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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

32nd meeting
Strasbourg, 27-30 November 2012

REPORT

*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 draft agenda was adopted with amendments.

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, Mr Jan Plesnik, presented the Chairman's report, informing that the work programme of activities for 2012 had been completed in conformity with the decisions taken the previous year, despite the continuous suppression of posts within the Secretariat. The Chair detailed the outcomes of the meetings of the Bern Convention's Group of Experts emphasising on the draft documents which were forwarded to the Standing Committee for analysis and possible adoption. He continued by informing about the work carried out by the Bureau, stressing that the number of complaints lodged under the Convention has again increased in 2012, risking to become a burden for both the Parties and the Secretariat. In order to ensure the efficient and smooth running of the case-file system, the Bureau had decided to amend the online complaint form so to limit its length to three pages, and to set a five-page limit for the attached reports. The Bureau further decided to reduce the number of reporting requests for those complaints which can be forwarded to the Standing Committee directly or for those for which an infringement procedure at the EU level is pending.

The Chair further informed on other issues dealt by the Bureau over the year, including the possibility of a mediation process prior to the opening of case-files; a request of amendment of article 22 of the Convention put forward by Switzerland; budgetary implications for the Bern Convention; and its strategic development.

In addition, the Chair highlighted the excellent progress of Parties towards the setting-up of the Emerald Network and, in this respect he warmly thanked both the European Union (EU) and the European Environment Agency (EEA), through its ETC-BD for the continuous financial and scientific support in the setting-up of the Emerald Network.

Finally, the Chair acknowledged the excellent work carried out by both the Secretariat and the other Bureau members, and concluded by particularly greeting the Vice-Chair, Mr Olivier Biber, who will retire after the Standing Committee meeting. Mr Biber has attended most of the Standing Committee meetings, contributing to the development of the Bern Convention through his strong commitment, scientific, networking and political skills.

Ms Claudia Luciani, recently appointed Director of Democratic Governance, Culture and Diversity, welcomed participants including Contracting Parties, observer countries and representatives from other international biodiversity conventions, international inter-governmental and non-governmental organisations, national NGOs and independent experts.

Ms Luciani declared herself impressed by the substantial work carried out by the Standing Committee and by the very interesting set of monitoring mechanisms established under the Convention, including those which the Parties put in place on a voluntary basis. She was pleased to recall that the Bern Convention has been recognised by the Committee of Ministers as one of the Council of Europe's key Conventions; however, she emphasised on the challenge to navigate between this recognition and the political support which the leadership of the Council of Europe has expressed, and the constraints set by the economic crisis.

Ms Luciani wished to ensure the Parties of her strong commitment to defend the interest of the Convention, within the limits of her mandate. She further referred to the need to broaden the active financial involvement of the Ministries of Environment of Contracting Parties in order to ensure that the Bern Convention receives appropriate, stable and predictable funding for its

effective implementation. In this regards, she expressed her deepest gratitude to the Parties who made voluntary financial contributions to the budget of the Convention in 2012.

She concluded by acknowledging the important financial contribution allocated to the setting-up of the Emerald Network by the European Union which signed a new joint programme for the next four years, targeting seven Central and Eastern European and South Caucasus countries. She stressed that the partnership between the European Union and the Council of Europe is more and more converging on a number of political challenges, which makes it extremely solid and successful.

The Chair thanked the Director for the strong statements in favour of the Bern Convention.

The Chair further asked Observer states and Organisations if they wished to inform the Committee about either the progress towards the ratification of the Convention or their respective activities.

Mr Andreas Streit (EUROBATS), speaking on behalf of the Convention on Migratory Species (CMS) informed the Committee about the CMS strategic plan development process. He emphasised on the links between the Bern Convention and the CMS and other related Agreements, recalling the joint work carried out on the conservation of species and the current mutual interests including invasive species, climate change, the Emerald Network of Areas of Special Conservation Interest, and conservation of birds.

Mr Streit stressed that the future CMS Strategic Plan 2015-2023 will focus on conservation issues rather than on the CMS instruments, which will make it an overarching framework for all of those working towards the conservation of migratory species.

The Chair thanked Mr Streit for his intervention and encouraged both the CMS and the Bern Convention's Secretariats to ensure that the respective programmes of activities are interlinked.

Conclusion: The Committee took note of the information presented by the Chair and the Secretariat on the implementation of the 2012 Programme of Activities.

The Committee welcomed the strong support in favour of the Bern Convention expressed by Mrs. Claudia Luciani, Director of the Directorate of Democratic Governance, Culture and Diversity and thanked her for her statement.

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 presented the updated report on the implementation of the Bern Convention in Switzerland, emphasising on the strength while highlighting also some gaps, including the difficult coordination between the Cantons in charge of biodiversity management, and the conservation of the grey wolf.

The delegate of Switzerland, Mr Reinhard Schnidrig, thanked the consultant for finalising the monitoring report which provides a good overview of the legal framework in place for the implementation of the Convention. However, he wished to complete the information presented with a few important updates, namely following the recent adoption of the National Biodiversity

Strategy. Regarding the wolf, Mr Schmidrig stressed the need to consider this issue in a broader geographical context, namely regarding the population management of the species in the Alps.

The representative of Pro Natura, Mr. Friedrich Wulf, welcomed the informative report but highlighted that only a few updates were introduced since last year. Mr Wulf stressed good progress regarding aspects which were criticised in 2011 and welcomed the adoption of the Swiss Biodiversity Strategy, whose Action Plan is underway. He further referred to the setting up of the Emerald Network, a process for which Switzerland has shown strong commitment. Still, Mr. Wulf highlighted some implementation gaps, and the lack of adequate financial resources for instance to carry out national species and habitat inventories or to train cantonal biodiversity conservation's officers.

Conclusion: The Committee took note of the updated monitoring report, particularly welcoming the most recent developments in the country.

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

In conformity with Article 9, paragraph 2, of the Convention, Parties having made exceptions to Articles 4, 5, 6, 7 or 8 shall present these exceptions in writing.

The Secretariat presented the biennial reports received, stressing that these are made public to enable NGOs, local people and other stakeholders concerned with nature conservation to participate in the monitoring exercise. The Secretariat further informed that the full list of derogation reports received is included in the “Summary table of reporting under the Bern Convention”.

Conclusion: The Committee took note of the biennial reports submitted. It stressed the important role of these reports in the monitoring of the implementation of the Bern Convention, and invited the Contracting Parties which have not yet fulfilled this obligation to do so as soon as possible. The Committee further thanked Azerbaijan who submitted General reports on a voluntary basis.

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

The Secretariat informed that, in a letter addressed to the Secretary General on 16 November 2011, the Swiss government requested 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 reminded the procedure settled down in Article 16 of the Convention.

The delegate of Switzerland presented the facts and the historical background behind the proposed amendment. He recalled that the wolf came back to the country in 1997, causing troubles to the shepherds who had not been prepared to deal with the species. The authorities put in place a framework of regulations which couldn't solve the situation on the long-term. After several debates at the Parliament level, Switzerland requested to the Standing Committee to downgrade the protection status of the wolf. The Standing Committee rejected the proposal in 2005.

Switzerland tried to deal with the presence of the wolf through the so-called wolf concept, which provides a framework allowing shepherds to kill the wolf under certain conditions without changing the protection status of the species. However, at the political level these measures are still considered as insufficient to protect the livestock and the interests of the shepherds. An amendment to Article 22 of the Convention, allowing any Party to make reservations concerning the undertaking made at the moment of the signature, accession or ratification of the Convention if the circumstances in the country have radically changed, would enable Switzerland to downgrade the protection status of the wolf. The delegate stressed that the wolf population is growing and expanding, with more than 20 individuals whose presence has been confirmed.

The delegate of « the former Yugoslav Republic of Macedonia », Mr Aleksandar Nastov, expressed his country's support to the Swiss proposal. In fact, « the former Yugoslav Republic of Macedonia » is facing similar problems, with a wolf population comprising around 1,050 individuals which are strictly protected by law. However, the compensation measures put in place to repair to the financial loss suffered by the shepherds are becoming unsustainable for the country as they represent a budget of around 4 million Euros per year.

The delegate of Norway, Mr Øystein Størkersen, considered that such an amendment could reduce the scope and effectiveness of the Convention since it would allow any Party to introduce reservations for any species at any moment. He further stressed that the interpretation of Article 22 after the amendment could be problematic, particularly regarding the proof of the "radical change" which would justify the reservation. He concluded by noting the opposition of his country to the principle of the proposed amendment.

The delegate of the European Union (EU), Ms Milena Novakova communicated the opposition of the European Union to the proposal of amendment and informed that, in the event of a vote, the EU would represent its 27 Member States.

The delegate of Croatia, Ms Zrinka Domazetovic, informed the alignment of her country to the position of the European Union.

The representative of Pro Natura, Mr Friedrich Wulf, exhorted the Parties to oppose to the request of amendment, and presented three main arguments: the proposal is not in line with international legislation, namely the Vienna Convention on the Law of Treaties and its definition of "reservations"; article 9 of the Bern Convention already allows Parties to make derogations if there is no other satisfactory solution and if the exception will not be detrimental to the survival of the population concerned; there are better alternative solutions to prevent damage to livestock for instance by implementing herd protection measures in co-operation with the farmers in affected areas.

The Secretariat reiterated the procedure, pointing out that, according to Article 13§2 of the Convention, "within the areas of its competence, the European Economic Community shall exercise its right to vote with a number of votes equal to the number of its member States which are Contracting Parties to this Convention (...)". The Secretariat added that the quorum for holding a vote was a majority of the Contracting Parties, and noted the presence of 37 Contracting Parties in the meeting room.

Decision: Taking into account this information, the Chair noted that a vote in favour of the amendment was not possible and, with the consensus of the Contracting Parties, declared the proposed amendment rejected.

Further to the request of the delegate of Switzerland, the Committee instructed the Secretariat to send an official communication to Swiss authorities with advice on how to address the problems encountered so far using existing procedures under the Convention (e.g. Article 9).

PART IV – MONITORING OF SPECIES AND HABITATS

5. MONITORING OF SPECIES AND HABITATS

The Secretariat reminded that Contracting Parties have the possibility to report to the plenary on specific conservation actions which have not been dealt with by the Groups of Experts.

The delegate of Albania informed about the adoption, by the Ministry of Environment, Forests & Water Administration, of the Action Plan for the Conservation of Sea Turtles and their Habitats, which will serve as a roadmap for the development of sea turtle research and protection throughout the country. Its adoption directly contributes to the implementation of International Conventions to which Albania is Party and that include provision for the protection of sea turtles and their habitats.

The President of MEDASSET, Ms Lily Venizelos, emphasised on the presence of both the endangered loggerhead (*Caretta caretta*) and green turtle (*Chelonia mydas*) in Northern Albania. She recalled that, based on the scientific results of a project carried out by MEDASSET, and within MEDASSET's mission to promote sea turtle conservation throughout the Mediterranean, the organisation submitted the Action Plan to the authorities in order to assist the country in its efforts to protect the species.

She concluded by thanking the Ministry for the excellent collaboration which led to this important milestone in sea turtle conservation in the Mediterranean.

The Committee welcomed the information presented.

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 presented the recent, proactive work of the Convention on the topic, mainly focussed on the analysis of pathways of Invasive Alien Species (IAS) introduction in Europe and the elaboration of voluntary instruments. The Secretariat informed on the finalisation of Codes of conduct on IAS and Botanic Gardens, Zoological Gardens and *Aquaria*, and on the drafting of two other Codes of conduct (respectively on Hunting and IAS and on Recreational Fishing and IAS), as well as of guidelines on Protected Areas and IAS.

Mr Vernon Heywood (consultant), presented the Code of Conduct for Botanic Gardens on IAS while Mr Riccardo Scalera (consultant), presented the Code of Conduct for Zoological Gardens and *Aquaria* on IAS.

Several delegations supported the codes presented and welcomed the innovative work of the Convention in this field.

More particularly, the Cyprus Presidency of the Council of the European Union (Cyprus Presidency) on behalf of the EU Member States and Croatia thanked the Secretariat and the experts involved for the preparation of the two Codes of conduct, which were considered as valuable initiatives to protect biodiversity against IAS. The EU Member States and Croatia proposed some few amendments to the texts of the draft Recommendations presented, namely in order to refer to Target 9 of the headline targets adopted by the XI Conference of the Parties to the Convention on Biological Diversity, and Target 5 of the EU Biodiversity Strategy 2020 adopted by the Council of the European Union in June 2011. More particularly on the Code of Conduct for Botanic Gardens, the EU and its Member States and Croatia suggested to recall the work of the International Commission on Phytosanitary Measures within the framework of the International Plant Protection Convention.

The delegate of Norway also wished to thank the consultants for the preparation of the Codes of conduct and to support both draft recommendations stressing, however, that these documents should be probably revised in future to be adapted according to the improvement in knowledge.

The representative of EuroGroup for Animals, Ms Stacey McLennan, particularly welcomed the Code of conduct for Zoological Gardens and Aquaria, and appreciated the emphasis of this code on prevention, as this is recognised as the most cost-effective approach to IAS problem. She further stressed that the endorsement of European Association of Zoos and Aquaria in this code of conduct is beneficial to the strength and potential distribution of the code.

Decision: The Committee took note of the report of the meeting of the Select Group, including the proposals for the future work of the Convention on IAS. The Committee particularly praised the innovative approach of preparing voluntary instruments with the aim of ensuring responsible and proactive policies, and applying these in a coherent manner across Europe.

The Committee amended and adopted the following recommendations:

- Recommendation No. 160 (2012) on the European Code of Conduct for Botanic Gardens on IAS (appendix 5 to this report);
- Recommendation No. 161 (2012) on the European Code of Conduct for Zoological Gardens and Aquaria on IAS (appendix 6 to this report).

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

The Committee took note with satisfaction of the excellent progress achieved in the eradication of the ruddy duck in Europe in 2012, stressing that elimination of birds was going at the cadence required to complete the process in four years. The Committee congratulated in particular the States where the species is still present regularly (Belgium, France, The Netherlands and the United Kingdom) for their efficient work and their plans to further strengthen cooperation on the eradication efforts, and welcomed the vigilance and action by other States where the species has an occasional presence. The Committee noted with satisfaction that such a complex operation of eradication of a species in a whole continent is unprecedented and its success would bring certainly prestige to the Convention.

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 Secretariat presented the work carried out by the Group of Experts in 2012, highlighting that the 7th meeting of the Group has been characterised by very fruitful and enriching debates taking into account all aspects of biodiversity conservation in a climate change context. For the next two years, the Group decided to keep the multidisciplinary approach which has been consolidated so far, to continue the valuable interaction with other interest groups within and outside the Council of Europe, and to continue and improve the monitoring exercise initiated in 2012 as a tool to assist Parties in better focussing their conservation actions.

As requested by the Group of Experts 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) addressed the Standing Committee to briefly introduce the work of the CDDH. Mr Wery stressed that, although the CDDH had not undertaken specific work on climate change in the light of Parliamentary Assembly Recommendation No. 1883 (2009), the Committee has recently published the 2nd edition of a Manual on Human Rights and the Environment to present the emerging principles on environmental protection in a systematic and accessible way. In fact, even if the European Convention on Human Rights does not guarantee an explicit right to a healthy and sound environment, the general standards deriving from it may nonetheless also apply to environmental matters. The electronic version of the Manual is downloadable through the CDDH internet webpage.

Furthermore the Secretariat presented the two draft recommendations produced by the Group and submitted to the Standing Committee for analysis. The Consultant, Mr Nicolas Fournier, representing OCEANA, presented the draft Guidance on Marine Biodiversity and Climate Change, to be eventually appended to Recommendation No. 152 (2011) on the same topic.

The Cyprus Presidency, speaking on behalf of the EU and its Member States, expressed general support for the draft recommendation on conservation translocations as these may become more and more challenging in a climate change context. Regarding the draft recommendation on the effective implementation of guidance for Parties on biodiversity and Climate Change, the Cyprus Presidency particularly welcomed, on behalf of the EU and its Member States, the report “An analysis of the implementation of recommendations made by the Group of Experts on Biodiversity and Climate Change (2006-2010)”, by Prof. Brian Huntley and stressed that on this matter further research, sharing of experiences and improving the knowledge on the dynamics of such possible mitigating measures should be undertaken by the Parties’ competent authorities, relevant stakeholders and organisations. The Cyprus Presidency concluded its intervention by putting forward some minor amendments to both draft recommendations.

The Secretariat and the Chair expressed their warm thanks to the consultants involved in the preparation of the draft documents, and more particularly to the IUCN for submitting so promptly its Guidelines for reintroductions and other conservation translocations to the attention of the Standing Committee to the Bern Convention.

Decision: The Committee took note of the report of the 7th meeting of the Group of Experts and particularly praised the high quality of the speakers as well as of the working documents, emphasising on the interesting, complete and useful agenda.

The Committee welcomed the Guidance on Marine Biodiversity and Climate Change, and decided to endorse it as Annex to Recommendation No. 152 (2011) on marine biodiversity and climate change.

Finally, the Committee examined, amended and adopted the following recommendations:

- Recommendation No. 158 (2012) on guidance for Parties on conservation translocations under changing climatic conditions (appendix 3 to this report);
- Recommendation No. 159 (2012) on the effective implementation of guidance for Parties on biodiversity and climate change (appendix 4 to this report).

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 presented the report of the meeting of the Group of Experts, held in co-operation with the Large Carnivores Initiative for Europe (LCIE), and mainly devoted to two main topics: large carnivore populations still at risk, and problems caused by expanding large carnivore's populations. The Secretariat introduced the two draft recommendations elaborated by the Group and noted the renewed interest of the EU on this issue. In fact, the European Commission has set-up a discussion group, to which the Secretariat of the Bern Convention participate, and will organise a workshop of concerned stakeholders aiming at agreeing on guidelines for large carnivore management in the EU.

The Secretariat concluded by particularly noting the critical situation of the Eurasian lynx in the Balkans and the poaching that had led to the killing of all brown bears in Austria.

The EU Member States and Croatia, as well as Norway and Switzerland proposed a number of amendments to improve the draft recommendations. The Chair noted the relevance of the Convention for conservation of large carnivores, taking into account also social aspects of the wildlife-human conflicts.

Decision: The Committee took note of the report of the meeting and, in particular, of the excellent synergies developed on the topic with the European Commission and the IUCN's Large Carnivore Initiative for Europe (LCIE), as these collaboration was indeed necessary to support Parties in the two main issues in this field: the survival of threatened large carnivore populations and the acceptance of coexistence with large carnivores in areas which they have colonised in the past years and where the different stakeholders need to be involved in the solutions.

The Committee thanked Swiss authorities for the excellent hosting of the meeting.

The Committee examined, amended and adopted the following draft recommendations:

- Recommendation No. 162 (2012) on the conservation of large carnivores populations in Europe requesting special conservation action (appendix 7 to this report);
- Recommendation No. 163 (2012) on the management of expanding populations of large carnivores in Europe (appendix 8 to this report).

5.4 Conservation of birds

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

b. 2nd Conference on Illegal killing of birds in Europe

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 informed that the meeting of the Group of Experts on Birds, initially scheduled to take place in June 2012, had been postponed to 2013 in order to ensure co-ordination with other relevant stakeholders and the proper preparation of the working documents. Thanks to intense consultation and fruitful coordination efforts with the CMS, the Secretariat announced that the meeting of the Group of Experts on birds and the 2nd Conference on Illegal killing of birds will be organised over one week, on 27-31 May 2013, back-to-back to the first meeting of the CMS Working Group on Poisoning. This should allow for greater visibility and participation, better co-ordination at the international level, and a more cost-effective logistic organisation.

The Secretariat stressed that the 2nd Conference on Illegal killing, trapping and trade of wild birds will provide updated information on the issue, focusing on the monitoring of implementation of enforcement measures at the pan-European level. Other interested stakeholders are welcomed to join this initiative as co-organisers. The meeting of the Group of Experts on Birds, jointly convened by the Council of Europe and BirdLife international, will concentrate mainly on the following issues: i. birds and powerlines; ii. the impact of windfarms on birds, including the consistency of the recommendations/guidance set respectively under the Convention and the EU framework, and eventually the need for preparing some pan-European guidance on sensitivity mapping; iii. updating on relevant case-files lodged under the Convention; iv. validating the decisions taken by the participants to the 2nd Conference on the Illegal killing, trapping and trade of wild birds. Another issue of interest could be the possible endorsement of the Species Action Plans revised by the European Union since 2006.

The representative of BirdLife International, Mr Willem van den Bossche, gave a very detailed presentation of the questionnaires prepared for the reporting of Parties respectively on the implementation of the Action Points listed in the Budapest Declaration on bird protection and power lines and on illegal killing, trapping and trade of wild birds. He explained that BirdLife International will be in charge of compiling and assessing the replies received so to present the analysis of the data submitted at next meeting of the Group of Experts on Birds. The Secretariat further informed that the replies to the questionnaires will be expected by end of March 2013. The Parties will receive a reminder letter in January exhorting them to contribute to this monitoring exercise.

The representative of Terra Cypria, Dr Artemis Yordamly, praised the Council of Europe's initiative to organise a second conference on the Illegal killing, trapping and trade of wild birds, focusing on implementation and keeping the momentum and the interest arose on this topic in 2011. She then gave a short update on the situation in the Republic of Cyprus and the British Sovereign Base Areas, where the use of illegal lime-sticking and mist-netting was again unfortunately prejudicial to the birds, particularly during last autumn. Dr Yordamly further informed that Terra Cypria, in cooperation with a major Cypriot media group and the Cyprus Department of the Environment, had been awarded a LIFE project to promote understanding of biodiversity in Cyprus, which would include also the issue of illegal bird killing. Thus Terra Cypria was addressing the question of social awareness; she hoped that the Cypriot and United Kingdom governments would equally meet their obligations towards enforcement. She concluded by congratulating BirdLife on the questionnaires prepared, particularly the one regarding the implementation of the Larnaca Declaration, and requested that NGOs should be included in the reporting process as their input is relevant.

The representative of the AEWA, Mr Sergey Dereliev, informed on relevant actions carried out under the Agreement on powerlines, including a comprehensive report prepared with funding from the German electricity holding on powerlines and electrocution of birds, which will be submitted to the Parties to the CMS for a possible follow-up. He finally noted that the first meeting of the signatories of the Raptors MoU would be held in Abu Dhabi, United Arab Emirates, from 9-11 December 2012.

The Chair thanked all the speakers for their interventions and exhorted the Secretariat and the CMS and its related Agreements to continue working with such a synergistic approach.

Decision: The Committee took note of the information presented by the Secretariat and by BirdLife International. It invited 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

The Secretariat briefly presented the background which led to the preparation of a Draft Charter on the gathering of fungi and biodiversity, stressing that this work was possible thanks to the involvement of the IUCN. The draft text had been circulated electronically to the members of a IUCN Working Group on the Drafting of a European Charter on fungi-gathering before being submitted to the Bureau of the Convention and the Delegates of the Parties. The Secretariat stressed that the draft Charter should be considered as a tool to encourage active conservation through gathering fungi and that, as a side effect, it is hoped that by raising awareness of the importance of fungi for recreation and livelihoods, the Charter will also help obtain better protection for species that needs it.

The delegate of Switzerland, Ms Sarah Pearson Perret, noted that lichens only appear at the beginning of the draft text and considered that it would be appropriate that the final Charter takes them into due account.

The delegate of France, Ms Marianne Courouble, highlighted that the comments sent to the drafters by her authorities were not included in the final draft text. Speaking on behalf of the EU and its Member States and Croatia, she stated that the EU Member States and Croatia are fully aware that the threats the fungi of Europe face should be adequately and promptly addressed in order to achieve sustainable use and comprehensive conservation of biodiversity including ecosystems. However, she noted that the draft text did not seem to take into account policies and initiatives currently existing in many countries and therefore the options proposed would represent a step back in practices and regulations. Before being endorsed, the Charter should recognise the existence of stricter regulations when the national context requires it. In addition, the EU and its Member States and Croatia wished to raise the attention of the Standing Committee of the existence in Europe of flourishing illegal harvesting and trade of fungi which certainly have a detrimental impact of natural habitats. Considering the extent of the problem, the consensual approach of the Charter as regard concertation and responsibilities of harvesters did not seem adequate and in accordance with ground realities.

Decision: The Committee examined the draft European Charter on the gathering of fungi and biodiversity and recognised the need to adequately address the threats that the fungi of Europe face, also in order to achieve sustainable use and comprehensive conservation of biodiversity including ecosystems.

However, the Committee considered it necessary to devote more time to the analysis of the draft Charter and therefore decided to postpone its endorsement to the next Standing Committee meeting.

5.6 Habitats

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

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

The Chair of the Group of Experts on Protected Areas and Ecological Networks, Mr Jacques Stein, presented the progress made by the Group in 2012. As planned in the Emerald Calendar

(2011-2020), the constitution process of the Emerald Network pursued with several activities implemented in the target countries.

Regarding the completion of phase I of the Network's constitution process, a contract for a second European Union/Council of Europe Joint Programme on the setting-up of the Emerald Network in seven Eastern and Central European and South Caucasus countries was signed in October 2012. The project would be officially launched at a side event taking place during the Standing Committee. The new project covers the period 2013-2016 (four years) and will focus on achieving the biogeographical process of Phase II in all seven beneficiary countries.

Moreover, the work on the setting-up of the Emerald Network continued in Switzerland, through a biogeographical seminar to assess the sufficiency of all 37 Swiss candidate Emerald sites, and Norway, where a second technical Emerald seminar provided for a final quality check of the Norwegian Emerald database, as well as for the planning of the process further on. More particularly, the final Norwegian delivery of proposed Emerald sites can be expected at the end of 2012, while a first biogeographical Seminar for Norway should take place in 2013.

Regarding Morocco and Tunisia, the Secretariat recalled the strong interest expressed by both countries to work on the setting-up of the Network if funds were available. An activity targeting both countries is included in the draft 2013 programme of activities of the Convention, pending the allocation of voluntary contributions.

The delegates of Albania and Serbia informed the Committee on the efforts made at national level to streamline Natura 2000 & Emerald processes so to avoid duplication of work and ensure efficient use of resources. However, both countries, as well as Montenegro, shared the difficulties encountered in mobilising the necessary financial resources to continue this work.

The delegate of "the Former Yugoslav Republic of Macedonia" informed that his country will continue to work on both the Emerald and Natura 2000 setting-up processes through a new two-year project to be launched soon. Coordination of activities with NGOs and local communities is an important objective of the project.

The Secretariat insisted on the need to ensure co-ordination of the activities related to the Emerald and Natura 2000 networks at national level, and confirmed its availability for technical support to the countries which may request so.

The Chair of the Group of Experts further informed that a contract was awarded to the European Centre for Nature Conservation (ECNC) for preparing, for the Council of Europe, a draft Action Plan for the setting-up of the Pan European Ecological Network (PEEN). Mr Kristijan Civic (ECNC) explained that the Action Plan builds on the discussions held by the Group of Experts and proposes few simple activities, mainly to urgently address defragmentation, which may be implemented by the Convention to contribute to the development of the PEEN. Requests for voluntary contributions will be sent to the interested Parties in order to eventually start the implementation of the Action Plan under the 2013 Programme of Activities.

The Secretariat further presented the draft resolution concerning the national designation of adopted Emerald sites and the implementation of management, reporting and monitoring measures, which is aimed to become a reference document for concrete functioning of the Network.

Proposals of amendments were presented by the EU Member States and Croatia, while Switzerland sponsored the proposals made by the representative of Pro Natura. Other delegations expressed their support to the Resolution. The delegate of Ukraine, Mr Igor Ivanenko, echoing the comments from other Parties working on the Emerald Network, proposed that the Group of Experts on Protected Areas is instructed to work on the possible ways for transposing the requirements for the Emerald Network at national level, through the national designation of adopted Emerald sites.

Decision: The Committee took note of the report of the Group of Experts meeting in 2012 and welcomed the progress achieved in 2012 in the setting-up of the Emerald Network and expressed its appreciation of the efforts of Contracting Parties and Observer states on that process.

The Committee examined, amended and adopted Resolution No.8 (2012) on the national designation of adopted Emerald sites and the implementation of management, monitoring and reporting measures (appendix 9 to this report).

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

The Secretariat reminded the new terminology adopted for the “proposed Emerald sites”, “candidate Emerald sites” and “adopted Emerald sites”, which corresponds to a certain phase in the constitution process of the Emerald network and therefore shows progress towards its completion.

Two draft lists of sites were submitted to the attention of the Standing Committee: one concerning proposed Emerald sites to be officially nominated as candidate Emerald sites, including 957 sites submitted by 7 Central and Eastern European and South Caucasus countries; a second list of sites was submitted by Switzerland for proposing its 37 already candidate Emerald sites for official adoption as Emerald sites.

Decision: The Committee adopted as Emerald sites the 37 sites submitted by Switzerland, listed in document T-PVS/PA (2012) 14. It further acknowledged and welcomed this adoption as historical since these were the first sites to officially integrate the Emerald Network.

The Committee officially nominated as candidate Emerald sites the sites submitted by 7 Central and Eastern European and South Caucasus countries, listed in document T-PVS/PA (2012) 16.

The Committee expressed its gratitude to the European Union for the financial support provided for four additional years to the setting-up of the Emerald Network in Central and Eastern Europe and the South Caucasus. It further thanked the European Environment Agency and its European Topic Centre for Biological Diversity for their cooperation and scientific and technical support and encouraged a strengthened involvement in particular with regards to the constitution of the Network 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 informed that, in 2012, the Diploma of Protected Areas was renewed to ten diploma holding areas. A successful on-the-spot appraisal was held in the Poloniny National Park (Slovakia) following the difficulties encountered by the national authorities to implement the conditions and recommendations attached to the last renewal of the Diploma. Furthermore, the Secretariat received two new applications for the award of the Diploma, respectively from Armenia (Khosrov State Reserve) and from Ireland (Burren region). The reports and recommendations of the relevant on-the-spot appraisals should be examined by the Group of Specialists in 2013.

The Secretariat further informed that the discussions on the application submitted by the Šumava National Park in the Czech Republic were again postponed in 2012 at the request of the Czech authorities. The reason is the on-going process of drafting a new Act for the Park, including its zoning regulations.

The delegate of the Czech Republic, Ms Alena Vacatkova, apologised for postponing the discussion on the application of the Šumava National Park. She expressed the appreciation of her authorities for the work carried out by the expert who visited the Park. Nevertheless she pointed out that the current priority for the authorities is the preparation of the new Act on the National Park Šumava and related strategic documents, including particularly the management plan which will integrate, as much as possible, the recommendations made following the on-the-spot appraisal. While confirming the interest of the Czech Republic for the European Diploma of Protected Areas, the country preferred to put the application of the Šumava National Park in stand-by for the moment.

Regarding the issue of the renewal of the Diploma for the Belovezhskhaya Pushcha National Park (Belarus), which was pending since 2011, the Secretariat informed that, following the on-the-spot appraisal, the independent expert suggested to the Group of Specialists a renewal for a limited period with conditions and recommendations. After discussing the appraisal's report, the Bureau suggested a renewal for 5 years, compatible with previous practice under the Diploma.

Decision: The Committee welcomed the renewal of the Diploma to ten diploma holding areas and praised the successful result of the on-the-spot appraisal held in the Poloniny National Park (Slovak Republic). It further acknowledged the applications for the award of the Diploma by two areas respectively in Armenia and Ireland.

The Committee examined the Draft Resolution on the renewal of the European Diploma to the Belovezhskaya Pushcha National Park and agreed on the principle of an exceptional renewal for 5 years only. The Draft Resolution will be forwarded to the Committee of Ministers of the Council of Europe for possible adoption.

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: Building of a 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 Secretariat recalled that, in 2004, 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 I, and not to proceed with phase II of the project until certain conditions were met.

In 2008 Ukraine informed the Secretariat that “the works on the Phase II never started and are not going to start until the appropriate procedures are being implemented”.

However, in March 2010, the European Union informed that Ukraine had adopted a decision to start the implementation of Phase II of the Bistroe Channel project.

At its last meeting the Standing Committee decided to keep the case file open and to ask to the three concerned Parties to report on the current state of the situation as well as on the implementation of the provisions included in Recommendation No. 111 (2004).

After examining the reports submitted by the three Parties in February 2012, the Bureau decided to request to Ukrainian authorities the English translation of the analysis of the impacts of the full implementation of the Channel in a transboundary context, and it instructed the Secretariat to request more information to the Ramsar Convention and the European Union.

In August 2012 Ukraine sent both the EIA (as amended in 2009) and the analysis of the impact in a transboundary context. These documents conclude that the Bystroe option would represent 'the least-impact' alternative to the Unesco Danube Biosphere reserve (DBR) in terms of long-term viability with respect to the sustainable natural resource management and suitable governance of anthropogenic activities taking place in the areas of the Bystroe Branch.

The Ramsar Convention couldn't really contribute to the reporting request as no new information was available at the Secretariat. The European Union, informed that in the framework of a new EU-funded project a draft law on Environmental Impact Assessment in Transboundary Context was due to be submitted to the Ukrainian Parliament for adoption at its autumn session.

The Bureau decided to keep the case file open and instructed the Secretariat to contact the European Union, the Convention concerning the Protection of the World Cultural and Natural Heritage, the Espoo Convention, the Ramsar Convention, and the WWF for their opinion on the documents submitted by Ukraine. The Bureau further instructed the Secretariat to request to Ukrainian authorities to forward to the Standing Committee the list of organisations and international experts which participated in the consultation process prior to the finalisation of the EIA.

The Secretariat further summarised the report submitted by the WWF, which was the only organisation which replied to the reporting request. According to WWF analysis, the EIA seems to comply with the formal requirements of EIA but fails to address concrete relevant issues, as for instance: emergency situations are not assessed, the knowledge gaps and the level of uncertainties, the post-project analysis of results of the monitoring and management programmes, the social and economic forecasts, the latest hydro-morphological changes in the Delta, the cumulative environmental impact in the transboundary context. Moreover, WWF considers that the list of measures to reduce the negative impact does not contain institutional arrangements.

The delegate of Ukraine, Mr Igor Ivanenko, presented the EIA stressing that the document went through the assessment of 17 international experts. He explained that the EIA addresses additional aspects that were not considered in previous reports, including a rationale conduct for the transboundary EIA process, information on the socio-economic situation in the areas of the Lower Danube Basin, scientific projections to determine the potential impact of Phase II on the restoration of the environment in the affected zones, an updated assessment of transboundary aspects of some project activities and their habitat loss, considerations of alternative navigation routes and their possible environmental impact. Annex II has been particularly developed to secure answers to questions and comments expressed by the Romanian NGOs, International Non-Governmental Organizations, Romanian Public and representatives of the Romanian authorities.

The delegate of Romania, Mr Liviu Dumitru, thanked Ukrainian authorities for the efforts in improving communication. Yet, he noted that there are still several gaps and shortcoming in the EIA. For instance, the mathematical modelling used by Ukraine is based on data which were not transmitted to the Romanian side, despite several requests in this sense. Moreover, according to the authorities of Romania, the EIA focuses almost exclusively on the impact of the works on the Ukrainian side of the Delta while the transboundary impact is not properly assessed. Therefore Romania is not completely reassured by the EIA as it does not deal with all the environmental consequences rising up from the project and the consultations undertaken under the Espoo Convention where not duly taken into account. Mr Dumitru stressed that Romania requested to Ukrainian authorities to continue the consultations but didn't have a reply. He concluded by reminding that at the fifth session of Meeting of the Parties to the Espoo Convention, the Parties

endorsed the findings of the Implementation Committee to the effect that Ukraine has only partially fulfilled the Espoo requirements regarding the Bystroe Channel, while the Parties to the Aarhus Convention issued a caution to Ukraine giving to the continuous non compliance with the provisions of the Convention. Romania finally requested that the impact of project is further assessed before continuing with the implementation of Phase two.

The delegate of Ukraine informed that the Ramsar Convention has stopped monitoring this file after considering that the conservation of the concerned wetlands is satisfactory.

The representative of the Council of Europe Conference of INGOs, Ms Edith Wenger, wished to support WWF position reminding that there are a series of gaps in the implementation by Ukraine of Recommendation No. 111 (2004) and that it is still unclear how the public consultations regarding the project were organised and which public they addressed. They suggested to consider the proposals made by the WWF, namely to organise an expert workshop under the aegis of the Convention, to exhort Ukraine to include all environmental conservation aspects in the EIA, to carry out again the modelling of the different structural interventions, etc.

Following the debate, the Parties requested the Chair to organise a secret vote to decide on the follow-up to be given to this case-file.

Decision: The Committee took note of the reports of both Ukrainian and Romanian authorities and of comments and concern from other Parties and Observers.

Following a ballot, the Committee decided to keep the case file open.

The Committee further noted that the opinions of some of the stakeholders approached in writing by the Secretariat were still missing. It therefore instructed the Secretariat to reiterate its requests for feedback and to inform the Bureau at its next meeting.

➤ **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 pressures from tourism in a region of Cyprus known for its great environmental value, including notably very important nesting beaches for two species of marine turtles. The Committee has been discussing the case since 1996. Two on-the-spot appraisals were carried out in 1997 and 2002 and a recommendation adopted in 1997.

The sufficiency of the designation of the areas pursuant to the Birds and Habitats Directives is still being dealt with by the European Union and the authorities of Cyprus.

The delegate of Cyprus, Mr Antonis Antoniou, informed that the Cyprus Department of Environment has proceeded to the revision of the Akamas Peninsula mapping using high resolution satellite and aerial images. Additionally, site visits and sampling were also made. Once the information will be properly analysed, appropriate protection measures will be taken. Mr Antoniou concluded by reaffirming that, concerning the “Polis-Gialia” area, the authorities disagree with the claim that the area which has been designated is inadequate. However, he informed that Cyprus is reviewing the monitoring and inspection process in place so to ensure adequate surveillance of the area.

The delegate of Norway stressed that the fact that the file that had been open for sixteen years was a sign that the actions undertaken by the authorities were so far not enough effective to solve the conservation problems encountered. There was a regrettable lack of progress.

The representative of Terra Cypria stressed that, this file has been open for some time because, although some steps have been taken, they are not such as to satisfy the Standing Committee that significant protection is being awarded to the habitats and ecosystems of the Akamas Peninsula, and in particular to the turtles nesting on its coast and on the adjoining coast of

Limni. Regarding Limni, she stressed that this area is directly adjoining Akamas with an even bigger concentration of loggerhead turtles, so neither of the two sites should be considered in isolation. Since Limni represents the case of an unimplemented management plan Terra Cypria was happy to learn from the Cyprus delegate that the protection measures for the area are under revision, though as yet incomplete. She concluded by requested to the Committee to keep the file open.

The delegate of Cyprus insisted that the necessary studies were been done and that turtle nesting beaches were well protected.

The representatives of MEDASSET and the Societas Europaea Herpetologica noted that marine turtles were very threatened in the Mediterranean and that implementation of the Convention and the Habitats Directive was essential. They therefore supported the request made by Terra Cypria.

Decision: The Committee took note of the information provided by the delegate of Cyprus and the representatives of non-governmental organizations. It took further note of the state of progress of the exchanges between Cyprus and the European Commission concerning the supposed insufficient designation of the Natura 2000 area.

The Committee decided to keep the case file open and encouraged Cyprus to fully implement its recommendation N°63 (1997). The Committee further instructed the Secretariat to continue co-ordination with the European Union on this complaint.

➤ **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

The Secretariat recalled that this case was opened to challenge the building of a windfarm at Balchik and Kaliakra which is one of the main migratory routes in Europe. However, the complaint is now acquiring a wider dimension as the windfarm developments in Bulgaria are rising exponentially.

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.

At the last Standing Committee meeting the file was kept open, asking the authorities of Bulgaria to present an updated report and to take into consideration the provisions of Recommendation No. 130 (2007) on the windfarms planned near Balchick and Kaliakra, and other windfarm developments on the Via Pontica route (Bulgaria).

The Secretariat informed that the Bureau didn’t receive timely information by the authorities in 2012. However, it learnt about AEWAs’ worries regarding a new windfarm plan near a key wintering site for the globally threatened red-breasted goose (*Branta ruficollis*) and accepted the invitation of the AEWAs Standing Committee to eventually join an Implementation Review

Process (IRP) mission to the country in order to assess the issue on the ground and to recommend solutions to the Government.

The delegate of Bulgaria, Mr Nikolay Nedyalkov, summarised the report sent by his authorities in September this year, highlighting that, of the 2526 wind energy projects received since 2007, only 117 have been constructed further to obtaining the necessary authorisations. None of these is located in a Natura 2000 area. He further reported on the measures undertaken to implement the relevant Standing Committee Recommendations stressing that, since 2007, no new development has been authorised without fulfilling the EIA/AA procedure. Moreover, the legal framework has been reviewed through the adoption of new Environmental Protection Law and Biological Diversity Law which introduce a 5-year limit of validity for EIA and AA decisions.

He concluded by highlighting that, at the request of the Ministry of Environment and Water, the National Plan of the Renewable Energy Sources was also reviewed and a ban introduced to overcome, reduce and if possible completely eliminate all potential adverse effects that the construction of windfarms may have on the NATURA 2000 sites.

The representative of BirdLife Bulgaria, Ms Irina Nikolaeva Mateeva, summarised the content of the reports submitted by her NGO in 2012, stressing that the EIAs realised for Balchik and Kaliakra areas do not examine alternative solutions or locations or the possible negative and cumulative impacts. She welcomed the recent developments, particularly regarding the legislative framework, but stressed that the ban for new windfarm projects in Dobrudja region does not apply for the already approved projects or those under assessment. She also feared that enforcement of the legislation and its implementation could take too long. She requested the Committee to keep the case-file open and to ask the Bulgarian government for more regular and detailed progress report on implementation of the recommendation, as well as a clear action plan of activities for fulfilling the obligations set under the Convention with regards to the conservation of birds.

The representative of the AEWa, Mr Sergey Dereliev, noted that the windfarm developments along the Via Pontica are a real concern not only because they affect species protected under the AEWa but also in the light of the case opened on the windfarming project for 95 turbines in the vicinity of the Lake Durankulak in Bulgaria, an area of particular importance for the Globally Endangered red-breasted goose as well as a wintering site. Mr Dereliev regretted to note that the AEWa Standing Committee didn't receive a reply to the offer to send an advisory mission on the ground. In fact, the latest information received at the Secretariat was that the procedure was returned to the stage of EIA with the requirement of additional studies and analysis to be conducted. The AEWa wished to acknowledge the steps undertaken by the Government with regard to developing renewable energy sources but noted the delays in implementation, the lack of specific information on progress in the implementation of Recommendation No. 130 (2007), and the lack of certainty concerning how the authorities will address the contentious vast number of already approved wind turbines in areas of high biodiversity value, taking into account that the National Action Plan on Renewable Energy Sources only concerns new project submissions.

He concluded his intervention by making a number of proposals which received the support of the Parties.

Decision: The Committee took note of the report presented by the authorities of Bulgaria, as well as of the concerns of the complainant and other Observers.

The Committee acknowledged the steps undertaken by the Government of Bulgaria with regards to development and adoption of a National Action Plan on Renewable Energy Sources 2011-2020 and other reported measures but noted, at the same time, that concrete progress are delayed and windfarming is still insufficiently regulated.

Considering some of the points of the statement of the Chair of the AEWa Standing Committee, the Committee decided to keep the case-file open and ask the Government of Bulgaria to submit, before the 33rd Standing Committee meeting, a structured, detailed and comprehensive report on the implementation of all provisions of Recommendation No. 130 (2007).

Finally the Committee reiterated its availability for eventually joining an AEWA advisory visit if the authorities of Bulgaria agree to it.

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

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 preservation and promotion of appropriate agricultural practices that may ensure the survival of the declining common hamster (*Cricetus cricetus*) populations in Alsace. A recommendation by the Committee was issued in 1998, after which the situation improved, to be reversed later.

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

The Secretariat presented the case, noting the recent species' decline of the species both in overall number and in number of municipalities where it is present.

The delegate of France presented the Government report noting that the implementation of both the Habitats Directive and the Convention are considered as priorities, but that the obligations related to this specific file have to be implemented in a difficult context of lack of local acceptance of the species which finds it difficult to survive in a changing agricultural landscape. A recovery plan for 2012-2016 is being implemented aiming to reverse the decline in the species, with appropriate incentive measures and restocking of the population. The plan has also a scientific side and promotes awareness on the conservation of the species.

The representative of *Sauvegarde Faune Sauvage* explained the reasons of the decline in the species and noted that it could not be expected to survive in only 9,000 hectares spread over only four municipalities. Although recognising some efforts at the governmental level, the NGO considered that the authorities are not doing enough.

The representatives of the CERPEA, *France Nature Environnement*, *Alsace Nature* and the Conference of INGOs also invited France to speed up efforts and work more closely with municipalities and the farmers to increase the acceptance of the species.

Decision: The Committee took note of the report presented by France and the observations made by the non-governmental organisations. The Committee emphasised on the decline of the species in Alsace, although it congratulated the French government for the agro-environmental programme launched for 2012-2016, wishing that this could result in a tangible increase in the distribution of the species and the number of individuals.

The Committee decided to keep the case-file open until conservation measures bear their fruits and invited French authorities to report to next Standing Committee meeting.

➤ **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

The Secretariat recalled that this case concerns the presence of the American grey squirrel (*Sciurus carolinensis*) in Italy, as a serious threat for the survival of the protected native red squirrel (*Sciurus vulgaris*), and the related potential to turn the invasion of this species into a continental problem.

Two Standing Committee recommendations have been adopted as a follow-up to this complaint, respectively Recommendation No. 78 (1999) on the conservation of the red squirrel

(*Sciurus vulgaris*) in Italy, and Recommendation No. 114 (2005) on the control of the grey squirrel (*Sciurus carolinensis*) and other alien squirrels in Europe. The latter asks 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, in 2011 the Committee noted that the adoption of the draft decree aimed at banning the trade of the species was still a pending issue and thus decided to keep the case-file open.

The Secretariat explained that the two reports submitted by Italy to the Bureau's attention inform about the implementation of the operational part of a LIFE+ project on eradication in Piedmont, Liguria and Lombardy Regions. Some advancement was also reported about the procedure for the adoption of the draft decree, although this was still pending last September. The Bureau forwarded the complaint to the Standing Committee.

The delegate of Italy, Mr Vittorio De Cristofaro, presented the last Government report, submitted in November 2012. He informed about control and eradication, keeping and import, and trade in the species. Regarding the first issue, Mr De Cristofaro recalled that Italy co-funds the LIFE+ project mainly conceived to devise and implement Grey squirrel management actions; the concrete implementation of these measures started in January 2012, unfortunately gaining sharp criticism by animal welfare organisations. Due to an appeal presented by some NGOs to the Regional Administrative Court in Piedmont Region, the eradication measures for which the necessary authorisations had been already delivered are now in stand-by.

However, the action plan is being efficiently implemented in both Liguria and Lombardy Regions despite a wide negative mass-media campaign. In addition, a survey visit by Swiss Canton technicians in charge of IAS control was successfully conducted in Lombardy to evaluate the progress of the grey squirrel management actions.

Regarding the keeping and import of the species, Mr De Cristofaro referred to the international context, recalling that, thanks to a proposal put forward by Italy, the grey squirrel is now listed in Annex B of the EU Council Regulation No. 338/97, thus being now among those species whose introduction into the EU is particularly dangerous to native species of flora or fauna.

Finally, concerning the ban decree, this was signed by the Minister of the Environment and forwarded to the other Ministers involved in animal trade and management for their definitive countersignature. It is expected that the decree be issued by the end of 2012.

The delegate of Switzerland, Mr Olivier Biber, welcomed the progress obtained with eradication on the ground and thanked Italian authorities for their efforts, in a difficult mediatic and social context. However, he stressed that Switzerland will not be completely reassured until the species is completely under control. This is unfortunately a goal which has not been reached yet. He concluded by asking that the case-file is kept open.

The delegate of Iceland, Mr Jón Gunnar Ottósson, wished to highlight that the complaint is under screening since several years now, and that the Committee is expecting the adoption of a decree on banning the trade of the species since at least four years. He hoped that at next Standing Committee meeting the Italian authorities will be able to inform about the enforcement of the adopted decree.

The Chair wished to emphasise that the Bureau also appreciated and acknowledged the efforts done by the authorities, both in the sense of improving communication with the Secretariat and the Bureau, and for eradicating the species on the ground. However, the Bureau also recognised that this process has just started, meaning that the Convention should continue monitoring the situation.

Decision: The Committee took note of the information presented by the delegate of Italy, and acknowledged the regular reporting and the progress in the implementation of a dedicated Life+ project. The Committee further noted that the adoption of the draft decree aimed at banning the trade of the species is expected soon.

However, it stressed that the progression of the species is not yet under control and that eradication efforts are at a beginning stage.

Therefore the Committee decided to keep the case-file open and instructed the Bureau to closely follow-it up. It invited the delegate of Italy to report to next Standing Committee meeting.

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 European green toad (*Bufo viridis*) 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 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.

Noting that the national action plan was still not finalised in 2011 the Committee decided to keep the complaint as a possible file.

The Secretariat informed that the contract with the consultancy tasked with drafting the national action plan had been terminated at the beginning of 2012, and that an agreement had subsequently been signed with the National Museum of Natural History (MNHN) Paris. The Bureau took note of this new development and decided to forward the complaint to the Standing Committee as a possible file.

The delegate of France, Mr Michel Guery informed on the development towards the operational implementation of the regional action plans for the European green toad in Alsace and Lorraine, where the species is identified as a priority one. He detailed the priority actions identified in Alsace and stressed that in Lorraine, some projects which could have an impact on the green toad population or its habitats were left or subjected to compensation measures.

Regarding the National Action Plan, its revised version n° 6 was submitted to the Steering Committee and a meeting was planned for December 2012. The Action Plan addresses some of the issues which were pending in previous versions and takes into account the most recent developments in knowledge and research.

The representative of the *Societas Herpetologica* France (SHF), Mr Jean-Pierre Vacher supported by *France Nature Environnement*, stressed that, despite some progress, the final draft of the National Action Plan has not been released yet and no information is available on the Ministry of Environment's website. He welcomed the decision to designate the MNHN as the instance in charge of the drafting process but requested that the complaint is kept under scrutiny until the Plan is adopted and its implementation started.

The representative of *Sauvegarde Faune Sauvage*, Mr Jean-Paul Burget, supported the views of the representative of SHF, emphasising that the three populations present in the Haut-Rhin (Alsace Region) are decreasing.

Decision: The Committee took note of the information presented by the delegate of France and by the representatives of the NGOs. The Committee further acknowledged progress at local level as well as the collaboration with the Paris Natural History Museum.

The Committee decided to continue monitoring this complaint keeping it as a possible 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)

Noting the absence of delegates of Greece the Secretariat summarised this complaint recalling that it was submitted in August 2010 to denounce supposed uncontrolled development plans at 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 at 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 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.

At its meeting in April 2012 the Bureau instructed the Secretariat to organise an on-the-spot appraisal for putting mediation in place and gathering additional information for the attention of the Standing Committee. In September 2012 Greek authorities informed the Secretariat that its request of agreement for an on-the-spot visit was being duly considered and that a reply would be communicated soon. The Secretariat regretted to inform that no new information had been received since.

The representative of MEDASSET gave a power-point presentation illustrating some few examples of degradation collected in 2011-2012. These included, for instance, the construction of four roads within the core NATURA 2000 area, damaging its unique sand dune system. Although the construction ceased and was deemed illegal by the local Planning Authority, the Prefecture Office of Environment and Water Efficiency, and the Ministry of Environment, MEDASSET stressed that no prosecution has followed, and the authorities have failed to act to restore the damaged sand dunes. Inaction from the authorities seems to be in fact a problem also regarding other disturbing human activities taking place in the area, as for instance, the opening of beach bars (generating light pollution and noise), fisheries with fishing vessels operating too close to the shoreline in the Southern Kyparissia Bay, the use of heavy machinery for levelling, clearing, etc.

Moreover, MEDASSET reported that the Municipality of Trifylia continues the construction of a road network within the Natura 2000 area without either an Environmental Impact Assessment or authorisation from the Ministry of Environment. The Ministry was alerted to these

works, which nevertheless continued unabated in 2012. MEDASSET concluded by requesting that a case-file be open.

The Chair noted that the European Commission issued a Letter of Formal Notice for insufficient protection of the area. He therefore asked the delegate of the European Union to provide updated information.

The delegate of the European Union, Ms Milena Novakova, referred to the report sent to the Secretariat, informing that a field visit was carried out by the Commission services in July 2012. In the light of the findings, as well as the reply of the Greek authorities to the Letter of Formal Notice, the Commission issued in September 2012 a Reasoned Opinion under Article 258 of the Lisbon Treaty for insufficient protection of the area. In case of referral to the Court of Justice of the EU, the Commission does not exclude to ask the Court for interim measures.

The delegate of Norway, Mr Øystein Størkersen, stressed that the situation seems to be very serious and suggested that the Committee send a strong signal to Greece for improving communication and for more complete and sound information on the concrete measures foreseen or eventually implemented to ensure proper conservation of the area.

Decision: Regretting the absence of delegates from Greece, the Committee further stressed the lack of relevant and substantial communications from the authorities. It 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.

The Committee instructed the Secretariat to request to the authorities, the NGOs and the EU, updated and complete reports on this important issue.

➤ **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

The Secretariat informed that this complaint was submitted end of June 2011 by the Middle East Technical University Institute of Marine Sciences, concerning development plans comprising the construction of a road as well as of a new marine terminal near Yesilovacik village (Silifke district, Mersin Province) with possible detrimental impact on the Mediterranean monk seal (*Monachus monachus*), one of the most endangered mammals in the world.

The complainant expressed 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 during the dispersal further east.

The Secretariat recalled that the Bureau decided not to assess the complaint in 2011 so to give Turkish authorities a reasonable deadline to provide a reply.

However, in 2012 only the complainant answered 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 forwarded the complaint to the Standing Committee as a possible file.

The delegate of Turkey, Mr Aybars Altiparmak, presented the government report, stressing that the project was approved after undergoing all EIA procedures. Moreover, an independent evaluation of the EIA was carried out by three Professors from the Ankara University. The authorities further organised a meeting with the complainant to discuss the possible ways forward but, in the meantime, the issue has been brought before the Turkish National Court. Mr Altiparmak concluded his intervention by ensuring that the Turkish Ministry of Forestry and Water Affairs will be monitoring all developments related to this complaint and inform the Secretariat as soon as the Turkish Justice will emit its judgement.

Decision: The Committee took note of the report by the complainant, which was summarised by the Secretariat. It further took note of the information presented by the delegate of Turkey, particularly regarding a complaint pending before a National Court. In light of this new element, the Committee decided to forward the complaint to the Bureau for its follow-up as a complaint in stand-by.

➤ **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 case concerns the decline of a species of fish which is protected under Appendix II of the Convention, the Rhone streber (*Zingel asper*) in two rivers, the Doubs, a river shared by France and Switzerland and the Loue, a river situated in the French departments of the Doubs and Jura. The species is declining due to a combination of factors including pollution, artificial water flows linked to the management of dams, and tourism activities. The different sub-populations are small and isolated, some having been lost in recent years, notably in the 40 km of the lower Loue which are man-made. A LIFE+ project was implemented by France from 2009 to 2010 while in Switzerland both the Federal government and the Cantons of Neuchâtel and Jura are working to improve water quality.

The delegate of France said that French authorities are fully aware of the threat of extinction endangering the species, and that is why it is strictly protected within the national territory. She further informed that, following the LIFE+ project, an action plan was being drafted to be implemented as soon as possible, covering the different conservation aspects involved. She then detailed the measures so far envisaged to address the problem, stressing that Switzerland and France are working together to address comprehensively the issue, including through changes to the operation of the hydroelectric plants, improvement of water quality control of the spread of algae and upgrading of the three weirs to restore migration of the fish into the Clos du Doubs. She concluded by ensuring the commitment of her authorities towards achieving the proper conservation of the Rhone streber.

The delegate of Switzerland confirmed the critical conservation status of the species, noting that its current distribution in the country is limited to a 20-km stretch of the Doubs in Jura, with the population comprising only 80 to 160 adult fish. Supporting the statements made by the delegate of France, the delegate of Switzerland confirmed that the Doubs is however a complex ecosystem subject to much disturbance, some of them arising from the upstream stretches of the river, where the Doubs builds the borderline between France and Switzerland. The main threats for the species have been identified: hydroelectric schemes on the Franco-Swiss Doubs, water quality, breaks in eco-logical continuum and, potentially, leisure and recreational activities. In this context, effective conservation of the species therefore requires action plans coordinated at international level. The Federal Government and the cantons (Neuchâtel and Jura) are working to improve the quality of the habitat and its carrying capacity. The issues are being addressed comprehensively through a governance body institutionalised by France and Switzerland in May 2011. She further said that a sectoral water plan for the Republic and Canton of Jura would be drawn up by 2014. She concluded her intervention by stressing that Switzerland is of the opinion that the overall strategy for the conservation of the Rhone streber and the corresponding operational arrangements are in place. However, the matter remains complex in material terms and some aspects such as the international nature of the problem, the experimental nature of the certain measures already taken and the lack of knowledge of specific issues justify a cautious approach. The efforts undertaken at both federal and cantonal level should be continued and, indeed, stepped up.

The delegate of the European Union, Ms Milena Novakova, informed that the European Commission is currently assessing the River Basin Management Plans (RBMPs) that Member States have prepared for the implementation of the Water Framework Directive (WFD), and will publish an implementation report in November 2012. She said that the Doubs Franco-Suisse sub-basin has indeed been reported as being in bad chemical status from 2006 to 2011, while the ecological status has been good for the last four years (and moderate in 2007). Both improvement on the water management in existing infrastructure and measures to restore the river continuity have been defined as priorities for the first planning cycle (2010-2015).

The representative of Pro Natura illustrated, through informative power-point and video support, the situation in the Doubs. He stressed that this is very serious, needing urgent action and control of sewage, agricultural run off and irregular water flow by hydroelectric plants. He acknowledged the efforts from the concerned governments but requested that a case-file be open, in order to exert a certain degree of pressure which may help speeding-up the implementation of the planned measures. His proposal was supported by the representatives of *Alsace Nature* and *France Nature Environment* who believe that the situation in the Loue is as serious as that in the Doubs.

Decision: The Committee took note with interest of the reports presented by France and Switzerland, as well as the observations made by Pro Natura, *Sauvegarde Fane Sauvage*, *Alsace Nature* and *France Nature Environment* concerning the decline of the species. The Committee noted that the matter was complex and that, although both Parties were doing efforts to improve the situation, the species is in a critical state. The Committee decided to keep the complaint as a possible file and suggested to organise and on-the-spot appraisal in order to prepare a list of recommended actions to be submitted to the Parties at their 33rd meeting. The authorities of France and Switzerland expressed their agreement.

➤ **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

The Secretariat recalled that this complaint 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, Ulupınar – Çıralı community, 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.

The Secretariat further reminded that, in June 2012, the complainant informed that 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 was 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 apologised for the lack of reply to the reporting requests, explaining that the authorities preferred to wait for the Court decision before informing the Secretariat. He

emphasised that, following the ruling by the 2nd Administrative Court of Antalya, the authorities gave back the protection status to the site while waiting for the decision on the appeal.

The representative of MEDASSET welcomed the information provided by the delegate of Turkey and stated it hoped that the re-designation of the area will mean better protection in Cirali. MEDASSET will continue to monitor the situation together with the other NGOs.

Decision: The Committee took note of the information presented both by the authorities of Turkey and by the representative of the NGO. It particularly welcomed the decision of the Antalya Regional Administrative Court, reconverting the area into a 1st degree Natural Site. Stressing that a judicial procedure is still on-going, the Committee decided to forward the complaint to the Bureau for its follow-up as a complaint in stand-by.

6.3 Follow-up of previous recommendations

NB This agenda item is for information only.

➤ **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

The recommendation concerns 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. Six Contracting Parties responded to the reporting request. The conservation of the species is taken into account, either by the national legislation or by their inclusion in the national Red Books. However, only few Parties have adopted specific action plans and started implementing targeted measures. As further confirmed by the report of the European Commission, much remains to be done as more than two-thirds of the amphibians species assessed by the EU Member States by biogeographical region (104) included in the Annexes of the Habitats Directive has an unfavourable conservation status. Furthermore, some 40% of the reptile species assessed presents an unfavourable conservation status, although the MS did not provide enough data to assess the conservation status of 63 of the 149 reptile species.

The representative of *Societas Europea Herpetologica* presented the NGO report pointing out that the lack of implementation of the action plans was partly due to governments not having sufficiently distributed them, particularly in countries where conservation competences are set at the regional/lander level. He stressed the need to address outstanding field survey on the Crested Newt (*Triturus cristatus complex*) and Orsini Viper (*Vipera ursinii complex*) within much of their Eastern European distributions, and without which it remains impossible to implement Recommendation 119 (2006), ie. to identify, protect, and manage their key sites and populations. Furthermore, in challenging three aspects of the UK's report on the implementation of the above mentioned Recommendation regarding Sand Lizard and Great Crested Newt conservation, SEH pointed out that any hopes that potentially relevant Habitat Action Plans (HAP) might improve these two species status are contrasted by the government's own published words that these HAPs could only help if and when these species significance were recognised within these HAPs.

SEH strongly supported the rejuvenation of the Expert Working Group on Herpetofauna as an appropriate mean of progressing the current Action Plans, together with any others that might be agreed in the future.

The delegate of the United Kingdom, Ms Elaine Kendall, informed on the adoption of species action plans by her authorities, and noted that habitat conservation plans were also having a positive impact on species.

The Chair of the Group of Experts noted the great need to increase conservation work on herpetiles and asked the Committee to include a meeting of the Group of Experts in the Convention's programme of activities. He pointed out that the report of the NGOs stresses that many species of amphibians and reptiles do not have a favourable conservation status.

Conclusion: The Committee took note of the reports presented by the States as well as of the observations of the non-governmental organisation concerning the lack or poor implementation of the action plans endorsed by the Committee for amphibians and reptiles.

The Committee insisted on the relevance of species action plans and invited parties to fully 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.

The representative of the FACE, Mr Johan Svalby, who was obliged to leave the meeting before the discussion of this item, requested the Secretariat to convey FACE's comment in relation to the contribution of Albania on the implementation of Recommendation No. 128 (2007), highlighting that the FACE communicated a letter to the Minister of Environment and Forestry of Albania, in which they raise some serious concerns over unsustainable hunting tourism practices in that country, and urge the Minister to consider amongst other aspects applying a proposal for a 4-year moratorium on hunting tourism, in order to use these four years to create adequate structures to regulate hunting tourism in Albania to make it sustainable. FACE remains available to assist with its expertise and knowledge.

Conclusion: The Committee took note of the reports of the Parties showing that hunting is almost everywhere regulated by law and, in general terms, practiced in respect of the principles of the European Charter.

➤ **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.

The Secretariat presented the report of the Parties.

Conclusion: The Committee took note of the reports presented by Parties on potentials invasive alien plants used as biofuel crops and instructed the Secretariat to forward the report to the Group of experts on invasive alien species at its meeting in 2013.

➤ **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

The Secretariat recalled that, 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 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 delegate of France, Mr Samuel Busson, summarised the report of the government stressing that, according to the prefectural order, the work to prepare the ground to ensure the protection and transfer of the Hermann tortoises in the area concerned had started in early February 2012. Moreover, a consultancy had been appointed to perform environmental monitoring of the site and frequent reports were being submitted to DREAL, which checked that the work was progressing properly. He then replied to each of the points raised by the NGOs, 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. Furthermore, the compensation measures on which the CNPN had based its favourable recommendation were likely to ensure the long-term survival of the local Hermann tortoise population.

With regard to the management of the Plaine des Maures National Nature Reserve, the scientific manager had taken up his duties on 1 March 2012 and the scientific board had been appointed; eight technicians were recruited in July, alternating between training to further improve their knowledge of the Hermann Tortoise, and monitoring on the ground.

Decision: The Committee noted that the authorities had implemented all necessary measures and provided sound and complete information on all the points raised by the NGO at last Standing Committee meeting. It therefore decided not to keep the implementation of this recommendation under scrutiny.

➤ **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

The Secretariat recalled that, 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.

The Secretariat informed that, 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.

The delegate of Turkey informed on the measures undertaken to protect the nests in the area, including caging, tagging of animals, awareness raising and monitoring.

The representative of MEDASSET made a detailed presentation based on photo supports showing, despite some efforts from the authorities, lack of guarding and of information signs, litter and light pollution, plantation of introduced species, unregulated motorised waters sports and presence of people and vehicles on nesting beaches at night. MEDASSET stressed that, in 2012, one new wooden hut with a concrete patio was installed on the nesting beach, while a hotel was built on the beachfront, destroying the last section of the remaining wetland. MEDASSET proposed that a file should be open regarding Fethiye SPA, and concluded its intervention by calling upon Turkish government to inform regarding the neutralisation and removal of the toxic waste as well as sea turtle conservation efforts in Kazanlı, and informing the Committee that a new complaint has been lodged before the Convention regarding the Patara SPA.

The delegate of Turkey acknowledged that the images presenting the current situation in Fethiye were “uncomfortable” and stated that he expects matters to improve, as certain organisational issues related to the management of the beaches are expected to be resolved soon.

The delegate of Norway considered that there is reason for concern, but welcomed the conscious reaction of the delegate of Turkey. He therefore suggested, with the support of the delegate of the Slovak Republic, that the file be dealt as a possible file.

Decision: The Committee took note of the detailed information presented by MEDASSET, bringing to his attention new elements regarding the degradation of the nesting beaches at the Fethiye Specially Protected Area (Turkey).

Recalling Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey, and noting that the encouraging measures undertaken by the authorities in 2011 to protect the loggerhead nesting areas seems not sustained since 2012, the Committee decided to consider this file as a possible file at its next meeting.

* * *

Before closing agenda item 6, the Chair exceptionally passed the floor to the representative of Terra Cypria who wished to present an update on the situation of the turtles in the British Sovereign Base Areas. Dr Artemis Yordamli, expressed Terra Cypria’s concern regarding the number of deaths – 30 individuals – recently recorded in and around the SBAs. She recognised that the SBAs Administration has completed a survey but the measures to address the issues of concern have not been promptly implemented. She asked the Committee to urge the authorities of the United Kingdom to report on the issue, as well as to convene a dedicated stakeholder meeting.

The delegate of the United Kingdom, Ms Elaine Kendall, recalled that this item is not anymore on the Standing Committee agenda as the Bureau has properly assessed the situation over more than one year and has finally decided to dismiss the complaint. However, she also stressed that the SBAs administration is willing to engage in, and felicitate, dialogue between the concerned stakeholders on the matter. She declared herself available for informal discussions on the issue.

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

At its previous meeting, the Committee had agreed on the opportunity to make the case-file system more flexible by introducing mediation in the first stages of the assessment of complaints. It asked the Secretariat to present a proposal of modification of its rules of procedure to include this new tool.

The Secretariat summarised the relevant background document and presented a proposal to amend the rules of procedure.

The Cyprus Presidency, speaking of behalf of the European Union, its Member States and Croatia, thanked the Secretariat for the proposal of modification of the Procedures on Opening and Closing of Files to include rules concerning mediation. Noting nonetheless that mediation requires specialist skills and for the procedure to be effective the persons selected should be independent and should also be experienced in mediation techniques, and bearing in mind the need to contain the possible costs of the procedure, the Cyprus Presidency presented a few minor changes to amend the draft Rules of Procedure.

Three non-governmental organisations expressed their concern saying that mediation should not weaken the case-file system. The Secretariat noted that mediation did not substantially change the case-file system but, on the contrary, introduced a supplementary tool.

Decision: The Committee took note of the favourable views expressed by states and observers on the introduction of a system of mediation under the Convention; it further adopted the Rules applicable to mediation as amended, and instructed the Bureau to carefully follow up expenditure related to this new tool within the case-file system so that it remains affordable (appendix 11 to this report).

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

This agenda item was introduced by a video message sent by the Secretariat of the CBD, related to the important role of the Bern Convention in providing the appropriate contribution to the collaborative implementation of the Strategic Plan for biodiversity 2011-2020 and its Aichi Targets.

Furthermore, the Secretariat presented a document summarising the Convention's contribution to the implementation of the decisions taken by the Parties to the Convention on Biological Diversity at their 10th meeting in 2010.

Finally the Consultant, Mr Hervé Lethier, presented his report aimed at identifying priorities for the strategic development of the Convention.

Decision: The Committee took note of the priorities identified for the strategic development of the Convention and welcomed the agreement of the Parties to the proposed approach for future work. It instructed the Bureau to take this strategic approach into account while following-up the implementation of the Programme of Activities and the Convention's contribution to the CBD Strategic Plan 2011-2020.

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 presented the working document explaining that the budget provided by the Council of Europe to the Convention had been cut by approximately 30% in the past two years (around 180,000 €) and that three options were suggested to the Committee: cutting activities; going for a more reliable funding by compulsory contributions by Parties; or maintaining the present, less predictable, system of double funding (Council of Europe and voluntary contributions), based on a “recommended” amount.

The delegate of the United Kingdom, supported by Austria, Belgium, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, the Netherlands, Lithuania, Poland, Romania and Slovakia, recognised the importance of the work of the Bern Convention in conserving European biodiversity and encouraged all Parties to make voluntary contributions to support the Conventions work. Moreover, the above mentioned group of countries wished to highlight the significance of the work on Protected Areas and particularly the Emerald network, and appreciated its harmonization with Natura 2000. Bearing in mind the close link between human rights and the environment, these countries strongly encouraged continued financial support from the Council of Europe to the Convention. While preferring the option according to which the Convention continues to receive both funding from the Council of Europe and from the Parties, the countries recognised the difficult financial context and proposed to orient the funds to priority activities and to cut non-priority ones (Option 1). They further suggested to increase savings wherever possible (for instance using as working language only one of the Council of Europe official languages, asking EU governments to fund their own attendance to meetings, reducing consultancy even for technical and specialised issues, and reduce the number of on-the-spot appraisals) and concluded by exhorting the Bureau to explore further opportunities for additional innovative funding partnerships with private enterprises or organisations.

The delegate of Norway agreed that there is a need for an adaptive approach and, at the same time, it is important to keep the political support and the financial contribution from the Council of Europe so to ensure a link between the Convention and the Ministries of Foreign Affairs. However, he warned that cutting activities would most probably reduce the impact of the Convention and its relevance at both pan-European and global scale. He therefore strongly opted for Option 3, consisting in a “recommended” voluntary contribution from Parties.

The delegate of Switzerland recalled that his country would opt for Option 2, consisting in a binding financial mechanism, which would be the most equitable solution. However, this option would create huge procedural problems to be implemented, including an amendment to the Convention. He therefore expressed Switzerland strong position in favour of Option 3, maintaining the present system of double funding by the Council of Europe and voluntary contributions. However for the latter, the Parties would be provided with an indicative scale for voluntary contributions taking into account the relative economic weight of each Party which would allow them to rely on objective criteria for their voluntary contributions. The delegate of Switzerland also agreed that, whenever and wherever possible, savings have to continue being made. But he stressed that Option 1, entailing drastic budget cuts, is not conducive for the Convention.

The delegations of Albania, Iceland, Georgia, Monaco, Morocco, Senegal, Serbia, “the former Yugoslav Republic of Macedonia”, Tunisia, Turkey and Ukraine agreed on the need to explore further saving opportunities but expressed strong support to the statements made by Norway and Switzerland and declared being in favour of Option 3.

The representative of Pro Natura, relaying the position of a number of NGOs and observers, underlined the crucial importance of the Convention, especially for Parties outside the EU, and also as backing for EU legislation. He underlined that staff reduction from 30 persons to 4 in less than fifteen years is a dramatic development, and that further downsizing will disenable the work of the Convention such as on-the-spot visits and case-files, as well as specialised working groups.

In this context, Option 1, meaning the continuation of the decline, is unacceptable for the civil society, particularly when it is widely recognised that the Council of Europe, being a reference for Democracy and Human Rights in Europe, should continue addressing issues such as biodiversity loss and climate change, as these make the basis of our life on earth vanishing.

The Cyprus Presidency wished to reiterate that the EU and its Member States attach great importance to the Convention and wish to ensure that its valuable work can continue in these difficult financial times. They welcomed the suggestion of the Chair to take the discussions forward within an Advisory working group and looked forward to the opportunity to explore issues with our partners.

Decision: The Committee took careful note of the views of the Parties, particularly regarding the rejection of option 2. The Committee decided to establish an Advisory Group that will work with the Bureau and Chair, and whose terms of reference will be established by the Chair in consultation with the Bureau.

The Committee further instructed the Bureau to carry-out a careful analysis of the opinions expressed by Parties at the Standing Committee meeting, as well as to seek for the views of other States, taking into account also Council of Europe budgetary provisions for the 2014 and 2015. The Bureau is requested to submit to the Committee a draft decision on budgetary matters at its next meeting. The Secretariat was instructed to consult Parties on their possible voluntary contribution and the form in which they prefer to receive financing requests.

7.4 Draft Programme of Activities for 2013

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

The Secretariat presented a proposal of activities for the year 2013, prepared according to the instructions of the Bureau.

Decision: The Committee examined, amended and adopted its programme of activities as it figures in appendix 12.

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

The Committee decided unanimously to invite the following States to attend its 33rd meeting: the Russian Federation, San Marino, Algeria, Belarus, Cape Verde, Holy See, Kazakhstan, Kyrgyzstan, Mauritania, Tajikistan, Turkmenistan, and Uzbekistan.

PART VII- OTHER ITEMS

8. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

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*”.

The Committee elected Mr Jan Plesník (Czech Republic) as Chair.

The Committee elected Ms Snežana Prokic (Serbia) as Vice-Chair.

The Committee further elected Mr Øystein Størkersen (Norway) and Ms Jana Durkošová (Slovak Republic) as Bureau members.

According to Rule 19 of the Standing Committee Rules of procedure, the Committee acknowledged the automatic election of the previous Chair, Mr Jón Gunnar Ottósson (Iceland), as a Bureau member.

9. DATE AND PLACE OF THE 33RD MEETING

The Committee agreed to hold its next meeting on 3rd - 6th December 2013, in Strasbourg.

10. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

The Committee adopted document T-PVS (2012) Misc 1+2.

11. ANY OTHER BUSINESS

None were raised.

APPENDICES TO THE REPORT

- Appendix 1 List of participants
- Appendix 2 Agenda
- Appendix 3 Recommendation No. 158 (2012) on Conservation translocations under changing climatic conditions
- Appendix 4 Recommendation No. 159 (2012) on the effective implementation of guidance for Parties on biodiversity and climate change
- Appendix 5 Recommendation No. 160 (2012) on the European Code of Conduct for Botanical Gardens on Invasive Alien Species
- Appendix 6 Recommendation No. 161 (2012) on the European Code of Conduct for Zoological Gardens and *Aquaria* on Invasive Alien Species
- Appendix 7 Recommendation No. 162 (2012) on the conservation of large carnivores' population in Europe requesting special conservation action
- Appendix 8 Recommendation No. 163 (2012) on the management of expanding populations of large carnivores in Europe
- Appendix 9 Resolution No. 8 (2012) on the national designation of adopted Emerald sites and the implementation of management, monitoring and reporting measures
- Appendix 10 Guidance on Marine Biodiversity and Climate Change
- Appendix 11 Rules applicable to mediation
- Appendix 12 Programme of Activities for 2013
- Appendix 13 List of Parties and Observers having made voluntary contributions to the 2010 activities

Appendix 1

List of participants

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[Apologised for absence / Excusé]

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Appendix 2

AGENDA

PART I – OPENING

- 1. Opening of the meeting and adoption of the agenda**
- 2. Chairman's report and communications from the delegations and from the Secretariat**

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)
 - 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

PART III - INSTITUTIONAL MATTERS

- 4. Request of amendment of Article 22 of the Bern Convention by Switzerland**

PART IV – MONITORING OF SPECIES AND HABITATS

- 5. Monitoring of Species and Habitats**
 - 5.1 Select Group on Invasive Alien Species
 - a. Codes of conduct and draft recommendations
 - b. Monitoring of the European Strategy for the eradication of the ruddy duck (Side event)
 - 5.2 Group of Experts on Biodiversity and Climate Change - Draft recommendations and Guidance
 - 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 on Birds
 - b. 2nd Conference on Illegal killing of birds
 - 5.5 Conservation of Fungi – Draft European Charter on gathering fungi and biodiversity and draft recommendation
 - 5.6 Habitats
 - a. Group of Experts on Protected Areas and Ecological Networks - Progress report and draft resolution
 - b. Setting-up of ecological networks - Progress on the establishment of the Emerald Network

- c. European Diploma of Protected Areas – Adopted resolutions on the renewal of the European Diploma of protected areas

PART V – MONITORING OF SPECIFIC SITES AND POPULATIONS

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 (*Cricetus cricetus*) in Alsace
- Italy: Eradication and trade of the American grey squirrel (*Sciurus carolinensis*)

6.2 Possible files

- France: Protection of the European green toad (*Bufo viridis*) in Alsace
- Greece: threats to marine turtles in Thines Kiparissias
- Turkey: threat to the Mediterranean monk seal (*Monachus monachus*)
- France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the cantons of Jura and Neuchâtel (Switzerland)
- Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)

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) on protection of the Hermann tortoise (*Testudo hermanni*) 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

PART VI – STRATEGIC DEVELOPMENT OF THE CONVENTION

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
 - (Side event) Enhancing synergies among MEA's: the CMS family online reporting system (t.b.c.)
- 7.3 Financing the Bern Convention
- 7.4 Draft Programme of Activities for 2013
- 7.5 States to be invited as observers to the 33rd meeting

PART VII - OTHER ITEMS

- 8. Election of Chair, 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 (items for information only)**

Appendix 3



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 158 (2012) of the Standing Committee, adopted on 30 November 2012 on Conservation translocations under changing climatic conditions

The Standing Committee of 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 aims of the Convention to conserve wild flora and fauna and its natural habitats;

Aware that the conservation of natural habitats is a vital component of the protection and conservation of wild flora and fauna;

Recalling that Article 2 of the Convention requires Parties to take requisite measures to maintain the populations of wild flora and fauna at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic requirements;

Recalling that Article 3 of the Convention requires Parties to undertake to have regard to the conservation of wild fauna and flora in their planning and development policies, and in their measures against pollution;

Recalling that Article 4 of the Convention requires Parties to take appropriate measures to ensure the conservation of the habitats of wild flora and fauna species as well as of endangered natural habitats; and give particular attention to the protection of areas of importance for migratory species;

Recognising that climate change affects biological diversity in the territory covered by the Convention, including species, habitats and the Areas of Special Conservation Interest of the Emerald Network;

Recognising the need to adapt conservation work to the challenges of climate change so as to minimise its impacts on the species and natural habitats protected under the Convention;

Noting that conservation action is becoming increasingly proactive in managing biodiversity wherever it occurs, particularly in a climate change context;

Welcoming the scientific progress which has allowed for an increase in the numbers of comprehensively designed and assessed, carefully implemented and monitored plant and animal reintroductions, with an associated increase in the understanding of scientific principles, ethics and practical issues associated with successful reintroductions;

Further noting that assisted colonisations are expected to be increasingly used in future biodiversity conservation though they remain largely untested;

Emphasising that any conservation introduction (outside indigenous range) brings additional risks, due to the record of species moved outside their indigenous ranges that have become invasive aliens, often with extreme adverse impacts on native biological diversity, ecological services or human livelihoods health and economic interests;

Aware that management solutions based on historical precedence may not always be adequate for future biodiversity conservation needs, particularly because of the lack of certainty over ecological

relationships, inability to predict ecological outcomes, and the increasing complexity of global change;

Recalling Decision X/33 of the Conference of the Parties to the Convention on Biological Diversity on Biodiversity and climate change which invites Parties and other Governments, according to national circumstances and priorities, as well as relevant organizations and processes, bearing in mind that under climate change, natural adaptation will be difficult and recognizing that *in situ* conservation actions are more effective, *to also consider ex situ measures, such as relocation, assisted migration and captive breeding, among others, that could contribute to maintaining the adaptive capacity and securing the survival of species at risk, taking into account the precautionary approach in order to avoid unintended ecological consequences including, for example, the spread of invasive alien species;*

Recalling the EU document “Our life insurance, our natural capital: an EU biodiversity strategy to 2020”, and more particularly its Target 5 aimed at tighter controls on invasive alien species;

Recalling the AEWAs “Guidelines for the Translocation of Waterbirds for Conservation Purposes: Complementing the IUCN Guidelines”, and taking note of Resolution 5.13 of the Meeting of the Parties to AEWAs on Climate change adaptation measures for waterbirds and in particular the annexed guidance framework for climate change adaptation when considering species translocation and ex-situ conservation;

Further recalling ACCOBAMS Guidelines for the release of captive cetaceans into the wild;

Recalling Recommendations No. 122 (2006) of the Standing Committee, on the conservation of biological diversity in the context of climate change; No. 135 (2008) and No. 143 (2009) of the Standing Committee, on addressing the impacts of climate change on biodiversity;

Further recalling Recommendation No. 142 (2009) of the Standing Committee, recommending Parties and inviting Observers to the Convention to interpret the term “alien species” for the purpose of the implementation of the European Strategy on Invasive Alien Species as not including native species naturally extending their range in response to climate change;

Welcoming Decision XI/21 of the Conference of the Parties to the Convention on Biological Diversity on Other matters related to biodiversity and climate change;

Welcoming the report of the Ad Hoc Technical Expert Group on Indicators for the Strategic Plan for Biodiversity 2011-2020 providing the indicative list of indicators to assess progress towards the achievement of the 20 Aichi Targets, as annexed to Decision XI/3 of the Conference of the Parties to the Convention on Biological Diversity on Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, in particular the operational indicators referring to Target 9 and Target 10;

Welcoming Resolution 10.19 of the Conference of the Parties to the Convention on Migratory Species on Migratory Species Conservation in the light of climate change that *inter alia urges Parties and the Scientific Council, and encourages conservation stakeholders and relevant organizations to: consider ex situ measures and assisted colonization, including translocation, as appropriate for those migratory species most severely threatened by climate change;*

Welcoming the report “An analysis of the implementation of recommendations made by the Group of Experts on Biodiversity and Climate Change (2006-2010)”, by Prof. Brian Huntley [doc T-PVS/Inf (2012) 11];

Welcoming and taking into account, for the purpose of the implementation of the present Recommendation, the IUCN guidelines for Reintroductions and Other Conservation Translocations, developed by the IUCN SSC Reintroduction Specialist Group and IUCN SSC Invasive Species Specialist Group in 2012;

Noting the definitions used in the IUCN guidelines for Reintroductions and Other Conservation Translocations and namely:

Conservation translocation: the human-mediated movement of living organisms from one area, with release (applicable to individuals of any taxon) in another, where the primary objective is a conservation benefit; this covers:

1. Population restorations: any conservation translocation to within indigenous range. This comprises two activities:
 - Reinforcement: the intentional movement and release of an organism into an existing population of conspecifics;
 - Reintroduction: the intentional movement and release of an organism inside its indigenous range from which it has disappeared;
2. Conservation introduction: the intentional movement and release of an organism outside its indigenous range. Two types of conservation introduction are recognised:
 - Assisted colonisation: the intentional movement and release of an organism outside its indigenous range to avoid extinction of any/all populations of the target species;
 - Ecological replacement: the intentional movement and release of an organism outside its indigenous range to perform a specific ecological function.

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Undertake conservation translocations only if aimed to deliver a demonstrable conservation benefit in terms of species viability or ecological function. Translocation should therefore be justified, with development of clear objectives, a long-term or permanent management plan, identification and assessment of risks, and with the specification of clear measures of performance;
2. Consider alternative solutions before starting a conservation translocation. In particular, there should be confidence (e.g. via peer-reviewed evidence and in absence of this consideration of best available expert knowledge) that alternative solutions are not more appropriate, including in particular:
 - a. Increased habitat availability (area-based solutions);
 - b. Management of the species or its habitat (species-based solutions);
 - c. Social or indirect solutions, either in isolation or in combination with the above (e.g. habitat restoration and mitigation of pressures);
 - d. Doing nothing, which may carry lower risks of extinction compared to those of alternative solutions.
3. Carefully assess in advance the full range of possible hazards both during a translocation and after release of organisms, including any transboundary impact, taking into account that any translocation bears risks that it will not achieve its objectives and/or will cause unintended damage;
4. Combine proportional risk analysis with conclusions from a feasibility study before deciding whether a translocation should proceed or not. Where possible, formal methods for making decisions based on best evidence should be used. As a general principle, where there is inadequate information to assess that a translocation outside indigenous range bears low risks, the Precautionary Principle should be applied and such a translocation should not be carried out;
5. Consider particularly the ecological risks, including the risk of gene escape in any risk analysis;
6. Where relevant, prioritise the species or populations to be translocated, based on criteria such as their ecological role, their evolutionary distinctiveness or uniqueness, their role as flagship species, their threatened status, or potential as ecological replacements; where species are extinct, consequent changes in the ecosystem can indicate a need to restore the ecological function

provided by the lost species, which can constitute justification for exploring an ecological replacement;

7. Follow the revised IUCN guidelines for Reintroductions and Other Conservation Translocations, developed by the IUCN SSC Reintroduction Specialist Group and IUCN SSC Invasive Species Specialist Group when conducting translocations;

8. Inform the Standing Committee of measures taken to implement this recommendation.

Appendix 4



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 159 (2012) of the Standing Committee, adopted on 30 November 2012, on the effective implementation of guidance for Parties on biodiversity and climate change

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, in accordance with Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and its natural habitats;

Aware that the conservation of natural habitats is a vital component of the protection and conservation of wild flora and fauna;

Recalling that Article 2 of the Convention requires Parties to take requisite measures to maintain the populations of wild flora and fauna at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic requirements;

Recalling that Article 3 of the Convention requires Parties to undertake to have regard to the conservation of wild fauna and flora in their planning and development policies, and in their measures against pollution;

Recalling that Article 4 of the Convention requires Parties to take appropriate measures to ensure the conservation of the habitats of wild flora and fauna species as well as of endangered natural habitats; and give particular attention to the protection of areas of importance for migratory species;

Recognising that climate change affects biological diversity in the territory covered by the Convention, including species, habitats and the Areas of Special Conservation Interest of the Emerald Network;

Recognising the need to adapt conservation work to the challenges of climate change so as to minimise its impacts on the species and natural habitats protected under the Convention;

Bearing in mind that climate change mitigation has a key role in reducing the impacts of climate change on biodiversity and the need for further adaptation measures;

Recalling the CBD Conference of the Parties Decision X/33 on Biodiversity and climate change and its guidance;

Recognising the EU 2020 Biodiversity Strategy, namely the strategic objective aiming at a more climate resilient, low-carbon economy;

Recalling recommendations of the Standing Committee to the Bern Convention: No. 122 (2006), on the conservation of biological diversity in the context of climate change; No. 135 (2008) and No. 143 (2009) on addressing the impacts of climate change on biodiversity; No. 145 (2010) on guidance for Parties on biodiversity and climate change in mountain regions; No. 146 (2010) on guidance for Parties on biodiversity and climate change in European islands, No. 147 (2010) on guidance for Parties on wildland fires, biodiversity and climate change; and No. 152 (2011) on Marine Biodiversity and Climate Change;

Welcoming and bearing in mind the conclusions of the monitoring assessment presented in the report “An analysis of the implementation of recommendations made by the Group of Experts on Biodiversity and Climate Change (2006-2010)”, by Prof. Brian Huntley [doc T-PVS/Inf (2012) 11];

Welcoming Resolution 10.19 of the Conference of the Parties to the Convention on Migratory Species Conservation in the light of climate change and Resolution 5.13 of the Meeting of the Parties to the African-Eurasian Waterbirds Agreement on Climate change adaptation measures for waterbirds;

Welcoming Decision XI/21 of the Conference of the Parties to the Convention on Biological Diversity on Other matters related to biodiversity and climate change;

Welcoming Decision XI/3 of the Conference of the Parties to the Convention on Biological Diversity on Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets;

Acknowledging that most Parties already recognise the need to take action in relation to the conservation of biodiversity in the face of climate change;

Noting that many Parties reported actions relating to the development of policies, strategies or legislative measures designed to address specifically the issue of biodiversity conservation in the face of climate change;

Welcoming in particular many excellent examples of good practice which were identified, especially those where the embedding of consideration of biodiversity issues cross-sectorally has already been achieved, where win-win solutions are being adopted for adaptation and/or mitigation, where the development of ecological networks is already underway, where the need to embed national actions in their international context has been recognised, where systematic evaluations of species' vulnerability to climate change have been made using species' distribution models, and where a national vision underpins a series of coherent actions aimed at addressing both the limitation of climate change and its inevitable impacts;

Concerned by the gaps identified with regards to those specific and practical actions most directly related to minimising the negative effects of climate change on biodiversity, and especially upon species and ecosystems already under threat from other pressures;

Recalling the desirability and benefits of adopting adaptive management practices;

Stressing that many of the actions recommended can almost certainly be commenced under existing conservation legislation in the Parties;

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Urgently implement the practical conservation measures that have been recommended by the Group of Experts and encourage appropriate national bodies involved in nature conservation to adopt and use them as resources permit; urgent action should more particularly focus on implementing adaptive management practices and strategies, enhancing the adaptive capacity of vulnerable species (rare/endemic/threatened), minimising pressures and threats on species and habitats that are most vulnerable to climate change, and implementing monitoring of, *inter alia*; species' population trends, species behaviour, including phenology, and climate change impacts upon critical areas;
2. Take further steps to develop ecological networks, to promote and enhance the permeability of landscapes generally, and also enhance their protected areas networks, as appropriate, by increasing the extent of existing sites, designating new sites and establishing buffer zones, and ensuring they are sustainably and adaptively managed;
3. Take an appropriately long-term view, based on adaptive management methodologies, when formulating management plans and strategies for protected areas management;
4. Adopt, as appropriate, a more holistic approach when formulating strategies and plans for ecological networks or protected areas, and when developing conservation or recovery plans

for individual species. In particular, encourage the general adoption of the examples of good practice reported, especially by Switzerland and Ukraine, with respect to taking into account their international context when planning ecological networks, and to developing networks and protected areas in partnership with their neighbours;

5. Adopt measures that encourage biodiversity conservation to be embedded across other sectors and taken into account when formulating policies or strategies for those sectors, also by informing policy-makers across the Parties about the opportunities for win–win solutions, for instance through the development and use of ecosystem-based approaches, when developing strategies for adaptation to climate change by their sector as well as for mitigation measures;
6. Undertake knowledge transfer activities using existing mechanisms, to encourage awareness by other stakeholders and the general public of the challenges posed and opportunities presented by climate change when considering biodiversity conservation, including its links to other sectors and the opportunities for win–win solutions;
7. Take account of the potential increased risk of wildfires as a result of climate change and embed, as appropriate, mitigation measures for consideration of this risk into protected area management plans;
8. Adopt the good practice, identified in the case of the United Kingdom, of implementing measures for the assessment of introductions that include assessment of the impacts of projected climate changes on species' invasion potential;

Further instructs the Bern Convention Group of Experts on biodiversity and climate change to:

1. Take all necessary steps to ensure that the importance of the issue of climate change on biodiversity, and understanding the role of biodiversity in adapting to and mitigating the effects of climate change is well recognised by all Contracting Parties;
2. Promote awareness among Contracting Parties of the examples of good practice identified and urge their implementation;
3. Ensure that those persons preparing reports from Parties for the Group of Experts are fully informed about relevant activities, for example monitoring activities, being undertaken in their country, thus avoiding spurious identification of gaps in the activities of that Party or of priorities for new actions by the Party;
4. Assess the potential for introduced species already present in the national territory of Contracting Parties to become invasive under future climate conditions, in close co-operation with the Group of Experts on Invasive Alien Species, and using information and methodologies developed in other *fora*, where appropriate;
5. Inform the Standing Committee on the progress made in the implementation of this Recommendation.

Appendix 5



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 160 (2012) of the Standing Committee, adopted on 30 November 2012, on the European Code of Conduct for Botanic Gardens on Invasive Alien Species

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, in accordance with 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 under Article 11, paragraph 2.b of the Convention, each Contracting Party undertakes to strictly control the introduction of non-native species;

Recalling Decision VI/23 of the 6th Conference of the Parties of the Convention on Biological Diversity, on Alien species that threaten ecosystems, habitats or species, and the definitions used in that text, as well as the conservation guidelines of the Africa-Eurasian Migratory Waterfowl Agreement;

Recalling its Recommendation No. 99 (2003) on the European Strategy on Invasive Alien Species;

Recalling its Recommendation No. 134 (2008) on the European Code of Conduct on Horticulture and Invasive Alien Plants;

Recalling that the 10th Conference of the Parties of the Convention on Biological Diversity adopted the Strategic Plan for Biodiversity 2011-2020 with its 20 headline Aichi targets for 2020, in particular Target 9 devoted to invasive alien species (IAS): “By 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”;

Recalling the EU biodiversity strategy to 2020, adopted by the Council of the European Union in June 2011, and in particular its Target 5, calling on Member States to combat IAS so that by 2020, IAS and their pathways are identified and prioritised, priority species are controlled or eradicated, and pathways are managed to prevent the introduction and establishment of new IAS;

Recalling the International Commission on Phytosanitary Measures Recommendation ICPM-7/2005 within the framework of the International Plant Protection Convention;

Noting the need to co-operate with Botanic Gardens and Arboreta in the prevention of the introduction and spread of new invasive alien species into the territory of the Convention;

Referring to the European Code of Conduct for Botanic Gardens on Invasive Alien Species [document T-PVS/Inf (2012) 1];

Recommends that Contracting Parties:

1. draw up national codes of conduct for botanic gardens on invasive alien species taking into account the European Code of Conduct mentioned above;
2. collaborate as appropriate with the botanic gardens and arboreta in implementing and helping disseminate good practices and codes of conducts aimed at preventing release and proliferation and spread of invasive alien species;

3. consult, when possible, the botanic Gardens and arboreta in the identification of priority invasive alien species and in the preparation and implementation of mandatory measures to tackle priority invasive alien species;
4. keep the Standing Committee informed of measures taken to implement this recommendation;

Invites Observer States to take note of this recommendation and implement it as appropriate.

Appendix 6



Convention on the Conservation of European Wildlife and Natural Habitats

Recommendation No. 161 (2012) of the Standing Committee, adopted on 30 November 2012, on the European Code of Conduct for Zoological Gardens and *Aquaria* on Invasive Alien Species

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, in accordance with 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 under Article 11, paragraph 2.b of the Convention, each Contracting Party undertakes to strictly control the introduction of non-native species;

Recalling Decision VI/23 of the 6th Conference of the Parties of the Convention on Biological Diversity, on Alien species that threaten ecosystems, habitats or species, and the definitions used in that text, as well as the conservation guidelines of the Africa-Eurasian Migratory Waterfowl Agreement;

Recalling its Recommendation No. 99 (2003) on the European Strategy on Invasive Alien Species;

Recalling that the 10th Conference of the Parties of the Convention on Biological Diversity adopted the Strategic Plan for Biodiversity 2011-2020 with its 20 headline Aichi targets for 2020, in particular Target 9 devoted to invasive alien species (IAS): “By 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”;

Recalling the conclusions of the Ad Hoc Technical Expert Group meeting (2011) on addressing the risks associated with the introduction of IAS as pets, aquarium and terrarium species, and as live bait and live food, organised within the framework of the Convention on Biological Diversity;

Taking note of the conclusions of the 11th Conference of the Parties of the Convention on Biological Diversity, in particular Decision XI/28 on Invasive Alien Species: Ways and means to address gaps in international standards regarding invasive alien species introduced as pets, as aquarium and terrarium species, and as live bait and live food;

Recalling the EU biodiversity strategy to 2020, adopted by the Council of the European Union in June 2011, and in particular its Target 5, calling on Member States to combat IAS so that by 2020, IAS and their pathways are identified and prioritised, priority species are controlled or eradicated, and pathways are managed to prevent the introduction and establishment of new IAS;

Noting the need to co-operate with Zoological Gardens and *Aquaria* in the prevention of the introduction and spread of new invasive alien species into the territory of the Convention;

Referring to the European Code of Conduct for Zoological Gardens and *Aquaria* on Invasive Alien Species [document T-PVS/Inf (2011) 26 rev];

Recommends that Contracting Parties:

1. draw up national codes of conduct for zoological gardens and *aquaria* on invasive alien species taking into account the European Code of Conduct mentioned above;

2. collaborate as appropriate with the zoological gardens and *aquaria* in implementing and helping disseminate good practices and codes of conducts aimed at preventing release and spread of invasive alien species;
3. consult, when possible, the zoological gardens and aquaria in the identification of priority invasive alien species and in the preparation and implementation of mandatory measures to tackle priority invasive alien species;
4. keep the Standing Committee informed of measures taken to implement this recommendation;

Invites Observer States to take note of this recommendation and implement it as appropriate.

Appendix 7



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 162 (2012) of the Standing Committee, adopted on 30 November 2012, on the conservation of large carnivores populations in Europe requesting special conservation action

The Standing Committee of 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 aims of the Convention to conserve wild flora and fauna and its natural habitats;

Wishing to promote co-existence of viable populations of large carnivores with sustainable development of rural areas in appropriate regions;

Aware that the drafting and implementation of Action Plans may be a useful tool to address the conservation of large carnivore populations in Europe;

Recalling its Recommendations No. 115 (2005) on the conservation and management of transboundary populations of large carnivores and bearing in mind the importance of core (source) populations for transboundary migration and dispersal as well as viability of large carnivores' populations in neighbouring States, and also recalling its Recommendation and No. 137 (2008) on population level management of large carnivores populations;

Recommends that:

1. Brown bear in Central Italy

- Italy implements without delay the Action Plan for the Conservation of the Marsican brown bear, encouraging closer cooperation among the different national and regional authorities involved well as the Abruzzi National Park.

2. Wolf in Italy

- Italy pursues efforts to control hybrids, drafting and implementing a strategy aimed to reduce progressively the genetic pollution affecting wolf in Italy.

3. Brown bear in the Balkans

- Bosnia and Herzegovina and Montenegro urgently draw up management plans for brown bear carrying out the necessary surveys and relaying on the expertise of other countries of the region so as to integrate their conservation efforts into a wider South-East context.

4. Eurasian lynx in the Balkans

- Albania and "the former Yugoslav Republic of Macedonia" draw up and implement, as a matter of urgency, action plans for the last remaining autochthonous population of lynx in the region, using as appropriate the strategy for the Conservation of the Balkan lynx in Albania and "the former Yugoslav Republic of Macedonia";

- "the former Yugoslav Republic of Macedonia" assesses the environmental impact on lynx population of the dams in the Mavrovo National Park, a site identified as a candidate for the Emerald Network, considering the abandonment of the project if the dam risks to endanger the lynx population.

5. Large carnivores in South-East Europe

- Albania, Bosnia and Herzegovina, and “the former Yugoslav Republic of Macedonia”: assess the effect of new transport infrastructures on large carnivores, introducing corrective measures whenever they are likely to produce new fragmentation that may endanger large carnivores’ populations.

6. Large carnivores in Eastern Alps

- Austria and Italy establish and implement more stringent conservation measures of large carnivores in the Eastern Alps, controlling the high death rate of carnivores in that area, so that natural colonisation by wolf, lynx and bear may continue in the favourable habitat available for those species.

7. Wolf in the Iberian Peninsula

- Spain urgently conducts a survey of wolf in Sierra Morena, taking all the necessary steps to avoid the decline and disappearance of that important population;

- Portugal and Spain conduct national surveys of wolf, mapping packs with the standard agreed methodology for the whole Iberian Peninsula.

8. Large carnivores in the Caucasus

- Armenia, Azerbaijan and Georgia implement, without delay, Recommendation N° 148 (2010) on the conservation of Large Carnivores in the Caucasus, paying special attention to conducting the necessary surveys, improve herbivore densities, devote efforts to train the necessary experts and consider-as appropriate the launch of a survey programme for leopard;

- Armenia, Azerbaijan and Georgia identify, in new territories, areas, which have favourable habitats for large carnivores and that, are at present not colonised.

9. Large carnivores in the Carpathians

- Concerned States strengthen cooperation, adopt a population level management approach and ameliorate as needed their monitoring systems so as to improve management through the use of better assessment tools; and cooperate, as appropriate, with the Alpine Convention.

10. Large carnivores in Slovak Republic

- The Slovak Republic continue to present participatory efforts to conclude and implement a national action plan for the brown bear; consider drafting and implementing action plans for lynx and wolf.

Appendix 8



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 163 (2012) of the Standing Committee, adopted on 30 November 2012, on the management of expanding populations of large carnivores in Europe

The Standing Committee of 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 aims of the Convention to conserve wild flora and fauna and its natural habitats;

Welcoming the natural expansion of population of large carnivores in Europe, as these species play a key ecological role in natural and semi-natural habitats;

Wishing to promote co-existence of viable populations of large carnivores with sustainable development of rural areas in appropriate regions;

Noting that expanding populations of large carnivores can be associated with a wide range of social conflicts, including conflict with livestock rearing, game resources, other human interests and the fear they can induce in many people, particularly in areas recently colonized by large carnivores;

Taking into account the importance of acceptance of local people for the success of large carnivore management;

Recalling its Recommendations No. 115 (2005) on the conservation and management of transboundary populations of large carnivores and No. 137 (2008) on population level management of large carnivore's population;

Recommends that Contracting Parties to the Convention:

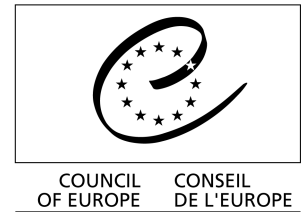
1. Address the issue of expanding large carnivores populations, *inter alia* by :
 - Improving social acceptance of large carnivores and understanding of their habitats;
 - Addressing conservation of large carnivores in a long-term perspective and taking into account their large-scale distribution;
 - Establishing the necessary partnerships with different interest stakeholders;
 - Promoting appropriate methods and practices to mitigate or avoid predation

In that context, welcome the natural expansion of large carnivores' populations, especially where this may help a population to reach a satisfactory conservation status and/or improve its genetic variability;

2. Collaborate as appropriate in the above with other states sharing the same population, thus implementing the population level management approach endorsed in its Recommendation No. 115 (2005);

3. Where large carnivores are hunted, carry out sound monitoring of those species and fix hunting quotas taking into account their conservation status, the sustainability of present population and their natural expansion.

Appendix 9



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Resolution No. 8 (2012) of the Standing Committee, adopted on 30 November 2012 on the national designation of adopted Emerald sites and the implementation of management, monitoring and reporting measures

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,

Considering Articles 3 and 4 of the Convention;

Having regard to its Resolution No. 1 (1989) on the provisions relating to the conservation of habitats;

Having regard to its Recommendation No. 16 (1989) on Areas of Special Conservation Interest (ASCI);

Having regard to its Resolution No. 3 (1996) on the setting-up of a pan-European Ecological Network;

Recalling its Resolution No. 5 (1998) concerning the rules for the Network of Areas of Special Conservation Interest (Emerald Network);

Bearing in mind the CBD Strategic Plan for Biodiversity 2011-2020, including the Aichi Biodiversity Targets, in particular Target 11 establishing a conservation target of 17% of terrestrial and inland water areas and 10% of marine and coastal areas and Target 12 aiming to prevent the extinction of known threatened species and to improve and sustain their conservation status, particularly of those most in decline;

Bearing in mind the CBD Conference of the Parties Decision XI/24 on protected areas and noting IUCN Resolution 5.40 on Endorsement and uniform application of protected area management guidelines;

Recalling the Calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest (2011-2020) [document T-PVS/PA(2010)8], committing Contracting Parties and Observer states to the Bern Convention to the completion of the Emerald Network constitution process by 2020;

Expressing its appreciation for the considerable efforts and on-going work of Contracting Parties and Observer states on the constitution of the Emerald Network on their territories;

Recognising the work of the European Union and its Member States on the development of the Natura 2000 Network and their current efforts on improving the management of the Network and achieving a favourable conservation status for threatened species and habitats;

Recalling Article 2c of Resolution No. 1 (1989), which interprets the term “conservation” as the *“maintenance and, where appropriate, the restoration or improvement of the abiotic and biotic features which form the habitat of a species or a natural habitat (...), and includes, where appropriate, the control of activities which may indirectly result in the deterioration of such habitats (...)”*;

Considering that paragraphs 3a and 4a of Recommendation No. 16 (1989) on Areas of Special Conservation Interest recommend that steps are taken by Contracting Parties either by legislation

or otherwise, to ensure that the areas “*are the subject of an appropriate regime, designed to achieve the conservation of the areas*” as well as to “*draw up and implement management plans which will identify both short- and long-term objectives*”;

Considering that Recommendation No. 16 (1989) further recommends Contracting Parties to “*review regularly or continually in a systematic fashion their performance in the implementation of (...)*” the Emerald Network as well as that “*appropriate ecological and other research is conducted, in a properly co-ordinated fashion, with a view to furthering the understanding of the critical elements in the management of such areas and to monitoring the status of the factors giving rise to their designation and conservation*”;

Considering that Resolution No. 5 (1998) concerning the rules for the Network of Areas of Special Conservation Interest requests the Governments to “*undertake surveillance of the conservation status of species and natural habitats in designated ASCIs*” and “*to inform the Secretariat of any important changes likely to affect negatively in a substantial way the ecological character of the designated ASCIs or the conditions having justified their designation*”;

Conscious that monitoring and reporting of the management of the Emerald sites is essential for ensuring the efficiency of the Emerald Network in the long-term for achieving its objectives and that its features should be decided upon as soon as the national designation of the Emerald site as Area of Special Conservation Interest takes place;

Bearing in mind that for Contracting Parties which are Member States of the European Union, the Emerald Network sites are those of the Natura 2000 Network and that the procedures established under the European Union Directives 2009/147/EC (codified version of the amended Directive 79/409/EEC) and 92/43/EEC are those to apply for them;

Resolves to adopt the following rules for the national designation of Emerald sites:

1. National designation

1.1 Parties will designate, by national legislation or otherwise, the sites on their territory adopted as Emerald sites by the Standing Committee to the Bern Convention, as foreseen in the Calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest (2011-2020).

2. Management

2.1 The national designation of the adopted Emerald sites will ensure that they are protected from external threats and subject to an appropriate regime for achieving a satisfactory conservation status of the species and natural habitats listed in Resolutions no. 4 (1996) and no. 6 (1998) present on the site, involving, if and where appropriate, management plans, administrative measures and contractual measures;

2.2 The authorities responsible for the implementation of the management measures and their monitoring will be clearly identified;

2.3 Specific short and long-term site objectives will be drawn up for the management of Emerald sites, in compliance with the national/regional conservation objectives of the country, in order to facilitate the monitoring of their implementation and the regular assessment of their achievement;

2.4 National, regional and local stakeholders will be involved, if and where appropriate, in the planning of the management of the sites, as well as in the implementation of the conservation and protection measures foreseen, and in the monitoring of the sites' management.

3. Monitoring

3.1 Parties will ensure that a monitoring framework forms an integral part of the management plans and/or other administrative measures taken for the designation of Emerald sites;

3.2 The monitoring of the site's management will comprise regular surveillance of the implementation of the conservation regime and of the conservation status of the species populations and natural habitats -in particular those listed in the Standing Committee's

resolutions no. 4 (1996) and no. 6 (1998)- and/or of other factors giving rise to the designation of the area as specified in paragraph 1 of Recommendation 16 (1989);

- 3.3 The regular surveillance of the conservation status of species and natural habitats for which the sites has been designated will comprise appropriate scientific and ecological research, aiming at identifying whether it contributes to the long term survival of the species and habitats.

4. Reporting

- 4.1 Parties will report to the Secretariat of the Bern Convention on the conservation status of species and habitats listed in Resolutions No. 6 (1998) and No. 4 (1996) of the Standing Committee to the Bern Convention;
- 4.2 The report will be submitted in English, every six years from the date of the adoption of this Resolution and shall reflect the previous period of six years;
- 4.3 The Group of Experts on Protected Areas and Ecological Networks will prepare a reporting format to be used for the purposes of this reporting.

Appendix 10



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Guidance on Marine Biodiversity and Climate Change, endorsed on 30 November 2012 to be annexed to Recommendation No. 152 (2011) on Marine Biodiversity and Climate Change

Guidance

This guidance draws on the expert reports commissioned by the Council of Europe and discussed by the Group of Experts on Biodiversity and Climate Change at its meeting in 2011. The conclusions and recommended actions provided below stem from expert reports and the discussions on marine ecosystems in the Group of Experts. This guidance complements the suggested actions endorsed by the Standing Committee in 2011 (Recommendation No. 152), which in turn should be further completed and updated in the future, including a potential revision of the proposed recommendations. Measures that may be considered as appropriate for addressing the impacts of climate change on marine biodiversity, for the purposes of the application of the Convention, are listed for consideration by Contracting Parties.

This guidance aims at providing Parties and Observer States with suggestions of concrete conservation actions to be implemented voluntarily to deliver effectively against the objective of Recommendation No. 152 (2011). Other complementary measures may be identified by governments as equally appropriate to their particular circumstances and concerns. Notwithstanding these adaptation measures, there is an urgent need for climate change mitigation actions at local, regional, country and global levels. Effective mitigation is crucial to contain climate change to levels within which we may have a reasonable chance of achieving effective adaptation. However, addressing mitigation lies outside the scope of these recommendations.

The effects of climate change on marine ecosystems and their biological communities are complex. The impacts of a changing climate on the species and habitats protected by the Bern Convention may differ widely, depending on the species and the interactions with other species and/or their habitats, as well as according to location. The negative effects that climate change mitigation and adaptation measures, taken in other sectors, may have on species, habitats and ecosystems services provided, should also be considered in order to avoid further degradation.

I. Marine systems vulnerability to climate change

Climate change is one of the most critical issues currently facing biodiversity conservation, and marine ecosystems are among the most vulnerable to its impacts. Climate change impacts on the oceans are complex and diverse, and include changes in water temperature, salinity, sea level, ocean circulation and mixing, nutrient levels, ice cover, pH, and the frequency and intensity of storm events.

Global climate models predict, with high confidence, a 1.8-4°C rise in average surface air temperatures, associated with a 1.5-2.6 °C increase in sea surface temperature along with a 0.18-0.59 m rise in average sea level by the end of this century¹. In European waters, sea surface

¹ Pachauri, R.K. and Reisinger, A. (Eds.) (2007): Contribution of Working Groups I, II and III to the 4th Assessment Report of the Intergovernmental Panel on Climate Change; IPCC, Geneva, Switzerland.

temperatures are increasing more rapidly than the global average, and the level of some European seas may also rise more than global average projections². Given the magnitude of predicted climatic changes and the wide range of chemical and physical changes that may result within the oceans³, it is clear that marine ecosystems will also be significantly affected by climate change, although the precise nature of these changes is difficult to predict.

Nevertheless, a large and growing body of evidence suggests multiple, significant climate impacts on marine species, across trophic levels and ecosystems. For example, ocean chlorophyll records show that annual primary production in the global ocean has decreased by more than 6% since the 1980s in relation to rising temperatures⁴. Because primary production represents the basis of the marine food web, such changes have considerable implications for the marine biosphere. Climate-driven shifts in species distributions have been observed in many marine groups⁵, including zooplankton⁶, invertebrates, and fish^{7,8} as reactions to climate warming are predicted to occur quicker in marine systems than terrestrial ones⁹.

Such movements are projected to result in significant changes in the diversity of marine communities, through a combination of local extinctions, shifts in marine food web and species invasions, with resulting impacts on ecosystem function and the provisioning of ecosystem services¹⁰. Other climate change effects on marine ecosystems include changes in species physiology, abundance, phenology¹¹, and migratory patterns¹², the incidence of diseases¹³, and the productivity and quality of temperate and tropical marine habitats¹⁴, ranging from marine upwelling systems¹⁵ to seagrass beds and coral reefs¹⁶. Precisely, warmer sea temperatures and increased CO₂ absorption by the seas will result in increasing ocean acidification which will reduce the availability of carbonate minerals in seawater, important building blocks for calcifying marine plants and animals. For example, it is predicted that 70% of cold-water coral communities

http://www.ipcc.ch/publications_and_data/ar4/wg2/en/ch6s6-3-2.html#table-6-3;

http://www.ipcc.ch/publications_and_data/ar4/syr/en/spms3.html#table-spm-1

2 European Environment Agency (EEA), JRC and WHO, (2008): Impact of Europe's changing climate – 2008 indicator-based assessment. EEA Report no 4/2008 – JRC Reference Report no. JRC47756.

3 Brierley, AS and Kingsford, MJ (2009): Impacts of climate change on marine organisms and ecosystems. *Current Biology* 19(14): R602-R614.

4 Gregg et al., 2003: *Ocean primary production and climate: Global decadal changes*, *Geophys. Res. Lett.*, 30, 1809

5 Intergovernmental Panel on Climate Change (IPCC), (2007) (a): Synthesis of observed impacts. *Climate change 2007: Working group II: Impacts, Adaptation, and Vulnerability: Chapter 1.*

6 Southward, A. J., Hawkins, S. J. & Burrows, M. T., (1995): Seventy years' observations of changes in distribution and abundance of zooplankton and intertidal organisms in the western English Channel in relation to rising sea temperature. *J. Thermal Biol.* 20, 127–155.

7 Beaugrand, G., Reid, P. C., Ibanez, F., Lindley, J. A. & Edwards, M. (2002): Reorganization of North Atlantic marine copepod biodiversity and climate. *Science* 296, 1692–1694.

8 Perry, A.L., P.J. Low, J.R. Ellis and J.D. Reynolds, 2005: Climate change and distribution shifts in marine fishes. *Science*, 308, 1912-1915

9 MarClim project - Mieszkowska, N. et al (2006): Marine biodiversity and climate change: assessing and predicting the influence of climatic change using intertidal rocky shore biota. *Scottish Natural Heritage*.

10 Cheung WWL, Lam VWY, Sarmiento JL, Kearney K, Watson R, Pauly D., *Fish and Fisheries*. (2009) Projecting global marine biodiversity *impacts under climate change scenarios*, 10:235-51

11 M. Edwards, A. J. Richardson, (2004): Impact of climate change on marine pelagic phenology and trophic mismatch, *Nature* 430, 881.

12 Sims, D.W., Genner, M.J., Southward, A.J. and Hawkins, S.J. (2001): Timing of squid migration reflects North Atlantic climate variability. *Proceedings of the Royal Society of London*, B 268, 2607–2611.

13 C. D. Harvell et al, (2002) Review: Ecology — Climate warming and disease risks for terrestrial and marine biota, *Science* 296, 2158.

14 O. Hoegh-Guldberg, J. F. Bruno, (2010) The impact of climate change on the world's marine ecosystems. *Science* 328, 1523 -1528.

15 Bakun, A. (1990): Global climate change and intensification of coastal ocean upwelling. *Science* 247, 198–201.

16 CBD Technical Series No.46, (2010): Scientific Synthesis of the Impacts of Ocean Acidification on Marine Biodiversity

will experience growth-limiting conditions by 2100, with associated impacts for the marine species that they support¹⁷.

For marine ecosystems that are already under significant human pressure, climate change effects represent an added source of stress. In some cases, the additive/cumulative or synergistic impacts of climate change and other stressors may push marine species or ecosystems beyond their thresholds of tolerance. Where these thresholds represent “tipping points”, such changes may be severe and irreversible not only for biodiversity but with heavy impacts on economies, developments and socio-cultural contexts^{18,19}.

If negative climate change effects on marine ecosystems are to be minimised or avoided, there is a need for vigorous conservation policies and strategies that will support adaptation by marine fauna and flora. Such measures typically focus on building ecological resilience: “*the ability of an ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organisation, and the capacity to adapt to stress and change*”²⁰.

The following overarching adaptation principles for marine biodiversity are derived from pre-existing guidance²¹ and scientific literature¹⁹, linked with more detailed measures and should be considered when developing adaptation strategies and actions to conserve marine and coastal species, habitats and ecosystems, and the services that they provide.

II. Understand and predict climate changes impacts on the marine environment

The current available scientific knowledge is predominantly focused at general aspects of climate change, and very limited on biodiversity impacts, even more limited on marine and coastal biodiversity where gaps are large and uncertainties numerous.

The abundance and distribution of species is continuously changing (both seasonally and annually) and these dynamics are likely to accelerate and vary due to climate change. Consequently, long-term monitoring is necessary in order to evaluate these processes, particularly in most European regional seas where data on marine phenology changes are quite sparse. In order to improve our knowledge base to support effective conservation planning, further research is needed on the impacts of climate change on the biodiversity, processes, and function of marine ecosystems.

Proposed Actions:

1. Undertake increased monitoring and research actions into the potential impacts of climate change on marine species and ecosystems, including their resilience capacities and responses to climatic changes. For these purposes the following actions should be considered:

- Document species distributions, habitat requirements and community interactions (both at population and ecosystem levels) in order to predict likely responses to climate change and to permit conservation measures.
- Test the independent and interacting roles of climate change and other stressors in driving observed changes to the population dynamics and distributions of marine species, which will help to identify underlying causes, project future ecological responses, and prioritise systems and approaches for adaptive management.

17 Guinotte, J. M., Orr, J., Cairns, S., Freiwald, A., Morgan, L., George, R. (2006); Will human-induced changes in seawater chemistry alter the distribution of deep-sea scleractinian corals? *Front Ecol Environ* 4(3):141–146.

18 O. Hoegh-Guldberg, J. F. Bruno, (2010) The impact of climate change on the world’s marine ecosystems. *Science* 328, 1523-1528.

19 Monaco, C.J. and B. Helmuth. 2011. Tipping Points, Thresholds and the Keystone Role of Physiology in Marine Climate Change Research. *Adv. Mar. Biol.* 60: 123-162.

20 IPCC 4th Assessment Report (2007), Glossary.

21 Recommendations 146/(2010), 142 (2009), 143/(2009), 135/(2008), 122/(2006)

- Make use of long-term field observations together with new technologies such as the use of satellite imagery and remote monitoring stations to identify and map threatened marine habitats and the species associated with them.
 - Step up research and monitoring on emerging climate change effects on marine biodiversity (e.g. biological invasions and ocean acidification); as well as socioeconomic impacts of climate change which identify potential risks/hazards for coastal livelihood.
2. Develop predictive climate change models which take due account of specific ecological vulnerabilities and complexities for at least all Bern Convention listed marine species; and consolidate the information obtained from published modelling studies so that the results are easily accessible.
 3. Undertake vulnerability assessments, for at least all Bern Convention listed marine species, which combine the predictions of bioclimatic models with other criteria (e.g., species threat levels, life history characteristics, dependence on vulnerable habitats, and other stressors): apply downscaling techniques to reflect local conditions and dynamics, and take into account sources and levels of uncertainty to identify taxa at greater risk due to climate change.
 4. On the basis of predicted changes and noted vulnerabilities, identify best actions to favour, in particular ‘win-win’ scenarios delivering both climate mitigation/adaptation and biodiversity conservation benefits.
 5. Assess how climate change may impact existing measures for the conservation and management of Bern Convention listed species. Continually monitor and re-assess the effectiveness of adaptation measures and adaptive conservation management as new information becomes available.
 6. Strengthen existing monitoring schemes by identifying and using appropriate indicators to monitor the impacts of climate change on marine biodiversity and assess their vulnerability and cumulative impacts, including key biological groups identified in Actions 20 and 21.
 7. Facilitate sharing of data and information and assist knowledge transfer and dissemination between partners of the Bern Convention through compatible and user-friendly information system, including clearing-house mechanisms, databases and inventories, mapping tools). Make use of already-established mechanisms including the Global Biodiversity Information Facility (GBIF), the Biodiversity Information System for Europe (BISE), The European Marine Observation and Data Network (EMODNET) and WISE-marine, or the European Network for Biodiversity Information (ENBI).

III. Maintain and enhance marine ecosystems’ resilience and adaptive capacity

In the face of these potential changes, robust and comprehensive policies and strategies are urgently needed for the marine environment, in order to address the impacts of climate change on biodiversity. Of particular importance are those approaches that will enhance the resilience and adaptive capacity of species and ecosystems.

Previous Recommendations 143/(2009) and 135/(2008) specifically called on making use of the large potential for synergies and co-benefits between biodiversity conservation and climate change mitigation and adaptation, including ecosystem-based approaches.

a) Integrate the effects of climate change on marine biodiversity into relevant policies

Existing legislative frameworks allow for Parties to anticipate and address the impacts of climate change on European marine species and ecosystems. International environmental conventions, such as the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC), together with European environmental *acquis* offer robust legislation and provide strategic and operational tools with which Parties may act to maintain and restore their marine natural ecosystems in relations to climate threats. Yet implementation remains weak and unequal across regions, and it is necessary that marine climate change considerations be further integrated within existing strategies and plans.

Proposed actions

8. Develop adequate carbon management schemes for marine and coastal ecosystems and include them in broader climate change discussions. Support efforts to assess and evaluate ocean's carbon storage potentials and integrate these into climate change mitigation policies.
9. Further integrate climate change-related aspects issues regarding marine and coastal biodiversity into relevant international, regional or national strategies, action plans and programmes such as National Biodiversity Strategies and Action Plans, existing EU strategies, regional agreements, national Red Books or Lists, etc. Ensure that conservation objectives reflect the challenges presented by climate change, and that where possible, those conservation actions are climate-proof²².
10. Encourage the use of Tematea, the thematic module developed jointly by IUCN/UNEP to increase synergies when implementing obligations under multilateral environmental agreements and conventions²³.
11. Integrate marine ecosystem-based approaches (EBA) into climate mitigation and adaptation strategies, in order to improve marine ecosystems' ability to mitigate the effects of climate change whilst reducing their vulnerability and increasing their diversity. Specifically implement marine ecosystem management activities to move away from management based on single species/habitat and include the entire ecosystems in relation to human activities
12. Develop adaptive conservation strategies based on sound ecological research and integrate them into national planning and management practices to limit unpredictable climate effects.
13. Take care that adaptation and mitigation measures do not undermine biodiversity conservation principles. Take an integrated, cross-sectoral approach to assess responses to climate change, as both climate change and associated adaptation strategies may have either positive or negative effects on biodiversity and may favour certain species or groups of species over others.
14. Internalise the socio-economic value of marine biodiversity and ecosystem services into climate change strategies, taking into consideration the negative effects of climate change on further reduction of ecosystem services and their loss value with respect to their initial state.
15. Remove perverse incentives which undervalue ecosystems and their functions and contribute to their degradation into existing policies, and move toward achieving appropriate stewardship of ocean services and resources.
16. Develop adequate national financial support for marine biodiversity conservation and marine ecosystem-based approaches actions suggested in this Guidance; further explore access to regional and international funding sources including UN projects (e.g. WB, GEF, UNDP, UNEP...), EU programs and funds (e.g. LIFE, Cohesion and structural funds, FP7 etc.), or regional and specific bodies (e.g. development banks, international organizations etc.).

b) Actively conserve and restore marine biodiversity

Climatic changes on oceanic systems will affect the ecosystem services that they provide, such as fisheries, coastal protection, tourism, carbon sequestration and climate regulation. Effective actions can be undertaken to enhance the conservation, sustainable use and restoration of marine habitats that are vulnerable to the effects of climate change, and which contribute to climate change mitigation.

Proposed Actions

22 According to Klein et al. (2007), climate proofing is the modification of existing and future projects/actions so that they are resilient to impacts from climate change and/or do not contribute to increased vulnerability of the projects/actions goals.

Klein, R. J. T., Eriksen, S. E. H., Naess, L. O., Hammill, A., Tanner, T. M., Robledo, C., & O'Brien, K. L. (2007). Portfolio screening to support the mainstreaming of adaptation to climate change into development assistance. *Climatic Change*, 84, 23-44. doi:10.1007/s10584-007-9268-x

23 <http://www.tematea.org>

17. Note the urgency of addressing the impacts of climate change on European marine biodiversity, especially since most European seas restrict northward displacement of species. Attention should be given to most vulnerable regions (the Arctic Ocean, the Mediterranean Sea, the Baltic Sea, the North Sea, the Black Sea, the English Channel and overseas territories)²⁴.

18. Prioritise conservation actions for endangered or threatened marine species and habitats covered by the Bern Convention, and take measures to build up population numbers to enhance resilience in the face of climate change and other stressors.

19. Conserve the range and variability of species, habitats and ecosystems and their natural services as part of the design, implementation and management of restoration projects and sites.

20. Accelerate the preparation and implementation of species-specific conservation plans focusing on Bern Convention marine features that may be most vulnerable to climate change, such as species that are known to depend on climate-sensitive habitats, or which already face an elevated risk of local extinction. The following lists are not comprehensive, but focus on some species/groups already identified as potentially threatened according to existing knowledge²⁵:

- **Marine mammals:** Climate change can affect marine mammals directly (e.g. through changes in species ranges or migratory patterns), or indirectly (e.g. through changes in prey availability) Polar species may be particularly vulnerable, due to their restricted ranges. Most affected species include: *Monachus monachus* (Mediterranean monk seal); *Phocoena phocoena* (Harbour porpoise); *Balaena mysticetus* (Bowhead whale); *Eubalaena glacialis* (North Atlantic right whale); *Odobenus rosmarus* (Walrus); *Monodon monoceros* (Narwhal); *Grampus griseus* (Risso's dolphin); *Lagenorhynchus acutus* (Atlantic White-sided dolphin); *Lagenorhynchus albirostris* (White-beaked dolphin); *Tursiops truncatus* (Common bottlenose dolphin); *Orcinus orca* (Orca);
- **Fish:** Many biological processes in fish are known to be sensitive to climate variation and change, including growth, survival, and reproduction. Particular attention should be paid to species with slower life histories (such as elasmobranchs), which are generally more vulnerable to overexploitation, and be less able to respond to climate change through distribution shifts. Particularly threatened species includes: *Aphanius iberus* (Iberian killifish); *Acipenser naccarii* (Adriatic Sturgeon); *Acipenser sturio* (European sea sturgeon); *Huso huso* (Beluga Sturgeon); *Pomatoschistus canestrinii* (Canestrini's goby); *Pomatoschistus tortonesei* (Tortonese's goby); *Hippocampus hippocampus* (Short-snouted seahorse); *Hippocampus ramulosus* (Long-snouted seahorse); *Carcharodon carcharias* (Great white shark); *Mobula mobular* (Devil fish).
- **Seabirds or marine birds:** Seabirds are vulnerable to climate change and other stressors, because of their slow life histories (i.e., late age of maturity, low fecundity, and high juvenile

24 Michael B. Usher document [T-PVS (2005) 21]

25 This section includes proposed actions and measures based on the work done so far under the Bern Convention, in particular in the reports: Conserving European biodiversity in the context of climate change by Michael B. Usher [doc. T-PVS (2005) 21]; Climate change and the vulnerability of Bern Convention species and habitats, by P. Berry [document T-PVS/Inf(2008)6 rev]; "Climatic change and the conservation of European biodiversity: towards the development of adaptation strategies" by Mr. Brian Huntley [doc. T-PVS/Inf(2007)03], and "Impact of Climate Change on Marine and Coastal Biodiversity: current state of Knowledge", by UNEP-MAP-RAC/SPA; Cushing, D. H. Population Production and Regulation in the Sea: a Fisheries Perspective (Cambridge Univ. Press, Cambridge, 1995); IUCN Red List of Threatened Species; M.Ferrer, I.Newton and K.Bildstein "Climatic change and the conservation of migratory birds in Europe: Identifying effects and conservation priorities"; Learmonth JA, MacLeod CD, Santos MB, Pierce GJ, Crick HQP, Robinson RA. (2006): Potential effects of climate change on marine mammals. Oceanography and Marine Biology: An Annual Review 44: 431–464; C. M. Wood, D. G. McDonald, Eds. (1997): Global Warming: Implications for Freshwater and Marine Fish, Cambridge Univ. Press, Cambridge ; Perry, A.L., P.J. Low, J.R. Ellis and J.D. Reynolds (2005): Climate change and distribution shifts in marine fishes. Science, 308, 1912-1915; European Environment Agency (2010): Impact of climate change on bird populations (SEBI 011); Hawkes, L.A., A.C. Broderick, M.H. Godfrey & B.J. Godley (2007): Investigating the potential impacts of climate change on a marine turtle population. Global Change Biology 9: 923-932.

mortality), and their strong sensitivity to the availability of marine food. Climate change may impact the distribution, abundance, annual migrations, breeding and nesting behaviour, and may exacerbate other stress factors (e.g. introduction of invasive species, decline in prey). Northern species and migratory birds are likely to be more vulnerable, with the most affected families predicted to be Charadriidae; Laridae; Hydrobatidae; Procellariidae; Recurvirostridae; Pelecanidae; Scolopacidae; and Phalacrocoracidae.

- **Reptiles:** Sea turtles are highly sensitive to climate change, for two key reasons; their nesting areas are threatened by sea level rise, and their reproductive success is affected because temperature determines the sex of their offspring. All marine turtle's species are at risk: *Dermochelys coriacea* (Leatherback turtle); *Lepidochelys kempii* (Kemp's Ridley Sea turtle); *Chelonia mydas* (Green turtle); *Caretta caretta* (Loggerhead turtle) and *Eretmochelys imbricata* (Hawksbill turtle).
- **Invertebrates:** Marine invertebrates may be affected through multiple climate change pathways, including warming, sea level rise (particularly in intertidal zones), and acidification (for calcifying organisms). Particular attention should be paid to calcifying/shell-building organisms in relation to ocean acidification. Most threatened species include: *Ocypode cursor* (Ghost crab) ; species of sea snails including *Tonna galea* (Med.) or *Zonaria pyrum* (Pear Cowry); *Ophidiaster ophidianus* (Starfish) ; *Centrostephanus longispinus* (Med.) (Sea urchin); and species of deep-sea corals and sponges including *Gerardia savaglia* Med. (Black coral); *Astroides calycularis* (Med.); *Aplysina cavernicola* (Yellow cave sponge); *Asbestopluma hypogea* (Med.); *Petrobiona massiliana* (Med.)
- **Marine plants:** Seagrass meadows suffer from multiple impacts such as climate induced change in water chemistry, but also through invasive species which are likely to accelerate further their degradation. Endemic to the Mediterranean Sea, several seagrass species rank amongst the slowest growing plant in biosphere, requiring long life span for recovery and making them specifically vulnerable. Many of these species are normally used as biological indicator for healthy ecosystems. Species at risks include: *Posidonia Oceanica*; *Cymodocea nodosa* (Ucria) Ascherson; *Zostera marina* L; *Cystoseira* and *Laminaria* species; but also coralligenous red algae such as *Goniolithon byssoides*; *Lithophyllum lichenoides*; *Ptilophora mediterranea*; *Schimmelmanna schousboei*.

21. Take conservation measures to protect and restore habitats expected to be most affected by climate change, including in overseas territories, such as lowland coastal areas, beaches, seagrasses, kelp forests, mangroves, reefs etc. Focus efforts on species not covered by the Bern Convention but protected under other national or international agreements, including taxa identified in Annex A such as: *Alopias vulpinus* (Common Thresher Shark); *Anguilla Anguilla* (European eel); *Centrophorus granulosus* (Gulper Shark); *Dipturus batis* (Common Skate); *Gadus morhua* (Atlantic cod); *Galeorhinus galeus* (Whithound); *Pinna nobilis* (Pen shell); *Raja clavata* (Thornback Skate); *Raja montagui* (Spotted Ray); *Squalus acanthias* (Spurdog); *Thunnus thynnus* (Bluefin tuna); *Xiphias gladius* (Swordfish).

22. Consider the role of *ex-situ* conservation actions for European marine biodiversity as complementary to *in situ* conservation methods, and where no other options exist:

- Carefully assess the risks of *ex situ* conservation measures under climate impacts, such as seeding, transplanting, relocating, assisting migration/colonization and captive breeding in the target area.
- Focus on species/ecosystems threatened in their current location and situations where local conditions become untenable for them as they are unlikely to be able to reach other suitable location by natural dispersal.
- Assess the coverage and quality of existing seed banks, genes banks and aquarium collections so as to fit conservation purposes, ensuring sufficient genetic diversity within available collections.

- Take urgent action to collect and store seeds of the majority of marine species listed under the Bern Convention that are not at present covered by such collections.
 - Improve captive breeding and artificial propagation programs and develop recovery plans for threatened marine species under the Bern Convention, with an ultimate objective of successful reintroduction into the wild.
 - Consider the central role of zoos, aquaria, natural history museums and botanic gardens for research, education and public awareness.
23. Develop adaptive strategies and management to increase flexibility in conservation programs and enable direct learning from experiences and research. Communicate the successes and strengthen information sharing on a regional basis.

c) Develop and manage effective networks of Marine Protected Areas

Marine Protected Areas (MPAs) have long been one of the cornerstones of marine conservation policy, and are a key component of adaptation strategies to climate change. As MPAs directly enhance ecosystem diversity and resilience, they are effective tools for reducing anthropogenic stress on the marine environment; for protecting, maintaining and restoring key ecosystem functions; for helping to create climate refuges for many organisms²⁶. It is therefore necessary to include MPAs as an important tool within broader climate change adaptation strategies, and conversely, to factor climate change impacts and responses into MPA planning and management.

Ecological coherence of networks of MPAs, particularly connectivity between sites, will help species to cope with climate change impacts and facilitate their movement between conservation areas, as species dispersal is likely to be the most important mechanism of species adaptation to climate change. The provision of 'stepping stone' habitats and assisting species shifts in distribution are expected to be crucial for the adaptation and long-term survival of marine communities.

Evidence further suggests that well-designed and well-managed networks of MPAs not only support marine biodiversity but also benefit coastal communities and economic activities (e.g. fishing²⁷, tourism). MPAs can play an important role in broader strategies for sustainability, particularly to engage with local users and communities in marine conservation. As the extent of biodiversity recovery increases with the age and size of MPAs, and because benefits build over time and increase the longer the MPAs remains functional, urgent efforts to establish networks of MPAs are required.

Proposed Actions:

24. Accelerate marine protected areas designations and management to comply with regional and international commitments, with the aim of establishing ecologically coherent, representative and well-managed networks of MPAs, pursuant at minimum to the 10% coverage target established by the CBD.
25. Pay special attention to the climate mitigation potentials of MPA, as maintaining and restoring marine natural carbon sinks will increase the CO₂ uptake by marine ecosystems. Focus research activities on the quantification of these carbon deposition rates within MPAs, as a way to integrate them into larger carbon management schemes.
26. Conserve existing populations of species within existing high biodiversity areas and MPAs networks, at national, regional and international level across Europe, including under Emerald, Natura 2000, Specially Protected Areas of Mediterranean Importance (SPAMI), Baltic Sea Protected Areas (BSPA), the Black Sea Commission or OSPAR Marine Protected Areas.

26 Micheli F, Saenz-Arroyo A, Greenley A, Vazquez L, Espinoza Montes JA, et al. (2012): Evidence That Marine Reserves Enhance Resilience to Climatic Impacts. PLoS ONE 7(7): e40832

27 Harrison et al (2012): Larval Export from Marine Reserves and the Recruitment Benefit for Fish and Fisheries, Current Biology, doi:10.1016

27. Respect commonly agreed criteria - replicability, representativity, connectivity, adequacy, viability - in the designation process of marine protected areas in order to insure ecological coherence of the network. An effective MPA network may help to ensure resilience and sustained ecological functioning of ecosystems under pressure, by spreading the risk of both damaging events and long term environmental change.

28. Acknowledge that urgent action is needed as evidence suggests that the extent of marine ecosystem recovery increases with the age and size of the protected zone and benefits of MPAs build over time.

29. Review the state of national and European MPAs planning to identify gaps in habitats, species and biogeographical coverage; formulate corrective actions to address those insufficiencies both at designation and management level.

30. Note the slow progress in establishing MPAs in areas beyond national jurisdictions, especially in the Mediterranean Sea's high-seas, and take appropriate actions to promote international cooperation in that regard

31. Prioritise the retention of remaining fragments of unaltered or semi-natural marine habitats as interlinks between protected areas.

32. Give special attention to endangered and vulnerable migratory species pursuant to Chapter IV of the Convention; rigorously account for changes in their migratory routes due to climate change in MPA networks developments.

33. Pay special attention to maintaining or restoring large-scale connectivity between MPAs and networks, to increase permeability, aid population and gene flow. Take restoration measures outside of MPAs, such as enhancing functional ecological habitats 'stepping stones', to increase the chances that species can adjust successfully their distributions in response to climate change.

34. Encourage the creation of sufficiently large no-take zones within MPAs, where exploitation is strictly prohibited and human activities are severely limited in order to protect the most critical ecosystems; and consider defining buffer zones around, to provide protection from activities with far-reaching effects

35. Involve stakeholders and relevant organizations, including Regional Fisheries Management Organizations, non-governmental organizations and local communities, in designation, management and enforcement processes for MPAs, to ensure understanding, cooperation and ownership. Build management and conservation capacity within all appropriate management levels of MPAs networks.

36. Develop and implement robust management plans for MPAs, with strict enforcement mechanisms, which fully integrate climate change concerns and achieve protection of existing habitats, restoration of degraded habitats and sustainable management of activities likely to impact marine protected areas.

37. Take a long-term view in MPAs management plans, and include actions for climate change adaptation (for periods up to 20 to 50 years, depending on the speed with which ecosystem changes are expected). Develop adaptive management strategies and flexible conservation measures and prevent the maintenance of ill-adapted habitats (e.g. mobile boundaries, temporal or seasonal protection, etc.). Consider the varying nature and extent of stressors over time, in response to climate and other drivers of change.

38. Develop special financial mechanisms to sustain marine biodiversity conservation efforts, through specific funding directed to MPA management and research, to ensure availability of appropriate means.

39. Ensure existing MPAs are adequately monitored and assessed so that they are in a state as healthy as possible before climatic and other change intensifies. Make sure monitoring covers climate change impacts on protected sites, at both site and network levels.

40. Increase awareness of the benefits that marine biodiversity provides to society and its role in adaptation strategies across all sectors. Communicate best management measures, successful adaptation strategies, and engage the wider public.

d) Minimise threats and pressure to marine biodiversity

Facilitating climate change adaptation also involves reducing “conventional” pressures on biodiversity such as intensification of land-use, fragmentation of habitats, overexploitation, invasive alien species and pollution. The impacts of human activities on marine biodiversity are multiple and require an integrated approach aiming to reduce and mitigate their negative impacts and restore the health and functions of marine ecosystems.

Reducing direct pressure from anthropogenic sources is urgently needed to stop the degradation and loss of ecologically important marine habitats, in particular on sensitive habitats such as hatchery and nursery areas, sanctuaries, areas with endemic and autochthonous species. Exploitation particularly may further exacerbate the effects of oceanic warming on fish population often by disproportionately threatening larger marine species²⁸.

Changes in sectoral policies can significantly reduce environmental externalities as in the case of harmful subsidies. Systematic application of robust environmental impact assessments and spatial planning tools within national strategies may also help improving marine and coastal planning, thus reducing the overall pressure from human activities on marine biodiversity.

Proposed actions:

41. Minimise all threats from human activities directly interacting with climate change to impact marine biodiversity and reduce its adaptive capacity, including extractive activities and in particular fisheries and aquaculture, dredging and mining, tourism and urbanisation, infrastructure and energy developments, maritime transport, military activities, agriculture and land based pollutions.

42. Incorporate fisheries management measures into other climate change mitigation and adaptation strategies (e.g. mathematical fisheries models with chemistry and temperature-driven climate change and acidification figures, based on species specific observational studies, to help determine appropriate harvest levels for many fisheries).

43. End all form of public subsidies and tax exemptions that have detrimental environmental impacts on oceans, in particular for the fishing sector (e.g. investment in vessels and fuel aid) in order to counter overexploitation of fisheries resources, destruction of marine ecosystems, and greenhouse gas emissions from the industry. Redirect aid to support transition towards truly sustainable marine and coastal activities which will result in long-term beneficial economic and social outcomes. Promote and invest in environmentally sound marine renewable energy projects, as credible and viable solutions to decarbonize energy policies in the long-term.

44. Recognise the interconnections between human activities, ecosystem health, and ecosystem services. Design and implement integrated ecosystem-based approaches to the management of human activities which impact the wider marine environment, in order to reduce the overall anthropogenic pressures on biodiversity.

45. Ensure thorough and systematic environmental impact assessments (EIAs) and strategic environmental assessments (SEAs) to further minimise specific and cumulative impacts of projects and activities on coastal and marine biodiversity. Pay special attention to ocean noise and underwater disturbances.

46. Develop and encourage the use of specific marine spatial planning strategies to guide human activities development in a sustainable manner and take into account ecological principles.

28 Planque, B. & Frédou, T. 1999. Temperature and the recruitment of Atlantic cod (*Gadus morhua*). *Can. J. Fish. Aquat. Sci.* 56, 2069-2077.

47. Cooperate at regional level to improve and enhance coordination (e.g. common approaches, harmonized procedures, actions or trainings) in particular with regards to the transboundary aspects of many of the marine climate impacts.

e) Prevent and control the introduction of invasive alien marine species

Proposed actions:

48. Fully implement Recommendation No. 91 (2002) the European Strategy on Invasive Species endorsed in Recommendation No. 99 (2003) which requests Contracting Parties to draw up and implement national strategies on invasive alien species.

49. Prevent the introduction and establishment of human-induced marine invasive species, through understanding vectors and pathways, risk assessment, early warning systems and control strategies. Improve detection, eradication and control mechanism, with a particular focus on sensitive marine ecosystems such as the Arctic, the Macaronesian or the Eastern Mediterranean basins because of their high rates of endemism.

50. Improve information on the biology of invasive species, how their populations respond to climate change, and how native marine ecosystems are likely to react to invasions under climate change impacts, as in the case of Lessepsian species in the Mediterranean Sea.

51. Monitor the effects of natural invasions of species in European waters and consider the need for measures to conserve and protect threatened species and habitats that may enter European waters as a result of climate-driven shifts in distribution. Identify and implement appropriate management measures to reduce risks associated with these shifts in distribution and ranges.

52. Work in key maritime sectors (e.g. fishing, aquaculture, shipping, tourism, trade) to raise awareness of invasive alien species threats, develop effective management approaches and share best practices.

Annex A. – Species/Habitats protected under other international agreements and not in listed under the Bern Convention

SPECIES	Barcelona Convention	Habitats Directive	OSPAR	HELCOM (2005)
<i>Abramis ballerus</i>				Vulnerable, VU
<i>Acipenseridae</i>		Annex V		
<i>Alopias vulpinus</i>	Annex III			Critically Endangered, CR
<i>Alosa spp</i>		Annex II and V		
<i>Amblyraja radiata</i>				Endangered, EN
<i>Ammodytes marinus</i>				Data Deficient, DD
<i>Ammodytes tobianus</i>				Vulnerable, VU
<i>Anarhichas lupus</i>				Endangered, EN
<i>Anguilla anguilla</i>	Annex III		All	Critically Endangered, CR
<i>Aplysina sp plur</i>	Annex II			
<i>Arctica islandica</i>			II	
<i>Aspius aspius</i>				Vulnerable, VU
<i>Axinella cannabina</i>	Annex II			
<i>Balaena mysticetus</i>			All	
<i>Barbus Barbus</i>				Endangered, EN
<i>Boops boops</i>				Endangered, EN
<i>Carcharhinus plumbeus</i>	Annex III			
<i>Carcharias taurus</i>	Annex II			
<i>Centrophorus granulosus</i>	Annex III		All	
<i>Centrophorus squamosus</i>			All	
<i>Centroscyrmus coelolepis</i>			All	
<i>Cerastobyssum hauniense</i>				Threatened/declining
<i>Chimaera monstrosa</i>				Vulnerable, VU
<i>Clupea harengus, subsp.</i>				Endangered, EN
<i>Cobitis taenia</i>				Vulnerable, VU
<i>Cottus gobio</i>				Vulnerable, VU
<i>Cottus poecilopus</i>				Vulnerable, VU
<i>Cyclopterus lumpus</i>				Vulnerable, VU
<i>Cystoseira abies-marina</i>	Annex II			
<i>Cystoseira mauritanica</i>	Annex II			
<i>Cystoseira spp</i>	Annex II			
<i>Dasyatis pastinaca</i>				Threatened migrant, TM
<i>Dicentrarchus labrax</i>				Threatened migrant, TM
<i>Dipturus batis</i>	Annex II		All	Critically Endangered, CR
<i>Entelurus aequoreus</i>				Vulnerable, VU
<i>Etmopterus spinax</i>				Vulnerable, VU
<i>Etmopterus spinax</i>				Vulnerable, VU
<i>Fucus virsoides</i>	Annex II			
<i>Gadus morhua</i>			II, III	Endangered, EN
<i>Galeorhinus galeus</i>	Annex III			Endangered, EN
<i>Galeus melanostomus</i>				Endangered, EN
<i>Geodia cydonium</i>	Annex II			
<i>Gibbula nivosa</i>		Annex II, IV		
<i>Gobio gobio</i>				Near Threatened, NT
<i>Gymnogongrus crenulatus</i>	Annex II			
<i>Gymnura altavela</i>	Annex II			
<i>Heptranchias perlo</i>	Annex III			
<i>Hexanchus griseus</i>				Critically Endangered, CR
<i>Hippocampus guttulatus</i>			All	

<i>Hippocampus hippocampus</i>			All	
<i>Hippoglossus hippoglossus</i>				Endangered, EN
<i>Hoplostethus atlanticus</i>			All	
<i>Hornera lichenoides</i>	Annex II			
<i>Kallymenia spathulata</i>	Annex II			
<i>Labrus bergylta</i>				Endangered, EN
<i>Labrus mixtus</i>				Endangered, EN
<i>Lagenodelphis hosei</i>		Annex IV		
<i>Leiopathes glaberrima</i>	Annex III			
<i>Leucoraja circularis</i>	Annex III			
<i>Leucoraja fullonica</i>				Threatened migrant, TM
<i>Leucoraja melitensis</i>	Annex III			
<i>Liparis liparis</i>				Endangered, EN
<i>Liparis montagui</i>				Endangered, EN
<i>Lophius budegassa</i>				Vulnerable, VU
<i>Lumpenus lampretæformis</i>				Critically Endangered, CR
<i>Macroplea sp.</i>				Threatened/declining
<i>Megabalanus azoricus</i>			All	
<i>Melanogrammus aeglefinus</i>				Vulnerable, VU
<i>Mesoplodon europeus</i>		Annex IV		
<i>Monoporeia affinis</i>				Threatened/declining
<i>Mustelus asterias</i>	Annex III			
<i>Mustelus mustelus</i>	Annex III			
<i>Mustelus punctulatus</i>	Annex III			
<i>Mya truncata</i>				Threatened/declining
<i>Myoxocephalus scorpius</i>				Vulnerable, VU
<i>Nerophis lumbriciformis</i>				Vulnerable, VU
<i>Nerophis ophidion</i>				Vulnerable, VU
<i>Nucella lapillus</i>			II, III, IV	
<i>Odontaspis ferox</i>	Annex II			
<i>Osmerus eperlanomarinus</i>				Vulnerable, VU
<i>Oxynotus centrina</i>	Annex II			
<i>Patella ulyssiponensis aspera</i>			All	
<i>Pelectus cultratus</i>				Vulnerable, VU
<i>Phoxinus phoxinus</i>				Vulnerable, VU
<i>Pinna nobilis</i>	Annex II	Annex IV		
<i>Pollachius pollachius</i>				Endangered, EN
<i>Pomatoschistus pictus</i>				Vulnerable, VU
<i>Pontoporeia femorata</i>				Threatened/declining
<i>Prionace glauca</i>				Threatened migrant, TM
<i>Pristis pectinata</i>	Annex II			
<i>Pristis pristis</i>	Annex II			
<i>Raja clavata</i>			II	Endangered, EN
<i>Raja montagui</i>			All	Endangered, EN
<i>Rhinobatos cemiculus</i>	Annex III			
<i>Rhinobatos rhinobatos</i>	Annex III			
<i>Rostroraja alba</i>			All	
<i>Saduria entomon</i>				Threatened/declining
<i>Salmo trutta</i>				Vulnerable, VU
<i>Sarcotragus foetidus</i>	Annex II			
<i>Sarcotragus pipetta</i>	Annex II			
<i>Sargassum acinarium</i>	Annex II			
<i>Sargassum flavifolium</i>	Annex II			

<i>Sargassum hornschurchii</i>	Annex II			
<i>Sargassum trichocarpum</i>	Annex II			
<i>Scomber scombrus</i>				Vulnerable, VU
<i>Scylliorhinus canicula</i>				Endangered, EN
<i>Sebastes marinus</i>				Endangered, EN
<i>Sebastes viviparus</i>				Endangered, EN
<i>Somniosus microcephalus</i>				Vulnerable, VU
<i>Sphaerococcus rhizophylloides</i>	Annex II			
<i>Sphyrna lewini</i>	Annex III			
<i>Sphyrna mokarran</i>	Annex III			
<i>Sphyrna zygaena</i>	Annex III			
<i>Spinachia spinachia</i>				Vulnerable, VU
<i>Squalus acanthias</i>	Annex III		All	Endangered, EN
<i>Squatina aculeata</i>	Annex II			
<i>Squatina oculata</i>	Annex II			
<i>Symphodus melops</i>				Vulnerable, VU
<i>Syngnathus acus</i>				Endangered, EN
<i>Syngnathus typhle</i>				Vulnerable, VU
<i>Taurulus bubalis</i>				Vulnerable, VU
<i>Tethya sp plur</i>	Annex II			
<i>Thunnus thynnus</i>	Annex III		All	Critically Endangered, CR
<i>Titanoderma ramosissimum</i>	Annex II			
<i>Titanoderma trochanter</i>	Annex II			
<i>Torpedo marmorata</i>				Threatened migrant, TM
<i>Trachinus draco</i>				Vulnerable, VU
<i>Trigloporus quadricornis</i>				Vulnerable, VU
<i>Tursiops truncatus</i>		Annex II, IV		
<i>Vimba vimba</i>				Vulnerable, VU
<i>Xiphias gladius</i>	Annex III			Threatened migrant, TM
<i>Zeus faber</i>				Endangered, EN

HABITATS / FLORA	Barcelona Convention	Habitats Directive	OSPAR	HELCOM (2005)
<i>Alisma wahlenbergii</i>				Threatened/declining
Baltic esker islands with sandy, rocky and shingle beach vegetation and sublittoral vegetation				C, D, E, F, K
Boreal Baltic narrow inlets (Fjords)				D-F, H, I, K
Carbonate mounds			V	
<i>Chara sp</i>				Threatened/declining
Coastal lagoons		Annex I		All
Coral Gardens			All	
<i>Cymodocea meadows</i>			All	
Deep-sea sponge aggregations			All	
Estuaries		Annex I		G,J,K,M,N
<i>Fucus sp.</i>				Threatened/declining
<i>Furcellaria lumbricalis</i>				Threatened/declining
Gravel bottoms with <i>Ophelia</i> species				All
<i>Hippuris tetraphylla</i>				Threatened/declining
Intertidal mudflats			All	
Intertidal <i>Mytilus edulis</i> beds on mixed and sandy sediments			All	
<i>Lamprothamnium papulosum</i>				Threatened/declining
Large shallow inlets and bays		Annex I		J,K,L,M,N
Littoral chalk communities			All	
<i>Lophelia pertusa</i> reefs			All	
Macrophyte meadows and beds		Annex I		All
Maerl beds			III	R
<i>Modiolus modiolus</i> beds			All	
Mudflats and sandflats not covered by seawater at low tide		Annex I		A,B,C,D,H,I,J,K,L,M,N,P,Q,R
Oceanic ridges with hydrothermal vents/fields			V	
Offshore (deep) waters below the halocline				All
<i>Ostrea edulis</i> beds			All	
Reefs		Annex I		M,N,R
<i>Sabellaria spinulosa</i> reefs			II, III	
Sandbanks		Annex I		K,L,M,N
Seamounts			All	
Sea-pen and burrowing megafauna communities			II, III	R
Shell gravel bottoms				All
Submarine structures made by leaking gases		Annex I		R
Submerged or partially submerged sea caves		Annex I		
<i>Zostera marina</i>			All	Threatened, /declining
<i>Zostera noltii</i>	Annex II		All	Threatened, /declining

Appendix 11**CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS****Standing Committee**

RULES APPLICABLE TO MEDIATION

1. The purpose of mediation is to facilitate dialogue between conservation authorities and a complainant or interest groups concerning matters under the scope of the Convention.
2. The decision to propose a visit of mediation will lie with the Standing Committee or the Bureau, subject to the agreement of the Contracting Party to whom the complaint is addressed.
3. In urgent cases, the Chair may authorise the Secretariat to consult the Bureau by e-mail in order that a decision may be reached in accordance with the foregoing paragraph.
- 3bis Experts appointed as mediators shall have appropriate experience in mediation.
4. The mediator will endeavour to foster dialogue, facilitate discussions, identify and clarify the conservation issues, propose possible solutions that would satisfy the different parties, reach consensus and record agreements, all in the respect of the spirit and letter of the Convention. The mediator will act as an independent, impartial and honest broker in all circumstances.
5. The mediator shall be appointed by the Secretary General of the Council of Europe, in consultation with the Bureau and the parties concerned. The mediator cannot be a national of the Contracting Party concerned by the mediation.
6. At the request of the Standing Committee, the Bureau or its Chair, the mediator shall be accompanied during the visit by a member of the Secretariat and by a representative of the Contracting Party concerned.
7. The Standing Committee or the Bureau shall draw up precise terms of reference to be conveyed to the mediator.
8. After completing the mediation, the mediator shall submit a written report to the Standing Committee in one of the official languages of the Council of Europe. The mediator may be called upon to present the report in person to the Standing Committee at one of its meetings. Mediations shall remain confidential until such point as the mediation process has concluded.
9. In order to ensure that the mediator may carry out the assignment in full independence, the travel and subsistence expenses pertaining to the visit and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe and shall not be taken from voluntary contributions of Contracting Parties. The Secretariat will ensure that costs of mediation remain moderate and affordable. In no case shall the cost of a single mediation exceed EUR 2,500²⁹.

²⁹ Expenses incurred in the framework of mediation shall be borne by the Council of Europe within the limit of budgetary resources allocated by the Committee of Ministers to the standing committee.

Appendix 12

Activities for 2013³⁰

in Euros

1. Monitoring of the legal application of the Convention		BO	VC
1.1 Reports of the implementation of the Convention in at least one Contracting Party and legal assistance to new Contracting Parties			
Reports providing a legal analysis of the implementation of the Convention in at least one Contracting Party, suggesting ways to improve such implementation and adapt it to the provisions of the Convention			
<i>Fixed appropriation for consultants</i>		4,000	2,000
2. Conservation of natural habitats		BO	VC
2.1 Group of experts on protected areas and ecological networks³¹	Strasbourg, 17-18 September		
<i>Terms of reference</i> To do the necessary work to implement Recommendation No. 16 (1989) and Resolution No. 5 (1998) on areas of special conservation interest, in line with the milestones fixed in the "Calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest 2011-2020" (document T-PVS/PA(2010)08rev). The group will review the technical documents prepared by the experts and make proposals to make progress in the setting-up of the Emerald Network.			
<i>Travel and subsistence expenses for one expert from each of the following 14 states*:</i> <i>ALBANIA, ARMENIA, AZERBAIJAN, BOSNIA AND HERZEGOVINA, CROATIA, GEORGIA, REPUBLIC OF MOLDOVA, MONTENEGRO, MOROCCO, SERBIA, "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA", TUNISIA, TURKEY, UKRAINE</i>		5,000	8,000
<i>Travel and subsistence expenses for two consultants</i>		2,000	
<i>*Countries targeted by planned or on-going Emerald projects</i>			
2.2 Biogeographical seminar for the implementation of the Emerald Network in Norway	Norway, 2 days, second half 2013		
<i>Consultancy and preparation of draft reports for consideration by the Group of Experts</i>		1,000	5,000
2.3 Technical seminars for the setting-up of the Emerald Network in three States (according to the state of progress in the implementation of the Emerald Calendar of Activities)			12,000
2.4 Projects for the setting-up of the Emerald Network at national level in some states			
Financial contribution for the setting-up of the Network in Morocco, Tunisia, Turkey (t.b.c)			50,000

³⁰ The activities which will not receive voluntary contributions will not or partially be implemented.

³¹ Participants: All Contracting Parties; Observers: All observer states and qualified organisations active in this field.

		BO	VC
2.5	Group of Specialists on the European Diploma of Protected Areas <i>Terms of reference</i> To carry-out an effective monitoring of the areas to which the Diploma is awarded or renewed, thus ensuring that a high level of protection is maintained, management is improved, and the conservation of the outstanding area is ensured. <i>Travel and subsistence expenses for six delegates* and two consultants</i> *Members of the Group of Specialists	Strasbourg, 5 March 5,100	 2,000
2.6	Consultancy for the Protected Areas and Ecological Networks Consultants will be hired to manage the setting-up of the Emerald Network and to do the necessary technical work required, included software, lists, handling of data, etc.	8,000	7,000

3. Monitoring of species and encouraging conservation action			
		BO	VC
3.1	Invasive Alien Species Group of Experts on Invasive Alien Species³² <i>Terms of reference:</i> Follow-up and review the implementation of the European Strategy on Invasive Alien Species (IAS). Preparation of guidance for Parties and consideration of relevant cross-cutting issues such as trade, climate change, protected areas, etc <i>Travel and subsistence expenses for one expert from each of the following 19 States*:</i> <i>ALBANIA, ARMENIA, CROATIA, GEORGIA, HUNGARY, ICELAND, IRELAND, ITALY, MALTA, REPUBLIC OF MOLDOVA, POLAND, ROMANIA, SENEGAL, SLOVAK REPUBLIC, SLOVENIA, SPAIN, TUNISIA, UKRAINE, UNITED KINGDOM</i> *Countries particularly active in eradicating invasive alien species <i>Travel and subsistence for three consultants</i> <i>Consultancy and preparation of draft reports for consideration by the Group of Experts</i>	Alghero (Italy), 20-21 June 6,300 1,000 3,000	 9,000 2,000 6,000
3.2	Communication on Invasive Alien Species <i>Terms of reference:</i> Communication actions on how to manage Invasive Alien Species. Activity co-organised by the Bern Convention, EPPO, the EEA and IUCN <i>Travel and subsistence for 6 consultants</i>	MONTH (t.b.c.)	 6,000

³² **Participants:** All Contracting Parties; **Observers:** All observer states and qualified organisations active in this field.

		BO	VC
3.3 Invertebrates			
Group of Experts on Invertebrates³³	Albania		
<i>Terms of reference:</i> The Group of Experts will monitor and follow-up the implementation of the European Strategy for the Conservation of Invertebrates.	1-2 October (t.b.c.)		
<i>Travel and subsistence expenses for one expert of each of the following 17 States*:</i> ALBANIA, BELGIUM, CROATIA, CZECH REPUBLIC, DENMARK, GREECE, HUNGARY, ICELAND, IRELAND, LITHUANIA, NORWAY, POLAND, SLOVAK REPUBLIC, SLOVENIA, SPAIN, TURKEY, UNITED KINGDOM. <i>*Countries which have been particularly active in this issue</i>		7,300	9,000
<i>Travel and subsistence for two consultants</i>		1,000	1,000
<i>Consultancy fees for the preparation of technical reports</i>		6,000	6,000
3.4 Recovery plans and reintroductions: the case of the Osprey (<i>Pandion haliaetus</i>)			
Co-organisation of a workshop to analyse and monitor the implementation of the recovery plans and the good practices in reintroductions.	Orléans, France, 2 days, September (t.b.c.)		
<i>Travel and subsistence expenses for 4 experts from European countries and 1 expert from Senegal</i>			p.m.
3.5 Conservation of Birds³⁴			
Group of Experts on the conservation of birds	Venue (t.b.c.), 31 May		
<i>Terms of reference:</i> Follow-up and monitoring the implementation of relevant Action Plans and recommendations; reviewing the main threats to the conservation of wild birds and proposing appropriate conservation measures; ensuring international co-ordination in this field. This Group will work in close co-operation with BirdLife, the AEWa and the European Union.			
<i>Travel and subsistence expenses for one expert from each of the following 16 States:</i> ALBANIA, BOSNIA AND HERZEGOVINA, CZECH REPUBLIC, CROATIA, CYPRUS, GREECE, ITALY, MALTA, MONTENEGRO, MOROCCO, PORTUGAL, SENEGAL, SERBIA, SLOVAK REPUBLIC, TUNISIA, TURKEY <i>*Countries having participated in previous meetings of the Group</i>		6,300	8,000
<i>Consultancy fees for the preparation of technical reports</i>		4,000	4,000

³³ **Participants:** All Contracting Parties; **Observers:** All observer states and qualified organisations active in this field.

³⁴ **Participants:** All Contracting Parties

Observers: All observer states and qualified organisations active in this field.

4. Sectoral policies and biodiversity conservation		BO	VC
4.1 Environmental Impact of Sport activities on biodiversity	Strasbourg (t.b.c.), 2 days, Month t.b.c.		12,000
Assessment of the need to address the environmental impact of big sport events on biodiversity. Activity to be organised in co-operation with the Council of Europe Partial Agreement on Sport (t.b.c.)			
4.2 2nd European Conference on Illegal killing of birds³⁵	Venue (t.b.c.), 29-30 May		
Monitoring the implementation of relevant European legislation and follow-up of the conclusions of the 1 st European Conference on Illegal killing of birds (Cyprus, July 2011)			
<i>Travel and subsistence expenses for one expert from each of the following 16 States:</i>			
<i>ALBANIA, BOSNIA AND HERZEGOVINA, CZECH REPUBLIC, CROATIA, CYPRUS, GREECE, ITALY, MALTA, MONTENEGRO, MOROCCO, PORTUGAL, SENEGAL, SERBIA, SLOVAK REPUBLIC, TUNISIA, TURKEY</i>		5,200	5,000
<i>Travel and subsistence for five consultants</i>		2,500	3,000
<i>Consultancy fees for the preparation of technical reports</i>		2,500	3,000
5. Monitoring of sites at risk		BO	VC
5.1 On-the-spot visits			
On-the-spot visits, by independent experts designated by the Secretary General to examine threatened habitats and travel and subsistence expenses incurred by such experts to inform the Standing Committee or its groups of experts. It includes appraisals of the European Diploma.		11,000	14,000
5.2 Sites at risk as a result of an emergency			
Fixed appropriation to cover expenses for reports, travelling of experts or Secretariat to areas under a particular environmental stress as a result of natural catastrophes or accidents caused by man. It includes assistance to areas under political or military conflict. It may cover training of specialists, aid to establish environmental monitoring. This chapter will only be used under instruction of the Bureau and will be paid for both from the Council of Europe or by voluntary contributions.			p.m
6. Training, awareness and visibility		BO	VC
Capacity Building. Implementation of article 3 of the Convention. Funds for the conception, the translation, the photocomposition and publication of technical documents, monitoring reports, posters, brochures, etc. It includes dissemination of publications (article 3.3) and regular and update of a Website		5,000	6,000

³⁵ **Participants:** All Contracting Parties **Observers:** All observer states and qualified organisations active in this field.

7. Operational expenditure of the Standing Committee's Secretariat		BO	VC
7.1	Strategic development and implementation of the Convention: implementation of CBD CoP 11 decisions		p.m.
7.2	Chair's expenses Fixed appropriation to cover travel and/or subsistence expenses incurred by the Chairman or delegates T-PVS after consultation with the Secretary General. Expenses of the Chair to attend the meetings of the Standing Committee.	3,000	3,000
7.3	Delegates of African states and some delegates of Central and Eastern Europe Travel and subsistence expenses incurred by the delegates of African states to attend the Standing Committee meeting or other meetings organised under its responsibility.	3,000	3,000
	Travel and subsistence expenses incurred by some delegates from Contracting Parties with economies in transition (on a temporary basis and after decision of the Bureau) to attend the Standing Committee meeting.	7,000	8,000
7.4	Travel of experts and Secretariat Travel and subsistence expenses incurred by experts to attend meetings of special relevance under instruction from the Committee of the Chair, and Secretariat official journeys.	15,000	8,900
7.5	Meetings of the Bureau Travel and subsistence expenses incurred by the members of the Bureau to attend the Bureau meetings.	6,800	3,200
			8 April, 16 September
7.6	Permanent staff (provided by the CoE) Administrator, Administrative Assistant High level management costs	172,800 26,600	
7.7	Temporary staff and administrative costs for temporary staff		107,000
7.8	Translation, interpretation, overheads (printing of documents and daily running of the office)	81,500	
	TOTAL	402,400	313,100
	OVERALL TOTAL		715,500

The Bern Convention Special Account will be used to cover expenses that cannot be covered by the ordinary budget of the Council of Europe.

The activities for which the ordinary budget of the Council of Europe is not sufficient alone, and that will not receive additional voluntary contributions will not or partially be implemented.

The Council of Europe is expected to provide around € 402,400 in 2013 (€ 203,000 for financing the programme of activities including overheads, and € 199,400 for staff and high level management costs). Parties are expected to provide new voluntary contributions in 2013. A detailed report on 2012 expenditure and a list of voluntary contributions will be presented to the Committee for information.

Bern Convention Programme of Activities and Budget for 2013 (Summary)

in Euros

		BO	VC
1.	Monitoring of the legal application of the Convention	4,000	2,000
1.1	Reports on the implementation of the Convention in one Contracting Party and legal assistance	4,000	2,000
2.	Conservation of natural habitats	21,100	84,000
2.1	Group of experts on protected areas and ecological networks	7,000	8,000
2.2	Biogeographical seminar for the implementation of the Emerald Network	1,000	5,000
2.3	Technical seminar for the setting-up of the Emerald Network in three states		12,000
2.4	Pilot projects for the setting-up of the Emerald Network at national level in some States		50,000
2.5	Group of Specialists on the European Diploma of Protected Areas	5,100	2,000
2.6	Consultants	8,000	7,000
3.	Monitoring of species and encouraging conservation action	34,900	51,000
3.1	Group of Experts on Invasive Alien Species	10,300	17,000
3.2	Communication on Invasive Alien Species	0	6,000
3.3	Group of Experts on Invertebrates	14,300	16,000
3.4	Recovery plans and reintroductions: the case of the Osprey (<i>Pandion haliaetus</i>)		p.m.
3.5	Group of Experts on Conservation of Birds	10,300	12,000
4.	Sectoral policies and biodiversity conservation	10,200	23,000
4.1	Environmental Impact of Sport Activities on biodiversity	0	12,000
4.2	2 nd European Conference on Illegal Killing of Birds	10,200	11,000
5.	Monitoring of sites and populations at risk and emergencies	11,000	14,000
5.1	On-the-spot visits, including European Diploma appraisals	11,000	14,000
5.2	Sites at risk as a result of an emergency		p.m.
6.	Training, awareness and visibility	5,000	6,000
		5,000	6,000
7.	Operational expenditure of the Standing Committee and its Secretariat	315,700	133,100
7.1	Strategic development and implementation of the Convention: implementation of CBD CoP 11 decisions		p.m.
7.2	Chair's expenses	3,000	3,000
7.3	Delegates of African states and of some delegates of Central and Eastern Europe	10,000	11,000
7.4	Travel of experts and Secretariat	15,000	8,900
7.5	Meetings of the Bureau	6,800	3,200
	Secretariat: Staff and office costs		
7.6	Permanent staff (provided by the CoE)	199,400	
7.7	Temporary staff		107,000
7.8	Overheads (interpretation, translation and printing of documents)	81,500	
TOTAL		402,400	313,100
OVERALL TOTAL		715,500	

Appendix 13

<p style="text-align: center;">Voluntary contributions to the Bern Convention received in 2012 (in alphabetical order)</p>

Andorra	1,200 €
Belgium (Wallony Region)	15,000 €
Bulgaria	3,000 €
Croatia	1,000 €
Czech Republic	8,000 €
European Commission	19,000 €
Finlande	7,000 €
France	50,000 €
France	5,000 €
Monaco	8,000 €
Monaco	10,000 €
Norway	20,000 €
Norway	15,000 €
Serbia	2,000 €
Slovakia	2,000 €
Switzerland	62,394 €
United Kingdom	7,182 €

235 776 €