Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 208 (2019) of the Standing Committee, adopted on 6 December 2019, on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites

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,

Recalling that the Bern Convention on the Conservation of European wildlife and Natural Habitats is the main legal instrument in the field of biological diversity at pan-European level, having been ratified by fifty States and the European Union, encompassing the entire European Continent and beyond, thanks to the ratification by four North African states;

Recalling Article 4 of the Bern Convention, requiring each Contracting Party to take appropriate measures to ensure the conservation of (i) natural habitats that are endangered and (ii) the habitats of wild flora and fauna, especially those species listed in Appendices I and II of the Convention and endangered and vulnerable migratory species;

Recalling that Article 4 of the Bern Convention also requests Parties to use their planning and development policies to avoid or minimise deterioration of the areas they protect for the purposes of Article 4;

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

Recalling Recommendation No. 16 (1989) inviting Contracting Parties to designate areas of special conservation interest (ASCI), to ensure the sites are subject to an appropriate regime designed to conserve the factors that are the basis for their inclusion in the Network, to conduce appropriate and coordinated research to further the understanding of critical elements in the management of ASCIs and the monitoring of their status and to ensure that activities adjacent to or in the vicinity of the sites do not adversely affect them;

Recalling Resolution No. 5 (1998) requiring Parties 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. Where any such changes come to light, the Standing Committee may advise the government concerned on steps to be taken;

Recalling Recommendation No. 157 (2011) inviting Contracting Parties to take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites and to ensure that, if and when appropriate, these measures include administrative, management or development plans corresponding to the ecological requirements for the long term survival of species and habitats present in the proposed Emerald Network sites, in particular those of the Bern Convention Resolutions No. 4 (1996) and No. 6 (1998) or specified by Recommendation 16 (1989);

Acknowledging that at present the Bern Convention does not have guidance about the steps to be taken in response to the deterioration of the values of Emerald Network sites which justified their designation and the case file system under the Bern Convention is triggered in a largely ad hoc manner rather than from a basis of systematic monitoring, and the principles and practices which guide it are framed in terms of procedures rather than ecological aspects;

Welcoming the document developed by Dr David Pritchard, explaining the Concept of the "ecological character" of sites in the Bern Convention/Emerald Network context, and formulating options for

addressing changes in ecological character (T-PVS/PA (2017)8) and to the resulting Guidance on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites (T-PVS/PA (2018)13);

Referring to the Flowchart of steps to be taken to assess, report and respond to changes in ecological character of Emerald network sites (T-PVS/Inf(2019)3);

Reminding that the Guidance on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites does not create new obligations but aims to support the implementation of existing provisions;

Stressing that the Bern Convention case-file system is facing a drastic increase of complaints regarding threats to Areas of Special Conservation Interest and is lacking on a methodology for processing and evaluating the complaints in a systematic way;

Recalling that Article 4 (points 4.1 and 4.2) of Resolution No. 5 (1998) requires that Governments undertake surveillance of the conservation status of species and natural habitats in designated ASCIs (Emerald Network sites) and 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;

Recalling that point 4.4 of the same Article 4 of Resolution No. 5 (1998) foresees that exceptions to the provisions of Articles 4, 5, 6 and 7 of the Convention in designated ASCIs shall be regulated by Article 9 of the Convention;

Recalling the provisions of Article 6 of the Habitats Directive 92/43/EEC which requires that projects likely to have a significant effect on a Natura 2000 site should only be permitted when the assessment of their implications shows that there will not be an adverse effect on the site's integrity and that in the absence of alternative solutions, such projects can only be carried out for imperative reasons of overriding public interest;

Aware of the difficulties Contracting Parties encounter in improving the sufficiency of their Emerald Network, in developing the management systems for their designated Emerald Network sites and of the additional workload the description of the ecological character of these sites might represent;

Recommends to Contracting Parties and invites Observer States to make use of the Guidance and flowchart referred to above to describe, monitor and preserve the ecological character of their Emerald Network sites.

Instructs the Bureau to the Standing Committee to make use of the guidance and of the flowchart referred to above when assessing complaints received within the frame of the Bern Convention case-file system which involve adopted or candidate Emerald Network sites.

Annex 1 : Guidance on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites - T-PVS/PA(2018)13

Annex 2 : Flowchart of steps to be taken to assess, report and respond to changes in ecological character of Emerald network sites - T-PVS/Inf(2019)3