisory: media advisory were issues on the occasion of the International Day of Biodiversity, the Accession of Belarus to the Convention, the Friends of Target 12 Initiative, the Week on the Conservation of Birds. For the latter, a press conference was also organised in Tunis.

3: publication of the Code of Conduct for Botanic Gardens on Invasive Alien Species.

Regarding international coordination, the Secretariat emphasised on improved contacts with the ESPOO Convention; the efficient and regular coordination with the European Commission; the exploration of the possibility of concluding a memorandum of cooperation with the WCMC for activities related to protected areas; the strengthened cooperation with the EEA; the organisation – in cooperation with the CMS – of the Week on the Conservation of Birds, which was the first activity organised by both Conventions since the signature of their Memorandum of Cooperation; the joint work carried out with the IUCN in a number of issues, including for the preparation of the European Charter on Fungi gathering and Biodiversity; the participation in the “Friend of Target 12” partnership, which has also improved contacts with the CBD; the very effective cooperation between the Bern Convention and the AEWA in a large number of issues concerning the conservation of birds, including the follow-up to complaints and the follow-up of Species Recovery Plans.

On future plans, the Secretariat informed that it will be represented at next SBSTTA meeting under the CBD, to ensure that the contribution of the Bern Convention to the CBD Programme of work is taken into account. Moreover, the Standing Committee will be requested to discuss a number of proposals made by the Group of Experts on the Conservation, which should result in improved coordination at the international level on these issues (involving mainly the European Union, the CMS, the AEWA, BirdLife International and the Secretariat).

In addition, the Secretariat informed that INTERPOL has expressed the wish to explore grounds for cooperation in addressing Illegal Killing of Birds. INTERPOL Secretariat will be invited to present its activities in this field to the Standing Committee.

Finally, the Secretariat recalled that the Committee will be requested to decide on whether or not

to join the CMS online reporting system. To this end, the Secretariat has requested to the tool's developer to provide a summary note informing about the steps to be undertaken and a cost estimate.

## **6.2 Short discussion on the possibility of defining the role of Focal points**

The Bureau instructed the Secretariat to prepare a very basic fact-sheet on the concrete activities to be implemented by focal points, to be discussed at its next meeting.

## **7. 33<sup>RD</sup> STANDING COMMITTEE MEETING**

### **7.1 Draft Agenda**

*[T -PVS (2013) 1 – Draft Agenda]*

The Secretariat presented the draft agenda for next Standing Committee meeting, which the Bureau validated with minor amendments

### **7.2 Draft Programme of Activities 2014 - 2015**

*[T -PVS (2013) 8 – Draft Programme of Activities]*

The Secretariat briefly presented the budget and activities proposed for the Draft Programme of Activities, which had been already discussed at the meeting of the Advisory Group on Budgetary matters, attended by the members of the Bureau.

The Secretariat recalled that for this year, it was proposed to include a tentative calendar of meetings, as well as a summary of concrete results achieved through the activities implemented in the current year. Therefore the Secretariat is waiting for the agreement of the Bureau on the new format before drafting the narrative part of the document.

The budget and activities for 2014 and 2015 were pre-validated by the Bureau, which also agreed on the new format proposed by the Secretariat.

## **8. ANY OTHER BUSINESS**

None were raised.

## Appendix 1



### Bureau meeting

Strasbourg, 17 September 2013  
(Room 16, opening: 9:30 am)

### DRAFT AGENDA

#### 1. ADOPTION OF THE AGENDA

*[Draft agenda]*

#### 2. INSTITUTIONAL MATTERS

##### 2.1 Report of the visit of representatives of the Secretariat to Republic of Belarus and Round Table dedicated to the accession of the country to the Convention

#### 3. IMPLEMENTATION OF THE 2013 PROGRAMME OF ACTIVITIES

*[T-PVS (2012) 12- Programme of Activities for 2013]*

*[T-PVS (2013) 5 – Summary table of reporting]*

*[T-PVS (2013) 2 – Report of the 1<sup>st</sup> Bureau meeting]*

##### 3.1 Setting-up of the Emerald Network: state of progress

*[T-PVS/PA(2013)01- Draft agenda of the Group of Experts on protected areas and ecological networks]*

##### 3.2 Short update on the European Diploma of Protected Areas

*[T-PVS/DE (2013)10 - Report of the meeting of the Group of Specialists ED]*

##### 3.3 Group of Experts on Invasive Alien Species: meeting report

*[T-PVS (2013) 5 + 5add. - Report of the meeting & National Reports]*

*[T-PVS (2013) 11 – Draft Recommendation Code of Conduct Hunting and IAS]*

*[T-PVS (2013) 12 – Draft Recommendation Guidelines on Protected Areas and IAS]*

##### 3.4 Conservation of wild birds: reports of the 2<sup>nd</sup> Conference on Illegal killing, trapping and trade of birds, and of the 4<sup>th</sup> meeting of the Group of Experts on birds

*[T-PVS (2013) 6 – Meeting reports]*

*[T-PVS/Inf (2013) 25 – CMS Statement]*

*[T-PVS (2013) 9 – Draft Recommendation SRP]*

*[T-PVS (2013) 4 – Draft Recommendation Tunis Action Plan]*

##### 3.5 Conservation of Fungi: 2<sup>nd</sup> draft Charter on Fungi gathering and biodiversity

*[T-PVS/Inf (2013)26 – European Charter on Fungi-gathering and Biodiversity]*

*[T-PVS (2013) 3 - Draft Recommendation]*

##### 3.6 Update on the preparation of the meeting of the Group of Experts on Invertebrates

##### 3.7 Outcomes of the meeting of the Ad hoc Advisory Group on Budget

*[T-PVS/Notes (2012) 2 – Terms of Reference for the Advisory Group on Budgetary matters]*

*[T-PVS/Inf (2013) 21– National reports]*

*[T-PVS (2013) 7 – Draft Decision]*

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

[T-PVS/Notes (2013) 4 – Summary of case files and complaints]

[T-PVS/Inf (2013) 3 – Register of Bern Convention's case-files]

##### 4.1 Specific Sites - Files open

- Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)
  - [T-PVS/Files (2013) 33 – Government report Ukraine]
  - [T-PVS/Files (2013) 35 – Government report Romania]
  - [T-PVS/Files (2013) 37 – Government report Republic of Moldova]
  - [T-PVS/Files (2013) 12 – Reports of stakeholders]
  - [T-PVS/Files (2013) 13 – EU report]
- Cyprus: Akamas peninsula
  - [T-PVS/Files (2013) 32 – Government report]
  - [T-PVS/Files (2013) 13 – EU report]
- Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica
  - [T-PVS/Files (2013) 24 – Draft Opinion]
  - [T-PVS/Files (2013) 18 – Government report]
  - [T-PVS/Files (2013) 6 – NGO report]
  - [T-PVS/Files (2013) 13 – EU report]
- France: Habitats for the survival of the common hamster (*Cricetus cricetus*) in Alsace
  - [T-PVS/Files (2013) 36 – Government report]
  - [T-PVS/Files (2013) X – NGO report]
  - [T-PVS/Files (2013) 13 – EU report]
- [Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)]

##### 4.2 Possible file

- France: Protection of the European Green Toad (*Bufo viridis*) in Alsace
  - [T-PVS/Files (2013) 16 – Government report]
- Greece: threats to marine turtles in Thines Kiparissias
  - [T-PVS/Files (2013) 17 – Government report]
  - [T-PVS/Files (2013) 15 – NGO report]
  - [T-PVS/Files (2013) 13 – EU report]
- Presumed degradation of nesting beaches in Fethiye and Patara SPAs (Turkey)
  - [T-PVS/Files (2013) 21 – Government report]
  - [T-PVS/Files (2013) 9 – NGO report]
- Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)
  - [T-PVS/Files (2013) 27 – Government report]
- Turkey: threat to the Mediterranean Monk Seal (*Monachus monachus*)
  - [T-PVS/Files (2013) 26 – Government report]
  - [T-PVS/Files (2013) 22 – NGO report]

##### 4.3 On-the-spot appraisal

- France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)
  - [T-PVS/Files (2013) X – Report of the on-the-spot appraisal]
  - [T-PVS/Files (2013) 40 – Complainant Report]
  - [T-PVS (2013) X – Draft recommendation]

##### 4.4 Complaints in stand-by

- Morocco: Ecological impacts of a tourism centre in Saïdia
  - [T-PVS/Files (2013) 20 – Government report]
  - [T-PVS/Files (2013) 8 – NGO report]

- Poland: Possible spread of the American Mink  
*[T-PVS/Files (2013) X – Government report]*  
*[T-PVS/Files (2012) 35 – NGO report]*  
*[T-PVS/Files (2013) 13 – EU report]*
- Ukraine: threats to natural habitats and species in Dniester River Delta  
*[T-PVS/Files (2013) X – Government report]*
- Presumed illegal killing of birds in Malta  
*[T-PVS/Files (2013) 3 – Government report]*  
*[T-PVS/Files (2013) 11 – Complainant report]*  
*[T-PVS/Files (2013) 23 – BirdLife report]*  
*[T-PVS/Files (2013) 28 – EU report]*
- *Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK  
*[T-PVS/Files (2013) 34 – Government report]*  
*[T-PVS/Files (2013) 5 – NGO report]*
- Impact of a project for the regulation of the Danube River on the river's biodiversity  
*[T-PVS/Files (2013) 14 – Government report]*  
*[T-PVS/Files (2013) 4 – Complainant report]*  
*[T-PVS/Files (2013) 13 – EU report]*  
*[T-PVS/Files (2013) X – Ramsar report]*
- Cutting of trees for the expansion of the railway network in Kent (UK)  
*[T-PVS/Files (2013) 29 – Government report]*  
*[T-PVS/Files (2013) 10 – NGO report + addenda]*

#### 4.4 Other complaints

- Hydro power development within the territory of Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)  
*[T-PVS/Files (2013) X – Government report]*  
*[T-PVS/Files (2013) 31 – Complainant report]*
- Implantation of an asphalt plant in a flood risk area with possible threats to the Otter (*Lutra lutra*) and the European Mink (*Mustela lutreola*), France  
*[T-PVS/Files (2013) X – Government report]*  
*[T-PVS/Files (2013) 25 – Complainant report]*
- Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland  
*[T-PVS/Files (2013) X – Government report]*  
*[T-PVS/Files (2013) X – NGO report]*
- Presumed destruction of little mustelid in France
- Presumed threat to bat due to felling of trees in Ukrainian natural reserves

#### 5. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS: REMINDER

- [Recommendation No. 162 (2012) on the conservation of large carnivores populations in Europe requesting special conservation action]  
*[T-PVS/Files (2013) 39 – Governments report]*
- [Recommendation No. 154 (2011) on the European Code of Conduct on Pets and Invasive Alien Species]  
*[T-PVS/Files (2013) 38 – Governments report]*
- [Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)]

#### 6. STRATEGIC DEVELOPMENT OF THE CONVENTION

##### 6.1 Update on international coordination and visibility



**6.2 Short discussion on the possibility of defining the role of Focal points**

**7. 33<sup>RD</sup> STANDING COMMITTEE MEETING**

**7.1 Draft Agenda**

*[T -PVS (2013) 1 – Draft Agenda]*

**7.2 Draft Programme of Activities 2014 - 2015**

*[T -PVS (2013) 8 – Draft Programme of Activities]*

**8. ANY OTHER BUSINESS**

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