

The Bern Convention

(Convention on the conservation
of European wildlife and
natural habitats,
Bern, 1979)



Contents	Page
What does it mean?	
How does it work?.....	
Main issues covered	
Monitoring implementation	
Text of the Convention (excluding appendices)	
Glossary	

What does it mean ?

Wild flora and fauna play an essential role in maintaining biological balance. Nature is the foundation for our quality of life and yet numerous species of this biodiversity are being seriously depleted and some are threatened with extinction. Nature has also an intrinsic value and constitutes a natural heritage of cultural, scientific and recreational importance, as it is recognised in the Preamble of the Bern Convention.

The “Bern Convention” is the short and informal name given to this regional treaty negotiated at the Council of Europe in the late 1970s. The Convention on the Conservation of European Wildlife and Natural Habitats was signed in Bern in September 1979 and it has been in force since June 1982. This means that the Bern Convention celebrated its 25th anniversary in 2004, marking it as one of the oldest environmental treaties which has nevertheless kept in line with changing times. ■

** All the words followed by an asterisk are developed in a glossary at the end of the brochure.*

The Bern Convention, which to date counts with 45 Contracting Parties, constitutes an instrument of major importance for the conservation and sustainable use of biological diversity at the regional level by reason of its aims, its geographical coverage and commitment of its Parties to implementation;

The Bern Convention has a solid conservation work behind, a strong expertise and a great potential to continue contributing, in synergy with other multilateral environmental agreements, European Union directives and other biodiversity related instruments, to the goals of conservation and sustainable use of the world's biological diversity.

Extract from "Strasbourg Declaration on the role of the Bern Convention in the preservation of biological diversity"
(adopted on 30th November 2004)

The negotiators and drafters of the text of the Bern Convention must be credited as the authors of a very innovative legal text as they provided it with unique features at the time. The Bern Convention is much more than an international agreement about environmental protection. It takes account of the role that people play in the wider environment and their interactions with nature. It recognises the value of wild flora and fauna that needs to be preserved and passed to future generations. The Convention incorporates important principles such as precaution, integration, participation and co-operation long before they were mainstreamed. In short, the Bern Convention is a tool for achieving sustainability and as such, it is an important contribution “made in Europe” to the sustainable development of life on this planet.

Nature protection is therefore at the heart of the cultures and values of European societies. Biodiversity is a critical element to guarantee peoples’ right to a healthy environment and achieve sustainable development, two goals which are directly related to the values and objectives of the Council of Europe.

General information about the Bern Convention

- Adopted on 19 September 1979 in Bern (Switzerland)
- In application since 1 June 1982
- Number of Contracting Parties: 45 (+ 1 signatory waiting for ratification: Armenia)
- Institutions: Standing Committee, Bureau and Secretariat
- Groups of Experts:
 - on the Conservation of: Amphibian and Reptiles; Birds; Invertebrates; Plants
 - for the setting up of the Emerald Network of Areas of Special Conservation
 - on Invasive Alien Species
 - on Biodiversity and Climate Change
- Contact details of the Secretariat:

Biological Diversity Unit
Directorate of Culture, Cultural and Natural Heritage
Council of Europe
F-67075 Strasbourg Cedex, France
Website: <http://www.coe.int/biodiversity>
Telephone: +33 (0)3 90 21 56 79
Fax: +33 (0)3 88 41 37 51

Membership and partnership

European and African countries join efforts around a common project. The Bern Convention currently has 45 Contracting Parties, including members and non-members of the Council of Europe and beyond. Here is the full list:

List of Contracting Parties (in alphabetical order):

Albania, Andorra, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, the European Community, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, and the United Kingdom. Four African States are also Contracting Parties to the Bern Convention: Burkina Faso, Morocco, Senegal and Tunisia.

Other States are planning to join in: Armenia signed the Bern Convention in March 2006 and they will soon finalise their ratification. Georgia and Serbia are also planning to become Parties to the Convention

Bern Convention Parties work together, in a spirit of partnership and co-operation, with observer countries and organisations such as other biodiversity conventions and non-governmental organisations operating from the local to the global level. The Secretariat has signed several memorandum of co-operation with relevant instruments and institutions such as the United Nations Convention on Biological Diversity, the European Environment Agency and Planta Europa.

How does it work ?

The objective of the Bern Convention is to conserve wild flora and fauna and their natural habitats, especially those requiring the co-operation of several States. The Convention places a particular importance on the need to protect endangered natural habitats and endangered vulnerable species, including migratory species.

The Appendices of the Convention provide the lists of wild species that are protected by the Convention. Appendix I includes wild flora species and Appendix II lists the animal species requiring special protection, while the wild fauna species of Appendix III are protected but their "exploitation" can be regulated in accordance with the Convention. The appendices were last modified in 2000 (see the full version in CD-ROM enclosed).

What to do ?

All countries that have signed the Bern Convention must take action to:

- promote national policies for the conservation of wild flora and fauna, and their natural habitats;
- have regard to the conservation of wild flora and fauna in their planning and development policies, and in their measures against pollution;
- promote education and disseminate general information on the need to conserve species of wild flora and fauna and their habitats;
- encourage and co-ordinate research related to the purposes of this Convention.

... and also co-operate to enhance the effectiveness of these measures through:

- co-ordination of efforts to protect migratory species; and
- the exchange of information and the sharing of experience and expertise.

The Bern Convention's institutions

The **Standing Committee** is the governing body of the Bern Convention. It includes all Contracting Parties as well as observer states and organisations, both governmental and non-governmental, at the national and international level. It meets annually at the Council of Europe premises in Strasbourg. The Standing Committee adopts recommendations concerning measures that should be taken to achieve the Convention's objectives and improve its effectiveness. It also monitors the implementation of the Convention and provides guidance on its implementation and further development

The **Bureau** of the Standing Committee takes administrative and organisations decisions in between meetings of the Standing Committee. It includes the Chair of the Standing Committee, the Vice-chair and the former Chair, and is assisted by the Secretariat. The reports of Bureau meetings are made available to Parties and observers.

The Standing Committee has set up several **Groups of Experts** under the Convention to address the specific threats and conservation requirements of different species. There are Group of Experts on the Conservation of Amphibians and Reptiles; Birds; Invertebrates and Plants. Other Groups of Experts look into the management of invasive alien species, the setting up of the Emerald Network or the impacts of climate change on biodiversity.

The **Secretariat** of the Bern Convention is provided by the Council of Europe. It provides administrative and other services that may be required by the Standing Committee. The Secretariat is also responsible for convening meetings and preparing and circulating all documents and reports that need to be examined by the Standing Committee and its Bureau, as well as by the Groups of Experts and ad hoc working groups set up under the Convention.

The role of NGOs in the Bern Convention

Non-governmental organisations concerned with nature conservation or wider environmental issues, at the local or international level, can get official observer status under the Convention and participate in the meetings of the Standing Committee or Groups of Experts.

A number of NGOs are key partners of the Bern Convention in key core activities such as the conservation of large carnivores, birds, plants, etc.

They are a very active “watchdog” in monitoring the implementation of Standing Committee recommendations and they send their own reports to the Bureau and the Standing Committee.

NGOs play an important role in raising public awareness about conservation issues and problems and they alert the Secretariat and the Bureau about possible breaches of the Convention. In this sense, NGOs are the most frequent initiators of complaints, which may lead to case files.

Main issues covered

The Bern Convention recognises the need to take “positive” actions for nature conservation but also to integrate concerns for biodiversity in national policies dealing with planning and development, as well as in countries’ measures against pollution. Bern Convention Parties have developed guidance over the years on how to best protect Europe’s wild fauna, flora and natural habitats as well as addressing some of the main threats faced.

Protecting species and habitats

Here are some examples of critical issues that the Bern Convention continues to actively address and develop to provide guidance to Parties in their efforts to protect Europe’s main species and habitats.

Species at risk: From invertebrates to large carnivores

The Bern Convention focuses on endangered and vulnerable species of wild fauna in Europe, including migratory species. Two good examples are the protection of invertebrates and the conservation of large carnivores, where specific recommendations aimed at their conservation have been adopted, including a number of action plans and strategies such as the European Strategy on the Conservation of Invertebrates, adopted in 2006. The work of the Groups of Experts is also crucial in addressing information and policy needs to improve the conservation status of wild species in Europe.

Another good example is provided by the close partnership developed with Planta Europa to conserve plant biodiversity at the regional level.

The European Plant Conservation Strategy

Developed in 2001 by the Council of Europe and Planta Europa, this Strategy provides the framework for wild plant conservation in Europe and, as the first regional plant conservation strategy, is a valuable contribution to the Global Strategy for Plant Conservation adopted in 2002 under the United Nations Convention on Biological Diversity.

The Strategy lists 42 targets for plant conservation in Europe and is currently under review. Those targets cover relevant issues such as important plant areas, protected area management, documentation of plant diversity, exchange of information, education and awareness, and capacity building, to better conserve plants in Europe. Many of the Strategy targets are oriented for action by NGOs and technical agencies, while the long-term policy objectives are directed at European governments.

At least as important as actions taken to protect wild fauna and flora species is to take care of the natural habitats where those species thrive, as a crucial element to have healthy ecosystems that will ensure the survival of biological diversity.

A tool to protect Europe's natural habitats: The Emerald Network

Wild animal species cannot be protected in isolation from the habitats that sustain them. The protection of endangered natural habitats is therefore essential to the conservation of species in Europe and worldwide.

The Emerald Network of protected areas of special conservation interest forms a pan-European ecological network which includes sites in both Contracting Parties and observer States to the Bern Convention. The objective is that by the end of 2007, all the Parties to the Bern Convention will have joined the Emerald Network and implemented a programme launching operations to identify potential Emerald sites.

Tackling big threats to Europe's nature

The Bern Convention also deals with serious threats to biodiversity that have become priority issues from the global to the local level: invasive alien species (IAS) and climate change.

The European Strategy on Invasive Alien Species

The introduction of species beyond their natural range is rising sharply, due to increased transport, trade and tourism. Invasive alien species are considered to be the second cause of biodiversity loss after habitat destruction, and can have adverse environmental, economic and social impacts.

The European Strategy on Invasive Alien Species was adopted in 2003 and is the result of collaboration between the Council of Europe and the World Conservation Union (IUCN). Its objective is to promote the development and implementation of co-ordinated measures and co-operative efforts to prevent or minimise the adverse impacts of invasive alien species on Europe's biodiversity. The Strategy engages those involved in the movement, use and control of potentially invasive alien species, and builds on the expertise and commitment of competent non-governmental organisations and research institutes.

Biodiversity and climate change

Climate change is already affecting biodiversity in Europe and the rest of the world. The Bern Convention is addressing the need to face this challenge in order to minimise the impact of climate change on the species and natural habitats protected under the Convention while helping them adapt to the effects of climate change that are already with us.

A specific example is ongoing efforts to develop guidance on wind energy and nature conservation aimed at reducing the impacts of this important source of renewable energy.

In addition, a new Group of Experts on Biodiversity and Climate Change has been set up to exchange information and review the effects of climate change on the wild species and natural habitats covered by the Bern Convention. The Group will also propose advice and guidance to develop appropriate adaptation and management policies and actions for the conservation of biological diversity, including key policies that impact on ecosystem goods and services.

Monitoring the implementation

The Bern Convention benefits from a number of tools that contribute to regular monitoring of the implementation of the Convention. This monitoring system includes reports and the case-file system, fully accessible to Parties and observers alike. The Standing Committee monitors the implementation of the Convention at each meeting by reviewing reports, processing case-files and adopting recommendations.

Reporting system

The following types of reports under the Bern Convention contribute to monitor the implementation of the Convention and assess its effectiveness:

- compulsory biannual reports submitted by Parties on the use of the exceptions that are allowed under Article 9 of the Convention;
- voluntary general reports submitted by Parties on the national implementation of the Convention (every four years);
- legal reports analysing the implementation of the Convention in one country (one country per year), commissioned by the Secretariat;
- national reports submitted to and discussed by the Groups of Experts regarding their target species or habitats;
- reports submitted by Parties and observers on the follow-up of Recommendations (a selection of recommendations is monitored each year by the Standing Committee).

Groups of experts

Groups of Experts also monitor the implementation of Standing Committee recommendations concerning the species or habitats they cover (e.g. amphibian and reptiles, plants, birds, etc.). At their meetings, every two or three years, Groups of Experts set under the Convention address specific conservation problems and propose recommendations to the Standing Committee.

The case-files system

In its 25 years of existence, the case-file system of the Bern Convention has proven to be an excellent tool to achieve the aims of the Bern Convention through international co-operation. The system is based on complaints for possible breaches of the Convention that are processed by the Secretariat, the Bureau and the Standing Committee according to their merits and on the basis of the information submitted. When the Standing Committee or its Bureau considers that further information is needed, they can arrange for on-the-spot visits by independent experts, who report to the Standing Committee. Many case-files are at the origin of Recommendations adopted by the Standing Committee and addressed to a particular country or group of countries to redress a problem with the application of the Convention concerning the protection of a wild species or natural habitat under threat. Finally, and if everything else fails, Parties to the Bern Convention have recourse to arbitration as a dispute-settlement method available to them but which so far remains unused...

Text of the Convention

Preamble

The member States of the Council of Europe and the other signatories hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering the wish of the Council of Europe to co-operate with other States in the field of nature conservation;

Recognising that wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations;

Recognising the essential role played by wild flora and fauna in maintaining biological balances;

Noting that numerous species of wild flora and fauna are being seriously depleted and that some of them are threatened with extinction;

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

Recognising that the conservation of wild flora and fauna should be taken into consideration by the governments in their national goals and programmes, and that international co-operation should be established to protect migratory species in particular;

Bearing in mind the widespread requests for common action made by governments or by international bodies, in particular the requests expressed by the United Nations Conference on the Human Environment 1972 and the Consultative Assembly of the Council of Europe;

Desiring particularly to follow, in the field of wildlife conservation, the recommendations of Resolution No. 2 of the Second European Ministerial Conference on the Environment,

Have agreed as follows:

Chapter I – General provisions

Article 1

- 1 The aims of this Convention are to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation.
- 2 Particular emphasis is given to endangered and vulnerable species, including endangered and vulnerable migratory species.

Article 2

The Contracting Parties shall take requisite measures to maintain the population of wild flora and fauna at, or adapt it to, a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements and the needs of sub-species, varieties or forms at risk locally.

Article 3

- 1 Each Contracting Party shall take steps to promote national policies for the conservation of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats, in accordance with the provisions of this Convention.
- 2 Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna.
- 3 Each Contracting Party shall promote education and disseminate general information on the need to conserve species of wild flora and fauna and their habitats.

Chapter II – Protection of habitats

Article 4

- 1 Each Contracting Party 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.
- 2 The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas.
- 3 The Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas.
- 4 The Contracting Parties undertake to co-ordinate as appropriate their efforts for the protection of the natural habitats referred to in this article when these are situated in frontier areas.

Chapter III – Protection of species

Article 5

Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild flora species specified in Appendix I. Deliberate picking, collecting, cutting or uprooting of such plants shall be prohibited. Each Contracting Party shall, as appropriate, prohibit the possession or sale of these species.

Article 6

Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II. The following will in particular be prohibited for these species:

- a all forms of deliberate capture and keeping and deliberate killing;
- b the deliberate damage to or destruction of breeding or resting sites;
- c the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention;
- d the deliberate destruction or taking of eggs from the wild or keeping these eggs even if empty;
- e the possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, where this would contribute to the effectiveness of the provisions of this article.

Article 7

- 1 Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the protection of the wild fauna species specified in Appendix III.
- 2 Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger, taking into account the requirements of Article 2.
- 3 Measures to be taken shall include:
 - a closed seasons and/or other procedures regulating the exploitation;
 - b the temporary or local prohibition of exploitation, as appropriate, in order to restore satisfactory population levels;
 - c the regulation as appropriate of sale, keeping for sale, transport for sale or offering for sale of live and dead wild animals.

Article 8

In respect of the capture or killing of wild fauna species specified in Appendix III and in cases where, in accordance with Article 9, exceptions are applied to species specified in Appendix II, Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species, and in particular, the means specified in Appendix IV.

Article 9

- 1 Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7 and from the prohibition of the use of the means mentioned in Article 8 provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned:

- for the protection of flora and fauna;
 - to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;
 - in the interests of public health and safety, air safety or other overriding public interests;
 - for the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding;
 - to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers.
- 2 The Contracting Parties shall report every two years to the Standing Committee on the exceptions made under the preceding paragraph. These reports must specify:
- the populations which are or have been subject to the exceptions and, when practical, the number of specimens involved;
 - the means authorised for the killing or capture;
 - the conditions of risk and the circumstances of time and place under which such exceptions were granted;
 - the authority empowered to declare that these conditions have been fulfilled, and to take decisions in respect of the means that may be used, their limits and the persons instructed to carry them out;
 - the controls involved.

Chapter IV – Special provisions for migratory species

1 Article 10

- 1 The Contracting Parties undertake, in addition to the measures specified in Articles 4, 6, 7 and 8, to co-ordinate their efforts for the protection of the migratory species specified in Appendices II and III whose range extends into their territories.
- 2 The Contracting Parties shall take measures to seek to ensure that the closed seasons and/or other procedures regulating the exploitation established under paragraph 3.a of Article 7 are adequate and appropriately disposed to meet the requirements of the migratory species specified in Appendix III.

Chapter V – Supplementary provisions

Article 11

- 1 In carrying out the provisions of this Convention, the Contracting Parties undertake:
 - a to co-operate whenever appropriate and in particular where this would enhance the effectiveness of measures taken under other articles of this Convention;
 - b to encourage and co-ordinate research related to the purposes of this Convention.
- 2 Each Contracting Party undertakes:
 - a to encourage the reintroduction of native species of wild flora and fauna when this would contribute to the conservation of an endangered species, provided that a study is first made in the light of the experiences of other Contracting Parties to establish that such reintroduction would be effective and acceptable;
 - b to strictly control the introduction of non-native species.

- 3 Each Contracting Party shall inform the Standing Committee of the species receiving complete protection on its territory and not included in Appendices I and II.

Article 12

The Contracting Parties may adopt stricter measures for the conservation of wild flora and fauna and their natural habitats than those provided under this Convention.

Chapter VI – Standing Committee

Article 13

- 1 For the purposes of this Convention, a Standing Committee shall be set up.
- 2 Any Contracting Party may be represented on the Standing Committee by one or more delegates. Each delegation shall have one vote. 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 European Economic Community shall not exercise its right to vote in cases where the member States concerned exercise theirs, and conversely.
- 3 Any member State of the Council of Europe which is not a Contracting Party to the Convention may be represented on the committee as an observer.

The Standing Committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Contracting Party to the Convention to be represented by an observer at one of its meetings.

Any body or agency technically qualified in the protection, conservation or management of wild fauna and flora and their habitats, and belonging to one of the following categories:

- a international agencies or bodies, either governmental or non-governmental, and national governmental agencies or bodies;

- b national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located, may inform the Secretary General of the Council of Europe, at least three months before the meeting of the Committee, of its wish to be represented at that meeting by observers. They shall be admitted unless, at least one month before the meeting, one-third of the Contracting Parties have informed the Secretary General of their objection.
- 4 The Standing Committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within one year of the date of the entry into force of the Convention. It shall subsequently meet at least every two years and whenever a majority of the Contracting Parties so request.
- 5 A majority of the Contracting Parties shall constitute a quorum for holding a meeting of the Standing Committee.
- 6 Subject to the provisions of this Convention, the Standing Committee shall draw up its own Rules of Procedure.

Article 14

- 1 The Standing Committee shall be responsible for following the application of this Convention. It may in particular:
 - keep under review the provisions of this Convention, including its appendices, and examine any modifications necessary;
 - make recommendations to the Contracting Parties concerning measures to be taken for the purposes of this Convention;
 - recommend the appropriate measures to keep the public informed about the activities undertaken within the framework of this Convention;
 - make recommendations to the Committee of Ministers concerning non-Member States of the Council of Europe to be invited to accede to this Convention;

- make any proposal for improving the effectiveness of this Convention, including proposals for the conclusion, with the States which are not Contracting Parties to the Convention, of agreements that would enhance the effective conservation of species or groups of species.
- 2 In order to discharge its functions, the Standing Committee may, on its own initiative, arrange for meetings of groups of experts.

Article 15

After each meeting, the Standing Committee shall forward to the Committee of Ministers of the Council of Europe a report on its work and on the functioning of the Convention.

Chapter VII – Amendments

Article 16

- 1 Any amendment to the articles of this Convention proposed by a Contracting Party or the Committee of Ministers shall be communicated to the Secretary General of the Council of Europe and forwarded by him at least two months before the meeting of the Standing Committee to the member States of the Council of Europe, to any signatory, to any Contracting Party, to any State invited to sign this Convention in accordance with the provisions of Article 19 and to any State invited to accede to it in accordance with the provisions of Article 20.
- 2 Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined by the Standing Committee which:
 - a for amendments to Articles 1 to 12, shall submit the text adopted by a three-quarters majority of the votes cast to the Contracting Parties for acceptance;
 - b for amendments to Articles 13 to 24, shall submit the text adopted by a three-quarters majority of the votes cast to the Committee of Ministers for approval. After its approval, this text shall be forwarded to the Contracting Parties for acceptance.

- 3 Any amendment shall enter into force on the thirtieth day after all the Contracting Parties have informed the Secretary General that they have accepted it.
- 4 The provisions of paragraphs 1, 2.a and 3 of this article shall apply to the adoption of new appendices to this Convention.

Article 17

- 1 Any amendment to the appendices of this Convention proposed by a Contracting Party or the Committee of Ministers shall be communicated to the Secretary General of the Council of Europe and forwarded by him at least two months before the meeting of the Standing Committee to the member States of the Council of Europe, to any signatory, to any Contracting Party, to any State invited to sign this Convention in accordance with the provisions of Article 19 and to any State invited to accede to it in accordance with the provisions of Article 20.
- 2 Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined by the Standing Committee, which may adopt it by a two-thirds majority of the Contracting Parties. The text adopted shall be forwarded to the Contracting Parties.
- 3 Three months after its adoption by the Standing Committee and unless one-third of the Contracting Parties have notified objections, any amendment shall enter into force for those Contracting Parties which have not notified objections.

Chapter VIII – Settlement of disputes

Article 18

- 1 The Standing Committee shall use its best endeavours to facilitate a friendly settlement of any difficulty to which the execution of this Convention may give rise.

- 2 Any dispute between Contracting Parties concerning the interpretation or application of this Convention which has not been settled on the basis of the provisions of the preceding paragraph or by negotiation between the parties concerned shall, unless the said parties agree otherwise, be submitted, at the request of one of them, to arbitration. Each party shall designate an arbitrator and the two arbitrators shall designate a third arbitrator. Subject to the provisions of paragraph 3 of this article, if one of the parties has not designated its arbitrator within the three months following the request for arbitration, he shall be designated at the request of the other party by the President of the European Court of Human Rights within a further three months' period. The same procedure shall be observed if the arbitrators cannot agree on the choice of the third arbitrator within the three months following the designation of the two first arbitrators.
- 3 In the event of a dispute between two Contracting Parties one of which is a member State of the European Economic Community, the latter itself being a Contracting Party, the other Contracting Party shall address the request for arbitration both to the member State and to the Community, which jointly shall notify it, within two months of receipt of the request, whether the member State or the Community, or the member and the Community jointly, shall be party to the dispute. In the absence of such notification within the said time limit, the member State and the Community shall be considered as being one and the same party to the dispute for the purposes of the application of the provisions governing the constitution and procedure of the arbitration tribunal. The same shall apply when the member State and the Community jointly present themselves as party to the dispute.
- 4 The arbitration tribunal shall draw up its own Rules of Procedure. Its decisions shall be taken by majority vote. Its award shall be final and binding.
- 5 Each party to the dispute shall bear the expenses of the arbitrator designated by it and the parties shall share equally the expenses of the third arbitrator, as well as other costs entailed by the arbitration.

Chapter IX – Final provisions

Article 19

- 1 This Convention shall be open for signature by the member States of the Council of Europe and non-member States which have participated in its elaboration and by the European Economic Community.

Up until the date when the Convention enters into force, it shall also be open for signature by any other State so invited by the Committee of Ministers.

The Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

- 2 The Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.
- 3 In respect of any signatory State or the European Economic Community which subsequently express their consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 20

After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Contracting Parties, may invite to accede to the Convention any non-member State of the Council which, invited to sign in accordance with the provisions of Article 19, has not yet done so, and any other non-member State.

- 2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 21

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

- 3 Any declaration made under the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by notification addressed to the Secretary General. Such withdrawal shall become effective on the first day of the month following the expiry of a period of six months after the date of receipt of the notification by the Secretary General.

Article 22

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations regarding certain species specified in Appendices I to III and/or, for certain species mentioned in the reservation or reservations, regarding certain means or methods of killing, capture and other exploitation listed in Appendix IV. No reservations of a general nature may be made.
- 2 Any Contracting Party which extends the application of this Convention to a territory mentioned in the declaration referred to in paragraph 2 of Article 21 may, in respect of the territory concerned, make one or more reservations in accordance with the provisions of the preceding paragraph.
- 3 No other reservation may be made.
- 4 Any Contracting Party which has made a reservation under paragraphs 1 and 2 of this article may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect as from the date of receipt of the notification by the Secretary General.

Article 23

- 1 Any Contracting Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

- 2 Such denunciation shall become effective on the first day of the month following the expiry of a period of six months after the date of receipt of the notification by the Secretary General.

Article 24

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any signatory State, the European Economic Community if a signatory of this Convention and any Contracting Party of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 19 and 20;
- d any information forwarded under the provisions of paragraph 3 of Article 13;
- e any report established in pursuance of the provisions of Article 15;
- f any amendment or any new appendix adopted in accordance with Articles 16 and 17 and the date on which the amendment or new appendix comes into force;
- g any declaration made under the provisions of paragraphs 2 and 3 of Article 21;
- h any reservation made under the provisions of paragraphs 1 and 2 of Article 22;
- i the withdrawal of any reservation carried out under the provisions of paragraph 4 of Article 22;
- j any notification made under the provisions of Article 23 and the date on which the denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Bern, this 19th day of September 1979, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to any signatory State, to the European Economic Community if a signatory and to any State invited to sign this Convention or to accede thereto.

* * *

(NB: The full text of the Appendices to the Convention is included in the CDROM.)

Glossary

Biological diversity

The variety of living species and habitats in the biosphere. The 1992 United Nations Convention on Biological Diversity defines biological diversity as “the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”(Article 2).

Contracting Party

Each of the States and/or economic integration organisations (such as the European Community) which agree to be bound by an international treaty or convention.

Convention

A binding official agreement among a number of states and/or economic integration organisations (such as the European Community) whereby each state/organisation accepts their obligations.

Ecological network

It provides an operational model for conserving biodiversity which is based on ecological principles yet it still allows a degree of human exploitation of the landscape. It comprises three components: “core areas” (to provide the environmental conditions to conserve important ecosystems, habitats and species populations); “corridors” (to interconnect the core

areas); and “buffer zones” (to protect the network from damaging impacts).

Ecosystem

Ecological system defined by the living beings (biocenosis), the physical and chemical parameters (biotope) and the many kinds of interaction between these factors.

Endangered species

Animal or plant species at risk of becoming extinct because they are either reduced in number or threatened by changing environmental or predation conditions.

Habitat

The area in which an animal or plant species lives.

Invasive alien species

Animal or plant species introduced deliberately or unintentionally outside their natural habitats. They threaten native species and take over the new environment. They are found in all categories of living organisms and all types of ecosystems.

Protected area

Terrestrial, marine or coastal area dedicated to the protection of biological diversity and of natural and associated cultural resources, which is managed through legal or other effective means.

Sustainable development

A "sustainable" policy ensures the durability of natural resources (water, air, soil and biological diversity) by incorporating environmental protection into other policies, with the aim not to jeopardise the ability of future generations to foster their own economic development.

Vulnerable species

An animal or plant species which is likely to become endangered unless the circumstances threatening its survival and reproduction improve or disappear.

This brochure is published in the series
« Questions and Answers»:

- No 1 *Biodiversity*
- No 2 *Agriculture and biodiversity*
- No 3 *Tourism and environment*
- No 4 *The Pan-European Ecological Network*
- No 5 *Forests and biodiversity*
- No 6 *The European Diploma of protected areas*
- No 7 *Integration of biodiversity into sectoral policies*
- No 8 *Conservation of large carnivores in Europe*

Other Council of Europe publications on the environment
are also available in the following series :

Naturopa magazine
Environmental Encounters
Nature and Environment
Planning and Management

For more information:

Biodiversity Unit
Directorate of Culture and Cultural and Natural Heritage
Council of Europe – F-67075 Strasbourg Cedex
Fax : +33 (0)3 88 41 37 51
<http://www.coe.int/biodiversity>

Design: Council of Europe
© Council of Europe, 2007