

Strasbourg, 4 December 2015
[tpvs24e_2015.docx]

T-PVS (2015) 24

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

35th meeting
Strasbourg, 1-4 December 2015

RECOMMENDATION NO. 175 (2015)
ON THE MONITORING OF THE AGREEMENT
CONCLUDED IN THE FRAME OF COMPLAINT N° 2013/5
(LITHUANIA)

*Document
prepared by
the Directorate of Democratic Governance*



Convention on the Conservation
of European Wildlife and Natural Habitats

Recommendation No. 175 (2015) of the Standing Committee, adopted on 4 December 2015, on the monitoring of the agreement concluded in the frame of complaint No. 2013/5 (Lithuania)

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aim of the Convention which is notably to ensure the conservation of wild flora and fauna, by giving particular attention to species, including migratory species, which are threatened with extinction and vulnerable;

Recalling that Article 4, paragraph 1, of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling Recommendation No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds, whose implementation is monitored by the Standing Committee every two-years;

Recalling the guidance presented in the report [T-PVS/Inf\(2003\)15](#) *Protecting birds from powerlines: a practical guide to minimising the risks to birds from electricity transmission facilities*, informing of the negative impact on many species of wild bird (including migratory species) across Europe and the world, from overhead electricity transmission lines, conductors and towers (including those associated with railway infrastructure) through increased mortality due to electrocution, collision and also through reduction of suitability of staging, wintering and breeding areas, especially when powerlines cross open landscapes;

Being concerned by the decline of many herpetofauna species which are particularly threatened by habitat fragmentation and deterioration;

Understanding the need of contracting parties to invest in energy security, provided that energy developments are implemented in conformity with the spirit and letter of the Convention;

Inviting all Parties to carry out – prior to energy developments – high quality and exhaustive strategic environmental assessment of relevant plans and programmes and environmental impact assessment of planned activities, including the assessment of the cumulative impacts of multiple infrastructures on the species and habitats protected under the Bern Convention, and to consider alternative solutions whenever they are better for the conservation of biodiversity;

Welcoming the assertiveness, the spirit of compromise and the cooperation showed by both Lithuanian authorities and the Rudamina community (the complainant) during the mediation process, in view of an acceptable solution of complaint no. 2013/5,

Recommends that Lithuania:

1. Implements the general and specific measures identified in the “Agreement” (Appendix I), with particular focus on monitoring of the Bern Convention species, as well as on mitigation of potential impacts and the restoration of habitats;

2. Ensure that the construction works and future maintenance of the gas pipeline are carried out in accordance with the “Agreement”, and within the scope and purpose of the Bern Convention;
3. Communicate in an open and fair manner on the results of the reinstatement and monitoring activities;
4. Keep the Standing Committee informed of the implementation of this recommendation.

The Standing Committee further invites the Rudamina community to cooperate, in an open and fair manner, with the Lithuanian authorities and other relevant organisations and Experts, with a view to the smooth implementation of the measures which are the object of this Recommendation.

Appendix to Recommendation No. 175 (2015)

AGREEMENT

THE MEDIATION PROCEDURE IN THE FRAME OF COMPLAINT NUMBER 2013/5: PRESUMED IMPACT OF A CONSTRUCTION OF OVERHEAD POWER LINE (OHL) IN AN ENVIRONMENTALLY SENSITIVE AREA IN THE LITHUANIAN-POLISH BORDERLAND

In order to ensure compliance with the provisions of the Bern Convention in Lithuania, it is agreed that:

- Lithuania needs to invest in its energy security, diversifying its supplies;
- the LitPol Link overhead powerline (OHL) has nearly been completed;
- the original complaint form and subsequent updates comprise areas, from the Žuvintas Biosphere Reserve in the north to the Lithuanian border with Poland in the south-west, which might be impacted by the OHL;
- it is important to strive for the conservation of species, and their habitats, listed under the Bern Convention;
- all research, monitoring and surveys on the Bern Convention species should be planned, and the results communicated, in an open and fair manner consistent with Lithuanian law; and
- the environmental impact assessment (EIA) for the gas pipeline (gas interconnection Poland-Lithuania pipeline, GIPL) was approved by the Environmental Protection Agency on 21 August 2015.

In relation to species listed on annexes to the Bern Convention, it is agreed that:

Amphibians and reptiles

- the Lithuanian population of *Emys orbicularis* is of special concern. To ensure its protection, further information about its present distribution and abundance should be collected. Small open shallow water bodies and small swamps must be conserved and managed;
- in order to ensure the conservation of *Bombina bombina*, *Triturus cristatus*, *Pelobates fuscus*, *Bufo bufo*, *Bufo viridis*, *Rana arvalis* and *Rana ridibunda*, the mosaic of habitats (open waters, swamps, natural grasslands, woodlands, streams and small agricultural areas), providing the interconnections for metapopulations, needs to be conserved and managed;
- there are no special concerns regarding *Lacerta agilis*;

Birds

- for the high-flying bird species (*Botaurus stellaris*, *Ciconia nigra*, *Grus grus*, *Egretta alba*, *Haliaeetus albicilla*, *Circus aeruginosus* and *Circus pygargus*), it is recognised that occasional bird strikes might occur. However, in mitigation of this risk three important flight sectors for migratory birds have been identified as indicated in the EIA report. Appropriate flight diverters will be installed on the optical ground wire (OPGW) through these three sectors;
- the OHL is unlikely to affect the population of *Falco tinnunculus*. However the provision of nest boxes in the vicinity of the OHL will facilitate the conservation of this population;
- no special measures require to be undertaken in relation to the following six bird species: *Crex crex*, *Porzana parva*, *Porzana porzana*, *Tringa glareola*, *Upupa epops* and *Chlidonias niger*; and

Mammals:

- no special provision can be made for wide-ranging species such as *Lynx lynx*.

Furthermore, for the long-term conservation of species listed on the annexes to the Bern Convention, and the habitats in which they live, it is agreed that:

- the preparation of a plan for monitoring of appropriate Bern Convention species, which might be affected by the OHL, will be led by the competent authority. The aim is to agree this plan with interested parties before the end of 2016;
- the corridors of the OHL and GIPL should be reinstated according to the EIA and construction design documentation. They should be managed in a state as near to the original state as is possible for the benefit of the Bern Convention species; and
- consideration should be given to biodiversity offsetting.