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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

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**Revised Criteria for assessing the National Lists of proposed  
Areas of Special Conservation Interest (ASCIs) at biogeographical  
level and procedure for examining and approving Emerald  
candidate sites**

*Document established by  
the Directorate of Democratic Governance  
in collaboration with the ETC/BD and Marc Roekaerts*

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## 1. Background

The creation of the Emerald Network of areas of special conservation interest was agreed by the Standing Committee of the Bern Convention in 1989, through the adoption of Recommendation No.16 (1989) on the Areas of Special Conservation Interest (ACSI). The Recommendation advocates Contracting Parties to take, either by legislation or otherwise, steps to designate areas of special conservation interest to ensure that necessary and appropriate conservation measures are taken for each area situated within their territory or under their responsibility.

Article 4 of the Bern Convention is the most relevant article, as it states that Contracting Parties “shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats”.

Nonetheless, the real implementation of the Emerald Network only started in 1998, through the adoption by the Standing Committee of Resolution No. 3 (1996) concerning the setting up of a pan-European Ecological Network, and Resolution No. 5 (1998), concerning the rules for the Network of Areas of Special Conservation Interest (Emerald Network).

Resolution No. 3 (1996) encourages "Contracting Parties and observer states to designate ASCIs", thus inviting all the European Union states, European states which are not members of the European Union and some African states to join the Emerald Network. Participation in the Emerald Network is therefore optional, as Contracting Parties and Observers States benefit from the “soft law” approach characteristic of Council of Europe recommendations and resolutions. However, it is important to note that the obligations on the Contracting Parties to protect natural habitats are rigorous requirements clearly set out in the Convention and forming part of binding international law.

The European Union, as such, is a Contracting Party to the Bern Convention. Implementation of the Bern Convention by EU member states is achieved mainly through full compliance with the Habitats and Birds Directives and the requirements of the Bern Convention with regard to habitats are met by designating sites for the Natura 2000 Network. According to Resolution No. 5 (1998) of the Bern Convention Standing Committee on rules applying to the network of Areas of Special Conservation Interest, “*for Contracting Parties which are Member States of the European Union, Emerald Network sites are those of the Natura 2000*”. The provisions of the Birds and Habitats Directives are thus the only procedures that apply to these countries. As indicated both in the EU Habitats Directive and in the Bern Convention, the ultimate goal for the creation of such a sites network is the “long term survival and maintenance of a favourable conservation status of the species and habitats of European Interest”.

In order to ensure a full complementarity and consistency between the EU Natura 2000 and the Emerald networks, the Group of Experts on Protected Areas and Ecological Networks (GoEPAEN) recommended that any evaluation of the proposed Emerald sites should be based on the same rules and procedures as developed for Natura 2000, i.e using a biogeographic approach. At the same time, in full recognition of the resources and time needed to implement such a process, the GoEPAEN called for a simplified approach without losing the essence of the evaluation.

In 2006, a first attempt was made to agree criteria for a simplified biogeographic approach to the evaluation of Emerald sites as described in document T-PVS/Emerald (2007) 03, on the basis of the criteria adopted by the Habitats Committee in 1997 (Hab. 97/2 rev. 4 18/11/97). Meanwhile, the EU accumulated experience within the different Biogeographical seminars and the procedure was gradually amended accordingly. The present paper aims at revising document T-PVS/Emerald (2007) 03, taking into account recent developments in the implementation of the Natura 2000 network and proposing a process to be applied in the preparation of the Pan-European list of ASCIs under the Bern Convention. It is relevant to the implementation of phases II and III of the Emerald process as described in T-PVS/Emerald (2010) 5.

Although the constitution of Emerald Network is still ongoing, three different stages or “Phases” of implementation can be identified:

Phase I: Participating countries assess their natural resources and identify species and habitats to be protected according to the relevant resolutions of the Bern Convention. They subsequently select potential sites which are suitable for ensuring the long-term survival of the “Emerald” species and habitats, and they send a database containing scientific information on the proposed sites to the Bern Convention’s Secretariat.

Phase II: An evaluation of the efficiency of the proposed sites which has to be done on a species by species and habitat by habitat base. Ideally the evaluation would only start if a complete inventory of proposed sites exists for a certain area. Realistically, this would mean that over 80 % of the finally proposed sites would already be available for the evaluation. This exercise is to be conducted in cooperation with the European Environment Agency.

Once the scientific value of the proposed sites is assessed, the candidate sites will be submitted to the Standing Committee and will eventually be approved so to formally integrate the Emerald Network. For EU member states an approved Natura 2000 Network of sites will automatically fulfil the parties’ obligations towards the Bern Convention and the Emerald Network.

Phase III: National designation of the adopted ASCI’s and implementation of management, reporting and monitoring measures, under the responsibility of national authorities.

Sites proposed as Emerald sites by individual countries will be eligible to become ASCIs only if they contribute to the conservation of habitat types listed in Resolution No. 4 (1996) and species listed in Resolution No. 6 (1998) of the Bern Convention and endorsed by the Standing Committee of the Convention.

ASCI selection is guided by Recommendation No. 16 (1989), paragraph 1, which describes six general conditions; all ASCIs should fulfil at least one:

- a) It contributes substantially to the survival of threatened species, endemic species, or any species listed in Appendices I and II of the convention;
- b) It supports significant numbers of species in an area of high species diversity or supports important populations of one or more species;
- c) It contains an important and/or representative sample of endangered habitat types;
- d) It contains an outstanding example of a particular habitat type or a mosaic of different habitat types;
- e) It represents an important area for one or more migratory species;
- f) It otherwise contributes substantially to the achievement of the objectives of the convention;

Following the principles described in Annex III of the Habitats Directive for setting up Natura 2000 sites under that Directive, two distinct stages in the setting up of the Emerald network can be identified:

- 1) An evaluation of the sufficiency of proposed ASCIs species by species and habitat by habitat (equivalent to Annex III, stage 1 of the Habitats Directive); see section 2;
- 2) An evaluation of the proposed ASCIs site by site at the biogeographical level (equivalent to Annex III, stage 2 of the Habitats Directive), followed by approval by the GoEPAEN and subsequently adoption at the Standing Committee of the Bern Convention; see section 3.

The Areas of Special Conservation Interest – like the Natura 2000 sites – are regarded as core areas for the Pan-European Ecological Network (PEEN). As such, they represent key components of the Pan-European Network. The introduction of a vast natural infrastructure, of the kind ultimately envisaged by the Pan-European Ecological Network, will make the areas identified for the Emerald Network even more important and will focus attention on their possible linkage with other protected areas. The state of ecological connectivity of a concerned ASCI with other natural areas should be taken into account when assessing its compliances to the criteria of the Recommendation No. 16 (1989). A degree of policy convergence between the various networks concerned (PEEN, Natura 2000 and Emerald) should therefore be encouraged.

## **2. Evaluation of sufficiency of proposed ASCIs for species and habitats**

### **2.1 Overall description of the procedure**

The evaluation of Emerald databases at a national level should be viewed as a cycle consisting of the following steps:

- (1) Submission of proposals in the form of a database by the National Authorities to the Bern Convention Secretariat, using the Common Data Repository of the European Environment Agency;
- (2) Quality check of the database by the Council of Europe Secretariat, followed by correction of incompleteness and errors by parties;
- (3) Nomination as official candidate sites by the Bern Convention Standing Committee
- (4) Preliminary evaluation by EEA-ETC/BD of sufficiency of the proposed list of ASCIs (feature/country/ biogeographical region);
- (5) Scientific discussion at the regional biogeographical seminar and assessments of sufficiency,
- (6) If necessary, proposal of additional Emerald Sites and updating the database by national authorities;
- (7) Submission of revised database;
- (8) Submission of the final sitelist to the GoEPAEN for discussion;
- (9) Submission to the Bern Convention Standing Committee for adoption.

The construction of the Emerald databases at a national level should be viewed as a cycle consisting of the first seven steps of the overall procedure.

Evaluation of the Emerald network is viewed as an iterative process. Conclusions on the sufficiency of national ASCI proposals will result in the need for new proposed Emerald sites or extension of existing sites if the conclusions are found unsatisfactory. An increase in site numbers with time is expected due to improving scientific knowledge and changes in nature. In all cases, re-submitted ASCI proposals will be re-evaluated providing updated conclusions.

### **2.2 Emerald database submission, completeness and quality**

Databases should be uploaded to the appropriate folder in the EEA data centre together with an official letter by national authorities noting the delivery of an official database. Second and subsequent deliveries should also include a description of the changes between versions.

Emerald databases should be prepared according to the instructions given in the Emerald Software User Manual (T-PVS/Emerald (2003) 2). Complete databases are essential and for the evaluation process including discussions at the biogeographical seminars. All species of Resolution No. 6 (1998) and of Resolution No. 4 (1996) of the Bern Convention regularly present on a site should be listed and all relevant data-fields completed. Quantitative data on species populations and habitat cover areas at sites should be provided whenever possible. However, species which have been recorded occasionally but which are not regularly occurring (e.g. vagrants) should not be included. It is difficult to give a general rule on listing species for which only historical records exist, for many small, poorly known species, even old records may still be valid (e.g. for bryophytes or small molluscs such as *Vertigo* spp.) unless recent survey shows the species is no longer present or if the habitat has changed and is no longer suitable.

Before evaluation for network sufficiency, submitted databases and associated spatial data will be checked for completeness and quality. After country authorities have received an assessment of database quality, identified gaps and errors should be corrected as quickly as possible and the updated database should be uploaded again to the Common Data Repository of the EEA.

### **2.3 Preliminary evaluation**

Preliminary evaluation of sufficiency of national ASCI proposals will be essentially a scientific preparation for the discussions at the biogeographical seminar. It will be carried out by an independent scientific institution (EEA – ETC/BD). Preliminary evaluation will examine the latest submitted database by the party (but not later than 90 days before the planned biogeographical seminar) and take into account relevant available scientific information.

#### ***Establishment of the Reference lists of species and habitats***

Prior to evaluation, a preliminary Reference List of species and habitats of Bern Convention Resolution No. 4 (1996) and Resolution No. 6 (1998) regularly present in each country per biogeographical region will be prepared based on current scientific information, in order to show for which features which country is obliged to designate ASCIs. The reference lists should not be considered as checklists of species and habitats occurring in the countries and respective regions, thus they should exclude vagrant or accidental species. An 'X' in the list will mean that countries have an obligation to designate sites for that species or a habitat in a particular biogeographical region. A question mark (?) will indicate that the status of the species or habitat is not clear and additional research is needed to clarify its status.

#### ***Evaluation of sufficiency***

The contribution towards favourable conservation status for a given species or habitat type through the designation of a given list of ASCIs will not only depend on the intrinsic quality of those sites, but also on the intensity of the current or proposed conservation measures for each habitat or species including actions outside designated areas. The assessment must be based on the intrinsic value of the proposed sites for each species and habitat type, taking into account their potential contribution to the defined conservation goal, i.e. maintaining or restoring the species and habitats to "Favourable Conservation Status".

It is clear that the factors relevant to the assessment of network sufficiency for each species and habitat type will vary greatly from case to case, depending on different factors. In general, there should be a proportionate response by the parties, so that for the rarest habitats and species of European interest there will be a high proportion of the resource included within the Emerald Network, while for those which are more abundant there will be a lower proportion of the resource within the Network.

It would not be realistic to try to establish one single quantitative criterion equally valid for all habitats and species in all situations. The expected assessment of site lists for the biogeographical region must be based on a case-by-case (feature/country/biogeographical region) discussion, taking into account additional information on different parameters related to each species and habitat type.

#### ***Requirements to be met***

Four requirements can be expected to be met by a representative list of sites to be considered as sufficient to enable a favourable conservation status for a given species or habitat type at biogeographical level:

- 1) it should represent sites from the entire distribution range of every Emerald species and habitat at a national level and biogeographical level if a party shares more than one region;
- 2) it should reflect the ecological variation of the habitat and of the species (genetic) within the biogeographical region. In case of species, site proposals must include the whole range of habitats that are needed for the different stages of its life-cycle such as reproduction, migrations, foraging (etc.)
- 3) it should be well-adapted to the specific conservation needs, in particular to those related to the distribution patterns (endemicity, degree of isolation/fragmentation, historical trends, climate change) and to the human pressures, threats and vulnerability of the considered species or habitat type;
- 4) if the first 3 conditions are met it will be expected that site proposals will include significant proportions of habitat area and species populations within the Emerald network versus the overall national resource.

### ***Additional aspects of the evaluation of the sufficiency for bird species***

Preliminary assessment of sufficiency of bird representation in Emerald sites for the biogeographical seminars will be done by comparing information recorded by Bern Convention Contracting Parties in the Standard Data Forms against various reference sources such as national and European Bird Atlases, Birds in Europe (2004) and the BirdLife International database on Important Bird Areas (IBAs).

This evaluation will be conducted as a combination of (1) a species by species approach, i.e. looking whether each species of Resolution No. 6 (1998) of the Bern Convention is sufficiently represented in the network, and (2) a site approach, i.e. looking whether all IBAs meeting certain numeric ornithological criteria for non-Resolution No. 6 (1998) migratory birds are covered by Emerald network.

Species by species evaluation will be done for all bird species listed in Resolution No. 6 (1998) at the country<sup>1</sup> level. This evaluation will cover all stages of life-cycle of the listed species, and where appropriate separate assessments will be done for e.g. breeding, staging and wintering periods. The following questions will be asked for each species:

- Is the species a subject for Emerald site designation in the respective Contracting Party given the nature of its occurrence and distribution (i.e. should it be included on the Reference List for that country?). If the answer is positive, the further questions will be raised:
- What proportion of national population is covered by the Emerald sites (ASCIs)?
- Is the geographical distribution range within respective country sufficiently covered?
- Do the proposed ASCIs meet the ecological requirements of the species?
- Are all IBAs hosting the concerned species covered by the proposed Emerald sites? Do boundaries of both designations significantly differ?

### ***Additional aspects of the evaluation of the sufficiency for migratory bird species***

The site approach is used to cover the need to protect areas of importance mainly for migratory species not listed in Resolution No. 6 (1998), but for which Emerald sites need to be designated<sup>2</sup>. The definition of 'areas important for migratory species' is limited to those meeting the following internationally accepted criteria:

- The site is known or thought to hold, on a regular basis, 20,000 or more waterbirds of one or more species or 10,000 or more pairs of seabirds for one or more species (IBA criterion A4iii<sup>3</sup>);
- The site is known or thought to hold, 1% or more of flyway population or other distinct population of a waterbird species or other congregatory species (IBA criteria B1i and B1iii);
- The site is a 'bottleneck site' hosting 5,000 or more storks, 3,000 or more raptors and cranes (IBA criterion B1iv).

In this exercise, all Important Bird Areas meeting the above criteria will be checked whether they are covered by the proposed Emerald sites. Each of the above three criteria will appear as a separate evaluation unit per country and discussed as a separate item during the national biogeographic Seminars (Phase II).

### ***Outcomes of the evaluation and Preparation of draft list of Emerald sites***

<sup>1</sup> For species other than birds, the evaluation is done at the level: feature/country/bio-geographical region. Biogeographical regions are not distinguished during the evaluation for birds.

<sup>2</sup> According to point 1e of Recommendation No. 16 (1989) on the Areas of Special Conservation Interest (adopted by the Standing Committee to the Bern Convention on 9 June 1989).

<sup>3</sup> According to Heath, M.F. & Evans, M.I. 2000. Important Bird Areas in Europe. Priority sites for conservation. Cambridge, UK: BirdLife International (BirdLife Conservation Series No. 8)

A draft list of candidate ASCIs per biogeographical region within the region of concern at the seminar (West-Balkan, Caucasus, etc ...) will be prepared using the data from the respective Emerald databases and according to the table structure shown in the Table 1. Parties will be requested to check information in these lists so to be ready for the final approval at the biogeographical seminar.

**Table 1.** Contents of the “Draft List of Proposed Emerald Sites”

Column count	Description
A	ASCI code comprising nine characters, the first two being the ISO code for the Member State
B	ASCI name
C	Surface area of ASCI (ha)
D	Centroid coordinates of ASCI (latitude and longitude)
E	Number of species of Resolution No. 6 (1998) at the ASCI
F	Number of habitat types of Resolution No. 4 (1996) at the ASCI

The results of the preliminary evaluation will be: (1) draft Reference Lists for species and habitats; (2) draft Detailed Conclusions and (3) draft lists of proposed Emerald sites. These documents will form the basis of discussions at the biogeographical seminar.

The evaluation of the Emerald site proposals will also include bird species using the same methodology as for other species, contrary to the Natura 2000 biogeographical seminars which only consider species covered by the Habitats Directive.

More detailed guidelines for site selection and proposal evaluation for certain taxonomic groups (e.g., birds, fish) or environments (e.g., marine) may have to be further developed when parties involved in the Emerald phase II gain more experience.

## 2.4 Regional Biogeographical seminar

Regional biogeographical seminars will be organised involving all parties represented in a region (e.g. West-Balkan, South Caucasus, etc), provided that they all have submitted Emerald databases of sufficient quality to enable evaluation of sufficiency as described above. The seminars will discuss (1) reference lists; (2) the sufficiency of each species and habitat, according to the agreed reference lists and (3) suitability of sites for inclusion in the final list of ASCIs.

Each seminar will include participants from the Bern Convention Secretariat, the ETC/BD, the Bern Convention parties, independent experts chosen by the Council of Europe and the ETC/BD, an agreed number of representatives of relevant NGOs and observers from the neighbouring countries.

The seminar will be organised as a discussion forum among the stakeholders described above where each species and habitat will be assessed per party and biogeographical region, according to the agreed Reference List. The discussions will result in an agreed conclusion (see categories in Table 2) on sufficiency/ insufficiency of site proposals for each individual species and habitats present in the countries. Sites which do not host any species of Resolution No. 4 (1996) or habitats of Resolution No. 6 (1998) will be discussed to assess their suitability for designation as ASCI, referring to the general conditions for site selection described in Recommendation No. 16 (1989). Final detailed conclusions of the seminar, together with the revised Reference Lists and lists of approved sites, will be published on the Council of Europe’s Emerald website.

At the later stages of the Emerald network building, after the biogeographical seminar(s), further assessments may be required due to additional site proposals or modifications of existing sites and bi-lateral meetings may be called between an individual Bern Convention party and Bern Convention secretariat (involving also ETC/BD as an independent jury) to follow the site designation progress in a concerned party.

## 2.5 Actions after the seminar

Final Detailed Conclusions will guide parties on what actions they should undertake in order to improve the Emerald network at national and biogeographical level. Table 2 shows the type and

categories of conclusions that will be used during the seminar and actions that will be required from the parties after the seminar.

Together with dissemination of Final Detailed Conclusions, the Group of Experts on Protected Areas and Ecological Networks and the Bern Convention Secretariat will agree on the date by when parties will be expected to deliver requested amendments and additions to site proposals.

Evaluation of site proposals will be an iterative process and further work will be required as a result of additional site proposals arising from seminar conclusions and/or changes due to improving scientific knowledge.

**Table 2.** Conclusions and their abbreviations used in biogeographical seminars. Codes can be combined, for example 'IN MOD and CD' would indicate that additional sites are required and that the existing proposals need correcting or completing.

<b>Code</b>	<b>Meaning</b>	<b>Action required</b>
SUF	Sufficient	No further sites needed
IN MAJOR	Insufficient major	No sites proposed at present. A major effort to designate sites is needed.
IN MOD	Insufficient moderate	One or a number of additional sites (or maybe extension to sites) required. IN MOD GEO means that additional site(s) are required in certain region to eliminate geographical gap.
IN MIN	Insufficient minor	No additional sites required but habitat/species should be noted on sites already proposed for other habitats/species
CD	Correction of data	Data needs to be corrected / completed / deleted
Sci Res	Scientific reserve	A definite conclusion is not possible: need to investigate/clarify a scientific issue – interpretation of habitat, controversial presence of species, etc.

### 3. Approval and adoption of sites at the biogeographical level

Once the iterative process of the evaluation of the Emerald candidate sites has reached a sufficient level of agreement, the last two steps of the overall procedure are undertaken:

- (8) Submission of the final database *sitelist* to GoEPAEN for discussion;
- (9) Submission of the *sitelist* to the Bern Convention Standing Committee for adoption.

The Group of Experts on Protected Areas and Ecological Networks receives the final database of official candidate sites for discussion. The GoEPAEN will then forward the final list to the Standing Committee of the Bern Convention for adoption. This final list will be published using the format as described above (Table 1).

Published EU Lists of NATURA 2000 sites are available as examples at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:030:0001:0042:EN:PDF>



**Figure 1.** Schematic description of the Emerald network evaluation cycle: from database submission to approval of ASCIs.

